



Why we need same-gender marriages

BY DOUG MARSHALL-STEELE • JANUARY 4, 2009

The Government Accountability Office (GAO) found there are 1,138 federal rights, responsibilities and benefits that automatically derive from civil marriage.

On the state level hundreds of rights are activated automatically when a couple weds. But both the U.S. and the State of Delaware have legislated that only heterosexuals may marry and receive these rights. Gays need not apply.

Never mind that the last U.S. Census revealed that gay couples live in 99.3 percent of our nation's counties, and nearly a quarter of gay couples are raising an estimated one to ten million children. These families have all of the bread-and-butter needs of heterosexual families.

What reasonable person can argue that citizens who are not members of the dominant sexual orientation should be disenfranchised from all of these legal rights -- rights like health insurance, Social Security benefits, income tax advantages, and so many more? That would be like saying we should give fewer rights to racial minorities. Oh, that's right, we did. It was called segregation.

The Delaware Code vis-à-vis same-gender marriage should be embarrassing to thinking people. It calls for a fine or jail term for any gay Delawareans who present themselves as married, even if they were wed in a state permitting same-gender marriage. But of course that is only the beginning as it is hundreds of state rights that heterosexual couples take for granted but are unknown to gay couples. For example, the State of Delaware itself in effect pays gay state employees less than heterosexual employees by refusing to extend to the former spousal health benefits as it does to the latter. Delaware does, however, provide pet insurance to state employees.

So there are many very tangible legal benefits to civil marriage, from which gay families are automatically excluded on both the federal and state levels. But why?

Chiefly, it is because religious adherents often conflate civil marriage with the religious definitions of marriage with which they are more familiar. They hear "marriage" and think of a sacrament or sacred vows said before God. Civil marriage is not that. It is a merely legal construct that defines legal standing, parental and property rights, and other legal ramifications.

Conflating religious marriage with civil marriage is like saying because some churches prohibit divorce, it is illegal. (It isn't.) Or because a 13-year-old Jewish boy becomes a "man" at his bar mitzvah, he is also a man in the state's eyes for purposes of joining the military or drinking alcohol. (He's not.)

Gay-marriage advocates are not calling for changes in ecclesiastical law, believing a church's teaching about religious marriage is its own matter. People of faith at various times have believed in polygamy, concubinage, the wife's total subjugation to her husband, not marrying outside one's race, not allowing divorce or remarriage after divorce, ecclesiastically annulling marriages even after many years and many children, etc. All of these are religious redefinitions of marriage and are the purview of ecclesiastical bodies.

But the opposite is also true: church dogma has no rightful place in dictating what civil marriage should look like in our body of law. Those Europeans who must be married by a state authority and who may then opt into or out of a religious ceremony can better grasp the distinctions between legal marriage and religious marriage. Jesus said, "Render unto Caesar the things that are Caesar's and unto God the things that are God's."

To conclude with a personal note: Please don't say you are not homophobic if you undercut our families and well-being by denying us the numerous supports of marriage and family life that you accept as your rightful due. And don't call me your friend if you think your family is worthy of support but mine is not.

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