

Bridging Sanctity of Marriage and Marriage Equality

Marriage is often defined as the “legal union of a man and woman as husband and wife, and in some jurisdictions, between two persons of the same sex, usually entailing legal obligations of each person to the other...A similar union of more than two people.” (<http://www.thefreedictionary.com>)

Throughout U.S. history until the the turn of the twentieth century, the marriage license was not mandated for people to be married. U.S. federal laws regarding marriage, which were illegal, up until then were just about tax purposes and waging a war against Mormons and blacks.

The government then started issuing marriage license mandates as an attempt to prevent blacks and whites from marrying each other. Interracial marriage was seen as disgusting, thus using junk science arguments, faux religious arguments, and archaic social norm ones. Not unlike the arguments against same-sex marriage, plural marriage, and incestuous marriage (i.e., marriages between legally-consenting adults).

The U.S. Constitution, for whatever it is worth, does not delegate any marital responsibility to the federal government. Not even in the Fourteenth Amendment. Any federal law regarding marriage is therefor illegal and the federal government is being lawless. State governments, where their state constitutions allow government involvement in marriage, tend to abuse this power.

The typical arguments are religious, even though no religious text advocates the government issuing marriage licenses. Not to mention religious texts talk about, positively and negatively depending on context, different forms of marriage, not just the “traditional” views of marriage. For example, many of God’s prophets were polygamist.

Another example, the famous Leviticus verse is often misinterpreted, for nefarious purposes. The word “abomination” did not mean “evil” back then. With this context, as well as the context of the book itself, it is easy to know gay acts are not frowned upon. Religious people often forget to read the texts as they were written, not how they can be interpreted today (this common practice flies in the face of the Bible being “the Word of God” argument).

Family values is often a phrase thrown around to oppose all other forms of marriage. The arguments are weak, given history is filled with voluntary, functional polygamy. Plural marriage, even in the Bible, was used for survival, as well as love. Lest it be forgotten, many people choose to be single, are asexual, and even promiscuous being straight and monogamous. It’s not logical to conclude only gays and polygamists can be immoral, marriage-wise.

Without a religious source, a federal allowance, and history being on the side of opponents of other forms of marriage besides man and woman, it is obvious they have

lost this debate both spiritually and sociobiologically.

If marriage is sacred, then the sanctity of marriage can only be respected if it only involves the legally-consenting adult partners being married. May it be a man and woman, two men, two women, multiple partners, or what have you. By getting government involved, one is violating the sanctity of marriage.

If equality is the goal of the other side, then the marriage license mandates must likewise be opposed. Without such laws there would be no government to ban marriage or to beg for permission thereof.

Legally-speaking, marriage is a contract between the parties involved. This is where power of attorney (including medical POA), insurance claims, presence in wills, custody arrangements, estate assignments, etc. can be made. Regardless of the kind of marriage. No government required.

Hospitals that refuse to acknowledge POA do so at their own risk. Lawyers and notaries would be able to draw up papers and contracts to make the process smooth. All the marriage license does in this area is make all of the above de facto. The only issues would be the tax code and adoption laws – both of which need to be abolished if freedom is to flourish.

Only through marriage privatization can both sanctity of marriage and marriage equality be protected. Government has neither a right nor responsibility being involved in an institution so personal as marriage.

David Boaz of the Cato Institute argues “In the debate over whether to legalize gay marriage, both sides are missing the point. Why should the government be in the business of decreeing who can and cannot be married? Proponents of gay marriage see it as a civil-rights issue. Opponents see it as another example of minority “rights” being imposed on the majority culture. But why should anyone have—or need to have—state sanction for a private relationship?”

Jeffrey Tucker of the Mises Institute likewise argues “The existence of the state, as well as its benefits and legal rights associated with marriage, add a layer of confusion. The very presence of legal marital protections and benefits cries out for the state to define what constitutes a legitimate marriage. By itself this is a dangerous power. If the state can define a marriage, it can dictate the workings of the marriage and family too. It can police the raising of children, kidnap kids, prevent them from working for wages negotiated by contract, limit or mandate family size, and a host of other considerations.”

Thus repealing or bypassing laws that violate the sanctity of marriage and prevent marriage equality is the only way to defend the institution of marriage. So far, all other arguments are purely political and based on neither facts nor common sense. Repeal or bypass the marriage license mandates.

Conclusion? The only honest-to-god marriage equality argument is also the only honest-to-god sanctity of marriage one. Get ALL government out of ALL marriage. The institution of marriage is sacred, and is a bond between the legally-consenting adults involved. Not the government. (Not for nothing, but the government thinking it should be involved in any marriage sounds creepy)

- Kenny Kelly