



## **In Defense of Marriage**

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Did you see Fox's "Who Wants to Marry a Millionaire?" Fifty women participated in what the commercials for the event termed a pageant. They displayed their bodies, were asked several questions, and the woman who most caught the eye of the then unnamed male millionaire won the chance to marry the guy. When I first saw the commercial I could not believe it. No way, I must have misunderstood. I called Fox and looked at their web site. There it was. Maybe a few years ago it may not have bothered me as much, but as I have observed Gay, Lesbian, and Transgender people fight for their right to be recognized as equal citizens on the issue of marriage, I have become more sensitive to the sanctity of the institution.

What is marriage? The institution has meant different things to different societies. But most cultures have recognized marriage as an essential building block to their way of life. At its most basic, marriage is a socially sanctioned union between two people. There are various types of marriages; polyandry, polygyny, and monogamy; and they have traditionally been defined as a relationship between men and women. The ideal reasons for marrying have changed from that of practicality with economics, religion, child rearing, and prestige being the major considerations, to relationship building between the couple with love and commitment being the idealized considerations. Today most societies require civil action for the union to be recognized as legitimate. In an 1878 ruling concerning polygamy, the United States Supreme Court declared that marriage is a civil contract regulated by law. This in effect means that the State shall decide what is and is not a marriage. The State will determine the legal relationship between the couple when and if the union is recognized. If the characteristics of a couple's relationship do not meet the standards of the State, the State has no obligation to acknowledge said couple's declaration. But most people in the United States view marriage as more than a civil matter as testified by the millions of ceremonies each year in houses of worship through out the country. In fact in most cultures marriage has been and is accompanied by mores formed in the societies' religious tradition(s).

Recent human rights gains have led to homosexual couples who not long ago could only dream of being married; now demanding their relationships is recognized as marriage. There has been resistance to State recognition of same sex marriages. The most active voices have been the conservative religious establishment. It has stringently opposed the recognition of same sex couples as married based on their religious doctrine that homosexuality is morally wrong and that the sacred compact of marriage can only be made between a women and a man. The majority of Americans be it by a slim margin or by apathetic default seems to agree that same sex relationships should not be seen as marriage, but committed same sex couples' civil rights should not necessarily be compromised. Thus we have a slow but steady movement towards domestic partnership spreading across the country.

A domestic partner can be thought of as a relationship between two people that fall out of the traditional meaning of family, but is as committed and interdependent a relationship as between idealized family members. At one time domestic partners may have been people who lived together in committed relationships but for one reason or another had decided not to marry. These couples, usually heterosexual, chose to live together or "shacking-up" outside the communal definition of marriage. There are several reasons for the current push towards wider recognition of domestic partnerships. The makeup of the American household has changed drastically over the past one hundred years. All types of people live together today. Siblings, retired persons, couples, and life long friends who all want recognition as being connected in more than a passing none committed way. These groups of people face the same healthcare and other domestic expenditure challenges that any other family faces. Thus, recognition through extension of benefits is the aim in the domestic partnership movement.

But many Gay and Lesbian couples want more than equal legal status to marriage. They want their relationships to be recognized by society as equal to marriage in every way. Their position is that the only status equal to marriage is marriage itself, and domestic partnership for same sex couples wishing to marry is a compromise. The domestic partnership discourse has brought into focus for the nation the wish of many same sex couples to marry. Many of these couples are challenging marriage laws in court and slowly making gains. But the fight will be long.

Is it possible to balance the interest of the church, the state, and the individual in the marriage debate? Yes if we clearly define marriage and its role in our constitutional democracy.

In my estimation the modern concept of marriage in the United States has three components:

A sworn public pact of commitment between two people held together by their mutual expression of love. This commitment is a pledge to take care of, and be true to each other. The recognition by society is codified into various laws giving the couple special status and privileges due to their public commitment to each other and the interest of the state in seeing lasting committed relationships that bring stability to society thus contributing to the State's longevity.

More times than not this pact is made sacred by the religious tradition(s) of the said couple. In doing so the couple joins together in a spiritual sense that demands recognition by society because of the pledge made before God.

Most would agree that the interpersonal relationship between the couple is the most important facet of this triad. The religious and civil aspects only validate the couple's public declaration of love and commitment. Without the relationship, there is no marriage. As stated earlier, the couple's personal relationship was not always of the utmost importance. The Catholic Church set the stage for the emergence of interpersonal relationships being the focus of marriage in the Western European Christian tradition. It

set forth a doctrine emphasizing the union of the two parties and the supremacy of their relationship in the union. Unfortunately for a long time this was not the practice. More pragmatic economic and social issues determined who would wed. But the church's philosophical emphasis on relationship set the stage for today's actual emphasis on relationship.

Today most Americans think that the two people contemplating marriage should determine if they love each other and if they are compatible before marrying. Do they have the same goals, do they both want children, are they sexually compatible, etc. etc. If this couple finds that they are compatible and love one another, then they can and many people would say should get married. People who marry for anything other than love are suspect, and those who marry but do not measure their compatibility are blinded by love or foolish.

Most people who do eventually marry take the necessary civil and religious steps to have their relationships validated in the eyes of God and the State. This is done more out of social habit and conformity than because they would not marry if the current governing bodies did not recognize their unions. Vivid illustrations of couples deciding to marry in the face of their unions not having legal status are the African American slaves of early American history. The slave men and women were not permitted to legally marry, but the slaves drew upon their African tribal traditions and new Christian influences to create their own ceremonies and social mores around the institution of marriage. Jumping the broom as depicted in *Roots* is an example. Presently there are a growing number of people who have decided that they do not need the state to recognize their commitment to each other to make it valid. Many couples have made personal and or public commitments to love and cherish each other until death due them part without involving the state. These couples see their relationships as loving and committed, but for various reasons do not want to be tagged with the husband and wife labels. They have detached the need for organized religious validation from their personal recognition of their relationship, and they are demanding equal legal status for their relationships due to their own personal commitment and public declarations. They ask, "Why should they marry?" It's only a piece of paper that really means nothing. People marry everyday and divorce like they are taking out the trash. Divorce, abuse, and infidelity are reason many people give to show that the institution has declined to mean little if anything. They know they are committed to each other and make it public to their friends etc. That should be enough. Conversely there are married couples that have entered into their pact of commitment with out involving any religious ceremony or deferring to a higher entity.

The common thread running through all the before mentioned characterizations of marriage is the importance of the couple's relationship. The centerpiece of marriage in American popular culture is love and self determined compatibility.

So what is the answer? A Society has a vested interest in seeing couples of any sex make lasting loving commitments to each other. Committed lasting relationships help ensure the stability of a society. People in loving relationships tend to be more responsible about day-to-day activities and plan for the future. Societies should support any and all loving

relationships between consenting adults and make it difficult but not overly prohibitive to break their public declarations of commitment. Society should in effect give out bonus points for people in family units, be it a couple or whatever the case may be. On the other hand, people who believe that certain forms of family do not pass their moral compass should not be forced to sanction those unions that do not meet their standards. Nor should people who are in committed relationships be forced to align themselves with a social construct that does not meet their personal standards of legitimacy.

The emerging domestic partnership laws address most of these concerns. First, the laws create a mechanism for society to acknowledge and sanction relationships that are beneficial to the stability of the society, while secondly not forcing those who do not want to be labeled as married to have to get married to receive the benefits that people who may or may not be in committed relationships but call themselves married receive. But domestic partnership laws do not address the fundamental question at hand, how can we satisfy both proponents and opponents of same sex marriage? First and foremost we must recognize that all people under the law are equals. The law should not distinguish gender in defining people's rights. Second, laws cannot be based solely on religious moral conviction. It is obvious that all laws find root in religious beliefs, but in a multi-cultural democracy with separation of church and state we cannot allow religious mores that prohibit actions between consenting adults that do not cause physical or definitive mental harm become laws that define what allowable acts are for people who do not hold the same beliefs. So the answer is homosexual marriage should be recognized by the state as equal to heterosexual marriage, but it should be left up to individual religious organizations to decide whether or not to recognize same sex relationships as marriage. This arrangement should not be seen as a compromise. It is a just way to balance individual freedoms. All people are entitled to equal protection and recognition under the law, but no one can be forced to change their beliefs. The arrangement I outlined leaves those things that belong to civil law in the hands of courts and legislators, those things that belong to religion in the hands of clergy and their congregations, and those things that should be decided by individuals up to them.

But If I were the church I would argue that couples should and must enter into the institution of marriage to receive recognition and privileges from society. I would not make a distinction between heterosexual and homosexual relationships. I would defend marriage and not contribute to the erosion of the institution by forcing people who are in committed monogamous relationships into looking for alternate avenues of validation. My argument would be that society has a vested interest in cultivating, supporting, and protecting committed relationships. But society does not have an obligation to recognize and give bonus points to a couple who does not wish to publicly proclaim their love and commitment in some way be it a simple signature on parchment. There should be only one kind of union equal across the board and open to all people, a union in marriage. Anything less should be considered by society as something less than and not receive special privileges. It is only fair that if couples expect to receive something they have to give something in return. Then the church should concede that the proclamation does not have to be made in the eyes of God to gain legal recognition as marriage. But they advise it to help ensure the success of the union.

By pushing out people who are in committed, loving, monogamous relationships and desperately want to marry, while watching Fox sell ad time for a trophy shopping excursion called "Who Wants to Marry a Millionaire," the church undermines its own position by reducing marriage to a physical act rather than raising it to a spiritual expression of commitment and love. The institution of marriage is under attack, but not by gays and lesbian. It is under attack by heterosexuals like me who are disillusioned with the lack of commitment most people have when they marry. People like me are tired of the lavish and extravagant wedding ceremonies that seem to be expressions of self indulgence rather than the bearing of two souls for God to see the love shared by each. If organized religion wants to defend marriage it must defend it on spiritual principles not material interpretations of the correct physical mechanisms to be used in the consummation of the union. The denial of the right of a person to decide who and how to love someone is sacrilegious in itself. Let's put it like this. In one hand we have a world where the hardest thing to do is find a person to love and who loves you, while in the other hand we have a world were you know in time you will find that person but it may be a women or it may be a man. Which world do you think we will find the happiest people? Well if you don't know you either have never been in love or have forgotten what it was like when you were.