

**On Gay Marriage****by Elodie Ballantine Emig (Denver Theological Seminary)**

In his 2004 book, Jonathan Rauch makes a good, logical case for same-sex marriage. The only real problem is his basic premise: “homosexuals exist” (p. 87). By this he means that people who are born homosexual and therefore cannot and probably should not change their orientation exist. Despite millions of dollars spent in the pursuit, no “gay gene” has been found, nor do even most gay researchers expect that it (they?) will be found. And despite the existence of ex-ex-gays, the ex-gay movement continues to grow. Without recourse to God or His design for human sexuality, though they are behind the scientific and psychological evidence, I can state that homosexuals, as defined by Rauch, do not exist.

The reality is that it looks like homosexuals exist; and most people go by appearances. Perhaps more to the point, it also looks like homosexuality isn’t going away. Thus the push for gay marriage has to be reckoned with. Toward the end of the book, Rauch considers tradition and the fact that gay marriage would make “a break with all of Western history” (p. 160). He states:

There are really only two objections to same-sex marriage which are intellectually honest and internally consistent. One is the simple anti- gay position: “It is the law’s job to stigmatize and disadvantage homosexuals, and the marriage ban is a means to that end.” The other is the argument from tradition—which turns out, on inspection, not to be so simple (p. 160).

As a Christian, I would certainly rephrase, and rename while I was at it, the “antigay” position. It is worded to show a conservative, biblical approach in the worst possible light; it makes social conservatives look mean, stupid and bigoted. At any rate, at the very least I would precede the mention of law with the statement that homosexual practice is morally wrong.

In the introduction, using less inflammatory language, Rauch addresses people like me. First , he says that his book is for gays “to show how marriage can change us ... for the better” (p. 8). Second, it is for open-minded and sympathetic non-gays “to show that same-sex marriage is not only fair but also wise” (p. 8). Then he turns to his “nonaudience,”

Some people believe that homosexuality is wrong, period; some believe that real homosexuals (persons for whom opposite-sex love and marriage simply aren’t options) don’t actually exist; and some are, for whatever reason, beyond persuading that marriage can ever be anything other than the union between male and female. I can’t expect to reach such readers. I can, however, make one request of them, which is to remember this: standing still is not an option. There is no going back to 1950 (p.8).

If by “reach” Rauch means “convince,” he is correct; he hasn’t convinced me (nor did he try) that real homosexuals exist. But if he means reach in the sense of “get the attention of,” he has succeeded. He has my full attention, because he’s right; we can’t stand still.

Because of Rauch's premise that homosexuals exist, homosexual marriage makes perfect sense. I will agree with him, moreover, that it makes more sense than the alternatives from mere cohabitation to civil union. After his first chapter on what marriage is for, where he distills it to "a commitment to be there" (p. 26), he takes on its competitors in chapter 2, "Accept No Substitutes." He discusses domestic-partner programs and other forms of "marriage-lite" as he calls it (p. 45).

Marriage-lite cheapens the real thing; it reduces it to a legal "contract between two people ... [or] a package of benefits" (p., 31). But there is much more to marriage; "It is a contract between two people and their community" (p. 32). Society has a vested interest in marriage that it does not have in cohabitation or civil union. For this to continue marriage needs to be preserved as the norm. "And we can't preserve marriage as the norm if only some people can marry" (p. 38). Setting aside the fact that only some people's being able to marry is a good thing (Rauch himself argues against incest and polygamy), we can move on to the companion issue of responsibility. Marriage isn't just about rights, it is also about responsibilities. Rauch opines that marriage-lite weakens real marriage and harms society because it "unbundles" the two (p. 38). In fact, Rauch agrees with conservatives that "domestic-partnership programs are a foot in the door" for radical leftists who oppose all marriage as "stifling..., archaic..., [and] patriarchal" (p. 47). It is not for nothing that conservative, syndicated columnist George Will calls Rauch's argument(s) in favor of gay marriage "exquisitely measured" (jacket blurb).

It is not gay marriage but marriage-lite, in Rauch's opinion, that lands us on the slippery slope to the end of the family as we know it. In chapter 7, where he takes on the slope argument, Rauch says, "The choice is not gay marriage or nothing. It is gay marriage or a bunch of non-marital alternatives" (p. 134). And again, "To whatever extent gay marriage gives polygamists a foot in the front door, the alternatives give them a whole leg in the back door" (p. 135). I fear he is correct. Domestic partners et al. may well be a bigger threat to society than gay marriage, because they aren't just for gays.

In chapter 5, "How Marriage Will Benefit," Rauch revisits the issue of rights and responsibilities. It is here that he states his premise that homosexuals exist and that "that changes everything, not least how marriage is best preserved and protected" (p. 87). It is also the case that the gay civil rights movement exists and has convinced most of corporate America that gay partners deserve the same benefits as married spouses. From gay partners we move to heterosexual live-ins and are soon faced with an unwieldy and expensive problem. Rauch's solution is : "If you want the benefits of marriage, get married—no exclusions, no exceptions, no excuses" (p. 89).

Marriage as an institution will benefit if it is legalized for gays because it will be "renormalized" (p. 89). Gays will benefit, chapter 3, because marriage will change them. "It closes the book on gay liberation" (p. 56). Rauch believes it will enable gays, especially gay men, to grow up. "Gay marriage is not so much a civil rights issue as a civil responsibility issue" (p. 67). When gays are allowed to marry, they will step up to the plate despite the "fear that gay cultural uniqueness will be absorbed and then erased by the 'heterosexual lifestyle'" (p. 67). This absorption, by the way, Rauch thinks "would be, on balance, a good thing" (p. 67). With this I am not certain many gays would agree. Rauch is on the conservative fringe of gay thinking; his is not the majority gay voice.

Gay marriage will also benefit straights, chapter 4, because it will stabilize gay relationships. If the gay world is a threat to heterosexual society, marriage will help gays leave it and settle down. Rauch states, “It has always struck me as peculiar that so many conservatives have denounced the ‘homosexual lifestyle’—meaning to a large extent, the gay sexual underworld—while fighting tooth and nail against letting gays participate in the institution which would do the most to change that lifestyle” (p. 79). Obviously, we don’t know if marriage would change the gay lifestyle, it would depend a great deal on how many actually wanted to marry, moreover wanted to confine their sexual activity to marriage.

Rauch also deals with the question of children (chapter 6) by reminding us that there are plenty of sterile marriages. Some couples are infertile from the start; all become so after menopause. As mentioned earlier, he also interacts with the slippery slope argument (chapter 7) and the argument that gay men are more promiscuous than straight men (chapter 8). Here he reiterates that marriage civilizes men and questions the reliability of gay promiscuity statistics. His bottom line is that “once gay couples are equipped with the entitlements and entanglements of legal marriage, same-sex relationships will continue to move toward both durability and exclusivity” (p. 148). Based on what we know now about gay couples, regardless of whether or not the statistics come from San Francisco, this is wishful thinking.

In his final substantive chapter (10), Rauch looks at “Getting It Right.” He takes what he calls a federalist (but seems just the opposite) approach and wants to see gay marriage hammered out in and by the individual states. He is not interested, at least anytime soon, in a Supreme Court fiat. He does not want to see a *Roe v. Wade*-type culture war. Alas, he may already be too late given recent events. Lawyers for two Floridian lesbians, married in Massachusetts, intend to take their case for Florida’s recognition of the marriage all the way to the Supreme Court, presumably based on Article IV Section I (the Full Faith and Credit clause) of the Constitution.

The most interesting chapter to me is chapter 9, “The Debt to Tradition.” Here Rauch deals with the aforementioned two “honest and internally consistent” objections to same-sex marriage. Since there isn’t much to say to the “antigay” position, he spends the chapter on tradition, more specifically of Friedrich von Hayek’s economic/social theory of unintended consequences. “The Hayekian argument warns of unintended and perhaps grave social consequences if, thinking we’re smarter than our customs, we decide to rearrange the core elements of marriage” (p. 165). Still, some things like the abolition of slavery and women’s suffrage are worth the risk. I agree that some things are worth the risk, but not that gay marriage is on a par with abolition or women’s suffrage. Because I deny Rauch’s premise, I also deny the validity of this analogy, which stands or falls on whether or not is inborn in the same way gender and race are.

Rauch’s premise is false; homosexuals as he defines them do not, in fact, exist. When Rauch says that gay marriage is worth the risk of unintended consequences for bucking millennia of tradition, he thinks he’s talking about apples (heterosexual marriage) and apples (gay marriage), but he isn’t even talking about apples and oranges (both of which are roundish fruits); he’s talking about apples and rocks.

This is where God comes in. As much as Rauch wants to keep the discussion to civil law, we Christians cannot (probably why we're part of the nonaudience). God has everything to do with how we view marriage and male-female complementarity. It is because God exists that inborn homosexuals do not. He created us for Him and, male and female, for each other. No amount of diversity training, political correctness, or honest Christian compassion can change how and what God created.

I agree with Rauch that marriage-lite is a huge threat to marriage. I agree that "empowering a bunch of competitors cannot do marriage any good, especially if the competitors offer most of the benefits with fewer of the burdens" (p. 53). But I cannot agree the gay marriage can be part of a solution to the social problems marriage-lite (including no-fault divorce) has caused. Rauch has made what I think is an excellent political and economic case for gay marriage, but a case which ignores the prerogatives of God. I hope we do not prove it, but I have no doubt that the unintended consequences of a wholesale, society-wide rejection of God's design for sexuality and marriage would be catastrophic.