

WHY MARRIAGE SHOULD BE PRIVILEGED IN PUBLIC POLICY

Bridget Maher

Executive Summary

All citizens, including policymakers, should do their part to uphold the institution of marriage, because it provides the best environment for raising children, who are the future of our society. Strengthening marriage creates a stronger foundation for the family, the basic social building block, and produces a stronger nation that benefits many future generations. Unfortunately, marriage has been badly weakened by decades of divorce, out-of-wedlock childbearing and cohabitation. America needs to restore a culture of marriage in which monogamous, life-long marriages are the norm, and marriage between a man and a woman is treasured as the safest and best haven for children. Pro-marriage policies – as well as marriage-strengthening efforts in communities and churches – will contribute to shaping such a culture.

Marriage is the most important social act, one that involves much more than just the married couple. To begin with, extended families are merged and renewed through a wedding. It is also through marriage that the community and the nation are renewed. A new home is formed when a couple marries, one open to the creation of new life. These children are the future. Marriage also has beneficial social and health effects for both adults and children, and these gifts benefit the community and the whole society. Conversely, it is through the breakdown of marriage that society is gravely harmed. The future of the nation depends on the creation of good marriages and good homes for children.

Among marriage's many benefits to society is an increased respect for and protection of human life, since married women are less likely to abort their children than are unmarried women. Married-parent families contribute to safer and better communities with less substance abuse and crime among young people, as well as less poverty and welfare dependency. Also, married parents help prevent young people from engaging in premarital sex and having out-of-wedlock births; they are also likely to produce young adults who view marriage positively and maintain life-long marriages. Marriage brings many health and economic benefits to society and helps citizens to be more involved in communities.

Because marriage serves a public purpose – namely, procreation and the benefit of children and society – government can legitimately privilege marriage and seek to strengthen it in its policies. Other relationships such as cohabitation and homosexuality do not benefit children and society, and, therefore, should not be supported by government. There is no evidence showing that these relationships have the same positive effects as marriage. In fact, there is considerable evidence that they have detrimental effects on both children and adults.

The federal government can strengthen marriage through pro-family tax policy, abstinence-until-marriage programs, and welfare reform. The marriage penalty should be eliminated, so that married couples do not pay higher taxes than do single people or cohabiting couples. Along with strengthening marriage, our tax policy should encourage childbearing and adoption. Our government should adequately fund abstinence-until-marriage programs, which are seriously under-funded compared to contraception/sex education programs. Welfare reform should aim to strengthen marriage, because the breakdown of marriage is a root cause of poverty, as most welfare recipients are never-married or divorced mothers.

State governments can strengthen marriage through Temporary Assistance to Needy Families (TANF)-funded initiatives, divorce reform, covenant marriage laws, and premarital education laws. Oklahoma has taken the lead among the states by earmarking \$10 million in TANF funds for marriage-strengthening programs. Utah, Arizona, Virginia, and Michigan are also using TANF money for marriage promotion. In order to make divorce more difficult to obtain, several states have passed laws or considered legislation to restrict no-fault divorce by requiring mutual consent, longer waiting periods, or classes for divorcing parents before a divorce can be obtained. Florida, Oklahoma, Maryland, Minnesota, and Tennessee have enacted premarital education laws, offering a reduced marriage-license fee to couples who attend a marriage education course.

Various organizations, some of them faith-based, are working to strengthen marriage in communities, and these initiatives might qualify for TANF funds. For example, Marriage Savers, founded by Mike and Harriet McManus, has implemented Community Marriage Policies (CMP) in 170 cities in 39 states. First Things First (FTF), a community-based program located in Chattanooga, Tennessee, was formed in 1997 after local civic leaders decided to strengthen their community and economy by building up the family. Its many activities include media campaigns on marriage and abstinence, training seminars for professionals to learn marriage-strengthening skills, a Fatherhood Summit to highlight the importance of fathers, and assisting with organizing a county divorce education and mediation pilot project.

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When the White House announced that President Bush's welfare reform proposal includes up to \$300 million in Temporary Assistance to Needy Families (TANF) funds for marriage promotion, much controversy arose. Opponents of his plan feared that people would be forced to marry. Feminists complained that women would be trapped in abusive marriages. Probably the biggest objection was that government would be involved in people's private decisions. "Marriage is one of the most personal, private decisions we can think of, and most people who are on welfare wouldn't want the government telling them when they should be getting married," remarked Dorian Solot of the Boston-based Alternatives to Marriage Project.¹

Marriage: The Most Important Social Act

Although the decision to marry someone is private, marriage itself is not a private act. Marriage is, in fact, the most important social act, one that involves more than just the married couple. Extended families are merged and renewed through a wedding. It is also through marriage that the community and the nation are renewed. A new home is formed when a couple marries, one open to the creation of new life. These children are the future. Marriage also has beneficial social and health effects for both adults and children, and these gifts benefit the community and the whole society. Conversely, it is through the breakdown of marriage that society is gravely harmed. The future of the nation depends on the creation of good marriages and good homes for children.

Common sense and an overwhelming amount of social science data show that children raised by their biological married parents have the best chance of becoming happy, healthy, responsible, morally-upright citizens. Children with married parents are much safer than children living in single-parent homes. They are less likely to be aborted and less likely to be abused or neglected.² Children in intact families also have better emotional health³ and engage in fewer risky behaviors, including substance abuse and delinquency.⁴ Premarital sex and having children out of wedlock are also less common among children in intact families.⁵ Moreover, children with married parents fare better economically and experience greater educational success than do those with unmarried parents.⁶

Marriage also positively affects adults, as married people are more likely to be healthy, productive, and engaged citizens. They have better emotional and physical health and live longer than do unmarried people.⁷ Moreover, married couples have greater incomes than do single adults,⁸ and the longer they stay married, the more wealth they accumulate.⁹ Marriage particularly benefits men's earnings capacities. As sociologist Steven Nock's research demonstrates, "Once married, men earn more, work more, and have better jobs."¹⁰

The Social Gifts of Marriage

Less Abortion

The benefits of marriage greatly impact society. Marriage helps human life to be protected and cherished, as married women are less likely to abort their children than are unmarried women. More than 80 percent of abortions are obtained by single women.¹¹ Abortion makes human beings seem like disposable products, able to be killed if they are unwanted, and it has opened the door to stem cell research, cloning, euthanasia, and assisted suicide. With fewer abortions, human life is more likely to be respected at all stages: from tiny, defenseless embryo to frail, disabled elderly person. It also means that fewer women will be harmed physically and emotionally by abortion. Millions of women have suffered serious post-abortion effects, including depression, anxiety, cervical damage, excessive bleeding, and sterility.¹² Marriage, then, will help to protect both women and children.

Safer Homes

Marriage makes homes safer places to live because it curbs social problems such as domestic violence, which is much more common among cohabitants than among spouses. In a 2002 study, cohabiting couples reported physical aggression in their relationships at rates three times higher than those reported by married couples.¹³ Also, divorced and separated women have the highest rates of violent abuse by a spouse, ex-spouse, or boyfriend.¹⁴ Not only does marriage help ensure women's safety, it also helps to defray the social costs of domestic violence. According to a 1999 study, annual medical costs for abused women are about \$1.8 billion, a figure which does not include costs for shelters, lost wages and productivity, and other non-medical expenses.¹⁵

Marriage also helps to curb child abuse, which is more common among single-parent families compared to married-parent families. A 1996 national study on child abuse found that children in single-parent families had a 77 percent greater risk of harm by physical abuse and an 87 percent greater risk of harm due to physical neglect than did children living in two-parent homes.¹⁶ With less child abuse and neglect, more children can enjoy the security and love of married parents, rather than languish in the foster

care system, which is a very expensive government program. Today there are at least half a million children in foster care,¹⁷ and in 2000, states spent at least \$20 billion in federal, state, and local funding on child welfare services, including child protection services, foster care, and adoptions from foster care.¹⁸ In 2002, the federal government spent an estimated \$5.1 billion on foster care alone.¹⁹ With more married-parent families, this number would be vastly reduced.

Safer Communities

Communities with more married-parent families will also be safer and better places to live, because they are less likely to have substance abuse and crime among young people. Married parents are more likely to provide the security and supervision their children need, thus discouraging them from substance abuse and crime. A 1999 study of more than 4,000 youth found that those who experience one or more changes in family structure during adolescence were at much greater risk for drug abuse and delinquency.²⁰ A 1998 Department of Justice report reveals that six out of ten jail inmates in the U. S. were raised by a single parent or neither parent.²¹ Drug abuse and crime are likely to lead to other negative behaviors, including poor performance in school, premarital sex, addiction, and violence.²²

Drug abuse and crime create high expenditures for society. In 2000, drug abuse costs reached \$160.7 billion, including outlays for substance-abuse treatment and prevention, other healthcare, reduced job productivity, lost earnings, crime, and social welfare.²³ Annual government costs for criminal justice total about \$292 billion: \$22 billion for the federal government, \$50 billion for states, \$35 billion for counties, and \$39 billion for municipalities. Additional criminal justice expenditures include \$65 billion for police, \$32 billion for judicial expenditures, and \$49 billion for corrections.²⁴ If the percentage of children in single-parent families was reduced by half, this could mean a savings of approximately \$100 billion.²⁵ With more married-parent families, not only are drug abuse and criminal justice costs much lower, but communities are safer and more young people will enjoy a greater likelihood of finishing school and growing up to be productive, intelligent adults.

Less Poverty and Welfare

Marriage is the best antidote to poverty and welfare dependency. According to the Census Bureau, in 2001, only 6 percent of married-parent families lived in poverty, compared to 33.6 percent of single-parent families.²⁶ Single mothers comprise the largest group of welfare recipients, as a result of the fact that divorce and unwed childbearing lead many women and children into poverty.²⁷ A 1999 study found that women who have children out of wedlock are likely to have a much lower income than married women; they are six times more likely to be on welfare and 40 percent less likely to be working full time.²⁸

Welfare dependency often has negative effects on children. A 1998 study found that teens living in welfare homes had lower expectations of doing well in school and of getting a job when compared with those living in non-welfare homes. The authors of the study note that it is the “mix of single parenthood and receipt of welfare that proves most harmful to the well-being of the child.”²⁹ Along with having lower job expectations, children in welfare-dependent families often end up relying on welfare as adults. A 1995 study of 12,000 adults found that “individuals who grew up in families that used welfare are more likely to use welfare themselves.” This study also found that girls raised in welfare-dependent families are more likely to become single mothers.³⁰ Marriage helps to prevent children from experiencing the undesirable effects of welfare and from becoming welfare-dependent themselves.

Along with negatively affecting children, welfare dependency creates huge government expense. In fiscal year 2000, federal and state governments spent \$24 billion in Temporary Assistance to Needy Families (TANF), which includes funding for work activities, childcare, and transportation.³¹ The federal government spent \$29.3 billion in housing benefits in 2000, while states spent \$5.6 billion.³² Food benefits cost the federal government \$32.2 billion in 2000³³ and Medicaid payments for adults (not including the elderly and disabled) and children (including those in foster care) totaled nearly \$40 billion in 1999.³⁴ That same year, an additional \$9.5 billion was spent on Medicaid administrative costs.³⁵ With more married-parent families, government spending on welfare programs would probably be much lower.

Less Premarital Sex and Unwed Childbearing

In addition to lessening poverty and welfare dependence, marriage helps to prevent premarital sex among young people, since those raised with married parents are less likely to have sex before marriage, compared to those raised in single-parent or stepfamilies.³⁶ With less premarital sex, there are fewer out-of-wedlock births, which greatly benefits society, since children born out of wedlock are likely to be delinquent, abuse drugs, and engage in premarital sex.³⁷ Fewer out-of-wedlock births also help to prevent poverty and welfare dependence, as unwed parents are often poor. A 1997 national study found that adolescent unwed mothers frequently live in poverty and are dependent on welfare, and only about 50 percent of teen mothers finish high school while they are adolescents or young adults.³⁸ A 1998 study of more than 4,000 men found that those who fathered children out of wedlock attained less education, had lower incomes, and worked fewer weeks per year than did those who had not fathered children outside marriage.³⁹

Out-of-wedlock childbearing creates high costs for taxpayers and government. Unwed teen births burdens taxpayers with an estimated \$7 billion annually for increased welfare, food stamp, medical, incarceration, and foster care costs, as well as lost tax

revenue due to government dependency. The gross annual cost to society of unwed childbearing and its consequences is \$29 billion, which includes the administration of welfare and foster care programs, building and maintaining additional prisons, and lower education and lost productivity among unwed parents.⁴⁰ Also, out-of-wedlock childbearing, as well as divorce, often requires child support enforcement, since many non-custodial parents do not pay the court-ordered financial support for their children. In 2000, state and federal governments spent \$4.5 billion in administrative costs for child support enforcement programs, which handled 17.4 million cases.⁴¹

Another result of reducing premarital sex would be fewer sexually transmitted diseases, which are rampant among the young: two-thirds of new cases of STDs occur in young people between the ages of 15 and 24.⁴² A decline in sexually transmitted diseases (STDs) not only means healthier young people, but also less infertility⁴³ and cervical cancer as well as fewer medical costs. The Human Papillomavirus (HPV), the most common STD, is found in 99.7 percent of cervical cancers.⁴⁴ Annual medical costs for treating STDs and their complications among Americans were \$8.4 billion in 1996, which does not include non-medical costs such as lost wages and productivity as well as expenses resulting from STDs passed on to infants.⁴⁵

More Marriage and Less Divorce

Along with reducing social problems, married-parent homes are more likely to produce young adults who view marriage positively and maintain life-long marriages. Divorce, on the other hand, is likely to breed more divorce and often contributes to cohabitation and negative attitudes toward marriage. According to a 2001 study, children from divorced homes are twice as likely to divorce as are children from intact homes.⁴⁶ Also, in an effort to avoid divorce, children from divorced homes often cohabit before marriage, making them at higher risk for marital breakup than those who do not live together.⁴⁷ Moreover, compared to those raised in intact families, adults who had experienced parental divorce are less likely to agree that marriage is better than living as a single person, that marriage is a life-long commitment, and that children are better off living in an intact family.⁴⁸

A Healthier Society

Marriage has many health benefits. Spouses have lower rates of depression and anxiety, better physical health, and longer life-spans than do divorced, cohabiting, or never-married people.⁴⁹ Also, marriage has a "deterrent effect" on excessive drinking, drinking and driving, and drug use and smoking, because it gives spouses and parents a sense of "meaning, obligation, and constraint."⁵⁰ Children with married parents have better physical health as well as fewer emotional and behavioral problems. Marriage is also a protector against suicide: married people have the lowest suicide rate, while divorced people have the highest.⁵¹ Suicide is less likely among children with married

parents, while those in single-parent families are at higher risk for suicide, the third leading cause of death among young people.⁵²

These beneficial health effects of marriage help to lower health care costs among individuals, private insurance companies, and government. If people are healthier, they will require fewer drugs, doctor visits, and hospitalizations. Therefore, healthcare premiums and out-of-pocket costs will be lower, as will costs for drugs and hospitals. In 1990, annual costs for depression and anxiety were \$43.7 billion and \$42.3 billion respectively, including expenses for medical, psychiatric treatment, prescriptions, lost wages and productivity, and suicide.⁵³ These costs would be much lower with more married people because they have less depression and anxiety. Medicare and Medicaid spending would be greatly reduced with more married people, and elder care costs would also be much less, since married adults are less likely to enter a nursing home.⁵⁴ Also, married nursing home residents are more likely to return home with their spouse. One study found that nursing home residents with a spouse are 26 times more likely to have a “live exit” than those without spouses.⁵⁵

In addition to lowering health care costs, marriage helps citizens to be more productive. For example, healthier people are less likely to be absent from their jobs. A 2002 study found that, compared to the married, unmarried people have a much higher incidence of depression, leading them to miss more days of work and to experience “overall limitation of daily activities.”⁵⁶ Also, healthier children miss fewer days of school and those with fewer emotional and behavioral problems are much likely to do better academically. Therefore, healthy, productive citizens are likely to benefit businesses and, ultimately, the economy.

More Revenue and a Broader Tax Base

Marriage brings economic benefits to all of society. For example, married people are more likely to be productive and engaged citizens and to have substantial incomes. According to the Census Bureau, married people have higher incomes than do never-married, separated, or divorced people.⁵⁷ Also, married couples with children have higher incomes than do single-parent families. In 2001, the median income of a married couple with children under 18 was \$65,203, compared to \$21,997 for a single mother with children under 18.⁵⁸ Marriage generates more revenue in the economy, and with more people earning an income, the government will have a broader tax base. The government, therefore, has a direct interest in supporting marriage.

More Involved Citizens

Married adults are more likely to engage in civic activities, such as voting and community involvement. A 2002 study found that “married adults were 1.3 times more likely than unmarried adults to have volunteered [to perform social service], and

married adults averaged 1.4 times more volunteer hours than unmarried individuals.” Also parents were almost twice as likely as those without children to volunteer in social service projects.⁵⁹ Another 2002 study found that compared to single parents, married parents know more about their neighbors, and are more likely to participate in civic and school organizations and to bring their children to church.⁶⁰ Marriage, it appears, creates more vital communities, in which people look after one another and take seriously their responsibilities as citizens.

The Government’s Role in Strengthening Marriage

Government can legitimately privilege marriage and seek to strengthen it through public policy, because marriage serves public purposes: namely, procreation and the benefit of children and society. Other relationships, such as cohabitation and homosexuality, do not benefit children and society – as a result, they should not be supported by government. There is no evidence showing that these relationships have the same positive effects as marriage. In fact, there is considerable evidence that they have detrimental effects on both children and adults.

Cohabiting Households

Four out of ten cohabiting households have children,⁶¹ but children in these homes are likely to fare poorly: they are more likely to have emotional and behavioral problems – such as not getting along with peers, difficulty with concentration, and feeling depressed – compared to children with married biological parents.⁶² Also, children living with cohabiting adults are more likely to do poorly academically and to live in poverty.⁶³ Moreover, children in cohabiting households are likely to experience the breakup of their parents or parent and partner. A 2000 study found that, in a given year, only 46 percent of cohabiting couples said they are definitely planning to marry their partner; however, five to seven years later, only 52 percent of these couples were married and 31 percent were no longer cohabiting.⁶⁴ Cohabiting couples who marry are likely to have communication problems, low levels of commitment to marriage, and a high risk of divorce.⁶⁵ According to a 1992 study, couples who cohabited before marriage were 46 percent more likely to divorce than were married couples who did not first cohabit.⁶⁶

Cohabitation is not a good environment for raising children. Lack of commitment among cohabitants sets a bad example for children, teaching them that premarital sex, having children out of wedlock, and cohabitation are appropriate behaviors. Also, domestic violence is much more common among cohabiting households, creating an unsafe environment for children. Moreover, due to the instability of their relationships, cohabitants have a much higher incidence of depression, affecting parents’ emotional availability.⁶⁷ Married parents give children a much more stable and safe home.

Homosexual and Lesbian Households

Homosexual couples cannot procreate, but some of them choose to adopt children. However, homosexual households are often unstable and full of disease, domestic violence and depression, rendering them incapable of providing a secure and wholesome environment for raising children. Homosexuals are likely to practice risky sexual behaviors, such as anal intercourse and promiscuity, which often lead to sexually transmitted diseases (STDs) such as AIDS and Human Papillomavirus (HPV). According to the Centers for Disease Control, a majority of the cumulative AIDS cases in the United States have been in men who have sex with men (some of whom also inject drugs, an added risk factor).⁶⁸ Even homosexuals in “monogamous” relationships are at high risk for contracting STDs, because they are likely to engage in unsafe sex more often. Hepatitis, gay bowel syndrome, and anal cancer are also prevalent among homosexual men, along with a reduced life expectancy. Lesbians are at risk for sexually transmitted diseases and have high rates of alcohol abuse, while both homosexuals and lesbians have high rates of domestic violence, depression, suicide, and molestation of children.⁶⁹

Along with living in a harmful environment, children in homosexual or lesbian households are denied the benefits of having a married mother and father. They are unable to experience the unique, complementary roles of a man and a woman in marriage and parenting. Also, they are likely to imitate the behavior of their parents; studies have shown that children raised in homosexual and lesbian households are more likely to engage in sexual experimentation and homosexual behavior as adults.⁷⁰ Only a man and a woman united in marriage can provide children with the proper role models, stability, and attention they need.

Why Pro-Marriage Policies Are Urgently Needed

Marriage-strengthening efforts by the government are urgently needed today with family breakdown rampant in America. The marriage rate is at an all-time low, while the divorce rate is twice that of 1960.⁷¹ More than one million children annually experience their parents’ divorce,⁷² and they are likely to have long-lasting emotional scars and to suffer academically and economically. Also, the number of cohabiting couples has increased dramatically during the past 30 years: in 2000, there were 5.5 million cohabiting households, compared to just 500,000 in 1970.⁷³ Today, one-third of all births are out of wedlock. Although the teen birthrate declined during the 1990s, there were 1.35 million out-of-wedlock births in 2001.⁷⁴

How the Federal Government Can Strengthen Marriage

Tax policy

Our tax policy should protect and encourage marriage. The marriage penalty should be eliminated, so that married couples do not pay higher taxes than single people or cohabiting couples. Along with the aim of strengthening marriage, our tax policy should encourage childbearing and adoption. The 2001 tax relief bill signed by President Bush provided a gradual phase-out of part of the marriage penalty⁷⁵ by 2010, a phased-in doubling of the child tax credit from \$500 to \$1,000, and a doubling of the adoption tax credit from \$5,000 to \$10,000. But this tax bill expires in 2011. In his 2003 State of the Union address, President Bush called for more prompt tax relief, including immediate marriage-penalty relief and a permanent increase in the child tax credit to \$1,000. Representative Jim DeMint (R-S.C.) recently introduced the Adoption Tax Relief Guarantee Act, which would make the adoption tax credit permanent. These tax measures would ensure that married couples do not pay higher taxes simply because they are married and that families receive much-needed tax relief.

Abstinence-Until-Marriage Programs

Along with providing tax credits, the government should adequately fund abstinence-until-marriage programs, which are very effective in teaching young people how to save sex for marriage. With one out of three babies born out of wedlock today, young people need this message more than ever. The federal government has provided some abstinence-until-marriage funding in recent years, but comprehensive sex education/contraception programs, which downplay abstinence and encourage sexual activity and condom use,⁷⁶ are vastly over-funded in comparison. In 2002, abstinence-until-marriage programs received \$102 million, while teen sex education and contraception programs received at least \$427.7 million.⁷⁷ In his last budget, President Bush proposed an increase of \$33 million for abstinence-until-marriage programs, but much more money is needed if young people are to learn the skills they need to live chastely.

Today there are more than one thousand abstinence-until-marriage organizations in the U.S., and most of them are small non-profits with shoe-string budgets, relying on donations, the sale of their materials, and government funding for survival. Due to their limited resources, they are often unable to meet the demands for their programs, many of which have proven to be very successful in changing young people's attitudes and behavior with regard to premarital sex. Northwestern University's 1999 longitudinal study on Choosing the Best, a Georgia-based abstinence program, found positive changes in teens' attitudes toward sex. On the pre-test administered before the abstinence classes, 58 percent of the teens agreed with the statement, "A teen who has had sex outside of marriage would be better off to stop having sex and wait until they

are married,” while 71 percent agreed on the post-test. Also, agreement with the statement, “The best way for me to keep from getting AIDS or some sexually transmitted disease is to wait until I am married before having sex,” went from 71 percent before the course to 84 percent afterwards.⁷⁸ Programs like these need more funding, so that they can expand and teach thousands more young people how to save sex for marriage.

Welfare Reform

Welfare reform should aim to strengthen marriage, because the breakdown of marriage is a root cause of poverty, as most welfare recipients are never-married or divorced mothers. Also, many unwed parents living in poverty desire to marry, as evidenced by the Fragile Families Study, a four-year study of nearly 5,000 unwed couples and their children. This study found that 83 percent of the couples were romantically involved at the time of their child’s birth and 50 percent of them were living together. Seventy-three percent of the mothers and 88 percent of the fathers said they had a 50-50 chance or greater of marrying each other. In addition, the majority of mothers and fathers agreed that “it is better for children if their parents are married.”⁷⁹

Historically, welfare laws in the United States have been anti-marriage. The old welfare system, under the Aid to Dependent Families program (AFDC), taught single mothers two lessons: don’t work and don’t get married, or your benefits will decrease. Even though the landmark welfare reform law of 1996 encouraged marriage and imposed the family cap ending the reward for illegitimacy, marriage penalties still exist in the welfare law. The welfare system is composed largely of means-tested aid programs, which reduce benefits as non-welfare income increases. This means that if a single mother marries, she will lose welfare benefits; therefore, it is more lucrative for her to stay single. This anti-marriage bias should be removed or at least reduced in order to encourage marriage and discourage single parenthood and cohabitation.⁸⁰ Ten states have provided marriage incentives to TANF recipients, including Alabama, Mississippi, North Dakota, and Oklahoma (which disregard a new spouse’s income for three to six months), and West Virginia (which gives a \$100 cash bonus to married TANF recipients).⁸¹

In an effort to strengthen marriage, President Bush’s welfare reauthorization proposal includes earmarking \$300 million of Temporary Assistance to Needy Families (TANF) funds for innovative pro-marriage programs, such as premarital education and marriage mentoring. This is a small amount of money (it’s only 2 percent of the \$16 billion in TANF funds), but it would be a step in the right direction. The Bush administration is not doing anything new by earmarking money for marriage, because three of the four goals of the 1996 welfare reform law are to promote marriage, to reduce illegitimacy, and to encourage the formation and maintenance of two-parent families. However, the states have not acted decisively to promote marriage. In 2000,

states spent less than one percent of combined state and federal welfare expenses on these goals.⁸²

State Marriage Promotion Efforts

TANF-funded Pro-marriage Initiatives

Oklahoma has taken the lead among the states in using TANF money for marriage-strengthening programs. In 1999, Governor Frank Keating held a major marriage conference with leaders from business, government, media, and communities, announcing that \$10 million in TANF funds would be used to strengthen marriage and reduce divorce. His statewide initiative includes an advertising campaign on the importance of marriage, training for state workers in marriage education, the establishing of a marriage resource center, and a marriage mentoring program.

The governors of Utah and Arizona have also been active in marriage promotion. In 1998, Utah Governor Mike Leavitt formed a statewide commission on marriage, tasked with gathering information on marriage-strengthening programs. In 2000, the Utah Department of Workforce Services awarded the Governor's Commission \$600,000 for marriage-promotion activities, including a marriage-education video offered free for couples seeking a marriage license, marriage enrichment materials, and counseling vouchers for welfare recipients.⁸³ Governor Jane Dee Hull of Arizona signed a law in 2000 authorizing the state to spend \$1 million to develop marriage education programs for low-income couples and a marriage handbook.

Michigan and Virginia are using TANF money to strengthen marriage and reduce out-of-wedlock pregnancies. A 2001 Michigan law gave \$250,000 in TANF funds to the state Family Independence Agency for a marriage initiative. Providers were chosen to give marriage counseling, communication classes, and parenting skills to the TANF population. In Virginia, the Partners in Prevention program receives \$1 million in TANF each year to develop strategies for teaching young people the benefits of marriage and premarital sexual abstinence as well as the negative effects of cohabitation.⁸⁴

Restricting No-fault Divorce

Today all fifty states have no-fault divorce laws, which allow a spouse to file for or obtain a divorce for any reason without obtaining the consent of the other spouse, thus making the divorce process unilateral and rendering powerless the spouse who wants to preserve the marriage. But divorce laws were not always this way. Before 1969, divorce was based on the fault system, which required fault-based grounds such as adultery and cruelty, punishing the guilty spouse and rewarding the innocent spouse.

While this system may not have been perfect, it discouraged spouses from ending their marriage and underscored the social importance of marriage and family. The fault-based system made it clear that infidelity, abuse and abandonment of one's spouse and family was undermining, in a small way, the social order. Abandoning fault divorce was a huge mistake, because no-fault divorce has led to a considerable increase in divorce rates,⁸⁵ causing tremendous suffering for children and spouses.

In order to make divorce more difficult to obtain, several states have passed laws or considered legislation to restrict no-fault divorce, which require mutual consent, longer waiting periods, or classes for divorcing parents before a divorce can be obtained. For example, a Georgia law allows no-fault divorce only if both parties agree to the divorce (mutual consent) and if no children are involved, while 2002 bills in Kansas and New Hampshire would have prohibited no-fault divorce among couples with minor children. Eight states have laws requiring parents with minor children to attend a pre-divorce course on parenting issues or the effects of divorce on children,⁸⁶ while laws in eleven other states allow courts to mandate participation in these classes.⁸⁷ Other states, such as Oklahoma and Tennessee, require a longer waiting period before a divorce can be granted for couples with minor children. At least two states, Massachusetts and New Jersey, had 1997 bills prohibiting no fault divorce, but both bills failed.⁸⁸

Covenant Marriage

In 1997, Louisiana was the first state to enact a covenant marriage law, followed by Arizona in 1998 and Arkansas in 2001. Covenant marriage laws give couples a choice between two types of marriage licenses: the standard marriage license (which allows virtually unrestricted access to no-fault divorce) and the covenant marriage license (which requires premarital counseling and places restrictions upon no-fault divorce). In Louisiana, couples who choose covenant marriage must obtain premarital counseling which includes discussion in the following three areas: 1) the seriousness of covenant marriage, 2) the fact that it is a lifelong commitment, and 3) the requirement to seek marital counseling when marital difficulties arise. A divorce or separation may be obtained in a covenant marriage after a couple has lived apart for two years or if there is proof of adultery, conviction of a felony with a sentencing to death or imprisonment at hard labor, abandonment by either spouse for one year, physical or sexual abuse of a spouse or child of one of the spouses, or (for purposes of legal separation only) cruel treatment or habitual intemperance.

Advocates of covenant marriage believe that it will help to strengthen marriage, because it involves a deeper commitment to marriage and makes it harder for couples to divorce. However, some critics worry that covenant marriage creates a two-tiered system of marriage, which may open the door to the creation of other types of marriage, including trial marriages, same-sex marriages, or group marriages.

So far, not many couples are choosing the covenant option. Preliminary findings from a study on covenant marriage show that only about 2 percent of new marriages in Louisiana fall into the covenant category. It also shows that not many couples know about the covenant marriage option; 40 to 50 percent of spouses who chose the standard marriage option had never heard of covenant marriage and only 16 percent had discussed the option.⁸⁹ Despite its low popularity, legislators in several more states introduced covenant marriage bills in 2003, including Indiana, Texas, Utah, Virginia, and West Virginia.

Premarital Education

Several states have passed premarital education laws. Florida was the first, with its Marriage Preservation Act of 1998, requiring high school students to receive marriage skills education. Additionally, the law gives a discount to couples applying for a marriage license who attend a minimum of four hours of marriage preparation, allowing them to waive the three-day waiting period before the marriage can take place. The premarital course may include topics such as conflict management, communication skills, financial responsibilities, children and parenting responsibilities, and the problems resulting from separation or divorce. Licensed psychologists, clinical social workers, marriage and family therapists, mental health counselors, ministers, and school counselors can administer the course as long as they are registered with the local clerk of the circuit court. In 1999, Oklahoma passed similar legislation – reducing the marriage license fee for those who receive premarital education – followed by Maryland and Minnesota in 2001 and Tennessee in 2002. Several other states proposed bills resembling these laws.

Community Pro-marriage Initiatives

Various organizations, some of them faith-based, are working to strengthen marriage in communities, and these initiatives might qualify for TANF funds. For example, Marriage Savers, founded by Mike and Harriet McManus, has implemented Community Marriage Policies (CMPs) in 170 cities in 39 states. CMPs are signed by clergy and judges in a community, who agree to require engaged couples to undergo at least four months of marriage preparation, including a premarital inventory that helps to identify the strengths and weaknesses of an engaged couple's relationship. Both marriage preparation and the premarital inventory are administered by married couples trained as mentors, who meet with engaged couples at least four to six times before the marriage and continue meeting afterwards. Mentoring couples also help couples in troubled marriages and others who want to strengthen their marriage.

Preliminary results from a study on the effectiveness of CMPs in reducing divorce rates are promising. Modesto, California, the first city to sign a CMP, has had a 57.1 percent decline in its divorce rate since 1986, while El Paso, Texas, has had a 79.5 percent

decline since 1996. Also, marriage rates have increased in both of these cities. TANF funding would benefit Marriage Savers by enabling them to increase their staff, train more mentoring couples, and establish CMPs in many more cities.

A group based in Richmond, Virginia, initially inspired by Mike and Harriet McManus of Marriage Savers, is planning to use TANF money for marriage-strengthening activities. Marriage Builders Alliance (MBA), a clergy and community leader coalition that initiated the signing of a community marriage policy in Richmond, is planning to receive \$30,000 in TANF funds from the Virginia Department of Social Services (DSS) for a demonstration project. With this money, MBA will train married couples from five local churches to be marriage mentors, teaching them PREP (a marriage skills program) and FOCUS (a premarital inventory) among other programs. DSS will then refer TANF-eligible couples to these mentoring couples.

First Things First (FTF), another community-based program, located in Chattanooga, Tennessee, was formed in 1997 after local civic leaders decided to strengthen their community and economy by building up the family. At that time, Tennessee had the second highest divorce rate in the nation and very high illegitimacy rates. Working to promote marriage and fatherhood and to reduce out-of-wedlock births, FTF has collaborated with numerous social service agencies, churches, businesses, schools, and media outlets. Its many activities include media campaigns on marriage and abstinence, training seminars for professionals to learn marriage-strengthening skills, a Fatherhood Summit to highlight the importance of fathers, and assisting with organizing a county divorce education and mediation pilot project. With government funding, First Things First could do more marriage-strengthening activities as well as train leaders from other communities how to form groups like FTF.

Conclusion

These are only some of the many government and community efforts to strengthen marriage, and they are representative of a growing marriage movement in America. Concerned about family breakdown, grassroots activists and policymakers are making a concerted effort to buttress the institutions of marriage and family. The annual Smart Marriages conference, sponsored by the Coalition for Marriage, Family, and Couples Education, brings together hundreds of marriage counselors and educators, social workers, legislators, religious leaders, divorce lawyers, and scholars from all fifty states to share their marriage-strengthening strategies. The number of conference attendees has increased from 600 in 1996 to 1,700 in 2002.

All citizens, including policymakers, should do their part to uphold the institution of marriage, because it provides the best environment for raising children, who are the future of our society. Strengthening marriage creates a stronger foundation for the

family, the basic social building block, and produces a stronger nation that benefits many future generations. Unfortunately, marriage has been badly weakened by decades of divorce, out-of-wedlock childbearing and cohabitation. America needs to restore a culture of marriage in which monogamous, life-long marriages are the norm, and marriage between a man and a woman is treasured as the safest and best haven for children. Pro-marriage policies – as well as community and church marriage-strengthening efforts – will contribute to shaping such a culture.

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