

## CHAPTER 4

# Is Same-Sex Marriage a “Must” or a “Bust”?

*Obtaining a right does not always result in justice.*

PAULA ETTLEBRICK<sup>1</sup>

Humor can be a seriously effective way to acknowledge the difficulty—and the delight—of putting conflicting issues into perspective, which is one of the ongoing tasks of ethical inquiry. As ethicist Daniel Maguire observes, “Often the cartoon is more insightful than the editorial.” Or, again, with a bit more solemnity he points out that humor is “good for ethics” because “humor has an epistemological function: it shakes the foundations of settled surety.”<sup>2</sup>

With that insight in mind, consider a cartoon that appeared during the presidency of George W. Bush when one social crisis seemed to follow quickly upon another. The president is pictured at a press conference with a reporter asking, “Mr. President, Iraq and Afghanistan are in chaos, polar ice is melting, and the middle class is disappearing. What response do you have to all of that?” Mr. Bush replies, “Marriage is between a man and a woman.”

Here the cartoonist’s humor hinges on briskly “[shaking] the foundations of settled surety” after juxtaposing three claims: first, that there are matters far more momentous than making marriage available for same-sex couples; second, that politicians may try to dodge difficult questions by “waving a red flag” about such private yet deeply contentious matters as homosexuality and family values; and third, that the conventional wisdom about marriage as an arrangement exclusively “between a man and a woman” is settled in a way that matters of war and peace (“Iraq and Afghanistan are in chaos”), ecological degradation (“polar ice is melting”), and economic disruption (“the middle class is disappearing”) may never be. Perhaps so. But

doesn't this cartoon's punch line work because it suggests a more jarring reality? Even supposedly fixed verities about marriage and family are no longer quite so private, fixed, and unassailable. In fact, marriage, a personal relationship as well as a political institution, is both politically significant and culturally contested. Moreover, the outcome of the current marriage debate is far from certain. Therefore, ethical inquiry is needed not only about peacemaking, ecology, and economic policy, but also about the future of marriage and the eligibility of same-sex couples to participate in that civil and religious activity. What does it mean, then, to put same-sex marriage in proper perspective?

### ■ A sampling of discordant perspectives about same-sex marriage

Even a quick sampling indicates that multiple voices are in contention about this marriage question. One voice is that of marriage traditionalists. When Tony Perkins of the Family Research Council was asked during the 2008 presidential election campaign about California's ballot measure to restrict civil marriage to heterosexual couples only, he remarked, "[Proposition 8] is the most important thing nationally on the ballot. We have survived bad presidents. But many, many are convinced we will not survive [a] redefinition of marriage."<sup>3</sup> Glenn Stanton at Focus on the Family has argued similarly: "[So-called] same-sex 'marriage,'" he asserts, "is being forced upon us by a small, but elite, group of individuals dressed in black robes—judges—who say that thousands of years of human history have simply been wrong. That is a very arrogant notion that will bring great harm to our culture." "God bestowed [marriage] upon mankind [*sic*], and we tamper with it at our own peril." "Redefining marriage in this way [is] the first step toward abolishing marriage and the family altogether."<sup>4</sup> Why so? Because marriage equality, Stanton argues, erases gender differences. If men can marry other men and women other women, "gender would become nothing," he conjectures, "[even though] real, deep, and necessary differences exist between the sexes. [Same-sex marriage] rests on a 'Mister Potato Head Theory' of gender difference (same core, just interchangeable body parts). [However,] if real differences exist, then men would need women, and women would need men" in order for each person to find his or her "other half" and thereby be completed.<sup>5</sup> For marriage traditionalists, same-sex marriage is a "bust."

A second voice is that of marriage advocates. The United Church of Christ in 2005 became the first mainline Christian denomination to support same-sex marriage by affirming "equal marriage rights for couples regardless of gender." Marriage exclusion, this liberal denomination has noted, is a form of discrimination that violates the principle of equal protection under the law. However, this church's stance in favor of marriage equality is rooted more fundamentally in theological and biblical affirmations. "The message of the Gospel," the UCC resolution reads, "is the lens through which the whole of scripture is to be interpreted," and it is a message that "always bends toward inclusion."<sup>6</sup>

Social critic Andrew Sullivan, another marriage advocate, has written, “This debate is ultimately about more than marriage and more than homosexuality. As an argument it is a crucible for the future shape of democratic liberalism.”<sup>7</sup> “Including homosexuals within marriage, after all, would be a means of conferring the highest form of social approval imaginable.”<sup>8</sup> Again, Sullivan writes, “Gay marriage is not a radical step; it is a profoundly humanizing, traditionalizing step. It is the first step in any resolution of the homosexual question—more important than any other institution, since it is the most central institution to the nature of the problem. . . . If nothing else were done at all, and gay marriage were legalized, ninety percent of the political work necessary to achieve gay and lesbian equality would have been achieved. It is ultimately the only reform that truly matters.”<sup>9</sup> For marriage advocates, same-sex marriage is a “must.”

A third voice is that of marriage critics. Historian John D’Emilio argues in an article titled “The Marriage Fight Is Setting Us Back” that “the campaign for same-sex marriage has been an unmitigated disaster. The battle to win marriage equality through the courts,” he writes, “has done something that no other campaign or issue in our movement has done: it has created a vast body of *new* antigay law. Alas for us, as the anthropologist Gayle Rubin has so cogently observed, ‘Sex laws are notoriously easy to pass. . . . Once they are on the books, they are extremely difficult to dislodge.’” Moreover, D’Emilio argues, “as a movement” haven’t we been “pushing to further de-center and de-institutionalize marriage? Once upon a time we did.”<sup>10</sup>

Jewish feminist theologian Judith Plaskow and her partner Martha Ackelsberg agree. “We love each other,” they write in the *Journal of Feminist Studies in Religion*, “and we’ve been in a committed relationship for nearly twenty years. We are residents of Massachusetts. But we’re not getting married.” Why not? Because, they explain, “focusing on the right to marry perpetuates the idea that [social and economic] rights ought to be linked to marriage. Were we to marry, we would be contributing to the perpetuation of a norm of coupledness in our society. The norm marginalizes those who are single, single parents, widowed, divorced, or otherwise living in non-traditional constellations.” They question the wisdom of reinforcing “the centrality of marriage to the social order.”<sup>11</sup> For them and other marriage critics, the problem is not, as Focus on the Family insists, the cultural devaluation of marriage, but rather its *overvaluation* as a privileged marker of social status and as the exclusive conduit for allocating a range of social and economic benefits from health care to inheritance rights. Similarly, Catholic feminist theologian Mary Hunt argues, “I remain of mixed mind, not to mention mixed emotion, on the question. I seek relational justice for all rather than legal remedy for a few. . . . Although I support enthusiastically the right of same-sex couples to marry, I am not persuaded that it will inevitably lead to greater relational justice, a feminist goal.”<sup>12</sup> Ironically, for marriage critics as for marriage traditionalists, same-sex marriage is a “bust.”

Despite their differences, where both marriage advocates and marriage critics agree is that if different-sex couples have the freedom to marry, then same-sex

couples should be afforded that same freedom as a simple matter of justice. Because marriage advocates and marriage critics within the LGBTQ movement also agree that homosexual love and heterosexual love are no different in moral substance (“love is love”), they insist that justice as fairness requires “treating like cases alike.” However, justice is rarely simple or easily accomplished. Therefore, a two-pronged approach to marriage is called for. First of all, it is necessary to mount a compelling and principled defense of the freedom to marry for same-sex couples, but it is also then necessary to clarify how limiting justice to the acquisition of equal rights is terribly problematic insofar as other compelling requirements of justice are downplayed or ignored, including the reordering of social power and the debunking of the reigning cultural ideology, including religious claims, that legitimates sexual and other social hierarchies.

### ■ Why constructing a Christian defense of marriage equality must begin with repentance

At the outset of constructing a Christian defense of marriage equality, it is wise to remember that historically many Christians have been on the wrong side of previous marriage controversies. At various moments in United States history, a Christian majority has refused to allow slaves to marry, affirmed women’s status as property of their husbands, questioned the need for laws against marital rape, and as recently as the late 1960s opposed legalizing interracial marriage. Additionally, for centuries Christian theologians promoted marriage as a patriarchal ownership arrangement and touted this model as ethical, even sacramental. Therefore, it would be wise to begin not by making grand theological pronouncements, but by listening to those with fresh insights about these matters, especially gay, lesbian, bisexual, and transgender persons who have gained moral wisdom about intimate matters by managing against the odds to love well, sustain partnerships and families, and build community within often hostile social and religious environments.

In considering whether the civil right and religious freedom to marry should be extended to same-sex couples, I start with several assumptions. First, marriage is a changing, ever-evolving institution with a history, some of which has been oppressive. Second, not only is marriage changing, but it should change in order to be in better alignment with the best of civic and religious values. Because social change aims at reordering distorted social relations and strengthening community, such transformation is often precipitated by a shift in moral perception and deepening recognition of the humanity of those marginalized as Other. Coming to respect the personhood of the “culturally despised” requires honoring and protecting their human rights, including their freedom to enter into intimate association and marry. Third, how we answer the question of whether to support or oppose the freedom to marry for same-sex couples depends on the interpretive framework utilized for moral and theological discernment.

My constructive proposal is to use a justice lens in order to gain perspective about these matters and then to pursue a twofold agenda: first, to correct injustice, in this instance the oppression—the stigmatizing and devaluing—of gay, lesbian, bisexual, and transgender persons, including the denial of their full civil and human rights and, second, to promote the conditions so that all people, gay and nongay alike, can flourish not only in terms of meeting basic needs, but also in terms of exercising basic human capacities, including entering into and sustaining intimate affiliation with a significant other as a life partner and next of kin.

In contrast to definitions of marriage that emphasize both gender difference (“marriage is between one man and one woman”) and gender hierarchy (“marriage requires male headship”), I define marriage as the covenanted or vowed union of two persons as committed life partners. In a similar way, Catholic theologian Daniel Maguire speaks of marriage as “the highest form of interpersonal commitment and friendship achievable between sexually attracted persons.”<sup>13</sup> Two men or two women fit this definition, as do a man and a woman. Moreover, the goods of marriage as traditionally defined are companionship, mutual trust and fidelity, economic sharing, and the nurturing of children, and these values are central concerns not only for different-sex couples, but also for same-sex couples, many of whom are currently parenting children and caring for elderly and other dependent family members. For these reasons, philosopher Richard Mohr suggests that we focus on marriage as a “lived moral reality,” defined as “intimacy given substance in the medium of everyday life, the day-to-day.” Because gay and lesbian couples are already “doing the work of marriage” and, in fact, are living together and acting *as if* married, it is only a rather small step to grant these committed partnerships legal standing and protection that would benefit them as well as society.<sup>14</sup>

Beyond the re-imagining of marriage as an intimate partnership between equals, the other cultural shift that makes same-sex marriage imaginable is the deep rethinking of sexuality and sexual ethics now under way within Christianity and other religious traditions. Sexuality, the capacity for physical, emotional, and spiritual connection and communion with one another, is a defining characteristic of human beings. Because the human need to love and care for one another in intimate relationship is constitutive of personhood, the freedom of intimate association between adult peers merits moral respect, as well as the community’s protection. As legal scholar Carlos Ball argues, “Lesbians and gay men, like everyone else, pursue and express their humanity, in part, through their intimate relationships, including sexual ones. . . . If we morally strip lesbians and gay men of their same-gender sexuality, and thus deny that they have needs and capabilities for meaningful physical and emotional intimacy along with everyone else, we fail to recognize them as human beings.”<sup>15</sup> The *morally relevant* point here is the shared human need and capacity for physical and emotional intimacy, which for many is most fully expressed in a sexually intimate relationship. The *morally irrelevant* point about intimate relations, marriage included, is the gender of the partners. As Ball concludes, those in the cultural

majority who increasingly support gay rights do so “because they are seeing enough of themselves reflected in the homosexual ‘other’—not, of course, in the more superficial sense of being attracted to someone of one’s own gender, but in the deeper sense that the attraction (whatever its object) is driven by common needs, capabilities, and vulnerabilities that we share . . . as human beings.”<sup>16</sup> Being gay is not only one way of being human; it is also a good, complete, and fully normal way of living and loving humanly.

Rethinking marriage and sexual ethics also requires challenging heterosexual exclusivism, the pernicious notion that the only acceptable sexual expression is heterosexual, marital, and procreative. In contrast, a revised ethical paradigm recognizes a diversity of human sexualities, that sexual orientation is morally neutral, and that the ethical focus belongs not on identity but on conduct and the character of the persons-in-relation. The truth of the matter is that same-sex love and intimate relationships are morally comparable to heterosexual love and intimate relationships with all their strengths, flaws, struggles, and hopes. That is something many clergy, myself included, have witnessed in performing covenant ceremonies for same-sex couples. Granted, two men or two women exchanging vows may look different from a heterosexual couple getting married, but they are engaged in the identical practice of making promises, seeking the support of their community, and receiving a blessing.

### ■ Legal recognition affirms the dignity of same-sex couples and their full humanity

In its November 2003 *Goodridge v. Department of Public Health* decision, the Massachusetts Supreme Judicial Court ruled to end that state’s marriage exclusion and grant same-sex couples the freedom to marry civilly. The law should affirm the dignity and equality of all persons, the Court said, and forbids the creation of second-class citizens. This ruling reflects the understanding that marriage is both a mark of first-class citizenship and a basic human right, so precious that even incarcerated inmates on death row have a constitutionally protected right to marry. Moreover, the Massachusetts court argued that a marriage ban “works a deep and scarring hardship” on same-sex couples “for no rational reason.” Therefore, for the purposes of law, the court defined marriage as “the voluntary union of two persons as spouses, to the exclusion of all others.”

The Goodridge decision marks a change in the history of marriage, but as the court observed, marriage equality for same-sex couples “does not disturb the fundamental value of marriage in our society.” In this regard, the recognition of same-sex marriages as legally valid is a conservative move, part of the ongoing effort to guarantee basic rights and freedoms for all citizens in a pluralistic society in which some families are formed by same-sex couples. Broadening access to marriage rights,

benefits, and responsibilities is, above all, a means to acknowledge the humanity of gay persons. When the Vermont Supreme Court in late 1999 declared that the state’s ban against same-sex marriage was unconstitutional, it went out of its way to make a remarkable public confession: “The past provides many instances where the law refused to see a human being when it should have.” In recognizing that gay people also love, form families, and would benefit from the protections and entitlements that civil marriage provides, the court concluded, “When all is said and done, [this is] a recognition of our common humanity.”<sup>17</sup>

October 1, 2008, marked the sixtieth anniversary of the *Perez v. Sharp* decision, another landmark legal case in which the California Supreme Court in a 4 to 3 decision became the first court in the United States to strike down race restrictions on marriage. That courageous Court affirmed that the freedom to marry is a precious freedom that belongs not only to white people, but also to persons of color and, specifically, to interracial couples with the audacity to cross the color line for the sake of love. “The essence of the right to marry,” the Court said in 1948, “is the right to join in marriage with the person of one’s choice.” Sixty years later the California Court cited *Perez* in its own courageous ruling that cleared the way for gay men and lesbian women to “join in marriage with the person of [their] own choosing.”<sup>18</sup>

Some Christians, and here Robert Knight at the Family Research Council comes to mind, insist that there is no real discrimination in the United States preventing gay men and lesbians from marrying—as long as gay men marry women and lesbian women marry men! However, as the California Court recognized sixty years ago, any person seeking a state license to marry the “wrong” kind of person—whether interracial couples then or same-sex couples today—would soon find “himself [*sic*] barred by law from marrying the person of his choice and [yet] that person may be to him irreplaceable. Human beings are bereft of worth and dignity by a doctrine that would make them as interchangeable as trains.” As legal scholar Evan Wolfson points out, “The courageous California Supreme Court decision in *Perez* marked the beginning of the end of race discrimination in marriage, much as the November 2003 decision of the Massachusetts high court [has marked] the beginning of the end of sex discrimination in marriage.”<sup>19</sup>

For religionists, this affirmation of the full humanity of LGBTQ persons and advocacy for securing their human rights, including the freedom to marry, establishes a noticeable dividing line. On one side stand those who would divide the human community according to sexual orientation and grant heterosexuality special status and privilege. On the other side are those who recognize that “the desire for a significant other with whom we are uniquely conjoined is not a heterosexual but a basic human desire.”<sup>20</sup> This does not mean that either marriage or sex is necessary for human fulfillment, but it does mean that it is wrong, arbitrary, and cruel to exclude an entire class of persons from these routes to intimacy, shared pleasure, and mutual commitment.

## ■ A biblical mandate for marriage equality

I support the freedom to marry for same-sex couples because I take the Bible seriously. More to the point, I take the God of the Bible seriously, whose divine passion is for justice and an end to oppression. However, the truth of the matter is that not everything in the Good Book is good. For that reason, the Bible must be read prayerfully and with critical discernment. As William Sloan Coffin has queried, “Why can’t Christians just admit that there is such a thing as biblical deadwood, not to say biblical folly?” Some of that deadwood is about women, some about slavery, and still other is about homosexuality, which the Bible says little about and what it does say is either misinformed, plain wrong, or irrelevant to contemporary discussion about intimacy and covenantal love between two coequal partners. As Coffin sums it up, “It’s time we grew up.” Moreover, “The problem is not how to reconcile homosexuality with scriptural passages that condemn it, but rather how to reconcile the rejection and punishment of homosexuals with the love of Christ.”<sup>21</sup>

For those who decline to treat the Bible as a rulebook or “seamless garment” about sex and marriage, the challenge is to listen to the diverse, often conflicting voices within scripture and yet identify the compelling motifs and insights that still command attention and loyalty. Comedian Lynn Lavner’s observation may be helpful in trying to keep matters of biblical directives in perspective: “The Bible contains six admonishments to homosexuals and 362 admonishments to heterosexuals. That doesn’t mean that God doesn’t love heterosexuals. It’s just that they need more supervision.”<sup>22</sup>

A constructive and entirely welcome move would be to reclaim the centrality of the biblical mandate for justice and compassion and keep front and center the Jesus story, including his own nontraditional stance with respect to family and his challenge to tradition insofar as tradition was invoked to legitimate divisions within the human community. However, the authority for welcoming same-sex couples into the pool of those eligible for marriage is, when all is said and done, not the Bible and not tradition, but rather the movement of God’s Spirit at work doing a new thing, troubling the waters, and empowering self-respecting gay people to claim their rightful place alongside others. Others are called, then, to respond in a manner consistent with such a gracious, inclusive God.

## ■ Why marriage equality is a mixed blessing

While it is necessary to make a compelling religious case for marriage equality,<sup>23</sup> it is also important to recognize that extending marriage to same-sex couples would be, at best, a mixed blessing. On the positive side, marriage equality would affirm gay and lesbian intimate partnerships as morally principled, loving relationships. On the negative side, it would mean reinforcing compulsory coupling, a dynamic that Protestant Christianity has encouraged by expecting all (or at least able-bodied,

nominally heterosexual) adults to marry. As ethicist Beverly W. Harrison observes, "The Reformers, none more passionately than Calvin, embraced marriage almost as a duty." In fact, marriage had to be compelled within a patriarchal religious system because "if men must marry women, whom they view as deficient in humanity, the external role of 'duty' necessarily must be invoked."<sup>24</sup> Furthermore, by focusing exclusively on the duty of marriage, Protestant Christianity has consistently failed to celebrate other ways in which people make families and engage in meaningful intimate association.

This point cannot be overemphasized: although the exclusion of same-sex couples from marriage is an injustice that needs correction, the trouble with marriage does not lie primarily in this exclusion. The problem lies in marriage itself or, more precisely, in the institutionalizing of compulsory heterosexuality. Therefore, the larger problematic is how a religious tradition has fostered fear of sexuality, legitimated male control of women's lives, and promulgated compulsory (patriarchal) marriage in response, thereby causing great damage, first, by reinforcing gender oppression and placing women tightly under male authority and control; second, by making alternatives to sexist and heterosexist relationships seem unimaginable; and, third, by demonizing sexual nonconformists as moral deviants and "enemies of God" whose bodies and lives could then be excoriated with impunity.<sup>25</sup>

In contrast, a liberating Christianity, in promoting sexual justice as an indispensable component of a more comprehensive social justice, must advance a larger change agenda than extending the freedom to marry to gay men and lesbians or even restructuring marriage on egalitarian terms, as necessary and important as these changes most certainly are. Relational justice, if it is to take firm root in this religious tradition, requires more: a positive reevaluation of sexuality, including appreciation for the goodness of gay (and nongay) sex; the dismantling of the prevailing sex/gender paradigm that privileges heterosexuality; and conscientious efforts to provide the social, economic, and cultural conditions so that all persons, whether partnered or not and whether heterosexual or not, may flourish and be honored within their communities, including their faith communities.

Feminist and LGBTQ marriage critics agree that the ethical agenda should be the promotion of relational justice *for* all families and relational justice *within* all families. In a pluralistic society, people of faith and goodwill should be concerned about more than the vitality of the (heterosexual) marital family. At the opening of the twenty-first century, we must draw a larger picture of love, commitment, and family with ample room for same-sex partnerships, one-parent households, extended families, blended families, and other relational configurations, including plural relationships. Because the strength of family as a crosscultural institution is its adaptability, we should be focusing not on family or relational form, but rather on things that truly matter: protecting the dignity and well-being of all persons; insisting on the qualities of mutual respect, nonviolence, and care in every relationship; sharing power and goods fairly; and making sure that every family, regardless of form,

receives the support and resources necessary for its members to thrive. Not marriage, but relational justice as a component of a more comprehensive social and economic justice should be our moral vision.

While it is true that winning (or beginning to win) the freedom to marry for those unjustly denied this right is a good and worthwhile pursuit, it is also true that gaining equal marriage rights is not unambiguously good. The inclusion of gay men and lesbians within the ranks of married couples may be beneficial for those who can elect this newly available option, but it may also further entrench the hegemony of state-sanctioned marriage and strengthen the “special rights” accorded to the marital family to the detriment of other relational patterns. If so, then same-sex marriage would not have a broadly transformative effect, especially if it continues to privilege the married, devalue the unmarried, and reinforce current patterns of social and economic inequities. Expanding marriage rights by itself will not accomplish what truly needs doing: to promote a more complex, more demanding, and ultimately more liberating justice agenda that aims, in Mary Hunt’s words, at “relational justice for all rather than legal remedy for a few.”<sup>26</sup>

Stated differently, a comprehensive justice requires more than adding queer families to the mix and stirring. Inclusion is good; transformation is better. Expanding the circle is a necessary but insufficient change strategy. More challenging is to dig deeper and transform the cultural assumptions and power dynamics that place so many at disadvantage while granting others unearned privileges. Marriage equality matters, but only within a comprehensive justice framework that confronts not only sexual and gender oppression, but also white racism, economic exploitation, and cultural elitism. Moving in the direction of greater relational justice will mean *queering* our communities, such that all persons, whether partnered or not, and all families, whether state licensed, church blessed, or not, are guaranteed the resources necessary for flourishing.

A social justice framework for thinking about marriage and the common good is urgently needed to highlight the fact that the quality of our marriages, partnerships, and other social relations rises and falls in relation to prevailing social, economic, and cultural conditions and their relative fairness. The personal is not only personal; it is at the same time political, economic, and cultural. The church, because it has an explicit mandate to pursue compassion and justice in all things personal and political, may make a significant contribution in education and advocacy for relational justice, but only if it can deal constructively with three hotly contested matters: the sex question, the assimilation question, and the question of how best to frame the cultural crisis in marriage and family.

### ■ Addressing the sex question: What makes sex holy and good?

Marriage is about many things, including economics and property, reproduction and childrearing, caregiving and community responsibilities. It is also about the regulation of sex. Sex is an occasion for great cultural anxiety, given how sexual mores

have been so thoroughly influenced by Christian sex-negativity. This sex-negativity is reinforced by sexual fundamentalism, the notion that the only morally acceptable sex is heterosexual, marital, and procreative. Those abiding by this standard believe that they have a moral duty to police others and keep them under control. Respectable people are those who marry, restrain their sexuality, and "settle down," thereby establishing their credentials as responsible adults. In contrast, gay men and lesbians are, by definition, "out of control" because they reside outside the marriage zone. Queerness has become cultural code for a generalized immorality and sexual immaturity, again because gay sex is not marital and, therefore, not properly constrained.

Advocates of same-sex marriage have by and large dodged the sex question and not dealt forthrightly with the sexual ethics question, including what makes sex holy and good. Instead, they have tried to make their case for equal marriage rights by downplaying sex. Often they seek to normalize gay men and lesbians by desexualizing homosexuality. Their constant message is that gayness is a nonthreatening difference similar to left-handedness and eye color. Moreover, they insist that same-sex couples are not really interested in altering the institution of marriage, but only in joining the ranks of the "happily conjoined," thereby reinforcing rather than upsetting the status quo.

Playing down sexual difference and sanitizing gay sex are efforts to reduce the threat that gay identity and queer culture pose to dominant norms. According to this strategy, safety and access to basic rights, including the right to marry, require making queerness invisible. In the process, the prevailing norms and structures of compulsory heterosexuality go unchallenged. The moral problem becomes mystified, once again, as the "problem" of homosexuality and whether a minoritized group of outsiders can ever properly qualify to gain access to majority-insiders' privileges by becoming "like them." Defined this way, the solution to injustice is for gay men and lesbians to conform, as best they can, to heterosexist norms or at least not flaunt being too happily deviant.

Take, for example, William Eskridge, a gay legal scholar, who defends the legal right to marry for same-sex couples, but in buttressing his case relies on sex-negative and homophobic arguments. His book, subtitled *From Sexual Liberty to Civilized Commitment*, suggests that even in the midst of an HIV/AIDS pandemic, gay men have been "more sexually venturesome" than others and are, therefore, "more in need of civilizing." His argument in favor of marriage rights is that "same-sex marriage could be a particularly useful commitment device for gay and bisexual men."<sup>27</sup> If marriage becomes the normative expectation among gay men, he argues, gay male cruising and experimentation with multiple anonymous sex partners will give way "to a more lesbian-like interest in commitment. Since 1981 and probably earlier, gays were civilizing themselves," he continues. "Part of our self-civilization has been an insistence on the right to marry."<sup>28</sup>

To argue that marriage is a necessary social control mechanism to tame men's sexuality only reinforces the sex-negativity already so much in evidence among social

conservatives. To argue, as Eskridge does, that “same-sex marriage civilizes gay men by making them more like lesbians” presumes, first of all, that women are not really interested in sex or sexual pleasure, but instead concerned only with intimacy and making relational commitments.<sup>29</sup> Moreover, marriage’s primary purpose becomes sexual control, this time of gay men. In the process, sexual fundamentalism is never critiqued, much less debunked.

If some marriage advocates have adopted a strategy of desexualizing homosexuality or safely containing homoeroticism within marriage, an alternative, riskier, but in the long term more productive change strategy is to launch an enthusiastic, nonapologetic defense of gay and lesbian sex (and, more generally, of healthy eroticism), spell out a principled critique of heterosexist norms, and reformulate a sexual ethic no longer based on heterosexual marriage as normative. On this score, a *non-reconstructed* Christian tradition will hardly be helpful. The conventional Christian approach does not offer a positive ethic of sex. Rather, it promulgates a highly restrictive moral code aimed at controlling and containing sex within strictly defined marital boundaries.

The prevailing Christian code—celibacy for singles, sex only in marriage—is no longer adequate, if it ever was, for anyone, gay and nongay alike, for at least three reasons. First, this code is fear-based, punitive, disrespectful of human personhood, and aimed at control rather than empowerment of persons. Second, the Christian marriage ethic is not sufficiently discerning of the varieties of responsible sexuality, including among singles and same-gender loving people. Third, it is not sufficiently discriminating in naming ethical violations even within marriage and has been far too silent about sexual coercion and domestic abuse. A reframing of Christian ethics is needed to realistically address the diversity of human sexualities and place the focus not on the “sin of sex,” but on the use and misuse of power, the dignity of persons, and the moral quality of their interactions.

The renewal of Christian sexual ethics depends on making justice-love rather than procreative heterosexual marriage the normative expectation for intimacy and erotic exchange. This single relational standard calls for mutual respect and care, a fair sharing of power and pleasure, the maintenance of health, and, in those cases where it applies, the avoidance of unintended pregnancy. This normative shift signals further changes as well.

*First, the decentering of marriage.* While marriage may be one place in which people live responsibly as sexual persons, it is not the only place. Therefore, it is appropriate not to privilege marriage as the exclusive site for human intimacy. In fact, it would be far better to reclaim the notion of marriage as a vocation to which only some are called or actually well suited. At the same time, we should insist on egalitarian partnerships whether these are marital or not. Friendship, as many feminist and queer theorists suggest, is the most enduring basis on which to construct relationships of mutual respect, care, and abiding affection.<sup>30</sup>

*Second, the decentering of heterosexuality.* What would it mean to recognize a plurality of sexualities, including bisexuality, intersexuality, transsexuality, asexuality, homosexuality, and heterosexuality, and show respect for the amazing diversity of ways in which people live and love? What matters here is not the sex or gender expression of the partners or their marital status, but the moral quality of relationships and the ongoing commitment of the partners to live in responsible accountability to each other and the community. This framework also defends the freedom of sexually active adults not to marry, without penalty or prejudice.

*Third, mutual pleasure as a morally worthy pursuit within intimate relationships.* The guiding interest should not be to discourage sex or promote marriage, but rather to equip people with skills and insight for assessing the quality of their intimate (and other) relationships and for negotiating how their needs and the needs of others will be fairly met. A justice-centered ethical framework can, in fact, give pride of place to mutually shared pleasure, as well as responsible freedom, as moral resources and guides.

#### ■ Asking the assimilation question: Are gays only mimicking nongays?

Some queer-identified marriage critics worry that the current push to acquire marriage rights reflects how (at least some) gay men and lesbians are seeking status and safety by mimicking heterosexuals. Of course, that may well be happening here and there, but it can be fairly argued that something far more interesting and potentially transformative is also under way.

Considerable evidence supports the claim that the majority heterosexual culture is coming increasingly to resemble gay culture with its gender flexibility, experimentation with family forms, and celebration of the pleasures of nonprocreative sex. "Contrary to popular belief, and even some gay rights rhetoric," Michael Bronski observes, "gay people have not been patterning their lives on the structures of heterosexuality; rather, the opposite has occurred. Heterosexuals who have increasingly been rejecting traditional structures of sexuality and gender have been reorganizing in ways pioneered by gay men and lesbians." This process may be thought of as *reverse assimilation*. The lesson, Bronski suggests, may be that "only when those in the dominant culture realize that *they* are better off acting like gay people will the world change and be a better, safer, and more pleasurable place for everyone."<sup>31</sup>

The Religious Right with its notorious "straight and narrow agenda" is hardly enthusiastic about queering the church or world. LBGTQ people, singles, and cohabitating heterosexual couples are all morally suspect as "displaced persons" outside the marital system, but it is precisely their marginality that grants them a measure of freedom to invent alternative ways of creating intimate partnership and family. "Banished from the privileges of marriage," Alison Solomon writes, "we have been spared its imperatives,"<sup>32</sup> including its gender rigidity, its preoccupation with the couple in

isolation from the community, and procreative duty. Perhaps the more pressing question is not whether same-sex couples should marry, but whether *any* couple should seek a state license for their intimate relationship.

The Religious Right, fearful that this precious freedom *from* marriage and its mandates may catch on, has launched a “traditional family values” campaign in order to depict queerness—that is, life outside patriarchal, procreative marriage—as dangerous, difficult, tragic, and pitiable. By targeting LGBTQ people for condemnation, this campaign is aimed at keeping same-sex couples out of the marital “inner circle,” but their primary target audience is the heterosexual cultural majority. Focus on the Family and other organizations certainly want to keep gay and lesbian couples from marrying, but their overriding agenda is *to keep heterosexual couples pinned into a hierarchical sex/gender system* that also naturalizes race and class inequities as divinely sanctioned. Gay bashing sends a signal, to gays and nongays alike, that any deviance from patriarchal norms will be subject to ridicule, violence, and even death. Such threats are highly effective in dissuading people from giving credence to, much less acting on, the intoxicating notions of sexual freedom, gender flexibility, and bodily self-determination.

One way to break the marriage debate “logjam” would be for heterosexual couples to begin living and acting more like their LGBTQ counterparts. Acting in solidarity to rebuild community might well require heterosexually married couples to renounce their marital privilege. After all, why shouldn’t *heterosexual* couples be satisfied with having only the more limited legal options of domestic partnerships and civil unions? Why should anyone, gay or nongay, seek the state’s licensing or authorization for their intimate relations? Moreover, should it not be enough for different-sex couples to receive a blessing of their relationships from their religious tradition, but not seek “special rights” above and beyond this communal affirmation?

Along these lines, I’ve been impressed by the change initiated by a United Church of Christ congregation in northern New England. This church has been involved for more than a dozen years in the Open and Affirming movement, advocating the full and equal participation of gay, lesbian, bisexual, and transgender persons in the life and leadership of the church. A few years ago, when reviewing their policies regarding the use of the church building for weddings and other public functions, this congregation decided to discontinue authorizing marriage ceremonies altogether. Instead, in the church they permit only covenant or union ceremonies for same-sex and different-sex couples alike. If two people wish to marry civilly and have that option, they are encouraged to enter into that legal contract at the city hall, but for the purposes of what happens at church, only a witnessing to and blessing of their covenant making is offered with no double standards according to the gender of the covenanting partners. This approach does not rule out state licensing of intimate partnerships, nor does it demarcate the word *marriage* as “state only” or “religion only,” but it offers a creative strategy for gaining greater clarity about the purpose and role of church in people’s lives.

■ Reframing the crisis in marriage and family: late capitalism's erosion of community and the collapse of liberal democracy

The feminist and queer justice movements struggle to make explicit the connections between people's personal pain and turmoil in their daily lives and how sexism, racism, poverty, and ecological degradation undermine personal well-being and community coherence, especially for those without social power. What is undermining family life for the vast majority in the United States and elsewhere is not same-sex love or same-sex partnerships, not even marriage equality, but rather advanced capitalism's erosion of social and economic security and the destruction of communities, as well as the earth, for the purpose of maximizing wealth for a few.

Under conditions of capitalist modernity, a cultural sea change has taken place that has loosened social obligations to neighbors and strangers and eroded communal ties of affiliation and connection. In the process, people increasingly turn to private relationships, primarily marriage and family, for identity, emotional support and fulfillment, and economic survival. Here a large caveat is in order: intimate, romantic relationships, even enduring ones, are no substitute for the security of a richly textured community life. As historian Stephanie Coontz points out, "It has only been in the last century that Americans have put all their emotional eggs in the basket of coupled love. Because of this change, many of us have found joys in marriage that our great-great-grandparents never did. But we have also neglected our other relationships, placing too many burdens on a fragile institution and making social life poorer in the process." The consequence, Coontz continues, is that "as Americans lose the wider face-to-face ties that build social trust, they become more dependent on romantic relationships for intimacy and deep communication, *and* more vulnerable to isolation if a relationship breaks down."<sup>33</sup> The private good is simply no substitute for, nor adequate compensation for, a genuinely robust public common good.

So what is the solution? Again, Coontz is helpful: "We should raise our expectations for, and commitment to, other relationships [in addition to marriage and family], especially since so many people now live so much of their lives outside marriage. Paradoxically, we can strengthen our marriages the most," Coontz argues, "by not expecting them to be our sole refuge from the pressures of the modern work force. Instead we need to restructure both work *and* social life so that we can reach out and build ties with others, including people who are single or divorced."<sup>34</sup> In other words, we must refuse to reinforce privatized marriage as "you and me against the world," but rather help each other connect more strongly to our communities and empower each other to participate in, and contribute to, the broader social world. This connection to community is especially important at this historical moment in which marriage is no longer the major social organization organizing most people's lives, and even those who marry often spend half or more of their adult years outside marriage itself.

In the midst of this cultural crisis, the challenge to people of faith is to hold on to a much larger gift than families, valuable as these may be. Our calling is to embrace and revitalize *community* and celebrate how our lives are utterly social and deeply, deeply intertwined. Our mutual dependence is a gift from God, or as theologian Carter Heyward expresses the matter, “‘We are the boat. We are the sea. I sail in you. You sail in me.’ This is the truth of our lives, and it is the essence of our goodness.”<sup>35</sup>

In terms of both caregiving and prophetic social witness, we must also pay close attention to the stresses mounting on almost every household. During the past thirty years, beginning with the Reagan revolution and its dismantling of the liberal welfare state, corporate capitalism has demanded that taxes on the rich be drastically cut and social spending radically curtailed. With the morally callous demands for privatization and deregulation, which result in little if any public accountability or responsibility, neoliberal economic policies have undermined—destroyed is not too strong a word—the common good and steadily pushed economic and social responsibility away from employers and government and onto private households. The mounting personal and communal strains have pushed millions beyond the breaking point, especially the growing numbers of economically vulnerable and racially marginalized.

Neoliberalism’s ideology of radical individualism and market fundamentalism has cultivated a gross cultural lie in many hearts and minds: that whether a person or a community sinks or swims, it is entirely up to that person or community alone. Success belongs to the individual alone. If you fail, no one will come to your aid, especially if you’re poor, nonwhite, and non-English speaking. (Think New Orleans and Hurricane Katrina, think Darfur, and think Cleveland, Ohio.) As one example of the erosion of social solidarity, consider how care for the most vulnerable among us—children, the frail elderly, and people living with cognitive, emotional, and physical disabilities—is no longer defined as the community’s responsibility, but rather as a private family burden that has shifted steadily onto the shoulders of women, mostly unpaid women at home or privately employed, often poorly paid immigrant women of color. As sociologists Lisa Duggan and Richard Kim observe, “In this context, household stability [and household security have] become a life-and-death issue.”<sup>36</sup>

At the same time, an interstructured gender, race, and class analysis helps to decipher why marriage equality evokes such fear and negativity, perhaps especially among men. In a globalizing capitalist market economy with ever-widening economic inequalities and severe disruptions of work and family life, increasing numbers of heterosexual men are experiencing a crisis in masculinity as they confront unemployment, underemployment, and the necessity of depending increasingly on their wage-earning wives and female partners to subsidize the family’s income. The Christian Right encourages men to compensate for their heightened economic and social dependency by reasserting their male and heterosexual privilege. The entire “traditional family values” campaign emphasizes how “normality” for men requires their being head of—and therefore in charge of—a heterosexual marital family. Heterosexuality, and especially male heterosexuality, has come to represent not only

compliance to conventional patterns of male-female exchange, but also loyalty to an entire cultural paradigm of work, family, and community life. For beleaguered men, their heterosexual identity has become a hard-won but mostly token badge of personal virtue, even superiority. Even though a man may not be as successful an economic provider for his family as he might wish in an eroding economy, he can still claim his manliness and hold on to his self-worth by reassuring himself, and perhaps others, that he has at least not shirked his family responsibilities by "turning queer." Without a critical religious perspective to help him connect his suffering with the multiple forms of injustice that afflict countless others, he may be easily manipulated into believing that queer people, "uppity women," and the other "usual suspects" are to blame for his woes rather than a callous economic system that exploits even white males as readily as it does others.

To stem the tide against further erosion of male power and to block additional gender changes in and beyond marriage, traditionalists seek to draw a line to prevent queers, those most publicly identifiable as sex/gender nonconformists, from gaining state sanctioning or religious blessing for their partnerships and families. While denying civil and religious marriage to gay people is their immediate objective, the Christian Right's major preoccupation is to monitor and police the *heterosexual* cultural majority, significant numbers of whom are already in noncompliance—or at risk of noncompliance—with respect to conventional sex and gender norms. What the Christian Right fears most is the dreaded prospect of mass ethical and spiritual defection as "straights turn queer." However, to my mind this cultural upheaval is not a problem to fix, but rather an opportunity to seize for cultivating emerging "wild spaces" of freedom from which to mount social resistance to sexual and other forms of injustice.

In the midst of this cultural crisis, the Right has cruelly played the race card and the sex/gender card, again and again, to scapegoat vulnerable groups and divert attention from the real source of our cultural woes, runaway capitalism and the collapse of democracy. The Christian Right, in particular, has latched onto a conservative sexual agenda to distract people from their economic woes and from understanding the economic structural crisis in late capitalism that is at the root of the deteriorating quality of their lives.<sup>37</sup> If faith communities have hope to offer, it will only be by encouraging us to name and resist this social and economic madness. To put it bluntly, our credibility, ethically and spiritually speaking, now depends on our willingness to resist capitalist plutocracy and our conscientious efforts to dismantle Christian patriarchy while we seek to embody a truly liberating spirituality of justice.

### ■ How a queer turn toward radical equality lies at the heart of social and spiritual renewal

If the twin problems with respect to Christian marriage reside, first, in positing gender difference (in actuality, gender hierarchy) as the core structure of marriage and, second, in defining the twin purposes of marriage as containment of erotic desire

and male control of women, then re-visioning marriage as right-related mutuality between sexually attracted coequals would be no threat to marriage, but rather a real threat to *patriarchal* marriage and, by extension, other social hierarchies. In point of fact, *affirming same-sex partnerships could serve as an impetus for the ethical and spiritual revitalization of marriage* and other relations by insisting that the doing of justice should lie at the heart of *all* social relating, beginning with the most intimate. If mutual respect, caring, and equitable sharing of power and resources were the expectation for marriage and other social relationships, then extending the freedom to marry to same-sex couples might prod faith communities to acknowledge that what matters is not the gender configuration or how body parts fit together, but rather the moral quality of people's connections and their commitment to change the world for the better.

As Southern author Flannery O'Connor is reputed to have quipped, "You will know the truth, and the truth will make you odd." Celebrating our common humanity requires making an odd, decisively *queer* turn toward radical equality and plunging in together to rebuild a vibrant, just, and wildly inclusive social order. Rather than embrace a more modest marriage equality agenda, I encourage us to embrace a larger, more disruptive queer agenda. The queer agenda has never been only about sex or even sexual justice, but rather remains a persistent, unwavering demand for a comprehensive renewal of life-in-community. The change we desire, deep down, is *not mere inclusion* but rather spiritual, moral, political, economic, and cultural transformation from the grassroots upward and from our bedrooms to far beyond.

This progressive justice agenda reflects an unquenchable spiritual desire for right relation not only in our families, but on our streets and throughout our social, political, and economic institutions. But I would go even further. Turning queer is also a spiritual pathway for remaining loyal to God, who, as these things go, is also rather odd: passionate about justice, no respecter of social rank or status, and forever graciously at work "making all things new."