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The Anti-Marriage Campaign

When the famous French commentator Alexis de Toqueville traveled the United States in the mid-19th century, he recognized that respect for marriage is very American. He wrote: "There is certainly no country in the world where the tie of marriage is more respected than in America, or where conjugal happiness is more highly or worthily appreciated. . . . While the European endeavors to forget his domestic troubles by agitating society, the American derives from his own home that love of order which he afterwards carries with him into public affairs."

All social statistics confirm that traditional marriage is good for women, good for men, good for children, and good for society. The alarming results of broken marriages are all around us. Contrary to the Massachusetts decision, there is indeed a "rational basis" for the unanimous decision of all 50 state legislatures throughout our entire American history that marriage should be publicly recognized as the union of a husband and wife. The American people and our elected representatives most certainly have a rational basis for concluding that marriage is a social good to be protected and encouraged.

A persistent attack on the institution of marriage has been going on in America ever since no-fault divorce swept state legislatures in the 1970s. Those were the days when the buzz word of the feminist movement was "liberation," and that word signified liberation from home, husband, family and children. The big mama of the feminist movement and author of *The Second Sex*, Simone de Beauvoir, labeled marriage "an obscene bourgeois institution," and her American counterpart, Betty Friedan, called the home a "comfortable concentration camp."

The alternate-lifestyle advocates successfully persuaded President Jimmy Carter in 1980 to pluralize the name of his White House Conference on Families in order to popularize the feminist and gay notion that different kinds of families should be recognized.

The anti-marriage network fanned out in state after state to repeal the laws designed to honor morality and preserve marriage, such as the laws requiring a husband to support his wife and the laws forbidding adultery, fornication, sodomy, and alienation of affection.

Meanwhile, under LBJ's Great Society, the welfare system channeled massive amounts of welfare money through mothers, making the husband and father irrelevant

to the family's economic well-being. It should come as no surprise that this encouraged illegitimacy and single-parent households.

Since the 1970s, the media have carried on a steady drumbeat to promote the belief that we have moved into an era of serial (rather than lifetime) marriages. "Ozzie and Harriet," a sitcom featuring a traditional family, became a favorite feminist epithet.

Earlier this year, a broadside attack on the institution of marriage was launched by the American Law Institute (ALI), an association of liberal lawyers and academics who write model laws and try to bamboozle state legislatures into passing them. The American Law Institute has no official authority whatsoever, but unfortunately it has had much influence on the writing of our laws.

This ALI proposal would give the rights and privileges of married couples to any sexual roommates, whether they are same-sex or traditional couples, including the rights of child custody, child support, and alimony. It would set up a system for distributing marital property "without regard to marital misconduct." A man could be compelled to pay alimony after breaking up with a live-in girlfriend. The ALI proposal would change our laws to forbid judges from taking note of homosexual conduct, adultery, or other immoral actions or relationships in awarding divorce, alimony or child custody. State legislators should be alerted to reject all this anti-marriage legislation.

The ALI proposals are part of a long-running campaign to persuade the courts that "rights" should have nothing to do with morality. This line runs through most activist court decisions. Thus, *Goodridge v. Dept. of Public Health* quotes *Lawrence v. Texas* which quotes *Planned Parenthood v. Casey* in stating: "Our obligation is to define the liberty of all, not to mandate our own moral code." But in rejecting any moral code, the judiciary in fact is mandating public approval of an immoral code. No wonder some activist judges want to obliterate the Ten Commandments!