

## Why Religious Arguments Against Same-Sex Marriage are not Wanting

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It is widely believed that opposition to same-sex marriage is based upon parochial *assumptions* (for example, about the authority of the Bible, or Western tradition), which renders these arguments unacceptable in public discourse, while support for it is based upon logical *reasoning* upon which all people can agree, making these arguments appropriate in public discourse. The purpose of this paper is to demonstrate that this reasoning for barring religious arguments about same-sex marriage from public discourse fails,<sup>1</sup> to argue that some other common objections also fail, and finally to propose and illustrate a method for bringing religiously-based arguments into public discourse.

### Religious and Secular Argumentation Stand on the Same Ground in Relying Upon Unproven Assumptions

Philosopher Alvin Plantinga points out that “Western thought since the eighteenth century Enlightenment has displayed at least two distinct styles of objection” to religious arguments. “First, there have been *de facto* objections: objections to the *truth* of Christian belief.” The other type is *de jure* objections. “These are arguments or claims to the effect that Christian belief, whether true or not, is at any rate unjustifiable, or rationally unjustified, or not intellectually respectable . . . or in some other way rationally unacceptable, not up to snuff from an intellectual point of view” (Plantinga, 2000, pp. viii-ix). This paper addresses *de jure* objections to religious arguments against same-sex marriage, and will demonstrate that there is nothing intellectually wanting about religious arguments against same-sex marriage.

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<sup>1</sup> Of course, religious arguments can be poorly reasoned, but the purpose here is to show that being religious is not coterminous with being irrational, or in some other way wanting.

The first fallacy in *de jure* objections to religious arguments against same-sex marriage is the assumption that religious arguments are unique in being based upon unprovable assumptions. This is false because all argumentation of any sort is based upon unprovable assumptions.

The view that modern conclusions are dependable because they are based upon pure reason that builds upon universally accepted foundational knowledge stems from the Enlightenment and is discredited. Such knowledge was supposed to be secular (nontheistic), universal (applicable to all people despite their differences), and indubitable (irrefutable and certain) (Smith, 2003, p. 45). But this view, called “strong foundationalism,” has collapsed, as an immense amount of literature demonstrates.<sup>2</sup> Plantinga (2002) stated, “No philosophical arguments of any consequence meet *that* standard” (p. 69). Smith summarizes, “There *is* no secular, universal, indubitable foundation of knowledge available to us humans” (Smith, 2003, p. 46). So the belief that secular arguments in favor of same-sex marriage are superior to religious ones against it because the secular ones begin with demonstrable assumptions and arrive at their conclusions by sound logic is false. In reality, nearly<sup>3</sup> all human belief and argumentation actually begins with unprovable<sup>4</sup> assumptions.<sup>5</sup>

This is clearly true of everyday knowledge. Alston (1993), for example, demonstrates that absolute certainty is not a realistic standard regarding knowledge derived from our sense perceptions (see also Russell, 1912). Further, we all recognize that in daily conversation we must

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<sup>2</sup> See, for example, Stout, 1981, Plantinga, 1993, pp. 176-83. See Smith, 2003, p. 46, note 2 for more references.

<sup>3</sup> “Incorrigible” beliefs, those based upon self-consciousness, like, “I exist,” or “I feel sick”, are the exception. But Descartes' attempt to build a foundation for all knowledge from such beliefs failed.

<sup>4</sup> Rorty acknowledges the determinative role of assumptions in philosophy (1979, p. xiii): “Almost as soon as I began to study philosophy, I was impressed by the way in which philosophical problems appeared, disappeared, or changed shape, as a result of new assumptions or vocabularies. . . . a ‘philosophical problem’ was a product of the unconscious adoption of assumptions built into the vocabulary in which the problem was stated. . . .”

<sup>5</sup> This need not result in despair or in skepticism. In fact, this situation only appears dire because an unrealistic standard of certainty was established by Enlightenment thinkers. Absolute, indubitable certainty is rarely attainable in any area of knowledge. Smith elaborates upon this point (2000, pp. 87-94 and in 2010, pp. 90-98). But this observation does not affect our argument, since secular arguments still begin with unprovable assumptions.

trust what others tell us (or not). We live comfortably recognizing that when we trust someone, we are likely correct, but could be mistaken. This is true of most of our knowledge. Babbie (2007) explains that we know most of the things we do “because someone told them to you, and you believed what you were told. . . . Most of what you and I know is a matter of agreement and belief. Little of it is based on personal experience and discovery. A big part of growing up in any society, in fact, is the process of learning to accept what everyone around us ‘knows’ is so. . . . The basis of knowledge is agreement” (p. 3). Sociologists refer to this persuasive power of the group around us as a “plausibility structure”.<sup>6</sup>

Scientific knowledge is also based upon unprovable assumptions, even though its more rigorous methods raise our level of confidence in our conclusions. Kuhn (1970) makes this clear when he points out that since what could be known is infinite while our actual knowledge is finite, we can never be sure that we have correctly understood what we think we know, whether in assumptions or conclusions.

What is true of human knowledge in general is particularly true of human values. Humans are inescapably moral creatures, and human life and all institutions inevitably operate based upon value assumptions (Smith, 2003). What Smith says about knowledge also describes values. He writes (p. 46),

The lives we live and the knowledge we possess are based crucially on sets of basic assumptions and beliefs . . . [and] our elemental assumptions and beliefs themselves cannot be empirically verified or established with certainty. They are starting points, trusted premises, postulated axioms, presuppositions—‘below’ which there is no deeper or more final justification, proof, or verification establishing them. In philosophical terms, these beliefs and commitments may be ‘justified’, but they are not ‘justifiable’ (p. 46).<sup>7</sup>

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<sup>6</sup> On plausibility structures see, e.g., Berger, 1967, pp. 127-54.

<sup>7</sup> Smith (2003) illustrates this (p. 47): “At a very basic level, for instance, it is safe to guess that probably most readers of this essay believe in causation (that forces and agents can cause effects in or on others), in natural regularity (that the natural world as we observe it works the same way in places where we do not observe it), and in the temporal continuity of experience (that life when we wake up tomorrow will function very similarly to the way it

So we see that everyday belief, science, and human moral commitments all fail to be absolutely certain. It is certainly true (!) that the stakes are higher and our comfort level with uncertainty decreases when we move from everyday life, or even science, to big questions such as moral commitments. But the facts of the limitations of human knowledge usually permit us only probable knowledge.<sup>8</sup> Smith summarizes well: “What we have come to see is that, at bottom, *we are all really believers*” (p. 46, emphasis in original).<sup>9</sup>

So it is clear that *all argumentation* must rely on unproven assumptions. Since arguments based upon religious assumptions are no different in their method than secular arguments, there is no valid reason to exclude them from public discourse. One may certainly object to the religious assumptions; such critique is the point of public debate. But what one cannot accurately assert is that religious arguments should be excluded from public discussion *because they are based upon unprovable assumptions*, because all of us share this limitation.

Some other widely used objections to bringing religiously-based arguments into public discourse also fail. One cannot object to religious assumptions grounding public arguments on the ground that they are a minority opinion for at least two reasons. First, because a great distinctive of democratic discourse and one of its claims to moral superiority is to protect minority opinions and encourage open discourse where such opinions can plead their case. But second, because religious assumptions are not a minority position. In fact, the vast majority of Americans believe in God and religious assumptions are common among the American population. So it is strange that a “no religion allowed” stance that reflects the conviction of the

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functions today). These we believe so ‘deeply’ that we do not even think about them. We simply assume them and build up the living of our lives upon them. None of these beliefs, however, can be verified as definitely true in fact.”

<sup>8</sup> Coady (2003) analyzes what Smith calls “our inescapable reliance on the unverifiable testimony of others” (pp. 46-47, note 4) in *Testimony: A Philosophical Study*.

<sup>9</sup> This modern consensus about how we know is not really new; it is at least as old as Augustine’s fourth-century *credo ut intelligam*.

tiny 1% minority of Americans who are atheists is the assumption in public discourse, and even stranger that it is defended as a “neutral” position.

To summarize, we have concluded two things. First, that the belief that homosexual activity is moral (as found, for example, among many on the Western intellectual left), and the conviction that it is immoral (found, say, in Plato and the Bible), stand on the same ground: Both are indemonstrable moral commitments, which means both stand on the same ground in this regard. That does not mean that all assumptions and all conclusions are equally valid, but only that persuasion is necessary. Second, we have concluded that barring religiously-based arguments about same-sex marriage (for or against it) from public discourse is not legitimate on grounds that they are minority opinions.

If this argument is correct, it means that all Americans should be welcome to enter public discourse, present their case, and attempt to persuade others of their position. But this raises an immediate problem: If we allow religious arguments into public debate, how could religious arguments hope to persuade those not already committed to the religious assumptions, and thus, avoid trying to impose religion on others? To this question we now turn.

### **A Method for Presenting Religiously-Based Arguments in Public Discourse**

All participants in public discourse should begin by stating the assumptions from which they begin. Acknowledging one’s assumptions is honest, and should aid listeners in understanding and evaluating the case. After stating the foundational assumptions, a presenter should proceed to building her case with sound reasoning. But the religious must do more if they hope to persuade those who might not adopt their assumptions. My purpose in this section is to lay out a specifically Christian approach for presenting religiously-based arguments in public discourse.

## **The Foundation: Loving God is the Route to Human Flourishing**

Jesus summarized the core of Biblical faith when someone asked him, ‘Which commandment is the most important of all?’ He replied (Mark 12:29-31), ‘The most important is, “Hear, O Israel: The Lord our God, the Lord is one. And you shall love the Lord your God with all your heart and with all your soul and with all your mind and with all your strength.”’ Jesus draws this conclusion from the Ten Commandments, the acknowledged summary of Israel's law, because those commandments begin by stating our obligations to God. While other religions focus on doing the right things, Biblical religion focuses on loving God, which serves as the foundation for doing the right things.

But what is too seldom recognized is that loving God is the route to human happiness. First, we must see that God desires humans to be happy. Jonathan Edwards defined God's love as his disposition to do good to others, to seek their welfare.<sup>10</sup> Since the primary drive God planted in us is the desire for our own happiness,<sup>11</sup> to say that God loves us is to say that his goal for us is that we find happiness, as Scripture often affirms.<sup>12</sup> But happiness is not whatever we might define it to be, as modern individualists often think.<sup>13</sup> The Western tradition, from the Greeks until the Enlightenment, saw happiness as resulting from virtue. The Bible concurs, defining virtue as conformity to God's character and commands. The happiness the Bible proffers is typically described as “joy,” “blessedness,” or “shalom,” a state of well-being and flourishing. This “shalom” is the grand goal that God desired for Israel, as the Aaronic Blessing continually

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<sup>10</sup> Edwards writes, “God's love, or benevolence, as it respects the creature, may be taken . . . [to] signify nothing diverse from that good disposition in his nature to communicate his own fullness in general; as his knowledge, his holiness, and happiness. . . . God's love may be taken more strictly for his general disposition to communicate good, as directed toward particular objects. . . .” (Piper, 2006, pp. 438-39).

<sup>11</sup> See Edwards' argument as explained by Ramsay, 1989, pp. 12-27.

<sup>12</sup> For example, Deuteronomy 33:29; Psalms 1:1 and Psalm 2:12, where “blessed” can also be translated “happy;” Psalm 16:11.

<sup>13</sup> Marsden (2003, pp. 459-71) explains that this was the error of the ostensibly Christian moral philosophers of Edwards' time.

reminded Israel (Numbers 6:24-26), and as the Apostle Paul restated as a central goal at the beginning of all of his epistles.<sup>14</sup>

Second, we must recognize that loving God is, as Edwards (1989) said, “Esteem of God, admiration of his perfections . . . and praise of them” (as quoted in Ramsay, p. 442). It is to acknowledge that God is the definition “good,” i.e., of what is desirable. So loving God is not “acting religiously.” It is to embrace and experience all of the things human nature, in God’s likeness, was created to appreciate, and to experience the joy they give. In other words, it consists of enjoying love, beauty, goodness, truth, and all other good things, which, as Edwards says, constitute “the beauty of the divine nature” (p. 442). To love God is to embrace him as the Source who fulfills our deepest needs. To love God is to embrace what brings us happiness (Piper, 1986)! As Augustine said, ‘You arouse us so that praising you may bring us joy, because you have made us and drawn us to yourself, and our heart is unquiet until it rests in you’ (Boulding, 1997, p. 34).

This should make it clear that obeying God’s commands is salutary, i.e., conducive of well-being, for the individual and for society. That doing the good should be salutary was argued by Plato in the *Republic* and by Aristotle in the *Nicomachean Ethics*, and was generally seen as obvious from the Greeks to the Enlightenment (Charry, 1997, pp. 3-16). The Enlightenment severed that connection, which has made Christians blind to what Scripture has always taught. Failing to grasp this Biblical perspective, Christians often see obedience to Biblical commands as fulfilling only their moral obligation, failing to grasp that obedience to God’s commands is the route to happiness and human flourishing. The Bible often declares this, as when the Ten Commandments are concluded by the promise, “Hear therefore, O Israel, and be careful to do

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<sup>14</sup> Paul begins all of his epistles with a version of “Grace and peace (“shalom”) to you from God our Father and the Lord Jesus Christ.” E.g., Romans 1:7, 1 Corin. 1:3, where *peace* in Greek is the LXX word for the Hebrew *shalom*.

them, that it may go well with you” (Deuteronomy 6:3), or when the Torah is concluded by saying, “Happy are you, O Israel, who is like you? A people saved by the Lord” (Deut. 33:29)!

### **The Principle for Public Life: Christians Seek the Flourishing of Others**

If the core of Biblical religion toward God is love, the core of Biblical religion toward humans is love,<sup>15</sup> as Jesus made clear. When Jesus defined the core of Biblical faith, he did not stop with love of God. To the command to love God he immediately added, ‘The second is this: “You shall love your neighbor as yourself.” There is no other commandment greater than these’ (Mark 12:31). Again, Jesus is summarizing the Ten Commandments where our obligations to God are followed by our obligations to our neighbor. And as the Ten Commandments embraced both obligations, so Jesus sees love of neighbor as inseparable from love of God. That's why when asked to name the single-most important command, Jesus answered with two commands!

Edwards helpfully defined love (Ramsay, 1989, pp. 438-39) as seeking the well-being of others, but he was simply restating what the Ten Commandments themselves made clear. The Commandments are stated as negative minimums which imply positive maximums, as the structure of the Book of Deuteronomy makes clear.<sup>16</sup> Thus, the command, “Thou shalt not kill” means that we should seek the well-being of others by guarding their life and what sustains it.<sup>17</sup>

The Apostle Paul summarized the Christian’s duty to all people in the same way by saying (Romans 13:8-10), “Owe no one anything, except to love each other, for the one who loves another has fulfilled the law. For the commandments, ‘You shall not commit adultery, You shall not murder, You shall not steal, You shall not covet,’ and any other commandment, are summed up in this word: ‘You shall love your neighbor as yourself.’ Love does no wrong to a neighbor; therefore, love is the fulfilling of the law.”

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<sup>15</sup> See James 1:27 for a similar summary.

<sup>16</sup> See Campbell, 2014b, and how Paul handles the stealing command in Ephesians 4:28.

<sup>17</sup> See Campbell, 2014b, Appendix.



Thus, in public as well as private life, the core commitment of Christians is to seek the welfare of others. Christian public discourse must be centered on this goal.

### **Principles for Christian Public Discourse**

Three principles for public engagement follow from what we have seen. First, Christians should be committed to the common good.<sup>18</sup> Christians should make it clear in public discourse that their goal is not to seek to impose their rules upon others, but to pursue what seems to promote the welfare of all. This was Jesus' strategy for public engagement. When Jesus did miracles such as healing, he was not only demonstrating care for the individuals he helped. He was showing God's care for the welfare of all, and displaying what the kingdom of God would be like when it fully came, a kingdom of full human flourishing, with no hunger, or blindness or death (Ladd, 1974, pp. 64, 76). Striving for the good of others bears witness to God's desire for them, which Christians testify is found most fully in Christ. Seeking the common good also entails respect for the dignity of one's opponents and refusing to demonize them.<sup>19</sup>

Second, Christians should be committed to persuasion. First, persuasion is pragmatic: It offers a better chance of public policy being embraced over the long-term than does simply passing laws by a majority. One problem with resolving a controversial public issue by passing a law is the incentive it creates for the minority to engineer a change of political landscape which might renegotiate the issue in their favor. In other words, those who win narrowly today may lose narrowly tomorrow. The real solution is persuasion, so that law reflects what people really believe is true. This is harder than winning elections, but more important.<sup>20</sup> Finally, and most

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<sup>18</sup> For a Christian development of this theme see Volf, 2011. See also, Campbell, 2015.

<sup>19</sup> These principles are expounded in "the Williamsburg Charter," in Hunter and Guinness, 1990.

<sup>20</sup> Guinness states it well: "For persuasion to be principled, private convictions should be translated into publicly accessible claims. Such public claims should be made publicly accessible for two reasons: First, because they must engage those who do not share the same private convictions, and second, because they should be directed toward the common good" (Hunter and Guinness, 1997, p. 144).

importantly, commitment to persuasion arises from Christian principles. God offers forgiveness and redemption based upon willing acceptance of the gospel. He does not compel everyone to join a Christian political order and obey Biblical rules regardless of faith. If God makes the fate of individuals contingent upon persuasion, how can Christians rely upon another method?

Third, seeking the common good through persuasion requires that Christians seek to present evidence that the position they advocate encourages human flourishing. This strategy arises from the Christian beliefs examined above. If obedience to God's commands is conducive to human flourishing, it is reasonable to expect that evidence of that benefit would be visible in experience. If Christians can present evidence that their views actually seem to work well in life, they have both evidence that might persuade those who reject their assumptions and evidence suggesting that their assumptions might be correct. In fact, there is much such evidence. For example, there is substantial evidence that Biblical principles are conducive to wealth (as opposed to poverty), justice (as opposed to corruption) and democracy (as opposed to tyranny) (Harrison, 2006). Thus, one researcher summarized a global study of these three things by saying one of two basic principles which explain wealth, justice and democracy is whether a country really lives by the Golden Rule, a rule derived from the Bible (Harrison, 2007, p. 55; also Weber, 1904; Stark, 2005). Or, take the abundant evidence that has come to be acknowledged in the last generation, reversing the conventional wisdom, and showing that religion is good for mental and physical health (Pargament, 1997; Stark, 2012; Koenig, King and Carson, 2012). We now briefly outline such an argument against same-sex marriage.<sup>21</sup>

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<sup>21</sup> For an extended argument see Girgis, George and Anderson, 2010, from which I will draw extensively.

## **A Christian Argument Against Same-Sex Marriage**

As a Christian I begin with several assumptions which ground the position I take. I assume the classical Christian position, shared by the Orthodox, Roman Catholics and Protestants, that God exists, and that He has spoken intelligibly in Christian Scripture. From these assumptions, I conclude that God cares for all people and desires their well-being. I also conclude that the commands of God in Scripture and the standards established there for human behavior, are intended to encourage human flourishing, both for individuals and for the social order,<sup>22</sup> and that departure from those standards is ultimately detrimental to human well-being. I, therefore, believe that homosexual marriage is detrimental.<sup>23</sup>

The animus for this position is not animosity toward the gay community. Christians believe that God loves all people, regardless of any behavior or belief, including the gay community. My goal is not to demonize the gay community, or to deny gays civil rights, but to attempt to reason persuasively about same-sex marriage and the common good.

It is certainly true that gays derive personal satisfaction from marriage. But gays can now cohabit and establish life-long relationships if they wish. The real question is about social benefit. Empirical evidence about the benefits or harms of same-sex marriage is scant due to the relatively short history of research on same-sex marriage.<sup>24</sup> Still, what evidence might we cite?

### **Evidence that Few Gays Actually Want to Marry**

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<sup>22</sup> Charry (2010, p. 170ff.) makes a helpful distinction between “voluntarist” commands, which are given for a specific occasion only and to test obedience (such as when God tested Abraham [Genesis 12:1] by commanding him to sacrifice his son) and “asherist” commands, intended to cultivate wisdom about ongoing situations in life.

<sup>23</sup> There are Christians who argue in favor of same-sex marriage. For example Rogers, 2006 and Helminiak, 1994. Their arguments have been thoroughly analyzed and, to my mind, refuted, in Gagnon, 2001.

<sup>24</sup> There is an irony in seeking evidence for benefit or harm in a practice. In order to have good evidence, the practice must be legal and widespread enough to study, but once it is legal and widespread, any evidence discovered against it is unlikely to reverse the practice.

The most surprising fact about same-sex marriage is how few gays actually marry when granted the legal right to do so. Internationally, the mean same-sex marriage rate in countries where it is legal, is 4%<sup>25</sup>, and the mean gay marriage rate in the US states where it is legal, is 8%.<sup>26</sup> So the idea that most gays wish to marry is a myth; only a tiny minority wishes to marry. This fact undermines some widely used arguments in favor of same-sex marriage, such as that most gays wish to marry “like everyone else.”<sup>27</sup> It also undoes the argument that says gays believe they are only treated fairly if they are granted the right to marry. Apparently, extremely few believe this enough to marry so that they can secure that equality. It also vitiates the argument that gays believe civil unions are not enough. In fact, the data shows that the vast majority of gays prefer not to form permanent relationships at all, while those who do, prefer civil union to marriage by a rate of 2 or 3 to 1.<sup>28</sup>

### **Evidence that the “Fairness” Argument Fails**

It is often argued that fairness demands that gays be granted the right to marry since all people should be treated equally. But if that is true, should we not also grant the right to marry to those who desire polygamous marriage? If fairness is the ground for same-sex marriage, on what grounds can we deny equal treatment to, for example, Muslims, who have believed in polygamy for centuries? If someone objects that traditional marriage and same-sex marriage are both monogamous, so polygamy is not equivalent, we must ask why monogamy is sacred. Is it only because Western tradition has sanctioned it? But that is not an argument based upon treating

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<sup>25</sup> This is for countries that legalized same-sex marriage in 2010 or before. The mean rate for all countries is 2.88%.

<sup>26</sup> Campbell, 2014a.

<sup>27</sup> On surveys gays express the desire to marry at nearly the same rate as the population at large, but they consistently marry at a drastically lower rate: Campbell 2014a, Gates & Newport, 2012.

<sup>28</sup> In the Netherlands, one of two countries which allow both civil unions and marriages, 24% of gays form permanent relationships and 27% of those marry, meaning that the minority of gays who form permanent relationships prefer a civil union to marriage by a margin of 3 to 1. In Canada, the other country which allows both, 14.1% of gays form permanent relationships and 32.6% of that 14.1% marry, meaning that Canadian gays prefer civil unions to marriage by a margin of 2 to 1. See Campbell, 2014a.

people fairly or equally. Is it because polygamy seems offensive to our tastes? That is not an argument based upon treating people fairly or equally. Besides, same-sex marriage is offensive to the tastes of many people too, and that objection is not considered valid when used against same-sex marriage. It seems that the argument from fairness is an example of special pleading, in which the argument is used when it supports your claim, but is not allowed for others. But the fairness argument is not used consistently even within monogamy. Should we grant the right to marry to those who might desire to marry their cat or their dog, as a number of people have sought to do?<sup>29</sup> If not, why not? Is it because Western tradition or our tastes do support this? Girgis, George and Anderson (2010) are correct that if “equality requires recognizing loving consensual relationships,” it would also refute the same-sex marriage argument, since it still does not allow the same right for “those seeking open, temporary, polygynous, polyandrous, polyamorous, incestuous, or bestial unions” (p. 250).<sup>30</sup> Equality must allow all of these or none. And since many gays do not want to recognize these other sorts of “marriage,” the consistent position is to see same-sex relationships as they have always been seen: a form of friendship which the state has no interest in recognizing or regulating.

### **Evidence Against Supposed Social Benefits of Same-Sex Marriage**

It is sometimes argued that same-sex marriage is beneficial to society because it will provide more adoptive families. The evidence shows this to be a weak claim. First, gays

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<sup>29</sup> See the BBC report of a German man who married his cat, unofficially: <http://news.bbc.co.uk/2/hi/8658327.stm>

<sup>30</sup> Many seem to find this argument preposterous, but Girgis, George and Anderson (2010, p. 273) cite Gloria Steinem, Barbara Ehrenreich and Cornell West as advocating for legal recognition of “multiple-partner” sexual relationships and *Newsweek* reports that there are already over 500,000 of these in the United States alone: *Newsweek* (July 29, 2009), <http://www.newsweek.com/2009/07/28/only-you-and-you-and-you.html> (accessed Nov. 25, 2014), in “Polyamory: The Next Sexual Revolution?”, by Jessica Bennett. They also note (2001, p. 276) that Judith Stacey and 300 LGBT and allied scholars have called for legal recognition of sexual relationships involving more than two partners.

represent only 3.4% of the adult population,<sup>31</sup> so even if all gays married, the impact on adopting families would be minimal. But the claim also assumes that gays will marry in large numbers, and the evidence demonstrates that this is not the case, as argued above. Consequently, legalizing same-sex marriage for the sake of increasing the pool of adoptive families because some fraction of 1/3 of 1% more of the adult population might provide such homes is not persuasive.

It is also often argued that since stable, permanent marriages are good for society, adding more of them by legalizing same-sex marriage only adds to the benefit. This argument is also weak for two reasons. First, so few gays marry that the positive impact on society, even if real, would be minimal. But second, the argument assumes that same-sex marriage will be the same as heterosexual marriage, which is not clear. For example, there is evidence that for many gays, marriage does not entail sexual exclusivity. Prominent activist Andrew Sullivan writes, “Among gay male relationships, the [sexual] openness of the contract makes it more likely to survive than many heterosexual bonds. . . . [T]here is more likely to be greater understanding of the need for extramarital outlets between two men than between a man and a woman” (Girgis, George and Anderson, 2010, p. 277). Social scientific studies, while few, support this conclusion.<sup>32</sup> If same-sex marriage is different than traditional marriage, it is not obvious that the same stability and social benefits will attend it.

### **Evidence that Same-Sex Marriage is Harmful to Society**

Same-sex marriage can damage traditional marriage in a number of ways. First, traditional marriage, damaged as it has been since the sexual revolution, has long been considered a permanent commitment particularly because it involved children, who need a stable home. But same-sex marriage for many, means redefining marriage as fundamentally about

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<sup>31</sup>Gates and Newport, 2012.

<sup>32</sup> See studies cited by Girgis *et. al*, 2010, p. 277 and Campbell, 2014a, pp. 19-20.

meeting the emotional needs of the adults involved, and only secondarily about children. As Girgis *et. al.* (2010) point out, “Since emotions can be inconstant, viewing marriage essentially as an emotional union would tend to increase marital instability” (p. 261). It can also be argued that demoting traditional marriage, with its commitment to child-bearing and child-rearing, which is essential to the common good, to equality with marriages which cannot involve child-bearing and which do not necessarily involve child-rearing, is to fail to grant special status to that which is essential to the common good.<sup>33</sup> Further, legalizing same-sex marriage enshrines into law the attitude that heterosexual marriage is not the social ideal, the result of which would likely be that “people would increasingly fail to see the intrinsic reasons they have for marrying or staying with a spouse absent consistently strong feelings” (p. 261). Evidence that this is occurring is the fact that where same-sex marriage is legal, marriage rates and fertility rates are low.<sup>34</sup>

There is also evidence that harm comes from same-sex marriage when it involves adoption. The widespread conviction that same-sex marriage has no negative effects on children is not established. In 2005 the American Psychological Association (APA) published an official position on lesbian and gay parenting, claiming that not a single study had found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents. But that conclusion has been seriously challenged by Marks (2012), who reviews the 59 studies cited as support by the APA and demonstrates serious methodological flaws, including the failure of all but four of the studies to meet the APA statistical standards. Recent research by Regnerus (2012) has concluded that significant harm in numerous areas

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<sup>33</sup>I owe this thought to philosopher James Spiegel from an unpublished paper.

<sup>34</sup> For example, Massachusetts, the first US state to legalize same-sex marriage, in 2011 had one of the lowest marriage rates in the US with only 4 states being lower. Its rate was 5.5/1,000 population; in the US the 2011 rate ran from a high of 10.4 to a low of 4.9 (excluding outliers Nevada at 36.9 and Hawaii at 17.6). The same is true of the Netherlands, the first country to legalize same-sex marriage.

results to children from same-sex parenting. Would we not, therefore, at the very least, be wise to be slow to embrace same-sex marriage and await further research to help us assess whether same-sex marriage is a healthy policy for child-rearing?

It is not only opponents of same-sex marriage who argue that its legalization would weaken traditional marriage. A number of same-sex marriage advocates have argued this as well. For example, Michelangelo Signorile, a prominent gay activist, urges same-sex couples to “demand the right to marry not as a way of adhering to society’s moral codes but rather to debunk a myth and radically alter an archaic institution” (Girgis, *et. al.*, 2010, p, 278).<sup>35</sup>

Finally, equating same-sex marriage, and perhaps other arrangements, with traditional marriage, sends the message that traditional marriage is not uniquely important to society. People who believe that will tend to do whatever they desire rather than aim for a traditional marriage.

Girgis, *et. al.*, say it well (2010):

In the absence of a flourishing marriage culture, families often fail to form, or to achieve and maintain stability. As absentee fathers and out-of-wedlock births become common, a train of social pathologies follows. Naturally, the demand for government policing and social services grows. According to a Brookings Institute study, \$229 billion in welfare expenditures between 1970 and 1996 can be attributed to the breakdown of the marriage culture and the resulting exacerbation of social ills: teen pregnancy, poverty, crime, drug abuse, and health problems. Sociologists David Popenoe and Alan Wolfe have conducted research on Scandinavian countries that supports the conclusion that as marriage culture declines, state spending increases (p. 270).

### **Evidence that Same-Sex Marriage is a Proxy**

While a few gays wish to marry, the drastically low marriage rates among gays suggests that same-sex marriage is not the real goal. It is often argued that gays must be granted the right to marry so that they can receive the same benefits that married heterosexuals get. But this is incorrect on two counts. First, if gays really believed this, they would marry, but since almost

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<sup>35</sup> See Girgis, *et. al.*, 2010, pp, 277-78, for further examples.



none do, and since the evidence we have shows that gays prefer civil unions to marriage, in spite of what gays claim, the argument is weak. But more substantively, the argument is a *non-sequiter*: It does not follow that since marriage grants certain benefits, marriage is the only way to get those benefits. As Linda Waite and Maggie Gallagher (2000) point out, “Gay couples can, with the help of a knowledgeable attorney, set up almost all the legal rights for their partnership that married couples get automatically at the wedding” (p. 20). This deepens the suspicion that marriage is not the real goal. What might that goal be? Waite and Gallagher are suggestive: “What gay couples cannot get is legal and social recognition of their relationship (p. 20).” But even that applies only to the tiny minority who marry, and seems inadequate to explain the widespread activism in favor of gay marriage. I suggest that what gays want is social approval of their lifestyle. The logic is that what the law endorses is constituted as legitimate, and even if you do not marry, a homosexual lifestyle is legitimate and moral because it is endorsed by the government. One can understand this desire. But if that is the real desire, and not marriage, is it not disingenuous to argue for a “right” that very few actually want?

### **Conclusions**

Waite and Gallagher (2001), in their book *The Case for Marriage: Why Married People are Happier, Healthier, and Better Off Financially*, provide a data-driven case that traditional marriage provides many benefits that no other arrangement that we know of offers. That is, it is not true that all family forms are equally valid and beneficial. Traditional marriage is superior. The authors differ over whether same-sex marriage should be legalized, but their conclusion is that the data we have makes them suspect (“we suspect, but do not know”) that “adults in such same-sex couples would reap some, but not all, the benefits of marriage” (p. 200). In other words, same-sex marriage, even if recognized, still seems inferior to traditional marriage. If that

is so, is it wise social policy to equate it with traditional marriage, which we know can bring immense benefits that no other institution can offer? Our arguments suggest the answer is no.

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