

related to forming and sustaining healthy marriages. I closely supervised the production of nearly 500 “pages” of summaries of various topics related to marriage and divorce. Currently, I am the vice-chairman of the Utah Commission on Marriage which is a volunteer commission advising the Utah Department of Workforce Services on their own Healthy Marriage Initiatives.

II. Focus of my Statement

My statement here will focus on summarizing the research related to the importance of two-parent families and healthy marriages for adults, children, and communities, and related matters. In addition, I will discuss the state of maturity of, and weaknesses in, the body of existing scientific studies on same-sex parenting, and related matters.

My statement represents my own thinking on the issues in question. I do not represent Brigham Young University or its sponsoring institution, Brigham Young University.

III. Outline of Key Topics in my Statement

1. The Advantages to Children of a Stably, Married, Mother/Father Family Structure

1a. A body of research has matured over the last two decades to support the conclusion that children, on average, do best when reared by their biological mother and father in a stably married, intact family.¹

1b. Family structure is intimately connected to family process, not somehow independent and redundant.²

1c. In specific terms, the social science literature³ demonstrates that children who are reared by a married mother and father have more positive outcomes on a wide variety of

¹ Kristin Anderson Moore, Susan M. Jekielek, and Carol Emig, 2002. “Marriage from a Child’s Perspective: How Does Family Structure Affect Children, and What Can Be Done About It?” Research Brief, June 2002. Washington, D.C.: Child Trends. p. 6.

² William J. Doherty, “The Best of Times and the Worst of Times: Fathering as a Contested Arena of Academic Discourse,” in Alan J. Hawkins and David C. Dollahite (Eds.), *Generative Fathering: Beyond Deficit Perspectives*. Thousand Oaks, CA: Sage. pp.217-227. Norval Glenn & Thomas Sylvester, *The Denial: Downplaying the Consequences of Family Structure for Children*, Institute for American Values, New York, New York, 2005.

³ For helpful general surveys of the relevant literature, see Linda J. Waite & Maggie Gallagher, *The Case for Marriage: Why Married People Are Happier, Healthier and Better-Off Financially*, New York: Doubleday, 2000); Elizabeth Marquardt, *Between Two Worlds: The Inner Lives of Children of Divorce*, New York: Crown, 2005; Amici Curiae Brief of James Q. Wilson, et al., In re Marriage Cases, Case No. A110449 (Cal. Ct. App. 2006); *Marriage and the Law: A Statement of Principles*, New York: Institute for American Values & Institute for Marriage and Public Policy, 2006; Elizabeth Marquardt, Family Structure

important factors compared to children in other adequately studied family structures, and these outcome differences exist even when controlling statistically for important sociodemographic differences between children reared in different family structures.

Children reared in a stably married family:

- Are less likely to experience poverty.⁴
- Are likely to do better on various measures of educational attainment.⁵
- Exhibit fewer behavioral problems including conduct disorders, alcohol and drug abuse and juvenile delinquency.⁶

and Children's Educational Outcomes, New York: IAV, 2005; W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Paul R. Amato, "The Impact of Family Formation Change on the Cognitive, Social, and Emotional Well-Being of the Next Generation," 15 *The Future of Children* 75, Fall 2005; *Marriage and the Public Good: Ten Principles*, Princeton: The Witherspoon Institute, 2006; Lorraine Blackman, Obie Clayton, Norvall Glenn, Linda Malone-Colon & Alex Roberts, *The Consequences of Marriage for African Americans: A Comprehensive Literature Review*, New York: Institute for American Values, 2005; William C. Duncan, *The Social Good of Marriage and Legal Responses to Non-Marital Cohabitation* 82 OREGON LAW REVIEW 1001, 2004.

⁴ W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Adam Thomas & Isabel Sawhill, "For Love and Money? The Impact of Family Structure on Family Income" 15 *The Future of Children* 57, 61, Fall 2005; Sara McLanahan, *Family, State, and Child Well-Being*, 26 *Annual Rev. of Sociology* 703 (2000); I. Sawhill, "Families at Risk," in *Setting National Priorities* (H.H. Aaron and R.D. Reischauer, eds.) 97-135 (1999); Mark R. Rank and Thomas A. Hirschl, *The Economic Risk of Childhood in America: Estimating the Probability of Poverty Across the Formative Years*, 61 *J. Marriage and the Family* 1058 (1999).

⁵ W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: Institute for American Values, 2005; Elizabeth Marquardt, *Family Structure and Children's Educational Outcomes*, New York: Institute for American Values, 2005; Sara McLanahan & Gary Sandefur, *Growing Up with a Single Parent*, Cambridge: Harvard University Press, 1994; Susan Brown, "Family Structure and Child Well-Being: The Significance of Parental Cohabitation," *Journal of Marriage and the Family*, 66, 351-367, 2004; Lorraine Blackman, Obie Clayton, Norvall Glenn, Linda Malone-Colon & Alex Roberts, *The Consequences of Marriage for African Americans: A Comprehensive Literature Review* at 35-37, New York: Institute for American Values, 2005; Paul R. Amato, "Children of Divorce in the 1990s: An Update of the Amato and Keith (1991) Meta-Analysis," *Journal of Family Psychology*, 15, 355-???, (2001); William H. Jeynes, *The Effects of Several of the Most Common Family Structures on the Academic Achievement of Eighth Graders*, 30(1/2) *Marriage & Fam. Rev.* 73 (2000); Sara McLanahan and Gary Sandefur, *Growing Up with a Single Parent: What Helps, What Hurts* (Cambridge, MA: Harvard University Press) (1994); Timothy J. Biblarz and Gregg Gottainer, *Family Structure and Children's Success: A Comparison of Widowed and Divorced Single-Mother Families*, 62(2) *J. Marriage & Fam.* 533 (2000); Zeng-Yin Cheng and Howard B. Kaplan, *Explaining the Impact of Family Structure During Adolescence on Adult Educational Attainment*, 7(2) *Applied Behav. & Sci. Rev.* 23 (1999); Dean Lillard and Jennifer Gerner, *Getting to the Ivy League*, 70(6) *J. Higher Educ.* 206 (1996).

⁶ W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Susan Brown, *Family Structure and Child Well-Being: The Significance of Parental Cohabitation* 66 *Journal of Marriage and the Family* 351-367, 2004; Ross L. Matsueda and Karen Heimer, *Race, Family Structure and Delinquency: A Test of Differential Association and Social Control Theories*, 52 *Am. Soc. Rev.* 171 (1987); Chris Coughlin and Samuel Vuchinich, *Family Experience in Preadolescence and the Development of Male Delinquency*, 58(2) *J. Marriage & Fam.* 491 (1996); George Thomas and Michael P. Farrell, *The Effects of Single-Mother Families and Nonresident*

- Will not be as likely to engage in criminal behavior as adults.⁷
- Are less likely to engage in sexual relations as teenagers and to experience an unwed pregnancy.⁸
- Have a decreased risk for mental/emotional illness.⁹
- Have a decreased risk of physical illness and infant mortality.¹⁰

Fathers on Delinquency and Substance Abuse, 58(4) *J. Marriage & Fam.* 884 (1996); Paul Amato, 2005. "The Impact of Family Formation Change on the Cognitive, Social, and Emotional Well-Being of the Next Generation." *The Future of Children* 15: 75-96; Elizabeth Marquardt, *Family Structure and Children's Educational Outcomes*. New York: Institute for American Values, 2005.

⁷ W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Cynthia Harper and Sara McLanahan, *Father Absence and Youth Incarceration*, paper presented at the annual meeting of the American Sociological Association (August 1998); Cynthia C. Harper and Sara S McLanahan, *Father Absence and Youth Incarceration*, 14(3) *J. Res. On Adolescence* 369, 385-86 (2004); D. Wayne Osgood and Jeff M. Chambers, *Social disorganization outside the metropolis: an analysis of rural youth violence*, 38 *Criminology* 81, 103 (2000).

⁸ W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Lorraine Blackman, Obie Clayton, Norvall Glenn, Linda Malone-Colon & Alex Roberts, *The Consequences of Marriage for African Americans: A Comprehensive Literature Review* at 37, NY: IAV, 2005; E. Mavis Hetherington and John Kelly, *For Better or For Worse: Divorce Reconsidered* (2002); Catherine E. Ross and John Mirowsky, *Parental Divorce, Life-Course Disruption, and Adult Depression*, 61(4) *J. Marriage & Fam.* 1034 (1999); Andrew J. Cherlin et al., *Parental Divorce in Childhood and Demographic Outcomes in Young Adulthood*, 32 *Demography* 299 (1995); Sara McLanahan & Gary Sandefur, *Growing Up with a Single Parent*, Cambridge: Harvard University Press, 1994; Bruce Ellis et al. 2003. "Does Father Absence Place Daughters at Special Risk for Early Sexual Activity and Teenage Pregnancy?" *Child Development* 74: 801-821.

⁹ W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Elizabeth Marquardt, *Between Two Worlds: The Inner Lives of Children of Divorce*, New York: Crown, 2005; W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Gunilla Ringback Weitoft, Anders Hjern, Bengt Haglund, & Mans Rosen, "Mortality, Severe Morbidity, and Injury in Children Living with Single Parents in Sweden: A Population Based Study" 361 *The Lancet* 289-295, 2003; Sara McLanahan, "Parent Absence or Poverty: Which Matters More?" in G. Duncan & J. Brooks-Dunn, *Consequences of Growing Up Poor*, New York: Russell Sage, 1997; E. Mavis Hetherington and John Kelly, *For Better or For Worse: Divorce Reconsidered* (2002); Paul R. Amato, *Children of Divorce in the 1990s: An Update of the Amato and Keith (1991) Meta-Analysis*, 15 *J. of Fam. Psychol.* 355 (2001); Ronald L. Simons, et al., *Explaining the Higher Incidence of Adjustment Problems Among Children of Divorce Compared with Those in Two-Parent Families*, 61 *J. Marriage & Fam.* 1020 (1999); Andrew J. Cherlin, et al., *Effects of Parental Divorce on Mental Health Throughout the Life Course*, 63 *Am. Soc. Rev.* 239 (1998).

¹⁰ W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Lorraine Blackman, Obie Clayton, Norvall Glenn, Linda Malone-Colon & Alex Roberts, *The Consequences of Marriage for African Americans: A Comprehensive Literature Review* at 31-35, NY: IAV, 2005; Ronald Angel and Jacqueline Worobey, *Single Motherhood and Children's Health*, 29 *J. Health & Soc. Behav.* 38 (1988); Olle Lundberg, *The Impact of Childhood Living Conditions on Illness and Mortality in Adulthood*, 36 *Soc. Sci. & Med.* 1047 (1993); J.A. Gaudino, Jr., et al., *No Fathers' Names: A Risk Factor for Infant Mortality in the State of Georgia*, 48 *Soc. Sci. & Med.* 253 (1999); C.D. Siegel, et al., *Mortality from Intentional and Unintentional Injury Among Infants of Young Mothers in Colorado, 1982 to 1992*, 150(10) *Archives of Pediatric & Adolescent Med.* 1077 (1996); Trude Bennett and Paula Braveman, *Maternal Marital Status as a Risk Factor for Infant Mortality*, 26(6)

- Experience decreased risk of suicide.¹¹
- Have a greater average life expectancy.¹²
- Are more likely to benefit from high levels of parental investment, commitment, and closeness (particularly with their fathers).¹³
- Are less likely to be victims of physical and sexual abuse.¹⁴
- Experience higher levels of family stability as adults, including a decreased divorce risk.¹⁵

1d. Although the evidence is convincing about the advantages of the stably married, mother/father family, social scientists are not able to conclusively “prove” this advantage using the tools of science, and there are reasonable differences about how important these differences are. My own judgment leads me to believe that the differences are substantial and meaningful to many children’s well-being.

Fam. Planning Perspectives 252 (1994); Trude Bennett, *Marital Status and Infant Health Outcomes*, 35(9) Soc. Sci. & Med. 1179 (1992).

¹¹ Gregory R. Johnson, et al., *Suicide Among Adolescents and Young Adults: A Cross-National Comparison of 34 Countries*, 30 *Suicide and Life-Threatening Behavior* 74 (2000); David Lester, *Domestic Integration and Suicide in 21 Nations, 1950-1985*, XXXV *Int’l J. of Comparative Sociology* 131 (1994); David M. Cutler, et al., *Explaining the Rise in Youth Suicide*, National Bureau of Economic Research Working Paper 7713 (2000).

¹² J.E. Schwartz, et al., *Childhood Sociodemographic and Psychosocial Factors as Predictors of Mortality Across the Life-Span*, 85 *Am. J. Pub. Health* 1237 (1995); Joan S. Tucker, et al., *Parental Divorce: Effects on Individual Behavior and Longevity*, 73(2) *J. Personality & Soc. Psychol.* 381 (1997).

¹³ W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Lorraine Blackman, Obie Clayton, Norvall Glenn, Linda Malone-Colon & Alex Roberts, *The Consequences of Marriage for African Americans: A Comprehensive Literature Review at 27-30*, NY: IAV, 2005; Alan C. Acock and David H. Demo, *Family Diversity and Well-Being* (1994); Paul R. Amato and Alan Booth, *A Generation at Risk* (1997); Nicholas Zill, et al., *Long-Term Effects of Parental Divorce on Parent-Child Relationships, Adjustment, and Achievement in Young Adulthood*, 7(1) *J. Fam. Psychol.* 91 (1993); E. Mavis Hetherington and John Kelly, *For Better or For Worse: Divorce Reconsidered* (2002); William S. Aquilino, *Impact of Childhood Family Disruption on Young Adults’ Relationships with Parents*, 56 *J. Marriage & Fam.* 295 (1994); Sandra Hofferth and Kermyt Anderson. 2003. “Are All Dads Equal? Biology Versus Marriage as a Basis for Paternal Involvement.” *Journal of Marriage and Family* 65: 213-232.

¹⁴ W. Bradford Wilcox, et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences*, New York: IAV 2005; Bruce Ellis et al. 2003. “Does Father Absence Place Daughters at Special Risk for Early Sexual Activity and Teenage Pregnancy?” *Child Development* 74: 801-821.

¹⁵ Susan Brown, *Family Structure and Child Well-Being: The Significance of Parental Cohabitation* 66 *Journal of Marriage and the Family* 351-367, 1992; Nancy S. Lansdale & Susan M. Hauan, *The Family Life Course of Puerto Rican Children* 54 *Journal of Marriage and the Family* 912-924, 1992; Wendy Manning, Pamela Smock, & Deborah Majumdar, *The Relative Stability of Marital and Cohabiting Unions for Children* 23 *Population Research & Policy Review* 135-139, 2004); M. Carlson, Sara McLanahan & Paula England, *Union Formation and Dissolution in Fragile Families*, *Fragile Families Research Brief*, no. 4, January 2003; Sara McLanahan, *Diverging Destinies: How Children Are Faring Under the Second Demographic Transition* 41 *Demography* 606-627, 2004. Nicholas H. Wolfinger, *Understanding the Divorce Cycle: The Children of Divorce in Their Own Marriages*, New York: Cambridge University Press, 2005.

1e. Within this body of research are emerging clues that not only help us understand the advantage that the stably married, mother/father family structure has, but also provide likely reasons for this advantage.

1f. The body of research on remarriage and stepfamilies is sufficiently mature such that social scientists now understand that children in remarried stepfamilies, on average, do not regain the advantages of a stably married family structure.¹⁶

1g. Researchers are finding a similar pattern of findings studying unmarried cohabiting families. The research in this area, which is just now maturing, shows that children in cohabiting unions do not enjoy the same advantages that children in stably married, two-parent families do on a host of important outcomes, and that these observed disadvantages do not disappear when controlling statistically for the demographic differences between these family forms.¹⁷

1h. An emerging implication of these bodies of empirical inquiry is that simply the number of adults in a child's life and the resources attached to those adults are not the most important determinants of positive outcomes for children. Instead, a growing number of studies in the field seem to be pointing at the *stability of the child's family situation* as a primary factor that explains the differences in children's outcomes.¹⁸

2. The Advantages to Adult Women and Men of Heterosexual Marriage

2a. The benefits of the stably married, mother/father family structure to children correctly take center stage when evaluating the importance of the social institution of marriage. But the benefits to adults are also relevant. Adults benefit significantly from

¹⁶ Lawrence Ganong & Marilyn Coleman. (2004). *Stepfamily relationships: Development, dynamics, and interventions*. Columbia Missouri: University of Missouri. Paul R. Amato & Alan Booth. (1997). *A generation at risk: Growing up in an era of family upheaval*. Cambridge, MA: Harvard University Press.

¹⁷ Timothy J. Nelson. (2004). Low-income fathers. *Annual Reviews Sociology*, 30, 427-451. Daniel T. Lichter & Wendy D. Manning. (1996). Parental cohabitation and children's economic well-being. *Journal of Marriage and Family*, 58, 998-1010. Thomas DeLeire & Ariel Kalil. (2005). How do cohabiting couples with children spend their money? *Journal of Marriage and Family*, 67, 286-295. Stacy R. Aronson & Aletha C. Huston. (2004). The mother-infant relationship in single, cohabiting, and married families: A case for marriage? *Journal of Family Psychology*, 18, 5-18. Wendy D. Manning & Kathleen A. Lamb. (2003). Adolescent well-being in cohabiting, married, and single-parent families. *Journal of Marriage and Family*, 65, 876-893. Rachel Dunifon & Lori Kowaleski-Jones. (2002). Who's in the house? Race differences in cohabitation, single parenthood, and child development. *Child Development*, 73, 1249-1264. Wendy D. Manning & Kathleen A. Lamb. (2003). Adolescent well-being in cohabiting, married, and single-parent families. *Journal of Marriage and Family*, 65, 876-93.

¹⁸ Paul R. Amato. (2000). The consequences of divorce for adults and children. *Journal of Marriage and the Family*, 62, 1269-1287. Judith S. Wallerstein, Julia M. Lewis, & Sandra Blakeslee. (2000). *The unexpected legacy of divorce: A 25 year landmark study*. New York: Hyperion. E. Mavis Hetherington & John Kelly. (2002). *For better or worse: Divorce reconsidered*. New York: W. W. Norton & Company. Nicholas H. Wolfinger. (2005). *Understanding the divorce cycle: The children of divorce in their own marriages*. New York: Cambridge University Press.

their participation in heterosexual marriage; these benefits are more than adequately attested to in the social science literature and include financial, emotional, physical, and social benefits.¹⁹

2b. Married men and women are better off financially than single or cohabiting adults. The norms of adult maturity associated with marriage encourage adults to spend and save in a more financially responsible fashion.²⁰

2c. Marriage also promotes the physical and emotional health of men and women. Married adults have longer lives, less illness, greater happiness, and lower levels of depression and substance abuse than cohabiting and single adults. The norms of adult maturity and fidelity associated with marriage encourage men and women to avoid unhealthy or risky behaviors. Men are especially likely to experience these gains.²¹

2d. Marriage also plays a crucial role in promoting men's prosocial behavior. Married men are less likely to commit a crime, to be sexually promiscuous or, or to abuse alcohol. They also attend church more often, spend more time with kin (and less time with friends), and work longer hours.²²

2e. Marriage matters for women's safety. Married women are much less likely to be victims of violent crime. Married women are also much less likely to experience violence at the hands of a partner than women in a cohabiting or dating relationship.²³

III. Heterosexual Marriage and the Well-Being of Society

3a. Understandably, the benefits of heterosexual marriage accrue to society through the aggregation of the benefits experienced by the many millions of individual men, women, and children participating in that social institution. It thus follows that those societal benefits (e.g., reduced juvenile delinquency, better educational attainment) are directly correlated to the quantity and quality of marriage in our society.²⁴

¹⁹ *Marriage and the Public Good: Ten Principles*. The Witherspoon Institute, Princeton, New Jersey, June 2006.

²⁰ Linda J. Waite & Maggie Gallagher. (2000). *The case for marriage*. New York: Doubleday.

²¹ Linda J. Waite & Maggie Gallagher. (2000). *The case for marriage*. New York: Doubleday.

²² Steven L. Nock. (1998). *Marriage in men's lives*. New York: Oxford. Linda J. Waite & Maggie Gallagher. (2000). *The case for marriage*. New York: Doubleday.

²³ Linda J. Waite & Maggie Gallagher. (2000). *The case for marriage*. New York: Doubleday.

²⁴ Paul Amato, 2005, at p. 89 [this is the Witherspoon cite, but I can't find an earlier Amato 2005 in that document]

3b. The decline in the percentage of children reared in married families is the major contributor to increases in child poverty in our society (and the resulting governmental burdens).²⁵ It also is one of the strongest predictors of violent urban crime.²⁶

IV. Inadequately Studied Family Structures and Child-Rearing Modes

4a. Most family structures prevalent in the United States have been “adequately studied,” but not all. For present purposes, that phrase means studied with accepted social science methods leading to data that reasonably meets the scientific standards for validity and that rationally sustains conclusions regarding the kinds of outcomes discussed here.

4b. Inherent in this definition is the understanding that social scientific inquiry works slowly and methodically, taking years, even decades, for a body of research to accumulate and mature to the point where social science has a strong (though admittedly not a complete and definitive) answer to an important but challenging question. The laborious, iterative process of social scientific inquiry includes publication of early findings, scientific critique of flaws in the research, more sophisticated research questions, research designs, analytical techniques, and more representative samples, further publication, further refined critique, leading to more refined work and conclusions, appropriately contextualized, and, importantly, thorough replication of the body of findings.

4c. Research on stably married, mother/father families, remarried stepfamilies, and divorced single-parent families I judge meet or are close to this standard. The research on cohabiting mother/father families is barely 20 years old and has not had as much time to mature, but with the recent upsurge in good research in this area, we are getting close to this standard for this family structure.

4d. It is on this basis that a social scientist can state with considerable confidence that heterosexual marriage is the family structure and married mother/father child-rearing is the child-rearing mode optimal for child, adult, and societal well-being. Scholars understand that there are highly functioning families across the range of different family structures. But, on average, other adequately studied family forms do not yield the same level of positive outcomes.

4e. Unfortunately, important family forms of contemporary society have not been studied adequately at this time to yield reliable and valid conclusions. Specifically, we do not know enough yet about family relationships in same-gender marriages, civil unions, and other same-sex romantic relationships. With respect to family relations in

²⁵ Adam Thomas and Isabel Sawhill. 2005. “For Love and Money? The Impact of Family Structure on Family Income.” *The Future of Children* 15: 57-74.

²⁶ Robert J. Sampson. 1995. “Unemployment and Imbalanced Sex Ratios: Race Specific Consequences for Family Structure and Crime.” In M.B. Tucker and C. Mitchell-Kernan (eds.). *The Decline in Marriage among African Americans*. New York: Russell Sage. p. 249.

homosexual unions, I am aware of no sustainable assertion that such family structures have been adequately studied, though many believe that findings from early studies will ultimately be confirmed. The reasons for this inadequacy are obvious: Worldwide, such legal marriages began less than a decade ago. In the United States, they began less than three years ago (May 2004), occur in only one state (Massachusetts), and by force of that state's laws, are apparently limited to residents of that state. Similarly, research on civil unions for same-sex couples in the two states and various municipalities that have recently legalized such unions is in its infancy.

4f. With respect to woman/woman child-rearing and man/man child-rearing, a number of researchers have asserted that their studies show that children raised by homosexual persons or same-sex couples experience “no differences” in outcomes as compared to children raised by married couples. These child-rearing modes, however, have not been “adequately studied.” In other words, that body of research has not yet matured to the point that they meet the high standards for reliability and validity that rationally sustains strong conclusions. Dr. Steven Nock's 2001 analysis is the most thorough analysis I am aware of on the current quality and maturity of the research on same-sex-couple parenting. He concluded that the current state of research is inadequate to offer reliable and valid conclusions, especially for the purpose of legal proceedings.²⁷ While Professor Nock used the term “inadequate,” I prefer to use the term “insufficiently mature” because this communicates the long, laborious, iterative, methodical course that research in the social sciences takes.

4g. It is important to point out that this is not a particularly harsh critique of research in this area. It usually takes decades for social scientists to reach that high standard. And the charged social and political environment in which this research is conducted may retard its progress. In order to meet this standard, researchers in this area will need to conduct studies with larger samples of same-sex couples and children so that they can adequately claim that a finding of “no differences” is statistically sound.²⁸ (Statistical methods are set up to create a high standard of probability for accepting the claim that a difference exists; a finding of “no statistical difference” is the default position and requires a large sample to be reasonably interpreted to mean that there really are no differences between groups.) These samples will increasingly need to be not only larger but more representative of the population of same-sex couples and children, so studies will employ randomized selection methods. Also, researchers will be clearer about the logic of the group comparisons they make, specifying which comparisons are most logical and why. (Some studies compare same-sex couples and their children to stably, married, mother/father families, others compare to different family forms.) In addition, future studies will need

²⁷ Affidavit of Steven Lowell Nock, *Halpern v. Attorney General*, Ontario Superior Court of Justice, Court File No. 684/00, available at http://www.marriagewatch.org/Law/cases/Canada/ontario/halpern/aff_nock.pdf. I incorporate Professor Nock's affidavit by reference here.

²⁸ Robert Lerner & Althea Nagai, *No Basis: What the Studies Don't Tell Us About Same-Sex Parenting*. Washington D.C.: Marriage Law Project, 2001.

to survey a broader range of outcome measures, and measures observed directly by researchers (rather than reported by participants) or reported by observers outside the family (e.g., teachers). Finally, emerging findings must then be contextualized, nuanced, and importantly, consistently replicated. This process will take time. And early guesses can be misleading. This has been the case, for instance, for early studies of divorce that suggested no serious, long-term problems for children.

V. The Man/Woman Meaning at the Core of the Marriage Institution

5a. My comments so far have not directly speculated on the impact of changing the meaning of marriage to make gender irrelevant. At this point, I will share some of my thoughts about this. I hope that they are well reasoned and well informed by scholarship, but admittedly, they are still ultimately speculative.

5b. Across time and space, some form of marriage has been a universal human institution. At the core of the meaning of that institution has been the procreation and rearing of children. Thus, the union of male and female has been at the core of the meaning of marriage.

5c. The enduring nature of the man/woman meaning at the core of the marriage institution does not mean that other constitutive meanings have likewise endured. Over the centuries, norms and meanings once constitutive of the institution have disappeared, others have appeared, and still others have evolved.²⁹ As one well known example, in recent decades *permanence* has eroded and weakened significantly as a normative meaning of marriage. This change is popularly referred to as the divorce revolution that provided legal sanction to the notion that marriages could be ended unilaterally at any time for any reason. In this instance, a legal *revolution* rather than an *evolution* occurred, completely overthrowing in a matter of a few years the old legal regime that attempted to reinforce the ideal of marital permanence with the new regime that gave no legal credence to the ideal of marital permanence. Rather than pursue a strategy of careful evolution and reform to correct existing problems, legislators (and the jurists and lawyers who implemented the law) chose revolution. The consequences of that revolution now have been adequately measured quantitatively and qualitatively and document important negative outcomes for the welfare of children, adults, and society generally.³⁰

²⁹ See generally Nancy Cott, *Public Vows: A History of Marriage and the Nation*, Harvard University Press, 2000.

³⁰ E.g., Elizabeth Marquardt, *Between Two Worlds: The Inner Lives of Children of Divorce* (2005); Judith S. Wallerstein, Julia M. Lewis, Sandra Blakeslee, *The Unexpected Legacy of Divorce: A Twenty-Five Year Landmark Study* (2000); Linda J. Waite & Maggie Gallagher, *The Case for Marriage: Why Married People Are Happier, Healthier, and Better Off Financially* (2000); Barbara Dafoe Whitehead, *The Divorce Culture: Rethinking Our Commitments to Marriage and Family* (1996). E. Mavis Hethreington & John Kelly, *For Better or Worse: Divorce Reconsidered*. New York: Norton. (2002).

5d. It should be noted that family scholars did not anticipate the negative outcomes of this divorce revolution.³¹ The expectation was that for adults, unilateral divorce would create a more efficient marriage market in which individuals could leave unsatisfying marriages and form better marriages making everyone happy. And for children, although short-term problems might arise, in the long run, they would be better off because their parents were happier. The logic was compelling in the zeitgeist of the times, but now in hindsight proved to be substantially wrong.

5f. Admittedly, it is complex to apply lessons learned from the divorce revolution to the important question of how same-sex marriage or civil unions would impact the institution of marriage. But it is important, in my opinion, to try. Certainly one possibility is to consider the divorce revolution as a harbinger or precedent. The unanticipated, unseen consequences of removing an important definitinal pillar from marriage may produce serious, negative consequences.

I declare under the penalty of perjury under the laws of the State of Iowa that the foregoing is true and correct.

Executed this ____ day of March 2007 at _____

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³¹ Judy Parejko, *Stolen Vows: The Illusion of No-Fault Divorce and the Rise of the American Divorce Industry*, Collierville, TN: InstantPublisher, 2002.