

How Can the State Strengthen the Institution of Marriage?

Interim Judiciary Committee

March 20, 2006

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Different Aspects of Marriage

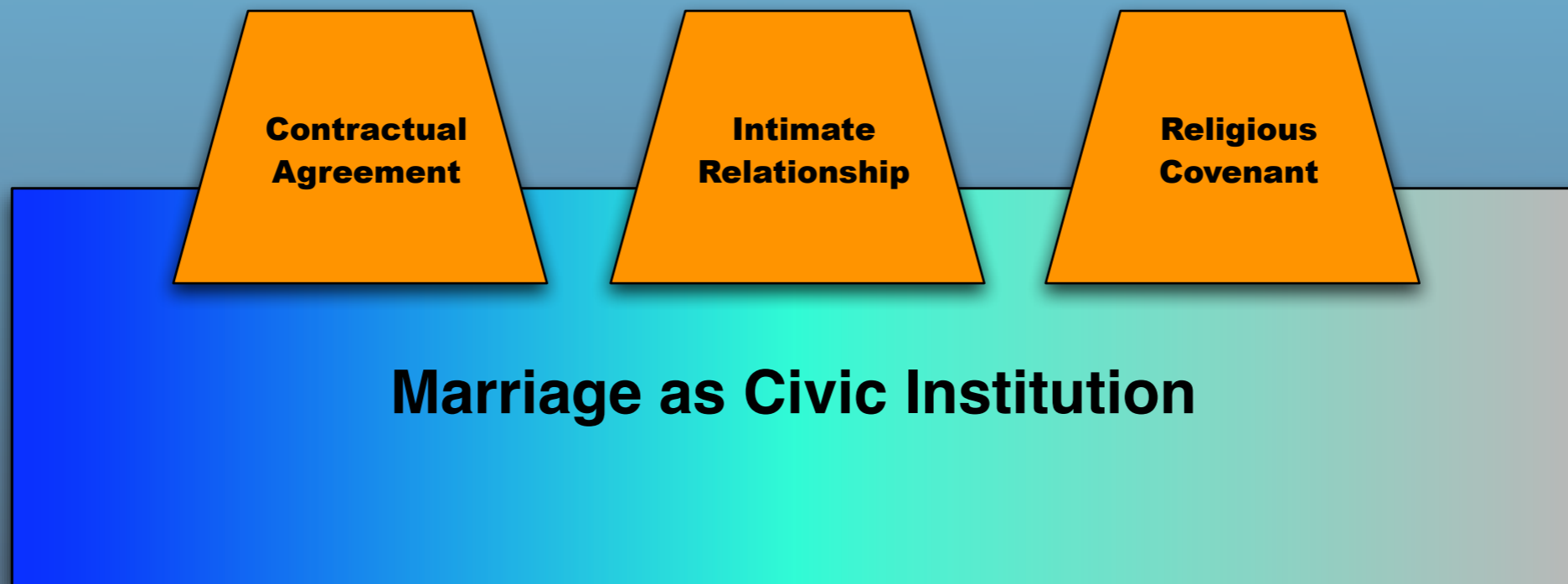
**Contractual
Agreement**

**Intimate
Relationship**

**Religious
Covenant**

Marriage as Civic Institution

Different Aspects of Marriage

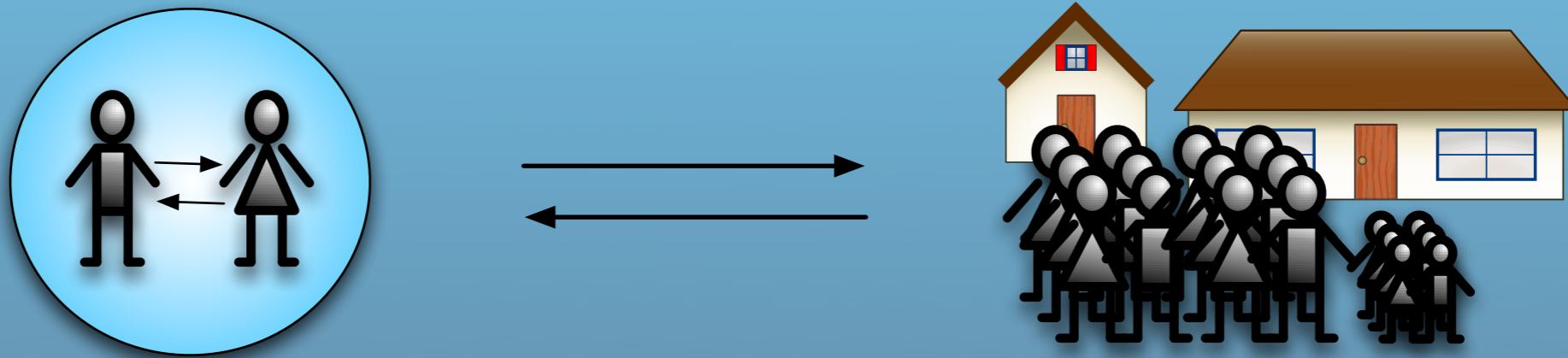


Different Aspects of Marriage

Your love is your own private possession, but marriage is more than something personal — it is a status, an office. Just as it is the crown, and not merely the will to rule, that makes the king, so it is marriage, and not merely your love for each other, that joins you together in the sight of God and man. . . It is not your love that sustains the marriage, but from now on, the marriage that sustains your love.

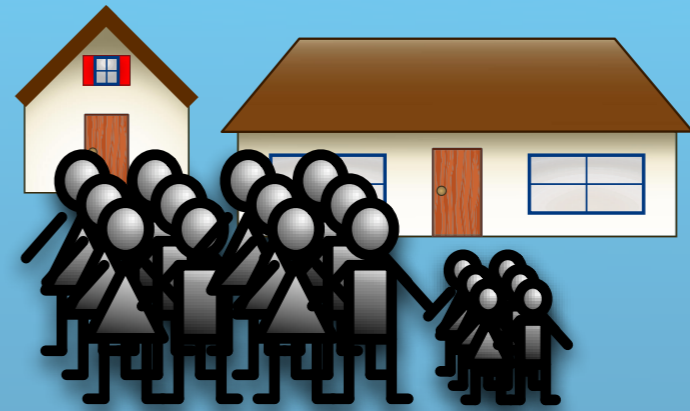
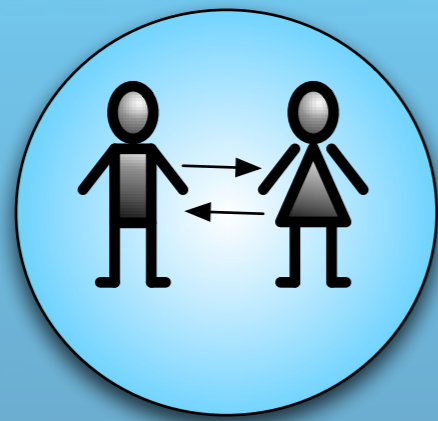
Dietrich Bonhoeffer, from his Nazi Prison Cell, 1943

Marriage as a Civil Institution Exists in the Context of Community

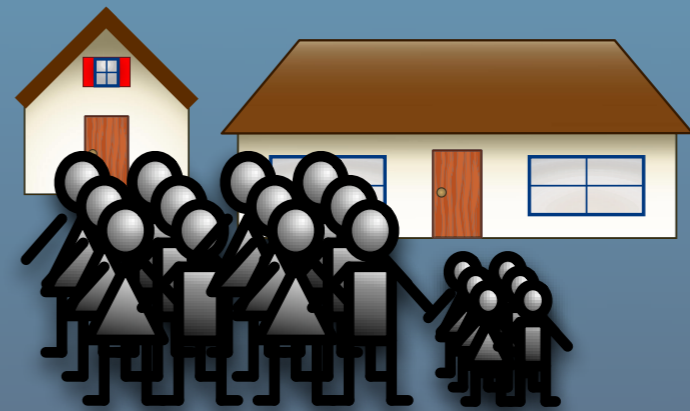
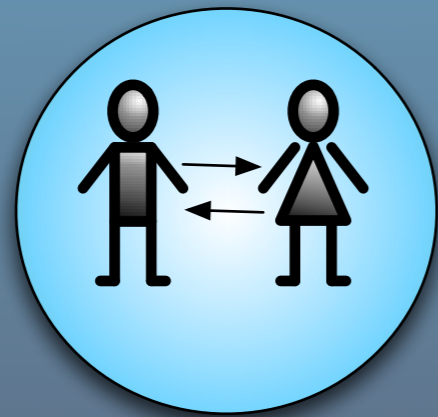


Public commitment made between two persons such that benefits and duties flow from the couple to the community and from the community to the couple.

In this way, both the married couple and the larger community become vested in each other.



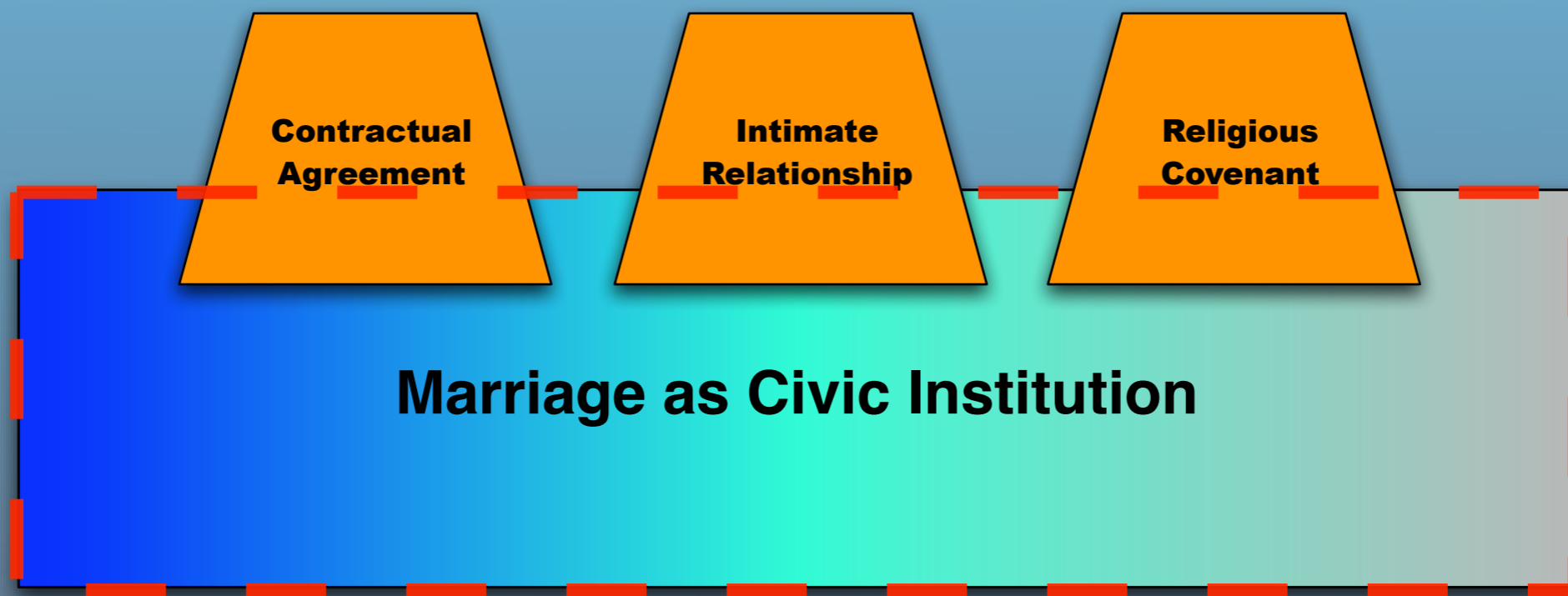
The benefits and duties also extend to future generations.



Because the institution is rooted in the community and serves as the basis of the family, it is an essential component of the common good.

The state, therefore, has a legitimate and compelling interest in encouraging, preserving, and strengthening healthy marriages.

Marriage as a Civil Institution Provides the Basis for State Involvement



Marriage as a civil institution and the interest of the state is recognized in the directive received by this committee.

SB 2361 § 2: Study the state's marriage laws and methods for strengthening the [institution of marriage](#) in the state, including premarital requirements, such as marital education and counseling, waiting periods, and marital blood tests; the availability of marriage counseling and parenting education in the state; and the implementation of predivorce requirements, such as divorce-effects education.

Why Should Government Care?

Increased attention to marriage and family structures has produced a wealth of social data that convincingly demonstrates the advantages of marriage for children, adults, and society.

Conclusions from Social Research

Beginning Observations

- Weeding out Selection Effects
- Individual Circumstances Vary

Conclusions from Social Research Resources

- **Institute for American Values** (www.americanvalues.org)
 - *Why Marriage Matters, Second Edition: Twenty-six Conclusions from the Social Sciences*
 - *Can Government Strengthen Marriage? Evidence from the Social Sciences*
- **Center for Law and Social Policy** (www.clasp.org)
 - *Couples and Marriage Series*
 - *Beyond Marriage Licenses: Efforts to Strengthen Marriage and Two-Parent Families - A State-by-State Snapshot*
- **National Marriage Project at Rutgers** (marriage.rutgers.edu)
 - *The State of Our Unions Series*
 - Information Briefs and Testimonies
- **State of Florida's Commission on Marriage and Family**
(www.floridafamilies.org)

Why Should Government Care?

Marriage Benefits Children

Even after controlling for other social and economic factors, children raised outside of intact marriages are at higher risk of experiencing a variety of negative economic, social, psychological, educational, and physical outcomes.

Why Should Government Care?

Marriage Benefits Adults

Men and women in marriages are significantly better off than unmarried counterparts.

Why Should Government Care?

Marriage Benefits Society

Marriage performs social tasks and produces social goods that are irreplaceable or not easily replicated.

Many of these stem from the social bonds with the community that marriage produces.

What Can Government Do?

Some Guiding Principles

- Policy-makers should reject the false notion that promotion of marriage means disparaging or not helping those who are unmarried.
- Goal is healthy marriage, not marriage for its own sake.
- Marriage programs should not substitute for other effective programs to address economic dependency, out-of-wedlock pregnancies, and other problems related to non-marriage.

What Can Government Do?

Ensure that state policies and practices do not de-institutionalize marriage

- Policies should treat the married couple as a distinct social, legal, and financial unit. Treating married couples as if they were unmarried individuals or treating unmarried individuals as if they were married weakens marriage as a social institution.
- Prevent efforts to eliminate words such as “spouse,” “married,” “wife,” and “husband” from state forms and documents.

What Can Government Do?

Ensure that public school curricula:

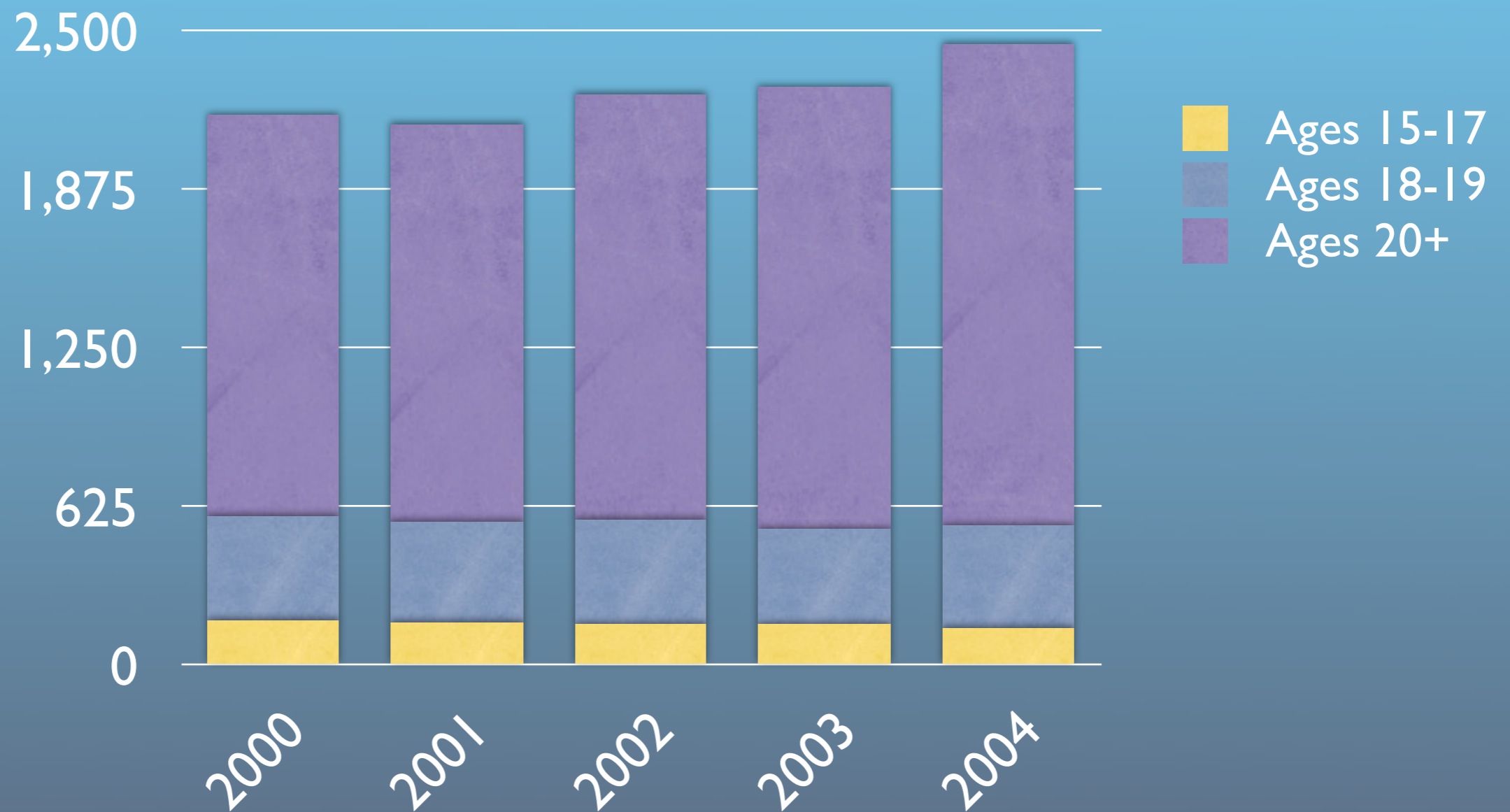
- Treats marriage as civic institution
- Treats marriage as the ideal family form, especially for childbearing
- Does not equate marriage with all other types of relationships
- Educates about the proven personal, familial, and community benefits of marriage
- Equips graduates with the skills needed to avoid bad relationships and build healthy ones

What Can Government Do?

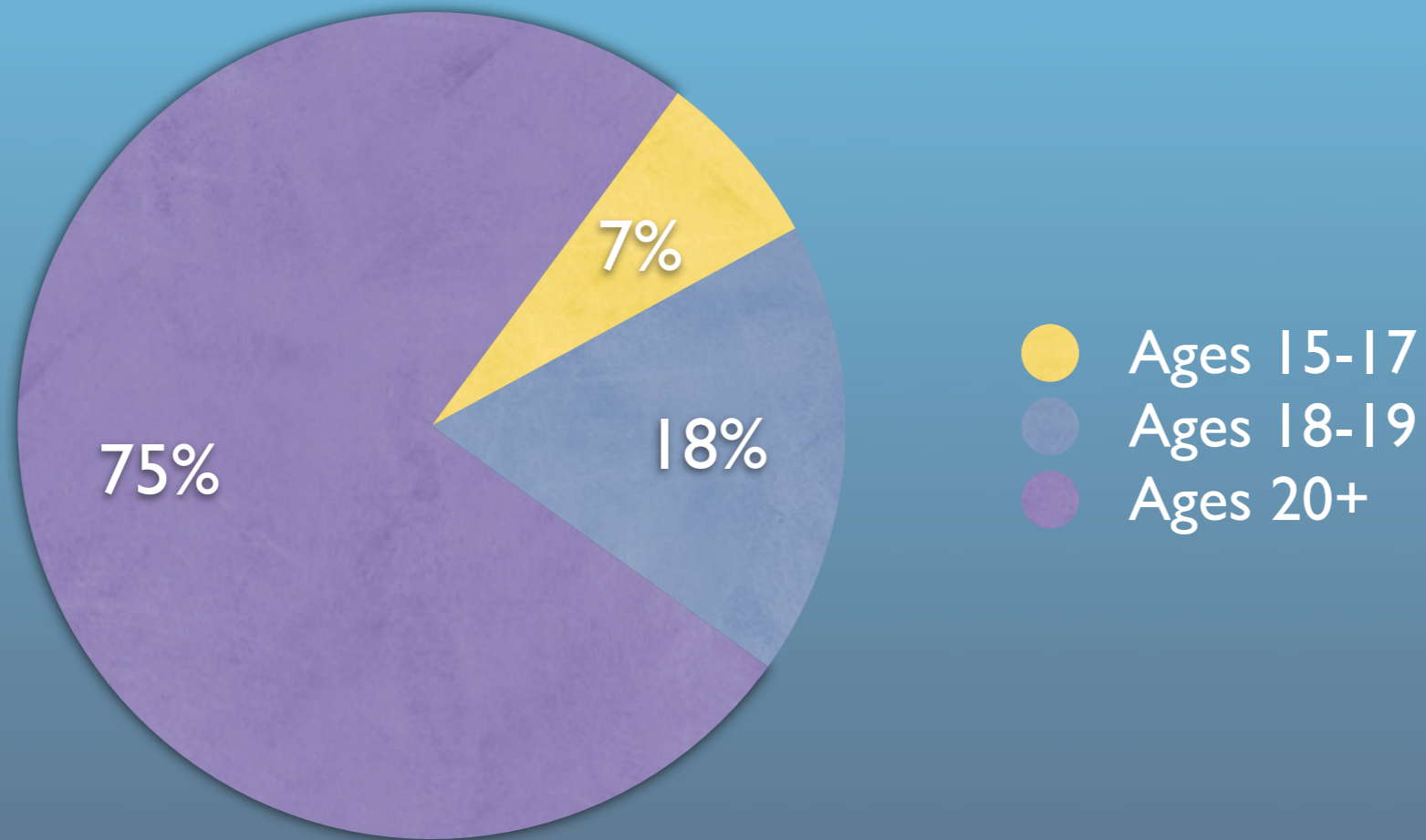
Put Marriage in Teen Pregnancy Prevention Programs

- Public school programs should emphasize marriage -- not just maturity -- in abstinence and pregnancy prevention programs.
- Examine teen pregnancy prevention programs funded or endorsed by the state to determine whether they are built around marriage. Add a marriage component to those that are not.

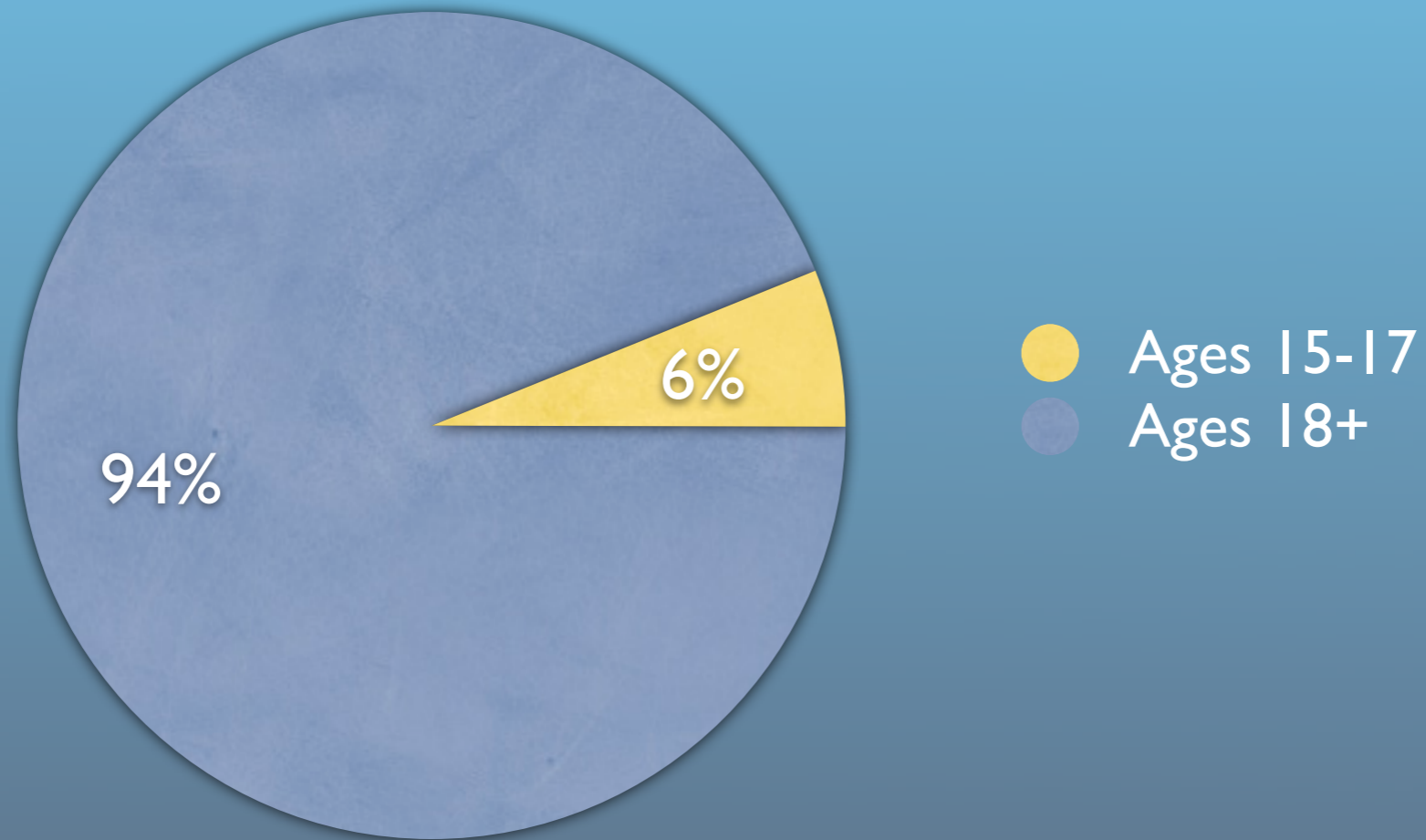
North Dakota Births to Unmarried Mothers by Age Group



North Dakota Births to Unmarried Mothers by Age Group 2000 - 2004



North Dakota Abortions by Age Group 2004



Note: Includes nonresidents, married and unmarried.
83% of abortions were on unmarried women.

What Can Government Do?

Marriage and Pregnancy

What is going on?

Why should we care?

- Have we treated the problem of unwed pregnancy as a teen pregnancy problem?
 - Message is: “Wait until you are older.”
 - Message should be: “Wait until you are older and in a healthy marriage.”
- Research shows that adult unwed mothers and their children are no better off than teen unwed mothers and their children -- even in the long run.
- *The Age of Unwed Mothers: Is Teen Pregnancy the Problem?*,
Institute for American Values

What Can Government Do?

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What Can Government Do?

- Ensure that all state policies and practices respect, rather than burden or discourage marriage.
- Give preference in state-funded job creation and location incentive programs to those proposals that provide not only good wages and benefits, but also *traditional hours and predictable work schedules*.
- Continue and increase funding for centers that provide positive help for women facing unexpected pregnancies.

What Can Government Do?

- Explore divorce education or mediation pilot project designed to *reduce* unnecessary divorce.
- Fund voluntary marriage preparation and education services for cohabiting and other unmarried new parents.
- Fund voluntary marriage education and other intervention services to reduce conflict, violence, and unnecessary divorce in high-risk couples.

What Can Government Do?

Other Ideas

- Establish a marriage commission charged with
 - evaluating how state agencies treat marriage
 - developing specific initiatives and policies
- Hold conference with faith-based and community organizations on marriage strengthening policies
- Invest in initiatives to promote fatherhood
- Incorporate marriage incentives in TANF
- Discount marriage license fee for low-income couples who receive pre-marital counseling, using TANF funds to off-set the cost

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