

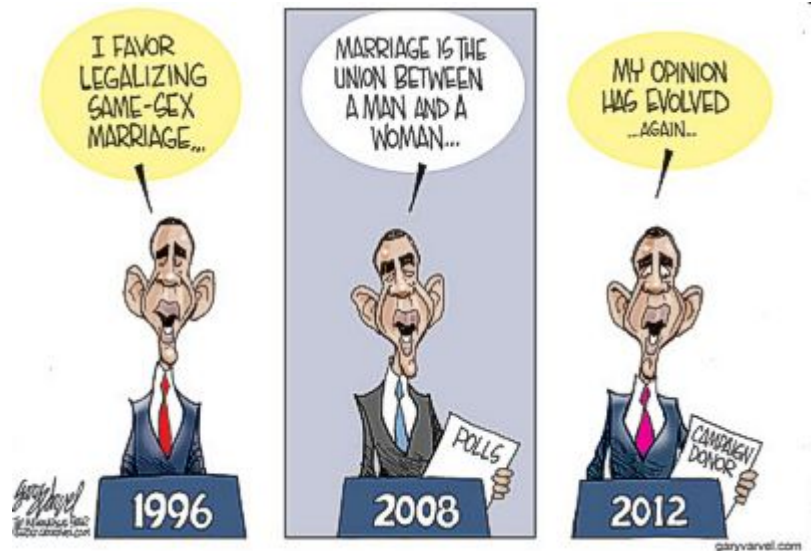
# On The Matter Of Gay Marriage

By MacPundit

**Note:** President Obama has changed his position on the issue many times. His supporters like to say he has “evolved.” His detractors say he has simply flip-flopped for political expediency. This article discusses the topic more comprehensively than have the media or politicians on either side. It is the discussion I think we should be having.

## Gay Marriage – What about it?

In the late '50s and early '60s, we beatniks (yes, we) scoffed at the institution of marriage, proclaiming that it was just a piece of paper. “If you want to set up house with a member of the opposite sex—or the same sex, for that matter—then you do not



need a legal document or the official approval of some religion to do it.” – we said. We argued that neither an official government document, nor the blessings of a church could enhance, protect, or sustain a commitment, which had been freely made between two people. “As long as the relationship continues to appeal to both parties and the commitment remains strong, then we will stay together. But if our feelings or priorities change, we always have the right to end the relationship.” After all, there seemed to be so many unhappy—even abusive—marriages that we stated with profound certainty that the institution of marriage was an archaic idea that sometimes caused more harm than good. For one, we said,

it was too easy to get married and too hard to get divorced. It was not too many years later that hippies asserted the same position and in the ensuing years millions of Americans established de facto marriages by simply “living together.”

Were we right? Well, as with many matters having to do with humans in their sometimes equivocal process of being, for some, the answer (as one of my favorite beatniks wrote) is “blowing in the wind.” But if we are to develop a truly informed opinion about marriage, there are some things we need to consider—things we beatniks failed to explore too deeply, if at all. At the very least, we should know something about the origins of marriage as we know it today. At the top of the list are the reasons our ancestors created the institution of marriage and why subsequent societies have assiduously protected and honored it for so long. This knowledge will also give us an informed basis upon which we can consider the matter of “gay marriage.”

**Note:** While human mating practices such as polygamy (many spouses) or more commonly, polygyny (many wives) can be found throughout our history they were and are the exception rather than the rule and have been associated with certain religious beliefs or practiced more often by the most powerful men in society—or when war had killed off large numbers of men. To these, we could add polyandry (one wife with many husbands), although this practice has been quite rare. But for my purposes here, I will restrict the discussion to the most common and enduring form of human mating: The civil institution of monogamous marriage as established and administered by the state.

## Origins And Reasons

The concept and definition of marriage as the practice of committed, monogamous, legalized mating of men and women able to produce children is, in fact, ancient. A case can be made

that some form of it existed in early civilizations that predated written history. But what is more relevant is that *the formal establishment of marriage as a state-decreed institution predates all three major religions*. In other words, marriage was not originally established for religious reasons. It was not created in order to satisfy the moral tenets of a church or other formalized set of religious beliefs. Therefore, any informed argument designed to consider the idea of *legalized civil gay marriage* should not be framed as a religious or moral one. Such moral judgments must be considered separately because *the history of marriage is solidly established as a civil expedient*. Simply put: Religious faith is not a prerequisite to legal marriage.

The origin of civil marriage is well-documented and its purpose is clear. Around 1750 B.C., Sumerian traditions were codified by Hammurabi, the king of Babylonia. Widely known as "Hammurabi's Laws" or "Hammurabi's Code," customs and traditions developed and practiced by the Sumerians, were formally organized and written into law. This meant that the state could prosecute on its own behalf those who broke the law. Among these new laws and as an essential element of a larger need to organize, sustain, and preserve their cultures and states, and to create a secure environment to ensure the perpetuation of the species, Babylonia and other ancient societies established the institution of marriage.

Consequently and most importantly, as a legal institution, marriage organized and made secure the granting of property rights and the protection of bloodlines. In time, as the needs of various societies required, such matters as the delineation and enforcement of personal responsibility for the protection and welfare of one's legal mate and children were added to and became common elements of the legal institution of marriage.

## **“Gay Marriage” is an oxymoron**

The reasons for the establishment of the institution of marriage as a legally codified set of laws are unambiguous: *Marriage was created to organize, protect, and sustain society for the very practical, important reasons given above.* Therefore, when we consider the dictates of nature and the reasons for the institution of marriage, the concept of gay marriage is incongruous with all of them. The purposes and intent for legalizing and documenting marriage were and still are very practical and are by their very nature, applicable only to members of the opposite sex. It is nature itself—not man, nor the state—that requires the union of two members of the opposite sex to ensure the perpetuation of the species. So, for what purpose would a responsible government expand marriage laws to include members of the same sex? *Same-sex marriage by definition is not only a fatuous notion; it is an oxymoron.*

## **Marriage is not a civil right**

So far as marriage-as-law goes, gay-marriage advocates in the United States correctly argue that marriage is a civil matter, not a church affair. But they abuse all logic when they further argue that since marriage is a civil matter, it is therefore a civil right and that because it is a civil right, it is unconstitutional to deny homosexual couples the right to marry. This is a fallacious argument. First, as shown earlier, civil marriage was created for rigidly practical reasons having to do with child-bearing members of the opposite sex, only. Second, while marriage is a civil matter, it is not a constitutionally-protected civil right. Where in the Constitution are we given the “Right to Marry?”

# Equal Protection

To deal with this argument, gay-rights advocates attempt to include marriage under the constitutional principles of equal protection and equal treatment. In other words, if opposite-sex partners can marry then so can we, they argue, because the Constitution guarantees equal protection and equal treatment. Yet this is merely a specious assertion. Is this what our founders intended when they wrote the Constitution? If so, what else should be included? How about polygamy? Or what if someone wants to marry his or her comatose mother or father or their three year old daughter or, for that matter, their pet? Or consider business partners that seek equal treatment before the law in an attempt to change their legal status from a business partnership to a marriage—in which case they could not be required to testify against each other.

The clear purpose of civil rights protections is to provide and assure every citizen of equal treatment *when such equal treatment conforms to the intent of laws that are based on social realities and are designed to enhance and promote the general welfare of the people*. But when the right to equal protection is invoked in a manner and for a purpose, which would controvert the intent of a good law, it should not be recognized or applied. Instead, if a society determines through diligent consideration that a law no longer serves to enhance and promote the general welfare of the people then it can and should (through lawful process) change the law. Again, good laws are created to improve and advance the general well-being of a society and the institution of marriage has for almost four thousand years, done just that.

It follows, then, that to brashly and suddenly dilute, diminish, or demote such a time-tested, socially critical law that has served countless civilizations so well for thousands of years without proper knowledge of either the reasons for the establishment of the law or the consequences, which would

ensue should the law be functionally altered in such a way as to literally remove the sound reasons for which it was created, would be grossly irresponsible.

## **Other arguments**

### **What about love?**

Should not people of the same sex have the right to love each other in the same manner as heterosexual couples? Of course all people should have the right to love whoever they choose—and in America, they do. We should all acknowledge that love enhances and makes better all things human. Yet, while we are guaranteed the right to love whoever we choose (the pursuit of happiness), it does not follow that the presence of love gives us the right to legally marry whoever we love. It is a matter of fact that love never had anything to do with the creation of the civil institution of marriage. It is also a fact that while the institution of marriage is strictly limited to one man and one woman, this does not prevent others from loving whoever they choose.

### **Hospital visitation**

In states where this is an issue, we need to design fair and wise mechanisms (laws?) to allow appropriate members of clearly defined, established caring relationships such visitation rights.

### **To oppose gay marriage is a homophobic reaction**

In some instances, it may very well be. Yet, to say that everyone who opposes gay marriage is homophobic is, factually, incorrect. At worst, it is clear that such accusations are often designed to cast aspersions on the opposition in an effort to eliminate them as legitimate participants in the

discussion. “I am unable to sustain my argument intellectually, so I will assign false motives to you or destroy your character instead.” – comes to mind.

But whether opposition to gay marriage is engendered by homophobia or by moral or religious beliefs the central argument against gay marriage remains intact. In other words, such things as homophobia are irrelevant to the historically sound reasons presented here for the preservation and maintenance of legalized civil marriage between one man and one woman.

## **Homosexuality is unnatural and/or immoral**

As stated earlier, opposition to gay marriage based on these reasons is another matter entirely and they have no place in this discussion.

## **Anti-gay marriage is anti-gay**

Again, for almost four thousand years, civil marriage has applied to heterosexual couples only and to oppose gay marriage for the reasons given here does not in any way pass judgment on homosexual behavior. So to say that anyone who opposes gay marriage is anti-gay simply reveals one more attempt by gay marriage advocates to misdirect the discussion away from the real issues toward disingenuous, inflammatory accusations, which they hope will arouse base emotions in those people who are woefully ignorant of the four thousand year history of civil marriage—why it was established in the first place and why it has endured for so long.

Recently, I watched a clip on television of the actor, Sean Penn, in which he shamed all Californians who voted for Proposition 8—a California ballot proposition passed in the November 4, 2008 general election that changed the state Constitution to restrict the definition of marriage to opposite-sex couples and eliminated same-sex couples’ right to

marry. Penn's patently judgmental and demagogic diatribe was clearly intended to accuse all Californians who voted for Proposition 8 of being anti-gay, homophobic bigots of the worst kind. Instead of engaging them in an informed and intelligent discussion he self-righteously and unfairly condemned them all.

As is too often the case, instead of choosing to engage in intelligent, informed, constructive debate Penn chose to appeal to the prejudices, emotions, or special interests of his audience rather than their intellect or reason. It is an old and deplorable tactic—particularly of the Left. Unfortunately, and to the detriment of our society, this tactic is a standard practice of many Liberals in America. To be fair, however, we must not underestimate the level of ignorance on both sides of the political landscape in the U.S. There is hardly a day that finishes without having heard more than one statement or accusation that is grossly inaccurate. So who knows, maybe Penn actually believes that anyone who opposes gay marriage must be a homophobic bigot. Whatever the case, the result is the same: We simply continue to talk past each other; nothing meaningful is accomplished and the integrity of our society is diminished.

## **Some final thoughts**

A case can be made that we Americans are currently experiencing a kind of collective, cultural Attention Deficit Disorder. The news cycle is such that often news is old within hours. The Internet, cell phones, and other technologies have dramatically increased the pace of virtually everything we do. Unfortunately, one debilitating unintended consequence of this phenomenon is that we too often fail to take enough time to seriously consider important issues of the day. Perhaps worse, is that this lack of inspection extends to our media who regularly fail to do the kind of comprehensive reporting that would provide us with the information we need in order to form



intelligent opinions. Instead, our major media outlets produce biased news and commentary, which amount to nothing more than agenda-driven propaganda. As a result, the American electorate has never before been so uninformed and misinformed as it is today. It is for this reason that bloggers like myself do what we can to inform and expand discussions on important matters that affect us all.

Finally, the fact that civil marriage was created in order to assign personal responsibility to child-bearing couples for each other and for the children they bear is undeniable. Without such regulation, societies decline, inexorably, into chaos and eventually fall. Whenever the integrity of the family unit—a child bearing man and woman—has been compromised, nations fail. Therefore, anything that would or could diminish the intrinsic value of the naturally imposed (by nature) family unit and its time-tested critical role in maintaining the overall integrity of a society should be avoided at all costs. The very idea of gay marriage is anomalous with the fundamental intent of civil marriage. Its adoption can add nothing of practical value to our society and could in reality weaken the purpose of that which has served countless societies so well for so long.