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*Vivian Hamilton**

I. INTRODUCTION

Poor men and women are only about half as likely to be married as are the non-poor.¹ But unmarried couples form families, of course—over a third of all children born today are born into nonmarital families.² And all nonmarital families, including cohabiting families, tend to be worse off economically than marital families.³ In addition, children raised in all forms of nonmarital families tend to fare less well across a variety of measures than do children raised in marital families.⁴

With all this in mind, it is no shock that when Congress passed new welfare legislation in 1996 the program's stated purposes included promoting marriage and the "formation and maintenance of two-parent families." The new law permitted states to use part of their federal welfare block grants to promote two-parent families.⁵ Then, President George W.

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1. See TAMARA HALLE, CHARTING PARENTHOOD: A STATISTICAL PORTRAIT OF FATHERS AND MOTHERS IN AMERICA 49 (Child Trends, 2002) (finding that approximately forty percent of poor men and thirty-three percent of poor women were married in 2001, compared with approximately sixty-seven percent of men and women with incomes at three or more times the poverty level); see also Robert Schoen & Yen-Hsin Alice Cheng, *Partner Choice and the Differential Retreat From Marriage*, 68 J. MARRIAGE & FAM. 1 (2006).

2. Andrea Kane & Daniel T. Lichter, *Reducing Unwed Childbearing: The Missing Link in Efforts to Promote Marriage*, BROOKINGS INST. CTR. ON CHILDREN & FAM. 37 (2006) (reporting that thirty-six percent of all births in 2004 were to unmarried women).

3. See Adam Thomas & Isabel Sawhill, *For Love and Money? The Impact of Family Structure on Family Income*, 15 FUTURE OF CHILDREN 57, 68 (2005). Certain nonmarital family forms tend to be better off economically than others; cohabiting families generally do better than single-parent families, for example. *Id.*

4. See, e.g., Paul R. Amato, *The Impact of Family Formation Change on the Cognitive, Social, and Emotional Well-Being of the Next Generation*, 15 FUTURE OF CHILDREN 75, 75–96 (2005) (summarizing studies that compare the well-being and outcomes of children of marital families and children of divorced and never-married families).

5. 42 U.S.C. § 601(a)(4) (2003). Congress has extended through September 2010, an appropriation of approximately \$16.5 billion to provide block grants to states for Temporary Assistance to Needy Families (TANF). Deficit Reduction Act of 2005, Pub. L. No. 109-171 § 7101 120 Stat. 135 (2006); see also 42 U.S.C. § 603(a)(1)(C) (2003).

Bush vowed to give “unprecedented support to strengthening marriages,”⁶ and he has made good on his promise. Under his administration, federal funding to support promotion of two-parent families and marriage has increased significantly.⁷ Through the Healthy Marriage Initiative the federal government began funding various marriage promotion and marriage enhancement projects.⁸ On top of this, Congress recently authorized, as part of its welfare program, an appropriation of up to \$750 million to fund “healthy marriage promotion” and “responsible fatherhood” efforts.⁹

The avowed goal of these efforts is to help improve the lives of the poor

6. Statement of President George W. Bush (Feb. 26, 2002) <http://www.acf.hhs.gov/healthymarriage/index.html>.

7. Steven Nock, *Federal and State Marriage Programs*, 15 FUTURE OF CHILDREN 24 (2005).

8. See Administration for Children and Families (ACF), Department of Health and Human Services, *Healthy Marriage Initiative*, <http://www.acf.hhs.gov/healthymarriage/index.html> (last visited July 17, 2007). In 2002–2003, the ACF committed approximately \$90 million (independent of TANF monies) over the course of several years to fund various marriage-related programs including demonstration projects, research and evaluation projects, and training and technical assistance. See also Theodora Ooms et al., *Beyond Marriage Licenses: Efforts in States to Strengthen Marriage and Two Parent Families*, CENTER FOR LAW & SOCIAL POLICY 8 (2004), http://www.clasp.org/publications/beyond_marr.pdf (discussing marriage-related programs supported by federal funds from 2001 to 2003).

9. 42 U.S.C. § 603(a)(2)(D) (2003). Congress authorized expenditures of \$150 million for each fiscal year from 2006 through 2010. Of this money, the federal government will provide up to \$50 million per year to fund “responsible fatherhood” programs. 42 U.S.C. § 603(a)(2)(C)(i) (2003). The government has designated up to \$2 million per year to fund projects examining the provision of child welfare services to at-risk tribal families. 42 U.S.C. § 603(a)(2)(B)(i) (2003). The remainder will fund “healthy marriage promotion activities.” These activities are defined to include:

(I) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

(II) Education in high schools on the value of marriage, relationship skills, and budgeting.

(III) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

(IV) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

(V) Marriage enhancement and marriage skills training programs for married couples.

(VI) Divorce reduction programs that teach relationship skills.

(VII) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

(VIII) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

42 U.S.C. § 603(a)(2)(A)(iii) (2003). “Responsible fatherhood” programs can include “(I) Activities to promote marriage . . . (II) Activities to promote responsible parenting . . . [and] (III) Activities to foster economic stability by helping fathers improve their economic status by providing activities such as work first services, job search, job training, subsidized employment, job retention, job enhancement, and encouraging education.” 42 U.S.C. § 603(a)(2)(C)(ii) (2003 & Supp. 1 2007).

and make them less reliant on public support.¹⁰ Whether marriage is an effective antipoverty tool is uncertain, but that question is beyond the scope of this Article. What it asks is an even more basic question: Is marriage promotion likely to work? In other words, will marriage promotion increase the rate of marriage among poor individuals?¹¹

Part II briefly describes current federal marriage promotion efforts.¹² Part III examines social science research to better understand the reasons that poor people marry at rates significantly lower than the non-poor. Part IV examines whether the types of programs envisioned (and now funded) by the federal government are likely to increase the rate of marriage among the poor.

All this leads to a cautionary conclusion: Poor couples already value marriage and aspire to marry. Yet they frequently feel unable to reach the level of economic security necessary to enter and sustain marriage, and economic insecurity itself strains relationships. A federal marriage promotion effort that focuses on building couples' relationship skills and spreading the gospel of marriage without addressing the mainly economic root causes of marriage avoidance among poor people will likely have a minimal effect, if even that.

10. See generally 42 U.S.C. § 601(a) (2003); Vivian E. Hamilton, *Family Structure, Children, and Law*, WASH. U. J. L. & POL'Y (forthcoming 2007).

11. Commentators have elsewhere raised principled objections to the government's promoting marriage to fight poverty. Professor Martha Fineman and others have argued, for example, that marriage promotion interferes with women's rights to direct and shape their intimate lives. Martha Fineman et al., *No Promotion of Marriage in TANF!*, 30 SOC. JUST. 126, 129 (2003); see also Gwendolyn Mink, *Violating Women: Rights Abuses in the Welfare Police State*, 577 ANNALS OF AAPSS 79 (2001); Joy K. Rice, *Poverty, Welfare, and Patriarchy: How Macro-Level Changes in Social Policy Can Help Low-Income Women*, 57 J. OF SOC. ISSUES 355–74 (2001). Professor Angela Onwuachi-Willig has argued that the modern use of marriage promotion as a tool for “civilizing” deviant African-American women can be compared to “post-bellum-reliance on marriage to ‘civilize’ newly freed Blacks.” Angela Onwuachi-Willig, *The Return of the Ring: Welfare Reform's Marriage Cure as the Revival of Post-Bellum Control*, 93 CAL. L. REV. 1647, 1648 (2005); see also, KENNETH J. NEUBECK & NOEL A. CAZENAVE, *WELFARE RACISM: PLAYING THE RACE CARD AGAINST AMERICA'S POOR* 161, 166 (2001); Peter Edelman, *Welfare and the Politics of Race: Same Tune, New Lyrics?*, 11 GEO. J. ON POVERTY L. & POL'Y 389 (2004). I have argued more generally that state support of marriage is misplaced—marriage comprises various functions (expressive, companionate, sexual/procreative, caretaking, and economic sharing), not all of which promote the public interest and therefore merit public support. Instead, public support should go directly to the two marital functions that do promote the public interest—dependent caretaking and economic sharing; those two functions should be encouraged and supported regardless of the family form in which they occur. Vivian Hamilton, *Mistaking Marriage for Social Policy*, 11 VA. J. SOC. POL'Y & L. 307 (2004). It will thus examine those activities aimed at unmarried individuals rather than those aimed at improving the relationships of the already-married. *Id.*

12. A number of states have also launched various marriage initiatives. See, e.g., Ooms et al., *supra* note 8, at 11–15 (discussing various state initiatives, programs, and law/policy changes designed to encourage and strengthen marriage). But the major source of these activities is federal welfare grants. Nock, *supra* note 7, at 24.

II. FEDERALLY FUNDED MARRIAGE PROMOTION PROGRAMS

The Administration for Children and Families oversees federally funded marriage promotion programs under the Healthy Marriage Initiative, which now includes those recently funded by Congress through its appropriation for the welfare program.¹³ In 2006, it invited applications for grants to develop and implement marriage promotion and responsible fatherhood projects.¹⁴

Acceptable projects under the Healthy Marriage Initiative include public advertising campaigns on the value of marriage, classes to build relationship skills, and teen education emphasizing the value of marriage, relationship skills, and budgeting.¹⁵ Projects may focus directly on non-married pregnant women and non-married expectant fathers; those that do may also include financial management and job skills components.¹⁶ But a

13. See 42 U.S.C. § 603(a)(2) (2003); Department of Health & Human Services Administration for Children and Families Office of Family Assistance [hereinafter DHHS], *Healthy Marriage Demonstration Grants* (May 16, 2006), <http://www.acf.hhs.gov/grants/open/HHS-2006-ACF-OFA-FE-0033.html>; DHHS, *Promoting Responsible Fatherhood* (May 18, 2006), <http://www.acf.hhs.gov/grants/pdf/HHS-2006-ACF-OFA-FR-0130.pdf>. The Administration for Children and Families will also fund a National Healthy Marriage Resource Center to serve as a “national repository and clearinghouse for information and research relating to healthy marriage . . . [and to] provide information and technical support to States, localities and community programs . . . to support healthy marriage program development and implementation.” DHHS, *National Healthy Marriage Resource Center* (May 16, 2006), <http://www.acf.hhs.gov/grants/open/HHS-2006-ACF-OFA-FH-0129.html>.

14. Among those encouraged to apply were state and local governments, nonprofits (including faith- and community-based organizations), and for-profits. DHHS, *Healthy Marriage Demonstration Grants*, *supra* note 13; DHHS, *Promoting Responsible Fatherhood*, *supra* note 13. Applicants provided ten percent of the total cost share of the approved project (either in cash or in kind).

15. 42 U.S.C. § 603(a)(2)(A)(iii) (2003); see also DHHS, *Healthy Marriage Demonstration Grants*, *supra* note 13; DHHS, *Abstracts: Healthy Marriage and Promoting Responsible Fatherhood Demonstration Grants by Region*, <http://www.acf.hhs.gov/programs/ofa/hmabstracts/index.htm> (last visited July 18, 2007).

16. Most of the marriage promotion grants awarded in the summer and fall of 2006 went to community- and faith-based organizations, as opposed to governmental entities. See DHHS, *Healthy Marriage Grantees and Responsible Fatherhood Grantees* (Oct. 2, 2006), <http://www.acf.hhs.gov/programs/ofa/grantees/list10-06.htm>. Grantees included local governments and governmental departments (e.g., Baltimore Department of Human Resources, Oklahoma Department of Human Services, and Weld County, Colorado), colleges and universities (e.g., Colorado State University, John Brown University, Morehouse College, University of Central Florida, and The University of North Carolina at Chapel Hill), community-based and national organizations (e.g., Abstinence for Singles, Child and Family Resource Council, Iowa Family Policy Center, National Multiple Sclerosis Society, and St. Louis Healthy Marriage Coalition), and faith-based organizations (e.g., Aish HaTorah of Washington, D.C., Inc., Bethany Christian Services, Inc., Cornerstone of Hope Church, Inc., Fountain of Life International Ministries, Inc., Northwood-Appold United Methodist Church, and Shalom Task Force). See *id.* Some of these organizations have primary goals quite distinct from the projects they have undertaken. Fountain of Life International Ministries, Inc., for example, received a \$438,383 per year grant (over five years) to provide “marriage enhancement and marriage skills training programs for low-income married couples.” See DHHS, *Abstracts: Healthy*

relatively small percentage of projects that received funding—about sixteen percent—include some job or career advancement component for non-married pregnant women and non-married expectant fathers.¹⁷

Acceptable projects under the Responsible Fatherhood Program include promoting marriage, teaching relationship skills, and working to increase fathers' economic stability.¹⁸ These projects appear to be more focused on improving fathers' financial stability than do the healthy marriage projects.¹⁹ Approximately one quarter of the funded projects have some element that aims at improving fathers' economic stability (such as job search and training efforts).²⁰

Another facet of the program allows for more spending on marriage promotion than what is federally appropriated.²¹ States that choose to use their own funds to encourage marriage formation can count those expenditures toward the requirement that they maintain a certain historically

Marriage and Promoting Responsible Fatherhood Demonstration Grants by Region: Region 4 Abstracts, <http://www.acf.hhs.gov/programs/ofa/hmabstracts/region4hm.htm> (last visited July 18, 2007). According to its website, the mission of Fountain of Life is "To See Leaders and Churches Equipped to Intimacy with God and to Fulfilling their Destinies in His Love [sic]." Fountain of Life Ministries Int'l, *Fountain of Life Mission Statement*, <http://www.folministries.org/ourmsion.htm> (last visited July 18, 2007). While it is possible that this and the other grant recipients are well-qualified to implement the projects, further review should examine whether the organizations selected to implement these projects are sufficiently qualified to do so.

17. See DHHS, *Abstracts: Healthy Marriage and Promoting Responsible Fatherhood Demonstration Grants by Region*, *supra* note 15. Given the currently available information, it is not possible to identify the precise extent to which projects include financial or job skills components. The information available on the funded projects gives the identity of each organization, the amount of the grant awarded, and the activities in which the organization will engage. It does not provide information, however, on how those activities will be broken down. Thus, an organization may receive funding to engage in "public advertising campaign" and "education in high school on the value of marriage." Available information does not indicate, however, whether fifty percent of the grant will go to support each activity, or whether eighty percent will go to support public advertising campaigns and the remaining twenty percent to high school education. See *id.* Other public sector efforts promote work and job training. As part of TANF, states receive block grants to "move individuals into and keep individuals in lasting unsubsidized employment." 42 U.S.C. § 603(a)(5)(C)(i) (2003). These programs are beyond the scope of this Article, which is concerned more narrowly with the effective use of monies allocated to Healthy Marriage Promotion and Responsible Fatherhood grants.

18. See 42 U.S.C. § 603(a)(2)(C)(ii) (2003); see also DHHS, *Promoting Responsible Fatherhood*, *supra* note 13. Grant recipients included organizations founded to prevent child abuse, faith-based organizations, and organizations working primarily with prison inmates and ex-offenders. See DHHS, *Abstracts: Healthy Marriage and Promoting Responsible Fatherhood Demonstration Grants by Region*, *supra* note 15.

19. 41 U.S.C. § 603(a)(2)(C)(ii)(III) (2003); see also DHHS, *Abstracts: Healthy Marriage and Promoting Responsible Fatherhood Demonstration Grants by Region*, *supra* note 15.

20. See DHHS, *Abstracts: Healthy Marriage and Promoting Responsible Fatherhood Demonstration Grants by Region*, *supra* note 15.

21. 42 U.S.C. § 609(a)(7) (2003); see also Paula Roberts, *Update on the Marriage and Fatherhood Provisions of the 2006 Federal Budget and the 2007 Budget Proposal*, Center for Law and Social Policy, (Feb. 10, 2006), http://clasp.org/publications/marriage_fatherhood_budget_2006.pdf.

based level of welfare expenditures.²² They may thus reduce direct payments or monies spent on other programs and replace those expenditures with marriage promotion programs.

III. WHY DON'T POOR PEOPLE MARRY?

In order to get a sense of how well the efforts described in Part II might work, it is necessary to understand why poor people marry at rates lower than the non-poor. An initial hypothesis—and perhaps the conventional wisdom—might be that poor people simply value marriage less than do the non-poor.²³ Studies reported over the past few years, however, consistently show that this is not the case.²⁴

A. Aspirations to Marry vs. Expectations of Marriage

The marital aspirations of poor and non-poor individuals alike are virtually identical, and both are quite high.²⁵ Several variations are worth mentioning. First, better-educated respondents have slightly higher aspirations to marry than do less well-educated respondents.²⁶ Second, among less advantaged respondents (recipients of public assistance, others with low incomes, members of racial and ethnic minorities, and unmarried mothers), some research suggests that unmarried mothers have slightly lower aspirations to marry than do the others.²⁷ Other studies, however, have found no difference in the marital aspirations of unmarried mothers and other less advantaged respondents.²⁸ Finally, a number of studies have found that single African-American women place a higher value on marriage (i.e., they are more likely to believe that their lives would be better if they married) than do single white women.²⁹ Other studies have found little

22. See Roberts, *supra* note 21.

23. Daniel T. Lichter et al., *Welfare Reform and Marriage Promotion: The Marital Expectations and Desires of Single and Cohabiting Mothers*, 78 SOC. SERV. REV. 2, 4 (2004).

24. See, e.g., Kathryn Edin & Joanna M. Reed, *Why Don't They Just Get Married? Barriers to Marriage Among the Disadvantaged*, 15 FUTURE OF CHILDREN 117 (2005).

25. *Id.*; see also Jane G. Mauldon et al., *What Do They Think? Welfare Recipients' Attitudes Toward Marriage and Childbearing*, Welfare Reform and Family Formation Project (2002); Richard A. Bulcroft & Kris A. Bulcroft, *Race Differences in Attitudinal and Motivational Factors in the Decision to Marry*, 55 J. MARRIAGE & FAM. 338 (1993); Scott J. South, *Racial and Ethnic Differences in the Desire to Marry*, 55 J. MARRIAGE & FAM. 357 (1993).

26. South, *supra* note 25, at 364.

27. Lichter et al., *supra* note 23, at 14.

28. Jane G. Mauldon et al., *supra* note 25.

29. See Sharon Sassler & Robert Schoen, *The Effect of Attitudes and Economic Activity on Marriage*, 61 J. MARRIAGE & FAM. 147, 152 (1999); Kristen Harknett & Sara McLanahan, *Racial*

variation in marital aspirations by race.³⁰

The variations noted above are minor, however. Researchers' overall conclusions are quite uniform, describing "very few significant racial or class differences in attitudes regarding the importance of marriage or aspirations towards marriage."³¹ These studies seem to debunk the maxim that poor individuals don't marry because they don't value marriage.

While poor individuals thus *aspire* to marriage at substantially the same rate as do more economically advantaged individuals, fewer of them *expect* to marry.³² Studies focusing on the marital expectations of single women found that their expectations varied based on a number of factors: single mothers, women with little education, those from disadvantaged backgrounds, and those receiving public assistance had lower expectations for marriage than did other women.³³

But why the disparity between poorer individuals' aspirations to marry and expectations for marriage? There are at least two possibilities. First, poorer respondents might exaggerate their marital aspirations.³⁴ Researchers note that, when responding to value-laden questions, individuals may tend to provide answers that they believe accord with prevailing norms, resulting in a so-called "social desirability bias".³⁵ But because expectations for marriage deal with individual situations (unlike aspirations, which imply general values and attitudes), respondents may report their marital expectations more accurately.³⁶ Second, economically disadvantaged individuals may face, and recognize that they face, more significant barriers to marriage than do members of the middle class.³⁷

Regardless, the expectation of marriage remains very high even among economically disadvantaged individuals.³⁸ Approximately eighty percent of all young women expect to marry (a percentage that has stayed constant

and *Ethnic Differences in Marriage After the Birth of a Child*, 69 AMER. SOCIOLOGICAL REV. 790, 799 (2004).

30. See South, *supra* note 25, at 368.

31. Christina M. Gibson-Davis et al., *High Hopes But Even Higher Expectations: The Retreat from Marriage Among Low-Income Couples*, 67 J. MARRIAGE & FAM. 1301, 1302 (2005); see also, Edin & Reed, *supra* note 24, at 119.

32. See Edin & Reed, *supra* note 24, at 119–20.

33. See Lichter, *supra* note 23, at 10–14; Edin & Reed, *supra* note 24, at 119–20.

34. Edin & Reed, *supra* note 24, at 120.

35. *Id.*

36. *Id.*

37. *Id.* African-Americans report marital expectations that do not differ from those of whites, but African-Americans are significantly less likely to realize those expectations than are their white counterparts. See Susan L. Brown, *Union Transitions Among Cohabitors: The Significance of Relationship Assessments and Expectations*, 62 J. MARRIAGE & FAM. 833, 844 (2000).

38. See Edin & Reed, *supra* note 24, at 120.

since the mid-1970s), and seventy-eight percent of young men expect to marry (a percentage that has increased from seventy-one percent in 1976).³⁹

In addition to the disconnect between marital aspirations and marital expectations among economically disadvantaged individuals, there is also a disconnect between marital expectations and entry into marriage. While acknowledging the possibility of bias in survey responses, one qualitative study concluded that respondents (new unmarried parents) “do seem genuinely optimistic about their chances of marriage.”⁴⁰ Numerous researchers have thus concluded that most of the discrepancy between marital expectations and entry into marriage results from other barriers to marriage.⁴¹

B. Instrumental Value of Marriage vs. Symbolic Meaning of Marriage

In order to better understand the barriers to marriage faced by poorer individuals, it's important to understand the modern conception of marriage. Americans of all income levels have accepted a definition of marriage that is drastically different from that of previous generations. Following World War II, the marriage rate increased, and the birth rate (which had been falling for at least a century) increased sharply.⁴² The emphasis on companionship, emotional satisfaction, and romantic love intensified.⁴³ While the importance of the intimate relationship continued to develop in subsequent decades, cohabitation became more acceptable, childbearing outside marriage became less stigmatized, and the median age at marriage returned to and then exceeded the levels of the early twentieth century.⁴⁴ Sociological theorists have observed that previously rigid and clearly defined roles that governed individuals' behavior as spouses relaxed, as did legal regulation of marriage.⁴⁵ The social norms and laws that once regulated family life weakened, and personal choice gained a greater role.⁴⁶ Individuals who remain unmarried, most notably women, are no longer denied full social or

39. Andrew J. Cherlin, *The Deinstitutionalization of American Marriage*, 66 J. MARRIAGE & FAM. 848, 853 (2004).

40. Gibson-Davis et al., *supra* note 31, at 1306.

41. See Edin & Reed, *supra* note 24, at 122–28; Gibson-Davis et al., *supra* note 31, at 1310–11.

42. Cherlin, *supra* note 39, at 852.

43. *Id.* at 851.

44. *Id.* at 852.

45. *Id.* at 853 (citing ANTHONY GIDDENS, *THE TRANSFORMATION OF INTIMACY: SEXUALITY, LOVE & EROTICISM IN MODERN SOCIETIES* 157–58, 190–92 (1992)).

46. See Vivian Hamilton, *Principles of U.S. Family Law*, 75 FORDHAM L. REV. 31, 56–65 (2006).

legal personhood. And individuals' intimate relationships became central to their self-identity.⁴⁷

Marriage has arguably lost its instrumental value as the sole vehicle for legitimate sex, cohabitation, and procreation.⁴⁸ But what marriage has retained is its symbolic value.⁴⁹ If anything, that symbolic value has increased.⁵⁰ What does marriage symbolize? How is it defined culturally? For many couples, marriage indicates that they have "arrived," both financially and emotionally.⁵¹ Their relationship is stable, and they're capable of maintaining something approaching the typical middle-class household.⁵² Expectations regarding what is a proper marital relationship and who is an appropriate marital partner do not differ significantly among poor and non-poor Americans.⁵³ But this higher cultural standard for marriage presents a barrier for low-income individuals.

C. Barriers to Marriage

Studies have identified a number of major barriers to marriage among disadvantaged couples: (1) an inability to meet economic standards for marriage; (2) low relationship quality; and (3) (related to relationship quality) an aversion to divorce.⁵⁴

An overwhelming majority of low-income couples feel that in order to marry they must first meet certain financial goals.⁵⁵ Couples thus might live together yet avoid marrying until they have met those goals.⁵⁶ Studies suggest that today's cultural norms require that a couple's standard of living approach a middle-class lifestyle before marriage is appropriate.⁵⁷ Low-

47. Cherlin, *supra* note 39, at 852.

48. See William G. Axinn & Arland Thornton, *The Transformation in the Meaning of Marriage*, in *THE TIES THAT BIND: PERSPECTIVES ON MARRIAGE AND COHABITATION* 147 (Linda J. Waite ed., 2000); Edin & Reed, *supra* note 24, at 121.

49. See KATHRYN EDIN & MARIA J. KEFALAS, *PROMISES I CAN KEEP: WHY POOR WOMEN PUT MOTHERHOOD BEFORE MARRIAGE* (2005).

50. *Id.*

51. Gibson-Davis et al., *supra* note 31, at 1308.

52. Kathryn Edin & Maria J. Kafalas, *A Peek Inside the Black Box: What Marriage Means for Poor Unmarried Parents*, 66 J. MARRIAGE & FAM. 1007, 1012 (2004).

53. *Id.*

54. Edin & Reed, *supra* note 24, at 122–28; Gibson-Davis et al., *supra* note 31, at 1310–11.

55. Gibson-Davis et al., *supra* note 31, at 1307.

56. Edin & Reed, *supra* note 24, at 122; Pamela J. Smock et al., "Everything's There Except Money": How Money Shapes Decisions to Marry Among Cohabitors, 67 J. MARRIAGE & FAM. 680, 687–88 (2005).

57. Edin & Reed, *supra* note 24, at 122, 126–27.

income couples report that marriage indicates that they have “arrived” financially.⁵⁸

Couples’ financial concerns generally include: financial stability (being able to consistently make ends meet); financial responsibility (spending existing funds wisely); the acquisition of assets (being able to work together toward long-term financial goals); and “the accumulation of enough savings to enable a ‘respectable’ wedding.”⁵⁹

Disadvantaged couples thus tend to view stable earnings for both men and women as a prerequisite to marriage.⁶⁰ Other prerequisites include setting up an independent household and completing formal schooling.⁶¹ An unemployed nineteen-year old interviewed in one study stated that, “For us to get married we’d have to have a lot. Like we’d have to both have good jobs, money and a place to stay.”⁶²

Many cohabiting couples also mention the cost of a wedding as a barrier to getting married. Perhaps because marriage signals that a couple has “arrived” financially, low-income couples want some version of the “fantasy” wedding to which many non-poor couples aspire.⁶³

For economically disadvantaged women, more education and higher income increase the likelihood of marriage.⁶⁴ For men, stable employment (stability of income seems to matter as much as level of income) and more education leads to higher marriage rates⁶⁵ (but it should be noted that the source of income matters—those with an illicit income are not viewed as

58. Smock et al., *supra* note 56, at 693; Gibson-Davis et al., *supra* note 31, at 1308. One African-American couple, for example, married several months before the birth of their child, but before they had achieved economic independence. Although they were both employed, they had no savings and were living with relatives. Because they were ashamed that they had married without having adequate financial resources, they did not initially disclose their marriage. The husband explained, “We didn’t tell anybody for a long time. It was important to me to just have everything together. How do I look telling everybody I’m married, but I’m broke? Or I’m married and I don’t have no place?” *Id.*

59. Gibson-Davis et al., *supra* note 31, at 1307.

60. *Id.* at 1310.

61. See Smock et al., *supra* note 56, at 689–91.

62. See *id.* at 690.

63. Gibson-Davis et al., *supra* note 31, at 1310. One father stated that he “want[ed] to have a very nice wedding and a big wedding, and that takes a lot of planning. And a lot of money.” *Id.*

64. See Marcia Carlson et al., *Union Formation in Fragile Families*, 41 DEMOGRAPHY 237, 250–51 (2004) (reporting that mother’s education has a uniformly positive effect on marriage, mother’s unemployment has no negative effect on marriage, and mother’s wages have a positive and significant effect on marriage); Edin & Reed, *supra* note 24, at 127. Among the population as a whole, however, it is not clear that this is the case. Some studies have found that women’s increased earnings delayed marriage, some have found no effect, and still others have found women’s increased earnings to have a positive effect on likelihood of marriage. See *id.* (gathering studies).

65. Gibson-Davis et al., *supra* note 31, at 1310; Carlson et al., *supra* note 64, at 250; Edin & Reed, *supra* note 24, at 126.

attractive potential partners).⁶⁶ Reinforcing some of this, one study found people more likely to be married when they lived in areas where potential earnings were high but housing costs were low.⁶⁷

The norm that has made a certain economic standard a prerequisite of marriage may have pragmatic roots; while a middle-class lifestyle is obviously not a formal requirement for marriage, many survey respondents indicate a fear that the daily stress of living “paycheck to paycheck” would doom a marriage.⁶⁸ Indeed, economic disadvantage is strongly associated with marital break-up.⁶⁹

Low relationship quality presents another barrier to marriage for economically disadvantaged couples.⁷⁰ Economically disadvantaged couples, like others, believe that marriage requires a high level of relationship quality.⁷¹ Stress may hamper couples’ ability to relate positively to one another, and studies of unmarried parents highlight a string of typical stressors.⁷² Among these are unemployment, criminal involvement, drug and alcohol abuse, domestic violence, and infidelity.⁷³ Additionally, one or both partners may have children from previous relationships.⁷⁴

Another barrier to entry into marriage appears to be aversion to divorce. Qualitative research suggests that low-income couples may avoid marriage precisely because they view the risk of divorce as unacceptably high.⁷⁵ They tend to view marriage as “sacred” and frequently state that they don’t “believe” in divorce.⁷⁶ Indeed, less-educated men and women tend to hold more conservative views towards divorce and are less accepting of it than are their better-educated counterparts.⁷⁷ The authors of one study conclude

66. Edin & Reed, *supra* note 24, at 127.

67. Mary Elizabeth Hughes, *Home Economics: Metropolitan Labor and Housing Markets and Domestic Arrangements in Young Adulthood*, 81 SOCIAL FORCES 1300 (2003).

68. Edin & Reed, *supra* note 24, at 122.

69. David Fein & Theodora Ooms, *What Do We Know About Couples and Marriage in Disadvantaged Populations?: Reflections from a Researcher and a Policy Analyst*, CENTER FOR LAW AND SOCIAL POLICY 8 (June 2006).

70. EDIN & KEFALAS, *supra* note 49, at 81 (2005); Carlson et al., *supra* note 64, at 251–55.

71. Edin & Reed, *supra* note 24, at 123.

72. *Id.*; Carlson et al., *supra* note 64, at 251–55.

73. EDIN & KEFALAS, *supra* note 49, at 81; Edin & Reed, *supra* note 24, at 123.

74. Edin & Reed, *supra* note 24, at 123, 125–26 (citing Marcia J. Carlson & Frank F. Furstenberg Jr., *Complex Families: Documenting the Prevalence and Correlates of Multiple Partnered Fertility in the United States*, (Center for Research on Child Wellbeing, Princeton Univ., Working Paper No. 03-14-FF, 2004)).

75. EDIN & KEFALAS, *supra* note 49, at 81.

76. Gibson-Davis et al., *supra* note 31, at 1309.

77. Edin & Reed, *supra* note 24, at 124.

that “at the heart of marital hesitancy is a deep respect for the institution of marriage.”⁷⁸

What of reports that welfare itself keeps poor women from marrying, because of the fear that marriage will lead to lost benefits? Past studies showed a very small dampening effect of welfare benefits on marriage.⁷⁹ More recent studies, however, have found that welfare benefit levels have no net effect on marriage at all.⁸⁰ A majority of states, moreover, have made it easier for two-parent families to receive welfare assistance.⁸¹ The argument that welfare discourages marriage appears to have primarily rhetorical significance.

IV. WILL MARRIAGE PROMOTION PROGRAMS INCREASE THE RATE AT WHICH THE POOR MARRY?

With this more nuanced view of why poor people marry less, we can better consider whether marriage promotion programs are likely to be effective.

Programs that simply extol the virtues of marriage, like the many public advertising campaigns that recently received federal funding, are unlikely to have an effect.⁸² Poor couples highly esteem marriage, and their expectations regarding the ideal marital relationship do not significantly differ from those of the non-poor.⁸³ But the poor avoid marriage primarily because they do not feel able to meet the high standards, of relationship quality and of financial stability, it demands. As the authors of one report put it, “public campaigns to convince poor Americans of the value of marriage are probably preaching to the choir.”⁸⁴

Programs that teach relationship skills and conflict resolution might have some marginal effect. The recent federal efforts discussed here join various healthy marriage initiatives and marriage education programs that have been underway since the mid-1990s; these have been sponsored by states, communities, and private organizations.⁸⁵ Yet few studies have

78. Gibson-Davis et al., *supra* note 31, at 1309.

79. Carlson et al., *supra* note 64, at 243.

80. *Id.*

81. See Ooms et al., *supra* note 8, at 7.

82. See Mauldon et al., *supra* note 25, at 7.

83. Edin & Reed, *supra* note 24, at 121.

84. *Id.* at 128.

85. See Ooms et al., *supra* note 8, at 5; M. Robin Dion, *Healthy Marriage Programs: Learning What Works*, 15 FUTURE OF CHILDREN 139, 140 (2005).

evaluated these programs to test their effect on marriages.⁸⁶ Of the marriage education programs that have been evaluated, “nearly all . . . were conducted with primarily middle to upper-middle-class white engaged or married couples.”⁸⁷ Indeed, a report posted on the Administration for Children and Families’ (ACF) web site (presumably to bolster the administration’s case for marriage education programs) notes that the research “falls short of fully answering important questions, . . . [partly because] programs for racially and economically diverse groups . . . are limited, and these are important groups that policy makers are targeting.”⁸⁸

These studies, for what they are worth, suggest that marriage interventions can modestly improve relationship satisfaction and communication among couples.⁸⁹ The report posted on the ACF website states that improvements in relationship quality/satisfaction and communication were small but statistically significant.⁹⁰ Studies of fragile families have found (unsurprisingly) that the emotional quality of couples’ relationships affects the formation and stability of unions.⁹¹ It is possible that programs that helped improve couples’ relationship skills might improve those unions, albeit in a modest way. However, it is premature to assume that programs serving middle and upper-middle-class couples would work equally well for poor couples, given the nature of the barriers and challenges to marriage they face.

One area where there is substantial research, however, is in the links between economic disadvantage and marital quality and stability.⁹² Simply put, economic hardship negatively affects relationship quality.⁹³ Couples’

86. *Id.*

87. *Id.* at 142.

88. Alan J. Hawkins et al., *Is Marriage and Relationship Education Effective? A Comprehensive Meta-Analysis*, School of Family Life, Brigham Young Univ. (2007) http://www.acf.hhs.gov/healthymarriage/pdf/metaanalysis_07.pdf.

89. Hawkins and colleagues report that improvements in relationship quality/satisfaction and communication were modest but statistically significant. Hawkins et al., *supra* note 88, at 3. *See also* Jane Reardon-Anderson et al., *Systematic Review of the Impact of Marriage and Relationship Programs*, Urban Institute (2005) http://www.urban.org/uploaded/PDF/41114_impact_marriage.pdf (reporting similar findings and noting that those findings were consistent with those of previous studies). Reardon-Anderson’s study examined only those curricula that met strict criteria. The study required, for example, that programs have a randomly-assigned treatment group and a control group, and that they present results on relationship quality and/or communication in a way that could be translated to standardized effect sizes. *Id.* at 5. Discussing the results of that study, researcher Robin Dion noted that “[m]any of the marriage education curriculums in use today . . . did not meet the criteria for inclusion in this review of program effectiveness.” Dion, *supra* note 85, at 141.

90. Hawkins et al., *supra* note 88, at 3.

91. *See* Carlson et al., *supra* note 64, at 251–53, 255.

92. *See* Smock et al., *supra* note 56, at 692.

93. *Id.*

perception of economic adequacy (having enough income for food, clothes, medical care, leisure, and some surplus at the end of the month) also significantly predicts marital satisfaction.⁹⁴

These findings suggest that it is not possible to separate relationship quality from financial insecurity. Policymakers concerned with the former should also be concerned with the instability of work and low pay of the jobs the poor tend to hold. This conclusion is of obvious import for both men and women, as women now feel as though they themselves need to be financially stable before entering marriage, and because the lifestyle individuals aspire to—and to some extent need—to reach before even contemplating marriage requires two incomes.

There have been very few studies of the effects of teen marriage and relationship education programs.⁹⁵ Studies examining the short-term impact of two such programs report that students experienced some gains in relationship knowledge and showed decreased verbal aggression (and students participating in one of the two programs reported decreased physical aggression;⁹⁶ students participating in the other reported no change⁹⁷).⁹⁸ Students' use of reasoning to resolve conflicts did not improve under either program.⁹⁹ If effective, teaching teens to resolve conflict and communicate without verbal aggression or condescension may provide a foundation for healthier relationships in the future. Programs that tout the benefits of marriage, however, are likely to have no effect for the same reason that public advertising campaigns are likely to have no effect—individuals already aspire to marriage.

There is a negative side of the ledger, too. Federally funded marriage promotion is not only unlikely to have any significant positive effect; it is

94. Patricia Clark-Nicolas & Bernadette Gray-Little, *Effect of Economic Resources on Marital Quality in Black Married Couples*, 53 J. MARRIAGE & FAM. 643, 649–50, 653 (1991).

95. See Francesca Adler-Baeder et al., *The Impact of Relationship Education on Adolescents of Diverse Backgrounds*, 56 FAMILY RELATIONS 291 (2007). Adler-Baeder and colleagues note that, in addition to their study (published in July, 2007), they have identified only two studies of the impact of teen marriage and relationship education to date. *Id.* (citing Scott P. Gardner et al., *Evaluation of the Connections: Relationships and Marriage Curriculum*, 53 FAM. RELATIONS 521 (2004)); Scott P. Gardner, *Evaluation of the Connections: Relationships and Marriage Curriculum*, 19 J. OF FAM. & CONSUMER SCIENCES 1 (2001). Gardner and his colleagues' 2004 study sought to validate and improve upon his 2001 study. *Id.* at 522. Because the initial sample was rural and eighty-eight percent white and the study suffered from measurement problems, the 2001 study had limited applicability. *Id.* The 2004 study found that students enjoyed outcomes slightly superior to those students who participated in the 2001 study. *Id.* Another study evaluated a curriculum aimed at middle school and high school students that focused on reducing their sexual risk-taking in relationships.

96. Gardner, *supra* note 95, at 524.

97. Adler-Baeder et al., *supra* note 95, at 300.

98. *Id.* at 299; Gardner, *supra* note 95, at 524.

99. Adler-Baeder, *supra* note 95, at 300.

altogether possible that these efforts will have a *negative* impact on economically disadvantaged families. First, recall that the federal government now permits states to count marriage promotion programs toward their annual maintenance of expenditure requirements. This means that states can divert monies away from programs that more directly help poor individuals become economically stable and self-sufficient and spend those monies on programs that encourage those couples to marry. Second, poor people already aspire to marriage and all that the ideal marriage promises. Programs that further tout marriage, elevate the marital family as the ideal, and emphasize the alleged shortcomings of nonmarital families risk highlighting their failure to meet the marital norm and stigmatizing them further.

V. CONCLUSION

In the grand scheme of the welfare program, there is relatively little money going towards marriage promotion. But any ill-advised spending is worth pointing out, and, unfortunately, marriage promotion efforts seem to fit this description all too well. Federal marriage promotion errs in accepting the common wisdom that poor people marry less than do the non-poor because they value marriage less.¹⁰⁰ Because of this error, the millions of dollars that will be spent on public advertising campaigns touting the value of marriage will be wasted.

Federal marriage promotion errs less, perhaps, by focusing on programs that build relationship skills, but these remain largely untested on populations other than the middle- and upper-middle classes. Further, the relationship quality of disadvantaged couples is severely affected by structural stressors. The federal government's primary focus should be the underlying causes of relationship stress.

Finally, federal marriage promotion errs by allocating too few funds to—and distracting attention away from—addressing the main structural stressor: concrete economic barriers to marriage faced by economically disadvantaged couples. Marriage promotion rests on the assumption that if poor people marry, they will no longer be poor, when the reality seems to be that once people are no longer poor, they will be more likely to marry.

100. Lichter, *supra* note 23, at 3–4.