

ABSTRACT

Four Questions about Marriage

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This thesis is an exploration of several loosely related questions centering on marriage. What is the current state of marriage? What is marriage, and what are the common philosophical conceptions of it? Which conception is better? How does public policy play a role in the institution of marriage? To answer these questions, I employ an array of different sources: U.S. Census data, philosophical works by John Locke and Thomas Aquinas, Karol Wojtyła's work *Love and Responsibility*, and a variety of reports, blog posts, and books about marriage and public policy. Ultimately, this thesis aims to give readers a deeper understanding of marriage and to use that understanding to throw light on the current state of marriage, both statistically and philosophically. Since my chapters explore unique questions, I offer a variety of arguments. There is no single argument that runs through the entire thesis. However, one of the most important insights I reach is that the general understanding of marriage today is basically Lockean, while the orthodox Christian conception is much more philosophically and theologically deep. It is also better at encouraging fidelity. Because I find this conception so attractive, I spend a chapter digging into its conception of love through the work of Karol Józef Wojtyła, *Love and Responsibility*. I close with a survey of the way public policy has tried to bolster the institution of marriage, but I find that its impact has been minimal. Still, I argue that marriage should not be penalized by public policy.

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FOUR QUESTIONS ABOUT MARRIAGE

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By
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INTRODUCTION

I got married after the second year of my undergraduate education. It was a momentous event, the outcome of a momentous decision. What was I getting myself into? I have been interested in the topic of marriage ever since, and my interests are far-ranging. What is marriage really all about? Has it changed as an institution over time? What is love and what role does it play in marriage? What are the marriage rates and divorce rates today, and how have they changed over time? What role does marriage play in human flourishing, both personally and collectively in society? Does public policy have any role to play in supporting the culture of marriage? What has been tried? What has worked? What has failed?

My thesis is an exploration of these questions. It is a bit unique as a thesis, because it does not explore a single question, but many; nor does it offer a single argument, but several. Various scholars look at marriage through all sorts of lenses, but rarely does one study it through a variety of lenses. But by looking at a variety of questions in different academic disciplines, I hope to give readers a deeper understanding of the current state of marriage, both statistically and philosophically. Thus, my four chapters are separate and only loosely related, but they combine to give a rich understanding of marriage.

Marriage has existed since time immemorial, yet it has changed drastically over time. Even in the present, there are many contrasting views of the marital institution and its significance. Where to begin? One cannot explore the entire history of marriage in a single thesis. For the purposes of this thesis, I am going to address traditional marriage in

the West—marriage between a man and a woman. I am interested first of all in the statistical lay of the land. Have marriage rates been declining? If so, how much? Is divorce on the rise? (We think we know this, but it is important to see the data.) These will be the questions of my first chapter. It will perhaps come as no surprise that my first chapter finds, in general, that marriage is declining, and divorce is rising. The details are available in the chapter itself.

Chapter 2 inquires into the most common philosophical conceptions of marriage. I concentrate particularly on two competing views, the orthodox Christian view, which I associate with Saint Thomas Aquinas, and the more secular view, which I associate with John Locke. By analyzing these views, I learn something about contemporary marriage culture: I argue that it is dominated by the Lockean conception, even though the orthodox conception is *much* more philosophically and theologically profound and more supportive of fidelity in marriage. The rise in divorce rates today may well have something to do with our shallow understanding of what marriage is.

Because I find the orthodox conception so attractive, I spend the next chapter digging into its conception of love. Does this orthodox conception of love and marriage contribute to human flourishing? In order to answer this, I dive into one of the best analyses of love and marriage that has ever been written, the book *Love and Responsibility* by Karol Wojtyla, later known as Pope John Paul II. His analysis, which is a development of the Thomistic view, answers significant questions, such as what love is. What does love look like in the context of marriage? What makes marriage good? Answers to these questions are essential to fully understanding the orthodox view of marriage.

As a student of political science, I am also interested in public policy and how it plays a role in the current state of marriage. In the fourth chapter, I explore questions of that nature. How might public policy play a role in addressing the breakdown of marriage culture? Does public policy have a positive or negative effect on marriage? Can our current policies be improved to have a neutral, if not positive, effect on marriage? In this chapter I argue that public policy does indeed affect the institution of marriage, with mixed results. Yet the deepest problems of marriage (e.g., what it *is*) will never be adequately addressed by public policy. At most, policy can help (or hurt) at the margins.

Ultimately, this thesis aims to give readers a broad and deep understanding of marriage as an institution and to throw light on the current state of marriage in the minds and practices of American citizens.

CHAPTER ONE

The Current State of American Marriage Sociologically Studied

What is the state of marriage in the United States today? Does the statistical lay of the land demonstrate a breakdown of marriage? The answer? It certainly does. In this chapter, I look at this breakdown in a variety of populations, separating the data by gender, race, class, educational attainment, and age. I examine these data from a historical perspective over the last 60 years to see how the rates have changed over time.

I. Who Is Still Getting Married?

My first question inquires into who, in the American population, is married today, especially in comparison to the past. Today, 50.1 percent of American adults are married.¹ In contrast, 67.6 percent of American adults were married in 1960.² Men and women get married at slightly different rates, yet the overall trends apply to both genders. Fewer people are getting married every year—and this trend reaches across most demographics, including race, income, and educational attainment. “First marriages” and “remarriages” are combined in the data used in this chapter, so please note that this may create some distortion. In a 2014 report, the Pew Research Center found that 40 percent

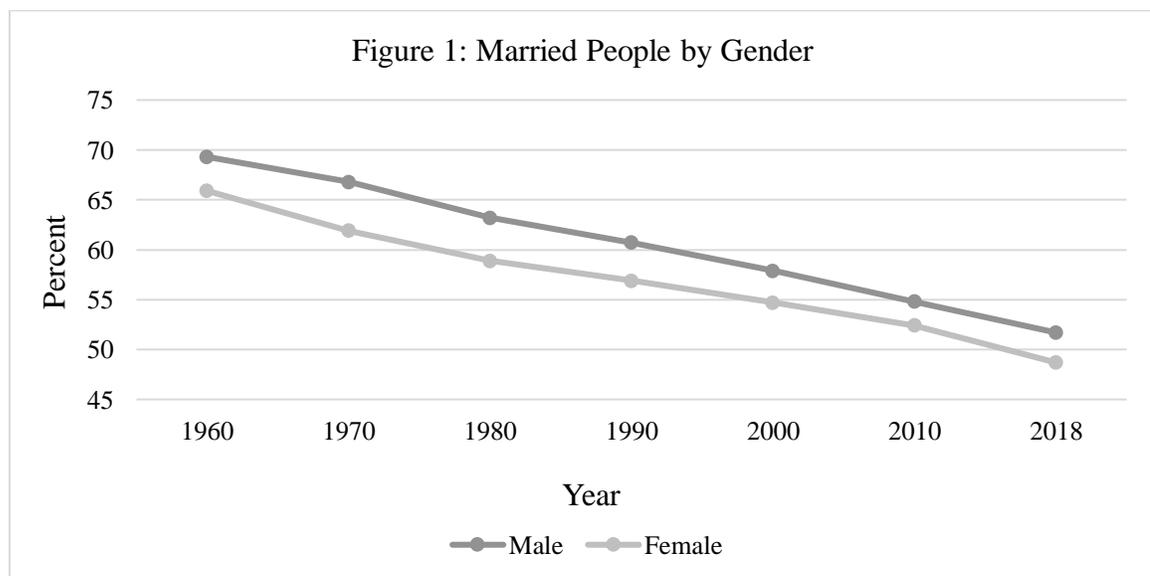
¹ U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, and Personal Earnings: 2018,” America’s Families and Living Arrangements, 2018, table A1, www2.census.gov/programs-surveys/demo/tables/families/2018/cps-2018/ta01-all.xls.

² U.S. Census Bureau, “Marital Status of the Population 15 Years Old and Over, by Sex, Race and Hispanic Origin: 1950 to Present,” Historical Marital Status Tables, table MS-1, www2.census.gov/programs-surveys/demo/tables/families/time-series/marital/ms1.xls.

of new marriages in 2013 were remarriages for at least one of the spouses.³ It should also be noted that people are delaying their marriages and getting married much later in life now. This will be discussed in further detail later in the chapter. In the coming paragraphs, I examine how different characteristics—gender, race, income, education, and age—play a role in the current state of marriage.

A. Gender

The steady decrease in marriage over the past 60 years is indisputable when looking at the data. In figure 1 below, the decrease in marriage since 1960 is shown. In 1960, 69.3 percent of American men were married, and 65.9 percent of American women were married. In less than 60 years, those rates have dropped by nearly 20 percentage points. Now, only about half of the U.S. population is married.



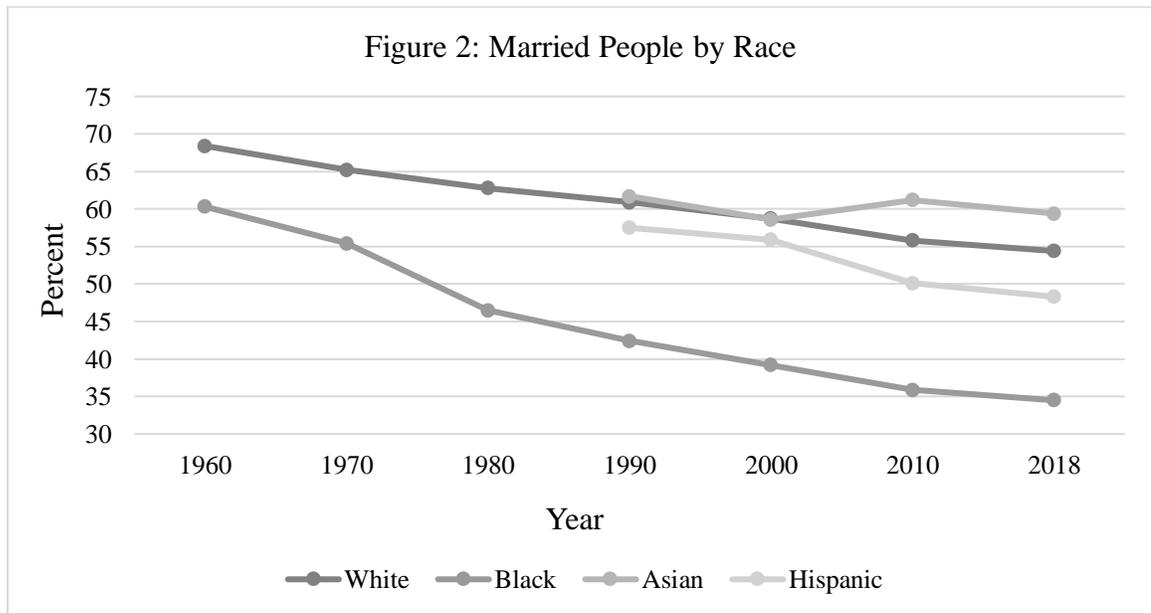
Source: U.S. Census Bureau, “Marital Status of the Population 15 Years Old and Over, by Sex, Race and Hispanic Origin: 1950 to Present,” Historical Marital Status Tables, table MS-1, www2.census.gov/programs-surveys/demo/tables/families/time-series/marital/ms1.xls.

Note: Data is the marital status of population 15 years and older.

³ Gretchen Livingston, “Four-in-Ten Couples Are Saying ‘I Do,’ Again,” *Pew Research Center*, 2014, www.pewsocialtrends.org/2014/11/14/four-in-ten-couples-are-saying-i-do-again/.

B. Race

The breakdown in marriage has affected some racial groups dramatically more than others. In 1960, blacks were married less than whites, but only by a gap of less than 10 percentage points, as seen in figure 2 below. Now, however, blacks are 20 percent less likely to get married than whites. Although data for Asians and Hispanics are limited, it still shows that the rate of marriage for Hispanics has decreased, while the rate of marriage for Asians has actually stayed generally steady. The Asian marriage rate has fluctuated over time by approximately three percentage points; it has stayed much steadier over time than any other race. Furthermore, since Asians would have been categorized with blacks from 1960 to 1980, we can see that they are still getting married at the same rate as blacks were in 1960.



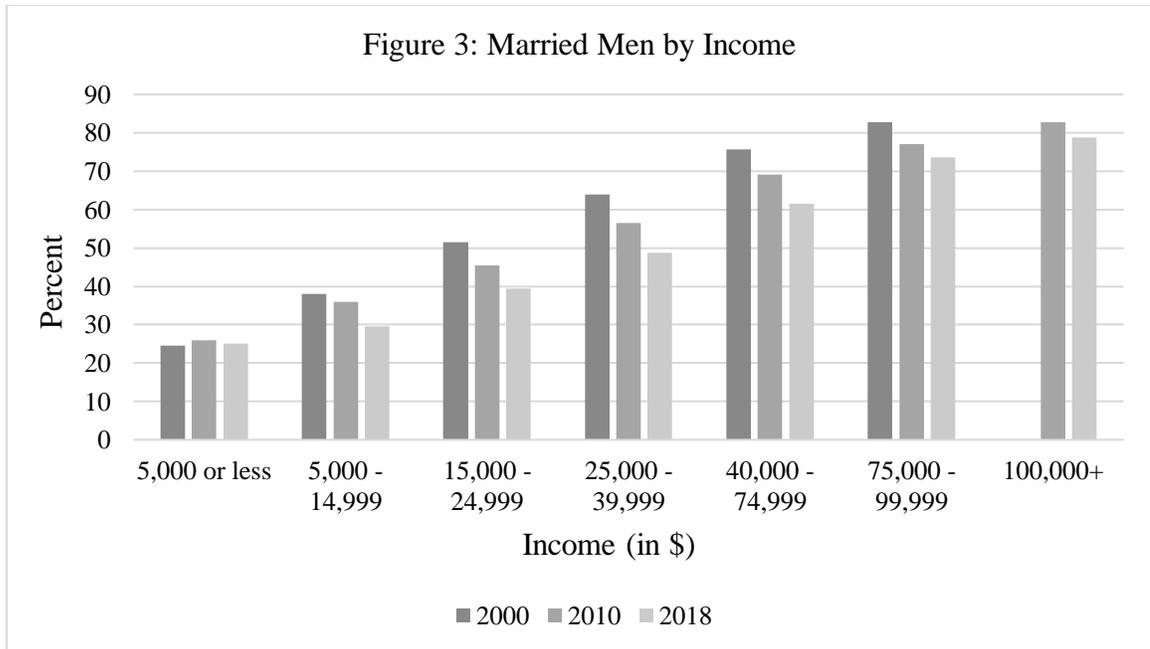
Source: U.S. Census Bureau, “Marital Status of the Population 15 Years Old and Over, by Sex, Race and Hispanic Origin: 1950 to Present,” Historical Marital Status Tables, table MS-1, www2.census.gov/programs-surveys/demo/tables/families/time-series/marital/ms1.xls.

Note: All nonwhite races are included with blacks from 1960 to 1980.

C. Income

Rates of marriage in the U.S. are not the same across income brackets. As shown in figure 3, the wealthy continue to get married at higher rates; for men, nearly 80 percent of those with an income of \$100,000 or more are married. In contrast, less than 40 percent of men that make under \$25,000 are married. Although the decrease in marriage stretches across all income levels, the change from 2000 to 2018 was greater for those with an income between \$25,000 and \$75,000. The change over time is weighty, but perhaps a more important finding is the disproportionate difference between the marriage rates for the lower class and upper class. The American Enterprise Institute's 2017 Report, "The Marriage Divide," found similar results using 2015 surveys, in which only 26 percent of the poor, 39 percent of the working class, and 56 percent of the middle and upper class were married.⁴

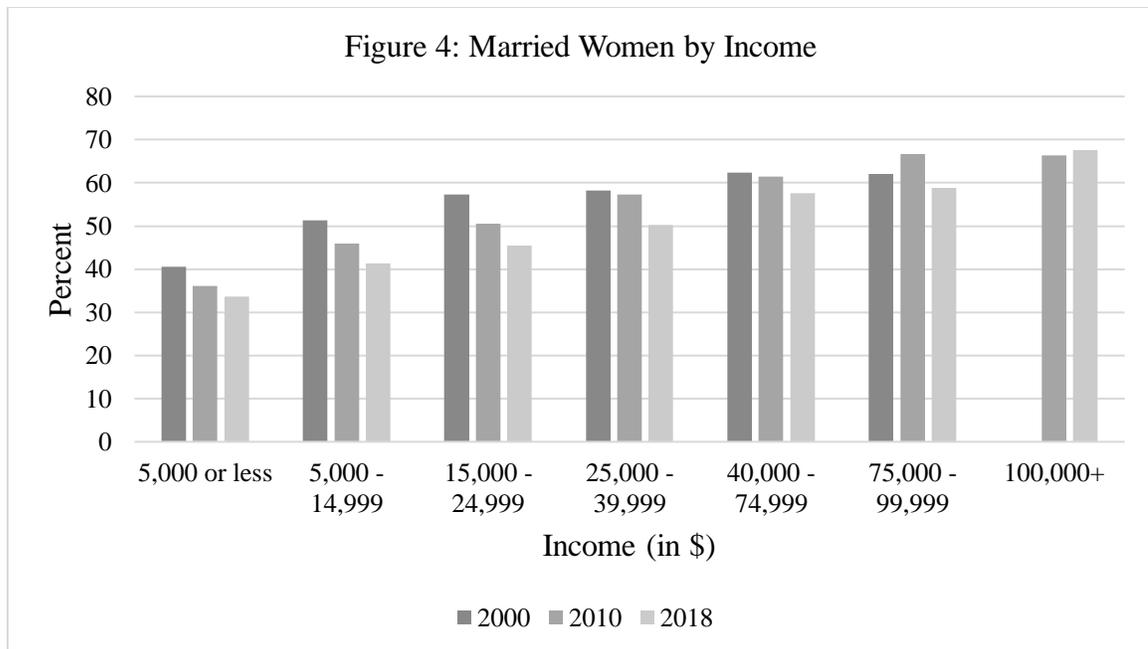
⁴ W. Bradford Wilcox and Wendy Wang, *The Marriage Divide: How and Why Working-Class Families Are More Fragile Today* (Washington, DC: Opportunity America/American Enterprise Institute/Brookings Institution, Sept. 2017), 3.



Sources: U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, Personal Earnings, Race, and Hispanic Origin, March 2000,” Marriage and Divorce Data Tables, table A1, www.census.gov/population/socdemo/hh-fam/p20-537/2000/tabA1.pdf.; U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, Personal Earnings, Race, and Hispanic Origin, 2010,” America’s Families and Living Arrangements, 2010, table A1, www.census.gov/population/socdemo/hh-fam/cps2010/tabA1-all.xls.; U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, and Personal Earnings: 2018,” America’s Families and Living Arrangements, 2018, table A1, www2.census.gov/programs-surveys/demo/tables/families/2018/cps-2018/ta1a1-all.xls.

Note: In 2000, the category for 75,000 – 99,999 is equal to an annual income of \$75,000 or more.

A woman’s income seems to make less of a difference than a man’s, yet fewer poor women are married than wealthy women, as shown in figure 4.



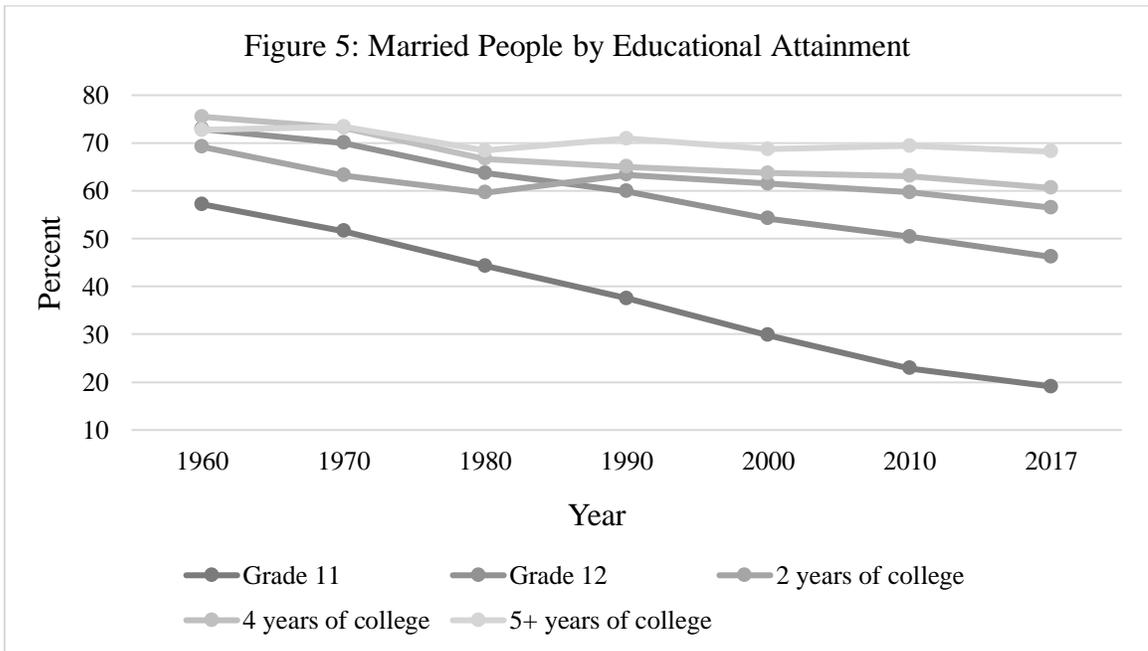
Sources: U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, Personal Earnings, Race, and Hispanic Origin, March 2000,” Marriage and Divorce Data Tables, table A1, www.census.gov/population/socdemo/hh-fam/p20-537/2000/tabA1.pdf.; U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, Personal Earnings, Race, and Hispanic Origin, 2010,” America’s Families and Living Arrangements, 2010, table A1, www.census.gov/population/socdemo/hh-fam/cps2010/tabA1-all.xls.; U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, and Personal Earnings: 2018,” America’s Families and Living Arrangements, 2018, table A1, www2.census.gov/programs-surveys/demo/tables/families/2018/cps-2018/ta1a1-all.xls.

Note: In 2000, the category for 75,000 – 99,999 is equal to an annual income of \$75,000 or more.

D. Educational Attainment

Coinciding with income levels, educational attainment plays a role in historical marriage rates. As shown in figure 5 below, higher education levels correlate with higher rates of marriage. However, the most notable finding is the difference in marriage rates for high school dropouts in comparison to high school graduates. The rates for individuals that have completed Grade 9 or 10 were not included, as they were nearly identical to one who has completed Grade 11. Completing high school has a tremendous impact on the likelihood of marriage. Current high school dropouts get married at a rate

of 19 percent, which is less than half the rate of those who only graduate from high school. The decrease in marriage over time has dramatically affected those who have no higher education, while the marriage rates for those who have completed at least some college have only decreased slightly.

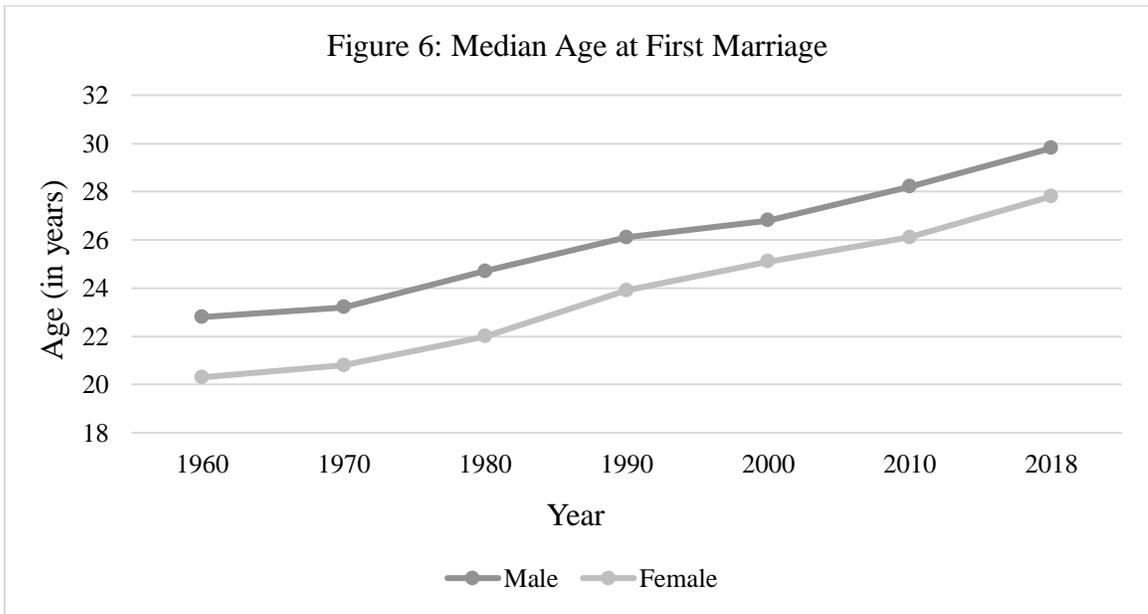


Source: Author’s calculations based on data from U.S. Census Bureau, “Marital Status of the Population 15 Years Old and Over, by Sex, Race and Hispanic Origin: 1950 to Present,” Historical Marital Status Tables, table MS-1, www2.census.gov/programs-surveys/demo/tables/families/time-series/marital/ms1.xls; U.S. Census Bureau, “American Community Survey 1-year Supplemental Estimates, 2017,” generated by Zara Kintz using American FactFinder, <http://factfinder.census.gov>.

E. Age

With the decrease in marriage since 1960, the median age at the first marriage has been increasing. In 1960, the median age for men and women was approximately 23 and 20 years old, respectively, at the time of first marriage. This median age has slowly, yet surely, been increasing since then. Now, the median age for men and women is nearly 30 and 28 years old, respectively. According to a 2013 National Marriage Project report,

“Knot Yet,” the increase in delayed marriage has significant consequences. Most notably, the median age for a first marriage is a year behind the median age for a woman’s first birth.⁵ This signals that women are having increasingly more births out of wedlock, creating a rise in one-parent families.



Source: U.S. Census Bureau, “Estimated Median Age at First Marriage: 1890 to Present,” Historical Marital Status Tables, table MS-2, www2.census.gov/programs-surveys/demo/tables/families/time-series/marital/ms2.xls.

II. Who Is Getting Divorced?

From the data in the first section, it is clear that fewer Americans are getting married. But what do the divorce rates look like? In the United States today, 9.9 percent of the total population is currently divorced, meaning this portion of the population has

⁵ Kay Hymowitz et al., *Knot Yet: The Benefits and Costs of Delayed Marriage in America* (The National Marriage Project, The National Campaign to Prevent Teen and Unplanned Pregnancy, and The Relate Institute, 2013), 7.

been married in the past and has not remarried since.⁶ In 1960, only 2.3 percent of the total population was divorced.⁷ Today, slightly more women are divorced than men. A higher percentage of people are divorced each year, but the rates have remained steadier in the last two decades compared to the four decades prior to that. Moreover, the increase in divorce does not vary to the same degree as marriage rates when separated by the demographics of race, income, and educational attainment. The duration of first marriages has also stayed generally steady over time. In the coming paragraphs, I examine how each of these different divorce characteristics plays a role in the current state of marriage.

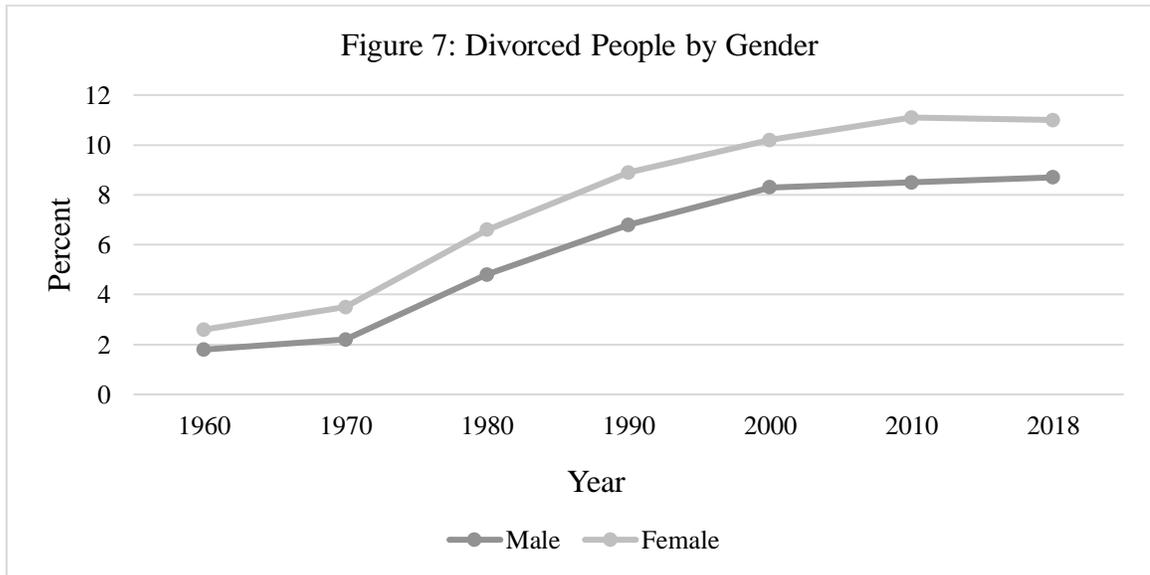
A. Gender

Divorce has clearly increased in the past 60 years. In 1960, only 1.8 percent of American men and 2.6 percent of American women were divorced. By 2000, the rate of divorce had quadrupled for both genders. Since 2000, however, the rate has increased by less than one percentage point for both genders. Figure 7 shows the rate of divorced population from 1960 to 2018. Although the divorce rate has steadied, approximately one-in-ten Americans are currently divorced. Furthermore, many divorced people have been remarried. This signifies that more than 10 percent of the current population has been divorced at least one point in their life. Another interesting finding is the large increase in divorce between 1970 and 1980. The divorce rate doubled within these ten

⁶ U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, and Personal Earnings: 2018,” America’s Families and Living Arrangements, 2018, table A1, www.census.gov/data/tables/2018/demo/families/cps-2018.html.

⁷ U.S. Census Bureau, “Marital Status of the Population 15 Years Old and Over, by Sex, Race and Hispanic Origin: 1950 to Present,” Historical Marital Status Tables, table MS-1, www2.census.gov/programs-surveys/demo/tables/families/time-series/marital/ms1.xls.

years. This may be attributed, at least in part, to the passage of no-fault divorce laws. A no-fault divorce law was first passed in 1970 in California, and by 1983, all but two states had passed no-fault divorce legislation.⁸



Source: U.S. Census Bureau, “Marital Status of the Population 15 Years Old and Over, by Sex, Race and Hispanic Origin: 1950 to Present,” Historical Marital Status Tables, table MS-1, www2.census.gov/programs-surveys/demo/tables/families/time-series/marital/ms1.xls.

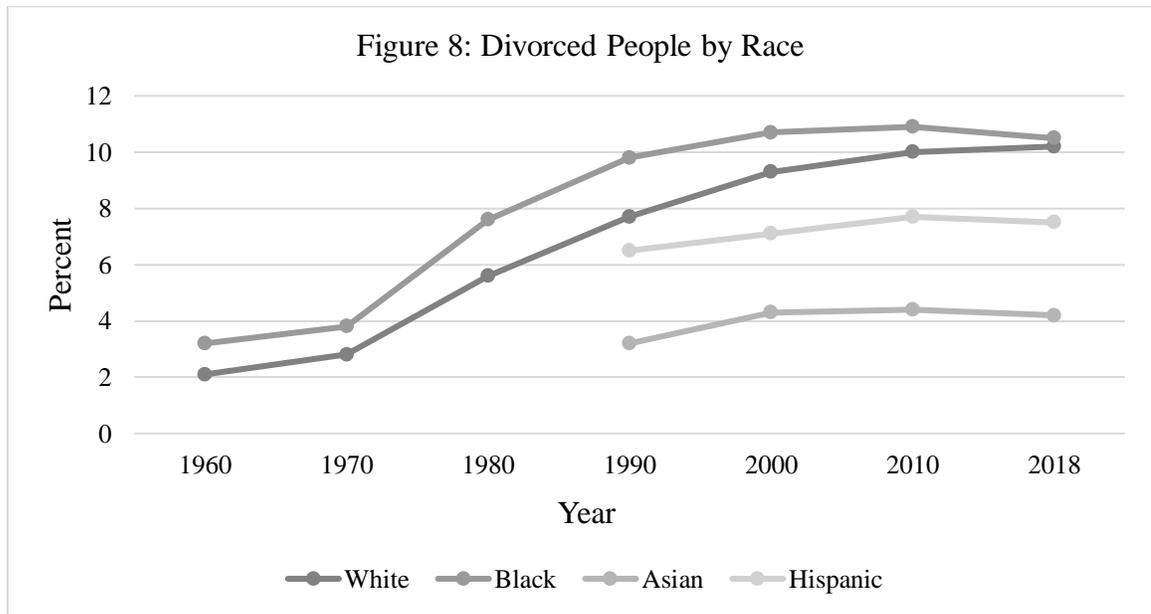
Note: Data is the marital status of population 15 years and older.

B. Race

Although there is a large marriage disparity between races, the racial gap for divorce rates is much smaller. Blacks have always gotten divorced at a slightly higher rate than whites, but both blacks and whites have followed the same divorce trend, as seen in figure 8 below. Moreover, both blacks and whites get divorced at nearly the same rate currently. The divorce rates for the Hispanic and Asian populations have stayed largely steady since 1990 and are lower than both the rates for whites and blacks. Before

⁸ Thomas F. Farr and Hilary Towers, “Time to Challenge No-Fault Divorce,” *First Things*, December 8, 2014, www.firstthings.com/web-exclusives/2014/12/time-to-challenge-no-fault-divorce.

1990, both Hispanics and Asians were categorized with blacks, so it may be that these racial groups also had lower divorce rates in 1960.

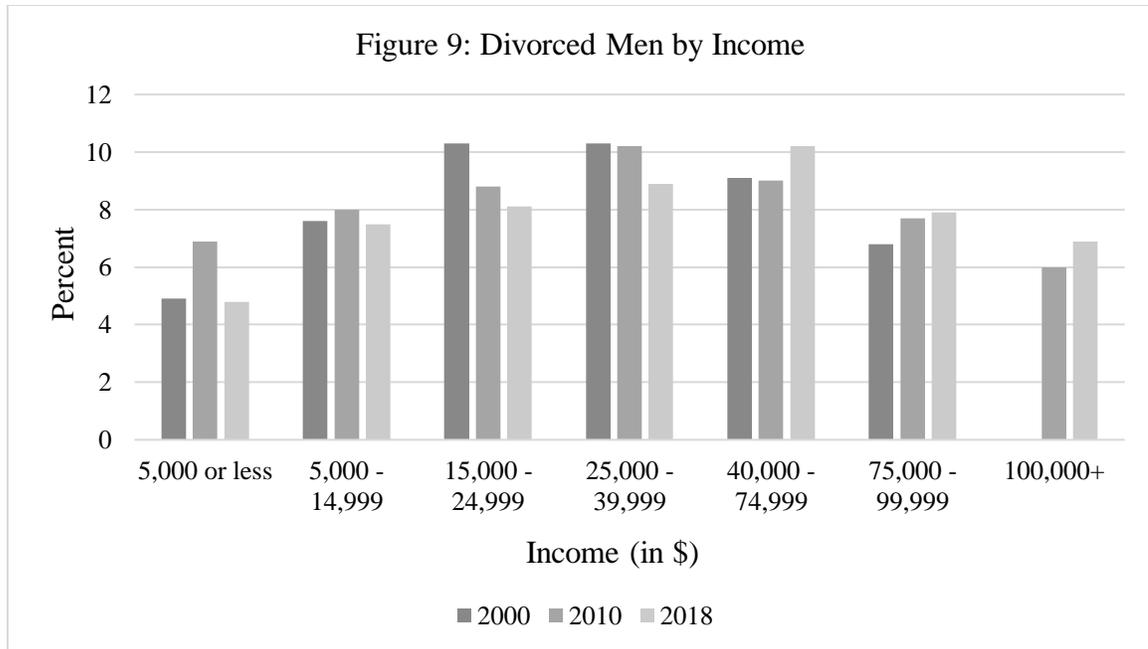


Source: U.S. Census Bureau, “Marital Status of the Population 15 Years Old and Over, by Sex, Race and Hispanic Origin: 1950 to Present,” Historical Marital Status Tables, table MS-1, www2.census.gov/programs-surveys/demo/tables/families/time-series/marital/ms1.xls.

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C. Income

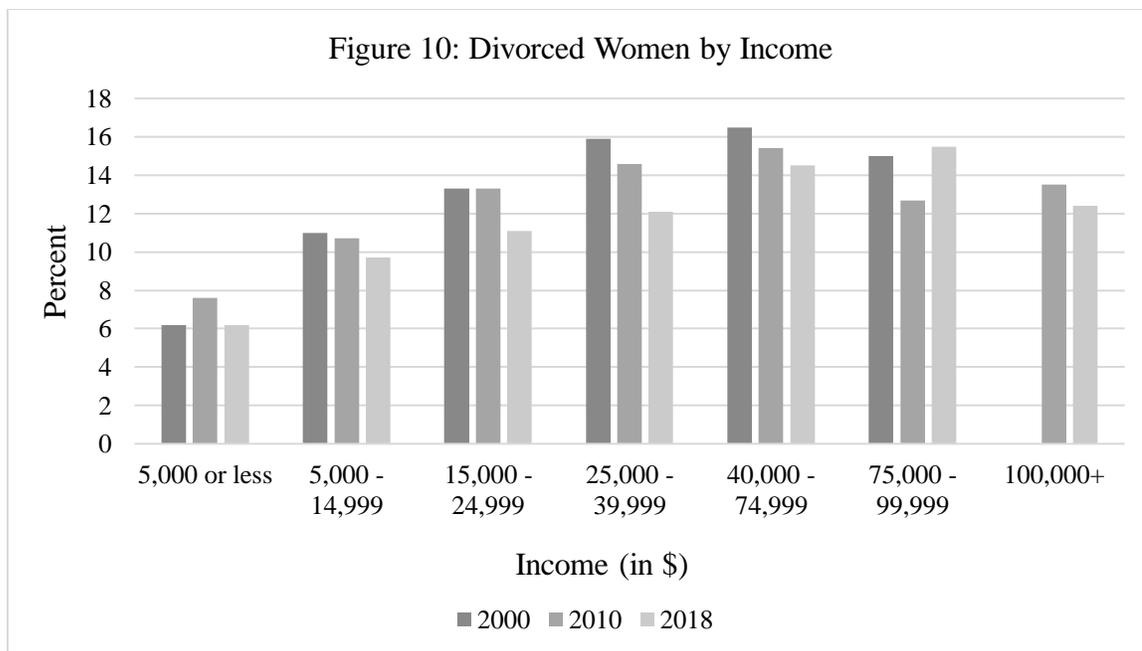
Aside from race, there is also a much smaller income-based divorce gap than the income-based marriage gap. Shown in figures 9 and 10, those with incomes between \$15,000 and \$40,000 get divorced at a rate a few percentage points higher than those of lower or higher levels of income. The divorce rate by income looks much more like a curve, rather than a direct correlation. The divorce rates by income also have not changed much since 2000.



Source: Sources: U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, Personal Earnings, Race, and Hispanic Origin, March 2000,” Marriage and Divorce Data Tables, table A1, www.census.gov/population/socdemo/hh-fam/p20-537/2000/tabA1.pdf.; U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, Personal Earnings, Race, and Hispanic Origin, 2010,” America’s Families and Living Arrangements, 2010, table A1, www.census.gov/population/socdemo/hh-fam/cps2010/tabA1-all.xls.; U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, and Personal Earnings: 2018,” America’s Families and Living Arrangements, 2018, table A1, www2.census.gov/programs-surveys/demo/tables/families/2018/cps-2018/ta1a1-all.xls.

Note: In 2000, the category for 75,000 – 99,999 is equal to an annual income of \$75,000 or more.

For women, there is not a uniform curve in the divorce rate by income in comparison to the curve in men’s divorce rates. Both figures 9 and 10 display that although income makes a small difference in divorce rates, there does not seem to be a direct correlation between income levels and divorce rates.



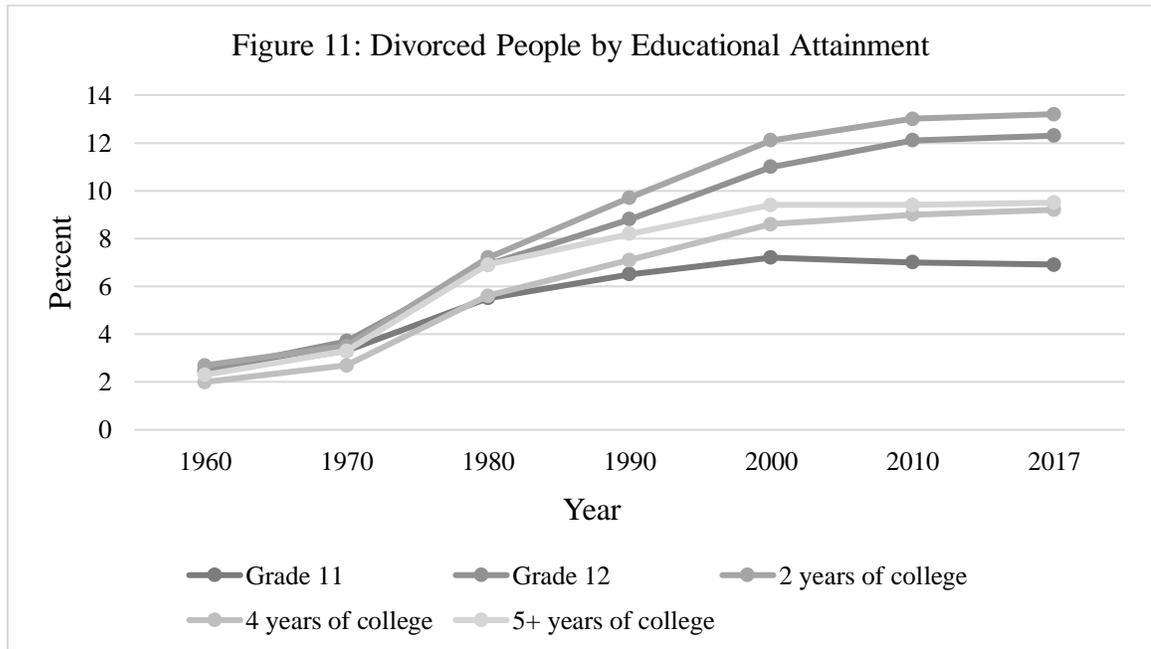
Sources: U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, Personal Earnings, Race, and Hispanic Origin, March 2000,” Marriage and Divorce Data Tables, table A1, www.census.gov/population/socdemo/hh-fam/p20-537/2000/tabA1.pdf.; U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, Personal Earnings, Race, and Hispanic Origin, 2010,” America’s Families and Living Arrangements, 2010, table A1, www.census.gov/population/socdemo/hh-fam/cps2010/tabA1-all.xls.; U.S. Census Bureau, “Marital Status of People 15 Years and Over, by Age, Sex, and Personal Earnings: 2018,” America’s Families and Living Arrangements, 2018, table A1, www2.census.gov/programs-surveys/demo/tables/families/2018/cps-2018/ta1a1-all.xls.

Note: In 2000, the category for 75,000 – 99,999 is equal to an annual income of \$75,000 or more.

D. Educational Attainment

Similar to income-based divorce rates, the data does not show a correlation between educational attainment and divorce rates. Unlike marriage rates, in which more education corresponded with a higher rate of marriage, more education does not correspond with a lower rate of divorce, as seen in figure 11 below. High school dropouts actually get divorced at the lowest rate, but fewer dropouts get married in the first place. It is difficult to understand why divorce rates are higher for high school graduates and those with two years of college experience in comparison to high school

dropouts, but my hypothesis is that this is related to the fact that those with less education get married at lower rates. However, it is worth noting that college graduates still get divorced at a lower rate than those who only graduate high school.

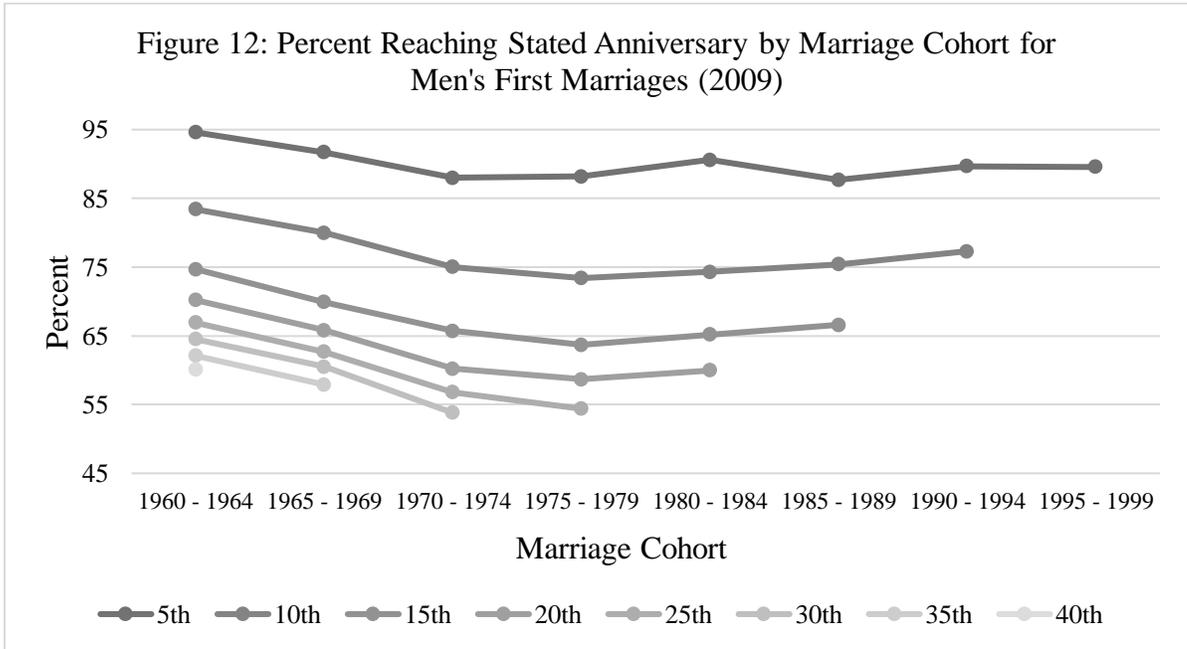


Source: Author’s calculations based on data from U.S. Census Bureau, “Marital Status of the Population 15 Years Old and Over, by Sex, Race and Hispanic Origin: 1950 to Present,” Historical Marital Status Tables, table MS-1, www2.census.gov/programs-surveys/demo/tables/families/time-series/marital/ms1.xls; U.S. Census Bureau, “American Community Survey 1-year Supplemental Estimates, 2017,” generated by Zara Kintz using American FactFinder, <http://factfinder.census.gov>.

E. Duration of Marriages

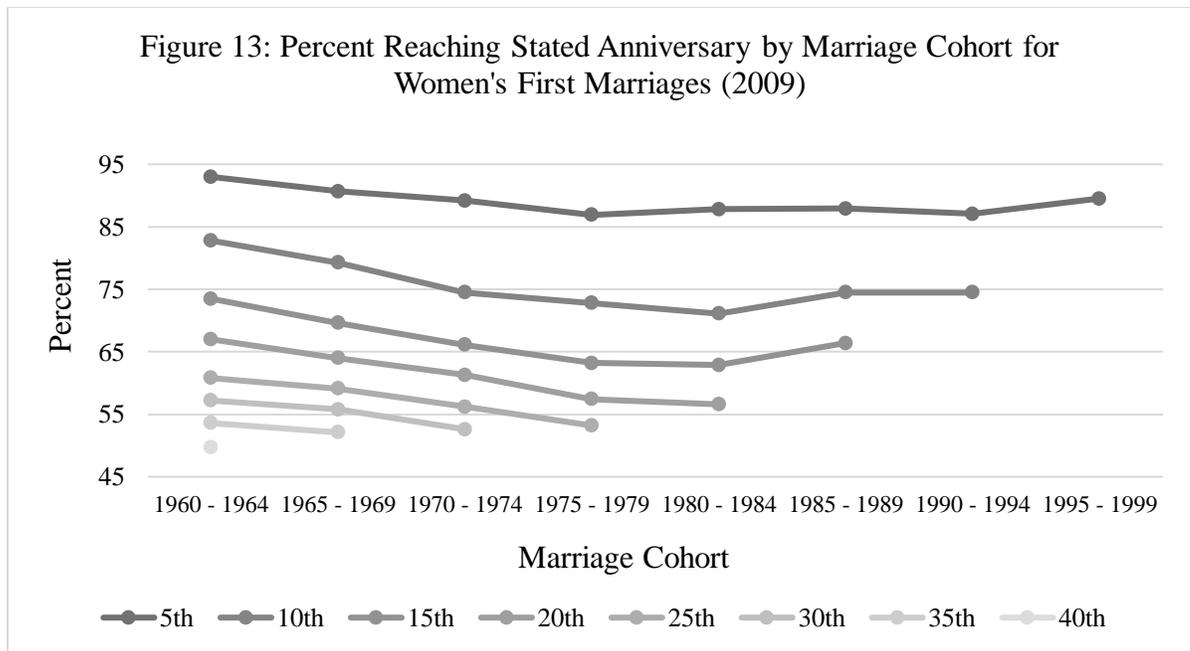
If people are getting divorced, how long did their marriages last? The duration of first marriages has slightly fluctuated over time. Although there is not much data on the duration of marriages that end in divorce, a 2009 U.S. Census report conveys that the longer the marriage, the more people are divorced, as shown in figures 12 and 13 below. Nearly 90 percent of couples stayed together until their fifth wedding anniversary in 2000, yet only 77 percent of couples married in the early nineties stayed together until

their tenth anniversary. The gaps between anniversaries are much smaller the longer the marriage, but there is approximately a 20-percentage point gap between those who are married for five years and 15 years.



Source: Rose M. Kreider and Renee Ellis, "Number, Timing, and Duration of Marriages and Divorces: 2009," *Current Population Reports* (Washington, DC: U.S. Census Bureau, 2011), 70-125.

For women, the major trends in first marriage duration are nearly the same as those of men. Women are likely to stay with their spouse until their fifth anniversary, but fewer make it to their subsequent anniversaries, as shown in figure 13.



Source: Rose M. Kreider and Renee Ellis, "Number, Timing, and Duration of Marriages and Divorces: 2009," *Current Population Reports* (Washington, DC: U.S. Census Bureau, 2011), 70-125.

III. Conclusion

No matter the demographic, marriage rates are steadily decreasing. Divorce rates are increasing at a slow rate, but in the last 60 years, they have quadrupled. Throughout this chapter, I have analyzed marriage and divorce data by various demographics and found that there has been a clear breakdown in marriage. In the next chapter, I turn to a deeper topic that likely underlies these statistics: the most common philosophical conceptions of marriage.

CHAPTER TWO

Two Views of Marriage: John Locke and Thomas Aquinas

I. Introduction

What are the most common philosophical conceptions of marriage? Clearly, there have been many different views of marriage over time. In this chapter, however, I focus on and describe two rival views of marriage. The first is the orthodox Christian view. I use the work of Saint Thomas Aquinas to describe this view. The second is a more contractual and secular view, which I associate with John Locke. I argue that the Lockean conception has come to be the leading view of marriage, but that the Thomistic conception is actually a much richer and deeper view.

II. John Locke

A modern view of marriage is represented in the thought and writing of the seventeenth century political philosopher, John Locke. Locke's view in many ways typifies the modern view, or at least it did, before the transformation that came about with the case of *Obergefell v. Hodges*. So, what is the Lockean view of marriage? Locke's view, as found in his *Two Treatises of Government*, is rights-based and contractual. He considers procreation, mutual support, and providing for children as goods and ends of marriage. Yet, because of his rights-based, contractual view, marriage can be dissolved after the couple has properly cared for their children.

Individual rights are foundational to the Lockean view. First, individuals have the right to enter into marriage. Locke writes that marriage, or in his terms, “conjugal society,” is “made by a voluntary compact.”⁹ Because of rights, each individual is free and equal to enter into a marriage agreement in Locke’s state of nature or in a governed state. Second, after getting married, marriage gives individuals “a communion and right in one another’s bodies.”¹⁰ Communion in one another’s bodies is necessary for the end of procreation—but for Locke, marriage gives each a *right* to the other’s body. Then, the children “have a right to be nourished and maintained” by their parents.¹¹ This requires both parents to care for their children together, meaning that the parents must remain faithful to one another and share a household, at least for a certain amount of time. Furthermore, Locke writes that the government cannot “abridge the right” to achieve the ends and goods of marriage.¹² Ultimately, individuals have the right to marry in the Lockean view.

But where did all these rights come from? Locke views Adam as “the fountain of all power,” as he was given dominion and “paternal jurisdiction” by God.¹³ However, it is impossible to ascertain the family line of Adam or who remains above another. This brings us to a state of nature, which is essential to Locke’s origination of rights. In Locke’s state of nature, individuals are governed by a law of nature that restricts them

⁹ John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 319.

¹⁰ Locke, 319.

¹¹ Locke, 319.

¹² Locke, 321.

¹³ Locke, 267.

from violating one another's rights. As long as they follow this natural law, all individuals are in a "state of perfect freedom" and equality, "no one having more than another."¹⁴ The state of nature gives everyone their individual rights. Yet, government may make laws to enforce the laws of nature, as long as they govern individuals with their consent (another right-based argument).

This need for consent is identical to the necessary consent of both a man and a woman to enter into a marital contract. For Locke, marriage is a "voluntary compact between man and woman."¹⁵ This compact, or contract, is made only between the man and woman—there are no other parties in the contract. The entrance and exit from a contract are "by consent, or at a certain time, or upon certain conditions," meaning contracts are not lifelong.¹⁶ Both parties must agree to the contract, and each party has the right to break or exit the contract. This contractual view of marriage is fundamental to Locke's rights-based argument, as contracts are based on the right of each individual to enter and exit the contract.

Marriage has ends and goods, of which the first is procreation. Marriage gives each individual a right to the other's body, "as is necessary to its chief end, procreation."¹⁷ More significant than the end of offspring for each couple, this end provides for the "continuation of the species," which is important to the continuation of Locke's political society.¹⁸ Clearly, procreation occurs only as the result of

¹⁴ Locke, 269.

¹⁵ Locke, 319.

¹⁶ Locke, 321.

¹⁷ Locke, 319.

¹⁸ Locke, 319.

“communion” in one another’s bodies, or sex. Individuals can physically have sex outside of marriage, yet if the act produces offspring, Locke argues that the child has a right to be cared for and nourished. Furthermore, in Locke’s time, and as many would still agree, children should be cared for by *both* parents, which happens most easily in the context of marriage, in which the parents share a household. The nourishment and care of children is also an end and good of marriage in Locke’s view, which I will soon discuss in this chapter.

The second good of the Lockean conception of marriage is the common interests and support of the spouses. Locke writes that marriage “draws with it mutual support, and assistance, and a communion of interest too, as necessary . . . to unite their care, and affection.”¹⁹ This less concrete good of mutual support seems to relate to the functional and practical aspect of marriage. The spouses can share the role of maintaining a household by providing for one another financially and helping one another with household duties. The sharing of a household and duties is convenient for both of the spouses, as they are both obligated to care for their children. Although Locke seems to believe that mutual support and common interests can be good on their own, he stresses the importance of a common interest in the couple’s children and provision for them.

The nourishment and care of the couple’s children is the final end and good of marriage. The parents are obligated to care for their children, who have the right to be “nourished and maintained by them,” until the children can provide for themselves.²⁰ Thus, couples must remain committed to one another for the sake of their common

¹⁹ Locke, 319.

²⁰ Locke, 319.

interest of their offspring. Children “are to be sustained by those that got them.”²¹ The provision for children is a duty and obligation of *both* parents. For the woman, she must provide for her child because her child is dependent on her after her conception and carrying of the child. Yet, the father still must provide for the children because he “is bound to take care for those he hath begot,” a Lockean obligation of marriage.²² Unlike other creatures, humans depend on one another and cannot provide for themselves when they are young. According to Locke, this obligation of both parents stems from God’s way of creating humans different from other creatures. This end requires the parents’ interests to be “better united” and to “lay up goods for their common issue.”²³ The nourishment of children requires parents to stay with one another for a certain amount of time. If parents were not obligated to stay with one another, the provision for children would be easily disturbed. Practically, fidelity as a couple corresponds with the marital good of the care and provision of children.

Yet, the necessary care for children eventually comes to an end. According to Locke, once the children are grown and can provide for themselves, a marital contract can be dissolved. This right to dissolve a marriage is necessary to maintain the Lockean rights-based, contractual view of marriage. Marital contracts may be dissolved “by consent, or at a certain time, or upon certain conditions,” just as any other contract may be dissolved.²⁴ An individual’s rights and freedoms trump fidelity to another person. Locke writes that husband and wife may have “different understandings” and “different

²¹ Locke, 319.

²² Locke, 320.

²³ Locke, 320.

²⁴ Locke, 321.

wills,” meaning it is acceptable for them to dissolve a marriage in order to pursue their own wills and goals.²⁵ Since both individuals have rights, separate from one another, they each have the power to dissolve the marital contract. Locke writes, “but this reaching but to the things of their common interest and property, leaves the wife in the full and free possession of what by contract is her peculiar right, and gives the husband no more power over her life, than she has over his.”²⁶ An individual’s rights to dissolve a marriage is not based upon gender; each individual is entitled to this right in Locke’s view. These rights may be vested in the individuals by law, or in the state of nature.

Locke derives the right to divorce not only from his rights-based perspective, but also in the context of comparison to the relationships of other creatures. For grazing animals, the relationship “lasts no longer than the very act of copulation,” while the relationship between “beasts of prey . . . lasts longer.”²⁷ He reasons that humans are required to have a “longer conjunction than other creatures,” because of the duty of parents to provide for their children, and the rights of children to be nourished by their parents.²⁸ Yet, similar to the lesser creatures, whose contracts come to an end, human marital contracts have no reason to be lifelong, according to Locke. Once the couple fulfills the requirements of the marital contract—namely, caring for their children—the contract can be dissolved. Although humans have higher expectations than lesser creatures in Locke’s view, they still follow similar logic. Since other creatures are not

²⁵ Locke, 321.

²⁶ Locke, 321.

²⁷ Locke, 320.

²⁸ Locke, 320.

required to remain faithful to one mate for the entirety of their lives, Locke reasons that the marriage compact, like other contracts, is dissolvable.

John Locke's contractual view of marriage highlights the importance of rights and individualism in his political philosophy. Although he speaks about rights and ideas in Christian language, Locke's view of marriage is not religious, but secular. The foundation of marriage is the secular rights of individuals. Furthermore, his view is voluntarist, putting the will of each individual above all else. This forms an instrumental or utilitarian view of the individuals within a marriage, in which the individual uses the other person as a means to an end, rather than an end in himself. In this case, the individuals use one another to procreate and care for their children. Consider the case of fidelity. Fidelity in marriage is only important as long as the other is useful. As soon as the children are cared for, the usefulness of marriage is absent, and therefore, the marriage can be dissolved. When the intended end has been reached, the means are no longer useful or needed. This Lockean view seems to be the view of marriage that many people today hold. Yet, this view was not always so common. In many ways, Locke's contractual view directly contradicts the orthodox view of marriage, which I will turn to next.

III. Saint Thomas Aquinas

Saint Thomas Aquinas provides an excellent articulation of the orthodox Christian view of marriage. What is marriage for Aquinas? He defines it in two different ways—first, by nature, and second, as a sacrament. Aquinas believes that marriage has both “purposes” and “goods,” but purposes and goods are separate from one another in his view. The main purposes of marriage are the offspring of children and the support and

accountability of both of the spouses, while the marriage goods include the goods of offspring, fidelity, and sacrament. Due to the goods of fidelity and sacrament, marriage is indissoluble—whether it is a marriage instituted by nature or as a sacrament.

Ultimately, Aquinas believes that marital love is the highest form of friendship, a primary good in itself. Aquinas' view of marriage provides a striking contrast to the modern view today, both in secular culture and even in the church.

It should be noted that I heavily draw upon Aquinas' *Supplementum* to explain his views on marriage. The *Supplementum* was not written by Aquinas himself, but instead compiled by his disciples. The questions were taken verbatim from an earlier work, a commentary on Peter Lombard's *Sentences*. Therefore, it is possible that the *Supplementum* does not represent his mature and comprehensive thought on marriage.²⁹ However, I also draw from his *Summa Contra Gentiles*, which includes his more mature thought on the topic of marriage.

According to Aquinas, marriage is natural. Things may be natural in various ways, but marriage is natural in the sense that there is a natural inclination to it “although it comes to pass through the intervention of the free-will.”³⁰ Therefore, marriage does not simply and naturally occur, but it is a natural desire to pursue marriage, just as an individual would pursue acts of virtue. This means that the marital bond is not a human invention—but an office of nature as instituted by God.

²⁹ Thomas Petri, *Aquinas and the Theology of the Body: the Thomistic Foundations of John Paul II's Anthropology* (Washington, D.C.: The Catholic University of America Press, 2016), 274.

³⁰ Thomas Aquinas, *Summa Theologiae*, trans. Fathers of the English Dominican Province, *New Advent*, 2017, www.newadvent.org/summa/, “Supplementum Tertiae Partis,” q. 41, a. 1.

Yet, marriage is not only an office of nature. Marriage can also be instituted as a sacrament of the Church. A sacrament is an outward and visible sign of an inward and spiritual grace. Since it deals with the state of grace, the sacrament can only take place within Christian marriages. The sacrament of marriage is a symbol of Christ's union with the Church. His union with His Church is eternal—and marriage is a symbol of that here on earth. The sacramental nature of marriage is also considered a “good” of marriage, a point I develop below.

Aquinas believes that marriage has both purposes and goods, yet they are different and separate from one another. The purposes of marriage derive from nature, as “natural reason inclines” individuals to marry for such purposes.³¹ These purposes are naturally desired and are reasons to marry. Goods, on the other hand, are blessings that come from marriage—although they may not be natural inclinations. Consider the example of fornication and marital intercourse. In Aquinas' view, fornication, or sexual activity outside of marriage, is wrong in itself. Fornication is wrong because it has the potential to create offspring without caring for them. Aquinas writes that “we must consider that in the human species offspring require not only nourishment for the body, as in the case of other animals, but also education for the soul.”³² If a man and woman are to have children, they must also care for the children. Since marriage includes sexual activity, according to the biblical view at least, Aquinas argues that “something must be added to it to make it right.”³³ In Aquinas' view, one can only lose a good if it gains “an

³¹ Aquinas, *ST*, Suppl., 41.1.

³² Thomas Aquinas, “Book 3: Providence, Part 2,” in the *Summa Contra Gentiles*, trans. Vernon J. Bourke (Notre Dame: University of Notre Dame Press, 2016), 122.8.

³³ Aquinas, *ST*, Suppl., 49.1.

equal or better good.”³⁴ In the case of marriage, the individuals lose reason and they fall into concupiscence. Yet, because the goods of marriage are “an equal or better good,” they “excuse marriage and make it right.”³⁵ Stated simply, the sexual act moves people away from right reason, which is bad. But within marriage, this “bad” is sufficiently compensated for by the “goods” of offspring, faith, and sacrament. With respect to the difference of purposes and goods, one can say the goods justify marriage and make marriage good.

The primary purpose, or end, of marriage is the good of the children. Since children are a part of the natural desire for marriage, it is also natural that the parents provide for their children. Aquinas argues that a child cannot be properly cared for or taught unless he has “certain and definite parents.”³⁶ Quoting Aristotle, Aquinas writes that children derive “existence, nourishment, and education” from their parents.³⁷ Parents beget the children, but they also must care for their children in physical and educational terms. Parents are obligated to educate their children throughout their development until they reach the state of virtue. By doing so, parents are following the first biblical command to “be fruitful and multiply,” by having children, preparing them spiritually, and thus, growing the kingdom of God.

But the begetting of children is not the only end of marriage. Marriage also provides practical, mutual support for both of the spouses. Aquinas writes that married individuals can assist one another in household matters, as no individual is “self-

³⁴ Aquinas, *ST*, Suppl., 49.1.

³⁵ Aquinas, *ST*, Suppl., 49.1.

³⁶ Aquinas, *ST*, Suppl., 41.1.

³⁷ Aquinas, *ST*, Suppl., 41.1.

sufficient in all things concerning life.”³⁸ Men and women each have marital roles, which assist them in efficiently providing for themselves and their children. This mutual support has a part in individuals’ natural drive for marriage, just as individuals have a natural inclination for political society. This is because individuals rely on one another for various aspects of life, whether it be physical nourishment, education, law and order, or friendship. In a much similar way, but on a much smaller scale than political society, marriage allows individuals to split their responsibilities, provide for one another physically and financially, and support one another in emotional and spiritual ways. The topic of friendship specifically will be developed further below.

According to Aquinas, caring for offspring and mutual support are the *ends* of marriage, which are separate from the *goods* of marriage. Yet, the first and most essential good of marriage is something of a combination of this primary and secondary end. Aquinas writes that the good of offspring “signifies not only the begetting of children, but also their education, to which as its end is directed the entire communion of works that exists between man and wife as united in marriage.”³⁹ Offspring is a well-agreed upon good in the traditional view of marriage, as it follows the first biblical command in Genesis. It also is a tangible and clear good that only comes through sexual behavior, which, biblically, only takes place within marital relationships. Yet, it is also good that marriage unites the goals of the spouses in pursuit of properly caring for each other and their children, which is the secondary end of marriage for Aquinas. These goods are combined in the single good of offspring.

³⁸ Aquinas, *ST*, Suppl., 41.1.

³⁹ Aquinas, *ST*, Suppl., 49.2.1.

Marriage's second good, according to Aquinas, is fidelity, or faith, of the spouses. Not like a faith in God, faith, in the context of marriage, is a part of the virtue of justice. It is a commitment to one another, a "keeping [of] one's promises," in both word and deed.⁴⁰ Most basically, marriage is a "contract" that contains a promise between spouses. Because man and woman are equals, they are able to equally agree to a contract, unlike the unequal relationship of parent and child. Fidelity is a promise to stay with one another and support one another. At a more basic level, it is also a promise that neither spouse will have any sexual relations with another person besides his or her spouse. Yet, without marriage instituted as a sacrament, fidelity may not be lifelong—making non-sacramental marriage quite different from a sacramental marriage, a point to be developed further when discussing the indissolubility of marriage. Faith, combined with the sacrament, will lead to the necessary indissolubility of marriage in the Christian view.

The final and most excellent good of marriage is the sacrament. This good can only occur in Christian marriages—while the other goods can come to pass in secular and Christian marriages alike. The sacramental nature of marriage justifies marriage, but it also serves as "an office of nature" and "a sign of a sacred thing."⁴¹ Yet, the sacrament is not actually found in marriage itself; instead, the sacrament is found in its indissolubility, "a sign of the same thing as matrimony is."⁴² Not only is the good of the sacrament foundational to the indissoluble aspect of marriage, it is also a symbol of Christ's love and union with the Church.

⁴⁰ Aquinas, *ST*, Suppl., 49.2.2.

⁴¹ Aquinas, *ST*, Suppl., 49.2.7.

⁴² Aquinas, *ST*, Suppl., 49.2.7.

Aquinas contends that these three goods are all important to the institution of marriage, but the sacramental nature is the most excellent, while the good of offspring is the most essential. The sacrament of grace found in marriage is the most excellent of the marriage goods because the other two goods are found in the office of nature. Grace, and its perfection, is always more excellent than nature. Yet, offspring is more essential to marriage since it is the first end of marriage. The distinction between excellence and necessity is an important part of understanding marriages instituted through nature versus marriages instituted by sacrament. Aquinas writes, “it is more essential to be in nature than to be in grace, although it is more excellent to be in grace.”⁴³ Individuals are automatically a part of nature, while not of grace—making the necessity of offices of nature more essential, even though the state of grace is always more excellent in Aquinas’ eyes.

For Aquinas, marriage is indissoluble, even when instituted as an office of nature. This is because marriage is directed toward raising up offspring, “not merely for a time, but throughout its whole life.”⁴⁴ According to Aquinas, this naturally means that children are heirs to their parents. The offspring are the “common good of husband and wife” throughout all their life, so they must remain together for the sake of the common good.⁴⁵ Aquinas argues that this is a “dictate of natural law [that] requires the [husband and wife] to live together for ever inseparably.”⁴⁶ Ultimately, natural law requires marriage to be

⁴³ Aquinas, *ST*, Suppl., 49.3.

⁴⁴ Aquinas, *ST*, Suppl., 67.1.

⁴⁵ Aquinas, *ST*, Suppl., 67.1.

⁴⁶ Aquinas, *ST*, Suppl., 67.1.

indissoluble. Yet, there are exceptions to this indissolubility within nature for Aquinas.

He describes that there may be dispensations from law:

A dispensation from a precept of the law of nature is sometimes found in the lower causes, and in this way, a dispensation may bear upon the secondary precepts of the natural law, but not on the first precepts because these are always existent as it were . . . But sometimes this reason is found in the higher causes, and then a dispensation may be given by God even from the first precepts of the natural law, for the sake of signifying or showing some Divine mystery, as instanced in the dispensation vouchsafed to Abraham in the slaying of his innocent son. Such dispensations, however, are not granted to all generally, but to certain individual persons, as also happens in regard to miracles.⁴⁷

These dispensations provide room for divorce in Aquinas' view of marriage; nevertheless, these dispensations are not common or given to all universally. Thomas Petri suggests that indissolubility may be granted by Mosaic or ecclesial law.⁴⁸ Aquinas' admission that divorce is allowed in the fallen world, however, certainly does not contradict his view that indissolubility is a part of marriage as a sacrament.

Marriage instituted as a sacrament of the Church is surely indissoluble. Marriage "is a sign of the perpetual union of Christ with the Church," which is unending.⁴⁹ Because the good of the sacrament is found in its indissolubility, the indissolubility is implied in the good of the sacrament, while it is not implied in the good of the offspring. Petri writes that "[i]t is the grace of Christ in the sacrament that restores indissolubility."⁵⁰ Marriage instituted as a sacrament is permanent since it reflects the eternal union of Christ with His Church. It is an unbreakable fidelity.

⁴⁷ Aquinas, *ST*, Suppl., 67.2.

⁴⁸ Petri, 283.

⁴⁹ Aquinas, *ST*, Suppl., 67.1.2.

⁵⁰ Petri, 283.

Marriage, and the love that develops between the spouses, is seen as a great friendship in Aquinas' eyes. In the *Summa Contra Gentiles*, he writes, "there seems to be the greatest friendship between husband and wife, for they are united not only in the act of fleshly union . . . but also in the partnership of the whole range of domestic activity."⁵¹ Aquinas actually uses this idea of marital friendship as another reason for the indissolubility of marriage, because "the greater that friendship is, the more solid and long-lasting will it be."⁵² Thomas Petri describes marriage as the "greatest of friendships," while John Finnis equates *fides*, or faith, with marital friendship.⁵³ Friendship is core to much of Aquinas' thought regarding marriage. Because the marital relationship is a friendship, this means that both individuals are equal: women are not lesser than men.⁵⁴ Friendship also requires monogamous marriage, as friendship is not possible for many. A husband with many wives would create an unequal friendship—in which "the friendship will not be free, but servile in some way."⁵⁵ Friendship creates a stronger marital relationship and lays the groundwork for some of Aquinas' basic thought surrounding marriage.

Marital love, then, has the potential to be virtuous, and serves as a high good in the broader hierarchy of goods. In Aquinas' view, to love someone is to "wish good to

⁵¹ Aquinas, *SCG*, 123.6.

⁵² Aquinas, *SCG*, 123.6.

⁵³ Petri, 273.; John Finnis, "The Good of Marriage and the Morality of Sexual Relations: Some Philosophical and Historical Observations," *The American Journal of Jurisprudence* 42, no. 1 (January 1, 1997), 108.

⁵⁴ Aquinas, *SCG*, 124.4.

⁵⁵ Aquinas, *SCG*, 124.5.

him.”⁵⁶ However, there can also be lesser loves of pleasure or utility within relationships, yet these are not the types of love found in true friendship. Therefore, marital love should contain the selfless love that occurs in friendship. This friendly love is also known as charity, which Aquinas categorizes as a special virtue. This is because of charity’s relationship with happiness and the good. Aquinas writes, “But the Divine good, inasmuch as it is the object of happiness, has a special aspect of good, wherefore the love of charity, which is the love of that good, is a special kind of love.”⁵⁷ Charity, or friendship, is the love of the good in another. Aquinas even characterizes marriage as the greatest friendship.⁵⁸ So, stated simply, if marriage contains selfless love (as it should), it is friendship, which is virtuous, with a higher potential for good because of the individuals’ union in both body and in daily life.

Saint Thomas Aquinas’ sacramental view of marriage was the long-standing tradition for centuries before modernity. He provides great insight to an orthodox view that has mainly been forgotten in today’s culture with the overtaking of the modern view of marriage. Aquinas seems to foresee issues to come in the sphere of marriage, often contradicting the modern view. I now will turn to comparing and contrasting his orthodox view with the Lockean view held so often today.

IV. Comparing and Contrasting Aquinas and Locke

These two seminal views of marriage clearly contrast with one another. In this section, I focus on a few contrasting points of salience that draw out the core parts of the

⁵⁶ Aquinas, *ST*, II-II, 23.1.

⁵⁷ Aquinas, *ST*, II-II, 23.4.

⁵⁸ Aquinas, *SCG*, 123.6.

two views. First, Aquinas's view is sacramental while Locke's is contractual. Second, Aquinas holds an institutional view of marriage, focusing on the importance of the institution, while Locke holds an individual view of marriage, focusing on the individuals within a marriage. They both see marriage as having ends and goods, yet they view these rather differently, albeit there are points of similarity. Aquinas' view of marriage, however, surpasses physical and tangible goods, as marriage reaches higher goods of friendship and sacrament. Because of their ends and goods of marriage, they hold contrasting views on the issue of marital dissolubility.

If John Locke's marriage philosophy were reduced to one word, it would be "contract," while for Aquinas, it would be "sacrament." Their thought regarding marriage is based on these concepts. Locke's views are strictly contractual: one consents to enter into marriage and the contract may be dissolved after children are raised. Most basically, Aquinas agrees that marriage is a contract. He even uses the term at one point in his discussion of marriage.⁵⁹ Nevertheless, the ideal marriage for Aquinas is not focused on individuals entering into a contract, rather the ideal marriage consists of individuals participating in a sacrament. Marriage requires a contractual-like agreement for Aquinas, but as a sacrament, it is an agreement between not two, but three: man, woman, and God.

Behind this divide between contract and sacrament, the role of the individual within marriage can be evaluated to discover the differences between Aquinas and Locke. When one considers marriage a sacrament, the focus is surely not on the individual. Under this view, the primary focus of marriage is an outward focus on Christ.

⁵⁹ Aquinas, *ST*, Suppl., 49.2.2.

Subsequently, the focus is on the other individual—the spouse, rather than oneself. Marriage, in the sacramental view, requires self-gift and putting another first, a topic that will be delved into more deeply in the next chapter. The Lockean contractual view, on the other hand, highly values the individual within marriage. The contractual view of marriage may have an outward focus on one’s spouse, but it mainly emphasizes the preservation of the individual, as each party protects themselves with a contract, ensuring a safety net for divorce. Locke’s view is all about individual rights. For Locke, individuals have rights to enter and exit a marital contract, as well as the right to one another’s bodies within marriage. When put in contrast with Aquinas, we see the individualistic nature of Locke more starkly. Aquinas, however, holds a much more institutional view. The importance of marriage is not because of the individual; rather, the significance of marriage comes from the institution of marriage itself as a sacrament. Although Aquinas’ view still recognizes the importance of each individual and one’s roles within a marriage, the significance does not stop at the individuals. Instead, marriage’s most excellent good is that it is a sacrament, representing the bond of Christ and His Church. Put simply, Locke’s view is individualistic, while Aquinas’ view is institutional.

When it comes to the ends of marriage, Locke and Aquinas view the ends or purposes of marriage quite similarly. Locke’s view has three ends: procreation, mutual support of the spouses, and provision for children. Aquinas’ view has two ends: offspring and mutual support of the spouses. Although Aquinas’ view only has two ends, it actually encompasses the three ends in Locke’s view. They both agree that procreation should take place within marriage. Furthermore, they consider caring and providing for

the children as a purpose of marriage. Aquinas simply categorizes procreating and caring for the offspring in the purpose of offspring. Locke and Aquinas also both agree that the mutual support of the spouses, as they care for their same common good of children, is another end or purpose of marriage.

Yet, Aquinas does not limit his account of marriage to its ends; he also views marriage as having separate goods. Although Locke's view has goods, the goods are the same as the ends of marriage. For Locke, marriage is about having children, caring for those children, and supporting one another in household responsibilities related to having a family. These Lockean goods are characterized in the first Thomistic good of offspring. Although this is an essential good to marriage, the other two goods of fidelity and sacrament are more excellent. Insofar as Locke's view of marriage neglects these goods, it is plainly secular, not sacramental. Locke may reference God in his writing, but ultimately, he removes any religious aspects from marriage.

Furthermore, Aquinas sees marriage as having the capability of reaching higher goods, specifically friendship. In a Lockean contractual view, marriage seems somewhat transactional. One consents to enter into a marriage. Although the spouses support one another in raising children, Locke does not mention any friendship or even shared values between the individuals within a marriage. It simply is an institution for the sake of offspring. Aquinas, on the other hand, believes that some marriages can be similar to a Lockean marriage. Most basically, marriage is an institution where procreation can take place. Yet, it has the potential for much more, as the spouses may grow in friendship and love with one another. In the Thomistic view, marriage has much more significance to

human flourishing. Marriage is a means to reaching and understanding higher goods, such as friendship and love.

The two seminal views also approach the dissolubility of marriage differently. Locke's individualistic view allows the individual to choose when a marriage ends; however, individuals should wait until their children are grown. The Thomistic goods of fidelity and sacrament make marriage more long-lasting. However, if one is not a Christian, the length of marriage is likely left to the individual. Therefore, Aquinas' view may leave room for the Lockean view within secular marriages. However, Locke does not proclaim to hold a secular view, rather he uses Christian language to present it. The Lockean view is valid; however, it skews biblical views and makes it appear to be similar to an orthodox Christian view of marriage. Yet, we have seen that it is far from the orthodox view that Aquinas held.

V. Conclusion

Although I have only discussed two approaches to marriage, these two seminal views are quite representative. At a glance, the views can sound similar, but after evaluation, it is clear that the Lockean and Thomistic views stand in stark contrast. The Thomistic view defends itself against many of the arguments of Locke, yet it seems to leave room for his view in which marriage is dissoluble after the children are grown. I argue that the Thomistic conception is much richer and deeper, as it provides a definition of marriage that includes the virtues of friendship and love. Ultimately, these two seminal views help us better understand the competing views of marriage today, as both are likely recognizable to us as commonly held views, with the Lockean view being more popular. Since I find the Thomistic conception more attractive, I will delve more deeply

into it in my next chapter. Specifically, I will use the work of Karol Wojtyla to gain a better understanding of the orthodox understanding of marital love.

CHAPTER THREE

Marital Love: The Development of the Thomistic View

Why is the Thomistic view a better approach to marriage? This chapter attempts to answer that question, by focusing on the development of the view, as illustrated primarily by Karol Wojtyla, who is better known as Pope John Paul II. In his view, understanding love is essential to understanding marriage. Thus, this chapter will focus on the definition of marital love within the orthodox conception, which will provide us a fuller and deeper understanding of the view. This chapter will also include the development of what marriage is, as articulated by Wojtyla, although much of his conception remains the same as the Thomistic conception. Even though marriage was not always connected to love, Wojtyla's work shows that the virtue of love creates a profound foundation for marriage. Ultimately, marriage supported by love, as originally presented by Aquinas and developed by Wojtyla, is a good that can contribute to human flourishing and happiness.

What is love, according to Wojtyla? This is a deep question with an intricate answer. To love is not the same as to use; in fact, loving and using are opposites. Using something requires it to be a means to an end. Human beings are not meant to act solely as objects to be used. Marriage is not to be a relationship of utility. Although marriage certainly has useful characteristics, which I will discuss later in this chapter, marital love far exceeds utility. In a utilitarian view, human relationships remain because one individual may provide some good to another individual. The doctor provides healthcare to the patient, and the patient provides a source of income to the doctor. Yet, human

relationships based on love are not based on what the other individual can provide to you. Rather, these relationships require a common end. In marriage, the most obvious example of a common end is procreation. This common aim creates a special bond between the two individuals, and “puts them on a footing of equality,” as both individuals subordinate themselves to this common good.⁶⁰ To seek after this common good is a choice, an act of the will. Thus, one’s “capacity for love depends on his willingness consciously to seek a good together with others, and to subordinate himself to that good for the sake of others, or to others for the sake of that good.”⁶¹ As two people seek a common aim, their relationship surpasses utility because they are not using one another for the common end. Instead, they are working together toward the end or good, and they will subordinate themselves to that good or to each other for the sake of that good. The good of marriage certainly may be procreation, but it also could involve the “continual ripening of the relationship” and any area that “conjugal life includes”.⁶² This distinction between loving and using is necessary to understanding the marital relationship, especially in relation to the sexual relationship between spouses, as I will discuss later in this chapter.

Marital love includes desire. Desire is not only a physical attraction; it is also an emotional longing for the good of the other person. Essentially, attraction, or physical desire, is to see the good of another and be drawn to it. However, a purely physical desire driven only by emotions views another person solely by the pleasures and

⁶⁰ Karol Wojtyla, *Love and Responsibility* (San Francisco: Ignatius Press, 1993), 28.

⁶¹ Wojtyla, 29.

⁶² Wojtyla, 30.

enjoyment that his body may potentially provide. Attraction, both physical and emotional, is required for love, yet it does not make up the whole of love. In *Love and Responsibility*, Wojtyla writes, “Attraction is of the essence of love and in some sense is indeed love, although love is not merely attraction.”⁶³ This attraction is not only a physical attraction, but it is a “full and deep appreciation of the beauty of the person.”⁶⁴ It is both physical and emotional. Likewise, desire is not only a physical desire. It also consists of an emotional desire that longs for the good of the other. Wojtyla writes, “The great moral force of true love lies precisely in this desire for the happiness, for the true good, of another person.”⁶⁵ This desire is not simply controlled by one’s emotions. Sometimes the desire for the good of another will be present; however, sometimes one will not be able to feel that desire. In those cases, it requires an act of the will to continually desire the good for another. Love is a choice that requires the will to maintain it. Although feelings and emotions are connected to love, they do not sustain love. The virtue of love requires practice of the submission of the will for the sake of the other and the common good.

Selfless goodwill is an essential part, and the purest part, of love. If love stopped at attraction and desire, love would not reach the whole nature of an individual, as individuals have more than physical and emotional capacities. One can desire the good of another for selfish reasons, but true love desires the good of another for the sake of the other. This is the altruistic idea of goodwill. Wojtyla succinctly explains the difference,

⁶³ Wojtyla, 76.

⁶⁴ Wojtyla, 80.

⁶⁵ Wojtyla, 138.

as he writes, “Goodwill is the same as selflessness in love: not ‘I long for you as a good’ but ‘I long for your good.’”⁶⁶ Goodwill does not contain personal motives; it is pure and selfless. Christians are encouraged to love others with this pure love of goodwill. Yet, marital love is still distinct from the love in other human relationships. Marriage requires goodwill, while simultaneously incorporating love as attraction and desire without becoming a relationship of utility.

In order to sustain both types of desire, marital love and selfless goodwill require a choice to make a promise to which one will stay faithful. This is when one must assert his will and make a choice to love. This means loving a person always, despite his changes, mistakes, or downfalls. Fidelity is vital to loving the true value of the person. Describing the act of love, Denis De Rougemont writes, “*To be in love* is not necessarily *to love*. To be in love is a state; to love, an act. A state is suffered or undergone; but an act has to be decided upon.”⁶⁷ This distinction is necessary for marital love. Love is an action, a choice, a promise. In marriage, one cannot stay in the state of love; however, one can choose to sustain love through the action of love. This choice of fidelity is necessary to truly love one another, and furthermore, to give oneself to another. Desire is fleeting, but fidelity sustains it. De Rougemont writes, “For if desire travels swiftly and anywhere, love is slow and difficult; love actually does pledge one for the rest of one’s life, and it exacts nothing less than this pledge in order to disclose its real nature.”⁶⁸ Desire may feel like love, and it may be a part of love, but as I stated before, love is not

⁶⁶ Wojtyla, 83.

⁶⁷ Denis De Rougemont, “Active Love, or Keeping Faith,” in *Wing to Wing, Oar to Oar: Readings on Courting and Marrying*, ed. Amy A. Kass and Leon R. Kass (Notre Dame: University of Notre Dame Press, 200), 534.

⁶⁸ De Rougemont, 536.

only desire. By acting out of one's will to sustain love, one makes a promise to his spouse, self, and God. The marital vows, "for better, for worse" demonstrate loving the person, no matter the circumstances. Karol Wojtyla describes this act accurately when he asserts that one must love the real person, and not solely the values of the person. He writes:

The strength of such a love emerges most clearly when the beloved person stumbles, when his or her weaknesses or even sins come into the open. One who truly loves does not then withdraw his love, but loves all the more, loves in full consciousness of the other's shortcomings and faults, and without in the least approving of them.⁶⁹

Fidelity is fully affirmed when one loves through all the wrongdoings and faults, loving the value of the person. The choice to love and stay faithful demonstrates love "for better" and "for worse."

This fidelity is the responsibility of love that Wojtyla is referring to in the title of his work. The responsibility of love is a responsibility for the other person in his full value. The responsibility is the choice—choosing the real person for his own sake over and over again, regardless of his virtues or his faults. The choice to love requires a full awareness of the real person, which makes the responsibility of caring for him unconditionally much more difficult and immense, while also making the act of love even greater.

Aspects of marital love, such as selfless goodwill and fidelity, require a sort of mutual friendship. Friendship does not only involve the emotions; it involves the will and looks out for the good of the other, as has already been discussed. Many of the aspects of love can be seen in a true friendship, in which the friend loves the other for his

⁶⁹ Wojtyla, 135.

own sake. Friendship is vital to building a marriage. This is because friendship brings about the merging of wills: “I” becoming “we.” According to Wojtyla, “Friendship. . . consists in a full commitment of the will to another person with a view to that person’s good.”⁷⁰ Both friendship, and, as I am posing, marital love, are not merely emotional. Rather, the “objective aspect” of love, as Wojtyla would describe it, is based on reciprocity and a shared goal, or a common end, that unites both individuals.⁷¹ The objective aspect is love as a virtue; it requires practice and continual attempts to improve and grow because love is a good worth seeking after. Friendship is an illustration of the objective aspect of love, the choice and act of will of love—instead of a subjective aspect of love that is based on emotions. This picture of a uniting friendship is the foundation on which a couple can build a marriage.

These various ideas: attraction, desire, goodwill, fidelity, and friendship all culminate into one concept: self-gift. This is giving one’s life in a sacrificial manner for the sake of another. Self-gift is selflessness, one forgetting himself and focusing on the other. It begins in the emotions, but it might be, and often eventually becomes, an act of the will. Self-gift requires desire because one will never give of himself if he does not desire or see any good in the other person. Yet, self-gift also requires fidelity because one cannot give and take away his gift of self. One must give himself and stay faithful to that gift. By bestowing this self-gift, one will leave the self and “find a fuller existence in another.”⁷² This is the act of two becoming one. In “The Romance of Ordinary

⁷⁰ Wojtyla, 92.

⁷¹ Wojtyla, 127.

⁷² Wojtyla, 126.

Marriage,” Nathanael Blake writes, “And marriage is a death of the autonomous self, because it establishes a lifelong ‘We’ over the solitary ‘I’ of the individual.”⁷³ Self-gift is a choice, as are goodwill and fidelity. It requires both lovers to hold fast to their promise and to will to continue giving themselves to one another. Self-gift, which is exclusive to marriage, includes both physical and emotional desire and attraction, requires fidelity, and best expresses the nature of marital love.

In a sense, self-gift is to be giving in both emotional and physical aspects. Self-gift requires a commitment to subordinate the emotions to the will. Although emotions may lead someone astray from their spouse, marital love necessitates an act of will to control the emotions. Thus, in marriage, an individual is giving of himself emotionally. Marital love also involves a commitment of limiting one’s freedom—a type of self-gift in both emotional and physical aspects. Self-gift essentially means limiting one’s freedom for the sake of another. Although this may seem negative, it actually makes freedom and love more valuable. Wojtyla argues that freedom actually exists for the sake of love. He writes, “The will aspires to the good, and freedom belongs to the will, hence freedom exists for the sake of love, because it is by way of love that human beings share most fully in the good.”⁷⁴ The commitment of freedom allows individuals to reach a greater good. In this case, freedom is a means to the greater end of love. True love is only possible with a genuine commitment of one’s freedom to another.

Exclusive to marriage, the sacrificial act of sex puts self-gift into one physical action. To be self-giving and sacrificial in a physical sense is to give one’s body to

⁷³ Nathanael Blake, “The Romance of Ordinary Marriage,” *Public Discourse*, March 8, 2018, www.thepublicdiscourse.com/2018/03/20926/.

⁷⁴ Wojtyla, 135.

another through sex. Sex may, and usually will, begin in the emotions, but it can also be an act of the will. Through self-gift, the two truly become one, not solely emotionally but also physically. Blake writes, “The physical union of marriage that the Bible describes as becoming one flesh is only part of the merger that is marriage, in which the self is not abolished, but is irrevocably committed to another person.”⁷⁵ The physical act of sex represents the emotional act of self-gift. Furthermore, the physical desire for the other person is fulfilled through sex. Wojtyla writes, “The acts of surrender reciprocate each other, that of the man and that of the woman, and though they are psychologically different in kind, ontologically they combine to produce a perfect whole, an act of mutual self-surrender.”⁷⁶ Physical self-gift requires this physical desire because one cannot give himself to another if he has no desire for the other person. Sex is not simply the use of another person for one’s physical pleasure. One gives himself physically to another to provide pleasure to the other. Sex provides a physical act that is unique to marriage to truly demonstrate this concept of self-gift.

In this profound view of marriage and love, indissolubility of marriage is essential. To understand Wojtyla’s argument for indissolubility, we should recall the distinction between loving and using. A person cannot be treated as an object of use. This standard is the same reason why extramarital sex is bad according to Wojtyla, because it makes an individual an object of use by another. This standard, which Wojtyla terms the personalistic norm, is a standard of genuine love as a virtue. Thus, he argues that this indissolubility is not only for the religious or the Catholics; rather, divorce is

⁷⁵ Blake, “The Romance of Ordinary Marriage.”

⁷⁶ Wojtyla, 99.

giving up on the very foundation of love, love as a virtue. If one believes love is a virtue, divorce is not an option. Yet, a more contested argument made by Wojtyla is that the spouses also cannot cancel out the fact that they are objectively and spiritually tied to one another. Furthermore, the responsibility of love—which is directly tied to love as a virtue—necessitates an indissoluble marriage. The responsibility is for the other person, but also for whatever results from the marriage. Thus, there is a responsibility to children that comes as a result of marriage. Although this is certainly a part of the indissolubility of marriage, this is not the primary argument. The virtue of love requires indissolubility, which refutes the Lockean argument that divorce is acceptable once the children are grown.

For Wojtyla, marriage is deeply personal, but it is also institutional, for multiple reasons. First, marriage is the basis of all social institutions. Society begins with marriages, then families, and so on. It forms the larger society of communities, states, and nations. Marriage's immanence in the larger society means that legislation will need to address both the rights and duties of marriages and families. While it has a public immanence in society, it is also a private, autonomous, and inviolable relationship. Because of these two characteristics, marriage "must find reflection in legislation."⁷⁷ Wojtyla continues, "The point of departure must be the law of nature; legislation concerning the family must objectively express the order implicit in its nature."⁷⁸ In Wojtyla's view, the state has the important responsibility of upholding this sacred relationship. Marriage is also institutional because it demands recognition and

⁷⁷ Wojtyla, 217.

⁷⁸ Wojtyla, 217.

justification of the relationship. The relationship should be recognized because of its consequences, namely, children, and for the sake of the spouses. Love is private, but also demands recognition. Wojtyla makes this concept clear, as he writes that “there is a need to keep private the sexual relations deriving from love,” but also “a need for social recognition of this love as a union of persons.”⁷⁹ Love is fully itself when recognized, as both the individuals then are recognized as individuals of “full personal and hence also full social value.”⁸⁰ This can be put in contrast with the example of a private mistress. A mistress does not have full personal or social value, as she is an object of use. The social recognition of marriage as an institution ultimately justifies the relations between a man and woman in their own eyes, in the eyes of society, and in the eyes of God.

Marriage has ends that can *only* be achieved through marriage. I have already mentioned the importance of a marriage with a common end or aim, and how that common end can help form a marriage, but also is necessary for sustaining a marriage. Under the development of the Thomistic conception of marriage, Wojtyla outlines the ends of marriage as procreation, mutual support, and a remedy for concupiscence. These ends are only to be realized on the basis of his standard, the personalistic norm, which is the principle that another person cannot be treated as an object of use. These ends also must be realized through “the successful practice of love as a virtue,” as love as a virtue satisfies the personalistic norm.⁸¹ Procreation is the primary, and most obvious, end of marriage. Yet, Wojtyla also adds a distinction of the importance of marriage regardless

⁷⁹ Wojtyla, 219.

⁸⁰ Wojtyla, 220.

⁸¹ Wojtyla, 67.

of procreation that differs from both conceptions of marriage that were discussed in the previous chapter. Marriage and family are two different relationships, although certainly related, as a marriage usually leads to a family. He writes:

But a marriage which cannot fulfill that purpose does not lose its significance as an institution of an interpersonal character. Moreover, realization of the principal purpose of marriage demands that its inter-personal character be realized to the full, so that the love of the spouses may be fully mature and creative. It should be added that if their love is already more or less ripe procreation will ripen it still further.⁸²

Although the primary end of marriage is procreation, marriage does not require procreation to be considered a good. The deep, genuine love of the interpersonal relationship seems to be a good in itself.

The secondary end of marriage, under Wojtyla's view, is mutual support. This is a seemingly general end of marriage that can encompass conjugal life and comes as a result of love. This end of marriage is essentially the same as the Thomistic secondary end of marriage. Mutual support is tangible assistance for one another in household matters, finances, and other parts of daily life. Although Wojtyla's writing does not address this end of marriage very specifically, it seems, based on his other arguments, that he would also agree that this mutual support could be emotional support and even friendship. The help that comes from having a friend is certainly a benefit of marriage, if not an end. Friendship and mutual support of one another may foster a relationship, but it also sustains the relationship.

A legitimate orientation for desire, or a remedy for concupiscence, is the tertiary end of marriage in Wojtyla's view. This is definitely a Thomistic argument, as Aquinas also regards sexual relations outside of marriage as fornication. Marriage remedies this

⁸² Wojtyla, 218.

issue by providing higher goods, such as procreation, that essentially cancel out or overcome the loss of a good, namely, reason during the sexual act. Basically, Wojtyla makes this remedy an end of marriage. Marriage provides a correct context for sexual relations between a man and a woman. In Wojtyla's view, sexual relations, according to nature, are exclusive to marriage, so he considers an appropriate context for sex an end of marriage.

Marriage also consists of goods. Aquinas considered marriage to have goods, and this idea has certainly developed further over time. Wojtyla, however, does not discuss the goods of marriage in his book, *Love and Responsibility*. Yet, marriage goods still remain under his view. Primarily, the ends can easily be considered goods, as procreation and mutual support are already goods in Aquinas' argument. Marriage also offers more utilitarian goods, such as financial security, which could plausibly be considered a part of the good of mutual support. Although financial security is a good, it is not necessarily exclusive to marriage. It is also lesser than other goods and is not the end of marriage. Yet, marriage produces further goods, such as parenthood, accountability, and friendship—all which are mentioned in Wojtyla's work and all of which are good. Ultimately, the virtue of love that is cultivated and upheld in marriage is not an end of marriage, because all of the ends of marriage are a result of this virtue. However, the virtue could be considered a good of marriage, as marital love is distinct from virtuous love in other types of human relationships. The virtue of love is more necessary in marriage than other interpersonal relationships for the sake of the continuance of the relationship. This chapter has discussed what makes the virtue of love good in its beautiful work of selflessness and goodwill.

The orthodox conception of marriage, as presented by both Aquinas and Wojtyla, more fully demonstrates the profound nature of marriage and love. Marriage and marital love, under this view, add to human flourishing. This bolsters my argument from the previous chapter that the orthodox conception is a much better view of marriage than the more common Lockean view. The Lockean view of marriage never reaches the profound nature of marriage that is so well illustrated in the orthodox conception of love and marriage.

In the next chapter, I turn to a different question relating to marriage. How does public policy affect the current state of marriage? If we consider marriage good, how can public policy help improve the current state of the institution? In the coming chapter, I intend to explore these questions and the role of public policy in addressing marriage.

CHAPTER FOUR

Marriage and Public Policy

Does the government have a role in changing the current marriage culture? How does public policy currently affect marriage? Is it possible that we can improve the state of marriage through public policy? In this chapter, I intend to answer these questions. This first requires a discussion about the role of government in marriage culture. Then, I give a brief background of the recent public policy efforts related to marriage. After laying the basic groundwork, I explore the policies currently affecting marriage. Last, I will propose a few avenues of exploration for possible public policy improvement.

I. Marriage: Does the Government Play a Role?

There has long been a tension between the private and public aspects of the institution of marriage. In the previous chapter, I discussed Karol Wojtyła's view on the public and private nature of marriage. Marriage is clearly a private decision made between two individuals. Yet, insofar as there are government policies contributing to the benefits, drawbacks, and understanding of marriage, marriage is also a public institution. The marriage of one couple affects the community, especially when couples have children. This tension between private and public is not one that is easily settled, as marriage is not exclusively private or public. Public policy must demonstrate a balance between the two understandings, so that government does not completely control private marital decisions, while also still providing couples with some authority in the institution

and providing benefits to married couples in need of economic assistance. Although it is clear that marriage is both private and public, this chapter focuses on the public nature of marriage and how public policy affects it.

Because marriage is to some extent a public institution, government may have an appropriate role to play in regulating or encouraging this institution, and so it has. The government has tried to affect marriage through welfare and tax policy. If marriage or families were not considered in such policies, the welfare of children, especially those who are in impoverished families, could be at stake. Furthermore, marriage is a foundational institution that promotes core moral values, such as stability and commitment. These are values that a state likely wants to encourage.

The government's role in marriage may be controversial, but it is clear that there is a potential role for it to play. In *American Marriage: A Political Institution*, Priscilla Yamin discusses the history of marriage in terms of an individual right versus national obligation.⁸³ The Lockean conception quickly emerges in American political thought, as she characterizes marriage as a right. According to Yamin, marriage is an individual right representing individual liberties, contract, and consent. Yet, it can also be an obligation as it represents a communal duty, loyalty, and social or civic status. Historically, marriage has been a right for different people groups, but there have also been times when it has been construed as an obligation, such as the pressure put upon the impoverished to marry in order to escape poverty. Although these are quite different understandings, both allow for the government to have a role in the institution of marriage.

⁸³ Priscilla Yamin, *American Marriage: A Political Institution* (Philadelphia: University of Pennsylvania Press, 2012), 3.

If government does have a role, what role does it play? There is certainly a tension—does the government promote marriage, or does it only promote its useful values? The individual values of stability, individual responsibility, and self-reliance are all part of a successful marriage and family life. These are noble values that often translate to more responsible citizens, so the government likely desires to promote these values. But should the promotion of these values be left to the state or individuals? As marriage has grown increasingly ideological, arguments about the role of government and if it should promote these values or institutions are somewhat common. Different ideologies provide different solutions to these questions. Perhaps, the best route is neutrality. This would mean that the government would not be required to promote marriage, but it also would not penalize it. Yet, the government may still have a role in marriage promotion because of the values marriage cultivates in citizens. Scholars disagree about the possible solutions. They do seem to agree that the values that come from marriage are worthwhile and, therefore, that public policy has a role to play, even if not agreed upon, in the institution of marriage.

A. Background of Government's Role in Marriage

Before examining the current public policy surrounding marriage, we should first understand a basic background of the overarching political debate that helped shape recent and current marriage policies. Since the 1960s, marriage has been understood primarily in Lockean terms, as a fundamental right of individuals to pursue their own happiness and self-fulfillment. During the Clinton administration in 1996, two important acts were passed, the Defense of Marriage Act (DOMA) and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). DOMA defined marriage as

between one man and woman, which moved the understanding of marriage from private nature to a more public nature.⁸⁴ PRWORA promoted work and marriage, as they were understood as alternatives to government benefits.⁸⁵ It also changed welfare policy, specifically by altering the states' requirements and limiting the amount of aid an individual could receive. Although most people still consider marriage a choice to promote a Lockean sense of individualism, through PRWORA, the government was encouraging marriage in order to promote an economic status and stability. In a way, PRWORA nearly made marriage an obligation, especially for the poor, rather than an option one could choose.

The 2000s ushered in the "Marriage Movement" and many marriage promotion initiatives sponsored by the Bush administration. The Marriage Movement was the result of people of opposing viewpoints uniting to defend the public institution of marriage and its social benefits that are necessary for the stability of the nation.⁸⁶ The Marriage Movement crossed party lines to encourage a stronger marriage ethos. In this time, the Bush administration encouraged marriage for the sake of a general social wellbeing through healthy marriage initiatives, as President Bush saw marriage as a foundational institution of the nation.⁸⁷ The Obama administration retained many of these initiatives

⁸⁴ Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (1996).

⁸⁵ Personal Responsibility and Work Opportunity Reconciliation Act, Pub. L. 104-193, 110 Stat. 2105 (1996).

⁸⁶ Yamin, 122.

⁸⁷ Yamin, 122.

but funded more responsible fatherhood programs to support two-parent families.⁸⁸ The specifics of such initiatives will be discussed in further detail later in this chapter.

II. What Policies Affect Marriage?

Clearly, many public policies affect marriage. Depending on an individual's marital status, his welfare and Medicaid may change. Taxes also depend on marital status, and many scholars argue that there is actually a tax penalty for married couples, especially in comparison to cohabiting couples. The policies surrounding divorce, specifically no-fault divorce, have shaped much of today's marriage culture. Each administration also can establish or sustain various marriage and family initiatives. States also pass initiatives that moderately affect the marriage culture, often by implementing marriage and relationship education, covenant marriage laws, or other healthy marriage and family initiatives.

A. Welfare Policy

Social cash welfare from the block grant program, Temporary Assistance for Needy Families (TANF), is meant to support the stability of two-parent families, yet some have found a marriage penalty in the program. Since the Clinton administration's welfare reform in 1996, the cash welfare provided through TANF funds has decreased. TANF has become the smallest welfare program affecting marriage, with only one percent of families receiving aid. As a block grant program, TANF funds are given to states to allocate, so the funds may also be directed to other marriage and family issues. Although few receive cash welfare through TANF, these funds can either provide a

⁸⁸ Yamin, 135.

marriage benefit or penalty, especially based on income level. According to *Marriage, Penalized*, a report on means-tested social welfare, 35 percent of couples with children age two or younger overall face a marriage penalty with TANF aid.⁸⁹ The couples that will most likely face a marriage penalty have lower incomes. Of these couples, nearly 60 percent face a marriage penalty with TANF aid.⁹⁰ This means that these couples would be better off cohabitating than marrying, as they would receive more welfare benefits if cohabitating. Even though a marriage penalty takes place more often than not, couples say the difference in TANF aid does not affect their decision to marry.⁹¹ Marriage researcher Amber Lapp said that most couples say welfare benefits do not alter their decision to marry.⁹² Yet, she also clarified that many individuals could be embarrassed if it did affect their choice, especially as the popular conception of marriage is focused on self-fulfillment and romantic love, rather than economic security. This clarification is important, but it cannot be easily studied or calculated.

Another means-tested social welfare program that changes based on marital status is the Supplemental Nutrition Assistance Program (SNAP), which is formerly known as food stamps. Overall, 13 percent of couples with children receive SNAP funds, and nearly half of them will face a marriage penalty.⁹³ Families that typically receive aid are

⁸⁹ W. Bradford Wilcox, Joseph P. Price, and Angela Rachidi, "Marriage, Penalized: Does Social-Welfare Policy Affect Family Formation?," *American Enterprise Institute and Institute for Family Studies*, 2016, www.aei.org/wp-content/uploads/2016/07/IES-HomeEconReport-2016-Final-072616.pdf, 15.

⁹⁰ Wilcox, Price, and Rachidi, 15.

⁹¹ Wilcox, Price, and Rachidi, 29.

⁹² Amber Lapp (research fellow, Institute for Family Studies), in discussion with the author, October 8, 2018.

⁹³ Wilcox, Price, and Rachidi, 14-15.

in the lower or middle class. Although only 16 percent of couples in the poorest quintile face a marriage penalty, SNAP causes a marriage penalty for many couples in the lower and moderate-income classes. In these classes, between 60 and 75 percent of couples face a marriage penalty.⁹⁴ With government policies again creating a marriage penalty for a large number of couples, it seems that the government is implicitly, and probably inadvertently, encouraging cohabitation over marriage.

The final means-tested social welfare program affecting marriage is Medicaid. Medicaid is the largest social welfare program with a quarter of couples with children age two or younger receiving it.⁹⁵ Overall, nearly 40 percent of these couples face a marriage penalty. The majority of the recipients, again, are a part of the lower and middle classes. Similar to the penalties caused by food stamps, the lower to moderate-income classes face the largest marriage penalties ranging from nearly 50 to 60 percent.⁹⁶

These various welfare programs demonstrate that marriage is highly penalized in the United States, especially for the lower middle class. Four in ten American families receive one of the above-mentioned means-tested aid, signaling that these penalties are far-reaching and deeply embedded in the nation.⁹⁷ Overall, 58 percent of couples that receive some sort of welfare face a marriage penalty. In the lower class, nearly 90 percent currently face a marriage penalty.⁹⁸ Although there are not a lot of data proving that this changes couples' decisions regarding marriage, especially on the lower income

⁹⁴ Wilcox, Price, and Rachidi, 15.

⁹⁵ Wilcox, Price, and Rachidi, 14.

⁹⁶ Wilcox, Price, and Rachidi, 15.

⁹⁷ Wilcox, Price, and Rachidi, 29.

⁹⁸ Wilcox, Price, and Rachidi, 15.

side, couples still should not be penalized for choosing to marry, which is shown to be beneficial for both the individuals and the children in the family. If they are not going to benefit from marriage economically, perhaps they should at least have the ability to receive the same amount of aid whether married or cohabitating. Even though very few couples will admit to this changing their decision, in the 2015 American Family Survey, 31 percent of respondents said they personally know someone who would be afraid of or deterred from getting married due to social welfare marriage penalties.⁹⁹ This could more accurately include the factor of embarrassment that Amber Lapp mentioned when it comes to couples making marital decisions.

B. Tax Policy

Taxes vary depending on marital status, and also cause marriage penalties for certain couples. Even after the 2017 passage of the Trump administration's Tax Cuts and Jobs Act, the majority of marriage penalties still apply. Erik Randolph explains that much of the marriage penalty lies in tax deductions. An unmarried individual's standard deduction is exactly half of a married couple's standard deduction, which Randolph says is important for eliminating the marriage penalty. However, an unmarried individual with children can, and most often does, file as a 'head of household,' and receive a standard deduction that is equal to 75 percent of a married couple's standard deduction.¹⁰⁰ This means that if a couple is cohabiting and they both file as heads of households, they can deduct more than a married couple from their taxable income. The Tax Cuts and

⁹⁹ Wilcox, Price, and Rachidi, 16.

¹⁰⁰ Erik Randolph, "Did Congress Really Eliminate the Marriage Tax Penalty? Part 1," *Institute for Family Studies*, September 5, 2018, www.ifstudies.org/blog/did-congress-really-eliminate-the-marriage-tax-penalty-part-1.

Jobs Act altered the income thresholds for taxes, heading in the right direction to eliminate the marriage penalty. Before the act, only the lowest two income thresholds for unmarried individuals were equal to half that of married couples. After the act, six of the seven income thresholds for unmarried individuals are now equal to half that of married couples.¹⁰¹ If the income threshold for unmarried individuals is half that of married couples, it means that even if they cohabitate, they will not benefit from choosing cohabitation rather than marriage, and married couples will not be financially penalized for marrying, except in the highest income threshold bracket.¹⁰²

The aftermath of filing for taxes, including tax credits, can create a similar result. The Earned Income Tax Credit (EITC) is a means-tested welfare and cash assistance program, yet it retains many of its own marriage penalties. A lower income is not required to receive the EITC, rather there is a phaseout income threshold, depending on one's marital status and number of children. Erik Randolph writes that when comparing two-income married and unmarried couples, there will nearly always be a marriage penalty. This is because when two people are contributing to the family income, "it increases their means and almost always lowers their benefit."¹⁰³ The tax credit phaseout process begins for married couples much earlier. When their earnings are not even twice as high as unmarried couples, married couples begin to phaseout of the program—creating another marriage penalty. Furthermore, this has shown to affect marriage, according to Laurie DeRose, who writes that single mothers expecting to lose their EITC

¹⁰¹ Randolph, "Did Congress Really Eliminate the Marriage Tax Penalty? Part 1."

¹⁰² Randolph, "Did Congress Really Eliminate the Marriage Tax Penalty? Part 1."

¹⁰³ Erik Randolph, "Did Congress Really Eliminate the Marriage Tax Penalty? Part 2," *Institute for Family Studies*, September 10, 2018, www.ifstudies.org/blog/did-congress-really-eliminate-the-marriage-tax-penalty-part-2.

when marrying are 3.5 percentage points less likely to get married, in comparison to one whose EITC would stay the same or increase.¹⁰⁴ Interestingly, the loss of EITC benefits increases the probability of cohabitation by 3.5 percentage points.¹⁰⁵ By cohabitating, individuals can avoid the penalties or loss of benefits, yet still receive similar benefits to marriage by living with one another. Although this is not necessarily the same 3.5 percent of people who are making these decisions, it is important to recognize that the penalty modestly affects both couples' choices to marry and cohabitate.

C. No-Fault Divorce Laws

Aside from social welfare and tax policies, there are divorce laws surrounding the marriage culture, with the most current being no-fault divorce legislation at the state-level. No-fault divorce is the standard that no fault needs to be proven by either spouse in order to file for a divorce. This means a divorce can be filed by one of the parties simply because “they are growing apart” or “not able to talk to one another,” which are among the most common reasons for divorce, according to Thomas Farr.¹⁰⁶ Governor Ronald Reagan of California signed no-fault divorce into law first in 1970. Now, every state has a no-fault divorce law, in contrast to the former fault divorce laws, which required someone to be at fault, with grounds such as abuse or adultery. Although no-fault divorce legislation aimed at the good of preventing false accusations or playing a blame

¹⁰⁴ Laurie DeRose, “Weighing the Costs: The Earned Income Tax Credit and the Marriage Decisions of Low-Income Single Moms,” *Institute for Family Studies*, August 22, 2018, www.ifstudies.org/blog/weighing-the-costs-the-earned-income-tax-credit-and-the-marriage-decisions-of-low-income-single-moms.

¹⁰⁵ DeRose, “Weighing the Costs: The Earned Income Tax Credit and the Marriage Decisions of Low-Income Single Moms.”

¹⁰⁶ Thomas F. Farr and Hilary Towers, “Time to Challenge No-Fault Divorce,” *First Things*, December 8, 2014, www.firstthings.com/web-exclusives/2014/12/time-to-challenge-no-fault-divorce.

game in court, the law also had unintended consequences. It loosened the reins on divorce, making it much simpler to attain a divorce, which translated into higher divorce rates immediately. This was demonstrated in figures in the first chapter. Today, 80 percent of divorces are introduced by only one of the spouses.¹⁰⁷ No-fault divorce leaves the other spouse helpless in any efforts to sustain a marriage or oppose the divorce. Because nearly anything is grounds for divorce due to this policy, individuals may see marriage as a less serious commitment, as they are aware that one can escape a marriage quickly without consulting his spouse. This change in the understanding of divorce certainly seemed to change the American understanding of marriage and commitment.

D. Federal Marriage and Family Initiatives

Although there are marriage penalties in the current welfare and tax systems, marriage is still promoted to various extents by both the federal and state governments. They implement marriage and family initiatives and policies to help sustain healthy marriages and responsible families. Each new administration can have different policies, but many of the promotion efforts remain, despite the changing administrations. I will discuss the various federal efforts from the Bush, Obama, and Trump administrations. There are also many more localized efforts, often directed by the state government. Rather than looking at specific states that have highly promoted marriage, such as Oklahoma and Utah, I will discuss some of the different initiatives that are commonly implemented in these places, such as marriage and relationship education, covenant marriage laws, and responsible fatherhood initiatives.

¹⁰⁷ Farr and Towers, "Time to Challenge No-Fault Divorce."

With the emergence of the Marriage Movement in the late 1990s to early 2000s, the Bush administration was known for its strong efforts to promote marriage for a general social wellbeing through policy initiatives. The Bush administration recognized that marriage fostered community and stability. Therefore, officials in the Administration for Children and Families (ACF) advocated states' uses of TANF funds to promote marriage. They also supported a reauthorization of federal welfare reform, as they believed welfare was the venue for government to improve and encourage the institution of marriage.¹⁰⁸ The Department of Health and Human Services promoted marriage by allocating funds to marriage-related research.¹⁰⁹ In 2005, the first part of Bush's Healthy Marriage Initiative (HMI) was enacted when Congress reauthorized welfare reform legislation in the Deficit Reduction Act (DRA). This act allocated 150 million dollars to healthy marriage and responsible fatherhood program grants. The funds went to many secular and faith-based organizations around the nation.¹¹⁰ These marriage promotion efforts led by the Bush administration became an important part of conservatives' allegiance to family values that remains today.

Although the Obama administration continued funding healthy marriage initiatives, it primarily focused on responsible fatherhood programs. The grants from the Bush administration's DRA remained nearly the same, yet the focus shifted. The conservatives championed their commitment to marriage and family values, so President Obama approached the issue from a different angle by focusing on the importance of

¹⁰⁸ Yamin, 133.

¹⁰⁹ Yamin, 133.

¹¹⁰ Yamin, 134.

present and contributing fathers. The Obama administration allocated 75 million dollars, half of the grant funds, to responsible fatherhood programs specifically, leaving the remaining half for marriage and relationship education.¹¹¹ This keeping of former administrations' policies shows that the promotion of marriage is a uniting and important bipartisan issue, as individuals of both parties see societal benefits stemming from it.

The Trump administration seemingly has kept the ACF the same as past administrations. There has not been much scholarly research conducted on the current administration's policies. However, the 150 million dollars in annual funding for grants is still in place today.¹¹²

E. State Marriage and Family Initiatives

States and communities primarily promote marriage through marriage and relationship education (MRE) programs. The grants provided through Bush's HMI most often go to these educational programs, which teach individuals in various stages of life about fundamental skills for healthy marriages, such as communication, conflict resolution, and financial literacy and management. These programs range from classes for adolescents to engaged and married couples to couples wishing to obtain a divorce. Classes are taught at the local level by individuals certified in a curriculum; usually, the teachers are social workers, religious leaders, or counselors. Alan Hawkins and David Simpson calculated that between 2006 and 2011, there were over 700,000 participants in

¹¹¹ Yamin, 135.

¹¹² "Healthy Marriage & Responsible Fatherhood," *Office of Family Assistance, Administration for Children & Families*, www.acf.hhs.gov/ofa/programs/healthy-marriage.

MRE.¹¹³ They also found that MRE is actually attracting a significant number of at-risk individuals in terms of marriage.¹¹⁴ Due to their likelihood of divorce, these are often people in distressed relationships, below the poverty line, and a part of a minority race. The hope of MRE is to provide couples and individuals skills to help sustain their marriage, and hopefully, help them overcome poverty.

If the government is putting tax dollars toward classes encouraging marriage, the results ought to be positive to sustain such funds. According to the National Marriage Project report “Facilitating Forever,” the positive results of MRE are modest but encouraging, as there is room for improvement.¹¹⁵ In an interview, Dr. Hawkins argued that the government should allow more time before evaluating the programming, so that there is time for organizations to solve any problems and to wait for long-term evaluations to show a more accurate success rate.¹¹⁶ Although Dr. Hawkins is a strong supporter of MRE and believes it can produce positive results over time, he also recognizes the need for improved social welfare and tax policies to assist in sustaining marriage. Jennifer Randles disagrees with Hawkins, and she believes instead that MRE does not effectively teach low-income couples, who are the couples most targeted by

¹¹³ David Simpson and Alan J. Hawkins, “Who’s Being Served by Government-Funded Relationship Education Programs?” *Institute for Family Studies*, July 7, 2015. www.ifstudies.org/blog/whos-being-served-by-government-funded-relationship-education-programs.

¹¹⁴ Simpson and Hawkins, “Who’s Being Served by Government-Funded Relationship Education Programs?”

¹¹⁵ Alan J. Hawkins and Betsy VanDenBerghe, “Facilitating Forever: A Feasible Public Policy Agenda to Help Couples Form and Sustain Healthy Relationships and Enduring Marriages,” *National Marriage Project*, 2014, http://nationalmarriageproject.org/wordpress/wp-content/uploads/2014/03/FacilitatingForeverFINAL_Web031114.pdf, 10.

¹¹⁶ Alan Hawkins (Director of the School of Family Life, Brigham Young University), in discussion with the author, October 15, 2018.

MRE. Randles argues that MRE teaches its participants “skilled love.”¹¹⁷ She says that various MRE curricula ascribe to a neoliberal political philosophy with regard to poverty, supporting the belief that if a couple can become skilled in love and money, it helps reduce poverty and welfare dependence.¹¹⁸ One can become skilled in love by implementing good communication skills, such as active listening, while they can become skilled in money by learning how to budget. Randles argues that although stable, married couples are less likely to be impoverished, teaching “skilled love” to low-income couples is not that simple. Economic instability, she says, often has connections to stress about money, mistrust, infidelity, violence, substance abuse, crime and incarceration, and conflict with previous romantic partners.¹¹⁹ Both Hawkins and Randles recognize a need for improvement in MRE in order for it to be an effective tool for sustaining the institution of marriage, especially in the lives of low-income individuals.

Similar to MRE, state fatherhood initiatives implement relationship education to help fathers become more responsible and involved. Responsible fatherhood initiatives are an important part of marriage promotion, as these initiatives most often encourage a healthy marriage, along with responsible parenting and economic stability, as a step in becoming a responsible father.¹²⁰ These activities are promoted in various ways. The first part, healthy marriage, is promoted through MRE programming. Second, there are similar classes offered at a community-level on parenting skills and practices. This is

¹¹⁷ Jennifer M. Randles, *Proposing Prosperity?: Marriage Education Policy and Inequality in America* (New York: Columbia University Press, 2017), 26.

¹¹⁸ Randles, 57.

¹¹⁹ Randles, 55.

¹²⁰ Yamin, 135.

coupled with encouragement to pay child support. Parenting and marriage education are combined often to assist families in building sustainable relationships as a family. Lastly, there are resources and activities to help fathers find employment and move from welfare and poverty to work and self-reliance.¹²¹ The DRA, which directs money to MREs, provides 75 million dollars in grants for fatherhood initiatives that assist with these three steps.¹²²

Aside from marriage education and fatherhood initiatives, covenant marriage laws have been implemented in some states to help sustain marriages and encourage long-term commitment. Covenant marriage, first passed in Louisiana in 1997, is a voluntary choice separate from regular marriage that has three main features. It includes mandatory premarital counseling, a premarital document which the couple signs and agrees to make “all reasonable efforts to preserve the marriage, including marriage counseling,” and limited grounds for divorce.¹²³ The idea behind covenant marriage is that the requirements would stress the long-term and serious commitment of marriage. Since it is voluntary, it often attracts only a small percentage of couples, who would usually be less likely to divorce anyways. Dr. Patrick Fagan writes that such laws have not been implemented effectively, so few people are aware of covenant marriage in Louisiana.¹²⁴

¹²¹ “Responsible Fatherhood: New Pathways for Fathers and Families Demonstration Grants.” *Office of Family Assistance, Administration for Children & Families*, last reviewed April 30, 2019, www.acf.hhs.gov/ofa/programs/healthy-marriage/responsible-fatherhood.

¹²² Yamin, 135.

¹²³ Shahar Lifshitz, “The Pluralistic Vision of Marriage,” in *Marriage at the Crossroads: Law, Policy, and the Brave New World of Twenty-First-Century Families*, ed. Marsha Garrison and Elizabeth S. Scott (Cambridge: Cambridge University Press, 2012), 276.

¹²⁴ Patrick F. Fagan, “Encouraging Marriage and Discouraging Divorce,” *The Heritage Foundation*, May 26, 2001, www.heritage.org/marriage-and-family/report/encouraging-marriage-and-discouraging-divorce, 9.

Since covenant marriage is voluntary and acts only as another option, it does not require significant government funding or implementation, other than raising awareness and providing evaluation.

F. Summary

So, what do all these federal and state policies and initiatives say about marriage and government? Clearly, government has a strong role in improving the current state of marriage and sustaining it as an institution. At the federal level, it seems to depend on the current administration. Since the Bush administration championed its support of healthy marriage as family values, often conservatives are more interested in shaping policies surrounding marriage. Yet, many conservatives support the current administration, which has not paid close attention to these issues. Even though President Bush was known for championing marriage, the policies have stayed the same. There is modest support for marriage at both the federal and state level, but only through grant funding. The government may desire to support marriage but does not want to be involved in the detailed process of marriage promotion, which happens at a more localized level. The local efforts all promote marriage, but are subject to the organization and instructor, specifically for the educational initiatives. Therefore, MRE can vary between states and communities. This is seemingly beneficial as the education can then be tailored to the specific community and participants. The government's involvement in various marriage initiatives modestly encourages marriage, which signifies they recognize the benefits of marriage for individuals. Nevertheless, public policy relating to marriage can be improved.

III. What Policies Can Help Improve the State of Marriage?

Improvement can come through stability and neutrality in marriage policy, while we continue to encourage marriage through local initiatives. In some respects, policies affecting marriage are already stable or neutral, while in others, they are constantly changing or seem to be discouraging marriage. The policies I will propose in the coming paragraphs are by no means all-encompassing. Instead, they serve as ideas to improve the American marriage culture by means of public policy. One of the main reasons why marriage is promoted is because of the stability it provides for individuals and families. However, policies are constantly changing. Marriage initiatives have predominantly stayed the same, but the welfare and tax policies change often, which affects both unmarried and married couples. If the government wants to encourage stability, it would be helpful for its policies concerning marriage to be stable. I will treat policies and initiatives separately. A possible idea is that policies should be neutral toward marriage. The elimination of a marriage penalty without creating a marriage benefit in tax and welfare policy would make all individuals equal under such policies. Policies relating to marriage affect everyone, and the government should not favor married couples over others. Although the government should stay neutral toward marriage in public policy, healthy marriage initiatives could remain because of the beneficial nature of the institution of marriage. Contrary to policy, initiatives only affect those participating in them. Most initiatives, such as MRE, are voluntary. The principles of stability and neutrality can help the government create marriage policies that are fair and sensible in order to improve the institution of marriage without discriminating against any other individuals.

A. Marriage and Relationship Education

Although MRE has only been moderately successful thus far, perhaps its funding should continue along with some minor changes. My proposal is that the healthy marriage initiatives that control MRE should be moved to state-level control. One federal policy to control marriage seems like it would be more stable. However, the state-level would be more beneficial for stability as the whims of each new administration does not affect states as dramatically. States can specialize MRE efforts to their location, and MRE can be directed by local community organizations instead of national organizations. Each state and community know its citizens and their attitudes toward marriage and relationships better than the federal government knows each states' citizens. By enacting MRE at the state-level, states can support curricula that is effective for its specific population, rather than a general national population. National organizations often generalize the course content to fit any class population. To be most effective, education should be tailored to individuals. If the efforts are more localized, MRE can assist people on a more individual level, and instructors can learn to effectively address problems in their own community.

In general, MRE at either the federal or state level may not seem neutral. This is because MRE is a part of an initiative. I argue that marriage can be encouraged through initiatives because of their voluntary nature. Even though these classes teach skills for healthy marriages, MRE does not discriminate or penalize anyone. The government is not penalizing singles by having MRE. Furthermore, MRE is for anyone and everyone. Since it is simply teaching skills of healthy relationships, singles, homosexual couples, and adolescents are most often allowed to join these classes. The government is not

taking a definitive stance stating marriage is the best option for everyone. Instead it signifies that *if* one decides to be in a relationship or get married, the state wants to assist in sustaining the relationship, as marriage has proven to be a beneficial institution for both individuals and the greater society. The line of neutrality is narrow here, as it would be easy for the government to cross the line and fully endorse marriage as the best type of family life. However, if conscious of this tension, government will have the ability to distinguish between encouragement and endorsement of healthy marriages. The encouragement should be aimed at people who are already considering getting married or are already married, so it would not be coercing anyone into marriage. If balanced correctly, MRE can be neutral and purposed toward sustaining healthy relationships and marriages.

B. Welfare and Tax Penalties

Following my proposed idea of neutrality, the government should remain neutral when it comes to marriage policy, so all marriage penalties in the social welfare system should be eliminated. The government can implement this by increasing the income threshold for married couples to be eligible for social welfare, such as TANF, Medicaid, or SNAP, when there is a marriage penalty. This means that if both spouses were eligible for welfare before getting married, their marriage would not affect their public benefits. Couples would not need to fear losing their welfare as a result of getting married. This neutrality will not encourage cohabitation or marriage over one another, which gives individuals the freedom to choose the way they live their life. Although it is not providing a financial incentive for marriage, the government would still recognize the benefit of marriage by allocating state funds to MRE efforts. This policy proposal is also

stable, because even when the social welfare income thresholds may change, it will not create a new marriage penalty or benefit. Changing the income threshold may push some people off of welfare; however, this would occur for both individuals and married couples, rather than solely affecting the married population.

Similar to the social welfare policy proposal, the penalties in tax policy should also be eliminated. When filing for taxes, many couples are penalized through the standard deductions because two cohabitating individuals can file as two separate heads of household. There are also different income thresholds for the tax brackets, which may penalize or benefit marriage depending on the case. The EITC has phaseout processes for people to be taken off the tax credit, which happens at a lower income threshold for married couples in comparison to individuals. Therefore, the standard deduction, income threshold, and EITC phaseout income level for non-married individuals should be made equal to half of the deduction, income, and phaseout income level for married couples. Analogous with the social welfare policy proposal, this creates a neutral playing field for individuals and married couples. It neither discourages nor encourages people to marry. It simply does not make marriage a burden when it comes to filing for taxes. It also creates stability in the same way as welfare policy. By getting married, some people may have to pay more in taxes if their new spouse makes more money. Yet, when tax policy is reformed, this is something that can simply remain the same in order to create freedom for people to choose whether they want to marry, without having to worry whether they will be penalized by tax policy.

C. Restrictions on No-Fault Divorce

Divorce law should be altered to create a fair playing field for individuals. To do so, no-fault divorce should be restricted and reformed. Instead of reinstating fault divorce, an option worth exploring might be state mutual consent laws to obtain a divorce. This would require both parties to consent to a divorce. This would likely cause the rate of divorce to decrease, as 80 percent of divorces currently are unilateral.¹²⁵ There certainly would have to be exceptions to this law, such as in cases of abuse, to name one example. This policy proposal would at least uphold the standards of stability and neutrality. Currently, no-fault divorce favors whichever party files for the divorce. The other party is unable to put up a fight in court. Yet, with a mutual decision law, both parties have an equal say in the divorce, and it may even cause them to try and work it out with each other before filing for a divorce. A mutual consent divorce law may get Americans on the right track to considering marriage as a serious commitment.

IV. Conclusion

My ideas for improving the current state of public policy would certainly not go without criticism. These ideas would likely foster criticism from both ends of the political spectrum. It is unlikely that public policy can really make any significant change to marriage culture, as the U.S. is a nation that prides itself in our rich pluralism and diversity. With this pluralism comes a variety of views about sex, love, marriage, and family, and thus, an ideal policy solution would be difficult to reach. Still, marriage should not be penalized for individuals who choose to marry. Rather, public policy should be amended to treat married couples the same as unmarried individuals.

¹²⁵ Farr and Towers, "Time to Challenge No-Fault Divorce."

CONCLUSION

Throughout this thesis, I have explored a variety of questions relating to marriage. In the first chapter, I examined the current state of marriage in the United States and found that, over the past 60 years, marriage rates have been declining and divorce rates rising—at a rapid rate in comparison to the rest of history. People are getting married at older ages. More notably, these rates stretch across different demographic levels of wealth and education. This chapter provided more nuance to the general and common understanding that there has been a breakdown of marriage.

The second chapter analyzed the very meaning of marriage, specifically through a comparison between two seminal views of marriage, those of Saint Thomas Aquinas and John Locke. The Lockean view proved to be modern, secular, contractual, and voluntarist, as it focused on the individual more than the relationship. The Thomistic view was much more traditional, institutional, and focused on the sacrament of marriage and the virtue of love. Although both of these views are historical, they remain salient today. Over time, there seems to have been a shift from the Thomistic sacramental view to the Lockean contractual view of marriage. These views differ with respect to the longevity and dissolubility of marriage. I argued that the Thomistic view is a healthier view of marriage.

In the third chapter, I showed the development of the Thomistic view, primarily through Karol Wojtyła's work, *Love and Responsibility*. He provides a holistic view of marital love, which includes desire, attraction, fidelity, and ultimately, the act of self-gift, both physically and emotionally. These comprise the virtue of love; they are all

interconnected, and one characteristic cannot be without the other. The virtue of love requires discipline and practice. Love, in this view, is not simply an emotion or feeling. Rather, love involves a conscious choice and commitment. Marriage, through its cultivation of the virtues of love and friendship can uniquely add to human flourishing.

The fourth chapter explored how public policy plays a role in the institution of marriage. First, I provided a basic context to the state's involvement in marriage, as well as a brief history of public policy initiatives relating to marriage and their rate of success. Aside from various federal and state marriage initiatives and divorce laws, welfare and tax policy also modestly affect marriage. Yet, this effect did not seem to alter one's decision to marry. Because the effect of public policy is modest, I found that the state cannot do much to help the institution of marriage. Furthermore, because the United States prides itself in its pluralism and diversity, it would be quite difficult to make significant policy changes in the area of marriage. Unfortunately, public policy does not seem to provide a path for serious improvement in marriage culture.

Ultimately, this thesis gave readers an opportunity to look at marriage through a variety of lenses and to better understand the current state of marriage, both statistically and philosophically. Further research could definitely explore other aspects of marriage, such as the psychology of love and marriage and how marriage contributes to human well-being. Research could also be conducted on how to possibly encourage the Thomistic conception of marriage, especially within the Christian church. Research on the benefits of marriage should continue, but also be better promulgated to vast populations to encourage stronger relationships. Research into marriage ought to

continue. Marriage is an important institution and can play a strong role in facilitating human flourishing, and thus, it is worth encouraging.

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