The Case Against Gay Marriage  
By John D. Ferrer, 10 December 2014

I. Introduction:
A. The case against gay marriage is not very popular today. To much of the world, anyone who argues against gay marriage might as well be arguing against interracial marriage or against voting rights for women. Opposing gay marriage looks like outdated bigotry. Gay marriage, to them, is cast as a relatively simple civil rights issue. To support gay marriage is to acknowledge the legal and innate equality of people, gay or straight, by extending the same civil liberties to gay people as to straight people.
B. Furthermore, America was founded as a daring experiment in liberty, and it is that profound sense of liberty which has distinguished America in the world. From our pioneering role in formulating religious freedom and free speech in the first amendment, to honoring the idealistic notion of the “pursuit of happiness” in the declaration of Independence, all the way down to the rights of privacy established in civil courts in the 20th century—America means freedom. In this libertarian light, it seems un-American to oppose gay marriage since sexual orientation is a deeply private matter and the choice to marry and declare that marriage publically would all seem to be protected as rights of privacy, of free speech, and of separation of church and state.
C. Yet social conservatives, classical liberals, self-interested families, conscientious democrats and republicans, and of course a wide range of religious folks, can all stand their ground asserting Traditional marriage over and against gay marriage.
D. My thesis is that gay marriage remains unjustified because gay people can have civil equality and broadly equal freedoms without there being any redefinition of marriage to accommodate homosexuality. I argue this point by establishing that the crushing burden of proof remains on gay marriage advocates to show that society is healthy enough and history is helpful enough to support gay marriage as a societal norm. Instead what we find is that gay marriage advocates have only shallow and muffled research support and no historical precedent of any length, depth, or breadth where societies have thrived long after having legalized gay marriage.

II. Body: Defending the Thesis that “Gay people can have civil equality and broadly equal freedoms without there being any redefinition of marriage to accommodate homosexuality”

A. Marriage is defined as being between a man and a woman, and gay people can still exercise this right of (marrying someone of the opposite sex) if they so choose.
   1. According to Blacks Law Dictionary, 2d ed. (1995)—a standard reference in legal matters—Marriage is defined as: “... the civil status of one man and one woman united in law for life, for the discharge to each other and the community of the duties legally incumbent on those whose association is founded on the distinction of sex.”
   2. This definition is bolstered by many other legal and common language dictionaries (Free [Legal] Dictionary by Farlax, Websters, Oxford, etc.).
   3. There are many centuries of hard fought history fortifying this as the traditional sense of marriage and the normal definition for “marriage.”
   4. By this definition gay marriage is a contradiction, a legal union of gay people to members of the opposite sex. This is possible, since marriage does not legally require that two people love each other or be sexually attracted to each other, but it would trivialize the notion of gay marriage to affirm only traditional marriage for gay people.
   5. This definition can be bolstered by acknowledging the socio-cultural and legal influence of religious tradition (though respecting freedom of religion) wherein homosexuality and gay
marriage are almost universally taboo in the world’s religions (Judaism, Christianity, Islam, Baha’i World Faith, etc.).

6. To be clear, for Gay Marriage to avoid incoherence and be a meaningful concept it must assert an alternative definition of the term “marriage” or “gay.” Of course, it is “marriage” that is redefined.

B. The standing definition of marriage (between 1 man and 1 woman) should not be questioned lightly.
   1. The traditional definition of marriage is part of British Common Law, has been the U.S. norm for its entire federal history, and has been a socio-cultural universal in every nation till at least 2000 AD. Very few social or cultural institutions have that wide and deep a history.
      a. Attempts at generating a “gay” history (for example, http://www.apa.org/pi/lgbt/resources/history.aspx), tracing homosexual behavior across different times and cultures overwhelming witness to its generally “fringe” and taboo status.
      b. The data can be explained saying that when societies are affluent and successful they have a measure of freedom to endure self-interested, non-procreative, and otherwise alternative sexual mores. Such liberties would be too socially harmful for weaker societies to endure. Indeed, no society has survived for at least 2 generations after normalizing homosexuality or 1 generation after normalizing gay marriage.
      c. To support gay marriage in light of such evidence one needs to show that the nearly universal taboo against homosexuality is overall unjustified. While majorities can be wrong, and tradition is not always correct; neither should long-standing and widely affirmed traditions be dismissed lightly as if their centuries of collected wisdom fail to justify their agreement on traditional marriage.
      d. There could be injustices involved (such as bullying, assaults, murder, etc.)—and these merit scorn and correction—but those would not themselves explain how the taboo on homosexuality came to be universal and treated as “common sense” (i.e., “homosexuality is unnatural”) well into the modern era.

2. The traditional definition of marriage is found not made.
   a. In light of the fringe and taboo status of homosexuality, traditional marriage and to a lesser extent polygamy, are the historical norms passed down to us. There is no precedent for non-family societies, non-marital societies, and genderless societies. All societies have a sense of two genders in complementarity, whom society prefers to have in long-standing marital commitments, preferably with one man and one wife.
   b. Without merging church and state, it can still be safely said that the world’s religions overwhelmingly testify that marriage is between man and woman. This nearly universal attestation should not be discarded lightly since it bears witness to the collected wisdom of many cultures across a vast stretch of time.
   c. It’s natural: Under a Natural Law ethic, one can expect that certain ethical norms are suggested by the natural order of things (see for example, Jay Budziszewski, Written On the Heart: The Case for Natural Law). And the natural order of the traditional marriage is suggested by physiological, psychological, and social complementarity.
   d. Physiologically, gay intercourse is non-procreative and more prone to tearing and infection than is straight intercourse.
   e. Psychologically, homosexuality was a formally declared pathology until 1972. And it correlates with depression, anxiety, and similar disorders. Also, homosexuality is a prominent correlate in pedophilia (Dawn Fisher, “Adult Sex Offenders: Who are They? Why and How Do They Do It?” in Tony Morrison, et al., eds., Sexual Offending Against Children (London: Routledge, 1994), p. 11.)
f. Socially speaking, marriage domesticates men and protects women (from abuse and abandonment/single-motherhood). Michael Craven notes, in countries which have legalized gay marriage, the out-of-wedlock birthrate has drastically risen (which leaves men to sleep around and women without adequate socio-economic support) and rates of traditional marriage have dropped at staggering pace (Michael Craven, “In Defense of Marriage Part V,” Christianity.com, c2004-2014 at www.christianity.com/11580122/; see also, Kurtz, “The End of marriage in Scandinavia,” The Weekly Standard, 2004).1

3. We should be biased against redefining foundations at the heart of society.
   a. It is fallacious to assume that change is inherently good (hasty generalization). Let us call this the “progressivist error,” whereby one assumes that change is typically progress. For reasons such as this our constitutional republic is structured with a system of checks and balances so that radical revision of founding documents is very hard to do. We’ve had only 27 amendments to the Bill of Rights in the history of the United States.
   b. The law of unintended consequences—a rule of thumb in economics, politics, and most any field of social interaction—points out that there are inevitable and unforeseeable consequences to every action (for a def. see: http://www.econlib.org/library/Enc/UnintendedConsequences.html). One may intend to extend civil rights to gay people but the result may be any number of harms suggested (if not proven) by opponents such as problems relating to absent fathers (in lesbian homes) or absent mothers (in gay homes), or higher homosexual rate among children, or lower birth rate.*2
   c. Even if a changing definition of marriage were to claim some foreseeable benefit, such as marriage rights for gay couples, there are innumerable potential side effects doing great harm in the long run, for example, gender confusion (and subsequent depression, acting out), lower birth rates, lower marriage rates, higher rates of sexually transmitted diseases, shorter lifespans, and correlations with abuse and psychological disorders.3
   d. Richard Carroll of Northwestern University Feinberg School of Psychology found in a 2014 study of 30,000 couples that domestic abuse rates for lesbians was between 25-75% (compared to 22% for women generally). (http://www.tandfonline.com/doi/abs/10.1080/0092623X.2014.958792#.VIkCFDHF9Vk)
   e. In the same article Carroll says that actual abuse rates in gay couples are thought to be suppressed because of pressure from the gay community; i.e., it would be bad publicity.

4. Stick Analogy
   a. There are limitless directions whereby a stick can fall down, but only one direction whereby it can stand up right. So it is with society.
   b. When it comes to family, something so central to the health and well-being of society, we should remember how many things may go wrong at this foundational level—for example, teen pregnancy, spousal abuse, child abuse, poverty, rape, incest,

1Neither Craven nor Kurtz are suggesting a direct causal relation between gay marriage and problems in traditional marriage. However, they allow indirect causal relations where, for example, such societies normalize a view of sex and relations which empowers gay marriage but disempowers traditional marriage (i.e., fewer “good men” to choose from, higher emphasis on sex, lower emphasis on responsibility, reinterpretation of marriage as “coupling” instead of a societal basic, etc.).

2For sourcing on these alleged harms see topically related articles at the National Association for Reparative www.narth.org. It should be remembered that the research on this subject is highly disputed. This does not mean necessarily that the scientific data is too inconclusive but it at least means that the interpretations of the data are hotly contested. For example,

3Frank Turek discusses some of these potential problems in Correct, Not Politically Correct: How Same Sex Marriage Hurts Everyone (Crossexamined, 2008).
miseducation, criminality, drug addiction, alcoholism—and these sorts of problems are widespread enough to where we should not assume that just any redefined family setting can do a comparable or better job at preventing such harms from growing.

5. Many different family groupings have been attempted in world history and only a few have shown to be generally successful in preserving economic stability, emotional and relational security, and overall societal integrity. These few are traditional marriage and polygamy. But polygamy has fallen into disrepute in countries with “modern” views of female equality (polygamy is predominately patriarchal and is thought to objectify women).

6. As evidence of the rarity of nationally sanctioned gay marriage, the first nation in the world to legalize gay marriage is the Netherlands, December 21, 2000—that is very late.

C. Marriage is not some unqualified civil right

1. People cannot marry just anything/anyone they want no matter age, relation, species, etc.

2. The Slippery Slope Argument suggests that if one opens the definition of marriage to include homosexuality, there may not be a principled/non-arbitrary way to close that same door before other cases of “adults who love each other” enter in.

3. That scenario means polygamy and adult incest would also be valid on those grounds.

4. While some might try to associate the legitimizing efforts for homosexuality with a slippery slide into pedophilia or bestiality, these are probably unwarranted since minors and animals cannot give informed consent and informed consent is central to sexual law code.

D. Marriage is not strictly a “right of privacy” since it is a public health matter.

1. Marriage is both private and public.

2. It is public in that it affects families, communities, neighborhoods, state, and nation—one need not look very hard to find influence just from the last 5 years of gay-rights advocacy affecting school curriculums, religious rights, freedom of speech, etc. Yet many of these changes were unwanted and unappreciated.

3. This “public” sense of marriage is implied by the requirement for marriage license.

4. Public health crises would also exceed mere “right of privacy” concerns.

   a. CDC reports show that gay and bisexual men account for between 63-78% of HIV infections, and the rate of infection has been rising (see, http://www.cdc.gov/hiv/risk/gender/msm/facts/index.html).

   b. Other colorectal diseases, colon cancer, and blood transmitted diseases are more common among gay men because, to put it mildly, the “parts don’t fit” and gay intercourse causes friction and tearing since those parts don’t endure friction well.

   c. While Lesbians do not have the same manner of problems with STD’s, there is a noted higher rate of obesity, bacterial vaginosis, smoking, depression, anxiety, domestic abuse, and other similar disorders (http://womenshealth.gov/publications/our-publications/fact-sheet/lesbian-bisexual-health.html)

   d. Gay people, whether in monogamous relations or not, have a much shorter average lifespan (see, http://ije.oxfordjournals.org/content/26/3/657.full.pdf).

5. The right to privacy can be honored if, for example, no one is forced to marry against their will or forced to choose a particular partner.

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\footnote{This study is disputed (see here) since it occurred at the peak of the AIDS scare in America, before prevention and treatment were well developed. However, HIV transmission is still rising even if new medicines are delaying its transition into AIDS. Plus, the intercourse itself—irrespective of HIV and AIDS—raises the chances of analrectal and colon disease, once nicknamed in proctology the “Gay Bowel Syndrome” (for a study on this see, http://www.annclinlabsci.org/cgi/content/abstract/6/2/184). Plus, the low life expectancy among Lesbians does not fit the data if AIDS was the overwhelming issue in those studies.}
6. Marriage carries tax benefits, but taxes are a function of the IRS and treasury dept. which makes it a public matter.

7. It bears reiterating that marriages are, generally speaking, the building blocks of families and families are the building blocks of societies. Where families falter society can falter.

E. Many objections however remain

1. Objection 1: Since people are going to be gay anyway, why not allow them some of the positive benefits that come with marriage (i.e., reduced rates of domestic abuse, less promiscuity, etc.)
   a. We can admit that some incidence of harms that correlate with homosexuality may decline if homosexuals have more social acceptance and permission to marry, etc.
   b. However, by the law of unintended consequences there are liable to be other effects such as a higher incidence of homosexuality, declining marriage rate, higher rate of out-of-wedlock birthrate as seen in Scandinavian countries which affirm gay marriage (see Kurtz, “End of Marriage, 2004).
   c. Plus, if there are more gay marriages with greater rights of adoption, then there will be more cases of gay couples raising children thus suggesting a higher rate of children socialized into homosexuality in future generations. This phenomenon could, potentially, reduce the birth rate, among other things.
   d. Also, the children in those homes would not necessarily be equally well supported as children raised in traditional marriage homes (see the Regnerus Study here, http://www.sciencedirect.com/science/article/pii/S0049089X12000610).
   e. Also, for the sake of protecting children, one should not lightly dismiss statistics suggesting a correlation between homosexuality and criminal behavior, even if those stats are contested (see above).

2. Objection 2: This is hate speech/hurts people
   a. Admittedly, this subject “touch a nerve,” and one should not tread such ground lightly. Many well-meaning people are gay and a lot of good can come through gay people, whether single or married.
   b. For this reason, none of this case is addressed to specific persons per se, but rather to behaviors, institutions, and causes and effects on society.
   c. Everyone should be broadly respectful, loving and charitable to each other as human beings, identifying our common humanity over and above any differences. We should not, for example discriminate in cases where sexual orientation is irrelevant or of nominal relevance.
   d. Even if “the truth hurts” would should still wield that truth with grace, love, and tact. Seeking to help, not harm; to reconcile and restore, not marginalize and malign.

3. Objection 2: Never mind the harms, this is still a civil rights issue
   a. As argued above, gay people have the same civil rights as straight people and that even includes the right of marriage. But since marriage is defined as between a man and women, gay people have reason to decline exercising it.
   b. Insofar as homosexuality is really problematic society has a vested interest in discouraging that behavior. But even if one admits this strong statement, one is not necessarily justified in using just any means to that end.
   c. As a private practice, it is currently legal and socially permitted to be homosexual. It may be the case that no great prohibitive enforcement is even possible without committing worse harms—illegal or unethical. In this manner, the going wisdom when it comes to homosexuality among neighbors, coworkers and friends is something like “live and let
“live.” That permissive posture might be the best that a free society can muster without committing itself to a coercive, intrusive, or even theocratic future.

d. Yet, since marriage is not some unqualified civil right—as if people can marry anything and anyone they want no matter age, family relation, species, etc. So even if we can admit a broad and general freedom regarding people’s private practices, marriage is not merely a private practice and has unfortunate ties to enough social harms that a ban on gay marriage remains a feasible means of social enforcement.

4. Objection 3: The “studies” supporting your case are questionable/problematic
   a. This would have to be addressed on a case by case basis.
   b. There are numerous studies which, even if they are each faulted on some grounds, can still amount to sufficient grounds for questioning any assumption that homosexuality is broadly healthy and wholesome.

http://downloads.frc.org/EF/EF10F01.pdf