

Testimony of
Mrs Maggie Gallagher

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Testimony before the U.S. Senate Subcommittee on the Constitution, Civil Rights and Property Rights Hearing "What is Needed to Defend the Bipartisan Defense of Marriage Act of 1996?"
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By Maggie Gallagher

Maggie Gallagher is President of the Institute for Marriage and Public Policy, editor of MarriageDebate.com (a new webzine devoted to same-sex marriage debate), and co-author of The Case for Marriage: Why Married People are Happier, Healthier, and Better-Off Financially (Doubleday, 2000).

Why Marriage Matters: The Case for Normal Marriage

1. Why Marriage Matters

I am here today as an expert on marriage. I have devoted most of the last fifteen years to research and public education on the marriage issue, particularly the problem of family fragmentation: the growing proportion of our children in fatherless homes, created through divorce or unmarried childbearing.

Marriage is a key social institution, but it is also a fragile institution: with half or more of our children experiencing the suffering, poverty and deprivation of fatherlessness and fragmented families. This is a crisis that was of course not created by advocates of same-sex marriage. But the marriage crisis is intimately involved with how committed we as a society are to two key ideas: that children need mothers and fathers, and that marriage is the main way that we create stable, loving mother-father families for children.

After forty years of social experimentation, we now have enormous data on this question. There are not dozens, or hundred, there are thousands of studies addressing the question of family structure, which control for race, income, family background and other confounding variables. And the overwhelming consensus of family scholars across ideological and partisan lines is that family structure DOES matter. It is of course not the only variable affecting child well-being. But all things being equal, children do better when their mothers and fathers get and stay married. Both adults and children are better off living in communities where more children are raised by their own two married parents. Both adults and children live longer, have higher rates of physical health and lower rates of mental illness, experience poverty, crime and domestic abuse less often, and have warmer relationships, on average, when mothers and fathers get and stay married.

In turn, high rates of family fragmentation generate substantial taxpayer costs. According to a report by over one hundred family scholars and civic leaders released in 2000: "Divorce and

unwed childbearing create substantial public costs paid by taxpayers. Higher rates of crime, drug abuse, education failure, chronic illness, child abuse, domestic violence and poverty among both adults and children bring with them higher taxpayer costs in diverse forms: more welfare expenditure; increased remedial and special education expenses; higher day-care subsidies; addition child-support collection costs; a range of increased direct court administration costs incurred in regulating post-divorce or unwed families; higher foster care and child protection services; increased Medicaid and Medicare costs; increasingly expensive and harsh crime-control measures to compensate for formerly private regulation of adolescent and young-adult behaviors; and many other similar costs. While no study has yet attempted precisely to measure these sweeping and diverse taxpayer costs stemming from the decline of marriage, current research suggests that these costs are likely to be quite extensive."

So we can say with a fair degree of not only common sense but scientific certainty that marriage matters a great deal for children and for society. Marriage is in fact a cross-cultural institution, it is not a mere plaything of passing ideologies but in fact the word for the way that, in virtually every known human culture, society conspires to create ties between mothers, fathers, and the children their sexual unions may produce.

2. How will same-sex marriage affect marriage as a social institution?

Once we acknowledge the gravity of the marriage crisis we now face, and the importance of marriage as a social institution, the single most important question on unisex marriage becomes: Will this legal transformation strengthen or weaken marriage as a social institution?

For many Americans this translates into the question: How can Bob and James' marriage possibly affect Rob and Sue's marriage?

There are long, complicated and erudite answers to this question. Fortunately there is also a short simple and obvious answer. Marriage is not just a legal construct, it is socially, and culturally a child-rearing institution, the place where having children and creating families are actually encouraged, rather than merely tolerated. In endorsing same-sex marriage, law and government will thus be making a powerful statement: our government no longer believes children need mothers and fathers. Two fathers or two mothers are not only just as good as a mother and a father, they are just the same.

The government promotion of this idea will likely have some effect even on people who are currently married, who have been raised in a particular culture of marriage. But this new idea of marriage, sanctioned by law and government, will certainly have a dramatic effect on the next generation's attitudes toward marriage, childbearing, and the importance of mothers and fathers. If two mothers are just the same as a mother and a father, for example, why can't a single mother and her mother do just as well as a married mom and dad?

The fallacy and temptation is the belief that if we allow unisex couples to marry there will be two kinds of marriage: gay marriage for gays and lesbians, straight marriage for straights. In reality, there will be one institution called marriage, and its meaning will be dramatically different, with deep consequences for children.

Many advocates of gay marriage recognize the importance of this transformation. As one advocate for gay marriage, columnist and radio personality Michaelangelo Signorile put it in Out Magazine in December of 1994, "[F]ight for same-sex marriage and its benefits and then, once granted, redefine the institution of marriage completely, to demand the right to marry not as a way of adhering to society's moral codes but rather to debunk a myth and radically alter an archaic institution that as it now stands keeps us down."

You may agree or disagree, but let us not fool ourselves that this is a minor amendment to marriage law. Why are courts contemplating a radical shift in our most basic social institution at a time when 25 million children sleep in fatherless homes? Here is the disturbing answer: In order to accommodate or affirm the interests of adults in choosing alternative family forms that they prefer.

Two ideas are in conflict here: one is that children deserve mothers and father, and that adults have an obligation to at least try to conduct their sexual lives to give children this important protection. That is the marriage idea. The other is that adult interests in sexual liberty are more important than "imposing" or preferring any one family form: all family forms must be treated identically by law if adults are to be free to make intimate choices. This is the core idea behind the drive for same-sex marriage. And it is the core idea that must be rejected if the marriage idea is to be sustained.