

A Response from Margaret Kim Peterson*

The assumption that marriage necessarily involves a man and a woman has until very recently been virtually universal in all human societies, including societies in which same-sex sexual relationships have been a routine part of the social order. In other words, while humans in other times and places have held a range of opinions concerning the propriety of various kinds of sexual relationships, at no time or place other than our own has the question been seriously raised whether same-sex and opposite-sex relationships may equally properly be described as marriages.

To be sure, there have always been rules about who is eligible to marry whom. In Western (Christian) culture, law and custom prohibit marriage to more than one person at a time, or marriage to a close relative, or the marriage of a child. But all of these rules have been more or less flexible. The age at which persons are considered marriageable has varied with their social status (royal children have been betrothed while still in their cradles), first and second cousins have been considered suitable marriage partners at some times and not at others, and remarriage after divorce has been considered legitimate by some but not by others.

Underlying these widespread but flexible rules, however, has been the inflexible assumption that marriage is necessarily the union of a man and a woman. And yet in our day, it is precisely this foundational assumption that is in the process of crumbling, even as the more flexible rules regulating marital unions are presumed still to hold sway. Why is this? What new habits and practices have arisen in current Western culture, as a result of which ever-increasing numbers of people are becoming persuaded that it does not matter whether marriage partners are of the same or opposite sexes?

I can think of at least four reasons: (1) the redefinition of marriage as a contract based primarily on “love,” that is, a freely chosen

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affective and erotic bond; (2) the normatizing of contraception, to the point that potentially procreative sex, even within marriage, is seen as the exception rather than the rule; (3) the development of reproductive technology, especially those techniques that involve cells or other body parts belonging to parties other than the marital partners (donor sperm, donor ova, gestational surrogates, and so forth); and (4) the increasingly formal and restrictive use of marriage as a means of regulating access to social goods like health insurance, hospital visitation rights, and legal immigration.

The first of these factors (the transition of marriage from a practical arrangement concerned with offspring and inheritance to a romantic one not necessarily concerned with either) has been in motion since the beginning of the modern era. The second (the normatizing of contraception) has been developing for just about a hundred years, beginning with eugenicists concerned with keeping the “unfit” from reproducing and accelerating sharply in the 1950s with the development of oral contraceptives. The third (reproductive technology) began in the 1970s with the first IVF baby, and has accelerated in the past decade or so with the recognition that if you can move baby-making from the marriage bed to the petri dish, then it does not matter whose germ cells you use or whose womb you implant them in. The fourth factor (marriage as a way of regulating the distribution of social goods) offers a seemingly neutral way to discriminate among claimants to limited resources like insurance and visas.

So what is marriage, as currently practiced in Western society? Marriage is a kind of prize awarded to people who love each other. Married couples are expected to contracept, contracept, contracept except on those infrequent occasions when they want to get pregnant. If they can't get pregnant, they go to a fertility clinic and hire other people to make a baby for them. And if two people wish to share their lives in any legally significant way, often the only way to do that is through marriage.

What meaningful difference is there between opposite-sex couples who do these things, and same-sex couples who do them? Not much. If you grant that marriage is fundamentally equivalent to “love,” that normal sex is non-procreative, and that reproduction can involve people outside the marital bond if it happens to suit all the parties involved—well, there really isn't any difference between same-sex and opposite-sex arrangements. And if it is furthermore the

case that only the married can be assured of such basic social goods as (for example) the right to visit one another in the hospital, then it begins to look downright cruel to deny marriage rights to anyone at all.

The problem is that all this is open to question. Marriage can be reduced to romance and rendered a gnostic union of “soulmates” rather than an embodied union of husband and wife—but is any such union actually a Christian marriage? Sex (even the married sex of husbands and wives) can be rendered non-procreative—but should it be? Babies can be made with rented and purchased body parts—but should they be? A question for the traditionalists (especially) to consider, therefore, is how enthusiastic and thoughtless participation by many Christians in practices like these undermines traditionally Christian understandings of marriage in ways that no amount of biblical interpretation or scientific evaluation of human sexuality can repair.

And on the subject of marriage as a means of access to social and legal goods: nearly 50 percent of adult Americans are unmarried. How fair is it to make marriage the legal criterion for anything, if thereby half the population is excluded? An analogous point can be made concerning too-enthusiastic promotion of marriage as a vehicle for sanctification. What about the unmarried? Can they not be sanctified, too? A question for the liberals (especially) to consider, therefore, is how the exaltation of marriage can quickly turn the corner into the denigration of singleness in a world in which many adults (of whatever sexual orientation) are single for much of their adult lives.

