
A Note on the Same-Sex Marriage Debate

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I trust I was far from the only opponent of same-sex marriage to cringe when reading about signs saying “No Sodomite Marriage!” and “Death Penalty for Homosexuals” at the “Minnesota for Marriage Rally” at the Capitol in St. Paul in March. Hideous as they are, such epithets (especially the second, unqualifiedly evil one) are the inevitable droppings of a foul fringe whenever thousands of people gather to legitimately protest and petition. No doubt the overwhelming majority of decent grown-ups at the event were disgusted, too, when seeing the signs. Still, there the placards were, in all their dispiriting—and, not incidentally, counterproductive—ugliness.

Talking about ugly, have you read any letters-to-the-editor from the other side recently? Their routine theme is uncomplicated: Opposition to same-sex marriage—no matter how conscientiously or prayerfully arrived at—is indistinguishable from bigotry and hate. Here are excerpts from three letters that

ran either in the *Star Tribune* or the *St. Paul Pioneer Press* either right before or right after the demonstration above.

- Referring to the murder of Matthew Shepard in Wyoming several years ago, one writer contended: “The debate about constitutional amendments banning same-sex marriage is all about institutionalized hatred—the same hatred that leads people to commit these types of heinous acts.”
- Another writer claimed that Christian opponents to gay marriage have more than a little in common with people who used to hang with the Taliban. “Their mean-spirited extremism,” she argued, “is not that different from the Islamic extremists, who also take a path of spirituality to a hate-filled conclusion.”
- And then, of course, is the obligatory Nazi reference. “Remember pre-World War II Germany. If you pass legislation to discriminate

against one segment of society, it makes it much easier for 'them' to come after you."

Permit me to step back from the ferocious waters and make a few temperate points about same-sex marriage and matters of gay rights more generally; what I would argue has been the most difficult set of public policy issues for Americans to discuss publicly. Am I truly saying this cluster of questions has caused more seat squirming, and hence more one-sided silence, than perennial controversies over abortion, race, war, and other hefty disagreements? Yes I am, though I would suggest that recent actions by judges in Massachusetts and mayors in San Francisco and elsewhere are causing millions of citizens to rapidly overcome their shyness and hesitations.

A kindred story: I've been involved in the marriage movement for a number of years, having been involved in the fatherhood movement earlier. The transition was easy—unavoidable, really—since I've long been of the mind that it's impossible to have an adequately successful fatherhood movement in this state and nation unless we first have an adequately successful marriage movement. Otherwise, too many parents are bound to be separated by too much distance, miles included, with too many children hardly ever seeing one parent or another, usually their father.

In preparation for a "summit meeting" of national marriage movement leaders a little more than a year ago, participants were asked to submit writ-

ten comments to several questions. I wrote: "I surely have understood the attraction of sidestepping almost anything pertaining to gay marriage, as I would like to think that my own dancing has been as graceful as anyone's. But will this evasion always work?"

As if on cue, just a couple of months later the U.S. Supreme Court injected new fuel in the drive for same-sex marriage by striking down a Texas anti-sodomy law (*Lawrence v. Texas*). But even quicker than that, a day or two before I left for a conference, I got a call from one of my best college friends of more than thirty-five years. After news and other pleasantries, I asked how his family was doing, and with great joy he informed me that he had just become a grandfather for the first time. Terrific, I said. To which he explained that his daughter and her partner had just had a baby. To which I said . . . congratulations, and meant it. Suffice it to say, whatever my concerns may be about same-sex couples bringing children into the world, the last thing I wanted to do during that conversation—or any conversation with my old and dear friend—was to offend him and his family and cut our decades-old tie.

That phone call, and variations on its exquisitely personal theme, is exactly how the heretofore anemic debate on same-sex marriage has been skewed in the direction of proponents.

What explains this discomfort about openly challenging what is often abbreviated, fairly or not, as "the gay rights agenda"? The shortest answer is that few people want to come across as illiberal or nasty toward a group that

has been treated poorly and worse. Closer to home, they certainly don't want to say or do anything that might hurt relatives, friends, or colleagues who are gay or lesbian—or those of their spouse, son, daughter, etc. And since most people are either related to or are close to homosexuals whom they love, most people are not especially eager to make a fuss if they happen to have doubts about the wisdom, say, of same-sex parenting.

Obviously, not all skeptics and opponents have been tongue-tied, with too many falling way short of being ladies and gentlemen. But millions of good people, for motivations no more complicated than nervousness and no more ideologically rooted than their devotion to good manners, have opted to remain largely mute, at least in public.

This reticence (which, I say, is evaporating) has contributed to something quite remarkable in the matter of same-sex marriage. Those who have been pushing for the most fundamental change in society's most fundamental institution have had a largely free ride. They have claimed the moral high ground, and relatively few men and women have been inclined to challenge them in effectively robust rhetorical or political ways. By saying this, I don't mean to suggest that public opinion is racing to embrace same-sex marriage. Quite the opposite is true. Depending on how and when the question is asked, national surveys consistently show opposition to gay marriage running about two-to-one. But it's also true that whereas proponents have been eager to make their case loudly and openly, most

opponents have preferred to make theirs quietly to pollsters and small circles of (straight) friends.

Speaking of rhetorical ways, this is one issue in which only one side can safely call on satire and sarcasm to make its case. Columnist Deborah Locke of the *St. Paul Pioneer Press*, had a fine old time in March when she wrote about Minnesota legislators seeking a constitutional amendment that would ban same-sex marriage: "Never have I been so afraid of homosexuals as now. Oh sure, they pretend to be just like the rest of us, getting from day to day, going to work, raising kids, paying the bills, hoping to marry who they love. But homosexuals are a dangerous lot who expect equal privilege. They lurk in the bushes, pouncing on unsuspecting heterosexuals in hopes of forcing us into their world of godless, unspeakable depravity."

Similarly a gay state official opened an April op-ed in the *Star Tribune* called "The Threat We've Been Warned Of" with this: "A majority of the Minnesota House of Representatives has concluded that I pose a grave and immediate threat to the good men and women of this state. To stop me from causing harm, they have promised a relentless effort to amend the state Constitution."

Other than comedians, who play by their own rules, can you imagine any opponents of same-sex marriage employing such rich weaponry?

Proponents, more specifically, have benefited from an egalitarian age in which virtually any demand for "equal treatment" is considered legitimate

unless it's somehow shown, after careful vetting, to be lacking; a time in which virtually any claim made in the name of "civil rights" must be shown at least initial respect and deference. Fair is fair, after all. Or "justfair," to quote the composite word that headlined signs at a proponents' rally at the Capitol three days after the opponents' rally.

But not only have supporters had seemingly sole claim to equality in their arsenal ("Why should homosexuals be treated any differently than heterosexuals?"), they also have grounded their arguments in freedom itself ("Who is the government or anyone else to tell me who I can marry?"). Advocates who succeed in draping their positions in both equality **and** freedom generally fare pretty well politically. After all, what mega-principles and imperatives are left? What arguments on the other side can be as compelling? Dissertations on the lessons of history? Exegeses on ordered liberty? Bows to tradition? Or might such tacks lack in popular oomph?

What about the biggest salvo of all, arguments rooted in religion? Of course claiming that God and the Bible are allies can be powerful. But it also can be seen as demagogic and intolerant. And most people—even the most religiously observant among us—don't like getting political with their faith, because they have no interest in forcing their beliefs on others. Many, particularly on the secular left, don't believe this, but it's true.

Then there is the practical matter of whose arguments are easiest to grasp

and recall. Consider these excerpts from a March column in the *Wall Street Journal*, "Selma to San Francisco," by the always acute Shelby Steele, in which he argued that same-sex marriage should not be viewed as a civil rights issue.

In the gay marriage movement, marriage is more a means than an end, a weapon against stigma. That the movement talks very little about the actual institution of marriage suggests that it is driven more by the longing to normalize homosexuality itself than by something compelling in marriage. The happiness that one saw in the faces of the newly married in San Francisco seemed to come primarily from the achievement (if only illusory) of ordinariness. After all, many of them had lived together into old age. Love does not require marriage but, for gays, ordinariness does. And happiness for these couples was the imprimatur of ordinariness.

A few paragraphs later, after talking about procreation and how heterosexuality and homosexuality are "profoundly—not innocuously—different," Steele goes on:

The stigmatization of homosexuals is wrong and makes no contribution to the moral health of our society. I was never worried for my children because they grew up knowing a gay couple that lived across the street, or because several family friends were gay. They learned early what we all know: that homosexuality is as permanent a feature of the human condition as heterosexuality. Nothing is gained in denying this. But neither should we deny that the two are

inherently different. The gay marriage movement denies this difference in order to borrow “normalcy” from marriage. Thus, it is a movement born more of self-denial than self-acceptance, as if on some level it agrees with those who see gays as abnormal.

As with everything Steele writes, including his pivotal books *The Content of Our Character* and *A Dream Deferred*, this is penetrating stuff. But in the hard-bitten, sound-bite arena of politics, what combination of substance and style is more likely to be remembered as well as draw both blood and mocking laughs? Steele’s psychological and literary genius? Or cute and easy barbs such as: “OK, Pearlstein, tell me again how same-sex marriage is a threat to your marriage?”

In the same vein, and in the same issue of the *Star Tribune* in which a state official satirically wrote about how he’s a “threat” to the good people of Minnesota, three professors at the University of St. Thomas (two of them philosophers, good grief) argued against gay marriage. While they made their argument clearly and well, guess which piece likely was assumed to be a more entertaining Sunday morning read.

In reviewing an earlier iteration of this paper, a colleague both agreed and differed on some of these matters. “I quite agree with you,” my friend wrote, “that the pro-same-sex marriage camp has had the megaphone all to itself. But I am less confident than you that the debate is now ‘fully engaged,’ if you mean less lopsided. As a regular consumer of major media outlets like the

New York Times, ABC, and NPR, I can confidently say that I’ve never read or heard about a single same-sex couple who is anything less than an exemplar of commitment, loving parenthood, neighborliness, and civic involvement. Apparently same-sex couples are not ‘virtually normal,’ as Andrew Sullivan likes to say. They are all well above normal.”

My friend also noted that “no major trade book house has published a book against same-sex marriage.” Interesting observations all.

This is not the time for a comprehensive argument against same-sex marriage. Instead, let me quickly air the rudiments of three points.

First, I’m concerned that if same-sex marriage leads to more boys and girls being raised by paired-off men and women alone (as it presumably would), that this acceleration inevitably will lead to a weakening of respect and allegiance to the critical contributions made to childrearing by men and women in their unique and complementary roles as fathers and mothers, husbands and wives. Or more to the point, to the extent we are increasingly encouraged by the media, schools, and other institutions to view parenting in androgynous terms, it will become increasingly difficult to talk with confidence about the essential contributions only men can make as fathers—just at it will become increasingly difficult to talk with confidence about the essential contributions only women can make as mothers. This take on human nature may not be P.C., but it has millennia going for it. My debt here is to

Maggie Gallagher, head of the Washington-based Institute for Marriage and Public Policy, for her insight about this potentially large loss.

A second point has to do with method and means and should have resonance even for those who hold same-sex marriage as a desired end.

The last thing this nation needs is another version of the ceaseless and crippling fight over abortion. Yet that is what we invite if same-sex marriage becomes legal mainly through judicial rulings rather than legislative action or popular votes. This is far too new and charged an issue for judges to make law alone in chambers, out of robed cloth.

Where is the store of precedents on which judges might rule persuasively in favor of same-sex marriage—not just legal precedents, but more broadly normative ones? One reason all is inflamed is that the current controversy was provoked—not by conservatives looking for a wedge issue in November—but by a bare majority of four judges in Massachusetts whose names are likely known by no more than three people reading this sentence. This is no way to build legitimacy and footings for a seismic change.

Third, despite worries like these and others, I'm not prepared to claim with bone-deep certainty that if same-sex marriage came to pass that disaster or decline would follow automatically. I'm mindful that smart people on different sides of various aisles (think of writer David Brooks on the right) are convinced that same-sex marriage needs to be positively hugged, not feared. Perhaps if tried, gay marriage

would prove no more deleterious to traditional marriage than Britney Spears' overnight stab at it. Or, for that matter, perhaps gay marriage would prove no more damaging to marriage as an institution than America's divorce rates, which have been atop those of the industrial world for years. I just can't say for sure.

But if ever there was an issue that screamed, "Heed the warnings of the law of unintended consequences," this is it. Fact is, especially since the 1960s, we've mucked around with marriage without thinking very hard about it beforehand. And leading the list of casualties have been children.

Pick your indictment. How about radically expanding welfare, thereby making millions of potential husbands irrelevant? Or what about getting carried away in easing divorce laws, thereby causing millions of non-abusive marriages to end needlessly? Or might your top choice be the way in which marriage—as propagandized by almost every channel of popular culture—has come to be no longer recognized by wide swaths of our nation as a necessary prerequisite for making and raising babies?

Marriage, I would argue, is in need of anchoring, not redefining; batten-ing, not loosening. I just hope that in the increasingly worked-up debate over same-sex marriage, that the most intimate aspirations of all our citizens are appreciated if not always honored, and that we manage to escape as much of the centrifugal storm and debris as possible. ■