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# SACRED VOWS, PUBLIC PURPOSES:

RELIGION, THE MARRIAGE MOVEMENT  
AND MARRIAGE POLICY

A Report by W. Bradford Wilcox  
Non-Residential Research Fellow  
The Institute for the Advanced Study of Religion  
Yale University

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## INTRODUCTION

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In 2000, Minnesota Governor Jesse Ventura offered this explanation for his veto of a bill that would have awarded Minnesota couples who take a premarital preparation class a 50-dollar reduction in the fee for their marriage license: “Marriage is a private affair and the government should stay out.” Ventura’s comments are indicative of a libertarian view of marriage, and relationships more broadly, that has considerable cachet in American public life. This view is not without some warrant, especially since the Supreme Court has developed a line of reasoning stretching back to 1944 that argues that the U.S. Constitution protects the “private realm of family life” from unnecessary state intrusion.<sup>1</sup> And, indeed, most Americans would agree that marriage serves important private purposes, especially emotional and sexual intimacy, that require a measure of autonomy from state interference for their proper realization.

But this view fails to appreciate the ways in which marriage also functions as a public institution that serves important *public* purposes. Marriage is a public institution insofar as it is governed, in part, by legal norms set at the state and federal levels of government. State law is most determinative in this regard, regulating the terms for entry into and exit from marriage, the allocation of marital property, and—historically, at least—norms of sexual fidelity. Currently, state courts are especially involved in divorce proceedings and their consequences: child custody and property arrangements. While federal law tends to exercise less obvious influence over marriage, it still plays an important role in furnishing a variety of incentives and penalties that influence the institution of marriage. For instance, a 1996 General Accounting Office report found that federal law confers a special status, right, or benefit to marriage in over 1000 places, primarily to the benefit of married citizens.<sup>2</sup> On the other hand, federal tax and welfare law also penalizes marriage, albeit unintentionally, among some Americans, especially low-income couples.<sup>3</sup> Thus, public policy has influenced and continues to influence the economic benefits, cultural understanding, and normative meaning of marriage.

But why is the state so interested in marriage? What uniquely public purposes does it serve? The Founders, including John Witherspoon and John Adams, saw marriage as a bulwark of social order and a “seedbed of virtue” that the new republic could not do without. Witherspoon argued that marriage awakens a spirit of benevolence and duty in its members that is then extended to

1 Nancy F. Cott, 2000, *Public Vows: A History of Marriage and Nation* (New Haven: Yale University Press), p. 1.

2 Ibid., p. 2.

3 C. Eugene Steuerle, 1995, “Tax Credits and Family Values,” *The Responsive Community*, Vol. 5, p. 3.

their local communities and the nation as a whole. Adams believed that “the foundations of national Morality must be laid in private families” and that the virtues lived out in marriage—especially fidelity—were crucial to the proper upbringing of children. And both maintained that marriage played a uniquely salutary role in engendering virtuous behavior among men.<sup>4</sup>

What is striking about the Founders’ reflections on this topic is that so much of their wisdom has been vindicated by contemporary social science. Marriage promotes social order by regulating sexual and romantic relations, providing a long-term vehicle for the accumulation of property, and—most importantly—fostering a strong, lifelong bond between men and women that confers considerable social, economic, and spiritual benefits on any children that they have.<sup>5</sup> Marriage is a seedbed of virtue insofar as its attendant virtues—fidelity, obligation, trust, and sacrifice—are modeled by parents to their children. Likewise, marriage can play a unique role in turning single men away from the selfish and dangerous pursuits that often occupy them and toward the needs of their families, as evidenced by increases in hard work, sobriety, and law-abiding behavior among newly-married men.<sup>6</sup> More generally, studies suggest that the virtues cultivated between men and women in marriage, and between parents and the children that often follow from marriage, radiate outward into civil society, furnishing married men and women with stronger habits of devotion to civic life than their unmarried peers.<sup>7</sup>

Not surprisingly, dramatic departures from the norm of life-long marriage in the United States since the 1960s—evidenced by increases in divorce and out-of-wedlock births—have had equally dramatic effects on the polity and the welfare of our citizens, especially children. Increases in divorce and out-of-wedlock births account for a substantial portion of the rise in crime, welfare expenditures, and court costs since the 1960s. One Brookings study found that the growth in single-parent families between 1970 and 1996 increased welfare expenditures by \$229 billion.<sup>8</sup> Thus, the state has borne a heavy financial burden because of recent declines in the stability, prevalence, and quality of marriage. But children have been forced to bear an even heavier burden. By the time they reach adulthood, approximately 50 percent of the nation’s children will spend some time outside of an intact, married household.<sup>9</sup> Studies indicate that these children are significantly more likely than their peers in intact families to experience poverty, teen pregnancy, juvenile delinquency, psychological problems, and child abuse—even after control-

4 Cott, *Public Vows*, pp. 19-21, and Mary Ann Glendon and David Blankenhorn, eds., 1995, *Seedbeds of Virtue* (Lanham, MD: Madison Books).

5 For the economic, psychological, and health benefit of marriage for adults, see Linda Waite and Maggie Gallagher, 2000, *The Case for Marriage* (New York: Doubleday). For the social and economic benefits of marriage to children, see Sara McLanahan and Gary Sandefur, 1994, *Growing up with A Single Parent* (Cambridge, MA: Harvard University Press) and Sara McLanahan, 1997, “Parent Absence or Poverty: Which Matters More?” in G. Duncan and J. Brooks-Gunn, *Consequences of Growing Up Poor* (New York: Russell Sage).

6 Steven L. Nock, 1998, *Marriage in Men’s Lives* (New York: Oxford) and George A. Akerlof, 1998, “Men Without Children” *The Economic Journal*, Vol. 108, pp. 287-309.

7 Nock, *Marriage in Men’s Lives*, and Robert Putnam, *Bowling Alone* (New York: Simon and Schuster), pp.73, 94.

8 Isabel V. Sawhill, 1999, “Families at Risk”, in H. Aaron and R. Reischauer, *Setting National Priorities: the 2000 Election and Beyond* (Washington: Brookings Institution), p. 108.

9 David Popenoe, 1996, *Life Without Father* (New York: Simon and Schuster), p. 23.

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ling for a host of other socioeconomic factors.<sup>10</sup> Clearly, then, marriage is not a “private affair” without public consequence.

But the fact that marriage serves public purposes does not necessarily mean that the state must bear the primary responsibility for the cultivation of the virtues and values that promote marital stability and quality. The Founders did not give the federal government the power to directly cultivate virtue—including the virtues attendant to marriage—because they believed that American civic institutions, especially religious institutions, were best equipped to take primary responsibility for the moral formation of citizens that was essential for the success of the nation. Some founders, such as James Madison, went so far as to argue that the government had no legitimate role in promoting virtue. Others, such as John Adams, believed that states and localities might aid religious and other civic institutions in cultivating virtue among the citizenry.<sup>11</sup> But they were united in their belief that the federal government should play no direct role in promoting the public and private virtues required for the success of the American experiment in ordered liberty.

As Nancy Cott’s *Public Vows: A History of Marriage and the Nation* illustrates—with some important exceptions—this division of social authority has remained remarkably robust throughout American history. Civil society—families, religious institutions, the professions, and local communities—have exercised primary moral authority over marriage; the states have set the basic legal parameters for entry into and exit from marriage and for the economic rights and responsibilities of the parties to a marriage; and, the federal government has tended to promote marriage through a range of unintrusive welfare and tax incentives. The federal government has only taken a more involved role when marriage seemed to be in crisis—for instance, at the end of the nineteenth-century, when the federal government moved to suppress polygamous marriages that were associated at the time with the Mormon faith.<sup>12</sup>

In light of recent, dramatic declines in the stability and quality of marriage, however, the Founders’ faith in the power of civic institutions—especially religious institutions—to foster the virtues and values that make marriage strong comes into question. Perhaps the states and the federal government need to take a more active role in promoting marriage. This question is particularly interesting because a burgeoning marriage movement, with a substantial religious presence, is taking the lead in promoting more vigorous public policies on behalf of marriage, many of which explicitly entail cooperation between church and state in the promotion of marriage. Many of these efforts seek to strengthen marriage by supporting religious and other civic efforts on behalf of marriage. But one of the dangers with this strategy is that some government policies on behalf of marriage, insofar as they attempt to directly address the moral dimensions of the marriage issue, may unin-

<sup>10</sup> See McLanahan, “Parent Absence or Poverty,” McLanahan and Sandefur, *Growing Up with a Single Parent*, and Sawhill, “Families at Risk.”

<sup>11</sup> See Lance Banning, 1995, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic* (Ithaca, NY: Cornell University Press), pp. 89-97, and Michael Novak, 2002, *On Two Wings: Humble Faith and Common Sense at the American Founding* (San Francisco: Encounter), pp. 58-64.

<sup>12</sup> Cott, *Public Vows*, p. 111-120.

tionally undercut the beliefs and practices of some religious communities. This danger is particularly salient now, as public policy and discourse are increasingly apt to rely on therapeutic and utilitarian assumptions that sometimes stand in tension with traditional religious and moral beliefs. Accordingly, this report focuses on the role that religion is playing in the marriage movement, the ways in which public policy is promoting marriage, as well as church-state cooperation on behalf of marriage, and the likelihood that these public policies will meet with success.

This report also focuses on an important ancillary issue. Since the nation’s founding, public discourse regarding marriage has often touched on the central moral issues raised by marriage policy. Communities, Congress, and the states have argued about the nature of the obligations that spouses have to one another, to their children, and to the institution of marriage itself. They have also wrestled with basic teleological and definitional issues regarding marriage, such as the extent to which marriage need to be oriented towards childbearing and childrearing or the rights of slaves with regard to marriage. As legislators, jurists, journalists, advocates, and community leaders have addressed the moral issues raised by marriage, they have often referenced their religious commitments.

For instance, abolitionists in the 1850s attacked slavery as an affront to Christian monogamy. In the words of one abolitionist, slavery caused “a complete extinction of all the relations, endearments and obligations of mankind, and a presumptuous transgression of all the holy commandments.”<sup>13</sup> Forty years later, in an effort to defend marital monogamy, the United States Supreme Court ruled that the federal government could dissolve and expropriate the holdings of the Church of Jesus Christ of Latter-Day Saints. Justice Joseph Bradley wrote that polygamy was “a blot on our civilization...a return to barbarism...contrary to the spirit of Christianity and of the civilization which Christianity has produced in the Western world.” These examples are suggestive of the way in which explicit Christian commitments, and implicit assumptions about the institution of marriage derived from the Jewish and Christian traditions, have shaped public discourse about marriage in the U.S.

To be sure, public discourse on marriage has also referenced non-religious commitments. The Founders linked marriage to republicanism, Teddy Roosevelt associated marital success with national greatness, and the Warren Court highlighted the value of privacy in its decisions on marriage.<sup>14</sup> Marital discourse has also referenced more prosaic economic and social concerns—e.g., the economic consequences of divorce for families and communities. But, for much of the nation’s history, religious themes and commitments have had an abiding place in public discourse about marriage. Thus, this report will also examine the ways in which religion does or does not play a part in contemporary public discussions about marriage. This focus on public discourse is particularly important because the moral assumptions embedded in public discourse often are reflected in the policies that emerge from these discussions.

<sup>13</sup> Cott, *Public Vows*, p. 111-120.

<sup>14</sup> Ibid., pp. 9-17, and 196-199, and Allan Carlson, 2001, “Theodore Roosevelt’s New Politics of the American Family,” *The Family in America*, Vol. 15, p. 10.

## RELIGION & THE RENAISSANCE OF INTEREST IN MARRIAGE

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The last decade has witnessed the emergence of a national marriage movement dedicated to promoting marital stability and quality. In the early nineties, an emerging consensus in the social science literature that divorce and single-parenthood had baleful consequences for children—popularized in Barbara Dafoe Whitehead’s 1993 *Atlantic Monthly* cover story “Dan Quayle Was Right”—forced scholars, journalists, and policy elites to rethink the *laissez faire* attitude that had dominated elite thinking about family change since the 1970s. This research, coupled with a new sense of popular concern about the state of the family and the re-emergence of centrist organizations like the Democratic Leadership Council and the Institute for American Values, prompted an ideologically-diverse group of scholars, public intellectuals, and politicians to make common cause on behalf of marriage. This group ranged from Democrats like William Galston, a University of Maryland political philosopher and former domestic policy advisor to President Bill Clinton, to Republicans like Wade Horn, a psychologist and former president of the National Fatherhood Initiative. They wrote position papers, manifestos, and took to the airwaves on behalf of marriage. They also formed advocacy organizations: since 1995, at least four national organizations—the Alliance for Marriage, the Coalition for Marriage, Family, and Couples Education, Marriage Savers, and the National Marriage Project—have been launched to advance the cause of marriage.

To the casual observer of the family-values debate, the marriage movement might appear at first glance to be a creature of the so-called religious right. But most of the leaders and institutions in this ideologically-diverse movement have steered clear of social issues like abortion and homosexuality that dominated family-related public discourse in the 1980s. They have done so partly because they differ on these issues and seek to assemble a broad, ideologically-diverse coalition on behalf of marriage. But many of the national leaders in the marriage movement are also convinced that patterns of marriage and divorce are more consequential for the commonweal, and the welfare of children, than the social issues that have occasioned such sharp political and cultural division in the United States.<sup>15</sup>

At the national level, religion has played only a modest role in motivating and guiding the institutions and leaders of the marriage movement. Most of the institutions focused on promoting mar-

15 Don Browning, Bonnie Miller-McLemore, Pamela Couture, K. Brynolf Lyon, and Robert Franklin, 1997, *From Culture Wars to Common Ground: Religion and the American Family Debate* (Louisville, KY: Westminster John Knox), pp. 29-49.

riage—such as the National Marriage Project—or those that support marriage as part of their broader mission—such as the National Fatherhood Initiative—do not have a religious dimension to their mission. And the national leaders of the marriage movement hail from a range of religious and secular perspectives. The religious diversity represented in the national elite belies the notion that this movement, at least at the national level, is an outgrowth of the largely evangelical Protestant family movement associated with institutions like Focus on the Family and the Family Research Council.

While most of these leaders have religious commitments, most of them also report that their commitment to marriage emerged from their reading of the social scientific literature on the family, or from their experience working with families, rather than from their religious commitments. Indeed, in the case of some of these leaders, their commitment to marriage predates their active involvement in a religious tradition. (Some leaders report that their burgeoning commitment to marriage helped lead them to a new interest in religious faith, while others credit more personal reasons for their religious awakening.) Given the centrality of their concern with the state of marriage as an institution, they tend to take a somewhat instrumental view of the role of religion in promoting the stability and quality of marriage.

Galston is typical in this regard. He reports that his interest in family policy “arose at a time when I was farther from my faith than I am now.” He goes on to report that his commitment to marriage “arose on the basis of purely secular considerations,” namely personal observations and a growing social scientific literature that suggested to him that unstable or broken marriages were bad for children. His attitudes to religion, at least initially, “might best be described as instrumental” insofar as he saw religious traditions as “historically and culturally important ways of reinforcing propositions and practices” related to marriage and family life. Since then, his own connection with his faith tradition has intensified as a consequence of his effort to educate his son about Judaism. But Galston still grants secular reasons the primary role in motivating his own work on behalf of marriage even though he thinks that “faith and faith-based institutions [may well] be needed in order to alter what is wrong” with American family life.<sup>16</sup>

However, some of the leaders at the national level indicate that faith has played a key role in motivating their work on behalf of marriage. Horn, who recently joined the Department of Health and Human Services as Assistant Secretary for Children and Families after leading the National Fatherhood Initiative from 1994 to 2001, reports that his work on behalf of fatherhood, marriage, and the family is motivated in part by his Christian faith. “[My] personal motivation [for] getting involved in this work comes from my faith and a belief that this is what God wants me to do at this moment in my life,” he says. But he also views his work, especially in the context of his new responsibility as a governmental official, as serving a fundamental “secular purpose,” namely the well-being of children.<sup>17</sup>

16 William Galston, 2001, personal interview, November 26.

17 Wade Horn, 2001, personal interview, November 6.

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But Horn represents a minority, albeit a substantial one, in the leadership of the national marriage movement. At the national level, the new individual and institutional custodians of marriage are not motivated primarily by deep religious commitments. Rather, they are motivated by commitments to the common good and the well-being of children that lead them to promote marriage as one important way to shore up the social order and advance the welfare of children. As such, they tend to view religion in primarily utilitarian terms as potentially one of the most important institutional vehicles for marriage reform.

The picture that emerges of religion and the marriage movement at the state and local levels is markedly different. At these levels, religion plays a central role in motivating public officials and clergy to push a range of public policies and civic efforts on behalf of marriage. In the last five years, important marriage-related legislation has passed, or statewide marriage initiatives have been launched, in Arizona, Arkansas, Florida, Louisiana, Maryland, Minnesota, Oklahoma, Utah, and West Virginia. And important marriage-related legislation has been proposed in at least twenty other states, from Wisconsin to New Hampshire. In most of these states, the key political actors and advocates pushing marriage-related programs have been motivated, at least in part, by their religious faith. Not surprisingly, religious conservatives have a substantial political presence in most of the states where marriage-related efforts have succeeded.

Take Louisiana and Arkansas. Both states have passed major marriage-related legislation in recent years—Louisiana passed a covenant marriage law in 1997 and Arkansas passed a similar law in 2001—and Arkansas Governor Mike Huckabee (R-AK) has also conducted a vigorous campaign in support of voluntary, church-based community marriage policies. Huckabee, who was also the driving force behind Arkansas’ covenant marriage law, reports that his faith played an important role in motivating him to promote marriage in his state. “My convictions about marriage derive from my faith,” notes Huckabee, a former Southern Baptist minister. “I believe that God is the author and creator of marriage, and that He designed it to be the ‘school’ for people to learn sacrificial servanthood and true love. I believe it is the most powerful earthly illustration of His faithfulness to us, His commitment to us, and His provision for us. Marriage should reflect our highest ideals of sacrificial love, fidelity, and perseverance.”<sup>18</sup> While Huckabee was also motivated by civic and social concerns—the state’s divorce rate, one of the highest in the nation, costs the state millions of dollars every year and drives down the quality of life for Arkansas children and communities—his religious convictions have been crucial in driving him to push marriage legislation and to travel the state promoting nongovernmental community marriage policies.

In Louisiana, the determined advocacy of a Presbyterian lawyer and an evangelical Protestant legislator resulted in the passage of the nation’s first covenant marriage legislation in 1997. Katherine Spaht, a professor of law at Louisiana State University, points to her heart attack in 1991 as a “defining moment” because the “Lord was gracious enough to spare my life but get my attention.” From that point forward, she felt a “calling” from God to promote divorce reform to protect

18 Governor Mike Huckabee, 2001, personal correspondence, November 14.

women and children by strengthening marriage.<sup>19</sup> She sought out state legislators who might be interested in covenant marriage legislation and found Representative Tony Perkins (R-LA), an evangelical Protestant, who was also interested in strengthening marriage. Perkins was motivated by his own faith, his personal experience with a church marriage ministry, and his commitment to eliminating the social problems associated with marital breakdown, and he took the outlines of Spaht’s idea to a group of pastors in his district. After consulting with them about the biblical grounds for divorce, he drafted a bill that only allowed for divorce on what they saw as the biblically-licit cases of adultery and abandonment. Perkins says he wanted to start with a high standard, the biblical ideal for marriage, because he knew that he would have to compromise in the legislative process.<sup>20</sup> Clearly, in the case of the Louisiana, religion played a key role in motivating and directing the civic and political actors who initiated the nation’s first covenant marriage law, which has inspired similar laws in Arizona and Arkansas, as well as bills in a number of other states around the country

Of course, religion has not played a central role in motivating every state marriage-related law or policy initiative. Since 1999, Oklahoma Governor Frank Keating has launched the nation’s largest marriage initiative—backed by at least \$10 million dollars—in an attempt to cut the state’s high divorce rate, as well as its out-of-wedlock birthrate, by one-third by 2010. Although Keating (R-OK) is a practicing Roman Catholic, he was motivated to promote marriage after receiving a 1998 report on the health of the Oklahoma economy that indicated one reason the state’s economy was flagging was that high rates of family breakdown in the state were driving many Oklahomans into poverty. Keating says that he realized that divorce was having “staggering negative effects, both economically and socially” and that the state could not “continue to ignore its impact.”<sup>21</sup> This is not to say that religion did not play a role in his initial thinking about the issue. Like Galston, he sees religion as a key civic player in his effort to revive marriage in Oklahoma. In fact, one of the first things he did upon determining that he wished to strengthen marriage in Oklahoma was turn to religious leaders in the state to determine what they were currently doing to strengthen marriage and what they might be encouraged to do to augment their pro-marriage efforts.<sup>22</sup> Nonetheless, Keating’s drive to promote marriage in Oklahoma was motivated largely by his concerns about the economic and social costs of divorce for his state. In this respect, Keating’s motivations track more closely with the motivations found among the national leadership of the marriage movement.

But religion has played a key role in motivating most of the marriage policies and initiatives emerging from states and localities around the nation. This is particularly evident in the emergence of voluntary community marriage policies around the country. More than 150 cities and towns in 39 states—from Modesto, California to Chattanooga, Tennessee—have established com-

19 Katherine Spaht, 2001, personal interview, November 7.

20 Representative Tony Perkins, 2001, personal interview, November 19.

21 Karen Peterson, 2000, “Oklahoma weds welfare funds to marriage,” *USA Today*, March 23.

22 Mary Myrick, President of Public Strategies, 2001, personal interview, November 19.

munity marriage policies that work with religious institutions, and occasionally other community institutions, to set common standards for premarital preparation, to make marriage enrichment and support widely available, and to foster strong marriage norms through public education campaigns, community events, and marriage-friendly business policies.

One of the most active civic proponents of community marriage policies is Marriage Savers, a religious organization founded in 1996 to strengthen marriage and reduce divorce in communities around the country. Michael McManus, who leads Marriage Savers with his wife, Harriet McManus, attributes his interest in marriage promotion to his own evangelical Protestant faith, as well as his positive experience with Marriage Encounter, a marriage enrichment program he attended with his wife more than twenty years ago. After addressing religious audiences for more than a decade on marriage-related issues in his capacity as a journalist, McManus says that he became convinced that God's hatred of divorce translated into a vocation for him to help save marriages by launching Marriage Savers. He did so in large part because he saw churches and Christians failing to stem the tidal wave of divorce that swept through the country after the 1960s. "My belief in the truth of Scripture [led] me as a journalist and as an advocate to try to implement solutions [to the divorce problem] that are in line with Scripture," says McManus.<sup>23</sup> Thus, McManus' Christian faith has been instrumental in launching a religious organization that has helped promote marriage programs in over 150 localities and over 5000 religious congregations around the country.

McManus' experience is by no means unique when it comes to the community marriage policies that have been established around the country. Kent County, Michigan, which includes Grand Rapids, has one of the most ambitious community marriage policies in the country, encompassing religious congregations, businesses, the county court, and local mental health providers. The Greater Grand Rapids Community Marriage Policy (GGRCMP) was started after three evangelical Protestants—Bill Hardiman, a suburban mayor, Rev. Brian Ingebretson, a local pastor, and Roger Sider, a psychiatrist—decided to launch an initiative to bring down the divorce and out-of-wedlock birth rates in their community. While they were motivated by their civic loyalties and their desire to help children and couples, they were also motivated by their Christian faith. Mark Eastburg, the vice-chair of GGRCMP, attributes much of their dedication to the project to their "sense of calling and ministry" on behalf of marriage.<sup>24</sup> The GGRCMP's experience parallels that of other community marriage policies in that most community marriage policies are initiated by clergy or by active members of local religious congregations.<sup>25</sup>

Clearly, the motivating force of religion, *vis a vis* the marriage movement, depends on the level of analysis. At the national level, the marriage movement is primarily a secular concern, not in the

<sup>23</sup> Michael McManus, Co-director of Marriage Savers, 2001, personal interview, November 13.

<sup>24</sup> Mark Eastburg, Vice-chair, Greater Grand Rapids Community Marriage Policy, 2001, personal interview, November 7.

<sup>25</sup> Michael McManus, 2000, *A Manual to Create a Marriage Savers Congregation* (Potomac, MD: Marriage Savers), pp. 4, 17-28.

sense that it is anti-religious, but in the sense that it is motivated by civic goods like social order and fiscal probity, and by social goods like the welfare of children. However, religion plays a more central institutional and individual role in motivating the marriage movement at the state and local levels. Moreover, civic and political initiatives on behalf of marriage are most likely to get off the ground in areas, such as the South, where a substantial share of the population is religiously active. This does not necessarily mean that religion is playing a vital role in promoting marital virtue, as the rest of this report will make clear. But it does mean that some religious institutions and individuals are attempting to reform the *laissez faire* attitude to family formation and divorce that is so deeply entrenched in American life.

## The Naked Public Square?

Richard John Neuhaus argues that one of the ironies of contemporary American public life is that a country renowned for its religious vitality often seems incapable of or, at the very least, uncomfortable admitting religious discourse into the public square. Religion is thought to be too narrow, divisive, and private to be afforded a place in public discussions about the common good of a nation that now encompasses a vast plurality of religious and secular beliefs. Hence, according to Neuhaus, we find a “naked public square” that “systematically exclud[es] from policy consideration the operative values of the American people, values that are overwhelmingly grounded in religious belief.”<sup>26</sup> But the fact that religion is a motive force in the burgeoning marriage movement, especially at the state and local levels, suggests that this observation may not apply to the marriage issue. However, a close look at the public discourse of religiously-motivated marriage advocates indicates that the public square is often denuded of religious expression—at least regarding contested moral matters that bear on the behavior of substantial portions of the American public.

What is striking about the public discourse on marriage is how infrequent religious beliefs frame or inform discussions of public policy and, to a lesser extent, community marriage initiatives. Marriage is accorded central theological significance in religious traditions as varied as Roman Catholicism—where marriage is viewed as a sacramental reality that parallels the relationship between Christ and the Church—and Hinduism—where marriage is believed to be a sacred blending of persons on the model of gods and goddesses like Krishna and Radha or Rama and Sita. And many advocates and public officials who support pro-marriage policies, especially figures working at the state and local levels, are motivated by their own religious commitments. But religious convictions about the nature and purpose of marriage are rarely articulated in public life by marriage proponents, even when advocates are themselves motivated by religious beliefs to pursue public and community marriage policies.

At all levels of government, legislators, public officials, and advocates who are motivated by their religious faith steer clear of making explicitly religious arguments about marriage policy. The absence of religiously-informed marriage discourse reflects a contemporary desire to respect the moral and religious pluralism of the country, as well as a deliberate effort to forestall accusations

<sup>26</sup> Richard John Neuhaus, 1984, *The Naked Public Square*, (Grand Rapids, MI: Eerdmans), p.37.

that pro-marriage policy is but another attempt on the part of the religious right to impose its religiously-grounded morality on the public at large. Assistant Secretary Horn is typical in this regard. Although Horn thinks it is appropriate for him to talk about the instrumental value that religion plays in supporting marriage, he does not think it is legitimate for him to articulate a Christian perspective on marriage as a public official. In his view, there is a “line as a government official between being motivated [by faith] and then taking it and imposing it as the only proper view on a particular question [like marriage].”<sup>27</sup> He has also been insistent in encounters with the press to stress that marriage policy is not “the old family values debate reemerging,” adding, “It’s a different kind of debate—what empirical literature tells us, not just what our personal faith tells us.”<sup>28</sup> Likewise, Governor Huckabee has been careful to avoid making religious arguments—at least in public venues—in his numerous efforts to push pro-marriage policies. Like Horn, he is worried about imposing religiously-rooted policies on citizens: “[I] have tried not to assume that my position as Governor gave me the right to impose my faith on others.”<sup>29</sup>

Pragmatic concerns are also paramount. Advocates for community marriage policies and pro-marriage public policies generally seek to assemble coalitions that are religiously- and politically-diverse. They also do not want to alienate the substantial percentage of legislators and community leaders that have personal experience with divorce or an out-of-wedlock birth. So they take great pains not to inject religion into discussions of marriage for fear of inflaming partisan or moral passions on the subject. Representative Perkins (R-LA), who drafted the Louisiana covenant marriage legislation in consultation with clergy in his district, did not make any effort to justify the measure in religious terms because he thinks the larger society is “post-Christian” and does not respond to explicitly Christian arguments: “I’m a Christian, a very strong one, but I have never used...the Bible to pass my legislation because most people don’t understand it and they don’t know how it is applied [in a legislative context],” he says. He adds that he also steered clear of making moral arguments in favor of covenant marriage because marriage policy is a “minefield” due to the fact that so many legislators have been divorced. “As soon as you begin talking about divorce in the context that it has negative effects, people become defensive as if you are saying to them they did something bad,” says Perkins. “So I had to constantly put my remarks in the context of, well, divorce is a bad thing [but] we are not saying divorced people are bad people.”

These principled and pragmatic concerns have even affected civic efforts to craft community marriage policies. While the Greater Grand Rapids Community Marriage Policy was founded by three evangelical Protestants, it largely steers clear of any religious references in its mission statement and in its public information campaigns. The most that the GGRCMP does, with respect to religious discourse, is to acknowledge in its mission statement that some people support marriage “because of their religious belief that marriage and family are institutions ordained by God.”<sup>30</sup> Mark

<sup>27</sup> Horn, 2001, personal interview, November 6.

<sup>28</sup> Dana Milbank, 2001, “A Marriage of Family and Policy,” *The Washington Post*, April 15, p. A1.

<sup>29</sup> Huckabee, 2001, personal correspondence, November 14.

<sup>30</sup> <http://www.ggrcmarrriagepolicy.org/aboutggrcmp/aboutggrcmp.htm>

Eastburg, the vice-chair of the GGRCMP, says that the initiative has avoided making religious claims about marriage, or focusing on the moral obligations associated with marriage, for two reasons. First, some of the community leaders the GGRCMP sought to bring into its coalition had personal experience with divorce or had no religious affiliation. They made it clear to the initiative that they “did not want this [initiative] to turn into some right-wing religious thing.” Second, the GGRCMP sought to reach as broad an audience as possible in its community media campaigns on behalf of marriage. “When you are working in the marketplace [of ideas] beyond churches, if you start talking about what the Bible says you lose your audience pretty fast,” argues Eastburg.<sup>31</sup> So, to assemble a diverse coalition and reach as broad an audience as possible on marriage, the GGRCMP has generally shied away from making strong religious or moral claims on behalf of marriage.

This is not to say that religious or moral discourse is totally absent from public discourse about marriage. As noted earlier, most advocates and public officials who support pro-marriage policies do speak about religion in instrumental terms. Many marriage supporters think, for instance, that charitable choice or publicly-funded vouchers may be directed to faith-based organizations for activities like marriage preparation programs. Horn says, “What government can do is to acknowledge that faith has something to say to the institution of marriage and that the faith community ought to be a partner with government in strengthening the institution of marriage.”<sup>32</sup>

Likewise, pro-marriage governors like Huckabee and Keating have made a point of saying that religious institutions need to do more to prepare couples for marriage and support them once they have married. In fact, Keating went so far as to say, “Seventy percent of our people [in Oklahoma] go to church once a week or more. These divorce statistics are a scalding indictment of what isn’t being said behind the pulpit.”<sup>33</sup> Advocates and politicians like Huckabee and Keating have also taken to visiting clergy in their communities to encourage them to establish community marriage policies and to improve the pastoral support and education they provide to engaged and married couples. But while marriage proponents are comfortable about talking about the instrumental role of religion, and even approaching religious institutions and leaders to challenge them to do more on behalf of religion, they generally refrain from making strong religious or moral claims about the value of marriage policy.

There are exceptions to this pattern. At the local level, many community marriage policies are explicit about referencing religious commitments in their pursuit of greater marital stability and quality. For example, the Northwest Arkansas Community Marriage Policy begins with this preamble: “As ministers of churches in Northwest Arkansas, we believe God Created marriage for the full expression of love between a man and a woman, for the stable existence of human society, and for the birth and nurture of children. Marriage is a holy and sacred relationship.”<sup>34</sup>

31 Eastburg, 2001, personal interview, November 7.

32 Horn, 2001, personal interview, November 6.

33 Blaine Harden, 2001, “Bible Belt Couples ‘Put Asunder’ More, Despite New Efforts.” *New York Times*, May 18, p. A1.

34 <http://www.state.ar.us/governor/marriage/marriage.html>

At the national level, some advocates for marriage have made strong normative claims about the value of marriage and the perils of divorce, especially for children. For instance, William Galston, who was a domestic policy advisor to President Clinton, has argued that Americans must “*resist the easy relativism of the proposition that different family structures represent nothing more than ‘alternative life-styles’*” because children do best in an intact two-parent family. According to Galston, “*Sharply rising rates of divorce, unwed mothers, and runaway fathers represent abuses of individual freedom*, for they are patterns of adult behavior with profoundly negative effects on children.”<sup>35</sup> Nevertheless, these examples are exceptions to the more general rule that public discourse on marriage be articulated in secular or amoral terms.

So why do public officials like Governor Huckabee, who can articulate a rich theological vision of marriage in a religious context, avoid broaching that vision in the public square? And what accounts for a similar reluctance to introduce moral discourse into discussions of marriage? At least four factors explain the banishment of religious and, to some extent, moral language from public discourse about marriage. First, current interpretation of the Constitution requires that there be a secular purpose for governmental action and that that action must not have the primary effect of advancing religion. While this standard certainly does not bar elected officials from discussing their own religious convictions and motivations, it does place some restraints on governmental action and these officials are often well-aware of these restraints.

Second, most pro-marriage advocates and public officials do not have access to a public philosophy that enables them to reference religious convictions in ways that simultaneously remain faithful to the particular character of their religious tradition and also speak to a public interest that is accessible to a pluralistic public. In some ways, the American civil religion, which Martin Luther King, Jr. used to such great effect in the early 1960s, provided such a philosophy for earlier generations. But this civil religion has since fallen from favor for being insufficiently faithful to the distinctive character of religious beliefs held by religious Americans and for being excessively religious to the growing minority of Americans who profess no formal belief in God. This leaves religiously-motivated marriage advocates with no ready way of translating their religious beliefs into language that is comprehensible—not to mention legitimate—to Americans who adhere to a different religious tradition or to no tradition at all.

Third, the political developments of the 1990s—from vocal condemnation of Pat Buchanan’s “Culture Wars” speech at the 1992 Republican National Convention to popular support for President Bill Clinton even in the wake of the Monica Lewinsky scandal—convinced many religious conservatives that the United States had become, in Perkins’ words, a “post-Christian” society. Religiously-conservative politicians and activists, many of whom were evangelical Protestants, came to realize that language invoking distinctly Christian conceptions of biblical truth was counter-productive if the objective was to win elections and pass legislation, especially on the national stage. Accordingly, religious conservatives

35 William Galston, 1990, “A Liberal-Democratic Case for the Two-Parent Family.” *The Responsive Community*, Vol. 1:1, pp. 20, 21. Emphasis retained.

like Ralph Reed dispensed with religious arguments and took up secular arguments that had broader resonance with the American public and with the policy and media elites who often set the terms for public discourse.<sup>36</sup> Hence, Republican politicians like Perkins and Huckabee, who are both devout Christians, now seem reluctant to articulate religious reasons for pro-marriage policies for fear of being branded as intolerant members of the religious right and, more importantly, because “God talk” would only interfere with their efforts to win support for marriage policies.

Fourth, as Alan Wolfe has recently argued, the recent cultural turn toward “moral freedom” has left many Americans, including politicians, unwilling to make strong arguments in public settings—both political and civic—about moral obligations where there is substantial cultural disagreement. Many Americans are now under the misapprehension that the virtue of tolerance requires them to make no public claims about the good life, especially if such claims would impinge upon the behavior of others.<sup>37</sup> This commitment to being nonjudgmental is especially powerful for issues like marriage where there are considerable differences in practice and belief. The high prevalence of divorce and out-of-wedlock births—as well as the disagreements that these behaviors engender in Americans—make it difficult for public officials and advocates to make strong religious or moral arguments about marriage without upsetting contemporary convictions about the value of moral freedom, namely, the idea that individuals ought to determine the nature of the good life for themselves.

All these factors have conspired to create a climate where religious and, to some degree, moral convictions are not readily voiced in public discussions about marriage policy. This silence is evident at all levels of public life, but especially at the federal and state levels where public officials and advocates are considering matters of public policy. The nakedness of the public square on marriage is particularly striking because, as previous sections indicate, public discourse on marriage has historically referenced religious convictions and because many of the key proponents of marriage policy are themselves motivated by religious commitments.

## Utilitarian Rationales and Therapeutic Ends

Public and civic policy does not occur in a vacuum. Governments and civic institutions necessarily rely upon moral justifications and judgments—albeit often implicit ones—in determining their proper course of action. In truth, the public square can never be truly naked. The question is always what public philosophy or philosophies will clothe the public square. In the matter of marriage, public officials and marriage advocates tend to rely on utilitarian rationales to legitimate their support for marriage policies and then hold out a therapeutic view of marriage as the end to which marriage policies should aim.

<sup>36</sup> Mark Rozell and Clyde Wilcox, 1996, *Second Coming: The New Christian Right in Virginia Politics*, (Baltimore, MD: Johns Hopkins University Press).

<sup>37</sup> Alan Wolfe, 2001, *Moral Freedom: The Search for Virtue in a World of Choice*, (New York: Norton).

Most public discourse on marriage draws heavily on the notion that marriage is an institution that is useful to the state and the society. Two themes, in particular, are dominant in utilitarian discourse about marriage: the economic consequences to the state of family breakdown and the costs that children incur from divorce and out-of-wedlock births. In recent testimony to the House Ways and Means Committee, Jerry Regier, Secretary of Health and Human Services for Oklahoma, justified the state’s ambitious marriage initiative by pointing to the economic costs—from welfare to child support enforcement—that the state incurs because of its high rate of divorce: “Some will say the role of government in supporting the institution of marriage should be hands-off. I strongly disagree... All of these [state] agencies commit major portions of their annual expenditures to the results of the dissolution of marriage and the breakdown of the family.”<sup>38</sup>

Politicians and marriage advocates also refer frequently to social scientific research indicating that children suffer when parents divorce or fail to marry in the first place. The congressional testimony of senators and representatives from both sides of the aisle on marriage-related public policy is replete with references to the ways in which “studies show” that children are negatively affected by family breakdown.<sup>39</sup> And the flurry of marriage-related legislation at the state level has also been accompanied by frequent use of the social scientific research on the effects that family breakdown has on children. In a recent column, for example, Governor Huckabee justified his marriage policies by pointing to studies showing that children who grow up outside an intact, two-parent home are at risk for a range of ills: “According to the *Journal of Marriage and the Family*, an analysis of 92 studies of children found that parental divorce is associated with negative outcomes in the areas of academic achievement, conduct, psychological adjustment, self-esteem and social relations.”<sup>40</sup>

These utilitarian lines of argument are understandable, given the prominence of pragmatism and economic modes of thinking in contemporary public life and in the society at large. The frequent invocation of social scientific findings affords marriage proponents the patina of objectivity. It also makes them appear to have transcended the deeply value-laden conflicts of the 1980s and early 1990s. Recall, for example, Horn’s comment that recent discussions about marriage signal “a different kind of debate—what empirical literature tells us, not just what our personal faith tells us.” Thus, utilitarian arguments are helpful in assembling diverse coalitions on behalf of marriage and in avoiding the charge that marriage policy represents the latest effort of the religious right to impose its particular religious views on the public. But utilitarian arguments beg a question that is rarely answered: namely, who wins and who loses from policies and initiatives that aim to promote and strengthen the marriage vow? The honest answer is that children, the public purse, and the social order may benefit from these policies while social liberties and adults, often women,

<sup>38</sup> Jerry Regier, Oklahoma Secretary of Health and Human Services, 2001, Testimony to Committee on Ways and Means, Subcommittee on Human Resources, Hearing on Welfare and Marriage Issues, May 22.

<sup>39</sup> See, for instance, the opening testimony from Representatives Wally Herger (R-CA) and Benjamin Cardin (D-MD) at [http://www.house.gov/ways\\_means/humres/107cong/hr-5wit.htm](http://www.house.gov/ways_means/humres/107cong/hr-5wit.htm).

<sup>40</sup> Governor Mike Huckabee, 2001, News Column, May 26. Accessed from <http://www.accessarkansas.org/governor/columns/columns/c05262001.html>

seeking to terminate or avoid marriage may suffer from these policies.<sup>41</sup> In other words, these utilitarian arguments beg normative questions, in general, about the nature of the public interest and, in particular, about the nature of marital obligation that usually go unanswered.

Although utilitarian arguments are used to justify marriage policies, they do not provide much guidance about the nature and kind of marriage that public policy should promote. For this, marriage proponents tend to hold up a largely therapeutic model of marriage. Invariably, politicians and marriage advocates report that they support “healthy marriages.” Addressing the National Fatherhood Initiative in 2001 in favor of fatherhood legislation that includes marriage-promotion, President George W. Bush said, “Healthy marriages are not always possible. But we must remember, they are incredibly important for children.”<sup>42</sup> The Greater Grand Rapids Community Marriage Policy opens its mission statement by underlining its commitment to “increasing the proportion of children born and reared in healthy, married two-parent families.”<sup>43</sup> Legislation recently introduced in the House would provide money for family-related programs that “promote healthy marriages.”<sup>44</sup>

What do marriage proponents mean by “healthy” marriages? This adjective signals that a marriage is free of physical abuse and severe conflict; it also suggests that a marriage promotes the emotional well-being of spouses through good communication and ample affection. For example, Mary Myrick, president of Public Strategies, which is managing the Oklahoma Marriage Initiative, says healthy marriages are free of violence and drug use, full of communication, and “are mutually supportive and...relatively free of conflict.”<sup>45</sup> The Greater Grand Rapids Community Marriage Policy (GGRCMP) offers a “Menu for a Successful Marriage” that indicates that healthy marriages are characterized by commitment, a surfeit of positive comments, shared household duties, and lots of time devoted to “conversation, fun, and relaxation.”<sup>46</sup>

This approach to marriage is attractive in a society that has witnessed the rise of a therapeutic ethos that draws heavily on psychological concepts and techniques. This ethos accords emotional well-being paramount value, tends to substitute medical-psychological terminology for moral language, and privileges interpersonal communication. This model of marriage is also attractive because it allows marriage advocates to signal that they do not approve of physically-abusive marriages—an issue that is the major concern of those wary of marriage legislation. More generally, as James Nolan argues in *The Therapeutic State*, this approach has become appealing in the contemporary public square because it derives status from its links with the “scientific” discipline

41 For instance, women are more likely to file for divorce. See Margaret Brinig and Douglas Allen, 2000, “These Boots are Made for Walking: Why Most Divorce Filers are Women,” *American Law and Economics Review* Vol. 2, p. 1. Low-income women also express considerable reluctance when it comes to the prospect of marrying the low-income men with whom they have children. See Kathryn Edin, 2000, “Few Good Men,” *The American Prospect*, Vol. 11, p. 4.

42 President George W. Bush, 2001, Remarks by the President to the Fourth National Summit on Fatherhood, June 7. Accessed at [www.fatherhood.org/presidentbush.htm](http://www.fatherhood.org/presidentbush.htm).

43 <http://www.ggrcmarrriagepolicy.org/aboutggrcmp/aboutggrcmp.htm>

44 <http://fatherhood.hhs.gov/on-going/HR2873-yr01.pdf>

45 Mary Myrick, President of Public Strategies, 2001, personal interview, November 19.

46 <http://www.ggrcmarrriagepolicy.org/images/webmenu.pdf>.

of psychology, offers a comprehensive language and practice for addressing some of the deepest issues confronting individuals and relationships, and seems to transcend the divides separating faith and secular communities.<sup>47</sup> Thus, the therapeutic goal of promoting healthy marriages—a goal endorsed in settings as varied as the Greater Grand Rapids Community Marriage Policy and the halls of Congress—has enormous appeal as an apparently noncontroversial public good.

The problem with this therapeutic approach to marriage, however, is that it tends to obscure, and even eviscerate, the rich religious, moral, and social dimensions of the institution of marriage. The therapeutic focus on the expressive functions of marriage—especially the emotional well-being and communication of the spouses—can obscure the religious meanings of married life, as well as the more prosaic aspects of married life, such as the economic and domestic functions of marriage. The therapeutic approach’s focus on emotional fulfillment and marital satisfaction, as well as its use of health talk, also can undercut the vocabulary and practice of marital virtue. Virtues like sacrifice, fidelity, and charity lose out to therapeutic terms like boundary-setting, feelings, and good communication. To be sure, marriage advocates do attempt to integrate this therapeutic approach with an appreciation of the place of commitment and children in marriage. But children and commitment stand in an uneasy relation to a therapeutic model of marriage that privileges the expressive dimensions of married life and the emotional quality of the couple relationship. As we shall see, this therapeutic approach has also proven to be deeply influential in shaping the substance of governmental and civic efforts to reform the values and virtues of marriage, with mixed results. Thus, although the therapeutic model of marriage has strategic value for the marriage movement because of its ready acceptance in the public square, it often stands in tension with the religious and moral ideals traditionally associated with the institution of marriage.

47 James Nolan, Jr., 1998, *The Therapeutic State: Justifying Government at Century's End*, (New York: New York University Press), p. 19.

The growing interest in marriage, manifested both in the rise of a marriage movement and heightened levels of public comment about marriage, has resulted in a range of public, as well as civic, policies and initiatives designed to strengthen the institution of marriage. Although most of the action on behalf of marriage is located at the state and civic levels, Congress is taking up significant pieces of marriage-related legislation this year in connection with the reauthorization of welfare reform and legislation on fatherhood. Some of the legislative action taken in recent years is in keeping with the Founders' vision of providing limited public support for marriage, primarily through state legislation, while relying upon civil society to bear primary responsibility for inculcating the virtues and values required for the vitality of marriage. But other public measures seek to reform the practice and meaning of marriage in ways that contradict the Founders' vision by putting the government in the position of directly shaping the nation's normative climate.

### Federal Policy

The rise of the marriage movement has not yet translated into significant accomplishments at the federal level. In the most recent round of tax legislation, Congress passed modest tax relief for married couples—raising the standard deduction for married couples and the amount of taxable income that is taxed at a maximum rate of 15 percent, both beginning in 2005—but did not take up more ambitious policies, such as the income-splitting approach,<sup>48</sup> that would have substantially reduced taxes for many married couples.

However, Congress—with significant prodding from the Bush administration—is poised to take a number of ambitious steps that would put the federal government in the position of more directly promoting marriage in a number of important ways. While the 1996 Welfare Reform Act called on states to reduce welfare dependency by “promoting job preparation, work, and marriage,” by preventing out-of-wedlock pregnancies, and by encouraging the “formation and maintenance of two-parent families,” the states have done little to respond to the marriage-related goals embedded in the legislation. With the primary welfare legislation, Temporary Assistance for Needy Families (TANF), up for reauthorization this year, Congress will probably pass legislation that draws heavily on the Bush Administration's proposals to foster healthy marriages. The House has already passed legislation that would make \$300 million in TANF-related funds available for federal demonstra-

<sup>48</sup> The income-splitting policy allows couples to be taxed at the rate commensurate to half their combined income.

tion projects and state grants that promote healthy marriages. Specifically, the House legislation would fund a range of activities—from marriage education in public high schools to relationship skills programs for unmarried and married couples. The Senate is expected to take up similar legislation later this year.<sup>49</sup>

Congress is also considering a number of fatherhood bills that would provide money for marriage-related efforts. Senators Evan Bayh (D-IN) and Pete Domenici (R-NM), as well as Representative Julia Carson (D-IN), have introduced the Responsible Fatherhood Act in both houses of Congress. This legislation would provide \$25 million each year to states to fund media campaigns “to promote the formation and maintenance of married two-parent families, strengthen fragile families, and to promote responsible fatherhood,” as well as \$50 million each year to states to fund programs that “promote responsible fatherhood, and promote or sustain marriage.”<sup>50</sup> Likewise, President Bush has proposed spending \$60 million in his fiscal 2002 budget on fatherhood initiatives that—among other things—promote marriage.<sup>51</sup> Given the bipartisan support for fatherhood legislation, some version of this legislation could pass this year.

All of these legislative initiatives could entail new partnerships with faith-based organizations. Under the charitable choice guidelines passed in 1996, any TANF money spent on federal grants, contracts or vouchers for marriage programs or state-funded marriage programs could be used to support faith-based and other community organizations working on marriage promotion and support. Any fatherhood legislation passed by the Congress this year would also, in all likelihood, be made available to secular and religious organizations.

### State Policy

But most of the policy action right now is to be found at the state level. This action bears watching, both because more and more states are taking independent action on behalf of marriage and also because some of the burgeoning number of state marriage-related policies will probably inspire future marriage legislation on the part of Congress. These policies may be categorized in the following way: *regulatory marriage policies* seek to encourage and strengthen marriage by regulating entry and exit into marriage, and the economic consequences of marriage, while *normative marriage policies* seek to promote marriage by directly reforming the meaning and practice of marriage in the society at large. Regulatory policies assume marriage has high value for the commonweal but do not seek to intrude upon the institution in any significant way, while normative policies assume that the state must reform marital practice by confronting basic teleological and practical issues in contemporary marriage. Regulatory policies also accord religious, civic, and familial institutions more authority over marriage than do normative policies, which grant the government more authority

<sup>49</sup> <http://www.whitehouse.gov/news/releases/2002/02/print/welfare-book-05.html>

<sup>50</sup> [http://www.nga.org/nga/lobbyIssues/1,1169,C\\_LOBBY\\_ISSUE%5ED\\_1253,00.html](http://www.nga.org/nga/lobbyIssues/1,1169,C_LOBBY_ISSUE%5ED_1253,00.html)

<sup>51</sup> <http://www.whitehouse.gov/news/releases/2001/11/print/20011121-1.html>

over marriage. Both types of policies have precedents in the nation's political history, though states have generally tried to support marriage through regulatory rather than normative measures.

Covenant marriage, marriage preparation incentives, marriage bonuses, and state efforts to eliminate disincentives embedded in welfare legislation may be categorized as regulatory marriage policies. Covenant marriage, which has passed in Arizona, Arkansas, and Louisiana, affords couples the opportunity to enter into a legal marriage that is stronger than a standard marriage insofar as the terms of marital entry and exit are more difficult. Couples who elect to enter covenant marriages must receive premarital counseling from a religious or secular provider of their choice and affirm a statement indicating their commitment to preserving the marriage should difficulties arise; they can only divorce after receiving counseling and living apart for two years (except in cases where one spouse is guilty of a felony crime, adultery, or physical or sexual abuse, in which case divorce can be granted immediately after counseling).<sup>52</sup> A number of states, including Maryland, Minnesota and Florida, have passed legislation awarding discounts in marriage licensing fees to couples who complete a religious or secular marriage preparation class.

States have also acted to add financial incentives for marriage and eliminate some of the marriage disincentives embedded in most welfare benefits. West Virginia recently started awarding welfare recipients a \$100 monthly bonus if they are married. Mississippi, North Dakota, and Tennessee have moved to disregard certain kinds of income of stepparents, which would have otherwise disqualified welfare recipients from further government aid if they formed a stepfamily through marriage.<sup>53</sup> These regulatory marriage policies share a common commitment to encouraging and strengthening marriage, but do so in such a way as to minimize the extent to which the government is directly involved in defining the nature and practice of marriage.

State-funded marriage skills programs, marriage education in the high schools, media campaigns, and government efforts to promote greater civic activity on behalf of marriage may be categorized as normative marriage policies. Arizona and Oklahoma have taken the lead in establishing marriage skills programs. Arizona has awarded \$1 million in TANF money to a number of different faith- and community-based organizations to design and conduct their own marriage skills training courses for unmarried couples who are interested in marrying and for married couples who seek to improve their marriages.<sup>54</sup> As part of its ambitious \$10 million Marriage Initiative, Oklahoma is using PREP (Prevention and Relationship Enhancement Program) to train state social workers, public health nurses, and local volunteers to provide relationship skills programs throughout the state. The state also hired two psychologists, Les and Leslie Parrott, to serve as marriage scholars-in-residence; they traveled throughout the state in 2000-2001, offering advice on marriage and relationships to state workers, college students, clergy, and the media.<sup>55</sup>

52 Katherine Shaw Spaht, 2001, "What's Become of Louisiana Covenant Marriage Through the Eyes of Social Scientists," *Loyola Law Review* Vol. 47, p. 709-728.

53 Wade Horn, 2001, "Wedding Bell Blues: Marriage and Welfare Reform," *The Brookings Review*, Vol. 19, p. 3.

54 Ibid.

55 Public Strategies, 2001, *Marriage Initiative: Relationships and Marriage Education Statewide Training and Service Delivery System*, (Tulsa, OK: Public Strategies).

These programs seek to improve marriages by focusing primarily on "relationship skills" that improve the expressive dimensions of marriage—from teaching couples how to reduce destructive forms of conflict to offering them strategies for cultivating intimacy. Many of the skills they teach are modern-day versions of classical or religious virtues like forgiveness and temperance. For instance, PREP, which is one of the best marriage and relationship skills programs on the market, teaches couples specific ways to forgive the wrongs that spouses do to one another and to approach conflict in a reasoned, respectful, and restrained fashion, which bespeaks the virtue of temperance.<sup>56</sup>

But these skills, or virtues, are not firmly tethered to any one religious or secular vision of marriage. To be sure, these relationship programs often stress the importance of values like commitment and spirituality in marriage. But they tend to frame these values in utilitarian and therapeutic terms: that is, commitment and faith are important because they improve the relational quality of the marriage. For instance, *Fighting for Your Marriage*, which details the PREP perspective, points out that social scientific research on religion and marriage indicates that shared religious practice is beneficial for marital quality. It then goes on to argue that these "findings mean you can do something very wonderful for your relationship by engaging in more faith-based activities together, if you are open to that."<sup>57</sup> Note the way religious practice is instrumentalized and subjectivized by this kind of argument.

While PREP's approach to the virtue of commitment is stronger, it still lapses into a utilitarian view of this virtue that makes commitment a therapeutic handmaiden of marital satisfaction. For instance, in discussing the ways in which commitment can be eroded, PREP counsels the following: "In order to give your relationship a better chance, do not do or say things that threaten the stability of your relationship."<sup>58</sup> This view suggests that commitment-related behavior is primarily important for its consequences to the marital relationship, not because it is required by an intrinsic dedication to a moral or religiously-grounded sense of commitment. Thus, because they are motivated largely by the therapeutic desire to promote high-quality relationships, programs like PREP run the risk of hollowing out the fundamentally other-centered character of religious and moral life by turning God and morality into props for marital satisfaction.

Another weakness associated with programs like PREP is that the relentless focus on the tenor of the couple relationship obscures other dimensions of marriage that have traditionally been accorded high religious and social value in marriage. For instance, PREP spends little or no time focusing on the importance or influence of children in marriage. Needless to say, most religious traditions strongly link marriage to child-bearing and -rearing; and, as we have seen, the public

56 These themes are well-represented in the primary guide to PREP: Howard Markman, Scott Stanley, and Susan Blumberg, 2001, *Fighting for Your Marriage: The Best-Selling Marriage Enhancement and Divorce Prevention Book*, (San Francisco, CA: Jossey-Bass).

57 Ibid., pp. 256-257.

58 Ibid., p. 35.

interest in marriage is also largely rooted in concerns about furnishing the best family environment for the rearing of children.

These utilitarian and therapeutic tendencies are even more pronounced in recent efforts to promote marriage education in public high schools. In 1998, Florida mandated “marriage and relationship skills” education, Oklahoma is considering a statewide educational effort in the high schools on behalf of marriage, and marriage education appears to be particularly popular in school districts in California, Massachusetts, Minnesota, New Jersey, South Dakota, and Utah. While a small minority of the curricula—such as *The Art of Loving Well*—draw on a rich array of cultural, moral, and literary arguments to reflect on the many meanings and functions of marriage, most marriage and relationship curricula used in high schools focus almost entirely on the expressive and emotional functions of marriage, and justify marriage on largely utilitarian and therapeutic grounds. Adolescents are taught how to avoid “stinking thinking” about others, how to engage in “fair fighting,” and how to explore “different kinds of love styles.” These programs assure students that relationship skills will secure them “healthy relationships,” “self-esteem,” and reduce their risk of divorce. But a great deal about the practice and meaning of marriage—from the important social role it performs in providing a secure, economically self-sufficient environment for childrearing to its religious meaning—is left untouched.<sup>59</sup> A partial explanation for this omission is that while public school officials know that they may not inculcate religion, they are sometimes unaware that they may teach *about* religion. Even more commonly, however, public school officials and teachers are often uncertain about how to ensure that their efforts to teach about religion don’t drift into impermissible encouragement or disparagement of religion.

As Dana Mack observes in her study, *Hungry Hearts*, “[Even] the best of the school-based marriage curricula tend toward a secular, psychological understanding of marriage. Traditional moral teachings about marriage, if they appear at all, often take a back seat; marriage is presented primarily as a means of self-fulfillment, rather than as a moral, social and spiritual good. Religion is largely invisible in most of these curricula, even though, in the real world, most U.S. couples get married in houses of worship and most people everywhere view the marriage vow as, at least in part, a sacred promise.”<sup>60</sup>

James Davison Hunter’s recent work on character education suggests that the problems Mack outlines in marriage and relationship curricula are by no means unique to these curricula. Rather, they are endemic to public efforts to inculcate virtue and values because of the deep religious and cultural pluralism that makes up American life. In the face of this pluralism, and in view of a contemporary understanding of what the separation of church and state requires, educators and public officials are reluctant to embrace any of the rich, particularistic religious and cultural vocabularies that have historically framed moral understandings of marriage. Hence, in an effort

<sup>59</sup> Dana Mack, 2000, *Hungry Hearts: Evaluating the New Curricula for Teens on Marriage and Relationships*, (New York: Institute for American Values).

<sup>60</sup> *Ibid.*, p. 46.

to be inclusive, they reach for noncontroversial arguments rooted in utilitarian and therapeutic assumptions about the value and telos of marriage. In so doing, as Hunter notes, public efforts to address questions of character empty “lived morality of its particularity” and “end up epistemologically and linguistically with a moral cosmology that is beyond good and evil.”<sup>61</sup> This helps to explain why there are no “good” or “Godly” marriages in high school marriage curricula; there are only “healthy” ones.

The primary exception to the utilitarian and therapeutic tendencies in state-sponsored normative marriage policies can be found in government efforts to promote greater civic efforts on behalf of marriage. For example, both Arkansas and Oklahoma have taken active steps to encourage religious institutions to do a better job of preparing couples for marriage and supporting couples once they are married. Recognizing that 75 percent of the nation’s weddings are performed in religious congregations and that many of their citizens attend church on a regular basis, both states have called on clergy and religious communities to do more to bring down their states’ high divorce rates. Governor Huckabee has traveled throughout Arkansas to encourage clergy to start or join community marriage policies that foster better preparation for marriage and ongoing support for couples who are already married.

Oklahoma has gone even further. As noted earlier, Governor Keating has repeatedly used his bully pulpit to challenge clergy to do more to strengthen marriages. Working with religious leaders in the state, the Oklahoma Marriage Initiative has also drafted a voluntary marriage covenant for clergy that indicates they will require engaged couples to wait at least four months before marrying, they will conduct at least four marital preparation sessions with each engaged couple, they will provide spiritual formation to the couple, and they will train mentor couples in their churches to assist newly-married couples in facing the challenges of married life.<sup>62</sup> Over 500 clergy have signed the covenant. The Oklahoma Marriage Initiative has also provided free training in marriage preparation programs to more than 600 clergy throughout the state.<sup>63</sup> So, the state of Oklahoma, led by Governor Keating, has issued a challenge to the faith community to do more in support of marriage and has also attempted to offer that community some of the tools required to pursue that goal.

These efforts to promote marriage by challenging and strengthening civil society represent a different avenue for the promotion of marital virtue and values than that found in other types of normative marriage policies. This is a model that assumes that civil society is best equipped to tackle the moral, spiritual, and social dimensions of married life because civic institutions—particularly religious ones—can situate marriage within a community of shared practice and against a larger horizon of meaning. This is the voluntaristic model championed by the Founders, who

<sup>61</sup> James Davison Hunter, 2000, *The Death of Character: Moral Education in an Age without Good or Evil*, (New York: Basic Books), pp. 210, 213.

<sup>62</sup> <http://www.governor.state.ok.us/marriagecov.htm>

<sup>63</sup> <http://www.governor.state.ok.us/policy.htm>.

believed that the cultivation of virtue is best left to civil society, and that the most government can do to promote virtues of public consequence is to call civil society to account when it is failing in the moral arena.

For the most part, however, state efforts to reform the meaning and practice of marriage have relied upon a classical republican model of moral reform. This model assumes that the state can define the values and the virtues that are needed for the moral vitality of the republic. As we have seen both with public discourse about marriage and publicly-directed normative marriage policies, this task is exceedingly difficult in a pluralistic country with a longstanding tradition of church and state separation and new sensitivities regarding the place of morality in public life. Thus, public officials, educators, and state bureaucracies often rely on utilitarian and therapeutic arguments that are appealing for being noncontroversial, readily understood, and broadly popular.

## Civic Efforts

State efforts, of course, have to be understood in the context of the failure of civil society to hold back the tidal wave of divorce and out-of-wedlock births that swept across the United States starting in the late 1960s. Religious and other civic custodians of marriage have been unable or unwilling to marshal the requisite religious, moral, and social resources required to defend marriage. A recent study, for instance, found that only about 20 percent of Americans attend religious congregations where some kind of family programming—including formal marriage preparation and support programs—is offered.<sup>64</sup> And vigorous preaching on the nature and obligations attendant to marriage seems to have been in short supply in some religious communities since the 1970s. If anything, the story is worse for what were once the secular custodians of marriage: popular culture and the therapeutic professions; in recent times, they have often championed the devaluation of marriage and marital fidelity in the name of individual fulfillment and moral neutrality.<sup>65</sup> Thus, in important respects, civil society has not done enough to sustain the meaning and practice of marriage in ways that make for the stable, virtuous marriages that are so important for the commonweal.

But the burgeoning marriage movement, and the recent stabilization of divorce and out-of-wedlock birth rates, suggest that civil society may be turning a corner on marriage. As noted earlier, at the state and local levels, religious institutions and institutions headed by religiously-motivated individuals are beginning to resume their role as important custodians of marital virtue and meaning.<sup>66</sup> One such organization, Marriage Savers, is indicative of the ways in which religious and religiously-motivated institutions are attempting to strengthen marriage. Marriage Savers relies on

<sup>64</sup> W. Bradford Wilcox and Mark Chaves, 2000, "Focused on the Family?: Religious Traditions, Family Discourse, and Pastoral Practice," (Manuscript, Department of Sociology, Princeton University).

<sup>65</sup> See, for instance, William J. Doherty, 1996, *Soul Searching: Why Psychotherapy Must Promote Moral Responsibility* (New York: Basic).

<sup>66</sup> For an overview of private efforts on behalf of marriage, see Patrick Fagan, 2001, "Encouraging Marriage and Discouraging Divorce," *The Heritage Foundation Background*, No. 1421. See also [www.smartmarriages.com](http://www.smartmarriages.com).

a two-tiered strategy to promote marriage: community marriage policies and a congregational ministry model. The more than 150 localities that have signed community marriage policies inspired by Marriage Savers agree to the following measures:

- Require a minimum of four months of marital preparation for couples preparing to marry;
- Require a minimum of four counseling sessions that incorporate a premarital inventory such as FOCCUS, which is designed to test a couple's compatibility, address practical issues like financial planning, and present the congregation's religious teachings about marriage;
- Rely on mature, married couples to serve as mentors to engaged, newly married, and troubled couples in their congregations;
- Provide support services for troubled marriages and for stepfamilies;
- And, provide a range of ongoing programs—from classes to retreats—to enrich the marriages of ordinary parishioners.<sup>67</sup>

These community marriage policies serve three functions. First, they create a community-wide emphasis on marriage that can help strengthen the normative climate for marriage. Second, by creating common standards for marriage they prevent couples who would like a church wedding but do not want to take the time to seriously prepare for their marriage from "shopping" for a church that will give them a quick wedding. This means that most couples marrying in communities with marriage policies have been advised about the challenges of married life, encouraged to deal with specific issues in their relationship raised by the premarital inventories, and afforded some time to deliberate about the wisdom of their union. Third, these community marriage policies encourage churches, synagogues, and mosques to devote themselves to the task of situating marriages under a sacred canopy that affords it additional religious and moral significance.

Marriage Savers also sponsors a congregational model of marriage ministry, Marriage Saver Congregations, that is currently being used by more than 5000 houses of worship. Marriage Saver Congregations agree to follow the pro-marriage pastoral policies found in Marriage Savers. In addition, Marriage Saver Congregations also rely on mature, married couples to serve as individual mentors to couples seeking marriage preparation or support from the church. Michael McManus, co-chair of Marriage Savers, says that his ministry stresses the importance of mentoring because lay, married couples have the practical knowledge, experience, and language often lacking in the clerical or therapeutic professions. In his view, this affords them greater credibility with couples who are preparing for marriage or encountering marital difficulty. The personal nature of mentoring also means that the mentoring couples are able to serve as community stakeholders "whose commitment is to the marriage rather than to the individuals" in a society that has few institutional supports for marriage, according to McManus.

Marriage Saver Congregations also communicate a range of moral precepts, rooted in an evangelical Protestant interpretation of the Bible, to engaged and married couples that reinforce the normative importance of marriage. For instance, Marriage Saver Congregations stress the importance

<sup>67</sup> [http://www.marriagesavers.org/public/sample\\_community\\_marriage\\_policy.htm](http://www.marriagesavers.org/public/sample_community_marriage_policy.htm)

of sexual abstinence outside of marriage and will not marry couples who are cohabiting. They will, however, work with any couple considering marriage. “[We] try to love them into the Kingdom while standing against the sin [of premarital sex],” says McManus. In his view, this abstinence message is important because it has a strong biblical warrant, it reinforces the importance of focusing on friendship rather than sex while individuals are courting, and it sends an important signal about the sanctity of marriage to couples preparing for marriage.<sup>68</sup> Marriage Savers’ stance on abstinence is indicative of the way this organization links religious beliefs to the practice and morality of marriage.

In its two-pronged approach to marriage reform, Marriage Savers attempts to address the full range of practical, moral, and religious issues raised by marriage. Moreover, it does so in a way that is sensitive to the importance of situating the practice and meaning of marriage in a community that offers a specific vision for the telos and practice of marriage and supplies couples with mentors who exemplify that vision. And its stress on the importance of setting community-wide standards helps communities resist the consumerist mentality that characterizes all too many relationships. Thus, the comprehensive character of Marriage Savers, along with its sensitivity to the moral dimensions of married life, makes it a good example of the ways in which the religious side of the marriage movement is seeking to renew the practice and meaning of marriage in our society.

There are a number of cultural and therapeutic organizations also working to strengthen marriages. Think tanks like the National Marriage Project and the Institute for American Values have helped turn public policy and media discourse on the family in more pro-marriage directions. Through publications and press conferences, these groups have succeeded in articulating the importance of marriage, and the social problems associated with divorce and out-of-wedlock births, in media venues like *USA Today*, *ABC News*, and *The Atlantic Monthly*. These organizations rely, in part, on utilitarian arguments about the consequences of family breakdown for children, the government, and society in general. But they also articulate their pro-marriage arguments in light of a larger public philosophy that accords the flourishing of civic virtue and the welfare of children paramount value. These themes are evident, for instance, in the Institute for American Values’ report, *Marriage in America*: “The loving two-married-parent family is the best environment for children—the place where children gain the identity, discipline, and moral education that are essential for their full individual development. And, as the institution which most effectively teaches the civic virtues of honesty, loyalty, trust, self-sacrifice, personal responsibility, and respect for others, the family is an irreplaceable foundation for long-term social efficacy and responsibility.”<sup>69</sup>

Therapeutic organizations like the Coalition for Marriage, Family, and Couples Education and PREP are also working to change the marriage culture in the United States. Their primary message

68 Michael McManus, 2001, personal interview, November 13. Also see Michael McManus, 2000, *A Manual to Create a Marriage Savers Congregation* (Potomac, MD: Marriage Savers).

69 Council on Families in America, 1995, *Marriage in America: A Report to the Nation*, (New York: Institute for American Values), p. 4.

is that stable, satisfying marriages are largely a consequence of learning and practicing the right relationship “skills” (read virtues). These groups, and the therapists associated with them, hold seminars and conferences, publish books, and produce audio- and video-tapes. They also have a substantial presence on television and radio talk shows. They differ from much of the therapeutic profession in their insistence that divorce is rarely the answer to marital difficulty. Rather, they believe that most couples who learn and practice the relationship skills embodied in programs like PREP can find their way to happy, lifelong marriages no matter what difficulty they may face. The skills these groups have in mind are often modern versions of classical virtues like honesty, forgiveness, temperance (in verbal conflict), and gratitude.

These virtues, when practiced, are indeed valuable for promoting marital quality and stability. But many therapeutic proponents of marriage skills seem to think they can stand apart from a religious or secular vision of marriage that endows the marriage vow with a sense of sacredness. For instance, Diane Sollee, director of the Coalition for Marriage, Family, and Couples Education, writes, “It turns out that, yes, marriage is about love, commitment, compatibility, vows, maturity, morality, faith. . . . But marriage is also about specific skills or (if you prefer) behaviors. Research has discovered that there are identifiable behaviors that can help [couples] to keep their vows and to keep their love alive.”<sup>70</sup> However, this perspective, as noted above, often fails to acknowledge the ways in which an abiding commitment to marriage as an institution is integral to motivating couples to put these skills, or virtues, into practice. And even when the place of “commitment” is acknowledged, as it often is, this value is usually discussed in instrumental terms as an important aid to a happy marriage. In other words, commitment is stripped of its binding address, of its connection to a specific religious or secular vision of the goods attendant to marriage, and made subservient to the larger task of helping people, in Sollee’s words “keep their marriages healthy.”<sup>71</sup>

70 Diane Sollee, 2000, “The Case for Skills,” *Hungry Hearts: Evaluating the New Curricula for Teens on Marriage and Relationships*, (New York: Institute for American Values), p. 28.

71 *Ibid.*, p. 29.

## CONCLUSION

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The Founders assumed that the federal government would not play a central role in the cultivation of the virtues and values required for the success of the American experiment in ordered liberty. They were confident that the cultivation of the nation's moral life could largely be left to civil society, especially religious institutions. To the extent that they envisioned public support for virtue, they imagined that it would come from limited efforts on the part of state and local governments that remained close to the people and from exhortations to virtue delivered by respected public leaders. But the failure of civil society to hold back the tidal wave of divorce and out-of-wedlock births that swept across the United States after the 1960s has led many marriage proponents to advocate vigorous public action on behalf of marriage. And many of these public policies—from federally-funded marriage skills programs to locally-supported marriage curricula in public high schools—directly impinge on the practice and meaning of marriage in ways that suggest the government can and should take a direct role in attending to the moral fiber of the nation. Thus, in important respects, these normative marriage policies represent a departure from the Founders' faith in limited government and a vibrant civil society.

What is particularly striking about this departure from the Founder's vision is that it is led in large part—especially at the state and local levels—by political and religious conservatives like Governor Frank Keating. Recognizing the failure of previous civic and political efforts to support marriage as an institution, these marriage proponents have not hesitated to enlist the state in the service of moral reform. This is but one sign that the era of “big government conservatism” is upon us.<sup>72</sup>

To be sure, one of the distinguishing marks of the vigorous public action now being taken on behalf of marriage is that the government attempts to work, in large part, with civil society in its effort to strengthen marriage. Governors use the bully pulpit to call clergy to a higher standard in marriage preparation and support. Religious leaders are trained, at public expense, in marriage skills programs. And a range of policies—from marriage license discounts to Louisiana's covenant marriage law—allow religious and secular institutions to provide the marriage counseling that serves public purposes. In effect, these policies assume that the government can and should play a role in revitalizing civil society so that it is equipped to reclaim its role as the primary custodian of marital virtue and values.

<sup>72</sup> For a recent discussion of “big government conservatism,” see Dana Milbank, 2001, “A Marriage of Family and Policy: Bush Gives Government a Leading Social Role,” *The Washington Post*, April 15.

But many of the normative policies that states are pursuing on behalf of marriage, and that the federal government seems poised to advance, represent direct government efforts to promote moral reform. From publicly-funded media campaigns to marriage education in the public schools, the government is implementing normative marriage policies that seek to directly reform the meaning and practice of marriage. As we have seen, the public discourse about these policies, and the policies themselves, tends to draw on utilitarian and therapeutic understandings of the nature and telos of marriage, rather than explicitly moral conceptions of marriage rooted in particular religious or secular views of the good life. These utilitarian and therapeutic modes of justifying and informing the content of public policy are popular because they offer apparently noncontroversial ways of advancing marriage policy. They seem to offer a way of justifying marriage policy without touching on religious and moral issues that are especially sensitive in a deeply pluralistic society where scores of politicians and citizens have experienced a divorce or out-of-wedlock birth. These modes of justifying marriage policy are also attractive because they allow marriage advocates to sidestep the charge that they are following the religious right in seeking to impose a private, religiously-based vision of morality on the public, in violation of the First Amendment separation of church and state.

But there are two central problems, one pragmatic and one principled, with recent efforts to use utilitarian and therapeutic modes of justification in public policies designed to reform the meaning and practice of marriage. The pragmatic problem is that such policies may not work. Public efforts to promote virtue that rely on utilitarian and therapeutic rationales for virtue—from anti-smoking campaigns to character education efforts in public schools—are notoriously unreliable.<sup>73</sup> The primary problem with such efforts is that they cannot muster a moral vision rooted in a rich, particular vision of the good life and grounded in a community committed to that vision that compels adolescents and adults to reform their behavior.

Likewise, efforts to promote generic “relationship skills” like forgiveness and a restrained style of argumentation may founder insofar as they are justified by therapeutic and utilitarian rationales that lack any binding address on the conscience of citizens and are offered in public programs that cannot muster the social and spiritual sanctions available to communities united by a common belief. What is particularly telling in this regard is that research on the long-term success of marriage programs like PREP in preventing divorce is mixed.<sup>74</sup> But recent research on religion and divorce indicates that couples with orthodox religious beliefs who attend religious services weekly are about 30 percent less likely to divorce than their peers, in large part because they have a

<sup>73</sup> Hunter, 2000, *The Death of Character*, pp. 151-170.

<sup>74</sup> Furthermore, much of the research on PREP suffers from methodological limitations. Studies conducted on PREP tend to have high rates of attrition and program refusal, along with low numbers of study participants. These limitations mean, among other things, that positive program effects may in fact be a consequence of selection effects. One possibility is that the most committed couples are deciding to take PREP and the least committed couples are declining to take PREP. In such a situation, any apparent PREP effect would in reality reflect the underlying effect of marital commitment. See, for example, H.J. Markman, M.J. Renick, F.J. Floyd, S.M. Stanley, and M. Clements, 1993, “Preventing marital distress through communication and conflict management training: A four and five year follow-up.” *Journal of Consulting and Clinical Psychology*, Vol. 61, pp. 70-77 and S.M. Stanley, 2001, “Making the Case for Premarital Training.” *Family Relations*, Vol. 50, pp. 272-280.

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strong normative commitment to the institution of marriage and because they practice the virtues that make for strong, happy marriages.<sup>75</sup> Thus, there is a good chance that public efforts to directly promote marital virtue will prove impotent, hampered by their inability to appeal to a binding moral vision of marriage that is rooted in a community united behind that vision. By contrast, public policies that attempt to promote marriage by strengthening civic efforts that locate marriage within a compelling moral framework may have a better chance of furnishing men and women with the motivation to learn and put into practice the virtues that constitute good marriages.

The principled problem with normative public policies on behalf of marriage is that they privilege, albeit unintentionally, utilitarian and therapeutic visions of the good life that crowd out religious conceptions of the good life. Marriage is depicted as an institution that is useful insofar as it promotes a “healthy” relationship that secures the emotional well-being of the adult spouses. The religious meanings of marriage—from its connection to procreation to its capacity to engender self-sacrifice even in the midst of marital unhappiness—are obscured by the expressive focus and therapeutic-utilitarian assumptions embodied in most marriage policies. More troubling yet, some of these programs depict religion itself in utilitarian terms, as a domestic prop for marital happiness. This is one of the reasons why founders like James Madison did not want the government in the business of promoting religion.<sup>76</sup> They worried that the state’s effort to promote virtue through an instrumental approach to religion would necessarily undercut the flourishing of authentic religious belief and practice.

This leaves us with a sobering conclusion. The public purposes served by marriage are best secured when wedding vows are endowed with a sense of sacredness, derived from both religious and secular sources. But the paradox of the American experiment in ordered liberty is that the state is not well-suited—by constitutional design, tradition, or current circumstance—to directly cultivate this sense of sacredness. Thus, we must ask more of civil society if we seek to secure the public goods guaranteed by virtuous and stable marriages. This may well require that the government do more to help religious and other civic efforts on behalf of marriage. Ideally, government support for such efforts should rely on policy mechanisms, such as vouchers, that do not impinge on the character of religious and secular organizations working to foster marriage. But this also means that the religious and secular custodians of marriage—from religious denominations to the therapeutic professions—must rediscover the ways in which marriage is indeed a sacred institution and marshal the social resources and the moral authority to command the attention of the American public. This is, to say the least, a substantial undertaking. But it may yet be in the offing, if the rise of the marriage movement is any indication.

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<sup>75</sup> Larry Bumpass, 2000, “Religion and Divorce,” *The Ties That Bind: a Conference on Religion and the Family*, (Manuscript, Princeton, NJ: The Center for the Study of Religion), May 17.

<sup>76</sup> Banning, *The Sacred Fire of Liberty*, p. 97.

# CONFERENCE PROCEEDINGS

## RELIGION, THE MARRIAGE MOVEMENT AND MARRIAGE POLICY

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*On May 7, 2002, the Pew Forum on Religion and Public Life held an event to discuss Dr. Wilcox's paper. To follow are the views presented at that event.*

Moderator: **E.J. Dionne, Jr.**, Co-Chair, the Pew Forum on Religion and Public Life; Senior Fellow, the Brookings Institution

Presenter: **W. Bradford Wilcox**, Non-Residential Fellow, the Institute for the Advanced Study of Religion, Yale University; Assistant Professor, the University of Virginia

### PANEL ONE

**Wade Horn**, Assistant Secretary for Children and Families,

Department of Health and Human Services

**Theodora Ooms**, Senior Policy Analyst, Center for Law and Social Policy

**Wendell Primus**, Director of Income Security, Center on Budget and Policy Priorities

### PANEL TWO

**Anthony Perkins**, Louisiana State Representative

**Elenora Giddings Ivory**, Director, Presbyterian Church (USA) Washington Office

**Richard Cizik**, Vice President for Governmental Affairs, National Association of Evangelicals

**Meg Riley**, Director, Unitarian Universalist Association Washington Office

Hyatt Regency Washington, Washington, D.C.

## PANEL ONE: MARRIAGE AND THE STATE

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**MELISSA ROGERS:** My name is Melissa Rogers and I'm the executive director of the Pew Forum on Religion and Public Life. The Forum serves as a town hall and a clearinghouse of information on issues at the intersection of religion and public affairs. We seek to serve as a true forum on the issues rather than as an advocate and our goal is to promote a deeper understanding of the way in which religious understandings shape the ideas and institutions of American society.

We're supported by The Pew Charitable Trusts, and we're very grateful for that support. We are fortunate to have as our co-chairs E.J. Dionne of the Brookings Institution and a columnist for the *Washington Post*, and Jean Bethke Elshtain, a professor at the University of Chicago.

Unfortunately, Jean, who is quite an expert in this issue herself, could not be with us today because of scheduling conflicts. We're grateful for the partnership of our co-chairs' home institutions with the Pew Forum—the University of Chicago and the Brookings Institution—and also for Georgetown University, which holds the grant for the Pew Forum and which helps us in many ways.

I want to thank each of our speakers for joining us, and also all of you for joining us. We are especially grateful that Dr. Brad Wilcox could join us today and kick off the discussion of this important issue with his paper, "Sacred

Vows, Public Purposes: Religion, the Marriage Movement and Marriage Policy." We're very appreciative to Brad for his work.

**E.J. DIONNE:** Thanks to Melissa and all the people at the Pew Forum for putting this together. This is a very important issue and those of you who know Jean Elshtain know that I feel a little bit like a journeyman short-stop sitting in for Nomar Garciaparra or Derek Jeter. This will be an important debate in welfare reform in Congress and also a very important debate for our culture. I'm pleased that we have so many thoughtful people here representing a wide array of views, and I particularly want to thank Brad for being here and for presenting today.

John DiIulio and I had the honor of publishing a very provocative essay that Brad wrote which we published in our book *What's God Got to Do With the American Experiment?* I've gotten a lot of wonderful comments from people who were surprised—although I don't think they should have been—by some of Brad's findings in that paper.

Brad is a non-residential research fellow at the Institute for Advanced Study of Religion at Yale University. His expertise, fortunately for us, includes religion, marriage and parenting. He has published in the *American Sociological Review*, *Social Forces*, the *Christian Century*,

and the Responsive Community. Brad previously held research fellowships at the Brookings Institution, where he sat right outside my office, and also at Princeton University.

Wade Horn will be the first respondent to Brad's paper. Just so you know, Wade has to leave early for a meeting at the White House. I assume the President asked for an immediate report on the outcome of this discussion—(laughter)—and that's why Wade is going. I don't think he needs much of an introduction to this group. He was named assistant secretary for Children and Families on July 30th, 2001. Before his appointment, Dr. Horn was president of the National Fatherhood Initiative. And before that, he was the commissioner for Children, Youth and Families and chief of the Children's Bureau in the Administration on Children, Youth and Families. His list of publications and activities is so long that I won't detain you, but one of his important works is "The Fatherhood Movement: A Call to Action," which really was a kind of manifesto for what has become and what is his life's work.

After Wade, we're going to hear from Theodora Ooms, who has become very prominent in this discussion over the administration's marriage initiative. She is a senior policy analyst at the Center for Law and Social Policy, where she directs the new Couples and Marriage Policy Resource Center. She is also an independent consultant to Governor Keating's

statewide initiative in Oklahoma to strengthen marriage and reduce the divorce rate. Between 1981 and 1999, she was executive director of the Family Impact Seminar, a non-partisan research institute based in Washington, D.C. If I am correct, the divorce rate has actually come down in those years, so that suggests the success of her work—(laughter)—already. It's very, very good to have her with us.

And lastly, someone I have known and respected for a very, very long time, Wendell Primus. He serves as director of Income Security at the Center on Budget and Policy Priorities. At the U.S. Department of Health and Human Services, Wendell served as the deputy assistant secretary for Human Services Policy, and in this capacity he was responsible for policy development and for the conduct of research and evaluation on issues related to income assistance. He also caused to be spent lots of money on poor people, which is dear to my heart, when he was chief economist at the House Ways and Means Committee and staff director for the committee's subcommittee on Human Resources.

Wendell also did a very unusual thing in Washington. He actually resigned a job on principle over his disagreements on the welfare reform bill in 1996. That doesn't happen too often in Washington, and I've always honored Wendell for doing that.

Welcome to you all.

## Wade Horn

It's a pleasure to be here—and it's always a pleasure to be with E.J. I read his column religiously and I apologize in advance for having to leave early. I've been known to have at least a passing interest in the issue of marriage, and so I thought I would come by and share a few reactions to what I thought was an extremely thoughtful and very interesting and provocative paper.

Brad starts with the premise that we have seen, in the march of time, an increasing secularization of society. He's correct about that, and one manifestation of that is an increasing secularization of our understanding about the institution of marriage.

Brad then goes on to make two rather interesting points. His first point is that, given the secularization of society and our understanding of the institution of marriage, marriage proponents, particularly at the national level, are increasingly likely to use utilitarian arguments in defense of the institution of marriage. Certainly I have done that in a lot of my public talks: it's good for children, good for adults, good for communities, and so forth. Brad makes the argument that in doing so, we may in fact be inadvertently weakening the institution of marriage. His second point is that concomitant with this is a therapeutic view of how one strengthens marriage—and here Brad draws a distinction between a healthy marriage and a godly marriage.

I will make three points about this paper. First, I think Brad presents this notion of a utilitarian argument being advanced for the institution of marriage versus a moral or a religiously based

argument as an either/or distinction. I disagree. I think it's perfectly possible for someone to be motivated by a personal faith perspective, to be grounded in a religious view about the importance or understanding of the institution of marriage, while at the same time making utilitarian arguments about the importance of marriage, particularly in the public sphere.

Let's go back 200 years and talk about the Founding Fathers' vision. Clearly, they made many utilitarian arguments about the new form of government that they were creating—the tripartite notion of government, and checks and balances, and all the stuff that they talked about in terms of the importance of protecting private property and so forth. At the same time, it's clear that the Founding Fathers were deeply rooted in a moral and religious perspective and that much of their utilitarian arguments drew from that. So, for example, the reason why we have checks and balances in government is not because it was one of 16 different options for organizing a new government from which they could have chosen, but because in their religious tradition man is inherently sinful and therefore needs checks and balances to guard against their sinful nature.

So the first reaction I have is that I don't think this is an either/or argument but, in my view, a both/and discussion. It seems not unreasonable that one can advance both utilitarian arguments for the importance and usefulness of marriage while at the same time advancing an understanding about marriage from a broader religious and moral perspective.

Why, then, don't I make faith-based argu-

ments? Well, I'm not a pastor; it's not my job. There are others who are pastors and it is their job to advance that understanding. I am a government official, and the arguments that I advance as a government official about the importance of marriage ought to be arguments that are more reflective of a secular or utilitarian view than a religious one.

This is rooted in religious tradition, at least in Judeo-Christian religious tradition. St. Paul, in Romans 13, said that government is uniquely ordained to do certain things, and those things that it is uniquely ordained to do are different than the work of saints. The reason why I am working in this area may be motivated by my personal faith perspective, which Brad acknowledges in his paper, but the arguments I make while in the public square ought to be rooted in a broader, more diverse and inclusive understanding of the institution of marriage and the value of marriage to society.

The third point I want to make is about this notion of a therapeutic view of marriage. Brad, to some extent, takes to task the notion of a skills-based view of marriage and healthy marriages. I've talked a lot in my public speaking about a mission statement for the marriage work that I think we need to do as a nation. It is: To help couples who choose marriage for themselves develop the skills and knowledge necessary to form and sustain a healthy marriage. This mission statement certainly reflects, at least in part, a skills-based view of marriage, and it sets as its goal healthy marriages, not godly marriages. But the piece that Brad misses in this paper is the inclusion of the importance of inculcating knowledge about the institution of marriage, in addition to skills. That's because you can have a whole host of finely

honed skills, but if you are not motivated to apply those skills, then whatever the outcome those skills are meant to procure is unlikely to happen. For someone to have good problem-solving, negotiation and listening skills, and then apply them in this thing we call marriage, it often is helpful—not necessary, but helpful—to have a broader context for understanding of the institution of marriage. In this regard, there are several ideas in the literature that are very important. The idea of commitment to the institution of marriage. The idea of obligation and responsibility to others—and, from certain faith perspectives, a responsibility to God.

If this is true, then how does one help couples develop both the requisite skills necessary for a healthy marriage and this broader knowledge about the institution of marriage? My solution is vouchers. One of the ways that we can help those couples who choose marriage for themselves—both those who are already married or those who are moving towards marriage—access a system of services that will teach them both skills and this broader understanding of the institution of marriage is by providing them with vouchers which they then can use to purchase these services from providers of their choosing, be they a secular or a faith-based provider.

So in conclusion, I think this is an important and provocative paper. However, I think it does set up an artificial distinction between viewing marriage either from a secular/utilitarian function or from a faith-based/moral perspective. I think it is possible to do both. What government can do to help is provide vouchers to couples so they can access the both/and rather than simply the either/or.

## Theodora Ooms

This is a really fascinating subject, and I congratulate Melissa and her colleagues for having this meeting. I did also find it a very thoughtful and interesting, provocative paper, Brad, but some of it I'm not sure I understood. Particularly, I'm left puzzled about what your recommendations are, and that's where I'm going to focus my comments.

Let me start with a little caveat. Since marriage is so new on the public agenda, people are a little surprised when you point out how much is going on in the "marriage movement." It is true that states and communities are doing a lot more than people think. I'm trying to track what is happening in the policy and program area and in the public and private sectors. But let's not kid ourselves. Although there is a lot going on, many of these efforts are largely symbolic. That in itself is important—people are at least beginning to talk about the "M-word"—but with few exceptions, not a lot is happening on the ground.

Only a few states have taken any significant action, very few churches offer anything close to comprehensive marriage ministries. There are some wonderful models out there, but not many are following them. There are very few marriage and relationship services available in communities. And importantly—and this is where I'm very interested—most programs for low-income families still focus only on mothers and kids and parenting. Very few focus on dads, and very seldom on the relationship between the parents. When they do it is mostly only when there might be domestic violence. That is an area in which I think we have to make some major changes.

So I would say that the marriage movement is a little prone to exaggeration. I'm part of it, I've done it myself, but I think we should be wary. Just because an activity is announced or a law is passed or churches sign a pledge, that doesn't necessarily mean that a lot will happen afterward.

Let's take the example of the Louisiana covenant marriage law. It's the one initiative that has been very carefully evaluated. Because no money was appropriated to implement the law, very few people know about the covenant marriage contract option—only two percent of couples are choosing it—and, importantly, the clerks who give out marriage licenses were not trained or made aware of it. Some of them are actually actively hostile to it; others simply don't know about it. The same thing has happened with the Florida Marriage Preparation and Preservation Act. It's a very interesting law with no money attached, and so many of the things that were meant to happen have not really been happening.

My major question is what we can do, what are the recommendations? I think Brad was implying that what we need to do is to have the religious sector work together with government and other sectors to promote and strengthen marriage. Charitable choice is clearly one vehicle for this, but to my surprise, I have not been able to find any churches or faith-based organizations that have applied for charitable choice funds in order to start activities to strengthen marriage, even though that is a major focus of the TANF law.

As alternatives to using the charitable choice option, I want to briefly mention two types of

partnerships that are somewhat promising. The first comes from my experience working in greater Grand Rapids and the second is in the state of Oklahoma.

In greater Grand Rapids, they have a community marriage policy that is broad in the sense that it involves a multi-sector initiative. It has five task forces—judicial, health, religious, business, and a special task force of African-American pastors—and they’ve been doing lots of different things.

The first action was to get many of the area churches to sign on to a community marriage policy. Implementing the agreement was no problem for the churches that were large and had the capacity to offer a variety of marriage preparation, education, mentoring and other services. But smaller churches don’t have that capacity. So what has evolved is that the Pinerest Family Center, which is staffed by mental health professionals, offers a regular seminar series for couples that is based on a secular curriculum and they call it “Secrets for Successful Marriages.” Pastors from the smaller churches refer their engaged or married couples for this course and the understanding is that the pastor or minister can work with the couple to add a religious component, to discuss the spiritual and religious aspects of their marriage. To me, that’s a nice kind of partnership.

Oklahoma has a similar multi-sector initiative involving public agencies, universities, the media and the religious sector. A Brad noted in his paper, 800 faith leaders have signed the marriage covenant, committing themselves to encourage more marriage preparation, enact waiting periods before marriage, develop mar-

riage mentors in their congregations, and so forth. But again, they face the problem of capacity-building within the churches in order to provide these services they’ve committed themselves to.

So in Oklahoma, using significant TANF dollars, they have decided to offer two types of training, primarily for public agency workers and community members, including lay pastors and lay members of congregations. They offer three-day training in PREP, which was mentioned in Brad’s paper, and a day-and-a-half training for program staff who already serve low-income families and who can be a referral service for the PREP workshops. About 50 members of faith communities have been trained so far as PREP leaders and 100 or so have had some initial training in becoming marriage mentors. This is all important, but it’s still a drop in the bucket.

Oklahoma is an interesting model. It has a long way to go before we will see any concrete results. This capacity-building is being funded by government monies. The churches don’t have to receive any money directly from the government, avoiding some of the problems that are involved in getting money through charitable choice.

I want to end by underscoring how important it is to ground these conversations about strengthening marriage in reality. From my experiences consulting in these different places, the devil is really in the details. As I said, enacting a law and signing an agreement is only the first step. It takes weeks and months of orientation, education, planning and training before an agency, a community or an individual church is able to

implement new activities to support and strengthen marriage.

In Oklahoma, I found that when you talk with people initially—because this is so new and sensitive—there is a lot of confusion, concern and considerable resistance. You have to take time and plan your initiative to listen to them, talk with them, modify their concerns, change your plans, build working relationships with

## Wendell Primus

This debate is very curious. The conservatives that I have grown to love basically hate government and they hate to spend money on welfare, yet in this debate they are violating those general principles. They believe that the federal government—the government they hate the most, relative to local and state—should actually be involved in marriage. I think it also raises some interesting questions about whether other institutions in our civil society have failed. Are conservatives really saying religion has failed to produce these life-long bonds between couples and that therefore government should step in?

I come at this from a children’s perspective and end up at a different place than Brad did. I believe that the government has a clear role in protecting children, and in that context it needs to be concerned about marriage, but most importantly it needs to be concerned about all children, whether they are born out of wedlock or inside the bonds of marriage.

I have to correct Brad’s paper on one issue where he says that welfare law has marriage penalties built into it. It doesn’t. In fact, for low-income biological parents, TANF law, Medicaid

the domestic violence community and others whose support and resources you need. But before long, people really do get on board with the agenda and enthusiastically start thinking about what they can do to try to make this a more marriage-friendly culture and get people the help they need to achieve what they want, which for most of them is a long, happy, healthy and maybe spiritually-based marriage.

law, food stamp law treats couples, whether married or unmarried, with the same income and the same number of children, equally. So there really isn’t a marriage penalty in our welfare law. Now, there are some marriage penalties in our tax law, but if you believe in treating equals equally and unequals unequally—horizontal and vertical equity—and if you believe in progressive taxation, then by definition you’re going to have some marriage penalties. It is true that if a woman marries a male who is not the father of her children, there are actual marriage penalties. That is a somewhat different issue of how government should be involved in promoting the marriage of stepparents and addressing “stepparent deeming”—determining the level of stepparent income that is counted when determining eligibility for and level of benefits in these programs.

So what should government do? Why are we talking about this in a TANF or welfare context? Yes, it is true that there is a prevalence of low-income children that aren’t living in two-parent families. But if you go to any community in our country—black, white, Hispanic, high-income, low-income—and you look at the percentage of a high school graduating class

that is living with both married biological parents, in most cases, I bet that number is less than 50 percent.

I would argue that this issue of promoting marriage or strengthening families ought not to have a lot to do with our welfare reauthorization debate. If marriage skill building is important, it should be available to all couples and be supported by general revenues and not by welfare monies. I would also argue that if we are really interested in strengthening marriage, there are many other policies that need to be supported beyond marriage skill building, which is a very narrow focus in terms of what government can do. If we as a society are really for supporting marriage and strengthening families, I would suggest a five-point program relative to what the administration has suggested:

First, we should have a safety net that does not discriminate against two-parent families and that ensures that more two-parent families who are eligible for benefits receive them. I'm not saying we should support two-parent families more at the expense of single parents, but the participation rates of two-parent families in these programs are substantially lower, even controlling for income. And yes, there are some remnants of the TANF program that do discriminate against two-parent families, both married and unmarried. I would argue that we ought to mandate that states get rid of what I'll call extra-eligibility conditions.

Second, we should have strong child support enforcement that increases the financial well-being of children. I would go one step further and argue that our child support program—which was instituted in 1975 primarily to reduce the costs of welfare—also ought to

have nothing to do with welfare. Every child who is not living with their parents needs to receive financial and emotional support from those absent parents.

Third, I'll second what Theo said—we need programs to help low-income fathers meet their financial and parenting responsibilities. In fact, I will argue that one of the prime reasons our marriage rate in low-income communities has fallen is that many of these young men are not marriageable. This should be done with new resources. It is ironic that this administration that believes strongly in marriage takes \$300 million from the TANF pot to help marriage and is, at the same time, cutting Department of Labor funds to help train the unemployed, including many of these low-income men.

The fourth component would include initiatives that further decrease teen pregnancy. In a perfect world, children would be born into and grow up with mature and financially independent couples and then experience love, marriage, sex and children—in that order. However, we do not live in a perfect world, and it doesn't often happen in that order. Anything we can do to decrease teen pregnancies would strengthen families. Delaying teen births increases the chances that children will be born into two parent families.

Finally, I think we need a research agenda that looks at all of these policies that I've talked about—including the marriage skills proposal that the administration has put on the table—in order to develop a knowledge base. We should have a much broader agenda than the narrow agenda of this administration.

## Question and Answer

**E.J. DIONNE:** Thank you all. Now I'd like to invite others to join the discussion.

**QUESTION:** I'm interested in the suggestion made by Theodora that perhaps we need to find a way to package TANF funds to help churches do this work in the states. Is the Bush Administration trying to do anything to facilitate that?

**WADE HORN:** Under current law, states have enormous flexibility under the TANF block grant to use those funds for any purpose of the TANF program. So if a state—and some states have—decides to use those funds in service of the stated purpose in TANF to increase marriage, they certainly have the latitude to do that now.

**QUESTION:** But can a group of churches in a community—let's say, Brooklyn—petition the TANF director of New York State to fund this work?

**WADE HORN:** They certainly could petition him to fund that work, sure. The TANF program is governed by charitable choice, and depending on how the money gets to the churches, there may or may not be limitations on what it is the church can do in that context. So, for example, if there is a direct contractor or grant relationship between the state agency and a church, under charitable choice, you don't have to secularize the environment, but you can't also use the money to proselytize. This, in fact, would be Brad's argument that if a very important component of marriage is an understanding of the religious context of marriage—not just the skills that make

marriages good marriages—by working through a direct contractor or grant relationship with the state agency, you would have to secularize some of what you do. That's why I like vouchers. Then the couple could use the provider of their choice, be that provider sectarian or secular. And if sectarian, the organization would not be under any obligation to secularize their services.

Thank God for vouchers. Conservatives would be lost unless we didn't have vouchers as the answer to everything. The left has "tax the rich," and that's their answer to everything, and ours is vouchers. (Laughter.)

**E.J. DIONNE:** You know, if you'd endorse "tax the rich," we could actually get somewhere on this issue. (Laughter.) By the way, is the voucher component formally in the Bush plan, or do you just envision this being put in by the states? How does your legislation read on that issue?

**WADE HORN:** It's purposely silent on the issue. The idea is to spur innovation in a variety of different ways and not to artificially limit the kind of thinking that states and communities might do about how they would develop programs to encourage healthy marriages and family formation. So a community or a state could come in and propose a voucher program. They could also come in and propose some other kind of program.

**QUESTION:** I think that all religious leaders should be appalled that TANF money has been going to programs for religious counselors and not directly to needy families. There are kids

are lined up and there is no daycare, and these moms aren't even marriageable and we aren't working on programs to help them be marriageable, and there are so few resources. I wonder why we think this is a good use of our resources, rather than really helping these poor families by giving temporary assistance to them. Why not find another place of these other programs rather than in a direct welfare program?

**WADE HORN:** Okay, well, now I'll make a utilitarian argument. (Laughter.) We've been very careful in the construction of our marriage initiative not to suggest that the end result is simply to move marriage rates because one can move marriage rates and have lots of bad marriages—and bad marriages are bad for kids; good marriages are good for kids.

What we're trying to be clear about is that there are a certain number of kids that are going to be growing up in two-parent, married households. That's a given. That number is greater than zero and it's less than 100 percent, but it's some number. And within that number, some percentage will be growing up within a healthily married household and some percentage will be growing up in dysfunctional married households.

Whatever that universe is of kids that are growing up in married households, what we're proposing to do is increase the percentage that are in healthy married households as opposed to dysfunctional married households. We don't conceptualize this as something that is taking away from other kinds of work or family supports. Our marriage proposal represents less than 2 percent of the total money that would be available in the Bush administration's welfare reform re-authorization—less than 2 percent.

One could argue that the percent of welfare funds that are spent on helping couples form and sustain healthy marriages ought to be zero, in which case, people are entitled to their opinion. We think it should be greater than zero, but we don't think it should be 50 percent either. We think it should be a relatively small percentage at this point to spur innovation. But the goal is a utilitarian goal, from our perspective, which is to try to improve things for kids. We want to have fewer kids in married households where there is violence, where there is acrimony, where the parents are at war with each other, and more kids in households where the parents love, nurture, respect and support each other, and do the same thing for their children.

In some ways it's very similar to parenting education. Why should government be in parenting education? Because we think that people aren't born good parents or bad parents and that we can teach a certain set of skills to help people be better parents. Being a better parent is good for kids.

One could argue that the relationship between a parent and a child is a very special, intimate one, and therefore, government should not be involved. But we don't seem to have the same level of sort of controversy about parenting education as we do about marriage so long as access to parenting education is voluntary. And we've structured our marriage proposal in the same way, as a voluntary service with the goal of improving things for kids by teaching a certain set of skills. As such, our proposal ought to be relatively non-controversial. Obviously I'm not completely correct about that assertion and the great thing about our country is we get to disagree.

**QUESTION:** As I understand it, there is a surplus—at least there was the last count—of \$8 billion of TANF funds that haven't been spent by the states that could be spent on things like job training and daycare and the various other items on your agenda. When the welfare reform law passed in 1996, the federal government said, we're going to keep the federal share of welfare constant even as you drop your welfare rolls. Welfare rolls in New York state have come down 60 percent, so that extra money can be used for such things as daycare, and there's a lot of money there that could be used for this. What's being talked about here is \$300 million, a tiny percentage of the \$8 billion that's available in TANF already.

**WENDELL PRIMUS:** The TANF surpluses are diminished. In the last year for which we have spending data, states spent \$2 billion more in federal TANF funds than their allotment. The states had a obligation to have some reserve funds because they had to save for a rainy day. Recessions do increase welfare rolls. And right now we're seeing TANF programs being cut because some of the states have over-committed. West Virginia is probably the prime example. The \$8 billion surplus, relative to the \$28 billion a year resources that are in TANF over five or six years is a pretty small sum, and they ought to have a bit of a reserve. Spending \$300 million for marriage skill building would be an enormous increase in spending on this narrow and unproven strategy.

**QUESTION:** I'd like to hear more discussion about paternalism, both by government and non-governmental bodies. I don't think there's any way of getting around the fact that people who need help are not always going to volunteer to find it or to receive it if it's offered. I

would define paternalism as civil society allowing someone to offer their conception of help to people who don't want it and who don't consciously consent to have it on those terms.

**WENDELL PRIMUS:** Having worked for the Ways and Means Committee, I know that before you ask a taxpayer to take care of children, you have to ask the parents to take responsibility for those children. Once a man and a woman have brought a child into the world, federal and state governments believe that if parents are evading their responsibilities, they should be required to do certain things. You can call that paternalism, but that is what our society wants—to send a strong signal to young males and females that child-rearing is a very important responsibility, and we as a society are going to demand certain things if a child is brought into the world.

**THEODORA OOMS:** First, as Wade emphasized, most of this marriage activity is voluntary. Nobody is forcing people to get married. Second, I think what's interesting is most people get very interested in getting help with this issue. When you talk to low-income parents, you find that their relationships with their partners are very much on their minds and they would like to improve those. They would like to get rid of the disincentives. They would like their partner to get a better job. Once we put it out on the table, I don't think it's really a paternalistic agenda. This is what people really want, for the most part.

**E.J. DIONNE:** I want to make one point about paternalism, which is that I think public programs promote values and virtues, sometimes explicitly, but often accidentally or as a side effect. One of the reasons we are having these

discussions is to have open conversations about whether we want public programs to promote a certain kind of family structure and whether that is better for kids. There is a virtue in being explicit about that, in asking whether you want a particular outcome from spending public money.

**BRAD WILCOX:** I would like to address the issue of marriage education. We know that certain types of behaviors are associated with both marriage formation and with higher levels of marital quality—things like men having access to good jobs and earning a decent income, and also things like men and women being affectionate in their relationships, and the like.

But the question is whether or not government can do a good job of promoting the virtues attendant to things like work and marriage. And on the left, we see people are calling for jobs programs; on the right we see people calling for government-funded relationship skills programs. In both cases, it's not clear to me whether government agencies have the kind of moral capacity and the social capacity to allow them to be successful in this area. There's a lot of mixed results in the evaluations of jobs programs and also, as I said, in relationship skills programs.

I'd also like to make two other points based on the earlier discussion. In terms of Wade's comments, the aim of my paper is not to talk about godly marriages so much as it talks about good marriages. What's striking here is that even people like William Galston, who is a noted Democrat, has used moral language in talking about marriage. He's really one of the few people who talks in a moral way about this

issue. So it's not a question of being a Christian or Republican, it's a question of trying to bring a moral dimension to supplement both utilitarian and therapeutic approaches.

In addition, Wendell had mentioned the whole issue of penalties. My understanding in that regard is shaped by Gene Steuerle at the Urban Institute, who has talked about the penalties in real income that low-income couples face when they marry. I think everyone would agree that this is unconscionable and that both the states and the federal government need to do more to make sure that there are no financial penalties, particularly at the lower end of the income ladder, for couples who decide to marry.

**E.J. DIONNE:** Brad, some of what you said suggests that you are a critic of the Bush proposal from a more traditionalist perspective. Is that a fair reading of what you're saying? In other words, it seems that you are saying that precisely because government programs have to be therapeutic, they may actually not be effective.

**BRAD WILCOX:** One of my aims in the report is to argue that the government doesn't do a very good job of directly promoting virtue, whether it's in work or in marriage. As a nation, we have traditionally relied upon civil society to promote virtue, and I think that's what we should continue to do. But obviously civil society has fallen short in this area, and we need to think about ways in which to promote better and smarter civic efforts on behalf of marriage.

The problem that I think the government has in addressing questions like this is that because

of the pluralistic character of our country, it is understandably reluctant to rely on programs that make strong moral and/or religious claims about behavior and the nature of marriage. So therefore it often tends to rely upon other strategies; that is, as I say in the report, utilitarian or therapeutic strategies. This is clearly in evidence in a lot of the high school curricula in our public schools that are designed to promote marriage. I think, ironically enough, that these programs are probably not going to work because most people are not going to stick it out when the going gets tough if their only moral compass is a therapeutic one.

The other point to make is that the Founders—including people like James Madison—worried about explicit governmental efforts to promote virtue because they thought these efforts might crowd out religious conceptions of the good life. It's clearly the case in these high school curricula, that religious conceptions of what marriage should be about are being crowded out. I think this is evidence of the danger of government directly involving itself in an issue like this.

**WENDELL PRIMUS:** Brad, I have one final footnote on your point about the marriage penalty. You're right when it comes to stepparents. There's an income effect when a mother marries a dad earning \$10,000. The family loses a lot of stuff. But earning \$10,000 is no different than the mother suddenly getting a pay raise or working more hours. She would lose the same stuff. So if you look at a couple—married or unmarried—and look at how the welfare system treats them, it doesn't differ except in the case of stepparents. That's where it really makes a big difference.

**QUESTION:** Theodora, I've read a lot of your Marriage Plus material, which talks about making sure that any marriage program that's put into place recognizes the particular circumstances and needs of low-income families. And recently I heard a comment that the Minnesota Family Investment Program (MFIP) would not qualify under the Bush administration's marriage proposal. And I'm just curious to hear your thoughts about that. What do you think that impact would have on programs that are designed to help low-income families?

**THEODORA OOMS:** MFIP was a demonstration welfare-to-work program that, among other things, subsidized the earnings of welfare recipients who went to work. It found that an indirect result was that marriages were more stable and more unwed mothers got married. So a lot of people are very interested in that program and want to try to replicate it. What it's saying is that some people are single parents because they're poor, not that they become poor because they're single parents. In other words, economics does have a lot to do with it.

The Republican bill on the table right now puts out \$300 million for competitive grants to states, but it has actually narrowed, I think, what the Bush administration was suggesting that money could be used on. And it gives a list of about eight kinds of activities that focus totally on marriage, not even out of reducing out-of-wedlock childbearing, and they are more of the marriage education variety. And it would mean you couldn't use that \$300 million on an MFIP program, or other kinds of programs.

Many of us wish there was more flexibility in that. The argument might be you can use other

TANF monies to do MFIP and nobody is spending money at the moment on these other kinds of things, but I think there should be more flexibility to be innovative.

**QUESTION:** Brad, you've reduced the argument to utilitarianism, but it seems to me that the argument that Wade is making is not really utilitarianism in the classic sense of utilitarianism; it is consequentialist. That is, it's a "means to an end" pattern of reasoning. To be utilitarian—at least in the classical sense, and in the sense that carries the pejorative connotation that is evoked when you speak—something has to be maximizing pleasure and/or pain, whereas the values that Wade is talking about are character development for youth. There are a number of moral values that are involved, so there are moral-maximizing units that are involved in the argument. So, my observation here would be that his argument is not utilitarian in the classical sense of what we understand utilitarianism.

**THEODORA OOMS:** I definitely agree with that—programs that teach commitment, self-sacrifice, forgiveness and loyalty are not teaching utilitarian concepts, but moral values. That is a fundamental disagreement I have with Brad.

**BRAD WILCOX:** I'm not using "utilitarianism" in the classical notion of the word. Maybe a better word would be consequentialism. And I want to be clear that I'm obviously not against things like commitment.

What I find, however, in some marriage preparation programs, and this is what concerns me, is that things like commitment are justified to the couple by saying to them something like, if you want to be happy and healthy it will help

your marriage if you're committed. Or, in the case of PREP, its primary guidebook talks about the value for the marriage of being spiritually involved. I think this is problematic insofar as it makes things like commitment or religious practice instrumental to having a healthy marriage. And I don't think taking an instrumental approach to things like commitment or to religious practice is ultimately going to be of any value for promoting strong and stable marriages.

**THEODORA OOMS:** I just want to end with two points. The first is to remind everyone that we need to be very careful in talking about all of this because these are the very early days of a very new policy area. If we think about what it was like 15 or 20 years ago when we first started talking about welfare mothers going to work, we didn't have a national program. We started waiver demonstration programs and we studied them and debated them and tried to figure out how they would work.

Similarly, with teen pregnancy prevention, we started small. The problem was huge but we didn't know how to go about it. We didn't know whether we could, in fact, help teenagers not get pregnant. So we started relatively small and we studied and learned how to do it. I think also the public isn't really ready for a lot of money to be spent on this. They have a lot of the questions that we've heard here. They are somewhat uneasy with the whole government role in this issue. So, I think we have to move forward, but I think we have to do it incrementally.

My second point is that I agree with Wendell that we need to have a broad range of strategies to address the decline in marriage and not

just focus on skills. Skills are important; but that's a new concept, people are excited about it. However, if you think about the decline in marriage, there are complicated reasons for the dramatic change. They have to do with economics, with politics, with technological changes like birth control, with the feminist revolution, which most of us wouldn't want to undo. Skills are part of it and we can certainly argue that we need to learn skills that weren't as necessary 30 years ago.

But we have to have lots of different strategies. And coming back to my original point, we have to have lots of different sectors involved in this.

**E.J. DIONNE:** I want to thank Brad for a paper which was repeatedly described as provocative, and it clearly provoked a great discussion. Thank you very, very much.

## PANEL TWO: MARRIAGE AND THE CHURCH

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**E.J. DIONNE:** Our second panel is a response to this issue from a number of religious perspectives, and also, importantly, from someone who has been very involved in this issue at the grassroots and in politics.

Representative Anthony Perkins will kick-off this second round. He is in his second term in the Louisiana House of Representatives. In an effort to address this marriage issue, Representative Perkins authored and passed this nation's first covenant marriage law in the 1997 session. And this message, as you all know, has become a very important one around the country. Just to give you a sense, he's talked about this on "Good Morning America," "CBS Morning Show," "The Today Show," "Dateline," "NPR's Morning Edition," and many other places. It's an honor to have him.

We will hear next from Elenora Giddings Ivory. She currently serves as the director of the Washington Office of the Presbyterian Church, USA. She works at the denomination's Public Policy Information and Advocacy Office. Her responsibilities include many things, including civil rights and issues involving religious liberty. She's on the board of Americans United for the Separation of Church and State and is on taskforces of the Leadership Conference on Civil Rights. Reverend Ivory has served as chair of the National Ministries Unit of the National

Council of Churches of Christ as vice president of the Council.

Rich Cizik is the Vice President for Governmental Affairs at the National Association of Evangelicals. He edits the NAE's "Washington Insight," he directs the Washington Insight Briefing and Federal Seminar programs, sets overall policy direction for the group for Congress, the White House and the Supreme Court, and often serves as a national spokesperson on issues of concern to evangelicals. Reverend Cizik has been involved in international religious liberty causes since 1980 when he urged policymakers to add religion to the Annual Human Rights Report. He received his MA from George Washington University, School of Public Affairs, and he also has an M.Div from Denver Seminary.

And finally, we are pleased to be joined by Meg Riley. She directs the Unitarian Universalist Association's Washington Office for Faith in Action, and she serves as a minister associated with the Church Unitarian in Washington, D.C. The Washington Office for Faith in Action represents the Unitarian Universalist Association of Congregations before the Congress and to the administration. She does for the Unitarians what Rich does for the evangelicals. Faith in Action works on both urgent policy matters and long-term goals by

participating in religious and secular coalitions. Meg is co-chair of Equal Partners in Faith and serves on the national boards of the Interfaith

Alliance, the Religious Coalition for Reproductive Choice, and also Americans United for the Separation of Church and State.

### Rep. Anthony Perkins (R-LA)

I haven't been to Washington a lot, but I've been here enough to know that when you're a conservative and you come to Washington you're supposed to be against it. It doesn't matter what it is, you're supposed to be against it. (Laughter.) I'm sorry to disappoint you, but I'm not going to speak critically of the paper. There are some very legitimate concerns raised in it, and I think it's a very good assessment of where we're at in regards to marriage and public policy.

Having said that, I'll address a few points that struck me. First, in regard to the discussion of morality versus utilitarianism—again, not using the classical definition of the word—I think morality has a utilitarian outcome. America has grown into a much more secular society and from a public policy standpoint, moral arguments no longer carry the day, but utilitarian arguments do. I'm not sure what that says about religion, but I do know that it enables us to pass legislation that is beneficial to the families and children that we're elected to work for. Does that mean that the moral arguments have no basis? I don't think that's the case at all. I think that government has no business promoting religion, I do believe that government has a role to protect religion, and I don't think many would argue with that.

Brad's paper very clearly talks about the absence of moral arguments in the public square. And there is no question that moral arguments are no longer prevalent in the public

square. Does that mean that religious convictions on no bearing on what those of us in politics do? I don't think that's the case. I think that everyone brings a worldview to public policy. I come to public office with a servant-type perspective that comes deeply from my faith. Does that mean that I'm supposed to check my religion at the door? I don't think anyone would say that I should, nor that I could. I think that it would be dishonest to say that we could check our moral background at the door when we go into public policy issues.

I really don't like government doing too much. So, there I am in my conservative role. But, specifically, on this issue I do not think it's a federal issue. I'm in agreement with some of the policies that are being pushed to encourage civil society—the church and other institutions—to do more. But I have problems if it goes beyond that. In particular, I'm not even comfortable on the state level with state-sponsored educational programs. I just don't think that the state has the moral anchor to teach those types of programs. The state should be encouraging individuals to seek that type of guidance and encouraging the religious community and society to provide it.

My involvement in this area comes from personal experience. When my wife and I were first married, I was an enlisted man in the Marine Corps. And I'll tell you, the Marine Corps is not a very family-oriented environment. Of my friends who were married, most

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of them were divorced by the time they got out of the Marine Corps. My wife and I went through some very difficult times in the first year of our marriage. But because we have a religious background, when we were on the rocks we decided to get counseling and it was very effective for us. Many people, however, don't have the encouragement to take that step. And in some cases, it is good to foster an environment that will foster counseling.

Do laws promote morality or do they reflect morality? Do they set a standard or do they reflect the standard that is in place? I think they actually do a little of both. The state laws reflect the standard, they reflect the public morality, but at the same time they try to incrementally increase the awareness of the importance of marriage.

From a state legislator's perspective, I think the best way for us to do that is to encourage the institutions that surround family and community—churches, civic organizations—to perform. I lay a lot of the problem at the feet of the organized church. I think churches have not done a good job in addressing the issue of marriage and family. Louisiana is a good example. Only 2 percent of couples are choosing covenant marriage. When 80 percent of people in Louisiana get married in churches, where are the clergy that are encouraging them to take a more secure route? I can't make them do that and I don't want to make them do that. But what covenant marriage should do is to give tools to the church and the community as

a whole. Answers are oftentimes better and serve a longer-term purpose when they come from the community, as opposed to when they come down from government.

I spoke to a pastor a while ago who, because of the covenant marriage law, did a month-long series on marriage in his church. The covenant marriage law allows married couples to opt in after completing the series and it is meant as an encouragement to younger couples. This pastor came up to me and told me about this month-long series. As a result of the series, a husband and wife who had been divorced realized not only what they had done to themselves, but what they were doing to their children. At the end of that four-week session, they were remarried in the covenant marriage ceremony. And the couple's five-year-old son came up to the pastor and simply said, "Thanks for bringing my daddy home."

What public policy can ultimately do is encourage the religious community and society as a whole to make the type of impact that I think each of us—regardless of political background or philosophical standpoint—would agree is important. I don't think there is anyone in this debate over marriage who is not concerned about children and creating an environment for them that fosters their development and helps them to become good, productive citizens. It's going to take a collective effort and a broad approach. But I think it is essential that we move forward on this issue of strengthening marriages in America.

## Elenora Giddings Ivory

In the interest of full disclosure, I probably should share a few things with you. I am a former welfare recipient, and I am a divorced mother of two who was able to earn a Masters of Divinity degree from Harvard. So I speak to this issue from that vantage point.

Regarding the moral assumptions embedded in the current public discourse on marriage, I'll speak briefly about the Bible, policy of the Presbyterian Church (USA)—where I work—and U.S. history. I am an ordained clergywoman in the Presbyterian Church, and I do perform marriages. I'm going to touch very quickly on a few things about family, welfare and how U.S. history has affected some families.

I find it interesting that people always go to religion to support the notion that marriage is the ultimate aim. I think this may be because they glamorize the Biblical stories. Some may say that what I am about to say is borderline blasphemous. But I must ask: was God promoting marriage in every situation? We see that Mary, mother of Jesus, did not marry Joseph when she conceived the Christ child. There was a purpose and an ultimate outcome to that particular situation that led to 2,000 years of the Christian faith.

Before that, Abraham fathered children by both his 90-year-old wife, Sarah, and her slave girl, Hagar. This appears to have been God's plan. Are we to be selective about which Biblical stories we emphasize as we choose how to deal with situations that families find themselves in? Or are we to come to understand that God's plan and God's ideal may be to foster varying forms of the family for varying purposes?

Uppermost for the Presbyterian Church (USA) is support for families—bringing families together and keeping them together. We currently have a new social policy on the status of the family coming before the General Assembly in June. Historically, our policies on certain aspects of family life can be found in social pronouncements on the status of women, on the well-being of children, the elimination of poverty, and the discernment of human sexuality.

It is understandable that elected officials would want to turn to religion to save troubled families. After all, it is the church, the temple, or the synagogue, that is the institution in society that addresses the entire family. Religious denominations and institutions may be the only organizations that address the entire family. That may mean that we do have a particular responsibility to families. We really do not know how many marriages have already been saved by religious institutions—perhaps a hundred times more than those we are aware of.

Religion is not ducking that responsibility. We have church school and classes for enrichment. There are family outings where the entire family is invited to whatever program is happening. There are already existing services available for families in churches, synagogues and temples. But should these activities involve government or government funding? Church programs have been voluntary up until now, but recent proposals that are attached to things like charitable choice or faith-based initiatives may make some of these programs mandatory.

The primary concern here is the partnership between government and religious institution, when it comes to the promotion of marriage and family stability. Can the government demand that a couple be married in order to gain public financial support? Did government demand that Joseph marry Mary? We must also ask ourselves if there is such a thing as an implied civil right to remain single.

A 1965 Presbyterian Church policy says, “As wealth is not the solution to every problem, so poverty is not the sole and basic cause of every problem. And yet poverty is a contributing cause, a powerful accessory to our social ills such as crime, juvenile delinquency, ignorance, disease, school drop out, sexual immorality, illegitimacy, alcoholism, drug addiction, street rioting, and divorce. The alleviation of poverty would bring many of these problems nearer to solution.”

In 1977, our general assembly issued a statement entitled, “An Appeal to the President and the Congress of the United States for Morally Responsible U.S. Food Policy.” It said, in part, that the U.S. should “provide income assistance to both one- and two-parent families; reform and simplify the welfare system, incorporating strong incentives to work but not requiring acceptance of employment as a condition for receiving public assistance for a one-parent family with preschool or elementary school children; provide income primarily in money so that social stigma will not be attached to the form of one’s subsistence, though this does not exclude additional public provisions of social services and facilities” and “provide for grants in such a way that objective eligibility standards are established and maintained, and arbitrary judgments by public officials are minimized.”

There’s also a statement from the 1980s entitled, “The Nature and Purpose of Human Sexuality,” and there’s a section on singleness, which surprised me as I read it last night in preparation for this. It reads, “while the church should affirm the goodness of our learning to relate to the other sex as an affirmation of the goodness of our sexual differences and the heterosexual interaction which produced us, it should not suggest that the unmarried person is somehow only half a person. The single woman is no less a woman, and the single man is no less a man in the eyes of God. If the church’s affirmation supports the divine affirmation, people will regard themselves as having worth and opportunity for fullness of life which are not contingent on being the sex partner or the life partner of another person.

A growing phenomenon in our society is the single person who has no intentions of marriage in the foreseeable future, and who does not wish to rule out sexual intercourse as a possibility in relationships. The relationship may not be seen as permanent, but the parties in them may be acting out of love, respect, and a concern for mutual growth. They may feel that sexual intercourse is an appropriate expression of the meaning of their relationship. The difference between merely casual and exploitative relationships and these are marked and significant, that understanding of them by the church, and advocacy or approval of them are also very different matters. The church’s responsibility is to keep before the people the ideal to which its tradition holds rather than to catalogue the exceptional situations in which conscientious people might feel justified in taking the exception to it.”

In conclusion, I’d just like to point out that in the U.S. we have not always promoted marriage for everyone. The legacy of selected support for marriage still exists today. We are only a few generations removed from a society in which people who come from slavery were not permitted to marry. We had many generations where marriage and family stability was denied because of sanctioned government practices.

On a personal note, I was able to find the plantation and slave owner of my mother’s paternal family. William Dawkins was the name of the plantation owner. He had a wife in Virginia, but he moved to South Carolina without her, for

## Richard Cizik

This is one of the first papers I’ve read in a long time that articulates some of the myths, as well as some of the right solutions, for marriage policy from an evangelical point of view. I think Brad is right to point out that this is not an issue of privacy. Who can ever talk about marriage being a private issue? And yet that is what Cato’s David Boaz says—that marriage is one of the most intimate relations and government should stay out of it. But this isn’t private. This is a very public matter and the government ought to be involved.

The paradox is that the state is not well suited to do this. But we’re not really talking about a lot of money. \$300 million is not a lot when you consider that there are something like 300,000 congregations in the country and maybe 1 or 2 percent are involved in marriage efforts. And the government isn’t going to do it directly. We can dispute what the Founders’ intent was, but this is not going to be any great violation of the separation of church and state.

reasons we do not really know, and he took three slave women with him. He set up three houses and proceeded to have children by all three women. Where was the family stability there? Some of the children out of these unions are relatives that I remember. It took generations to begin to build beyond the legacy of slavery, but more time is needed.

Are we now going to begin to punish families for not having enough time to develop strong foundations? What we need in order to bring about support toward the development of strong families is more childcare, public education, health care and employment opportunities.

Brad rightly addresses some of these concerns about the secularization of programs. I’m not well acquainted with PREP and other programs, but I do acknowledge that religion put to utilitarian aims is bound not to work. What does work? At the NAE, we happen to think that mentoring programs, covenant marriage, community marriage positives and others are efforts that do produce solutions that are more effective than traditional therapy.

And yet I went to an Institute for American Values meeting a few months ago for the very first time. David Blankenhorn at the Institute and David Popenoe at the National Marriage Project have been running wonderful programs, but their intersection with the religious community is very minimal. In fact, I went there because a friend invited me, and I’d never been invited. And yet that is how the program at the national level is secularized, but at the state and local levels is often very religious.

At the end of Brad's paper, he notes that his recommendations "may well require that the government do more to help religious and other civic efforts on behalf of marriage. It also means that the religious and secular custodians of marriage must rediscover ways in which marriage is indeed a sacred institution and marshal the social resources and moral authority to command the attention of the American public." I think that's absolutely right. This is one of the first papers I have read that has acknowledged the role of organizations such as Marriage Savers in solving this problem.

There are tensions in this issue, of course. At that same Institute for American Values meeting, after an hour and a half, someone raised the question of same-sex marriages. One of two things happens when that question is raised—either you can hear a pin drop or all hell breaks loose. There has to be some convergence of these movements.

What we at the NAE have attempted to do is to work with the U.S. Catholic Conference, the Southern Baptist Convention and others to put together a Christian Marriage Declaration. That is our attempt to provide something positive to communities that are looking for an affirmation of what is right and what churches can do. The national church bodies have not done what they should do. And I say that as a representative of the Assemblies of God, the Evangelical Free Church, and 49 other denominations.

Now, I believe that the government can be involved and I support those programs. But there are myths out there that I want to highlight. I saw Kim Gandy, of NOW, on the O'Reilly Factor saying that the government was going to track down the fathers of illegitimate children and force women to marry them. That is simply a terrible myth. Nobody, least of all the Bush Administration, is proposing that. There's also a quote from Belle Sawhill that says that 90 percent of all American women are married by the age of 45. This is simply wrong. In 1960, 60 percent of women were married, but in 2000, only 53 percent were married. And why has this happened? Because of co-habitation, and it's a direct factor in poverty. This is why the government needs to get involved. Not directly funding—if you're one of those limited government fans—but through these kinds of programs that are active around the country. That's why we support charitable choice.

Even the *Washington Post* says that nothing can be done to reverse this trend. That's wrong-headed—I've been involved in enough social movements to know that when you start out with that premise, you're exactly right: nothing will be done. But if you start out with the premise that you can change the world—and believe me, that's what Christians ought to start out with—you can.

## Meg Riley

Thank you, Dr. Wilcox, for that provocative article. And indeed, it provoked me on so many levels that it was difficult to choose a few to focus my thoughts for this brief response.

Let me first say that the Unitarian Universalist Association strongly opposes using \$300,000 million of the monies designated for temporary assistance for needy families to promote marriage. We call marriage promotion a 3-D provision in that bill. The first D stands for discriminatory. Those of us who've been engaged in the on-going debates about charitable choice and the faith-based initiative are all too aware of the possibilities for discrimination that exist when the government gives money to sectarian institutions. This discrimination takes several forms: discrimination in employment; who will be employed by government dollars and who will not be employed to run marriage promotion programs. Discrimination in benefits: who will be accepted and who will be denied access to services. This provision runs a strong risk of practicing discrimination based on religion and also based on marital status and sexual orientation. So the first D stands for discriminatory.

The second D stands for dangerous. Promotion of marriage is dangerous to the high percentage of women who receive welfare and are abused by boyfriends and husbands. Encouraging a woman to enter or remain in a marriage with a violent man, even a violent man who has undergone premarital counseling, is a dangerous proposition for her and her children. But the danger in this provision is not only to these families. There's a danger also to our religiously pluralistic nation and to the careful balance of

religious and government influences that we have been negotiating since our country's inception. So the second D is for dangerous.

The third D stands for diversionary. As has been mentioned, a relatively small amount of money will garner great attention from people such as those gathered here today, and we will talk about marriage rather than other provisions of this bill. For instance, while the work restrictions are stronger in the new TANF legislation, there's no additional money for child care. We're not here talking about that. Rather than listening to the welfare recipients who state repeatedly, and we can look at their testimony, that their barriers to leaving poverty are lack of good and safe childcare, lack of education and training, lack of transportation and livable wages, we will focus the nation's attention on this provision which is low on the list of most of the people who are affected in trying to get out of poverty.

Having said that about this specific TANF provision for marriage promotion, I want to respond a bit more broadly to Dr. Wilcox's paper. Many times in reading it I was not sure that we mean the same thing when we use the same words; the word "marriage," for instance, and specifically the religious or moral dimensions of marriage. Dr. Wilcox seems to view marriage as the preferred way of living ordained by God, inherently good regardless of the quality of life for those within it. Though he did not say so, I suspect that marriage by his definition can only take place between a man and a woman, and he does state that child bearing and child rearing is the primary function of marriage, along with economic and domestic stability.

My own religion, Unitarian Universalism, means something different when we speak about marriage. We believe in a God who is incarnate, revealed in loving relationships, which embody life-giving mutual commitment and joy. We do not believe that God favors traditional heterosexual marriage above other family formation. We celebrate the godliness of single people, childless couples, gay and lesbian, and bisexual people, if their lives are lived with integrity, commitment, and concern for the greater good. Our clergy have officiated at the unions of same-sex couples for over 30 years, and we stand on record, along with some other denominations, in supporting the legalization of same-sex marriage. While we are deeply committed to couples remaining together through good times and bad—and like the other preachers here I've worked with many couples who've been married, and I always root for them to stay together—we also believe that under certain circumstances, there is such a thing as a godly divorce.

The gift of living in a religiously pluralistic nation such as ours is that Dr. Wilcox and I can coexist without resorting to condemnation of the other's views. That co-existence is enabled by our government following the edicts of the Constitution's first amendment, not funding either one of our religions to promote its particular views. Dr. Wilcox acknowledges that marriage enhancement courses

work best when they are contextualized within the religious community the participants call home. Religious support for strong families, godly families even, is appropriate and much needed in the context of congregations. I truly think it's great that Oklahoma clergy have come together to promote lasting marriage in our throw-away culture.

However, such promotion has absolutely nothing to do with the government, and should not be funded by government dollars or spear-headed by government figures. I don't want my tax dollars to promote Dr. Wilcox's religious values. I could bet he doesn't want his tax dollars to promote mine.

If the marriage promotion movement devotes itself to encouraging religious leaders to offer better premarital counseling and post-marital support in the context of their own faiths, I am fully for it. If governments funds promote a conservative, Christian definition of marriage, imposing it upon the diverse peoples of our nation, I will forever stand opposed. I am privileged to raise my own child in the context of a committed relationship and with adequate financial resources. However, the greatest gift I want to bequeath to her is the gift of living in a nation where she is free to be herself, make her own decisions, and practice her own faith without being pressured or condemned for doing so.

## Question and Answer

**E.J. DIONNE:** One of the purposes of the Pew Forum is to bring together, in peaceable dialogue, representatives of very diverse communities, and boy, we really did that today. It strikes me that something the Reverend Giddings Ivory said may help encapsulate this debate a little bit. It was, I believe, from the Presbyterian Church's position, and the sentence was, "the alleviation of poverty would bring many of these problems to solution." I think part of this debate is about that proposition on the one side, and another proposition, which is that the alleviation of many of these family problems would solve many poverty problems.

I'd like to invite questions from our audience now.

**QUESTION:** I'll aim this primarily at the Reverend Ivory, although I'm sure Meg Riley will have some thoughts, as well. I accept what you said about the civil rights of those who don't want to be married and about government helping to alleviate poverty helping marriage, and what Meg Riley said about godly divorce. But having said all of that, could you support any government programs, with or without funds, that directly encourage marriage as an institution to protect children more than they have in addition to alleviating poverty? Or are you just opposed to any direct government actions in this area?

**ELENORA GIDDINGS IVORY:** I think it's important for any two people who produce a child to support that child. Regardless of what may happen between the two of them, they need to be there to financially and spiritually and physically support that child as much as

possible. If for some reason that cannot happen, then we do need other support systems. In our communities, we have volunteer support systems that our connected to our churches and other non-profit organizations, but they can't do it all. So we need some other assistance programs. It may be that those programs could be after-school centers for children who need to talk about problems they are having at home or for help with homework or whatever. So it's not "either/or", "this or that." I think as much as we can give our children, the better.

**MEG RILEY:** My legislative assistant gave me a list of some state programs that do help children and families and that are not exceeding the bounds of a good relationship between church and state, they're not imposing and they're not using money. So I don't believe that there is no possible relationship. I think some of the moderate proposals that take into account non-discrimination, non-proselytizing, etc., can be acceptable.

**RICHARD CIZIK:** Between 1965 and the year 2000, annual expenditures for addressing these childhood poverty problems have gone from \$40 billion to around \$330 billion. And the child poverty rate has not gone down. I would like to see acknowledgement, and I think the electorate largely has, that the problem doesn't defy solution, it's just that the solutions we've tried have defied common sense.

**E.J. DIONNE:** Although, Rich, I would point out that a lot of the money you're talking about has gone into medical care, and an awful lot of that number is the creation of Medicaid and

the rise in medical costs. It's not like we've handed out all that money to individuals.

**RICHARD CIZIK:** Right. And I'm not an advocate for cutting those programs. I'm just simply saying let's complement those programs with new programs with solutions.

**E.J. DIONNE:** Representative Perkins, could you take a few moments to tell us a little more about your experience in Louisiana with the covenant marriage law?

**ANTHONY PERKINS:** Covenant marriage is strictly a voluntary relationship that couples enter into to. They choose where they're going to get their religious counseling. Whether they're Jewish, whether they're Catholic, whether they're Baptist; they chose where they go to. The state does not dictate where they go to, nor does it give preference to one or the other. The government does encourage folks to get married in the church because it is one of the options and most choose it.

What we're doing is when marriages are going bad, we're giving couples the option of saying, instead of going to the divorce attorney, we're going to go back to the folks that married us and hopefully work out these differences. The studies show that if there is intervention in time, many of those relationships can be salvaged. We acknowledge that some will not be, and we take into account domestic abuse, drug abuse and those sorts of things in some relationships.

**E.J. DIONNE:** Is there any evidence that the covenant marriage law has actually promoted enduring relationships? And could it be that couples who choose to go into covenant

marriage may be less likely to divorce in the first place?

**ANTHONY PERKINS:** That's a good question, and I think within the next two weeks, a longitudinal study will be released speaking to some of those issues. For the first question, it is really early to determine just what the long-term impact is. I can speak fairly conclusively to the second question of whether it is just couples that would stay married anyway that are choosing covenant marriage.

It is quite interesting to see who is choosing covenant marriage. Some are people who have been married before and who have been divorced and understand how fragile the marriage relationship can be, and want the additional security of the covenant marriage that it affords by making that agreement up front between the two partners. There does seem to be a correlation, no question about it, between those with strong religious convictions and those who enter covenant marriage.

But it's not a foregone conclusion that it's simply those whose marriages would have worked anyway. I know for a fact that's not the case. I've gotten hundreds of wedding invitations since I've passed this, so I happen to track it somewhat.

**E.J. DIONNE:** Do you send gifts to everybody?

**ANTHONY PERKINS:** No, I don't, but we have found that there are those that require the counseling prior to the divorce, that in some case, that provision has kicked in, and that that counseling has been successful and the marriages have stayed together. So it is serving a beneficial provision in Louisiana in some cases.

**ELENORA GIDDINGS IVORY:** I'd just like to share that within many churches, clergy do premarital counseling before they perform the service, and there are people who call up and say they'd like to get married in the church because it's a pretty structure and that's where they want to have their wedding, and pastors are often saying, no, that's not the reason to use my structure. Marriage is more important than the physical structure that you're looking at.

So I would think that those who are coming to a congregation or to a church to have their marriage performed have already committed to some of the things that need to happen in order to make that situation work. Now that's not for everyone. They still are frivolous about it and don't fully understand what they're getting into until they get into it, but churches don't perform wedding ceremonies just for the sake of performing wedding ceremonies and send people on their way, for the most part.

**QUESTION:** I have to tell a very short story here. Years ago, my minister in the Unitarian Fellowship took on about 30 fundamentalist and evangelical ministers in my home community for counseling battered women in their congregations to stop misbehaving and go back home to their husband and behave, and also implying that their behavior was provoking the battering they were getting.

The problem really with conservative religious political leaders being in the forefront is that they are, by and large, advocating for a traditional or hierarchical or patriarchal, to use an overused term, in marital arrangements. And from what we understand, many women in this society are trending towards having a

negotiative, a more equal balance relationship in a marriage, and this is where a lot of the conflict is occurring. And the concern with utilizing public dollars in supporting these programs, is that these so-called marriage skills counseling programs are going to counsel women in this hierarchical or patriarchal or dad-in-charge marital arrangements.

So that's a big question. What kinds of skills are we going to be teaching parents? Most of the recipients that are going into these counseling programs are women and not men, and so what does that mean in terms of really skills learning on the part of both men and women.

One other thing I wanted to mention is that even though the data shows that a lot of low-income women would like to be married, they have a great deal of concern about losing control in a relationship. They've been on their own, they've been supporting their kids, and they see this possibility of having a marriage as their losing control. So when you combine that with the knowledge that a lot of non-custodial dads that we've heard about from some of these organizations that deal with low income non-custodial dads that they don't want to get married. They feel they aren't earning enough money to get married, and a lot of their counselors feel that these individuals need a lot more work and then we also hear from some of the programs that we've talked to in various states that there have been very few applicants coming forward for these counseling programs. What does this mean about the correctness of this direction and the use of public funds?

**E.J. DIONNE:** Brad did a very interesting paper once suggesting that evangelical families have quite egalitarian structures inside the family,

and it's just an interesting, sort of empirical finding. And some of that, I think, does suggest social change over the last 20 years, but that, I think, is a complicated issue.

**QUESTION:** I think there's some pretty good evidence that religion alone does not make very strong marriage because the divorce rate in evangelical churches is roughly equal to the rest of society. And there's also some evidence that education and skills programs alone do not make for strong marriages. But there is some recent evidence—I don't think it's as extensive and has enough longevity to be conclusive—from Dr. Howard Markman from the University of Denver and PREP, that a combination of skills-based education within a caring community where religion is a bonder is effective.

**ELENORA GIDDINGS IVORY:** I hope we're not talking about an either/or situation. Often within the religious community or within churches it is not unusual to grab something that may be put together by what's seen as a secular or a non-profit organization, and that's the case with domestic violence programs. A lot of churches have used that material to learn how to deal with that situation within the families in their congregations. So if there is something that is produced out there to help families stay together better, it would perfectly fine for congregations to use those materials to support what's being done already.

**RICHARD CIZIK:** One of the actions that I think needs to be done—and I think the other aforementioned religious umbrella organizations agree with this—is to take the statement we've put together in terms of what we believe, and translate that into realistic programs that will be helpful in the inner city and

other arenas, which are not, frankly, solely isolated in their problems of cohabitation and the rest. Those are society-wide conundrums, and what we want to do is move the major religious bodies forward in realistic long-term plans that will remedy some of these social ills. Unless we accept that role, we're not doing justice either to the Lord we serve nor the people we profess to love.

**MEG RILEY:** I'll just close by saying that it's really important that we take all of this conversation within the larger societal context that people of all income levels are struggling to live with right now in this country and around the world. People—whether they are poor or wealthy—are working very long hours and it's increasingly hard to support children and keep families together. I want to echo my support for anybody in a religious community who is doing anything to work on that, and to echo that within my own denomination, we are certainly looking at some of these issues of family life. And I actually think there's a lot of common ground here, perhaps not about government spending, but certainly about the value of strong, moral families, and that's something we all share.

**E.J. DIONNE:** I think that's a great note to close on. One of my favorite concepts was put forward by Glenn Tinder, a political philosopher, who proposed that we should live in an attentive society. And he defined that as a place where everyone understands the obligation both to give and to receive help on the road to truth. And I think everyone who participated today was both willing to give and to receive help. And I want to thank everyone, both in the audience and the people who served on our panels.