

## **The Changing Face of Marriage**

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Across the industrialized world, young adults are marrying later and increasing numbers may not marry at all. With the decline of marriage has come a shift in its meaning. Traditional, “institutional” marriage based on fixed, gender-based roles has given way to marriage based on companionship or, more recently, personal fulfillment. Reflecting these trends, public opinion is now neutral or positive toward non-marital and same-sex relationships, with or without children; in 2015, 63% of surveyed Americans supported a constitutional right to same-sex marriage. But, in 2011, 39% said that marriage is becoming obsolete.

These complex trends pose important challenges for policy makers, and neither the experts nor the public has reached consensus on the right response. The result is highly divergent policies on marriage and cohabitation. In considering the relative merits of these approaches, policymakers must keep in mind that marital status has long served as the basis for a variety of legislative assumptions about relational expectations and equities. Increased family diversity presents the possibility that formal marriage no longer provides an accurate marker of expectations and equity. But before abandoning marriage as a classificatory tool, we need to be confident that another means of fairly classifying couples, across a wide range of obligations and entitlements, is available.

Marriage is also associated with personal and public benefits. Most significantly, marriage is, everywhere, more stable than cohabitation, and unstable relationships are associated with a serious risks to children. Of course, family policy must also take account of the fact that many couples will continue to live together and have children outside of marriage. Family law and policy should support autonomous relational choices; it must not discriminate against nontraditional families or ignore their needs and interests.

In sum, policy makers face a complex challenge. Family law and policy should accurately classify couples to ensure that relational expectations and equities are met, minimize risks to children, and support the full spectrum of children and their families. That is not an easy task.