

Judiciary Committee Testimony

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What is marriage? That is the most important question you are considering here today.

I have spent the last twenty years in public marriage debate, mostly on the question of family fragmentation: our high rates of unmarried childbearing and divorce, and the consequences of fatherlessness. I've written for academic publications and the popular press, participated in research projects, public debates, and written several books including with University of Chicago Professor Linda J. Waite, "The Case for Marriage: Why Married People are Happier, Healthier and Better Off Financially."

Let me lay before you the answers I've come to, and the reasons I have found persuasive, both intellectually and personally.

First the intellectual: Marriage is a virtually universal human social institution.¹ The details vary wildly but repeatedly humans have come up with a bond that is recognizably marriage, and it always has these specific contours: Marriage is 1. a public, not merely a private union; 2. a sexual union, not some other kind of union; 3. consisting of (at least) one man and one woman; 4) in which the rights and responsibilities of the man and the woman towards each other and towards the children their sexual union may produce are publicly and not merely privately and personally defined and supported.

Here's the key question raised by gay marriage: Why? Why is it in so many wildly different, disconnected societies, with wildly different economic bases, ecological niches, religious and political systems, do human beings come up again and again with the marriage idea?

Take that question seriously, and the answer is not hard to find: Marriage as a universal human idea is rooted in three persistent truths about human beings: The first is the vast majority of men and women are powerfully attracted by passion to an act which if left unregulated produces new life. Sex makes babies. The second truth is that society needs babies. Reproduction is optional for the individual, but managing reproduction successfully is not optional for the society. The third truth which roots marriage is that children need a father as well as a mother. What do I mean by this? Set aside for the moment any contemporary gender role disputes and put it this way: *When a baby is born, there is bound to be a mother close by.* If we want fathers to care for their children and

¹ "Although the details of getting married – who chooses the mates, what are the ceremonies and exchanges, how old are the parties – vary from group to group, the principle of marriage is everywhere embodied in practice. . . . The unique trait of what is commonly called marriage is social recognition and approval . . . of a couple's engaging in sexual intercourse and bearing and rearing offspring." Kingsley Davis (ed.), *Contemporary Marriage: Comparative Perspectives on a Changing Institution* (New York: Russell Sage Foundation) (1985). See also, Helen Fisher, *Anatomy of Love: A Natural History of Mating, Marriage and Why We Stray* 65-66 (1992); George P. Murdock, *Social Structure* (1949).

their children's mother, biology will not take us very far--some cultural process is urgently needed to attach fathers to the mother-child unit. The word for that process in this and virtually every known human society is marriage.

By the way, I am not saying this is why couples marry. People marry for a hundred private reasons. This is the reason why society creates and sustains marriage as a social and legal institution in the first place. Not every married couple has or ever has had children. But every union of husband and wife respects and reinforces this special marriage mission, because each can give any child they have or adopt a mother and a father. And none who respect their vows will be creating fatherless children across multiple households.

Sex makes babies. Society needs babies. Babies need their fathers as well as their mother. These three things are the deep logic of marriage as a social, public and legal institution. These are what marriage is for.

Personally, I stumbled onto the importance of these national questions in perhaps an unusual way: at 22 a few months after I was supposed to graduate from Yale University, I had a baby outside of marriage. Why do I think children need mothers and fathers? I could point you to a mountain of social science evidence on family structure.² But as persuasive as this data is the remembered voice of my son, at 2 years old, asking me for an answer: Where's my daddy? Where is the man who will love me, the way you do? Why is it that one-half of the people who made me doesn't seem to love me at all? And as social scientists came to have a new appreciation for the unique role of marriage in connecting fathers to the mother-child bond, so did I. I know children can be raised well in a variety of family forms. But I also know this: children long to know and be known by, to love and be loved by, their own mother and father. This is not a social norm to be discarded as bigotry.

By the way in the 1980s, when I had my oldest son, the voices of respectable, progressive, tolerant opinion, basing their authority on highly preliminary research, confidently asserted our high rates of family fragmentation represented social progress, the liberation of women and of society from old stigmas, and that only right wing anti-intellectual theocrats who wanted to roll back the clock and hurt single moms thought otherwise. It took a lot of better research and a lot of human suffering to undo some of the damage done by this set of ideas. Do not make the same mistake today.

What is at stake in this marriage debate? You are being asked today to make a truly momentous choice between two ideas about marriage:

The first, is the same-sex marriage idea: "There is no relevant difference between same-sex and opposite sex couples and anyone who thinks otherwise is like a bigot, endorsing irrational discrimination.

² To date, not a single study has looked at a nationally representative sample of children raised by birth by a same-sex couple, followed them to adulthood, and compared how these children do to other family structures. This is both because such families are a recent novelty and because there are so few of them.

The second big idea the marriage idea: “There’s something special about unions of husband and wife that justify marriage’s unique status in law and society.”

If you pick the first idea, what is it about the second that must go? Precisely those aspects of opposite sex unions that really are different, especially that only unions of husband and wife can both create a child, and connect that child to its own mother and fathers. In voting to redefine marriage, you will be legislating a big new idea, a new marriage morality, for the next generation of Connecticut children and teens: marriage has nothing very important to do with getting men and women together to make and raise children together, *and only bigots think otherwise*. It’s a big idea certainly, but is it a good idea?

In his new book, “The Future of Marriage” David Blankenhorn reports, using a survey of world marriage attitudes, how hard it is for the same society to endorse both gay marriage and the idea that children need a mom and a dad. The more marriage is viewed as about adults and our rights, the more sense gay marriage makes. The more marriage is seen as society’s crucial vehicle for connecting children to their mothers and fathers, the less sense gay marriage makes.

Marriage is not a private act, it is a public status. You will not be simply adding a few people to the existing marriage system, you will be using the power of government to legislate a fundamentally new official vision of marriage for all Connecticut citizens. If you pick the same-sex marriage idea, you will also unleash an intense set of new legal pressures on faith communities with traditional marriage views. In the *New York Times* Prof. Cass Sunstein called these emerging religious liberty conflicts “real and serious.” Marc Stern, who is the general counsel of the American Jewish Congress, called the conflicts ahead “a train wreck.”³

What kind of conflicts? Are those of us who see marriage as the union of husband and wife really like bigots who opposed interracial marriage? Then ask yourself: how does the law treat racial bigots? And you will get a sense of the magnitude of the culture war you will be launching: everything from professional licenses (social work, marriage counseling, adoption), school accreditation, even tax-exempt charitable status of faith organizations and communities that do not recognize gay unions as marriages will be put at legal risk. I wonder whether now is the time to create this kind of intense new ongoing culture war, just a few short months after Connecticut stepped up to create the most generous voluntary civil unions law in the nation.

Recognizing marriage’s special mission does not imply exclusion or stigma or mean-spiritedness towards any other family struggling to raise responsible children. It does mean affirming here today: Marriage as the union of husband and wife is not rooted in animus towards anyone. Marriage is not discriminatory, any more than Social Security is age discrimination: it has its own dignity and purpose rooted in real and enduring human realities that any society ignores at its peril. Thank-you.

³ Peter Steinfels, “Will Same-Sex Marriage Collide With Religious Liberty?” *New York Times*, June 10, 2006.