

# Reading 2: Divorced from Reality

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**Notes**

Defenders of marriage must face some hard facts or they are going to lose their fight—and with it, quite possibly, their religious freedom as well. Federal judge Vaughn Walker’s ruling nullifying Proposition 8 in California illustrates that, unless we can demonstrate very specific reasons why same-sex marriage is socially destructive, it will soon be the law of the land.

With conservatives as prominent as Glenn Beck and Ann Coulter joining those “influential Americans,” in the words of the National Review, who “have been coming increasingly to regard opposition to same-sex marriage as irrational at best and bigoted at worst,” we can no longer rely on vague assertions that homosexual marriage weakens true marriage in some way—which in itself, actually, it does not.

Considerable nonsense has been written by some opponents of same-sex marriage, while some critical truths are not being heard. Confronting the facts can enable us to win not only this battle but several even more important ones involving family decline and the social anomie it produces.

First: Marriage exists primarily to cement the father to the family. This fact is politically incorrect but undeniable. The breakdown of marriage produces widespread fatherlessness, not motherlessness. As Margaret Mead pointed out long ago—yes, leftist Margaret Mead was correct about this—motherhood is a biological certainty whereas fatherhood is socially constructed. The father is the weakest link in the family bond, and without the institution of marriage he is easily discarded.

The consequences of failing to link men to their offspring are apparent the world over. From our inner cities and Native American reservations to the north of England, the banlieues of Paris, and much of Africa, fatherlessness—not poverty or race—is the leading predictor of virtually every social pathology among the young. Without fathers, adolescents run wild, and society descends into chaos.

The notion that marriage exists for love or “to express and safeguard an emotional union of adults,” as one proponent puts it, is cant. Many loving and emotional human relationships do not involve marriage. Even the conservative argument that marriage exists to rear children is too imprecise: marriage creates fatherhood. No marriage, no fathers.

Once this principle is recognized, same-sex marriage makes no sense. Judge Walker’s “finding of fact” that “gender no longer forms an essential part of marriage” is rendered preposterous. Marriage between two men or two women simply mocks the purpose of the institution. Homosexual parenting only further distances biological fathers (and some mothers too) from their children, since at least some homosexual parents must acquire their children from someone else—usually through heterosexual divorce.

Here is the second unpleasant truth: homosexuals did not destroy marriage, heterosexuals did. The demand for same-sex marriage is a symptom, not a cause, of the deterioration of marriage. By far the most direct threat to the family is heterosexual divorce. “Commentators miss the point when they oppose homosexual marriage on the grounds that it would undermine traditional understandings of marriage,” writes family scholar Bryce Christensen. “It is only because traditional understandings of marriage have already been severely undermined that homosexuals are now laying claim to it.”

Though gay activists cite their desire to marry as evidence that their lifestyle is not inherently promiscuous, they readily admit that marriage is no longer the barrier against promiscuity that it once was. If the standards of marriage have already been lowered, they ask, why shouldn’t homosexuals be admitted to the institution?

“The world of no-strings heterosexual hookups and 50% divorce rates preceded gay marriage,” Andrew Sullivan points out. “All homosexuals are saying C9 is that, under the current definition, there’s no reason to exclude us. If you want to return straight marriage to the 1950s, go ahead. But until you do, the exclusion of gays is simply an anomaly—and a denial of basic civil equality.”

Feminist Stephanie Coontz echoes the point: “Gays and lesbians simply looked at the revolution heterosexuals had wrought and noticed that, with its new norms, marriage could work for them, too.”

Thus the third inconvenient fact: divorce is a political problem. It is not a private matter, and it does not come from impersonal forces of moral and cultural decay. It is driven by complex and lucrative government machinery operating in our names and funded by our taxes. It is imposed upon unwilling people, whose children, homes, and property may be confiscated. It generates the social ills that rationalize almost all domestic government spending. And it is promoted ideologically by the same sexual radicals who now champion same-sex marriage. Homosexuals may be correct that heterosexuals destroyed marriage, but the heterosexuals were their fellow sexual ideologues.

Conservatives have completely misunderstood the significance of the divorce revolution. While they lament mass divorce, they refuse to confront its politics. Maggie Gallagher attributes this silence to “political cowardice”: “Opposing gay marriage or gays in the military is for Republicans an easy, juicy, risk-free issue,” she wrote in 1996. “The message [is] that at all costs we should keep divorce off the political agenda.”

No American politician of national stature has seriously challenged unilateral divorce. “Democrats did not want to anger their large constituency among women who saw easy divorce as a hard-won freedom and prerogative,” writes Barbara Dafoe Whitehead. “Republicans did not want to alienate their upscale constituents or their libertarian wing, both of whom tended to favor easy divorce, nor did they want to call attention to the divorces among their own leadership.”

In his famous denunciation of single parenthood, Vice President Dan Quayle was careful to make clear, “I am not talking about a situation where there is a divorce.” A lengthy article in the current *Political Science Quarterly* is devoted to the fact—at which the author expresses astonishment—that self-described “pro-family” Christian groups devote almost no effort to reforming divorce laws.

This failure has seriously undermined the moral credibility of the campaign against same-sex marriage. “People who won’t censure divorce carry no special weight as defenders of marriage,” writes columnist Froma Harrop. “Moral authority doesn’t come cheap.”

Just as marriage creates fatherhood, so divorce today should be understood as a system for destroying it. It is no accident that divorce court has become largely a method for plundering and criminalizing fathers. With such a regime arrayed against them, men are powerfully incentivized against marrying and starting a family. No amount of scolding by armchair moralists is going to persuade men into marriages that can mean the loss of their children, expropriation, and incarceration.

The fourth point is perhaps the most difficult to grasp: marriage is not entirely a public institution that government may legitimately define and regulate. It certainly serves important public functions. But marriage also creates a sphere of life beyond official control—what Supreme Court Justice Byron White called a “realm of family life which the state cannot enter.” This does not mean that anything can be declared a marriage. On the contrary, it means that marriage creates a singular zone of privacy for one purpose above all: it is the bond within which parents may raise their children without government interference.

Parenthood, after all, is politically unique. It is the one relationship in which people may exercise coercive authority over others. It is the one exception to state’s monopoly of force, which is why government is constantly trying to undermine and invade it. Without parental and especially paternal authority, legitimized by the bonds of marriage, government’s reach is total. This is already evident in those communities where marriage and fathers have disappeared and government has moved in to replace them with welfare, child-support enforcement, public education, and tax-subsidized healthcare.

Marriage is paradoxical in a way that is critical to our political problems—and that causes considerable confusion among conservatives and libertarians. Marriage must be recognized by the state precisely because it creates a sphere of parental authority from which the state must then withdraw. Government today can no longer be counted upon to exercise this restraint voluntarily. We must all constantly demand that it do so. Marriage—lifelong and protected by a legally enforceable contract—gives us the legal authority and the moral high ground from which to resist encroachments by the state.

Prohibitions on homosexual marriage will not save the institution. As Robert Seidenberg writes in the *Washington Times*, “Even if Republicans were to succeed in constitutionally defining marriage as a relationship between a man and a woman, some judge somewhere would soon discover a novel meaning for ‘man’ or ‘woman’ or ‘between’ or ‘relationship’ or any of the other dozen words that might appear in the amendment.”

This is already happening. Britain’s Gender Recognition Act allows transsexuals to falsify their birth certificates retroactively to indicate they were born the gender of their choice. “The practical effect C9 will inevitably be same-sex ‘marriage,’” writes Melanie Phillips in the *Daily Mail*. “Marriage as a union between a man and a woman will be destroyed, because ‘man’ and ‘woman’ will no longer mean anything other than whether someone feels like a man or a woman.”

So what is the solution? A measure already before Congress may show the way. Though not intended primarily to save marriage, the proposed Parental Rights Amendment is the first substantial step in the right direction. It protects “the liberty of parents to direct the upbringing and education of their children.” How does this strengthen marriage?

Reaffirming the rights of parents—married parents particularly—to raise their own children would weaken government interference in the family. Especially if worded so as to protect the bond between children and their married fathers, such a measure could undermine both the divorce regime and same-sex marriage by establishing marriage as a permanent contract conferring parental rights that must be respected by the state. Within the bonds of marriage, it would preserve the rights of fathers, parents of both sexes, and spouses generally, and it would render same-sex marriage largely pointless. Marriages producing children would be effectively indissoluble, and there would be fewer fatherless children for homosexuals to adopt. Men would come to understand that to have full rights as fathers they must marry before conceiving children, and they would thus have an interest in ensuring the institution’s permanence.

This is not a small undertaking. It would mean confronting the radical sexual establishment in its entirety—not only homosexuals but their allies among feminists, bar associations, psychotherapists, social workers, and public schools. It would raise the stakes significantly—or rather it would highlight how high the stakes already are. It would also focus public attention on the interconnectedness of these threats to the family and freedom. It would foster a coalition of parents with a vested personal interest in marriage and parental rights.

The alternative is to continue mouthing platitudes, in which case we will be dismissed as a chorus of scolds and moralizers—and yes, bigots. And we will lose.