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Same-sex marriage: Civil right or civil wrong?

Vice is a monster of so frightful mien, as to be hated needs but to be seen; Yet seen too oft, familiar with her face, we first endure, then pity, then embrace. --lines from Alexander Pope

Dear Friends:

Last summer, Bob Kabel was thrilled to pose for a photo with the President at a congressional fundraiser. Kabel is a former chairman of the Log Cabin Republicans, a defacto "gay wing" of the GOP. According to Dan Gilgoff with *usnews.com*, Bush told Kabel "I know exactly who y'all are...I'm working so that people don't have heartburn over your issues." "But," adds Gilgoff, "the Republicans have suffered plenty of heartburn over his issues since then." ¹ (See *Demolishing Arguments*, Christian Coalition Newsletter, 5/03)

And so have the Democrats. Sen. John Kerry was asked at a Human Rights Campaign forum why he supports "gay civil unions" but opposes "gay marriage." Obviously intimidated by the question, Kerry suggested that it is the country, not he, that isn't ready for same-sex marriage. And Howard Dean, the former governor of Vermont who signed a measure making his state the only one in the nation to legalize "gay civil unions," could not articulate his position at all. He finally asked the moderator to move on.

But even if the political parties, Congress, and the White House have yet to establish positions on legalizing same-sex marriage, it appears the Judiciary has!

Canada's high court recently endorsed a new vision for marriage that court watchers believe is also shared by jurists on this side of the border. In ordering the legalization of "gay marriage," the Canadian Court insisted it could find no compelling state interest in the institution of marriage other than granting respect and legitimacy to couples that publicly express love and commitment to each other.

This new approach to marriage places no importance on whether people get married or stay married. Marriage simply becomes individual expressive conduct that should have no bearing on other individuals' expression of love, whether gay or non-gay. But in diminishing the concept of marriage in order to rule it a "civil right," the Court is arrogating power over a fragile institution that may eventually cease to be a civil good.

Defenders of traditional marriage reject the notion that marriage is simply an artifact of law or merely a delivery mechanism for a set of legal benefits that might as well be shared more broadly. Maggie Gallagher, editor of *MarriageDebate.com*, says that "...the laws of marriage do not create marriage, but in societies ruled by law they help trace the boundaries and sustain the public meanings of marriage." ²

Gallagher says that while individuals freely choose to enter marriage, society upholds the marriage option, formalizes its definition, and surrounds it with norms and reinforcements, primarily for the care and nurturing of children. Without this shared, public aspect, perpetuated generation after generation, marriage becomes what its critics say it is: a mere contract, a vessel with no particular content, one of a menu of sexual lifestyles, of no fundamental importance to anyone outside a given relationship.

According to Gallagher, however, marriage is a virtually universal, cross-cultural institution for bridging the male-female divide. It provides a means for societal approval of sexual union between men and women that calls for well-defined responsibilities of mothers and fathers—and for very good reason. Sex between men and women produces babies.

“Even today, in our technologically advanced contraceptive culture, half of all pregnancies are unintended,” says Gallagher. “Most men and women are powerfully drawn to perform a sexual act that can and does generate life. Marriage is our attempt to reconcile and harmonize the erotic, social, sexual, and financial needs of men and women with the needs of their partner and their children.”

But proponents of legalized same-sex unions couldn’t disagree more. They argue that having a law that assumes that marriage is about procreation and pretends that there is only one family model that works, perpetuates a lie. After all, if marriage was all about procreation, a fertility test would be required. Older couples and those not choosing to have children would also be denied a marriage license.

Nevertheless, Ms. Gallagher insists marriage is about procreation. She says [it] “...is the place where having children is not only tolerated but welcomed and encouraged, because it gives children mothers and fathers.” She points out that every marriage between a man and a woman is capable of giving any child they create or adopt a mother and a father. “Even when a man marries an older woman and they do not adopt, his marriage helps protect children,” says Gallagher. “How? His marriage means, if he keeps his vows, that he will not produce out-of-wedlock children.”

Gallagher acknowledges that many couples fail to live up to society’s ideal. The reality of marriage is that it requires *hard* things of us at times, and she believes few people will do them consistently if the larger culture does not affirm the critical importance of marriage as an institution. “Why,” she asks, “stick out a frustrating relationship, turn down a tempting new love, abstain from sex outside marriage, or take pains not to conceive children out of wedlock if family structure does not matter? If marriage is just about publicly celebrating private love, then there is no need to encourage couples to stick it out for the sake of the children.”

Essentially, same-sex marriage would (will?) have the effect of codifying in law, a public judgment that the erotic or disordered desires of adults outweigh societal need for stable two-parent families with mothers and fathers to train up children in the way they should go.

The question is: If sodomy is sinful and marriage is sanctified, who is responsible to make that known to the public—the Church or the State?

Five hundred years ago, Martin Luther, the venerable Church reformer, said:

“If I profess with the loudest voice and clearest exposition every portion of the truth of God except precisely that little point which the world and the devil are at that moment attacking, I am not confessing Christ, however boldly I may be professing Christ.

Where the battle rages, there the loyalty of the soldier is proved and to be steady on all the battlefield besides is mere flight and disgrace if he flinches at that one point.”

Respectfully,

Rick Forcier
Executive Director

¹ Gilgoff, Dan, [Gays Force The Issue](#), 8/18/03, *usnews.com*

² Gallagher, Maggie, [What Marriage Is For](#), 8/4/03, *The Weekly Standard*, pg. 22-25