



TALKING POINTS ON CIVIL UNIONS

“Civil Unions” are a public policy effort to extend all or part of the civil benefits of marriage to non-married pairings.

California, Hawaii and Vermont have enacted some form of civil unions. Other states are in the process of debating and voting on civil unions. Some civil union laws and proposals offer these benefits as a result of:

- 1) a relationship being both domestic and sexual, or
- 2) merely on domestic ground, regardless of any sexual intimacy of the parties.

Many same-sex marriage advocates, such as Andrew Sullivan and Evan Wolfson, see civil unions as a continuation of an unjust “separate, but equal” policy. They represent a substantial group who believe civil unions create a status of “second-class” citizens.

Andrew Sullivan protests,

“For there are no arguments for civil union that do not apply equally to marriage. To endorse one but not the other, to concede the substance of the matter while withholding the name and form of the relationship, is to engage in an act of pure stigmatization. It risks not only perpetuating public discrimination against a group of citizens but adding to the cultural balkanization that already plagues American public life.”¹

But civil unions are unwise public policy for other reasons.

REASON #1: CIVIL UNIONS OPEN THE TERM “FAMILY” TO BROAD DEFINITIONS

The case for civil unions is fueled by the idea that all personal domestic relationships are of equal social value and law should not favor any one over another. The case relies on the misunderstanding that marriage is only a religious or merely sentimental/emotional relationship and, consequently, there is no compelling reason for the state to value one as more significant than any other. Civil unions teach our society and children that all close personal relationships are equal. This lesson is problematic because no society has ever been able to sustain itself with a buffet-like mentality of family; just pick what suits you, because all choices are equally valid.

Reason #2 shows that this broadly defined view is untenable.

REASON #2 CIVIL UNIONS DO NOT PROVIDE THE SOCIETAL BENEFITS THAT MARRIAGE DOES

An impressive wealth of published social science research suggests that marriage is a greater social value than other domestic relationships.

Research over the past 50 years consistently shows that married couples benefit from substantially elevated levels of personal well-being, including increased physical and mental health, greater success in recovering from illness, higher levels of overall happiness, greater success and productivity in the workplace, higher levels of earnings and savings, greater sexual satisfaction, avoidance of serious disease as well as addictive and destructive behaviors, greater educational attainment and college attendance. Similarly, children of stable, in-tact marriages have better outcomes than their counterparts from unmarried families. Married adults and their children are also less likely to have trouble with the law and are less likely to suffer from domestic violence, including physical and sexual abuse.

Of course, these facts have direct and substantial public policy implications. Marriage decreases the serious and nearly insupportable case loads of our over-burdened health-care, criminal justice, education, welfare systems, as well as decreasing substance abuse, domestic violence and sexual abuse rates as well as the costs for treating them.

The research does not indicate that adults and children in non-married relationships do as well in these important well-being measures.² Therefore, non-married relationships do not provide the kinds of rich societal benefits that marriage does. Thus, they cannot be viewed as equal institutions, and public policy that does view them as equals is misguided.

For further briefing on the benefits of marriage, see the FOSI article, "Why Marriage Should be Privileged in the Workplace." Find it at:
http://www.citizenlink.org/pdfs/fosi/marriage/marriage_and_workplace.pdf

REASON #3 CIVIL UNIONS FAIL TO UNDERSTAND THE PROMOTIVE NATURE OF LAW

Related to this, legislation promoting civil unions fails to recognize the "promotive" or "normative" nature of law. Law exists to ensure justice, but it also exists to ensure social well-being. To this end, law must encourage certain behaviors among others because certain behaviors contribute to higher levels of social well-being. Marriage, as we have just seen, does this.

In light of this, the law has historically favored one group of people over others, by encouraging one set of behaviors over others. Consider the behaviors that are favored and encouraged by public policy:

- Homeownership
- Retirement investment
- Charitable giving
- College attendance via Pell Grants
- Job training

It is not that people who participate in these institutions and activities are “better” than others. It is simply that the government has a compelling interest in encouraging such behavior and therefore it offers incentives to encourage their practice.

Conversely, public policy discourages other behaviors via heavy taxation:

- Alcohol use
- Tobacco use
- Gasoline consumption.

People who use such products are not “bad.” Society simply benefits when such behaviors are kept to a minimum.

Such “inequities” in the law are not the result of “discrimination” but exist in the service of individual and societal well-being.

CONCLUSION

Marriage benefits society like no other relationship. This is why, historically, all societies have promoted marriage over other domestic relationships.

Therefore, it is wise for public policy to extend to married couples benefits that are withheld from other couples.

This is not an issue of justice, but one of public welfare and well-being.

No society has sustained itself with a relativistic view of family. Civil unions adopt such a view of family.

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Notes:

¹ See, Andrew Sullivan, “Marriage or Bust: Why Civil Unions Aren't Enough” <http://www.andrewsullivan.com/homosexuality.php?artnum=20000427> Originally appeared in *The New Republic*, April 27, 2000.

² Institute for American Values, *Why Marriage Matters: Twenty One Conclusions from the Social Sciences*, <http://www.americanvalues.org/html/r-wmm.html#Press%20release>. Glenn T. Stanton, *Why Marriage Matters: Reasons to Believe in Marriage in Postmodern Society*, (Colorado Springs: Pinon Press, 1997). Linda Waite and Maggie Gallagher, *The Case for Marriage*, (New York: Doubleday, 2000).