

Michigan Journal of Gender & Law

Volume 10 | Issue 1

2003

Covenant Marriage Turns Five Years Old

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Recommended Citation

Steven L. Nock, Laura Sanchez, Julia C. Wilson & James D. Wright, *Covenant Marriage Turns Five Years Old*, 10 MICH. J. GENDER & L. 169 (2003).

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COVENANT MARRIAGE TURNS FIVE YEARS OLD

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*Julia C. Wilson****
*James D. Wright*****

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Covenant marriage legislation proposes that the individual and social problems caused by marital dissolution can be lessened by helping people take their marriage vows more seriously and by making divorce more difficult to obtain.¹ Currently, less than two percent of all newly contracted marriages in Louisiana are covenant marriages.² This study used the only existing data of newlywed covenant and standard couples married since passage of Louisiana's covenant marriage law in 1997 to analyze the social and demographic factors of covenant couples, the dynamics behind making the decision to have a covenant marriage rather than a standard marriage, and gendered differences in satisfaction with covenant marriage.

Part I of this article discusses public policy rationales behind covenant marriage legislation, describes relevant aspects of Louisiana's legislation, and summarizes the efforts of other states to enact covenant marriage legislation. Part II discusses methods of data collection and analysis and identifies the demographic characteristics of covenant married couples as opposed to standard married couples in Louisiana. Part III addresses the dynamics behind couples' choice to have a covenant versus standard marriage. Part IV is an analysis of couples' satisfaction with their marriage option and the gendered dynamics of different levels of satisfaction with the marital choice.

I. THE TERMS OF COVENANT MARRIAGE

Louisiana's covenant marriage statute sets stricter criteria for forming or dissolving a legal marriage.³ Couples wishing to enter a covenant

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1. See LA. REV. STAT. ANN. § 9:273(A)(2)(a)(West 2000) (concerning mandatory premarital counseling); LA. REV. STAT. ANN. § 9:273(A)(1) (concerning the required Declaration of Intent that if problems arise in the marriage, spouses will "take all reasonable efforts to preserve [the] marriage, including marriage counseling"); LA. REV. STAT. ANN. § 9:307(A)-(B)(West 2000) and LA. REV. STAT. ANN. § 9:307(A)(5) (concerning the limited grounds for divorce).
 2. This figure is our best estimate based on tabulated information provided by the State Registrar of Vital Statistics through personal communications with the senior investigators. Our research assistant, Jessica Pardee, obtained annual figures from the state Registrar. The two percent figure refers to new marriages, and does not include those who convert from a standard to a covenant marriage. While this percentage is quite small, no previous research has examined whether there is a latent population demand for covenant marriage.
 3. See Katherine Shaw Spaht, *Louisiana's Covenant Marriage: Social Analysis and Legal Implications*, 59 LA. L. REV. 74 (1998) (concerning the distinguishing legal features of covenant marriage).

marriage in Louisiana (whether currently unmarried, or married wishing to change from a standard to a covenant marriage) must participate in premarital counseling with a state-recognized secular or religious counselor.⁴ The counseling covers the seriousness of marriage, the intention of the couple that their marriage be lifelong, the agreement that partners will seek marital counseling in times of marital difficulties, and the restricted grounds for divorce.⁵ To attest to the acknowledgement of the stricter criteria, the couple must present two documents to the clerk of court. First, the couple must present a notarized affidavit (signed by the couple and the counselor) attesting that the required counseling occurred. Second, the couple must also present a *Declaration of Intent* affirming that marriage is for life, that each partner has disclosed everything that could adversely affect the decision to marry, that premarital counseling was received, and the agreement to take all reasonable efforts to preserve the marriage, including marital counseling.⁶

4. See LA. REV. STAT. ANN. § 9:273(A)(2)(a).

5. *Id.*

6. *Id.* § 273(A)–(B). The *Declaration of Intent* states:

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter this marriage. We have received premarital counseling on the nature, purposes, and responsibilities of marriage. We have read the Covenant Marriage Act, and we understand that a Covenant Marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling. With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Louisiana law on Covenant Marriages and we promise to love, honor, and care for one another as husband and wife for the rest of our lives.

Id. § 273(A)(1).

The suggested covenant marriage affidavit states:

Before me, the undersigned Notary Public, personally came and appeared: (insert names of prospective spouses) who after being duly sworn by me, Notary, deposed and stated that: Affiants acknowledge that they have received premarital counseling from a priest, minister, rabbi, clerk of the Religious Society of Friends, any clergyman of any religious sect, or a professional marriage counselor, which marriage counseling included: A discussion of the seriousness of Covenant Marriage; communication of the fact that a Covenant Marriage is a commitment for life; the obligation of a covenant marriage to take reasonable efforts to preserve the marriage if marital difficulties arise, and . . . the exclusive grounds for legally terminating a Covenant Marriage

Id. § 273.1(B).

Covenant marriage establishes limited grounds for divorce. Divorce may be granted for the traditional marital faults including infidelity, physical or sexual abuse of a spouse or child, a felony life or death-penalty conviction, or abandonment of at least one year.⁷ A no-fault provision for divorce permits termination after a two-year waiting period of living separate and apart (no-fault divorce in a standard marriage requires six months).⁸

Several factors are responsible for the growing interest in pro-marriage, anti-divorce state policies. First, though the causal direction and specific reasons are not fully understood, marriage and divorce are related to income and poverty rates. Generally speaking, high marriage rates are associated with higher family incomes.⁹ Likewise, high divorce rates are associated with higher poverty rates.¹⁰ Thus, state legislators are increasingly likely to see marriage and divorce as correlated with the fiscal health of their states. Second, the promotion of marriage and the

7. LA. REV. STAT. ANN. § 9:307(A)(West 2000).

8. *Id.* § 307(A)(5).

9. See Kermit Daniel, *The Marriage Premium*, in *THE NEW ECONOMICS OF HUMAN BEHAVIOR* 113–25 (Mariano Tommasi & Kathryn Ierulli eds., 1995); Lingxin Hao, *Family Structure, Private Transfers, and the Economic Well-Being of Families with Children* 75 *SOCIAL FORCES* 269 (1995) (describing the effects of marriage on asset accumulation); Sanders Korenman & David Neumark, *Does Marriage Really Make Men More Productive?*, 26 *J. HUM. RESOURCES* 282 (1991) (describing “marital pay premiums” for white males); JOSEPH LUPTON & JAMES P. SMITH, *Marriage, Assets, and Savings*, in *MARRIAGE AND THE ECONOMY* (Shoshana Grossbard-Schectman ed., 2002); Robert F. Schoeni, *Marital Status and Earnings in Developed Countries*, 8 *J. POPULATION ECON.* 351 (1995) (describing increased income for married men).

10. See LYNNE M. CASPER & SUZANNE M. BIANCHI, *CONTINUITY AND CHANGE IN THE AMERICAN FAMILY* 111–12 (2002) (describing historical trends in the relationship of household structure and poverty); SARA S. McLANAHAN & GARY SANDEFUR, *GROWING UP WITH A SINGLE PARENT: WHAT HURTS? WHAT HELPS?* 134 (1994); DAPHNE G. SPAIN & SUZANNE M. BIANCHI, *BALANCING ACT: MOTHERHOOD, MARRIAGE, AND EMPLOYMENT AMONG AMERICAN WOMEN* 186–87 (1996) (describing poverty and single-mother households generally); Suzanne M. Bianchi et al., *The Gender Gap in the Economic Well-Being of Nonresident Fathers and Custodial Mothers*, 36 *DEMOGRAPHY* 195, 197–98 (1999); R.V. Burkhauser et al., *Wife or Frau, Women do Worse: A Comparison of Men and Women in the United States and Germany After Marital Dissolution*, 28 *DEMOGRAPHY* 353 (1991); R.V. Burkhauser et al., *Economic Burden of Marital Disruptions: A Comparison of the United States and the Federal Republic of Germany*, 36 *REV. INC. & WEALTH* 319 (1990) (showing the effect of family disruption on women’s chances of becoming poor); David J. Eggebeen & Daniel T. Lichter, *Race, Family Structure, and Changing Poverty among American Children*, 56 *AM. SOC. REV.* 801 (1991) (describing the poverty of children); Pamela J. Smock et al., *The Effect of Divorce on Women’s Economic Well-Being*, 64 *AM. SOC. REV.* 794 (1994) (discussing the relationship between divorce and female economic well-being).

reduction of unmarried births are explicit goals for each state in the federal welfare reform legislation of 1996.¹¹

Based on interviews with key players in Louisiana's passage of the 1997 legislation¹² and newspaper accounts, two principal aims of Louisiana's covenant marriage statute emerge. First, covenant marriage is accompanied by an array of symbolic and political goals, demonstrating an urge to "do something" to challenge what has been called the "Divorce Culture"¹³ and to return marriage to a privileged status in society.¹⁴ Louisiana legislators wanted to have an impact on how marriage, divorce, family, and related concepts are thought about and publicly discussed, a goal shared by legislators in other states now trying various methods to reconsider several notions of fault in marital dissolution.¹⁵

Second, and perhaps more substantively, the law intends that couples ask questions of themselves and their intended spouses about the nature and depth of their commitment to the relationship.¹⁶ Only in states with covenant marriage must marrying couples decide which system of laws will govern their marriages. By requiring couples to decide between covenant and standard marriages, the law mandates discussion of, and even introduces an element of negotiation about, the terms of the marriage relationship. At a minimum, this mechanism would seem to require couples to contemplate and discuss their own chances for divorce and to express their understandings about the meaning of marriage, fidelity, and commitment. The transparent intent of the law is to make marriage a more enduring commitment (indeed, a life-long commitment) by promoting a more sober consideration of the

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11. H.R. 3734, 104th Cong. (1996). *See also* statement of President Bush at <http://www.whitehouse.gov/infocus/welfarereform> (concerning reauthorization of the 1996 legislation) (last visited April 20, 2002).
 12. Interview by Steven L. Nock with Representative Anthony Perkins, State Representative for 64th District (co-sponsor of the initial covenant marriage legislation in 1996) (May, 1998). Interviews by Steven L. Nock with Catherine S. Spaht (1998) (author of the legislation over the course of the past four years, member of our advisory board on the research project). Interviews by graduate student research assistants with fifty-six court clerks and seventy-three clergy members (1999) (same clerks were re-interviewed in spring of 2001). All interviews have been conducted with structured questionnaires and transcriptions on file in the offices of Marriage Matters at the University of Virginia.
 13. BARBARA DAFOE WHITEHEAD, *THE DIVORCE CULTURE* (1997).
 14. *See* Spaht, *supra* note 3, at 71-72.
 15. *See* Mary Parke & Theodora Ooms, *More Than a Dating Service? State activities designed to strengthen and promote marriage*, Center for Law and Social Policy, Policy Brief, Couples and Marriage Series (2000), *available at* www.clasp.org (reviewing such efforts throughout the U.S.) (last visited Sept. 18, 2003).
 16. *See* Spaht, *supra* note 3, at 85.

understandings and obligations that marriage entails; however, the law also anticipates direct effects on the health of marriages from certain counseling and affidavit requirements and the restricted grounds for marital dissolution under the covenant regime.¹⁷

Covenant marriage is the clearest example yet of a developing trend in the United States that considers the benefits of marriage and costs of divorce from new perspectives. A stable two-parent family long has been the goal of much public policy and law, and policymakers increasingly view promoting marriage and discouraging divorce as legitimate public policy objectives.¹⁸ Likewise, academics are now engaging in diverse debates about the meanings of contemporary marriage and family life and shifts in family law.¹⁹ The poles of the debate range from the view that marriage is a failing or dying institution²⁰ to the view that the United States and other Western nations are simply facing family reorganization in response to new economic, technological, and cultural realities.²¹

Whether dying or simply adapting to the times, the institution of marriage faces many challenges, such as increases in cohabitation, high rates of divorce, high rates of unmarried births, and lower marriage rates.²² Covenant marriage is part of a larger effort to alter these recent

17. See LA. REV. STAT. ANN. § 9:273(A)(1)(West 2000) (concerning the required Declaration of Intent that if problems arise in the marriage, spouses will take all reasonable efforts to preserve the marriage, including marriage counseling); LA. REV. STAT. ANN. §§ 9:307(A)–(B)(West 2000) (concerning the limited grounds for divorce, misconduct by a spouse or two years living separate and apart).
18. Karen Bogenschneider, *Has Family Policy Come of Age? A Decade Review of the State of U.S. Family Policy in the 1990s*, 62 J. MARRIAGE & FAM. 1136, 1147–48 (2000) (reviewing and discussing federal and state efforts in regards to families and households). See also Parke & Ooms, *supra* note 15.
19. See, e.g., MARGARET F. BRINIG, *FROM CONTRACT TO COVENANT: BEYOND THE LAW AND ECONOMICS OF THE FAMILY* (2000); LINDA J. WAITE & MAGGIE GALLAGHER, *THE CASE FOR MARRIAGE: WHY MARRIED PEOPLE ARE HAPPIER, HEALTHIER, AND BETTER OFF FINANCIALLY* (2000); Scott Coltrane, *Marketing the Marriage 'Solution': Misplaced Simplicity in the Politics of Fatherhood*, 44 SOC. PERSP. 387 (2001); Elizabeth S. Scott & Robert E. Scott, *Marriage as a Relational Contract*, 84 VA. L. REV. 1225 (1998).
20. See, e.g., George Gilder, *The Myth of the Role Revolution*, in GENDER SANITY 239–41 (Nicholas Davidson ed., 1989); David Popenoe, *American Family Decline 1960–1990: A Review and Appraisal*, 55 J. MARRIAGE & FAM. 527, 534 (1993).
21. See, e.g., FRANCES K. GOLDSCHIEDER & LINDA J. WAITE, *NEW FAMILIES, NO FAMILIES? THE TRANSFORMATION OF THE AMERICAN HOME 1–6* (1991); JUDITH STACEY, *IN THE NAME OF THE FAMILY: RETHINKING FAMILY VALUES IN THE POSTMODERN AGE 6–11* (1996); Judith Stacey, *Good Riddance to 'the Family': A Response to David Popenoe*, 55 J. MARRIAGE & FAM. 545, 545–47 (1993).
22. Larry L. Bumpass, *What's Happened to the Family?*, 27 DEMOGRAPHY 483, 486–88 (1990); Sara McLanahan & Lynne Casper, *Growing Diversity and Inequality in the*

trends. Proponents feel that no-fault divorce has harmed the institution of marriage by weakening cultural adherence to vows and fueling the irresponsible unilateral dissolution of families.²³

Recent social science literature has actively addressed whether divorce and single parenting have negative consequences for children.²⁴ This research, coupled with a new sense of popular concern about the state of the family, prompted an ideologically diverse group of scholars, public intellectuals, and politicians to come together on behalf of marriage.²⁵ Since 1995, at least four national organizations—the Alliance for Marriage, the Coalition for Marriage, Family, and Couples Education, the Marriage Savers, and the National Marriage Project—have been launched to advance the cause of marriage.²⁶

Since the mid-1990s, a number of states have enacted “pro-marriage” programs. The range of state efforts is impressive, including incentives for marriage in TANF (“Temporary Assistance to Needy Families”) in Alabama, Mississippi, and Oklahoma, where a new spouse’s income is disregarded for three to six months in determining eligibility for welfare benefits.²⁷ Governors in Oklahoma, Utah, and

American Family, in 2 STATE OF THE UNION: AMERICA IN THE 1990s 7 (Reynolds Farley ed., 1995).

23. See Joe Loconte, *I’ll Stand Bayou*, 89 POL’Y REV.: J. AM. CITIZENSHIP 30 (1998); Spaht, *supra* note 3.
24. PAUL R. AMATO & ALAN BOOTH, A GENERATION AT RISK: GROWING UP IN AN ERA OF FAMILY UPHEAVAL (1997); SARA S. McLANAHAN & GARY SANDEFUR, GROWING UP WITH A SINGLE PARENT: WHAT HURTS? WHAT HELPS? (1994); see also MAAVIS E. HETHERINGTON & JOHN KELLY, FOR BETTER OR FOR WORSE: DIVORCE RECONSIDERED (2002) (arguing for a less pessimistic view of divorce).
25. INST. FOR AM. VALUES, THE MARRIAGE MOVEMENT: A STATEMENT OF PRINCIPLES (2000). See generally DON BROWNING ET AL., FROM CULTURE WARS TO COMMON GROUND: RELIGION AND THE AMERICAN FAMILY DEBATE, 29–49 (1997) (discussing the beliefs of leaders in the marriage movement). See also Clem Brooks, *Religious Influence and the Politics of Family Decline Concern: Trends, Sources, and U.S. Political Behavior*, 67 AM. SOC. REV. 191 (2002) (demonstrating that popular concern over family decline is related to frequent church attendance by conservative Protestants).
26. W. BRADFORD WILCOX, SACRED VOWS, PUBLIC PURPOSES: RELIGION, THE MARRIAGE MOVEMENT, AND MARRIAGE POLICY 6 (Pew Forum on Religion & Public Life, Report, 2002).
27. National Conference of State Legislatures, STATE TRENDS IN MARRIAGE AND DIVORCE LEGISLATION, at <http://www.ncsl.org/programs/cyfl/marriagefact.htm> (last visited Sept. 18, 2003). See also Parke & Ooms, *supra* note 15 (providing national summary of such efforts); Coalition for Marriage, Family, and Couples Education, SMART MARRIAGE, at <http://www.smartmarriages.com/legislation.html#covenants> (last visited April 4, 2003); John Crouch, DIVORCE REFORM, at <http://patriot.net/~crouch/divorce.html#anchor9748539> (summarizing proposed and pending state legislation); National Organization for Women Legal Defense and Education Fund,

Washington have committed TANF funds to programs promoting marriage and reducing divorce.²⁸ Arizona, Florida, and Tennessee have launched educational programs to inform citizens about the benefits of marriage.²⁹ Fourteen states either require classes or permit a court order for such classes before a divorce may be granted.³⁰ Following Louisiana's lead, covenant marriage laws have been passed in Arizona and Arkansas.³¹

In 1999, then-Governor of Oklahoma, Frank Keating, launched the nation's largest marriage initiative (supported with \$10 million of unspent TANF funds) in an attempt to cut the state's high divorce and out-of-wedlock birth rates.³² According to Governor Keating's Secretary of Health and Human Services, the Governor was motivated to promote marriage after receiving a 1998 report on the health of the Oklahoma economy, showing that one reason the state's economy was flagging was that high rates of family breakdown in the state were driving many Oklahomans into poverty.³³

II. DATA: METHODS

The original data collected under this project are from the first of three surveys in a five-year longitudinal study of newlywed couples that married in Louisiana in 1999–2000. The first survey was completed in the first six months of marriage.³⁴ The sample selection criteria consisted of two steps. First, seventeen out of sixty parishes were selected randomly and proportionate to size. Second, from these seventeen parishes, all covenant marriage licenses and the matched standard

STATE MARRIAGE INITIATIVE, at <http://www.welfareengine.org/marriage.htm> (last visited April 4, 2003).

28. *See supra* note 27.

29. *Id.*

30. *Id.*

31. *Id.*

32. Oklahoma Marriage Initiative, at <http://www.okmarriage.org/> (last visited April 20, 2003).

33. *See* TANF REAUTHORIZATION: BUILDING STRONGER FAMILIES: HEARING BEFORE THE SENATE FINANCE COMMITTEE 107th Congress (May 16, 2002) (testimony of Howard Hendrick, State of Oklahoma Secretary of Health and Human Services), available at <http://finance.senate.gov/hearings/testimony/051602hhstest.pdf>.

34. This project is supported with two grants from the National Science Foundation (1998 and 1999), IMPACT OF THE COVENANT MARRIAGE LAW ON FAMILIES (SBR-9803736) and IS COVENANT MARRIAGE A SOLUTION TO THE AMERICAN DIVORCE PROBLEM? (SES-9819156), and one grant from a private foundation (unnamed).

marriage licenses filed next to the covenant licenses were drawn. From this sample of marriage licenses, we used listed information (names, addresses, witnesses, etc.) to locate the couple and recruit them by telephone into the five-year study. Every participant was promised a modest incentive (\$10) for each questionnaire completed (thirty to thirty-five pages, depending on year of administration).

Of the 1,714 licenses that were validly part of our sampling frame, we eventually confirmed 1,310 couples for a confirmation rate of 76.4%. Our response rate for the mail survey is 55%. For this study, we use a sample in which both partners completed questionnaires and both partners agree about whether they are in a covenant or standard marriage. Our effective sample is 536 couples (1,072 respondents), with 241 covenant married couples and 295 standard married couples.

The average ages of covenant husbands and wives are thirty and twenty-eight respectively, and those of standard husbands and wives are thirty-three and thirty. The difference in age is statistically significant. The racial/ethnic composition of our covenant married sample is 9.5% where both spouses are black, 80.1% where both are white, and 10.4% where spouses are of other racial/ethnic combinations. For our standard married sample, 12.9% spouses are both black, 74.9% are both white, and 12.2% are other racial/ethnic combinations. The difference in racial composition between the covenant and standard married couples is not significant.

III. ECONOMIC AND FAMILIAL DEMOGRAPHIC INDICATORS

A. Human Capital

Covenant married wives and husbands have significantly higher educational attainment than standard married couples. The majority of covenant wives and husbands have at least a college degree, and in one out of four covenant couples, both have a college degree. For standard married couples, one out of five couples have a college degree. Standard married wives and husbands are three times more likely to have less than a high school degree than covenant married wives and husbands.

Covenant married and standard married couples have similar levels of income, full-time employment, and hours worked last week, though some evidence indicates that standard wives earn more than covenant wives. Covenant married husbands had significantly greater attachment to the labor force in the year before the marriage than standard married

husbands, and expect significantly greater attachment in the coming year. The differences suggest that covenant married husbands worked about a month per year longer than standard husbands in the past and expect to work that much longer than standard husbands in the future.

B. Family Capital

About 25–30% of wives and husbands experienced a divorce before their current marriage, with no significant differences by marriage option choice. However, we find significant differences in cohabitation histories. Standard married couples have far more extensive cohabitation experiences than do covenant married couples. Whereas 27% of covenant married couples cohabited prior to the marriage, the majority (63.7%) of standard married couples cohabited. Standard married spouses are also twice as likely as covenant married spouses to have cohabited with an ex-spouse or with someone they never married. The majority of covenant husbands and wives never cohabited, while only a much smaller proportion of standard wives and husbands never cohabited (approximately 60% and 27%, respectively).

Similarly, the parenthood histories of these newlyweds differ greatly. Standard married couples are three times more likely to have biological children together than covenant married couples (16% and 5%, respectively). Standard married wives and husbands are also significantly more likely to have children from previous relationships than are covenant married wives and husbands (about 32% compared to 20%). The likelihood of having any of the husband's children from a previous relationship living with the couple is not significantly different for covenant and standard marriages. However, standard married couples are significantly more likely to have children living with them from the wife's previous relationship than are covenant married couples.

While there are no significant differences in the likelihood of being currently pregnant or in the final stages of adoption, standard married couples are significantly more likely to be trying for a pregnancy or adoption than are covenant married couples. Finally, 42% of standard marriages have children in the household in the early months of their marriage, compared to 24% of covenant marriages. Moreover, standard marriages are almost four times more likely than covenant marriages to have children under age five living in the household, 22.3% and 6.7%, respectively.

C. Religious Affiliation and Religiosity

These religion indicators show the most dramatic differences between covenant and standard married spouses. Standard married couples are significantly more likely to be Catholic, while covenant married spouses are significantly more likely to be Baptist or Protestant. Approximately 30% of standard spouses are Catholic compared to 6–9% of covenant spouses. Half the covenant spouses are Baptist, as opposed to one-third of standard married spouses.

Couples also differ greatly in religiosity and intensity of participation in religious activities. This difference appears even in how the couples met. Approximately 20% of covenant couples said that they first met each other in church, as compared to 6% of standard couples. Compared to standard married couples, covenant married couples are uniformly more likely to attend religious services, always attend together, pray frequently, perceive themselves as religious fundamentalists, perceive religious faith as of key importance, and perceive the necessity of a mutual faith. Within marriage option choice, we find that wives are significantly more religious than husbands.

D. Social and Political Attitude Indices

We measured the spouses' attitudes toward the value of children, marriage, and gender attitudes with six separate scales that measured each spouse's thoughts regarding: the financial costs of children, the worries of childrearing, prestige in childrearing, the duty to bear children, the centrality of marriage in life, and traditional gender roles. We found no significant differences between covenant married and standard married couples, in attitudes about the financial costs of children. Second, husbands do not differ in their views on the worries of childrearing, but standard married wives are significantly more likely to have greater worries about childrearing than covenant married wives. Third, covenant married husbands are significantly more likely than standard married husbands to perceive prestige in childrearing. Fourth, covenant married wives and husbands are significantly more likely than standard married wives and husbands to perceive childbearing as a social duty and marriage as central to a good life. Fifth, covenant married wives and husbands are significantly more traditional in gender role attitudes than standard married wives and husbands.

Covenant spouses are more likely to agree on all these domains. However, covenant married husbands are significantly more likely than wives to perceive marriage as central to a good life. There are greater gender gaps in attitudes in standard marriages. Among standard married couples, wives are more egalitarian than husbands, and less likely to perceive childbearing as a duty and marriage as central to a good life.

The patterns indicate that covenant husbands and wives have more positive views about children. As compared to their husbands or to covenant couples, standard wives are the most distinct group. They rate the worries of childrearing the highest, rank the highest in egalitarian gender attitudes, and are the least likely to perceive childbearing and marriage as central key duties or functions of life.

IV. DYNAMICS OF MARRIAGE OPTION CHOICE

A. Premarital Discussions about Having a Covenant Marriage

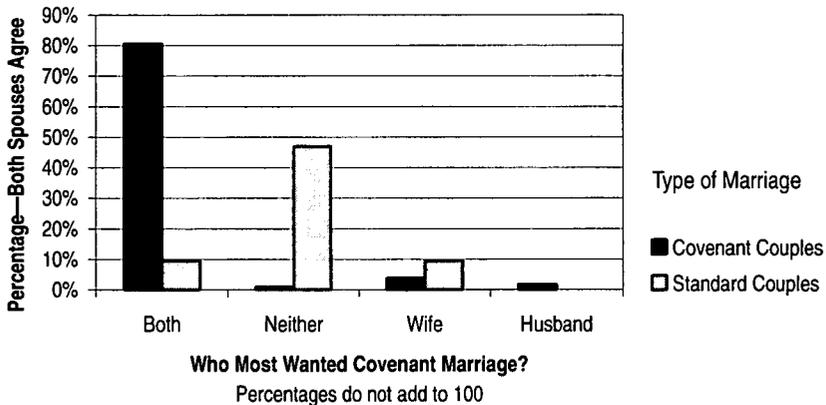
We found strong evidence of differences in negotiations over the covenant marriage option between covenant and standard couples. Fully 99.6% of covenant couples discussed covenant marriage prior to marriage, as opposed to only 15.7% of standard married couples. Among those who discussed the covenant marriage option, three-fourths of covenant married couples, and only one-quarter to one-third of standard married couples report that the discussions were lengthy. Very few couples report that discussions about covenant marriage were a source of conflict, but covenant and standard couples differ greatly in perceptions of the helpfulness of these discussions. Sixty-two percent of covenant husbands and 70% of covenant wives perceive premarital discussions about the possibility of having a covenant marriage as very helpful, with only 17% of standard husbands and wives reporting their covenant marriage discussions as very helpful.

The vast majority of covenant husbands and wives, approximately 88% of both wives and husbands, say that they both wanted the option. Among couples in which one partner wanted the option more, both husbands and wives reported that the wife more strongly favored the covenant option. However, the difference is quite small, and the total percentage of spouses reporting that one partner favored the option more than the other is also quite small. Among standard couples who

discussed covenant marriage, approximately 60% of wives and husbands report that neither wanted covenant marriage.

However, two findings indicate a latent, gendered demand for covenant marriage among standard couples. Approximately 15% of standard spouses report that they wanted a covenant marriage, and in 10% of couples, *both* spouses report that they wanted a covenant marriage. As was true among covenant couples, in cases where one partner wanted the option more, both wives and husbands indicate that the wife was much more likely to want the option. Twenty percent of husbands reported that the wife wanted a covenant marriage more than the husband, with no husbands reporting that they wanted the option more than their wife. Similarly, 20% of wives report that they wanted a covenant marriage more than their husband. In 10% of standard couples both spouses report that they wanted the covenant marriage option, and in another 10% both report that the wife wanted a covenant marriage. Thus, among standard couples that discussed the covenant marriage possibility, but then chose standard marriage, as many as 20% indicated that one or both preferred a covenant marriage.

FIGURE I
DESIRE TO HAVE COVENANT MARRIAGE

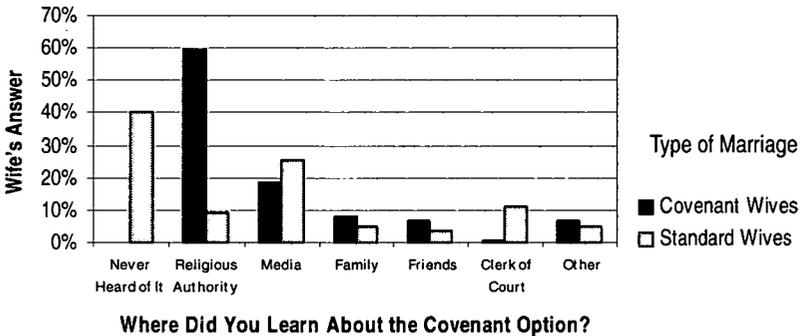


B. Source of Knowledge about Covenant Marriage

We found great differences between covenant and standard married couples in how they learned about the option. First, the majority of covenant spouses learned about it from a religious authority. In 45% of covenant couples, both the wife and husband report a religious context as their first introduction to covenant marriage, as opposed to only 3% of standard couples.

In contrast, 40% of standard wives and 50% of standard husbands report never having heard about covenant marriage until reading about the option in our mail questionnaire. Among those who report knowledge of the option, most had first learned about it from the media. Standard married spouses were far more likely than covenant spouses to report that they first heard about the option when they applied for their marriage license at the clerk of court office. Eleven percent of standard but virtually no (0.8%) covenant wives first learned about covenant marriage while applying for marriage licenses.³⁵

FIGURE 2
HOW LEARNED ABOUT COVENANT MARRIAGE



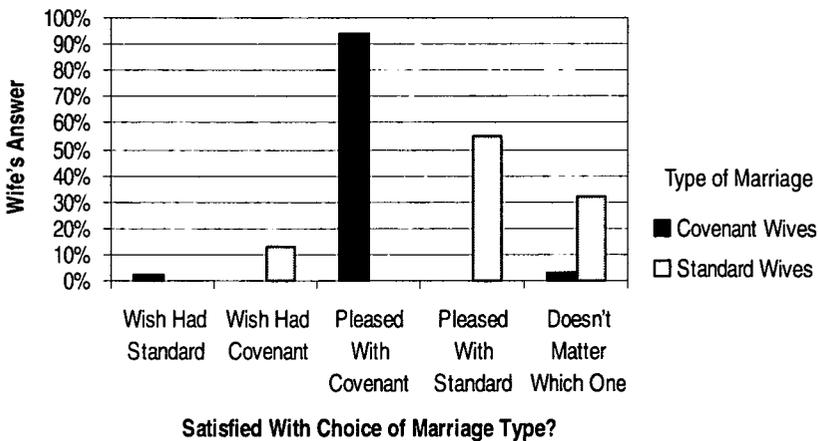
35. The clerk of court office is probably the last place one would obtain such information given the time involved in complying with requirements for a covenant marriage.

C. Satisfaction with Final Marriage Option Choice

The majority of both covenant and standard wives and husbands report satisfaction with their choice, though the patterns show major differences between covenant and standard marriages. The choice of a covenant marriage is clearly more significant to individuals than is the choice of a standard marriage. Among covenants, 94% of wives and 91% of husbands report that they are pleased that their marriage is a covenant, in contrast to 55% of standard wives and husbands who report that they are pleased that their marriage is standard. One-third of standard wives and husbands report that “it really doesn’t matter to me what kind of marriage I have.” Among covenant spouses, the percentage that report that the option choice does not matter is significantly smaller. Only 3% of covenant wives report that it doesn’t matter, 9% of husbands.

We find significant differences between covenant and standard spouses in reports of spousal agreement. In approximately 90% of covenant marriages, both spouses report that they are pleased the marriage is covenant. In contrast, only 35% of standard marriages have spouses who mutually agree that they are pleased that the union is standard.

FIGURE 3
HOW WIVES VIEW MARRIAGE CHOICE

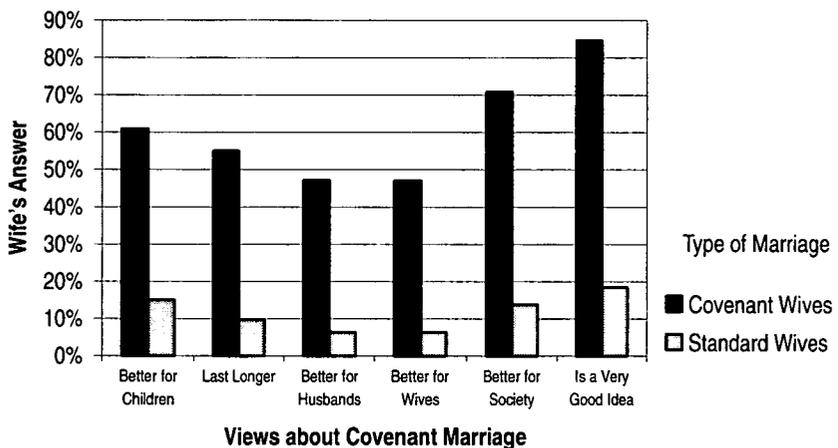


*D. Attitudes about and Approval of Covenant Marriage*³⁶

We found significant differences between covenant and standard couples. The majority of covenant wives (85%) and husbands (79%) report that covenant marriage is a very good idea. Among standard couples, 18% of wives and 16% of husbands report that the option is very good.

Compared to standard spouses, covenant spouses are far more likely to strongly agree that covenant marriage is better for children, husbands, wives and society, and will last longer than standard marriage. Approximately 50% to 60% of covenant spouses strongly agree, as opposed to only 6% to 15% of standard spouses.

FIGURE 4
VIEWS ABOUT COVENANT MARRIAGE



36. The questionnaire included a brief written description explaining the provisions of the law.

V. INDICATORS OF MARRIAGE READINESS AND PREPAREDNESS

A. Partners' Preparations for Marriage and Social Support for the Marriage

We asked about the couple's experience of premarital counseling with several indicators. We also asked whether the partners perceived this counseling as helpful. For premarital discussions, spouses reported whether they had discussed a long list of topics "a lot" in the months leading up to their marriage (e.g., your political views, your religious beliefs, your plans or desires for children, etc.). We measure spouses' perceived support for their marriage with summed additive scales of whether the husband and wife felt that each of eight peers and relatives gave strong approval when the marriage was first announced and at the time the questionnaire was completed.

For preparatory discussions during courtship, we find that covenant and standard married couples are similarly likely to discuss a range of topics, like their political views, financial circumstances, previous relationships, future dreams, preferences about leisure, feelings about friends, and the chances or possibility of divorce. However, covenant married spouses were significantly more likely to discuss religious beliefs, plans for children, and whether marriage is a lifetime agreement. Covenant married husbands' mean number of discussed topics is significantly higher than that for standard married husbands.

The most striking finding is that virtually all (99%) covenant couples engaged in premarital counseling, compared to 46% of standard married couples. Among those who undertook counseling, covenant married couples are significantly more likely than standard couples to have both spouses report that they discussed all of the listed topics—communication, conflict resolution tactics, covenant marriage, grounds for divorce, marriage as a lifetime commitment, religious beliefs, and raising children. Further, among those with premarital counseling, covenant married couples are more than twice as likely to perceive that the counseling was beneficial than are standard married couples, 47% and 22% respectively.³⁷ Lastly, covenant married couples perceive significantly greater initial support from their peer and family networks

37. Future analysis will investigate whether premarital counseling produces more stable marriages. This will require that all known premarital differences between covenant and standard couples first be controlled to see if differences in divorce rates persist.

when they first announced their engagement and greater current support for their marriage than standard married couples.

B. Marriage Communication Skills

We measured the husband's and wife's communication skills with items assessing how they manage disagreements and conflicts in their marriage. We focused especially on dimensions of communication associated strongly with marital instability and divorce, such as communication strategies that cause extreme distress.³⁸

We find few differences in ways of handling conflict between covenant and standard married couples. They are similarly likely to withdraw, get tense or anxious, take the partner's point of view, feel unloved, seek the middle ground, or want to kiss and makeup. However, standard married couples are more likely to report that they react with violence and that they perceive their partner as sarcastic and hostile.

CONCLUSION

Those who elect covenant marriage differ from other newlyweds in five ways. First, the dynamics of how couples discovered and selected their marriage option indicates that covenant spouses have a far different trajectory toward marriage than standard spouses.

The covenant marriage option is meaningful to these couples not only as a personal vow to each other, but also as a public statement of their beliefs about what marriage as an institution entails. Our findings show that covenant married couples mostly learned about the option from a religious authority, that the vast majority are pleased with their choice, that practically none wished for a standard marriage or felt that the difference between the two options does not matter. Not surprisingly, covenant couples are far more likely to believe that covenant marriage is better for society.

Second, people who choose covenant marriage are much less likely to have cohabited, or to have children with someone other than their

38. See, e.g., JOHN MORDECAI GOTTMAN, *WHAT PREDICTS DIVORCE? THE RELATIONSHIP BETWEEN MARITAL PROCESSES AND MARITAL OUTCOMES* (1994). See also John M. Gottman et al., *Predicting Marital Happiness and Stability from Newlywed Interactions*, 60 J. MARRIAGE & FAM. 5 (1998).

current marriage partner. Not only does this indicate that they bring far fewer demands from previous relationships to their marriages, it suggests that they really are standing outside of some of the more common relationship and family trends noted over the past few decades.³⁹

Third, people who choose covenant marriage have different beliefs than those who select standard marriage. They are better educated and also hold more traditional attitudes. They believe they have a responsibility to marry and have children. They are more religious in both faith and practice than standard married couples, and more likely to agree with one another about their religious beliefs and practices.

Fourth, covenant spouses are less likely to respond to conflict with sarcasm or hostility. Moreover, compared to standard married couples, covenant married couples, whether as a function of the covenant marriage licensing requirements or their own motivation, are far more likely to take premarital classes and address a greater number and broader range of issues in those classes, and are more likely to feel that they benefit from those classes.

Finally, covenant spouses enjoy greater support and approval from friends and relatives before getting married, and also six months after their wedding.

Covenant marriage clearly appeals to a distinct group who differ from the "average" person approaching marriage. It is more attractive to women than men. Significant numbers of individuals, especially wives, who either did not know about, or decided against covenant marriage now report that they preferred the option. The behaviors, beliefs, and strategies for dealing with conflict found among covenant couples are likely, in our opinion, to produce more stable marriages regardless of the legal regime. Such a possibility indicates that the existence of covenant marriage, per se, may be primarily symbolic in the long run. Still, it is possible that the greater and lengthier preparation for marriage, or the enhanced support and approval from friends and relatives found among covenant couples may be a result of the decision to enter a covenant marriage. Covenant marriages are rare and probably attract more attention. The deliberations leading to the choice of a covenant marriage may have salutatory consequences. If so, then the law may be found to exert some influence on the small number of people who opt for covenant marriages. Even if it does, the aggregate effect on divorce or abuse rates (for the state) will be quite small unless the option becomes significantly more popular.

39. See Bumpass, *supra* note 22 (surveying trends in family structures); McLanahan & Caspar, *supra* note 22 (describing growing diversity in American family structure).

As we noted in our introductory comments, proponents of covenant marriage in Louisiana wanted to change the terms of public discourse about marriage and divorce. They also wanted to have an impact on how marriage, divorce, family and related concepts are thought about and publicly discussed. The enormous attention given to covenant marriage by legal scholars, the media, clergy and ordinary citizens is evidence of modest success in these objectives. In the end, we suspect this will be the most significant legacy of this social experiment. ❀