

TUNE IN TO THE  
SOUND OF DEMOCRACY

## Justice Talking Radio Transcript

**The Power of One: Are Singles Getting a Fair Shake?—Air Date: 9/11/06**

*With policymakers focusing on ways to promote marriage and encourage couples to stay together, including tax breaks, special programs and resources, and stricter divorce laws, some are asking whether government is slighting the million unmarried employees, taxpayers, consumers and voters who represent nearly half of American households. On this edition of Justice Talking we focus on the rights of singles in a world obsessed with marriage. Should saying "I do" give you privileges and benefits that your single friends can't get?*

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MARGOT ADLER: From NPR, this is Justice Talking. I'm Margot Adler. Half of American households are headed by unmarried adults and there are 85 million single people in this country. It's estimated that by 2008 there will be more single people heading up households than married people. Some singles say that because of the growing numbers and the changing demographics, laws, tax codes and employee benefits should change. They say that right now things are better for married people, and argue that it's time for the country to reexamine its love affair with marriage.

UNIDENTIFIED MALE: There's an awful lot of favoritism for married people, even if they're in their third or fourth or fifth marriage, and unmarried people as individuals or as couples or as families are being short-changed.

MARGOT ADLER: Coming up, we'll hear why a New York couple has decided not to get married. We'll learn why the number of married couples is decreasing. We'll also hear about what unmarried couples who live together should know about the law. This and more, after the news.

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MARGOT ADLER: This is Justice Talking. I'm Margot Adler. The number of single adults is increasing and it's estimated that single heads of households will outnumber those who are married within just a few years. On today's show, we'll hear why more Americans are single, and why some people are choosing not to get married. We'll find out why the government is putting millions of dollars into promoting marriage. And we'll hear from one woman who has been single all her life, and contrary to what some might think, she actually likes it.

But first I sat down with a New York couple who have decided not to get married. Ashton Applewhite and Bob Stein have been in a relationship for almost 14 years and have been living together for about half that time. Both have children from prior marriages. Applewhite was also a former board member of the Alternatives to Marriage Project. I asked Applewhite what she had learned from her previous experience of being married.

ASHTON APPLEWHITE: Well, something happens to women, in particular, and also men when we get married. We assume the roles of husband and wife--not because your husband is asking you too, but because that is the social script. And I don't think the traditional roles of husband and wife necessarily serve the best interests of the couple, and I think they less frequently serve the interests of the woman. The main reason that I don't want to get married to Bob--besides the fact that (the old "if it ain't broke, don't fix it") it's working, you know, incredibly well--is that not being married and not being his wife makes me come with more freshness and originality and interest to the proposition of staying together, staying committed to each other, being happy, being good to each other, organizing our life, than if I were his wife.

MARGOT ADLER: What do you call each other? I heard that you hate the word "partner."

BOB STEIN: I mean, to me, partner sounds like business. You know, I mean, it's sort of one of those words that to me has been colonized by the business world, and so I don't feel comfortable with it. And "significant other" doesn't work. For me, it really depends. If I'm talking to people who I have no social or intellectual connection to, I'll often actually call Ashton my wife because frankly it's easier. If I'm with friends I'll often refer to her as my girlfriend, but those are people who sort of know our relationship--I don't have to explain what I mean by girlfriend.

MARGOT ADLER: Because otherwise it sounds like you're very young, you know, to say girlfriend/boyfriend. There's sort of a...

ASHTON APPLEWHITE: It's casual. It's not, in fact, the lifetime commitment that it is to us, although sometimes to jerk my chain Bob calls me his current lifetime companion.

BOB STEIN: That is my favorite sort of expression.

MARGOT ADLER: So would you say that you believe that there should be no benefit--legal, financial or whatever--by being married.

ASHTON APPLEWHITE: Yes, I would agree with that statement. I think it's about how as a society we want to help each other take care of each other. Do we or don't we? If we really care about old people, we want to help them if they live together or not. If we really care about kids, we want a kid to have access to preschool and healthcare, whether or not his parents are gay or straight or live together or are married or not. I love weddings. Marriage works great for lots of people but it shouldn't be the gold standard against which every other kind of relationship is measured, found lacking and therefore short-circuited on these other social benefits.

MARGOT ADLER: What has been the reaction of your family to all this?

ASHTON APPLEWHITE: It was bad enough that he was a, you know, Jewish vegetarian. That was much worse than by me not marrying him, you know? [laughs] What about your family?

BOB STEIN: My mother would desperately like us to be married. It's just deep within, you know, it's...

MARGOT ADLER: It's like that thing--when am I going to have grandchildren?--that, you know, a mom might say.

ASHTON APPLEWHITE: And I'm enormously flattered by that. I do not take for granted, I don't take that flippantly, you know. In fact, I thought, gee, maybe we should have that engagement party she's been dying to throw for us all these years and then we can just be engaged for the next two decades. But ultimately, at the risk of sounding pretentious, that just seemed, you know, it seemed false.

MARGOT ADLER: So what do you think marriage will look like 50 years from now?

ASHTON APPLEWHITE: I don't know what it will look like. I know what I hope it will look like is that there are still lots of people who get married and that it's--you know, where would we be without weddings after all? But where it is just one way for a family to be and where there will be an absolutely widely acknowledged set of contracts and ways of being together that reflect families that are not nuclear families, whether they're gay parents, or, you know, communes of single parents or old people. You know, the elderly living together to share their pensions, whatever, where those will be regarded as authentic living arrangements. And where marriage will be a religious ceremony that people who elect to go through that can find a community of like-minded people who recognize their union through a sacrament that's particular to them, but the other kinds of relationships are not second class citizens.

MARGOT ADLER: That was Ashton Applewhite and Bob Stein. They live in New York City.

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MARGOT ADLER: We just heard from a couple who have decided to live together in a committed and unmarried relationship. To get a sense of the state of marriage in the United States, I talked with Stephanie Coontz, who teaches history and family studies at The Evergreen

State College in Olympia, Washington. I asked her how common it is for couples to live together without being married.

STEPHANIE COONTZ: Back in 1970, there were 500,000 heterosexual couples who admitted to living together outside of marriage. Today it's more than five million, a thousand percent increase. And people are doing it before marriage, some are doing it as a substitute for marriage, many are doing it after marriage including people who have children and who don't want to complicate the inheritances. So there are many, many reasons and all of it adds up to the fact that marriage is no longer the only game in town.

MARGOT ADLER: And are there advantages to living together and not getting married?

STEPHANIE COONTZ: Well, it's a tradeoff. Many people will tell you that cohabiting before marriage increases your risk of divorce. Actually, on average that is true, but that's partly because people who are very deeply religious and would never cohabit before marriage also are the kind of people who would never divorce. In France or Germany, the association is the opposite--that people who live together before marriage have lower divorce rates. So it's really an individual thing. We have this tendency in America to make one-size-fits-all prescriptions for people and that really is the wrong thing to do. One definite advantage, though, is that men who cohabit before marriage tend to do more housework after marriage than those who don't.

MARGOT ADLER: Ah-ha, and what do you attribute that to?

STEPHANIE COONTZ: Well, it may be that men who are more open to doing more housework are also more open to cohabiting. But researchers who've studied it suggest that it's because cohabitation doesn't come with the same hundreds of years of expectations. And, as we know, those expectations were that women did the work. Couples are more open to renegotiating gender roles in cohabiting relationships.

MARGOT ADLER: Let's step back for a minute and just look at the state of marriage in America today. Break it down for me, you know, in age, sex, other demographic issues.

STEPHANIE COONTZ: Well, the main important point is that marriage is no longer the only way that people enter long-term obligations, incur commitments, take care of dependents. It used to be that all the privileges we gave to marriage were based on the assumption that every child would be born in marriage. And, of course, that assumption wasn't true, but it was more true in the past than it is today. But today the average American will spend half of their adult life outside marriage. When you combine the rising age of marriage--26 for women, 28 for men--the increasing prevalence of divorce, the length and lifespan if your spouse does die, that means that people are having all sorts of obligations, they're organizing their life outside of marriage. Forty percent of cohabiting couples have kids in their relationship. Many married couples don't have kids. People who seem to be single may, in fact, be spending a lot of time and energy caring for an aging parent. In fact, with today's lifespans, the average 30-year-old person can expect to spend more time caring for an aging parent than they did raising their child. So you can no longer look at someone's marital status and say oh, I can guess whether you have obligations or

not, and we have to adjust our social expectations and social policies--even our emotions--to that new reality.

MARGOT ADLER: Now what's the likelihood that someone will get married during their lifetime?

STEPHANIE COONTZ: It's still very high. Now we think that about 90 percent of Americans will eventually marry, and that's about the same percentage as married at the turn of the century. We went through this period in the 1950s and 1960s when the age of marriage reached an all-time low: half of all women were married by the time they turned 20 and 95 percent of Americans wed.

MARGOT ADLER: Now, have the incentives to get married really changed?

STEPHANIE COONTZ: Oh, certainly. If you had a child outside of wedlock, not only did the child have no claim on the father, but as a mother you had a very tenuous relationship to your child. And in the 1960s "illegitimate" was still stamped on the school records of children who were born out of wedlock. Also marriage is no longer the only root to respectability, the only root to economic security for women, the only way that men can expect to get promotions and bank loans. So marriage is more voluntary than it's ever been in the past and that has this interesting paradoxical effect. In some ways we have much higher expectations of marriage than we ever had before. You know, you don't just have to settle because there's no alternative.

MARGOT ADLER: Are these changes also happening internationally?

STEPHANIE COONTZ: Oh, yes. Marriage has become more voluntary and more based on love all over the world. One of the most interesting things is that in countries like Italy or Japan where out-of-wedlock birth is still more stigmatized and divorce is more rare, actually, the rate of marriage is much lower than it is in America. So what we're seeing is that people are saying basically that if we don't have these kinds of options inside marriage or outside marriage, we won't get married at all, and I think this is particularly true of women.

MARGOT ADLER: We've been talking about marriage, but let's step back and talk a little bit about singles for a moment. There's more acceptance it seems to me today of being single as a long-term lifestyle, or is that true?

STEPHANIE COONTZ: Oh, yes. Back in 1957 they did a poll and 80 percent of Americans said that anyone who preferred to remain unmarried was deviant, abnormal, neurotic, possibly even very, very sick. Now people just don't believe that anymore. And, in fact, one thing that's interesting is that people who remain single all their lives, as opposed to people who end up divorced, are just about as happy as married people on average. And the difference in happiness has been steadily decreasing. So it's just much more possible to build a life that is satisfying and rewarding outside of marriage than it used to be.

MARGOT ADLER: Thank you so much, Stephanie.

STEPHANIE COONTZ: Oh, it's been my pleasure.

MARGOT ADLER: Stephanie Coontz teaches history and family studies at The Evergreen State College in Olympia, Washington. She is the author of "Marriage: A History."

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MARGOT ADLER: Coming up: Is it time for single people to get some of the same benefits that married people do?

UNIDENTIFIED FEMALE: If you want to be treated like a spouse, like someone who's made a permanent commitment to a romantic partner, we have a way for that if you're an opposite sex couple--it's called marriage.

MARGOT ADLER: We'll find out if it's really true that married people are happier, healthier and have better sex than single people. Stay with us.

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MARGOT ADLER: This is Justice Talking. I'm Margot Adler. On today's show we're talking about whether single people should have the same rights as married people--in housing, at the workplace and with Uncle Sam. Soon the majority of households in America will be headed by single people. They are a diverse group: young, older, widowed, divorced, living in domestic partnerships and relatives living together. Some argue that as American families are changing, so should laws and policies regarding healthcare, pension and employment benefits--not to mention taxes and housing. Those who are opposed to this say if singles want the benefits that married people get, they should just get married.

Joining me to debate this are Thomas Coleman, the executive director of Unmarried America, an organization that advocates for the rights of unmarried individuals, couples and families. Also with me is Maggie Gallagher. She's the president of the Institute for Marriage and Public Policy and is co-author of "The Case for Marriage: Why Married People are Happier, Healthier and Better-Off Financially." I asked Tom what the benefits are that married people get that single and unmarried couples don't get.

THOMAS COLEMAN: Well, in many ways, I think employment is the biggie as far as employment benefits, getting more benefits, several thousand dollars per year more in many cases: preferential shifts, vacation time, that type of thing, at work; pension plans and survivor benefits, better family medical leave options. In terms of social security, survivor options. I've never heard of married people being discriminated against in housing, but unmarried people get that quite often. Unmarried people get better insurance rates, family discounts, their benefits at work are not taxable whereas domestic partner benefits are taxable. So it's really all across the board there's an awful lot of favoritism for married people even if they're in their third or fourth or fifth marriage. And unmarried people as individuals or as couples or as families are being short-changed.

MARGOT ADLER: And for a minute I'd like to talk about taxes because I've been very confused about who gets a better deal, singles or married people. Maggie, who gets a better deal?

MAGGIE GALLAGHER: Well, I think what Thomas is missing out of this-- Let me just say, first of all, there are enormous benefits to marriage. You live longer, you're physically healthier, you're happier, you make more money than otherwise similar singles with similar job histories, you're more productive when it can be measured directly. Labor economists have found this. And to top it off you have better sex more often. But this has nothing-- These are the benefits that come from making a public permanent lifetime pledge to a social institution that comes with strong norms of personal responsibility for yourself and other people. In terms of the legal benefits of marriage, I think that what Thomas is doing is leaving out half the equation, really. You can, under certain circumstances, pay less taxes if you're married, you can also pay more taxes if you're married. You can get some more benefits if you're married over an unmarried couple, you can get health insurance, for example. But you can also lose your Medicaid or your other government-sponsored insurance if you're married because your joint income will put you over the income limits.

The truth is that the law doesn't create a whole basket. If you get married thinking there's a whole big basket of checks the government's going to send you because you're married you're going to be really disappointed. What happens is that when you're married you made a permanent public promise to be a unit, to be responsible, and the result is that law and society tend to treat you as a unit. And if you want to be treated in that way, whether it's a benefit or a responsibility, if you want both the rights and the responsibilities of marriage you can get married. But what Thomas is asking for is what he perceives as the rights of marriage for people who for whatever reason don't want the responsibilities.

MARGOT ADLER: And, Tom, I would imagine that--

THOMAS COLEMAN: Well, I'm not asking for the rights of marriage, I'm asking for basic human rights. I'm asking for equal pay for equal work. I'm asking for fair housing. I'm asking for people to be treated on individual merit, not on group stereotypes.

MARGOT ADLER: Maggie, you say that married people are happier, healthier, better off financially. But there are plenty of successful, healthy, single and unmarried people out there. Clearly marriage isn't the only answer.

MAGGIE GALLAGHER: Of course not. No one has ever said that everyone's going to get married or there aren't perfectly nice, good, successful people who aren't married. But what I'm reporting is not my opinion, it is the result of about 30 years of scientific research on what--you know, looking at people in different family situations-- when, on average, are you mostly likely to be happy? Well, a lot of single, happy people out there, but, over time, if you're married and you make a decent marriage, you're more likely to be happier. We just had new research come out in this month showing that for depressed people getting married actually boosts mental health, and there's quite a lot of evidence. Not that every single--that we're going to force people to get married, but that there's something important about this thing called marriage which

certainly is reflected in the special status that marriage has. But I do think that if you're going to ask, for example, for the right to give health insurance to your domestic partner or to your live-in boyfriend or girlfriend, that you have to do what married people do, which is accept financial responsibility for their health and well-being. Typically people live together rather than marry because at least one of them does not want to be married. They do not want to take on that kind of responsibility for their partner at this point in their life. And I don't think it's fair to treat couples who have not taken those responsibilities in the same way as couples who have.

THOMAS COLEMAN: Well, we're not just talking about unmarried couples, although we can focus on that as well. We're talking about, for example, a friend of mine in Washington who's a lifelong single person. He wants to be able to put his mother on his health plan. He says: You know, if I'm going to be a lifelong single, and I want to get equal pay for equal work, and my mother needs a health plan, I should be able to put her on if somebody can put their third or fourth spouse on. So it's not just about unmarried couples, but focusing on the unmarried couple issue: Married people oftentimes have prenuptial agreements where they say your debts are yours, my debts are mine, this property's mine, that property is yours, and they don't necessarily take on all of the obligations. And that certainly isn't a requirement to be able to qualify for a health plan, and it shouldn't be. So, on the other hand, there are unmarried couples that have been together for 20/25 years who do have cohabitation agreements where they have assumed joint responsibility. As a matter of fact, most domestic partner health plans require the people to sign an affidavit saying that they are jointly responsible for each other's common welfare. So that's built in to a lot of these plans.

MARGOT ADLER: Now, Tom, you're an advocate for single and unmarried people. What concrete changes would you like to see?

THOMAS COLEMAN: Well, first of all, in the workplace, I'd like to see some things change. For example, pension plans that are traditionally defined benefit plans should not discriminate against single people as they do. For example, an employee of an airline came to me and said: You know, I'm single, I don't have a partner, I'm not going to have a spouse, I don't have children. I have thousands and thousands of dollars in my pension plan and I want to be able to leave it to my sister. She's a single parent; she's struggling. So I called the human resource office and they said fine, you can sign her up as a beneficiary, but we have to warn you, if you die before you retire, your sister will not receive one penny. It's forfeited back to the fund. But if she were married, the surviving spouse would get a benefit. So I'd like to see companies shift to 401K plans where the pension benefits are owned by the employee immediately and can be passed on to somebody else.

MAGGIE GALLAGHER: I hear most progressives complaining that we're moving away from defined benefit plans and into these 401Ks. Now I don't have a strong opinion on that. I think it's-- You know, the people who argued for privatizing social security were also making a similar argument. You want to own the benefit and be able to give it to whomever you want. But I do think that it's maybe unusual to think that if we all moved to 401Ks that we would-- Accelerating the process of eliminating traditional pension benefits would improve life in America.

MARGOT ADLER: Well, you could do it a different way. You could change the law. So the question would be do you want to change laws at a federal level, the state level, employer to employer?

THOMAS COLEMAN: It's going to be occurring on all levels. It's already occurring voluntarily with a lot of employers who have domestic partner benefits plans. There are now about 9,000 of them. Some cities and states have laws that require businesses that contract with those entities to offer equal benefits to domestic partners. I think the Family Medical Leave Act at the state and federal level has to be changed so that, for example, a woman who came to me and said: I want to take time off to help my sister; she's dying of cancer. I have no parents, no children, she is my only family, and I can't take time off because siblings are not part of the Family Medical Leave Act. So that's an area that should be changed. At the federal level the taxation of domestic partner benefits--they shouldn't be taxed. It's bad policy to be taxing health benefits. But spousal benefits are exempt.

MARGOT ADLER: So, Maggie, what would be your response to making some of these changes?

MAGGIE GALLAGHER: Well, a lot of them I don't have any strong objection to as long as they're not available to unmarried couples who could marry if they choose to. So if you're talking about extending family leave protection so that you can go take care of other family members who are sick, I don't have a problem with that. If you're-- There are a lot of ways that you could expand benefits for families that would not, I think, be bad for marriage. You know, the truth is that long-term cohabitation is extremely rare and we already have a very large problem in this country because men and women often interpret cohabitation differently. So you've got a lot of young women who think they're in a marriage-like situation and they end up with out-of-wedlock births and becoming single parents. I don't think we want to blur the line. If you want to be treated like a spouse, like someone who's made a permanent commitment to a romantic partner, we have a way for that if you're an opposite sex couple--it's called marriage. It doesn't really make sense to start treating all other relationships which are not the same as if they were.

MARGOT ADLER: But aren't the population and the demographics changing? Married couples are no longer the dominant household type in the U.S. The new census data say that households headed by unmarried Americans have become the new majority. So shouldn't our legal system be reflective of this changing demographic?

MAGGIE GALLAGHER: Well, in terms of cohabiting couples, which is unmarried couples, no, that's certainly not true--about nine out of 10 couples in this country are unmarried. And if you look at long-term couples--couples that last--long-term cohabitation in this country is extremely rare. The majority of couples who live together either break up or marry within two years.

MARGOT ADLER: Tom, I would imagine that you would disagree about this demographic argument.

THOMAS COLEMAN: She keeps focusing on unmarried couples and somehow separates them out from everybody else and they're the bad guys and everybody else is the good guys. The majority of households in the nation now are headed by unmarried adults of various types-- people who live alone, with a roommate, with a domestic partner, blood relatives who are living together. And given those demographics, and the trend continues in that direction, that it's going to be a higher percentage of unmarried households in years to come, public policy has to adjust to this reality in some way. And I guess there's two ways of looking at it. We either, you know, brow-beat people or herd them into marriage or encourage them or force them into marriage, even if it's a third, fourth or fifth marriage. I mean, obviously a fifth marriage is better than no marriage at all because it's marriage, you know, tongue-in-cheek. Or we respect their choices and operate on the separation of church and state and respect diversity and give people equal pay for equal work and find ways to accommodate this reality in some fair way.

MARGOT ADLER: Now, Tom, do you believe that marriage is an outdated institution or just not for everybody?

THOMAS COLEMAN: Well, I mean, in a way it's outdated to the extent that inherent in the definition of marriage has always been "til death to us part." That always has been inherent in the definition. There are millions and millions of people who are in second or third or fourth marriages and it obviously isn't 'til death to us part. So it's changed. Our definition of marriage has changed.

MARGOT ADLER: Well, that brings up another issue that I want to ask about. I want to ask Maggie this because, you know, we keep on hearing about how half of all marriages end in divorce and I'm wondering if this is still really true. It certainly doesn't look like it in my neighborhood.

MAGGIE GALLAGHER: If you're college educated, the numbers are much, much lower than that, but overall we've had a slight decline in the divorce rate. It looks like maybe as many as 60 percent of first marriages will last for life. A whole bunch of those second marriages will last for life, too. It's obviously true that we have a lot of problems with family fragmentation and high rates of divorce, and, Margot, you know I take that extremely seriously. But I think, you know, 80 percent of divorced people believe marriage should be for life. You know, something like 85 percent of all Americans will marry. There's an enormous well of support out there for the idea that marriage is a special status and there's a reason for it. So I don't think that-- I think unmarried America is, you know, trying to create and foster a spirit of feeling put-upon if you're a single American.

MARGOT ADLER: Maggie, has the fight to legalize gay marriage influenced the conversation to grant singles and unmarried people greater legal recognition?

MAGGIE GALLAGHER: I think the biggest effect of the gay marriage debate has been to create a really powerful misimpression that when you get married the government hands you something that's going to feel like a check. And if you're going to get married imagining that, think again, because it's really not true. You know, one of the things that the gay marriage debate has done is a lot of people feel--and I'm not in favor of gay marriage--but a lot of people feel there's a

particular injustice to same sex couples because they can't enter this benefit structure. And I don't think it really resonates to say well, you guys want to live together, fine, it's a free country, do what you want, but how are you entitled to the same structure as married people if you don't want to get married?

MARGOT ADLER: Tom, what do you think about the fight to legalize gay marriage and how it's influenced this whole conversation? THOMAS COLEMAN: I think it's influenced it to a large extent because a lot of the drive, for example, for domestic partner benefits has come from people who are locked out of marriage, namely same-sex couples, although many people in leadership positions in the gay and lesbian community feel that equal rights shouldn't be tied just to marriage and that same-sex marriage isn't the beginning and the end of the debate. We're talking about equal rights for all people regardless of marital status, so even the thought within a lot of the gay and lesbian community circles is changing. It isn't just a single focus on marriage, it's family diversity and equal rights for everyone.

MARGOT ADLER: Tom, you argue that federal civil rights laws should prohibit marital status discrimination, and that brings up the question: Should singles really be treated as a protected class under the law, on par with women, racial minorities and people with disabilities?

THOMAS COLEMAN: I think so. I think that the Constitution protects the freedom of choice to marry or not to marry; it protects the freedom of choice in family formation. So if single people are paying tax dollars to support the Equal Employment Opportunity Commission's operation and the U.S. Civil Rights Commission and the Department of Housing and Urban Development, then why shouldn't single people or unmarried couples or unmarried families be able to go to these government agencies, knock on the door and be let in, and to have them investigate and remedy marital status discrimination. So, yes, it should be a protected classification, just like religion, for example. People can change religions and they do it all the time, and yet discrimination on the basis of religion is outlawed under federal and state law. So it's not just a matter about whether you can choose or sometimes choose your status, it's a matter of this is a very highly personal area that deserves protection.

MARGOT ADLER: I want to give Maggie the last word.

MAGGIE GALLAGHER: Well, you know, to me it's like saying it's an injustice that you don't get to benefit from the child support enforcement mechanism just because you don't have a child, you know. Marriage really matters. Whether or not people get married and stay married and form good marriages that are not full of conflict and violence is really, really important for the well-being of society, in a way that other kinds of personal relationships, our personal choices, society doesn't have a stake in them.

MARGOT ADLER: Thanks so much for talking with me.

THOMAS COLEMAN: Thank you.

MAGGIE GALLAGHER: Thanks, Margot.

MARGOT ADLER: Maggie Gallagher is president of the Institute for Marriage and Public Policy. Thomas Coleman is the director of Unmarried America.

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MARGOT ADLER: Images of happy brides walking down the aisle are used a lot in advertising, and for one single woman it's just too much.

UNIDENTIFIED FEMALE: It is not just the ads for photography and catering that feature beaming brides. Cereals, cigarettes, ice cream, eye drops and more are all sold with scenes from a wedding.

MARGOT ADLER: What people get when they're married and what they may not get if they're single--stay with us.

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MARGOT ADLER: This is Justice Talking. I'm Margot Adler. Today we're talking about being single in America, how some laws and policies give preference to married people. There's a government-funded program called the Healthy Marriage Initiative operated out of the Administration for Children and Families at the Department of Health and Human Services. I talked with Wade Horn, the assistant secretary for children and families with HHS. I asked him what the Healthy Marriage Initiative is.

WADE HORN: It's an initiative that's designed to try to help couples who have chosen marriage for themselves access services where they can build the kinds of knowledge and skills necessary to form and sustain a healthy marriage.

MARGOT ADLER: And what do you see as the benefits of marriage?

WADE HORN: Well, we know from literally three decades of research that on just about every measure you can imagine children do better when they grow up in a household where their parents are married to each other, in a healthy and stable marriage, than when they grow up in a household in which their parents are in an unstable and dysfunctional married household. And so the idea here is to grow the number of kids in married households in which the marriage is a healthy and stable one, and to decrease the number of married households where the child is experiencing a lot of dysfunction, argumentation and conflict.

MARGOT ADLER: Now the program has a special emphasis, at least on the material I've been reading, on enhancing healthy marriages among African-Americans and Latinos. What's different about the program in regard to minorities?

WADE HORN: What happened is that we launched the Healthy Marriage Initiative with a focus on low-income couples. Not because we think that marriage is particularly problematic in low-income communities, but because we know that low-income couples have less access to things like marriage education services. And because we believe that government has a special

obligation to help those who are most vulnerable in society, and that certainly includes low-income couples, to access the kinds of services that someone like myself and my guess like you and others who are more middle class and upper-middle class can afford to pay for themselves. So we focused on low-income communities and low-income couples for that reason. In the course of doing this, a number of African-American senior career employees at the U.S. Department of Health and Human Services came to me and they asked if they could start an African-American Healthy Marriage Initiative. And I said sure, under one condition: you run it and I'm just going to give you wide latitude to manage that initiative as you think is important and relevant to your community. And they've been doing that now for about two-and-a-half years so it really was an outgrowth. And then following that, a senior career civil servant who happens to be Hispanic also came to me and wanted to start a Hispanic Healthy Marriage Initiative. And so what they have been doing is working within their communities to shape a healthy marriage initiative which both recognizes the uniqueness as well as the special challenges that are found in both of those communities.

MARGOT ADLER: Now, more and more people are cohabiting today and not getting married, and many don't even see having children as necessitating marriage, which was certainly a more common belief 20 years ago. Do you see this trend as problematic?

WADE HORN: Well, I don't think that government really should be involved in the individual decisionmaking about whether one chooses to cohabit or get married. And so while there are many demographers who look at the trend towards cohabitation and are concerned that cohabitation, for example, is a weaker family form, more likely to disrupt, and if children are involved, more frequent disruptions in children's homes are not good for them. But as a federal official, I don't think that it's the government's job to tell couples whether they should cohabit or get married.

MARGOT ADLER: As you look at this initiative, what do you hope to achieve?

WADE HORN: Well, at the end of the day, I'm a child psychologist, and I think at the end of the day the thing that we most hope to accomplish is to improve the well-being of children. There's just an enormous amount of research evidence that shows that children who grow up in a married household in which their marriage is functional, healthy and stable do much better than children who grow up in a married household where the marriage is unstable, unhealthy and dysfunctional. And so what we're trying to do is grow the number of kids in married households where their marriage is stable and healthy and to decrease the number of kids exposed to the other more dysfunctional type of married household. And we just believe that if we're able to do that we will ultimately benefit the children who are growing up in those circumstances.

MARGOT ADLER: Wade Horn is the assistant secretary for children and families with the U.S. Department of Health and Human Services. Thanks so much for coming on the show.

WADE HORN: It's my pleasure.

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MARGOT ADLER: We just heard about a government program that helps promote healthy marriages. But if you're an unmarried couple, there are some things you should know about how the law could help you or hurt you. Frederick Hertz is a lawyer from Oakland, California who practices real estate and non-traditional family law. He is the co-author of "Living Together: A Legal Guide for Unmarried Couples." I asked him if the profile of an unmarried couple has changed in the last 10 years.

FREDERICK HERTZ: Oh, so dramatically. As the editor of the Nola Press book, one of my pleasures is to go back and look at the books from 10 years ago. You know, no one talked about the business, the vacation house, the three kids, the inheritance. Fifteen years ago being unmarried generally meant you were either marginal--i.e. poor--or it was a prelude to marriage. And that when you had kids or got a house then you would get married. And what I now say, and the demographers have shown this, is that being unmarried is now considered an alternative to marriage as opposed to a prelude to marriage. And at least in the bay area and most major cities this is not a marginal crowd that we're talking about.

MARGOT ADLER: Have the laws changed to keep up with this change of fact?

FREDERICK HERTZ: Well, from a strictly technical point of view, no, the laws have not dramatically changed. What has changed is two things. One is where there were laws regarding unmarried couples in the big states--California, New York. You're now starting to have cases in Nebraska, Minnesota and other places. And also the judges are getting much more familiar with this. In fact, one of the things that happened--I had this experience just the other week-- where one of the judges said to me: You know, you folks should be in family court, which is where married people are. He said: Because these are relationship issues, these aren't business issues. And he said--and this was in a somewhat working class suburb of Oakland--and the judge was saying: My court house is filled with disputes between unmarried couples.

MARGOT ADLER: Now who are your clients? What kind of people?

FREDERICK HERTZ: Well, my clients tend to, I would say, fall into roughly three groups. A lot of them are lesbian and gay couples who cannot marry. Although in California now they can register as domestic partners. Then you will have the long-term unmarried couples who have bought a house, have bought lots of things, have kids and who were unmarried, I would say either out of principle or out of regrets from their past marriage. You know, they saw what happened and they said well, I'm never going to have this happen again. And they thought that meant they wouldn't be in the legal system. And then the third group is what I would call sort of the accidental unmarried. People who would really prefer to be married but maybe haven't finished their last divorce, maybe have an immigration problem, people who really want to be married and are sort of accidentally unmarried.

MARGOT ADLER: Now you strongly recommend to a cohabiting unmarried couple that they draw up a contract, to put it down on paper. Why is that so important?

FREDERICK HERTZ: Well, unlike married couples there is no default rule of sharing. The default rule for an unmarried couple is each takes what is in his or her own name and the other

gets nothing. So if you have been putting money into a house that you don't own, or if you have been taking care of kids while your significant other is wracking up stock options, if you don't have a written agreement, in many states you will have no rights. And even in the states like California where you can make a claim based on an oral agreement, what people often forget to remember is that being able to make a claim does not mean you're going to win your claim. And what I find is that in the absence of a written agreement, claims based on oral contracts almost never succeed.

MARGOT ADLER: So if you're unmarried and there's no written contract between you and your partner, is there any access to any of the legal benefits that married couples enjoy?

FREDERICK HERTZ: Well, you're asking a lawyer a technical question. I have to say, you can't get the benefits that married couples get, but you might be able to get some form of equivalent in some states. But let me give you a couple of examples to show you how hard this is. If you have given up your job, if you have worked in your girlfriend's company, if you have been renovating your girlfriend's house and you can really show that you gave up employment in a way that directly helped your partner-- Her house went up in value, her company went up in value--then it is quite possible that if you're willing to spend money on a lawyer you might win. That's a lot of ifs and mights and maybes. But if instead you could've been a lawyer but you chose to be an artist, or you could've been a school teacher and you went on leave, and you did a lot of gardening but it didn't really increase the value of the house--things that are more amorphous like that, even if you have the money and pay a lawyer you probably won't recover anything.

MARGOT ADLER: Now what happens if one partner dies?

FREDERICK HERTZ: It's the same problem. If there wasn't the equivalent of a written agreement, which is a will, then the surviving partner will inherit nothing.

MARGOT ADLER: Now can you give us some broad legal advice for an unmarried couple who plan to live together? What would you tell them?

FREDERICK HERTZ: Here's what I'd tell them overall: So, first of all, learn what the law is. There is a price that comes with the freedom of being unmarried, and one of those prices is having to learn what your situation is in your particular state. The second thing--and I try to give a positive spin on this--is that because there is a risk of breaking up, it is really a loving act to say while I love you, I'm going to plan a caretaking scheme, a safety net for you. And I want to commit to that safety net. And this is really--I'm talking now to the one who has the greater assets. I'm going to provide a safety net so that even if I'm angry at you later, I won't pull the rug out from under you. The third thing I tell people to do is to make sure that what's in their heart matches what's on paper. I would say one of the worst things that happens is a kind of casualness happens. Sometimes it's kind of a cowboy mentality of I don't care what the law says. So you go to buy a house and the mortgage broker says oh, you're unmarried. One of you has bad credit, one has good credit. If the one with bad credit stays off the loan I can get you a better loan. Lo and behold, one person is off the title. What I say to people is take out your deed, take out your bankbook, take out your credit card and see whose names are on them and see if that

matches what's in your heart. And then the last part is document what you've done. What I try to tell people is that this kind of caretaking does not cause you to break up. In fact, one of the things that I find where couples do this, both gay and straight, is they actually think about their future in a way that oftentimes causes them to be more connected. Because they actually do think about whose retirement money is it, whose house is it, and they find ways to take care of each other that I think strengthens the relationship.

MARGOT ADLER: Frederick Hertz is the co-author of "Living Together: A Legal Guide for Unmarried Couples." He's also an attorney in private practice in Oakland, California. Thanks for joining us.

FREDERICK HERTZ: Thanks so much for your interest.

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MARGOT ADLER: Bella DePaulo has been single for a long time, and she doesn't want you to take pity on her, either.

BELLA DEPAULO: On a beautiful summer evening at Baltimore's Inner Harbor, I stopped for dinner at an outdoor café. My server lingered a while each time she appeared, offering conversation along with the refills of my tea. I wondered: Did she think I was uncomfortable dining alone? In fact, I was feeling serene. I had spent a busy, boisterous day with three guys I adored, my brother and his two sons. They had already left. I wanted to stay and savor my solitude. I'm 52 and I've always been single. I love my single life. I do understand, though, why strangers so often assume that I am pining for a partner. Look at today's television series: The plotlines twist and turn until finally and predictably crescendo-ing at the alter. Marriage, these shows seem to suggest, is the highlight of life. The same theme continues during the commercials. It is not just the ads for photography and catering that features beaming brides. Cereal, cigarettes, ice cream, eye drops and more are all sold with scenes from a wedding. Even on C-Span there is no respite. Instead I hear political leaders so taken with the mythological power of marriage that they promote it as a cure for the nation's ills. In bookstores, shelves yawn under the weight and the tedium of all the mate-bait manuals. "I know you want to find someone," the books taunt as I walk past. "Buy me and I'll tell you how."

"Find someone"--what a curious phrase. I have siblings, a niece, nephews and friends whose hearts and lives have intertwined with mine for decades, and yet, in the common parlance, I don't have anyone. There's something odd about all this celebration of marriage. Think about the popular television programs from decades past: Mary Tyler Moore did not reach for a diamond ring in her series finale. And neither did the stars from MASH. Lucky for Lassie, that a wedding episode was not yet obligatory when she was a top-dog. Today she would be fitted with a matching bow and sash and marched down the aisle with Timmy and his bride. Matrimania is dancing on the American stage at a time when the place of marriage in our lives in many ways has never been so insubstantial. Americans now spend more years of their adult lives unmarried than married. Financial security, homeownership, respectable sex and responsible child-rearing are not just for married people anymore. Maybe marriage needs all the

myths and the movies and the government subsidies just to keep it propped up. I thought about that as I finished my dinner. Then I headed home and lived happily ever after.

MARGOT ADLER: Bella DePaulo is a visiting professor of psychology at the University of California at Santa Barbara. She is the author of "Singled Out: How Singles Are Stereotyped, Stigmatized and Ignored and Still Live Happily Ever After," which will be published by St. Martin's Press in November.

Do you think single people should have the same benefits as married people? Married or single, tell us what you think. You can share your thoughts on our website, [JusticeTalking.org](http://JusticeTalking.org). While there you can also listen to past shows or sign up to podcast our show.

Thanks for joining me. I hope you'll tune in next week. I'm Margot Adler.

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