

The Alternative

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Dear Reader,

This current issue of the Newsletter is on Sexual Partnership, Marriage and Family. The first essay concerns the decline of marriage and why fewer people choose to be married. The second essay is about the movement to open the benefits of marriage to gay people. The third essay tries to mediate this paradox. If marriage is less desirable for heterosexual people or is not living up to its promises, why are homosexual people so intent on joining a failing institution? The third essay argues that the focus on marriage is misplaced. The dividing line should not be between single and married but between parents and non-parents.

The discussion of this issue has been growing during the past 25 years. It has recently been intensified by a decision in Massachusetts that would allow gay marriage. In reaction to that ruling, there has been a flurry of political activity to strengthen marriage. Mr. Bush's proposal of \$1.5 billion dollars to educate the poor about marriage will never get through Congress but it has played well among those for whom the rhetoric was intended.

Religious organizations may be destined to play a double role in the near future. The ruling on gay marriage has been carefully limited to civil marriages. Religious organizations that oppose the idea of gay marriage might refuse to recognize these civil marriages. In the other direction, The New York Times recently carried a front page story on gays seeking religious acknowledgment of their unions even if the state does not allow gay marriage. Perhaps in the complex relation of religious and civil powers, there might emerge a helpful diversity of forms for sexual relations. Perhaps, for example, people should take temporary vows of marriage until they are married for 5, 10, 25 or 50 years when a ritual of permanent union might be observed. Some young people are already doing something like this but without any institutional support. The idea of stages of courtship, engagement and marriage might be revived with a reformed meaning

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SHOULD THIS MARRIAGE BE SAVED?

By Laura Kipnis

Marriage: it's the new disease of the week. Everyone is terribly worried about its condition, though no one can say what's really ailing the patient. Others are simply in denial, like President Bush, who insisted that heterosexual marriage was "one of the most fundamental, enduring institutions of our civilization" in his State of the Union address. Yet this statement came shortly after his own administration floated a proposal for a \$1.5 billion miracle cure: an initiative to promote "a healthy marriage, particularly among low income couples. And what of all the millionaires in failing marriages? Where are the initiatives devoted to this afflicted group? Sorry, they're on their own in the romance department.

The Administration may think that low-income Americans need to be taught better communication and listening skills, but actually they're communicating just fine. Conservatives just don't like the message being communicated, which is this: We don't want to get married.

More and more people - heterosexuals, that is -- don't want to get or stay married these days, no matter their income level. Yes, cohabitation is particularly prevalent in less economically stable groups, including the women counted as unmarried mothers. But only 56% of all adults are married, compared with 75% thirty years ago. The proportion of traditional married-couple-with-children households has dropped to 26% of all households, from 45% in the early 1970's. The demographics say that Americans are voting no on marriage.

Marriage is a social institution in transition, whether conservatives like it or not. This is not simply a matter of individual malfeasance; in fact it may not be individual at all. The rise of the new economy has gutted all sorts of traditional values and ties, including traditions like the family wage, job security and economic safety nets. Women have been propelled into the work force in huge numbers, and not necessarily for personal fulfillment: with middle-class wages stagnant from the early 70's to the mid-90's, it now takes (at least) two incomes to support the traditional household.

Postindustrialism, perhaps more than feminism, transformed gender roles, contributing to the "great disruption" of the present. The increasing economic self-sufficiency of women has certainly been a factor in declining marriage rates; there's nothing like a checking account to decrease someone's willingness to be pushed into marriage or stay in a bad one. And interestingly, welfare reform has played the same role for lower-income groups. Studies have shown a deep

decline in marriages among women in welfare-to-work programs.

So how about a little more honesty and fewer platitudes on the marriage question. Sure, most people would like a lifetime soulmate, but they there's that widely quoted 50% divorce rate to consider. If more people are resisting marriage or fleeing the ones they're in, or inventing new permutations like cohabitation or serial monogamy, here's one reason: for a significant percentage of the population, marriage doesn't turn out to be as gratifying as it promises.

In other words, the institution itself is not living up to its vows. A 1999 Rutgers University study reported that a mere 38% of Americans who were on their first marriages described themselves as actually happy in that state. This is rather shocking: so many households submerged in low-level misery or emotional stagnation, pledged to lives of discontent. But perhaps there is also a degree of social utility in promoting long-term unhappiness to a citizenry. After all, those accustomed to expecting less from life are also less accustomed to making social demands - and are thus primed to swallow indignities like trickle up economics along with their daily antidepressants.

As for those better communication skills the Bush administration wants to teach low-income groups, particularly regarding difficult issues like money: that could backfire. If the lower and middle classes did start communicating better about money, that could include communicating to their elected representatives that they're fed up with condescension and election year pandering for conservative votes while central issues in their lives like jobs, pay and working conditions are studiously ignored.

But you can also see why conservatives might be getting nervous about the marriage issue. According to historian Nancy Cott, marriage has long provided a metaphor for citizenship. Both are vow making enterprises; both involve a degree of romance. Households are like small governments, and in this metaphor divorce is a form of revolution - at least an overthrow. Come November, how many of the disaffected might start wondering if they'd be better off with a different partner? How many will find themselves murmuring those difficult, sometimes necessary (and occasionally liberating) words: *I want a divorce*

If the Bush administration really wants to improve the lives of low-income people, here's some simple advice: Rather than meddle in their love lives, raise their incomes. Start by throwing that \$1.5 billion into the pot. Once low-income groups are making middle class wages, their marital ambivalence will be their own business, just like millionaires. Or members of Congress.

A CONSERVATIVE RULING ON GAY MARRIAGE

By Patrick Guerriero

The Massachusetts Supreme Judicial Court decision declaring a constitutional right of all citizens, regardless of sexual orientation, to access civil marriage licenses was undeniably bold and historic. More significantly, the power and clarity of the decision stems from the fundamentally conservative and family-values based argument offered by the state's highest court. Yes, a majority of justices, nearly all appointed by Republican governors, used traditional values and conservative principles to make a compelling case to end discrimination against gay and lesbian families. The opponents of basic fairness for all Massachusetts families are left arguing against stable relationships, against increased protection for children, against limited government, against individual liberty, and against religious freedom.

The court argues that exclusive unions, recognized by a civil marriage license, will provide greater family stability and a more ordered society. Self-proclaimed family groups should be embracing stable relationships not encouraging transient ones.

Today thousands of children are being raised by loving same-sex couples from Boston to the Berkshires. The court rightfully notes that these children should not be penalized or deprived benefits and protections because of their parents' sexual orientation. Pro-children conservatives should support security for all Massachusetts children without exception.

In a nod to limited government, the court recognizes that civil marriage will ensure that children and adults are cared for and supported whenever possible from private rather than public funds. Anti-tax conservatives should applaud the weighty legal, financial and social obligations that come with civil marriage. And the court echoes the conservative libertarian philosophy of civil marriage proponent Governor William Weld. Conservative believers in individual liberty and personal autonomy should allow citizens to freely choose a life partner whether gay or straight.

An extremely critical component of the ruling is the absolute distinction made between granting a civil marriage licence versus ceremonies recognizing religious marriage. The state granting a license to a committed couple is entirely separate from existing religious ceremonies and traditions. Granting civil marriage licenses to tax paying, law-abiding gay couples in no way interferes with or threatens the sanctity of traditional marriage. Religious conservatives might

consider banning divorce and infidelity, not gay couples, in order to protect the sanctity of traditional religious marriage.

Some have tried to question the clarity of the court's ruling. Yet, no law degree is necessary to understand the court's firm call to end the less than equal treatment of gays and lesbians in committed relationships. The court finds that barring an individual from the protections, benefits and obligations of civil marriage solely because that person would marry a person of the same sex violates the Massachusetts Constitution.

Some opponents are critical of a runaway court for imposing a radical new value system on an unsuspecting public. This argument flies in the face of reliable polls indicating majority support for the decision. The citizens of Massachusetts are fair minded not radical. Others say providing fairness to gay and lesbian families is a task for the legislature not the court. Proponents of this argument should be reminded that the court only acted after the legislature repeatedly failed to act on more incremental and politically palatable legislation. Civil rights organizations and legislators have filed domestic partnership and civil union legislation year after year to no avail.

Regardless, the courts are charged with ensuring constitutional fairness. In this case the justices acted within their discretion, their duty and their obligation to make sure the Massachusetts Constitution equally protects every citizen of the state.

Supporters of civil marriage for gays and lesbians should be more respectful of the deeply held personal beliefs that underscore the current opinions of our legislative leaders and governor. This debate is new for everyone. It is complex and has legal, political and social implications beyond Massachusetts. At the same time the legislature and governor should respect the unambiguous directive from the court to allow for civil marriage licenses for all citizens of the Commonwealth within 180 days.

Divisive efforts to amend the state Constitution in 2006 should be opposed by Republican and Democratic public officials. The Massachusetts Constitution, like the United States Constitution, should be used to protect liberty and ensure fairness. It should never be used to marginalize a segment of the American family. The citizens of our great Commonwealth may even conclude that after embracing civil marriage for all citizens we will actually be a more stable, more welcoming and more conservative home for all Massachusetts families.

MARRIAGE, FAMILY AND SEXUAL UNIONS

By Gabriel Moran

In December, 2003, a New York Times/CBS poll was conducted on the public's attitude to gay unions and gay marriage. The poll followed the November ruling in Massachusetts that same-sex marriage was permissible under the state's constitution. The results of the poll were seemingly inconsistent. A majority of people favored a constitutional amendment to ban gay marriage. And yet there was considerable support for gay unions. Among Roman Catholics, for example, there was actually a majority that approved of gay unions but a large majority opposed to gay marriage.

My colleague, Jon Zimmerman, in an op-ed essay, recounted a conversation with his 97 year old grandmother. She is a classic liberal Democrat, reared in Greenwich Village and tolerant of all sorts of diversity. Zimmerman was surprised, therefore, that while his grandmother had no problem with homosexual unions she did not approve of same-sex marriage. He could only conclude that she was being inconsistent and that her liberalism on the this point has not (yet) taken hold.

The poll did show a great discrepancy between the under-30 age group and people over 65. Perhaps it is simply a matter of liberal attitudes slowly taking hold. It is widely assumed that the issue fits securely on the spectrum of conservative to liberal. But this assumption does not always prove to be the case. David Brooks, conservative columnist in The New York Times, caused a stir with his opinion on this issue. Brooks wrote that conservatives shouldn't just allow gay marriage. We should insist on gay marriage. We should regard it as scandalous that two people could claim to love each other and not want to sanctify their love with marriage and fidelity. Liberals applauded. But is this a tolerant attitude? Is it scandalous that two people might love each other and not wish to get married?

There is certainly ambivalence and confusion in this country about homosexuality. But I think the main confusion is about the nature of marriage. The question of gay marriage simply exposes problems that have gathered around (heterosexual) marriage. An institution that is publicly failing most of the time would seem to be in need of examination and reform. Conservatives like Brooks want people married in order to control sexual life, but marriage does not do that. Liberals want to extend the social and economic benefits of marriage to gay people but those benefits could be extended in other ways. Most conservatives are against gay marriage because it further confuses an already

confused situation. They are probably right; more than two-thirds of the country is on that side. But simply banning gay marriage is an attempt to defend marriage in a way that does not really give it any help

If marriage is not helped by excluding gays, neither is the liberal solution of including gays particularly helpful. Marriage needs help not by increasing its population but, on the contrary, by narrowing its numbers to fewer people for whom it makes sense. The focus of concern in this country ought to be not marriage but family. Historically, marriage was a contract for establishing a family. The opposing lawyer in the Massachusetts case got it partly right but badly wrong by saying that the main purpose of marriage is procreation. The main purpose of marriage ought to be not procreation but raising children to adulthood. That is why the state has to be involved; its main concern ought to be the proper care of children. And that is precisely where the state fails. The world's richest country has one-fourth of its children living in poverty. New York City recently estimated there are 17,000 homeless children living on its streets.

At about the turn of the twentieth century the relation between marriage and family changed. Millions of people get married who may have no possibility or have no intention of raising a family. Why get married? Because the only alternative is a single, which is defined as a negation. In the 1920s there was a movement to establish two kinds of marriage. The movement for a companionate marriage was thought to be shocking but it actually did not go far enough. What was needed was not a subset of marriage but a new category of personal/communal union distinguishable from marriage.

People who marry ought to be clear that they are establishing a family unit that will be of concern to political, religious and economic organizations. All of society has a stake in the stability and permanence of the family. If the parents of children decide to end their relation, the divorce will almost surely involve lawyers and court proceedings. For other adults who are not involved in the immediate care of children, one or several forms of union should be available. If two adults wish to have economic as well as sexual partnership, there should be a simple but definite form for such unions. The state, however, has very little business intruding on the sexual lives of a couple.

We are at least approaching a time in human history when men and women might be able to achieve mutual compacts. In the 1920s the women's movement had not progressed far enough to support genuine sexual companionship. Besides the women's movement, the most significant engine of change in this area has been the gay movement. I can understand why many gay people wish

the social approval signified by marriage. But gays joining marriage as it currently exists would be a sign that the gay revolution is over. Both gay and feminist movements held out hope of improving sexual, familial and communal life. When I see mothers of small children being sent to Baghdad to get shot at I wonder if that is what the feminist revolution was for. I was hoping for a less violent world, not just one where women gain the privilege of being infantry soldiers, prize fighters and basketball players with multiple knee surgeries.

The gay revolution has at least begun the development of a language of civil union and domestic partnership. That is the kind of language that millions of heterosexual people need who are not intent on starting a family. Serious reforms occur because a minority group is forced to discover ways of survival that, despite oppression, may be healthier than the majority's way of doing things. The women's movement and the gay movement have changed many attitudes in society; the big test is whether they can change family life. The people who are going to be parents of the next generation need an education that prepares them for the seriousness of this choice. The pool for responsible parenthood should not be restricted to heterosexual couples. Thus, marriage should be open to those gay couples who wish to raise children. The government should give a tax break not to married people but to parents who are engaged in raising the future generation.

The obsession with defending marriage is a convenient way for the government to avoid its responsibility to care for the social and economic conditions of family life. Would gay marriage undermine the idea of marriage? That was already done more than a century ago. Would gays getting married strengthen the institution of marriage? Probably yes, at least in the short run. More people getting married gives the impression that the institution is functioning well. The divorce rate would probably stay about the same, that is, around fifty percent. But the divorce rate tells us very little about the state of family life.

Simply having millions of gay people get married would mean that an opportunity had been lost for examining why anyone needs marriage. And amid liberal celebrations of progress we would perpetuate the illusion that this is a good country for children. Real progress would be for the government to provide better conditions for parents (gay and straight) and their children. Real progress would be achieved if adults could work out their sexual lives without feeling that they had to take on the myths, and trappings of marriage (starting with the \$40 billion dollar wedding industry) which are of no help to them.

