

Musings on Same Sex Marriage

The 3 “modules” of marriage

There are three “modules” related to traditional heterosexual marriage:

- committed companionship
- parenting
- sexual reproduction

Traditional marriage is great because it fosters an environment where sexual reproduction is tied to a committed companionship and also to parenting. This is a valid point for those seeking to defend traditional marriage in the public sphere. **However**, enacting legislation that *specifically* ties sexual reproduction, parenting, and committed companionship together is extremely difficult.

The government has an interest in supporting parents in their child-rearing duties regardless of the other two modules. This is why the government offers support to both single mothers and adoptive couples—from a government perspective it makes sense to support *any* parent / legal guardian!

Virtually all of our legislation regarding marriage over the past 50 years has focused on committed companionship and parenting. The state has virtually ignored the sexual reproduction module in how it interacts with marriage. If you look at the rulings it is clear that judges looked careful at the parenting aspect. Homosexual marriage fulfills the goals of the state because where homosexual couples intend to raise children, a committed two partner home is far superior to a single home. Basically, marriage between homosexuals has been deemed *close enough* in the eyes of the state. So, when one acknowledges the manner in which the state *currently* treats marriage, it is clearly unequal treatment of homosexuals to deny them participation in the institution.

In one sense, the legal battle over SSM was lost decades before the issue was fought in the courts and at election booths because marriage had already been defined societally primarily in terms of “committed companionship” and not in the intersection between committed companionship, parenting, and sexual reproduction. In one sense, this seems unfortunate for opponents of SSM. However, one can also argue that the intersection of the three “modules” is already strongly incentivized and supported via our biological heritage. Our species will continue to value the intersection between committed companionship, parenting, and sexual reproduction with or without state sanction because there are deep biological drivers which incentivize it. Given that the state offers massive support for the education of all children, we can acknowledge that the state is *already* committing the most resources to that module which requires the most assistance from the state (in a modern nation-state), and it is doing so in a manner that is mostly likely to benefit *all* children, regardless of the union which produced them or the nature of the relationships of their caretakers which, relative to the parenting module, are of secondary concern to the state.

The preamble to the Constitution

The Preamble to the Constitution explains when/how/why a government may act in behalf of its constituents:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The key issues with marriage are probably:

- promote the general welfare
- insure domestic tranquility

The best defense of traditional marriage proceeds elegantly out of these narrowly defined purposes of government:

1. The purposes of government, as outlined by the preamble to the constitution are to “form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity”
2. Government, by default, should not interfere in our relationships, unless it serves one of the above purposes. Non-intervention should be the default unless one of the above concerns is compelling.
3. The government should have no stake or say in realms regarding romantic attraction, any more than it manages or regulates any other relationships (i.e., it should do nothing beyond enforcing contract, etc.).
4. Heterosexual, sexual relationships necessarily imply children (i.e., unless we have reason to believe otherwise, heterosexual adults are likely to bear children if they are sexually active).
5. It is ideal for a child to be raised by both of its biological parents.¹
6. Government sanction of the commitment behind a relationship helps to support #5.

Ergo, government intrusion/sanction of heterosexual commitment may be justified in order to promote the general welfare and secure liberty for posterity. This particular logic does not *inherently* apply to homosexual couples because point 4 above—this argument pivots on point #4 and not point #5, even though point number 5 is also necessary.

The counter-argument, of course, is that marriage *today* is hardly even concerned with offspring (not to mention that homosexual parents are roughly as successful as

¹That is not to say that homosexuals do not make great parents on par with heterosexual parents. This fact has been well-established in the sociological literature over the last few decades. Regardless, for the sake of argument, we can say that where children are produced “naturally” (and *most* children are produced in this manner), and *all other things being equal*, it stands to reason *from a strictly biological perspective* (biological entities tend to give preference to their genetic offspring) that it is ideal for an offspring’s biological parents to raise them.

heterosexual ones in raising productive members of society, insofar as the state is concerned). When viewed in this light, there is no compelling reason to distinguish between homosexual and heterosexual unions. However, the question then becomes this: *why should government privilege and/or intrude on marriage at all?* If the meaning of marriage is completely divorced from the idea of children, then government is intruding. Or, seen from another angle, why should two homosexuals living under the same roof together in a committed relationship be given any more tax breaks and/or responsibilities than two sisters who have committed to one another that they will live together and share their property til the end of their life (but who are not sexually active) and want to raise adopted children together? On the flipside, the question asked by homosexuals about older couples who marry beyond the years of fertility is completely valid when viewed through this lens—why should they be privileged over a homosexual couple, when there is no expectation of children? Why would the state care about sanctioning that union?

The word ‘marriage’

Although we like to think of the word “marriage” in a lofty, idyllic sense, the fact is that [the Christian God appears to have condoned a wide variety of couplings in the past](#).

Scriptural condemnation of homosexual marriage

The New Testament Jesus himself never condemned homosexual marriage. The Old Testament condemns homosexuality, but it condemns so much that it seems like cherry-picking to focus *only* on the things that happen to agree with our current conservative-Christian view of morality. Incidentally, some fundamentalist Christians actually *do* keep the other strange prohibitions in the Old Testament or New Testament. For instance, many fundamentalist churches prohibit women from speaking, and my cousin-in-law’s father, in Georgia, used to keep the Old Testament prohibitions. Those who cherry-pick some Old Testament teachings and not others have the burden of explaining why some prohibitions on behavior (and prescriptions of punishment) should be strictly adhered to while others are so easily sluffed off.

It seems to me that if a group or individual is interested in Old Testament (or even New Testament) prohibitions, then they need some coherent reason for selecting some and not others. Latter-day Saints argue “modern day revelation” when dealing with same-sex marriage, but I am not aware of any modern day revelation having been received on that topic, ever. (note that all available evidence suggests [the family proclamation should not be viewed as revelation](#))

God *may* not have destroyed Sodom and Gomorrah for homosexuality

[Sheldon Greaves](#) advances the idea that every time Sodom and Gomorrah is referenced God appears to be condemning something else besides homosexuality. However, other [convincing exegetical analyses](#) dispute this interpretation.

Latter-day Saints used to condemn monogamy with vehemence

See the many quotes by Brigham Young and Orson Pratt in [this article](#). Modern day condemnations of homosexuality should probably be interpreted in light of former condemnation of monogamy.