

# Findings

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## Defining Marriage

### *What's Wrong With Letting Same-Sex Couples Marry?*

By Peter Sprigg; additional information by John Rustin



There is no more important issue facing our state and nation than preserving marriage. Homosexual activists across the country are pressing to redefine marriage

in order to legitimize their sexual behavior and to force the culture to affirm homosexuality as normal and acceptable.

In this debate, it is important to understand the arguments being put forward by homosexual advocates and how to respond to them effectively. Equally important is the way in which the debate is approached. Opposition to same-sex “marriage” and the ardent defense of traditional marriage does not preclude a respectful debate. In fact, an effective approach demands it.

This paper addresses numerous fallacies in the arguments for same-sex “marriage,” and exposes many reasons why homosexual sex is harmful, unhealthy, and extremely high-risk behavior. It also reveals why same-sex relationships are inherently unstable and not suitable for marriage. Accordingly, those who genuinely seek the best for their fellow citizens and the stability of our society will be compelled to promote healthy and stable marriages and to reject the affirmation of same-sex relationships.

The following are responses to common questions about same-sex marriage.

#### **What's wrong with letting same-sex couples legally “marry?”**

There are two key reasons why the legal rights, benefits, and responsibilities of civil marriage should not be extended to same-sex couples. The first is that homosexual relationships are not marriage. That is, they simply do not fit the minimum necessary condition for a marriage

to exist—namely, the union of a man and a woman. The second is that homosexual relationships are harmful. Not only do they not provide the same benefits to society as heterosexual marriages, but their consequences are far more negative than positive. Either argument, standing alone, is sufficient to reject the claim that same-sex unions should be granted the legal status of marriage.

#### **Let's look at the first argument. Isn't marriage whatever the law says it is?**

No. Marriage is not a creation of the law. Marriage is a fundamental human institution that predates the law and the Constitution. At its heart, it is an anthropological and sociological reality, not a legal one. Laws relating to marriage merely recognize and regulate an institution that already exists.

#### **But isn't marriage just a way of recognizing people who love each other and want to spend their lives together?**

If love and companionship were sufficient to define marriage, then there would be no reason to deny “marriage” to unions of a child and an adult, or an adult child and his or her aging parent, or to roommates who have no sexual relationship, or to groups rather than couples. Love and companionship are usually considered integral to marriage in our culture, but they are not sufficient to define it as an institution.

#### **All right—but if you add a sexual relationship to love and companionship, isn't that what most people would consider “marriage?”**

It's getting closer but is still not sufficient to define marriage. In a ruling handed down June 26, 2003, the U.S. Supreme Court declared in *Lawrence v. Texas* that sodomy laws (and any other laws restricting private sexual conduct between con-

senting adults) are unconstitutional. Some observers have suggested that this decision paves the way for same-sex “marriage.” But in an ironic way, the Court's ruling that sex need not be (legally) confined to marriage undermines any argument that sex alone is a defining characteristic of marriage. Something more must be required.

#### **So—what is marriage, then?**

Anthropologist Kingsley Davis has said, “The unique trait of what is commonly called marriage is social recognition and approval ... of a couple's engaging in sexual intercourse and bearing and rearing children.”<sup>1</sup> A team of marriage scholars points out that “marriage across societies is a publicly acknowledged and supported sexual union which creates kinship obligations and sharing of resources between men, women, and the children that their sexual union may produce.”<sup>2</sup>

Canadian scholar Margaret A. Somerville says, “Through marriage our society marks out the relationship of two people who will together transmit human life to the next generation and nurture and protect that life.”<sup>3</sup>

Another Canadian scholar, Paul Nathanson (who is himself a homosexual), has said, “Because heterosexuality is directly related to both reproduction and survival, ... every human societ[y] has had to promote it actively . . . . Heterosexuality is always fostered by a cultural norm” that limits marriage to unions of men and women. He adds that people “are wrong in assuming that any society can do without it.”<sup>4</sup>

#### **But why should homosexuals be denied the right to marry like anyone else?**

The fundamental “right to marry” is a right that rests with individuals, not with couples. Homosexual individuals already have exactly the same “right” to marry as anyone else. Marriage license applications

do not inquire as to a person's "sexual orientation."

Many people who now identify themselves as homosexual have previously been in legal (opposite-sex) marriages. On the other hand, many people who previously had homosexual relationships have now renounced that behavior and married persons of the opposite sex. If we define a "homosexual" as anyone who has ever experienced homosexual attractions, then both of these scenarios represent "homosexual" individuals who have exercised their right to be legally married.

However, while every individual person is free to get married, no person, whether heterosexual or homosexual, has ever had a legal right to marry simply any willing partner. Every person, whether heterosexual or homosexual, is subject to legal restrictions as to whom they may marry. To be specific, every person, regardless of sexual preference, is legally barred from marrying a child, a close blood relative, a person who is already married, or a person of the same sex. There is no discrimination here, nor does such a policy deny anyone the "equal protection of the laws" (as guaranteed by the Constitution), since these restrictions apply equally to every individual.

Some people may wish to do away with one or more of these longstanding restrictions upon one's choice of marital partner. However, the fact that a tiny but vocal minority of Americans desire to have someone of the same sex as a partner does not mean that they have a "right" to do so, any more than the desires of other tiny (but less vocal) minorities of Americans give them a "right" to choose a child, their own brother or sister, or a group of two or more as their marital partners.

**Isn't prohibiting homosexual "marriage" just as discriminatory as prohibiting interracial marriage, like some states used to do?**

This analogy is not valid at all. Bridging the divide of the sexes by uniting men and women is both a worthy goal and a part of the fundamental purpose of marriage, common to all human civilizations.

Laws against interracial marriage, on the other hand, served only the purpose of preserving a social system of racial segregation. This was both an unworthy goal and one utterly irrelevant to the fundamental nature of marriage.

Allowing a black woman to marry a white man does not change the definition of marriage, which requires one man and one woman. Allowing two men or two

women to marry would change that fundamental definition. Banning the "marriage" of same-sex couples is therefore essential to preserve the nature and purpose of marriage itself.

**How can you deny marriage to people who are born that way?**

The concept of a "gay gene" has been used to defend legal protections for homosexuals (including same-sex marriage) who claim that their "sexual orientation" is an immutable characteristic. However, science does not support the idea that homosexuals are "born gay" or cannot change their sexual behavior. In fact, Columbia University Professor of Psychiatry Dr. Robert Spitzer, who was one of the leading figures in the 1973 decision to remove homosexuality from the APA's list of mental disorders, reported in 2001 that people can and do change their "sexual orientation" from homosexual to heterosexual.<sup>5</sup> Studies touted by homosexual advocates as proof of a gay gene have been methodologically flawed, contained skewed samplings, been unreplicated and inconclusive. None have been able to prove a genetic cause for homosexuality.<sup>6</sup>

**Hasn't the nature of marriage already changed dramatically in the last few generations? In defending "traditional marriage," aren't you defending something that no longer exists?**

It's true that American society's concept of marriage has changed, especially over the last fifty years. But not all change is positive, and our experiences in that regard may be instructive. Consider some of the recent changes to the institution of marriage—and their consequences:

- The divorce revolution has undermined the concept that marriage is a life-long commitment. As a result, there's been an epidemic of broken homes and broken families, and the consequences have been overwhelmingly negative.
- The sexual revolution has undermined the concept that sexual relations should be confined to marriage. As a result, there's been an epidemic of cohabitation, sexually transmitted diseases, abortions, and broken hearts, and the consequences have been overwhelmingly negative.
- The concept that childbearing should be confined to marriage has been undermined. As a result, there's been an epidemic of out-of-wedlock births, single parenthood, and fatherless children, and the consequences have been overwhelmingly negative.

- The pornography revolution, particularly with the advent of the Internet, has undermined the concept that a man's sexual desires should be directed toward his wife. As a result, there's been an epidemic of broken relationships, abused wives, and sex crimes, and the consequences have been overwhelmingly negative.

And now there is social and political pressure to redefine what constitutes marriage itself. What grounds does anyone have for thinking that the consequences of that radical social revolution, unprecedented in human history, would be any more positive than the consequences of the much less sweeping changes already described?

**Why does "defending marriage" and "defending the family" require opposing same-sex unions? How does a homosexual union do any harm to someone else's heterosexual marriage?**

It may come as a surprise to many people, but homosexual unions often have a more direct impact on heterosexual marriages than one would think. For example, the *Boston Globe* reported on June 29, 2003, that "nearly 40 percent" of the 5,700 homosexual couples who have entered into "civil unions" in Vermont "have had a previous heterosexual marriage."<sup>7</sup>

Of course, it could be argued that many of those marriages may have ended long before a spouse found their current homosexual partner. And some may assume that no opposite-sex spouse would want to remain married to someone with same-sex attractions. Nevertheless, the popular myth that a homosexual orientation is fixed at birth and unchangeable may have blinded us to the fact that many supposed "homosexuals" have, in fact, had perfectly functional heterosexual marriages. And as *Globe* columnist Jeff Jacoby points out, "In another time or another state, some of those marriages might have worked out. The old stigmas, the universal standards that were so important to family stability, might have given them a fighting chance. Without them, they were left exposed and vulnerable."<sup>8</sup>

**How would allowing same-sex couples to marry change society's concept of marriage?**

For one thing, it would reinforce many of the negative changes described above. As an example, homosexual marriage will open wide the door to homosexual adoption, which will simply lead to more children suffering the negative

consequences of growing up without both a mother and a father.

Among homosexual men in particular, casual sex, rather than committed relationships, is the rule and not the exception. And even when they do enter into a more committed relationship, it is usually of relatively short duration. For example, a study of homosexual men in the Netherlands (the first country in the world to legalize “marriage” for same-sex couples), published in the journal *AIDS* in 2003, found that the average length of “steady partnerships” was not more than 2 years.<sup>9</sup>

In addition, studies have shown that even homosexual men who are in “committed” relationships are not sexually faithful to each other. While infidelity among heterosexuals is much too common, it does not begin to compare to the rates among homosexual men. The 1994 National Health and Social Life Survey, which remains the most comprehensive study of Americans’ sexual practices ever undertaken, found that 75 percent of married men and 90 percent of married women had been sexually faithful to their spouse.<sup>10</sup> On the other hand, a major study of homosexual men in “committed” relationships found that only seven out of 156 had been sexually faithful, or 4.5 percent.<sup>11</sup> The Dutch study cited above found that even homosexual men in “steady partnerships” had an average of eight “casual” sex partners per year.<sup>12</sup>

So if same-sex relationships are legally recognized as “marriage,” the current idea of marriage as a sexually exclusive and faithful relationship will be dealt a serious blow. Adding monogamy and faithfulness to the other pillars of marriage that have already fallen will have overwhelmingly negative consequences for Americans’ physical and mental health.

### **If you want people to be faithful and monogamous, shouldn’t you grant same-sex couples the right to marry in order to encourage that?**

Some have argued that marriage will change the behavior of homosexuals, but it is far more likely that the behavior of homosexuals will change the traditional concept of marriage, further undermining the concepts that marriage is a lifelong commitment and that sex should be confined to marriage.

The entire “gay liberation” movement has been but a part of the larger sexual liberation movement whose fundamental tenet is that anybody should be able to have sex with anybody they want any time they want. To suggest that the crown-

ing achievement of that pro-homosexual movement—obtaining society’s ultimate stamp of approval through civil marriage—is suddenly going to result in these “liberated” homosexuals settling down into faithful, monogamous, childrearing is foolishly naive.

### **Even if “marriage” itself is uniquely heterosexual, doesn’t fairness require that the legal and financial benefits of marriage be granted to same-sex couples—perhaps through “civil unions” or “domestic partnerships?”**

No. The legal and financial benefits of marriage are not an entitlement to be distributed equally to all (if they were, single people would have as much reason to consider them “discriminatory” as same-sex couples). Society grants benefits to marriage because marriage has benefits for society—including, but not limited to, the reproduction of children in households with the optimal household structure (i.e., the presence of both a mother and a father).

Homosexual relationships, on the other hand, have no comparable benefit for society, and in fact impose substantial costs on society. The fact that new HIV infections are nine times higher among homosexual men than among women and heterosexual men is but one example.<sup>13</sup>

### **Wouldn’t civil unions be a feasible alternative to allowing same-sex marriages?**

In effect, civil unions are the same thing as same-sex marriage, just by another name, and they will produce the same results that legalized same-sex marriage would. Interestingly, many of those seeking to redefine marriage would not be satisfied with civil unions, because this designation would not legitimize their behavior as normal and acceptable.

The adoption of same-sex marriage or civil unions would represent a seismic shift in the public policy of North Carolina. All of our laws regarding sexual activity are completely consistent, and all point to marriage as the only appropriate and legal context for sexual activity. In addition to our marriage statutes, including our Defense of Marriage law, we have laws that prohibit adultery, fornication and crimes against nature. We have laws that hold a man or woman liable if they have sex with someone else’s husband or wife. We have laws requiring students in public schools to be taught that abstinence from sexual activity outside of a marriage relationship is the expected standard of behavior.<sup>14</sup> All of these laws form a comprehensive policy designed to foster healthy families and a strong culture.

It is because society has moved away from these laws and because we don’t take them seriously that we are experiencing high levels of family dissolution, unwed parents, unwanted pregnancy and rampant sexually transmitted diseases. The proper role of government and law is to encourage healthy behavior and promote a stable and productive society. Strong marriages and families form the foundation of our culture and offer the greatest opportunity for stability and prosperity. Same sex marriage, civil unions or any such alternative to marriage will only serve to undermine familial and cultural stability and will ultimately lead to the decline if not destruction of marriage and its many necessary and valuable qualities and benefits.

### **How else does marriage benefit society?**

As a group of thirteen leading social scientists reported in 2002, “Marriage is an important social good, associated with an impressively broad array of positive outcomes for children and adults alike.”<sup>15</sup> Put simply, married men and women, and their children, are happier, healthier, and more prosperous than people in other types of households.

For example:

- A five-year study released in 1998 found that continuously married husbands and wives experience better emotional health and less depression than people of any other marital status.<sup>16</sup>
- A 1990 review of research found that husbands and wives also have better physical health, while the unmarried have significantly higher annual death rates—about 50 percent higher for women and 250 percent higher for men.<sup>17</sup>
- Rates of violent abuse by intimate partners are four times higher among never-married women, and twelve times higher among divorced and separated women, than they are among married women. In fact, married people are less likely to be the victims of any type of violent crime than are those who have divorced, separated, or never married.<sup>18</sup>
- Families headed by married couples also have much higher incomes and greater financial assets.<sup>19</sup>

Children raised by their married mother and father, meanwhile, experience lower rates of many social problems, including: premarital childbearing; illicit drug use; arrest; health, emotional, or behavioral problems; poverty; and school failure or expulsion.<sup>20</sup>

These benefits are then passed on to future generations as well, because chil-

dren raised by married parents are themselves less likely to cohabit or to divorce as adults.<sup>21</sup>

### Isn't it possible that allowing homosexuals to "marry" each other would allow them to participate in those benefits as well?

No. The benefits of marriage do not flow simply from the presence of two people and government recognition of their relationship. Instead, they flow from the inherent complementarity of the sexes and the power of lifelong commitment. The first of these is rejected outright by homosexuals, and the second is far less common among them.

As noted earlier, opening the gates of "marriage" to homosexuals is far more likely to change the attitudes and behavior of heterosexuals for the worse than it is to change the lifestyles of homosexuals for the better.

### What about the argument that homosexual relations are harmful? What do you mean by that?

Homosexual men experience higher rates of many diseases, including: Human Papillomavirus (HPV), which causes most cases of cervical cancer in women and anal cancer in men; Hepatitis A, B, and C; Gonorrhea; Syphilis; "Gay Bowel Syndrome," a set of sexually transmitted gastrointestinal problems such as proctitis, proctocolitis, and enteritis; HIV/AIDS.<sup>22</sup> (One Canadian study found that as a result of HIV alone, "life expectancy for gay and bisexual men is eight to twenty years less than for all men.")<sup>23</sup>

Lesbian women, meanwhile, have a higher prevalence of: bacterial vaginosis; hepatitis C; HIV risk behaviors; cancer risk factors such as smoking, alcohol use, poor diet, and being overweight.<sup>24</sup>

### Why do homosexuals have such high rates of sexually transmitted diseases?

Much of the reason for high rates of sexually transmitted diseases among homosexuals lies in their higher rates of promiscuous sexual behavior. For example, the 2003 Dutch study mentioned earlier found that even homosexual men who had a "steady partner" also had an average of eight "casual" sexual partners per year (those without a "steady partner" had an

average of 22 "casual" ones).<sup>25</sup> Lesbians, meanwhile, were found by one study to have twice as many lifetime male sexual partners as women in the heterosexual control group.<sup>26</sup>

### What do these consequences of homosexual behavior have to do with marriage?

Since homosexual behavior is directly associated with higher rates of promiscuity, physical disease, mental illness, substance abuse, child sexual abuse, and domestic violence, there is no reason to reward such behavior by granting it society's ultimate affirmation—the status of civil marriage—or any of the legal, economic or societal benefits of marriage.

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*Peter Sprigg is the Director of the Center for Marriage and Family Studies at the Family Research Council and John Rustin is the director of government relations for the North Carolina Family Policy Council.*

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### Editor's note

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