



What You Need
to Know about

Marriage

Questions & Answers
Driving the Debate

Read On to Tackle the Big Questions...

- ① *What is marriage?*
- ① *Why does marriage matter to the government?*
- ① *What are the consequences of redefining marriage?*

... plus 14 More Frequently
Asked Questions

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THE SUPREME COURT

is reviewing challenges to state and federal laws that define marriage as the union of a man and woman. After lower courts ruled against these marriage laws, the Supreme Court now has the opportunity to uphold marriage and return authority for marriage policy to citizens and their elected representatives. No matter the outcome, the debate on the issue of marriage will continue.¹

Marriage has been a foundation of America, so it can be hard to know where to start in explaining why it matters. But things long assumed are now being questioned. That's why it's important to be prepared to talk with friends, family, or co-workers about how redefining marriage would be bad for children—and all of us. No matter where you fall on the political spectrum, everyone who believes that marriage is between one man and one woman must stand up, speak out, and spread the word. Lawmakers and citizens alike should **know and share** the answers to these questions:

1. *What is marriage?*
2. *Why does marriage matter to the government?*
3. *What are the consequences of redefining marriage?*

What is Marriage?

- Marriage brings a man and a woman together as husband and wife to be father and mother to any children their union produces.²

- Marriage is based on the biological fact that reproduction depends on a man and a woman, and the reality that children need a mother and a father.
- Marriage is the building block of all human civilization. Marriage has public, not just private, purposes.

The Supreme Court is reviewing challenges to laws that define marriage as the union of a man and a woman:*

- The federal **Defense of Marriage Act (DOMA)**, passed by an overwhelming bipartisan majority in Congress and signed by President Bill Clinton in 1996
- **Proposition 8 (Prop 8)**, an amendment to the California constitution passed in 2008 by voters in that state (similar to laws enacted in 40 other states)

The Supreme Court has the opportunity to uphold marriage and return authority for marriage policy to citizens and their elected officials.

Whatever the Court's decision, the debate on marriage will continue.

* For more on the legal aspects of these challenges, see AllianceDefendingFreedom.org/marriage, and John Eastman, "The Constitutionality of Traditional Marriage," Heritage *Legal Memorandum*.

For decades, marriage has been weakened by our culture of convenience. This demotes marriage to little more than emotional intensity or legal privileges. We should all remember that marriage is about the needs of children rather than the desires of adults.

Why does marriage *matter* to the government?

- Government recognizes marriage because it is an institution that benefits society in a way that no other relationship does.³
- Marriage ensures the well-being of children. When government recognizes marriage, it protects children by encouraging men and women to commit to each other and to take responsibility for their children.

Even President Obama agrees that there are people of good will on both sides of this issue.

- Government recognizes, protects, and promotes marriage as the ideal institution for having and raising children. Promoting marriage doesn't ban anything. Adults are still free to make choices about their relationships, and do not need government permission to do so.

All Americans have the freedom to live as they choose, but no one has the right to redefine marriage for all of us.

41 states affirm that marriage is between a man and a woman.

What are the *consequences* of redefining marriage?

- Redefining marriage would hurt children. Decades of social science—including very recent and robust studies—show that children do better when raised by a married mom and dad.⁴
- Redefining marriage would further separate marriage from the needs of children. It would deny as a matter of policy the ideal that a child needs a mom and a dad. Government would be forced to intervene more often and welfare programs would grow even larger.⁵
- Redefining marriage would put a new principle into the law—that marriage is whatever emotional bond the government says it is.
- Redefining marriage would push out traditional views on the family, leading to the erosion of religious liberty. Citizens in Canada and right here in places like Massachusetts and Washington, D.C., are already seeing this happen.

More Questions & Answers

Q Hasn't divorce already harmed the institution you're trying to preserve?

A There's no doubt that high rates of divorce, cohabitation, and unwed childbearing have led to heartache and difficulty. The question before us now is whether to reinforce these mistakes or begin to restore the marriage culture. Redefining marriage would make marriage about adult desires not the needs of children, about adult emotional satisfaction, not a permanent and exclusive union of man and woman intended for childbearing and rearing. We should rebuild and restore marriage, not undermine or redefine it.



Q Didn't the 2012 election prove that America is shifting more toward embracing same-sex marriage?

A No. Across the country, when the argument is made for marriage, citizens stand up for it. Three liberal states voted in the 2012 election to redefine marriage, but **41 states define marriage as a union of a man and a woman**. North Carolina voters overwhelmingly chose to keep the definition of marriage. Even in the presidential election, marriage outperformed the Republican presidential ticket by sizable margins in each state where it was on the ballot. Factor in also that pro-marriage groups were outspent nearly four to one.

The election outcome shows that the definition of **marriage is at the center of an intense national debate** within the democratic process. It would be wrong for the U.S. Supreme Court or other courts to truncate that debate and redefine marriage by judicial decree.

Q Shouldn't same-sex partners get benefits like others?

A **We can address specific concerns through specific policies without redefining marriage**. For example, the central issue in the upcoming Supreme

Court case on the Defense of Marriage Act is the estate tax—the tax you may pay when a friend or family member leaves you assets from their estate. This dispute could have been avoided years ago when Congress had the chance to enact fairer tax policy by eliminating the estate tax and allowing Americans to pass on their wealth, estate-tax free, to their loved ones.

We should resolve specific problems through specific policies. We should have sound tax policy as well as sound marriage policy, and that means recognizing marriage as the union of one man and one woman.

Q Why do you want to interfere with love? Why can't we just live and let live?

A **Marriage laws don't ban anything;** they define marriage. In all 50 states, two people of the same sex can choose to live together, choose to join a religious community that blesses their relationship, and choose a workplace offering them various joint benefits.

What's at issue is whether the government will recognize such relationships as marriages—and then coerce *others* to recognize and affirm same-sex relationships as marriages. That's not fair.

Q Are you saying that gay parents can't love and provide for a child?

A All people are capable of loving children, but all the love in the world can't turn a mother into a father or a father into a mother. A child needs a mom and a dad. Children do better when raised by their married mom and dad, and decades of social science evidence show this. **We shouldn't place the desires of adults over the needs of children.**

Q What does the research say?

A The latest and most comprehensive research continues to confirm what social science has shown for decades: **children do better when raised by a married mother and father.** The New Family Structures Study⁷ by Mark Regnerus of the University of Texas–Austin and a report based on Census data recently released in the highly respected journal *Demography*⁸ supported this idea. Still, the social science on same-sex parenting is a matter of significant ongoing debate, and we shouldn't let it dictate our choices about marriage.

Q Isn't denying same-sex couples the freedom to marry the same as a ban on interracial marriage?

A No. Racism kept the races apart, and that is a bad thing. Marriage unites the two sexes, and that is a good thing. **Marriage *must* be color-blind, but it *cannot* be gender-blind.**

Men and women—regardless of their race—can unite in marriage; and children need moms and dads—regardless of their race.

Q If marriage is about children, what about couples who can't or don't have children?

A Sound public policy is based on the rule, not the exception, and most marriages do produce children. **While not every married couple will have children, every child needs a mom and a dad.** Childless marriages serve a broader social purpose too—showing the potential to create children and to meet children's need for a mom and a dad.

Q What could be more *pro-family* than expanding the rules on who can marry?

A Redefining marriage will send the message that marriage is about adult desires not the needs of children, about adult emotional satisfaction, not a permanent and exclusive sexual-reproductive union of man and woman for having and raising children. Declaring by legislation or court decree that marriage is something that it is not undermines the entire institution and weakens society.

The most pro-family policy a government can promote is one that reflects the truth about marriage and puts the needs of children first, not the emotional desires of adults.



Q Why doesn't government just get out of the marriage business altogether?

A Marriage is society's best guarantee of a limited government that stays out of family life.

Intact, enduring marriages are society's best tool for ensuring that children are born into stable caring families that will care for, educate, and train those children to be good people and good citizens. If mothers and fathers do not fulfill the responsibility for caring for the children they create, then third parties and government will have to step in.

In situations where families have broken up due to divorce, government involvement usually increases. A study by the left-leaning Brookings Institution found that, between 1970 and 1996, **\$229 billion in welfare expenditures could be attributed to social problems related to the breakdown of marriage.**⁹

By promoting strong, intact marriages, the government actually reduces the role it would otherwise play in fulfilling these social functions. It is in the interest of children, spouses, and the public to promote strong and enduring marriages.

Q Why shouldn't everyone be able to marry the one they love?

A **Everyone is free to love as they choose, but no one is entitled to redefine marriage for all of us.** Every marriage policy must draw lines of what constitutes a marriage and what doesn't. Policymakers must draw lines based on principle. For example, our current marriage policy says that a person cannot marry someone who is already married, or a close blood relative—regardless of love.

Current policy is also based on the idea that marriage is fundamentally rooted in the union of one man and one woman. If that principle is removed, there is no consistent argument for stopping anyone who wants to redefine marriage.

We should stand by the principle that marriage exists to bring a man and a woman together as husband and wife to be father and mother to any children their union produces.

All Americans have the freedom to live as they choose, but no one has the right to redefine marriage for all of us.

Q Why would allowing same-sex couples to marry be bad for marriage?

A Redefining marriage would **deny as a matter of policy the ideal that a child needs a mom and a dad.** The debate about marriage is about restoring a culture in which children are most likely to be raised by the man and woman responsible for bringing them into the world.

Redefining *marriage* to mean a relationship between any two consenting adults is presented as a minor change. But if the law adopts this principle—that marriage can be whatever emotional bond the government says it should be—what stops the government from redefining marriage in other ways? Already a lawsuit in federal court is demanding a constitutional right to practice polygamy.



Q What do you think the Supreme Court will do in the DOMA and Prop 8 cases?

A The Supreme Court **should let the people—not courts—decide marriage policy.** It should allow the debate about marriage to continue.

The Supreme Court cases have put the national spotlight on this issue in a new way that encourages Americans to answer the question “what is marriage?” The track record shows that when Americans hear the case for marriage, by and large they draw the conclusion that marriage is and should remain the union of a man and a woman.

Q Isn't same-sex marriage inevitable?

A No. The vast majority of states affirm that marriage is between a man and woman.

The future isn't fixed. **Americans should be free to write their own history, not have it dictated to them by judicial activism.**¹⁰ The Supreme Court should let the people choose, and we should choose marriage as the union of one man and one woman.

Endnotes

- 1 Currently nine states and the District of Columbia have changed their laws on marriage to include same-sex couples, while 41 states adhere to the traditional definition of marriage.
- 2 Sherif Girgis, Ryan T. Anderson, and Robert P. George, “What Is Marriage?” *Harvard Journal of Law and Public Policy*, Vol. 34, No. 1 (Winter 2010) and *What is Marriage?* by Ibid. authors (New York, NY: Encounter Books, 2012).
- 3 Patrick Fagan, “The Wealth of Nations Depends on the Health of Families,” *Public Discourse*, February 6, 2013.
- 4 Mark Regnerus, “How Different Are the Adult Children of Parents Who Have Same-Sex Relationships? Findings from the New Family Structures Study,” *Social Science Research*, Vol. 41, No. 4 (July 2012), and Loren Marks, “Same-Sex Parenting and Children’s Outcomes: A Closer Examination of the American Psychological Association’s Brief on Lesbian and Gay Parenting,” Ibid.
- 5 Jennifer Roback Morse, “Privatizing Marriage Will Expand the Role of the State,” *Public Discourse*, April 3, 2012.
- 6 See the Marriage Anti-Defamation Alliance (MarriageADA.org), which tells the stories of those who have been marginalized because of their views on marriage, and the Becket Fund for Religious Liberty, “Same-Sex Marriage and State Anti-Discrimination Laws” (January 2009).
- 7 Regnerus, FamilyStructureStudies.com.
- 8 Douglas W. Allen et al., “Nontraditional Families and Childhood Progress Through School: A Comment on Rosenfeld,” *Demography*, November 2012.
- 9 Isabel V. Sawhill, “Families at Risk,” in *Setting National Priorities: The 2000 Election and Beyond*, edited by Henry J. Aaron & Robert D. Reischauer (Washington, D.C.: Brookings Institution Press, 1999).
- 10 Sherif Girgis, Ryan T. Anderson, and Robert P. George, “Marriage and Politics: Why the Debate Matters and Why the Conjugal View Can Prevail,” *National Review*, January 11, 2013.



Founded in 1993, Alliance Defending Freedom is an alliance-building legal ministry that advocates for the right of people to freely live out their faith.

AllianceDefendingFreedom.org



Founded in 1983, Family Research Council is the nation's premier advocacy organization advancing faith, family, and freedom in public policy and the culture from a Christian worldview.

frc.org



Founded in 2007, the National Organization for Marriage is a non-profit organization with a mission to defend marriage as the union of one man and one woman, and protect the faith communities that sustain it.

NationForMarriage.org



Founded in 1973, The Heritage Foundation develops and promotes public policy solutions that advance free enterprise, limited government, individual freedom, traditional values, and a strong national defense.

heritage.org

What is Marriage, Really?

It's a question that matters for all of society and for our future. Until the last several decades, the answer was simple. Now citizens and policymakers are struggling with the meaning of marriage.

Changing a definition seems simple, but the effects would be profound—particularly for children. Children need a mom and a dad, and intentionally denying that ideal as a matter of policy will only add to the confusion of recent decades. When marriage cannot do its job, government grows even bigger to meet the ever-present needs of children.

Backed by solid research and constitutional principle, this short booklet will help you navigate one of our culture's most significant debates.

