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Defending Faith, Family, and Freedom

Questions and Answers: What's Wrong With Letting Same-Sex Couples "Marry?"

by: Mr. Peter Sprigg

What's wrong with letting same-sex couples legally "marry?"

There are two key reasons why the legal rights, benefits, and responsibilities of civil marriage should not be extended to same-sex couples.

The first is that homosexual relationships are not marriage. That is, they simply do not fit the minimum necessary condition for a marriage to exist--namely, the union of a man and a woman.

The second is that homosexual relationships are harmful. Not only do they not provide the same benefits to society as heterosexual marriages, but their consequences are far more negative than positive.

Either argument, standing alone, is sufficient to reject the claim that same-sex unions should be granted the legal status of marriage.

Let's look at the first argument. Isn't marriage whatever the law says it is?

No. Marriage is not a creation of the law. Marriage is a fundamental human institution that predates the law and the Constitution. At its heart, it is an anthropological and sociological reality, not a legal one. Laws relating to marriage merely recognize and regulate an institution that already exists.

But isn't marriage just a way of recognizing people who love each other and want to spend their lives together?

If love and companionship were sufficient to define marriage, then there would be no reason to deny "marriage" to unions of a child and an adult, or an adult child and his or her aging parent, or to roommates who have no sexual relationship, or to groups rather than couples. Love and companionship are usually considered integral to marriage in our culture, but they are not sufficient to define it as an institution.

All right--but if you add a *sexual* relationship to love and companionship, isn't that what most people would consider "marriage?"

It's getting closer but is still not sufficient to define marriage.

In a ruling handed down June 26, 2003, the U. S. Supreme Court declared in *Lawrence v. Texas* that sodomy laws (and any other laws restricting private sexual conduct between consenting adults) are unconstitutional. Some observers have suggested that this decision paves the way for same-sex "marriage." But in an ironic way, the Court's rulings that sex need not be (legally) confined to marriage undermine any argument that sex alone is a defining characteristic of marriage. Something more must be required.

So--what IS marriage, then?

Anthropologist Kingsley Davis has said, "The unique trait of what is commonly called marriage is social recognition and approval ... of a couple's engaging in sexual intercourse and bearing and rearing children." Marriage scholar Maggie Gallagher says that "marriage across societies is a public sexual union that creates kinship obligations and sharing of resources between men, women, and the children their sexual union may produce."



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Canadian scholar Margaret A. Somerville says, "Through marriage our society marks out the relationship of two people who will together transmit human life to the next generation and nurture and protect that life."

Another Canadian scholar, Paul Nathanson (who is himself a homosexual), has said, "Because heterosexuality is directly related to both reproduction and survival, ... *every* human societ[*y*] has had to *promote* it actively Heterosexuality is always *fostered* by a cultural norm" that limits marriage to unions of men and women. He adds that people "are wrong in assuming that any society can do without it." [emphasis in original]

Are you saying that married couples who don't have children (whether by choice, or because of infertility or age) aren't really married? If we deny marriage to same-sex couples because they can't reproduce, why not deny it to those couples, too?

A couple that doesn't want children when they marry *might* change their minds. Birth control might fail for a couple that uses it. A couple that appears to be infertile may get a surprise and conceive a child. The marital commitment may deter an older man from conceiving children with a younger woman outside of marriage. Even a very elderly couple is of the structural type (i.e., a man and a woman) that could theoretically produce children (or could have in the past). And the sexual union of all such couples is of the same *type* as that which reproduces the human race, even if it does not have that effect in particular cases.

Admittedly, society's interest in marriages that do not produce children is less than its interest in marriages that result in the reproduction of the species. However, we still recognize childless marriages because it would be an invasion of a heterosexual couple's privacy to require that they prove their intent or ability to bear children.

There is no reason, though, to extend "marriage" to same-sex couples, which are of a structural type (two men or two women) that is incapable--ever, under any circumstances, regardless of age, health, or intent--of producing babies naturally. In fact, they are incapable of even engaging in the type of sexual act that results in natural reproduction. And it takes no invasion of privacy or drawing of arbitrary upper age boundaries to determine that.

Another way to view the relationship of marriage to reproduction is to turn the question around. Instead of asking whether actual reproduction is essential to marriage, ask this: If marriage *never* had *anything* to do with reproduction, would there be any reason for the government to be involved in regulating or rewarding it? Would we even *tolerate* the government intervening in such an intimate relationship, any more than if government defined the terms of who may be your "best friend?" The answer is undoubtedly "no"--which reinforces the conclusion that reproduction is a central (even if not obligatory) part of the social significance of marriage.

Indeed, the facts that a child cannot reproduce, that close relatives cannot reproduce without risk, and that it only takes one man and one woman to reproduce, are among the reasons why people are barred from marrying a child, a close blood relative, or a person who is already married. Concerns about reproduction are central to those restrictions on one's choice of marriage partner--just as they are central to the restriction against "marrying" a person of the same sex.

But people can also reproduce *without* getting married. So what is the *purpose* of marriage?

The mere biological conception and birth of children are not sufficient to ensure the reproduction of a healthy, successful society. Paul Nathanson, the homosexual scholar cited above, says that there are at least five functions that marriage serves--things that every culture *must* do in order to survive and thrive. They are:



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- Foster the bonding between men and women
- Foster the birth and rearing of children
- Foster the bonding between men and children
- Foster some form of healthy masculine identity
- Foster the transformation of adolescents into sexually responsible adults

Maggie Gallagher puts it more simply, saying that "children need mothers and fathers" and "marriage is the most practical way to get them for children."

But why should homosexuals be denied the right to marry like anyone else?

The fundamental "right to marry" is a right that rests with *individuals*, not with *couples*. Homosexual *individuals* already have exactly the same "right" to marry as anyone else. Marriage license applications do not inquire as to a person's "sexual orientation."

Many people who now identify themselves as homosexual have previously been in legal (opposite-sex) marriages. On the other hand, many people who previously had homosexual relationships have now renounced that behavior and married persons of the opposite sex. If we define a "homosexual" as anyone who has ever experienced homosexual attractions, then both of these scenarios represent "homosexual" individuals who have exercised their right to be legally married.

However, while every individual person is free to get married, *no* person, whether heterosexual or homosexual, has ever had a legal right to marry simply any willing partner. Every person, whether heterosexual or homosexual, is subject to legal restrictions as to whom they may marry. To be specific, every person, regardless of sexual preference, is legally barred from marrying a child, a close blood relative, a person who is already married, or a person of the same sex. There is no discrimination here, nor does such a policy deny anyone the "equal protection of the laws" (as guaranteed by the Constitution), since these restrictions apply equally to every individual.

Some people may wish to do away with one or more of these longstanding restrictions upon one's choice of marital partner. However, the fact that a tiny but vocal minority of Americans desire to have someone of the same sex as a partner does not mean that they have a "right" to do so, any more than the desires of other tiny (but less vocal) minorities of Americans give them a "right" to choose a child, their own brother or sister, or a group of two or more as their marital partners.

Isn't prohibiting homosexual "marriage" just as discriminatory as prohibiting interracial marriage, like some states used to do?

This analogy is not valid at all. Bridging the divide of the sexes by uniting men and women is both a worthy goal and a part of the fundamental purpose of marriage, common to all human civilizations.

Laws against interracial marriage, on the other hand, served only the purpose of preserving a social system of racial segregation. This was both an unworthy goal and one utterly irrelevant to the fundamental nature of marriage.

Allowing a black woman to marry a white man does not change the definition of marriage, which requires one man and one woman. Allowing two men or two women to marry would change that fundamental definition. Banning the "marriage" of same-sex couples is therefore essential to preserve the nature and purpose of marriage itself.



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Hasn't the nature of marriage already changed dramatically in the last few generations? In defending "traditional marriage," aren't you defending something that no longer exists?

It's true that American society's concept of marriage has changed, especially over the last fifty years. But not all change is positive, and our experiences in that regard may be instructive. Consider some of the recent changes to the institution of marriage--and their consequences:

- The divorce revolution has undermined the concept that marriage is a life-long commitment. As a result, there's been an epidemic of broken homes and broken families, and the consequences have been overwhelmingly negative.
- The sexual revolution has undermined the concept that sexual relations should be confined to marriage. As a result, there's been an epidemic of cohabitation, sexually transmitted diseases, abortions, and broken hearts, and the consequences have been overwhelmingly negative.
- The concept that childbearing should be confined to marriage has been undermined. As a result, there's been an epidemic of out-of-wedlock births, single parenthood, and fatherless children, and the consequences have been overwhelmingly negative.
- The pornography revolution, particularly with the advent of the Internet, has undermined the concept that a man's sexual desires should be directed toward his wife. As a result, there's been an epidemic of broken relationships, abused wives, and sex crimes, and the consequences have been overwhelmingly negative.

And now there is social and political pressure to redefine what constitutes marriage itself. What grounds does anyone have for thinking that the consequences of that radical social revolution, unprecedented in human history, would be any more positive than the consequences of the much less sweeping changes already described?

Why does "defending marriage" and "defending the family" require opposing same-sex unions? How does a homosexual union do any harm to someone else's heterosexual marriage?

It may come as a surprise to many people, but homosexual unions often have a more direct impact on heterosexual marriages than one would think. For example, the *Boston Globe* reported June 29, 2003, that "nearly 40 percent" of the 5,700 homosexual couples who have entered into "civil unions" in Vermont "have had a previous heterosexual marriage."

Of course, it could be argued that many of those marriages may have ended long before a spouse found their current homosexual partner. And some may assume that no opposite-sex spouse would *want* to remain married to someone with same-sex attractions. Nevertheless, the popular myth that a homosexual orientation is fixed at birth and unchangeable may have blinded us to the fact that many supposed "homosexuals" have, in fact, had perfectly functional heterosexual marriages. And as *Globe* columnist Jeff Jacoby points out, "In another time or another state, some of those marriages might have worked out. The old stigmas, the universal standards that were so important to family stability, might have given them a fighting chance. Without them, they were left exposed and vulnerable."

But isn't the number of homosexuals too small for same-sex unions to have much impact on other people's marriages?

It's probably true that the percentage of marriages that fail because of the desire of one spouse to pursue a homosexual relationship will always be fairly small.



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The most significant impact of legally recognizing same-sex unions would be more indirect. Expanding the definition of what "marriage" is to include relationships of a homosexual nature would inevitably, in the long run, change people's concept of what marriage is, what it requires, and what one should expect from it. These changes in the popular understanding of marriage would, in turn, change people's behavior both before and during marriage.

How would allowing same-sex couples to marry change society's concept of marriage?

For one thing, it would reinforce many of the negative changes described above. As an example, marriage will open wide the door to homosexual adoption, which will simply lead to more children suffering the negative consequences of growing up without both a mother and a father.

Among homosexual men in particular, casual sex, rather than committed relationships, is the rule and not the exception. And even when they do enter into a more committed relationship, it is usually of relatively short duration. For example, a study of homosexual men in the Netherlands (the first country in the world to legalize "marriage" for same-sex couples), published in the journal *AIDS* in 2003, found that the average length of "steady partnerships" was not more than 2 < years (Maria Xiridou et al., in *AIDS* 2003, 17:1029-1038).

In addition, studies have shown that even homosexual men who are in "committed" relationships are not sexually faithful to each other. While infidelity among heterosexuals is much too common, it does not begin to compare to the rates among homosexual men. The 1994 National Health and Social Life Survey, which remains the most comprehensive study of Americans' sexual practices ever undertaken, found that 75 percent of married men and 90 percent of married women had been sexually faithful to their spouse. On the other hand, a major study of homosexual men in "committed" relationships found that only seven out of 156 had been sexually faithful, or 4.5 percent. The Dutch study cited above found that even homosexual men in "steady partnerships" had an average of eight "casual" sex partners per year.

So if same-sex relationships are legally recognized as "marriage," the idea of marriage as a sexually exclusive and faithful relationship will be dealt a serious blow. Adding monogamy and faithfulness to the other pillars of marriage that have already fallen will have overwhelmingly negative consequences for Americans' physical and mental health.

If you want people to be faithful and monogamous, shouldn't you grant same-sex couples the right to marry in order to encourage that?

Some have argued that marriage will change the behavior of homosexuals, but it is far more plausible that the behavior of homosexuals will change people's idea of marriage, further undermining the concepts that marriage is a lifelong commitment and that sex should be confined to marriage.

The entire "gay liberation" movement has been but a part of the larger sexual liberation movement whose fundamental tenet is that anybody should be able to have sex with anybody they want any time they want. To suggest that the crowning achievement of that pro-homosexual movement--obtaining society's ultimate stamp of approval through civil marriage--is suddenly going to result in these "liberated" homosexuals settling down into faithful, monogamous, childrearing is foolishly naive.

Don't homosexuals need marriage rights so that they will be able to visit their partners in the hospital?

The idea that homosexuals are routinely denied the right to visit their partners in the hospital is nonsense. When this issue was raised during debate over the Defense of Marriage Act in 1996, the Family Research Council did an informal survey of nine hospitals in four states and the District of



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Columbia. None of the administrators surveyed could recall a single case in which a visitor was barred because of their homosexuality, and they were incredulous that this would even be considered an issue.

Except when a doctor limits visitation for medical reasons, final authority over who may visit an adult patient rests with that patient. This is and should be the case regardless of the sexual orientation or marital status of the patient or the visitor.

The only situation in which there would be a possibility that the blood relatives of a patient might attempt to exclude the patient's homosexual partner is if the patient is unable to express his or her wishes due to unconsciousness or mental incapacity. Homosexual partners concerned about this (remote) possibility can effectively preclude it by granting to one another a health care proxy (the legal right to make medical decisions for the patient) and a power of attorney (the right to make all legal decisions for another person). Marriage is not necessary for this. It is inconceivable that a hospital would exclude someone who holds the health care proxy and power of attorney for a patient from visiting that patient, except for medical reasons.

The hypothetical "hospital visitation hardship" is nothing but an emotional smokescreen to distract people from the more serious implications of radically redefining marriage.

Don't homosexuals need the right to marry each other in order to ensure that they will be able to leave their estates to their partner when they die?

As with the hospital visitation issue, the concern over inheritance rights is something that simply does not require marriage to resolve it. Nothing in current law prevents homosexual partners from being joint owners of property such as a home or a car, in which case the survivor would automatically become the owner if the partner dies.

An individual may leave the remainder of his estate to whomever he wishes--again, without regard to sexual orientation or marital status--simply by writing a will. As with the hospital visitation issue, blood relatives would only be able to overrule the surviving homosexual partner in the event that the deceased had failed to record his wishes in a common, inexpensive legal document. Changing the definition of a fundamental social institution like marriage is a rather extreme way of addressing this issue. Preparing a will is a much simpler solution.

Don't homosexuals need marriage rights so that they can get Social Security survivor benefits when a partner dies?

It is ironic that activists are now seeking Social Security survivor benefits for homosexual partners, since Congress originally intended them as a way of supporting a very traditional family structure--one in which the husband worked to provide the family's cash income while the wife stayed home to keep house and raise the children. Social Security survivor benefits were designed to recognize the non-monetary contribution made to a family by the homemaking and child-rearing activities of a wife and mother, and to ensure that a woman and her children would not become destitute if the husband and father were to die.

The Supreme Court ruled in the 1970s that such benefits must be gender-neutral. However, they still are largely based on the premise of a division of roles within a couple between a breadwinner who works to raise money and a homemaker who stays home to raise children.

Very few homosexual couples organize their lives along the lines of such a "traditional" division of labor and roles. They are far more likely to consist of two earners, each of whom can be supported in old age by their own personal Social Security pension.



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Furthermore, far fewer homosexual couples than heterosexual ones are raising children at all, for the obvious reason that they are incapable of natural reproduction with each other. This, too, reduces the likelihood of a traditional division of labor among them.

Survivor benefits for the legal (biological or adopted) *children* of homosexual parents (as opposed to their partners) are already available under current law, so "marriage" rights for homosexual couples are unnecessary to protect the interests of these children themselves.

Don't some scholars claim that some cultures *have* recognized same-sex unions?

A few pro-homosexual writers, such as William N. Eskridge, Jr. (author of a 1996 book called *The Case for Same-Sex Marriage*), have asserted this. They support this claim by citing evidence, mostly from obscure, primitive tribes, suggesting some tolerance of gender non-conformity or even homosexual relationships (particularly between men and boys). But the important point is that in *none* of these cultures was such behavior seen as the moral and social *equivalent* of lifelong heterosexual marriage, which is what today's pro-homosexual activists are demanding.

Even if "marriage" itself is uniquely heterosexual, doesn't fairness require that the legal and financial benefits of marriage be granted to same-sex couples--perhaps through "civil unions" or "domestic partnerships?"

No. The legal and financial benefits of marriage are not an entitlement to be distributed equally to all (if they were, single people would have as much reason to consider them "discriminatory" as same-sex couples). Society grants benefits to marriage because marriage has benefits for society--including, but not limited to, the reproduction of the species in households with the optimal household structure (i.e., the presence of both a mother and a father).

Homosexual relationships, on the other hand, have no comparable benefit for society, and in fact impose substantial costs on society. The fact that AIDS is at least ten times more common among men who have sex with men than among the general population is but one example.

How else does marriage benefit society?

As a group of thirteen leading social scientists reported in 2002, "Marriage is an important social good, associated with an impressively broad array of positive outcomes for children and adults alike." Put simply, married men and women, and their children, are happier, healthier, and more prosperous than people in other types of households.

For example:

- A five-year study released in 1998 found that continuously married husbands and wives experience better emotional health and less depression than people of any other marital status.
- A 1990 review of research found that husbands and wives also have better physical health, while the unmarried have significantly higher annual death rates--about 50 percent higher for women and 250 percent higher for men.
- Rates of violent abuse by intimate partners are four times higher among never-married women, and twelve times higher among divorced and separated women, than they are among married women. In fact, married people are less likely to be the victims of any type of violent crime than are those who have divorced, separated, or never married.



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- Families headed by married couples also have much higher incomes and greater financial assets.
- In addition, husbands and wives who are sexually faithful even experience more physical pleasure and emotional satisfaction in their sexual relations than do any other sexually active people.

Children raised by their married mother and father, meanwhile, experience *lower* rates of many social problems, including:

- premarital childbearing;
- illicit drug use;
- arrest;
- health, emotional, or behavioral problems;
- poverty; and
- school failure or expulsion.

These benefits are then passed on to future generations as well, because children raised by married parents are themselves less likely to cohabit or to divorce as adults.

For more information on the benefits of marriage, see:

- Bridget Maher, "Why Marriage Should Be Privileged in Public Policy," *Insight* No. 254 (Washington, DC: Family Research Council), April 16, 2003 (online at <http://www.frc.org/get.cfm?i=IS03D1>)
- *Why Marriage Matters: Twenty-One Conclusions from the Social Sciences* (New York: Institute for American Values, 2002); see www.americanvalues.org
- Linda J. Waite and Maggie Gallagher, *The Case for Marriage: Why Married People are Happier, Healthier, and Better Off Financially* (New York: Doubleday, 2000)

Isn't it possible that allowing homosexuals to "marry" each other would allow them to participate in those benefits as well?

No. The benefits of marriage do not flow simply from the presence of two people and government recognition of their relationship. Instead, they flow from the inherent complementarity of the sexes and the power of lifelong commitment. The first of these is rejected outright by homosexuals, and the second is far less common among them.

As noted earlier, opening the gates of "marriage" to homosexuals is far more likely to change the attitudes and behavior of heterosexuals for the worse than it is to change the lifestyles of homosexuals for the better.

Do most same-sex couples even *want* to assume the responsibilities of marriage?



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There is considerable reason to doubt that they do. A front-page article in the *New York Times* (August 31, 2003) reported that in the first 2 = months after Ontario's highest court legalized "marriage" for same-sex couples, fewer than 500 same-sex Canadian couples had taken out marriage licenses in Toronto, even though the city has over 6,000 such couples registered as permanent partners.

The *Times* reported that "skepticism about marriage is a recurring refrain among Canadian gay couples," noting that "many gays express the fear that it will undermine their notions of who they are. They say they want to maintain the unique aspects of their culture and their place at the edge of social change." Mitchel Raphael, the editor of a Toronto "gay" magazine, said, "I'd be for marriage if I thought gay people would challenge and change the institution and not buy into the traditional meaning of 'till death do us part' and monogamy forever." And Rinaldo Walcott, a sociologist at the University of Toronto, lamented, "Will queers now have to live with the heterosexual forms of guilt associated with something called cheating?"

It appears that many homosexuals want the right to "marry" only because marriage constitutes society's ultimate stamp of approval on a sexual relationship--not because they actually want to participate in the institution of marriage as it has historically been understood.

What about the argument that homosexual relations are harmful? What do you mean by that?

Homosexual men experience higher rates of many diseases, including:

- Human Papillomavirus (HPV), which causes most cases of cervical cancer in women and anal cancer in men
- Hepatitis A, B, and C
- Gonorrhea
- Syphilis
- "Gay Bowel Syndrome," a set of sexually transmitted gastrointestinal problems such as proctitis, proctocolitis, and enteritis
- HIV/AIDS (One Canadian study found that as a result of HIV alone, "life expectancy for gay and bisexual men is eight to twenty years less than for all men.")

Lesbian women, meanwhile, have a higher prevalence of:

- Bacterial vaginosis
- Hepatitis C
- HIV risk behaviors
- Cancer risk factors such as smoking, alcohol use, poor diet, and being overweight

Why do homosexuals have such high rates of sexually transmitted diseases?



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Much of the reason for high rates of sexually transmitted diseases among homosexuals lies in their higher rates of promiscuous sexual behavior. For example, the 2003 Dutch study mentioned earlier found that even homosexual men who had a "steady partner" also had an average of eight "casual" sexual partners per year (those without a "steady partner" had an average of 22 "casual" ones). Lesbians, meanwhile, were found by one study to have twice as many lifetime *male* sexual partners as women in the heterosexual control group.

Do homosexuals have more mental health problems as well?

Yes. Various research studies have found that homosexuals have higher rates of:

- Alcohol abuse
- Drug abuse
- Nicotine dependence
- Depression
- Suicide

Isn't it possible that these problems result from society's "discrimination" against homosexuals?

This is the argument usually put forward by pro-homosexual activists. However, there is a simple way to test this hypothesis. If "discrimination" were the cause of homosexuals' mental health problems, then one would expect those problems to be much less common in cities or countries, like San Francisco or the Netherlands, where homosexuality has achieved the highest levels of acceptance.

In fact, the opposite is the case. In places where homosexuality is widely accepted, the physical and mental health problems of homosexuals are greater, not less. This suggests that the real problem lies in the homosexual lifestyle itself, not in society's response to it. In fact, it suggests that increasing the level of social support *for* homosexual behavior (by, for instance, allowing same-sex couple to "marry") would only increase these problems, not reduce them.

Do homosexuals have higher rates of domestic violence?

Yes. It's notable that so-called "hate crimes" directed at homosexuals, such as the brutal murder of Wyoming college student Matthew Shepard in 1998, are often touted as a measure of society's supposed hostility to homosexuals. Yet even when it comes to violence, homosexuals are far more likely to be victimized by each other than by an "anti-gay" attacker. Government statistics show that "intimate partner violence" between people of the same sex is approximately twenty times more common than anti-homosexual "hate crimes."

Research also shows that men and women in heterosexual marriages experience *lower* rates of domestic violence than people in any other living arrangement.

Do homosexuals pose a threat to children?

Homosexual men are far more likely to engage in child sexual abuse than are heterosexuals. The evidence for this lies in the findings that:



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- Almost all child sexual abuse is committed by men; and
- Less than three percent of American men identify themselves as homosexual; yet
- Nearly a third of all cases of child sexual abuse are homosexual in nature (that is, they involve men molesting boys). This is a rate of homosexual child abuse about ten times higher than one would expect based on the first two facts.

These figures are essentially undisputed. However, pro-homosexual activists seek to explain them away by claiming that men who molest boys are not usually homosexual in their adult sexual orientation. Yet a study of convicted child molesters, published in the *Archives of Sexual Behavior*, found that "86 percent of offenders against males described themselves as homosexual or bisexual" (W. D. Erickson, M.D., et al., in *Archives of Sexual Behavior* 17:1, 1988).

This does *not* mean that all, or even most, homosexual men are child molesters--but it does prove that homosexuality is a significant risk factor for this horrible crime.

But haven't studies shown that children raised by homosexual parents are no different from other children?

No. This claim is often put forward, even by professional organizations. The truth is that most research on "homosexual parents" thus far has been marred by serious methodological problems. However, even pro-homosexual sociologists Judith Stacey and Timothy Biblarz report that the actual data from key studies show the "no differences" claim to be false.

Surveying the research (primarily regarding lesbians) in an *American Sociological Review* article in 2001, they found that:

- Children of lesbians are less likely to conform to traditional gender norms.
- Children of lesbians are more likely to engage in homosexual behavior.
- Daughters of lesbians are "more sexually adventurous and less chaste."
- Lesbian "co-parent relationships" are more likely to end than heterosexual ones.

A 1996 study by an Australian sociologist compared children raised by heterosexual married couples, heterosexual cohabiting couples, and homosexual cohabiting couples. It found that the children of heterosexual married couples did the best, and children of homosexual couples the worst, in nine of the thirteen academic and social categories measured.

What do these consequences of homosexual behavior have to do with marriage?

Since homosexual behavior is directly associated with higher rates of promiscuity, physical disease, mental illness, substance abuse, child sexual abuse, and domestic violence, there is no reason to reward such behavior by granting it society's ultimate affirmation--the status of civil marriage--or any of the benefits of marriage.

For more information on the harmful consequences of homosexual behavior, see the following publications by the Family Research Council's Senior Fellow for Marriage and Family Studies, Dr. Timothy J. Dailey:



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- *Dark Obsession: The Tragedy and Threat of the Homosexual Lifestyle* (Nashville: Broadman and Holman, 2003); order online at: <http://www.frc.org/get.cfm?i=BK03F01>
- "Homosexuality and Child Sexual Abuse," *Insight* No. 247 (Washington, D.C.: Family Research Council), May 17, 2002 (online at: <http://www.frc.org/get.cfm?i=IS02E3>)
- "The Negative Health Effects of Homosexuality," *Insight* No. 232 (Washington, D.C.: Family Research Council), March 6, 2001 (online at: <http://www.frc.org/get.cfm?i=IS01B1>)
- "Homosexual Parenting: Placing Children at Risk," *Insight* No. 238 (Washington: Family Research Council) November 1, 2001 (online at: <http://www.frc.org/get.cfm?i=IS01J3>)

Do the American people want to see "marriages" between same-sex couples recognized by law?

No--and in the wake of the June 2003 court decisions to legalize such "marriages" in the Canadian province of Ontario and to legalize homosexual sodomy in the United States, the nation's opposition to such a radical social experiment has actually grown.

Five separate national opinion polls taken between June 24 and July 27, 2003 showed opponents of civil "marriage" for same-sex couples outnumbering supporters by not less than fifteen percentage points in every poll. The wording of poll questions can make a significant difference, and in this case, the poll with the most straightforward language (a Harris/CNN/Time poll asking "Do you think marriages between homosexual men or homosexual women should be recognized as legal by the law?") resulted in the strongest opposition, with 60 percent saying "No" and only 33 percent saying "Yes."

Even where pollsters drop the word "marriage" itself and use one of the euphemisms to describe a counterfeit institution parallel to marriage, we see a decline in public support for the homosexual agenda. The Gallup Poll, for instance, has asked, "Would you favor or oppose a law that would allow homosexual couples to legally form civil unions, giving them some of the legal rights of married couples?"

This question itself is misleading, in that it downplays the legal impact of "civil unions." Vermont, the only U. S. state to adopt "civil unions" (under coercion of a state court), actually gives *all* "of the legal rights of married couples" available under state law to people in a same-sex "civil union"--not just "some." But despite this distortion, a 49-percent-to-49-percent split on this question in May 2003 had changed to opposition by a margin of 58 percent to 37 percent when the *Washington Post* asked the identical question in August 2003.

Even the percentage of Americans willing to declare that "homosexual relations between consenting adults" (never mind homosexual civil "marriage") "should be legal" dropped from 60 percent to only 48 percent between May and July of 2003. The biggest drop in support, a stunning 23 percentage points (from 58 percent to 35 percent), came among African Americans--despite the rhetoric of pro-homosexual activists who seek to frame the issues of "gay rights" and same-sex unions as a matter of "civil rights."

Is it necessary to amend the U. S. Constitution to prevent legal recognition of civil "marriage" for same-sex couples?

No state legislature has even come close to allowing same-sex unions to be recognized as civil marriage. However, knowing that public opinion is firmly against them, pro-homosexual activists have now turned to the courts in an effort to get what they cannot achieve through the democratic process. Several states have heard lawsuits from same-sex couples demanding that they be granted



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marriage licenses, and at this writing there is a very real possibility that in the near future one or more state courts may order legal recognition of a same-sex civil "marriage."

If that happens, it is highly likely that some same-sex couples who obtain a civil "marriage" in that state will seek to have it recognized in other states. The 1996 Defense of Marriage Act (DOMA), which was passed by an overwhelming bipartisan majority in Congress and signed into law by President Clinton, declares that states do not have to recognize same-sex civil "marriages" contracted in other states. However, pro-homosexual activists would undoubtedly go to federal court to seek to have DOMA declared unconstitutional.

Such a legal challenge to DOMA *ought* to fail. But given the U. S. Supreme Court's recent history of judicial activism on the subject of homosexuality, in defiance of the history and traditions of the country and even of the Court's own prior decisions, many have concluded that it would unsafe to trust the Court on this issue.

Amending the Constitution now appears to be the only way to achieve two indispensable goals:

- preserve a uniform national standard for something so fundamental to our civilization as the definition of marriage; and
- prevent the imposition of same-sex civil "marriage" or marital benefits through acts of undemocratic judicial tyranny.^C

Additional Resources

Dark Obsession: The Tragedy and Threat of the Homosexual Lifestyle

<http://www.frc.org/get.cfm?i=BK03F01&f=IF03H01>

Homosexuality and Child Sexual Abuse

<http://www.frc.org/get.cfm?i=IS02E3&f=IF03H01>

Homosexual Parenting: Placing Children at Risk

<http://www.frc.org/get.cfm?i=IS01J3&f=IF03H01>