

Why Should Adventists Care About Protecting Traditional Marriage?

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I. Introduction

Adventists have historically had a clear view that marriage should be between a man and a woman. But when it comes to taking a public position on the question of the legality of gay marriage, there has been less certainty and conviction. This ambivalence may be due to our heritage of avoiding the entangling of religion and politics and our commitment to the separation of church and state. Whatever the reason, Adventists, unlike some other evangelical groups, have not taken a high-profile position in defense of traditional marriage.

As I write this, the status of traditional marriage is literally on trial before a federal judge in California, having been attacked as inherently discriminatory by gay rights' advocates. If the court finds that there is no basis in the law to protect and prefer traditional marriage over other forms, there will be no meaningful legal basis to prevent marriage not just for same-sex couples, but for plural forms of marriage, such as polygamy and even group marriage. Likewise, the legal basis for other forms of public-morals legislation will be undermined, such as laws against prostitution, public nudity, and obscenity. Indeed, some American counties and cities have already legalized this kind of behavior and acts.

Yet in the face of this, Adventists have, by in large, been strangely quiet. But some in the Adventist religious liberty community have recently begun to ask if this quietist attitude towards marriage is justified. It is, after all, one of the two institutions

that humanity was given in Eden. We have always understood the importance of defending the other institution, the Sabbath, even in courts and legislatures, because of its prominence in last day events. Marriage, however, is not something that has figured in our prophetic understanding. But perhaps we have overlooked references in Revelation to its companion institution from Eden—marriage and family.

Consider the Magna Charta of Adventism, the three angels' messages of Revelation 14. From early on, Adventists have seen references to the fourth commandment in this chapter, from its reminder of the creation, to its call to keep the commandments of God. But examined closely, these same passages also appear to contain references to marriage and family. Consider the first angel, with its reference to “heaven and earth, the sea and springs of water.” Why does this language not track the fourth commandment precisely? Instead of “the sea and all that in them is,” it talks of the “sea and fountains of waters.” Did John just forget, or misquote, the fourth commandment? It is inconceivable that a Jew, who had likely memorized the entire Torah, would forget the wording of part of God’s law, the most sacred part of the Hebrew scriptures.

Given the context of judgment found in Rev. 14:7, John surely inserted “fountains of waters” as an allusion to the flood, the major judgment of the Old Testament that was caused by the breaking up of “the fountains of the great deep.” Gen. 7:11. Indeed, the Greek word used by John to reference the “fountains” of waters is the same plural Greek word (“pege”) that is used in the Septuagint to translate the “fountains” of the great deep in Genesis 7:11. The flood, of course, is God’s primary work of judgment in the Old

Testament, and it is unsurprising that John should allude to this in referencing God's final judgment.

But how does this implicate marriage and family? Well, consider that the first commandment with a temporal promise is the fifth, which promises blessings of long life for those that honor their "mother and father." As Paul put it, this reminder of the bonds of duty and authority in the family unit of mother, father, and child, is the "first commandment with a promise." Eph. 6:2. Of course, this is a conditional promise. The existence of a day of judgment shows the failure of this very promise, and a cutting short of life on earth. Such judgment assumes the violation of the underlying command that promised a long life.

So the first angel is calling a world to judgment for forgetting both the spiritual authority of God, and the plan that God has for social relations and authority through the family. The book of Malachi helps us see this connection, as it indicates that the "Elijah" message that is to be preached at the end of time has to do with family relationships, i.e., turning the hearts of the fathers to the children, and children to fathers, lest "I come and strike the earth with a curse." Mal. 4:6. This curse must involve the opposite of the blessing, a long life upon the earth, which comes with the honoring of the fifth commandment.

The second angel's message has an even clearer reference to family matters. It says that the false religious and political systems of the world are fallen because they have drunk of the "wine of fornication." Rev. 14:8. Much has been written on the symbolic meaning of fornication, the prostitution of spiritual interests to civil and

temporal power and wealth. But let us not overlook the primary and literal meaning of the phrase—sexual relations outside of marriage and family. We often think of this in terms of the seventh commandments prohibition against adultery. But it is also a violation of the relationship boundaries and duties set out in the fifth commandment, which details the family relationships. The false doctrines of a politically-ambitious, medieval church, including the requirements of priestly celibacy, led to all sorts of literal sexual perversions, including literal fornication and prostitution.

Finally, the third angel speaks of two images that in the Old Testament are tied to the proper marriage relationship. There is a command to avoid the “image of the beast,” which is a counterfeit, of course, of the image of God. From Genesis we know that the “image of God,” is a combination of the male and female. “In the image of God he created him, male and female he created them.” Gen. 1:27. The medieval church distorted this image by subjugating women and making marriage an inferior state, forbidden to church leaders and priests. This in turn led to an image of God that was unduly authoritarian, hierarchical and oppressive. The secularists and humanists of today, on the other hand, distort God’s image by denying the importance of either gender. They insist that either can substitute for the other. Thus, they argue, any combination of sexes, male and male, or female and female, can enter into marriage and provide appropriate role models for children.

The third angel warns that those accepting this distortion of God’s image will be punished with “fire and brimstone.” Rev. 14:10. This reference uses language found in another Old Testament story dealing with the perversion of human sexuality, the story of

Sodom and Gomorrah. There, the Bible records that “fire and brimstone” fell on the city because, at least in good part, its allowance of homosexual activity. Gen. 19:24, Jude 7. Again, the Greek words for “fire” and “brimstone” in Revelation 14:10 are the same two words (“pur” and “theiown”) used by the Septuigant in Gen. 19:24. This combination of “fire” with “brimstone,” is only used a handful of times in the entire Bible, always to signify God’s special judgment and wrath. More than half of these uses, outside of Revelation, have to do with Sodom and Gomorrah. (Gen. 19:24; Deut. 29:23; Luke 17:29). Clearly, the judgment on the evil and perverted practices of these infamous cities is being referenced here in the final judgment on the violations of God’s moral order.

The book of Revelation itself is filled with marriage imagery, from the contrast between the pure and the adulterous women of chapters 12 and 17, to the New Jerusalem, descending as a “bride adorned for her husband,” and the concluding invitation to the “marriage supper of the lamb.” Rev. 19:9; 21:1-2. When all these factors are considered, it can be seen that although Revelation highlights both Edenic institutions--the Sabbath and marriage--there are actually more explicit references to marriage than the Sabbath.

The attack on traditional marriage should not come as a surprise to those that believe the devil is going to launch a special, end-time attack on the heart of God’s law. Certainly the fourth commandment is the culmination of the first table, but the fifth is similarly the culmination of the second table. If both were obeyed, the motivation and reason for the other commands would fall into place. Observing the Sabbath reminds me to venerate and respect God. Honoring my parents causes me to want to be a good family member and citizen.

The two commands are a matched, parallel pair, both in their chiastic Hebrew literary structure and ideologically. Unlike the other commands, which are restrictive, they both call for affirmative behavior—to “remember” and to “honor.” Both deal with God’s authority: the first is the basis of His authority in spiritual matters; the second His divine plan for family authority in society. Both have come under special attack in society. For some reason, Adventists have been historically far more focused on the Sabbath question. But ironically, it is the fifth commandment, along with the seventh, that has come under greater attack first. Perhaps we need to adjust our eschatological perspectives to take into account this rather unexpected, but no less direct assault on Biblical, as well as natural, morality.

Some will argue that as we would not call for Sabbath laws, so we should not call for laws protecting traditional marriage. But note that the Sabbath command is part of the first table of God’s law, part of God’s spiritual morality that humans should not enforce. But the fifth command regarding families is part of the second table, the subject matter of which is of concern to the civil state. The second table generally reflects the laws of natural morality that all societies can access, even apart from scriptural revelation.

Nature itself teaches humanity that civil societies need a basic structure of honesty, integrity, and respect for life and property to survive and thrive. All nations need laws to protect these civil moral values. It can be seen from nature and the observation of human experience that the traditional family structure set out in the fifth commandment is one of these basic, common values. Ellen White and other Adventist pioneers understood

the importance of civil morality, and this was the basis of their involvement in campaigns to abolish slavery and to pass laws prohibiting alcohol use.

Ellen White also understood the importance of civil laws in protecting traditional marriage and the family unit. In discussing the French Revolution, she approvingly quoted Walter Scott's observation that:

Intimately connected with these laws affecting religion, was that which reduced the union of marriage—the most sacred engagement which human beings can form, and the permanence of which leads most strongly to the consolidation of society—to the state of a mere civil contract of a transitory character, which any two persons might engage in and cast loose at pleasure. . . . If fiends had set themselves to discover a mode of most effectually destroying whatever is venerable, graceful, or permanent in domestic life . . . they could not have invented a more effectual plan than the degradation of marriage.¹

The remainder of this article will explain how we can argue for the importance of marriage in terms which society can understand and appreciate, in order to oppose plans for the degradation of marriage. By definition, civil morality needs to be supported by observations and arguments outside scripture and special revelation. There are a good number of such arguments in support of protecting traditional marriage. A very important one, and one this article will focus on, is the vital nature of traditional marriage to the most vulnerable members of society, its children.

II. Why Traditional Marriage is Appropriately Protected by Civil Laws.

In many ways, the debate over same-sex marriage appears before it ever really happened. In the media, much of the academy, and the corporate world, the apparently

¹ Ellen White, *The Great Controversy* (Pacific Press: Boise, Id, 1950), 270-271.

irresistible principle of equality has largely swept aside any concerns about traditional values, civil morality, or the integrity of the nuclear family unit. When the controversy is discussed in these circles, it usually carries the kind of tone usually reserved for stories about racial discrimination by backward, fundamentalist religious institutions, or by elite country clubs. In the view of many, to oppose same-sex marriage is to automatically align oneself with the new bigotry, whatever the substance of one's arguments.

Part of the reason for this situation is because of the way the debate over same-sex marriage is often cast. It is often portrayed, especially in the media, as a contest between the very real-world needs of gay couples for relational stability, security, and societal support pitted against rather abstract notions of the values and morals, often viewed as religious in origin, associated with traditional marriage. Pit one group's concrete needs for support, acceptance, and relational well-being, wrapped up in an equality argument, against another group's abstract notions of tradition and morality, dressed in what seems to be constitutionally-dubious religious arguments, and you immediately have a clear winner—and it's not the abstract religious moralist.

But this is not the only way to understand the same-sex debate. Opponents of same-sex marriage have more than religious arguments on their side. History and political philosophy show that the traditional family is rooted in far more than political ideas. Also, same-sex marriage opponents have a very concrete constituency for whom they speak—children, children who will be raised without the benefit or the influence of both a mother and a father. Probably no one has articulated these two points as clearly as David Blankenhorn, marriage and family policy advocate. Blankenhorn is no

homophobe. He thinks that principles of equality mean that practicing homosexuals should be treated with full acceptance and affirmation in America today. But he firmly opposes gay marriage. He does so for one fundamental reason: he believes strongly that “every child has a right to a mother and a father.”

A. David Blankenhorn and *The Future of Marriage*.

In his book *The Future of Marriage*,² Blankenhorn argues that the raising of kids by their parents stands as the core concern and reason for the societal institution of marriage. Many close, personal, even intimate relationships exist in society, but for some reason the marriage relationship has been singled out by society for special acknowledgement and protection. Many people think that the definition of marriage as a man and a woman is purely, or at least primarily, a Bible-based concept. They think—as do many Christians—that enshrining that model into law is akin to imposing spiritual values on non-believers. This, they argue, would violate America’s fundamental commitment to the separation of church and state.

Blankenhorn directly takes on this argument. He begins by revealing that marriage existed well prior to the biblical culture of the Israelites, and that at a very early point in the historical record it already served as a fundamental societal unit for the rearing of children. He demonstrates that while sexual activity existed in a number of different forms and ways in different societies, marriage was the means through which societies consistently elevated the role of women and protected the rearing of children.

² David Blankenhorn, *The Future of Marriage* (Encounter Books: New York, NY 2007).

More than half a millennium before Moses wrote the Torah, Lipit-Ishtar, ruler of the Tigris-Euphrates Valley and promulgator of one of the world's first legal codes, proclaimed, "I made the father support his children. I made the child support his father. I made the father stand by his children."³ Almost a quarter of Hammurabi's 275 legal provisions in his famous code—also written centuries before Moses—are concerned with traditional marriage and family life.

Not only did traditional marriage exist prior to the Hebrew culture, but it also existed, and exists, pervasively outside Judeo/Christian cultures. Indeed, Blankenhorn argues that marriage, traditional marriage between a man and a woman, is a universal concept or rule. Virtually all cultures and societies have had this concept of marriage, and the concept has almost invariably involved the care of children by their biological parents. In a fascinating cross-cultural analysis he shows how certain obscure groups within certain societies, the Nayars in southwest India, and the Nuer in eastern Africa, have for limited periods of time, and under extreme pressures, modified the traditional arrangement. But these exceptions are generally very limited and short-lived, and are the exceptions that prove the universal rule. They are recognized as exceptions because the rule is so pervasive, both through time and across societies and cultures.

The Bible certainly supports the notion of the traditional family unit, with spouses in a mutual relationship of love and care, both caring for and nurturing their children. But the Bible itself, which did not begin to be written until after the 15th century BC, did not originate the traditional family unit. Certainly, arguments for the family are not

³ Ibid. 48.

limited to the Bible. On the contrary, cultures, societies and civilizations through time have seen the importance of the family unit, both for children and for society. What most societies have seen through instinct and experience, Blankenhorn argues, we in our modern age have demonstrated through scientific studies.

David Popenoe summarizes the evidence this way: “Few propositions have more empirical support in the social sciences than this one: Compared to all other family forms, families headed by married, biological parents are best for children.”⁴ Everything from educational outcomes to mental health to cognitive development to social stability to avoidance of risky social and sexual behaviors to educational and employment success is positively affected by a child living with his or her biological mother and father.⁵

Another leading family expert put it this way, “research clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage . . . Thus, it is not simply the presence of two parents, as some have assumed, but the presence of *two biological parents* that seems to support children’s development.”⁶

Commitment to marriage as an institution suffers in a society that accepts gay marriage or even civil unions. Statistical support for marriage and child-rearing in the context of marriage is significantly weaker in countries that accept either gay marriage or

⁴ Ibid. 123.

⁵ In support of these claims, Blankenhorn cites the research brief by Kristin Anderson Moore et al., *Marriage from a Child’s Perspective: How Does Family Structure Affect Children, and What Can We Do About It?* (Washington, D.C.: Child Trends, Research Brief, June 2002), pp. 1-2.

⁶ Blankenhorn, *Future of Marriage* 123.

same sex unions. The International Social Survey Programme reported responses in 35 countries to a wide range of questions on marriage and family life. Almost without exception, countries that had same-sex marriage viewed marriage as less important generally, and less important to raising children in particular, than countries with only traditional marriage.

In countries that allowed gay marriage, only 21.5% of those surveyed believed that “Married people are happier,” versus 43.5% of those in countries with only traditional marriage. Similarly, in gay-marriage countries, only 37.8% of respondents believed that “People who want children should marry,” whereas 60.3% of respondents in traditional-marriage countries thought so.

This study shows correlation rather than cause, but correlation is very important. The attack on the traditional family-child rearing unit is multi-pronged. Teasing out what elements are responsible for what amount of decline is not necessary to know that all correlated variables, insofar as reasonably possible, should be avoided and minimized. The testimony of both family and anti-family advocates alike see gay marriage as weakening the commitment to marriage generally and traditional forms of child-rearing in particular. They just disagree on whether that is a good or a bad thing. Blankenhorn is willing to sacrifice what he views as the lesser good of marital equality for gays, for the greater good of healthier, happier, more successful children.

Blankenhorn, then, has recast the gay marriage debate from one that pits the desires of gay lovers against traditional morality, to a contest between the wishes and desires of gay lovers in opposition to the health and welfare of children. The former is a

story of human interest and needs going up against abstract principles and archaic rules; the latter is a story of competing human needs and welfare, with human faces and frailties on both sides. Blankenhorn makes a compelling argument, but it is not entirely sufficient or convincing on its own.

His first weakness is that he relies too heavily on expert assertions that biological parents provide the best environment for child rearing. He could have discussed some of the data presented in the underlying studies that he cites. He also does not explain why he is willing to accept less-than-ideal, stop gap measures such as step-parenting and adoptions, but not parenting by two parents in a committed gay relationship. His oversight here is somewhat surprising, as his earlier book, *Fatherless America*, has been termed the “bible of the Fatherhood movement.” There are plenty of studies showing the importance that the influence and involvement of parents of both genders has on the health and welfare of a child.⁷

For instance, an Australian study showed that children from traditional-marriage households outperform children from unmarried heterosexual households, and that children from both forms of heterosexual households outperformed the children living in homosexual households.⁸ Similarly, a recent study found that teenagers living with their two biological parents have significantly improved mental health and academic achievement, and significantly lower rates of serious behavioral problems at school, compared to teenagers living in single parent households or “blended families.” This

⁷ A number of such studies are collected at www.childtrends.org.

⁸ Sarantakos, Sotirios, *Children in Three Contexts: Family, Education & Social Development*, 21 Children Australia No. 3, 1995.

study was sponsored by the Urban Institute, which has published material in favor of same-sex marriage, but frankly concludes that “the most favorable outcomes we observe are for teenagers living with their biological parents who are married to each other.”⁹ The American Psychological Association’s *Review of General Psychology*, recently contained an article that concludes that there is overwhelming evidence that the love of mothers and fathers differs in significant ways, and that the receipt of both kinds of love is very beneficial to children.¹⁰

But probably an even greater weakness in Blankenhorn’s work is that he does not really explain why opposing gay marriage rises to the level of a moral imperative. In an imperfect world, we accept all sorts of arrangements for child rearing that are less than ideal. Given that some children are orphans, and many are raised by poor, single parents, why should society object in principle to the alternative of an affluent, stable household of two mothers or two fathers raising children? Absent from Blankenhorn’s book is a discussion of morality. Indeed, the words “moral” or “morality” do not appear in the index. Perhaps this is to escape the labeling of the book as a religious argument. But ultimately any argument about opposition to gay marriage and the prevention of adoption

⁹ Sandi Nelson, Rebecca L. Clark, Gregory Acts, “Beyond the Two-Parent Family: How Teenagers Fare in Cohabiting Couple and Blended Families,” www.urbaninstitute.org .

¹⁰ Ronald P. and Veneziano, Robert A., “The Importance of Father Love: History and Contemporary Evidence,” 5 *Review of General Psychology*, Volume 5(4), December 2001: 382–405, <http://academic.uofs.edu/student/sitoskis2/fatherlove.html>. This and other material on negative outcomes associated with children being raised in non-traditional households is discussed by James Standish in “Equality and Matrimony,” *Liberty*, Sept/Oct 2004.

by gay couples, that hopes to be successful must, it seems to me, involve a discussion of morality.

B. Natural Law, Civil Morality, and Same-Sex Marriage.

Our society is confused about the status of morality in relation to law. Often people say, “you cannot legislate morality.” But we do, all the time. Laws against murder, theft, and public nudity all involve the implementation of moral principles. These have to do with civic morality, right and wrong that directly and primarily impacts others. To test this, ask the average person whether they think laws against murder and rape exist merely because these acts are bad public policy, or because murder and rape are also wrong, and even evil. Most people will agree that there are underlying moral beliefs that inform and shape many of our criminal laws.

So we are presented with the following question: is the issue of homosexuality and gay marriage an issue of civil or religious morality? Historically, some made these kinds of moral distinctions using classical natural law theory. Many Catholic thinkers have developed this tradition to answer a host of questions relating to public and social morality.¹¹ But even those who do not accept the fullness of Catholic natural law tradition recognize a role for natural law and rights argumentation in assessing these claims.

¹¹ Examples of recent works on morality and natural law that apply these principles to the question of homosexuality and gay marriage are Robert P. George, *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis*. (ISI Books: Wilmington, DE, 2001) and same author, *Making Men Moral: Civil Liberties and Public Morality*. (Clarendon Press: Oxford, 2002).

Enlightenment thinkers developed a system of natural law/natural rights that echoed some of the classical tradition, but avoided both the rigor and specificity of the Catholic version of that tradition. It was a system based on the discovery of truth based on reason, rather than special revelation, and involved an examination of human experience and nature. But even within this heavily revised, reason-based version of natural law and rights, there was still a place for sexual ethics and morality. Montesquieu, Voltaire, even revolutionary leader Jean-Paul Marat, opposed homosexual practice as being contrary to the laws of nature, though they preferred that it be dealt with as a mental health issue, rather than a criminal matter.¹²

Protestant natural-law thinkers, such as Hugo Grotius, Samuel Pufendorf, and John Locke were instrumental in providing American political and religious thinkers with scaled down, yet nonetheless effective natural law/rights arguments with which to assess questions of public morality.¹³ In a nutshell, public morality came into play when one's actions, religiously motivated or not, would negatively impact the property, welfare, or rights of other individuals.¹⁴ Civil vices, or violations of nature, were known by their detrimental impact on the community and others. This could include even private, personal behavior as long as it had sufficient external impact.

¹² Allene Phy-Olsen, *Same-Sex Marriage* (Greenwood Press: Westport, CT, 2006), 58-59; It is interesting to note, however, that in 1791 the *Code Penal de la Revolution* abolished sodomy as a criminal offense.

¹³ Schneewind, 1997, *The Invention of Autonomy: A History of Modern Moral Philosophy*, 141-144.

¹⁴ *Ibid.* 147-149.

Excessive drinking is an example of “private behavior” that could be regulated due to the impact of public drunkenness, or abuse of others in the home. But what about sexual morality? There is ample evidence to suggest that these theorists, and those that followed them in colonial America, viewed sexual deviance, including adultery, fornication, prostitution, bestiality, and sodomy, as part of civil, and not religious, morality. For instance, Thomas Jefferson, American apostle of the enlightenment, proposed a bill in Virginia punishing rape, polygamy, or sodomy with castration.¹⁵ The apparent “unnatural” aspects of such behavior, the emotional and psychic impact such behaviors had on the individual, as well as its destructive impact on relationships in the community, were considered sufficient basis to regulate and prohibit such conduct. John Locke was the British religious and political thinker whose philosophy helped shape the Declaration of Independence. He viewed incest and sodomy as crossing the “main intention” of nature, which is the increase of mankind, the continuation of the species, and the stability of families. Despite having strong views on the separation of civil and religious matter, because of these important interests, he believed that society had an interest in actively protecting the “security of the marriage-bed.”¹⁶

¹⁵ Jefferson prepared a draft of Virginia’s criminal statute, envisaging that the punishment for sodomy should be castration. See Thomas Jefferson, *The Writings of Thomas Jefferson*, Andrew A. Lipscomb, ed. (Washington, Thomas Jefferson Memorial Association, 1904) Vol. I, pp.226–27, from Jefferson’s “For Proportioning Crimes and Punishments.” The bill read: “Whosoever shall be guilty of rape, polygamy, or sodomy with a man or woman, shall be punished; if a man, by castration, a woman, by boring through the cartilage of her nose a hole of one half inch in diameter at the least.” (Virginia Bill number 64; authored by Jefferson; June 18, 1779).

¹⁶ John Locke, *Two Treatises of Government and a Letter Concerning Toleration* (Yale University Press: New Haven, 2003), 39 (*First Treatise*, par. 59.).

Our society seems to have come to the point that it accepts that what is “natural” is in the eye of the beholder. But there are still very good arguments that heterosexual sex is far more congruent with the design and intended biological purpose of human reproductive organs.¹⁷ We may be past the day, it would seem, where the purely psychological or emotional impacts of private sexual behavior by two consenting adults would raise questions of morality sufficient to allow public legislation or guidance. (Though laws against prostitution do seem to rest largely on just these kind of psycho-social issues.) But what about the impact of private sexual choices on non-consenting, under-aged, third parties?

We certainly recognize the morality of shielding children from sexual behavior, whether being involved with or observing sexual acts or sexually explicit material. This is part of the package of children’s rights recognized by various international conventions

¹⁷ Not all arguments about “purpose” and “design” in nature are easily dismissed. The reciprocity in design and function between sexual organs of the opposite sexes, and the lack of such reciprocity between such organs of the same sex present an argument that sexual relations between the opposite sex is more natural than between the same sex. Clearly, the biological function of sexual intercourse, sexual reproduction, is only possible between those of the opposite sex. Violation of this rather apparent biological purpose of nature cannot produce offspring, and often results in harm to the organs and health of the parties involved. The dramatically higher rate of HIV infection in the gay community involves not just greater promiscuity, but also more blood exchange that is associated with anal sex. This seems also to have to do with the almost 4,000% higher risk of anal cancer in those involved in this practice. Bruce Bauer, M.D. and Richard J. Lomas, D.D.S., Guest Columnists, *The Daily Tribune. Z Wire*. May 10, 2001, viewed on April 7, 2009, at <http://www.4forums.com/political/gay-rights-debates/1379-health-risks-homosexuality-sodomy.html>.

and enforced by national or state law.¹⁸ What if gender and sexual-orientation meaningfully affects the quality of child-rearing? This could happen both in terms of the health and stability of the child-rearing environment, as well as the emotional, social, developmental and educational outcomes for the children themselves. Assume that there were meaningful negative indicators associated with gay child rearing on both these points. If this were the case, would it not be appropriate and fair and right to safeguard the “rights” of these children by recognizing that they have a civil-moral argument not to be raised in such situations?

Children themselves are not, in most cases, going to make such an argument. But the state, in its role as *parens patriae*¹⁹ has the duty to consider and make it for them, as it does in a whole range of child welfare decisions and cases. Most states have child custody statutes based on the Uniform Marriage and Divorce Act which specifies that decisions must be made in the “best interests of the child,” including their “mental and physical health.”²⁰ A number of courts have found that child custody decisions can be based on the health and safety impact on the children, or on the affect of alcohol or

¹⁸ See for instance the United Nations Convention on the Rights of the Child, art. 19 and the Chart on the Rights and Welfare of the African Child, art. 16, found in Beverly C. Edmonds and William R. Fernekes, *Children’s Rights* (Santa Barbara, CA: ABC-CLIO, Inc., 1996), 124, 146-147. For discussions of the abuses of children by the sex industry and sex trafficking, and state responses, see *Ibid.* 19 and Jaro Bilocerkowycz, “The Problem of Sexual Trafficking in Postcommunist Europe,” in Mark Ensalaco, Linda C. Majka, eds., *Children’s Human Rights: Progress and Challenges for Children Worldwide* (Lanham, MD: Rowman & Littlefield Publishers, 2005), 98-103.

¹⁹ *Black’s Law Dictionary: Abridged Fifth Edition* (1983), 579.

²⁰ UMDA Sec. 402.

tobacco use by the parents, or failure by parents to provide adequate medical care.²¹ The former cases demonstrate the state's willingness to intervene in a health-matter where the harm is not necessarily immediate or overwhelming, e.g., second-hand smoke. The latter show the state's willingness to intervene even in the face of a countervailing fundamental relationship or right, e.g., a person's relationship to his or her church or religious beliefs.

Both of the above points are important when we consider the state's role in placing children where they will be exposed to the heightened risks typically associated with same-sex relationships. Blankenhorn provides materials and data that strongly support the view that gay marriage involves questions of civic morality of the kind that courts regularly consider in dealing with children. The importance of biological parents to both conception and child-rearing, the importance of both genders in the raising and formation of healthy children, and the weakening of marriage and family in those countries where gay marriage is accepted all provide support for the argument that the state has a civil moral interest in affirming traditional marriage and preventing gay marriage. To make the argument more complete, one would need to venture into the world of the dynamics and consequences of the gay relationship. (The following challenges are cited not to discourage or disparage gay persons, but out of a desire to honestly evaluate the prospects for child welfare in the context of the gay lifestyle.)

²¹ *Unger v. Unger*, 274 N.J. Super. 532, 538 (1994) (secondhand smoke may be considered by the court as a factor in custody placement); *Gilbert v. Gilbert*, 1996 Conn. Super. LEXIS 2153 (1996) (secondhand smoke determinative factor in child custody placement); *Lizzio v. Lizzio*, 618 N.Y.S.2d 934 (Fam. Ct., Fulton County 1994) (secondhand smoke a "pivotal" issue in child custody placement); *Custody of a Minor*, 378 Mass. 732, 744 (1979) (failure of parents to provide best medical care justified state intervention); *In the Matter of Cauley*, 409 Mass. 134 (1991) (failure to provide medical care due to religious convictions justified state intervention.)

C. Characteristics and Challenges of the Gay Lifestyle.

Government statistics have shown that gay persons are between at least five to ten times (depending on gender and relationship status) more likely to experience domestic violence with their partners than heterosexuals.²² Rates of domestic violence among lesbian relationships approach fifty percent in a number of studies.²³ It is well known that the rate of HIV and other sexually transmitted diseases is far higher in the gay community, with a gay male being 500 times more likely to get HIV from unprotected sex than a heterosexual male.²⁴ The sexual practices of that community are far riskier and associated with, among other negatives, significantly higher rates of eating disorders, depression, mental pathologies and suicide.²⁵ According to the *International Journal of Epidemiology*, participants in the gay lifestyle lose an estimated 8 to 20 years in

²²“Gay Domestic Violence Finally Measured,” *Journal of the Family Research Institute*, Vol. 16, No. 8, Dec. 2001, at http://www.familyresearchinst.org/FRR_01_12.html

²³ Several such studies are discussed in Janice Ristock, *No More Secrets: Violence in Lesbian Relationships* (New York: Routledge, 2002), 10-12.

²⁴ The HIV/AIDS risk was about 430 times greater among homosexuals than among heterosexuals in the 20th century, and in 2005, the risk of getting HIV from a single act of unprotected sex within the male homosexual community in the United States “remained about 500 times greater than with the heterosexual community.” *The Journal of Human Sexuality*, 2009, Vol. 1, p. 1:66. Homosexuals contract syphilis at up to 10 times the rate of heterosexuals C. M. Hutchinson et al., "Characteristics of Patients with Syphilis Attending Baltimore STD Clinics," *Archives of Internal Medicine* 151 (1991): 511-516; incidence of gonorrhea are estimated to be 3.7 times higher among homosexual males than heterosexual males. Vincelette et al., "Predictors of Chlamydial Infection and Gonorrhea among Patients Seen by Private Practitioners," *Canadian Medical Association Journal* 144 (1995): 713-721).

²⁵ A discussion of articles supporting these statements can be found in *The Journal of Human Sexuality*, 2009, Vol. 1, p. 1:53-1:83, and in *Sexually Transmitted Infections* and other scientific journals described at <http://www.sciencedaily.com/releases/2007/09/070913132930.htm>.

lifespan.²⁶ This compares with a loss of about ten years of lifespan by a cigarette smoker.²⁷ (It is interesting that the state would remove a child from a home where he is exposed to second hand cigarette smoke, but do nothing if he is in a home with two same-sex parents, considering all the serious health implications.)

Some argue that these pathologies and instabilities are caused, in some part, by societal discrimination. But this overlooks the fact that in our urban centers, where the gay population is largest, acceptance of the gay lifestyle has been widespread for many years now. But still the troubling tendencies detailed above persist, and have even worsened, to the present.²⁸ Further, cross-cultural studies show that in countries with much higher rates of societal acceptance of homosexuality, such as the Netherlands, Denmark, and New Zealand, mental and emotional disorders continue to plague the

²⁶ Robert S. Hogg et al., "Modeling the Impact of HIV Disease on Mortality in Gay and Bisexual Men," *International Journal of Epidemiology* 26 (1997).

²⁷ Marc Kaufman, "Cigarettes Cut About 10 Years Off Life, 50-Year Study Shows," *Washington Post*, Wednesday, June 23, 2004; Page A03 (citing a 50-year longitudinal study in the *British Medical Journal*).

²⁸ The Center for Disease Control website is one of the most reliable sources of data for HIV and other STD data, and it shows a national growth of HIV incidence over the last several years, with the most troubled areas still being those with high levels of homosexual activity and acceptance, California, Florida and New York. See data and links at <http://www.cdc.gov/hiv/topics/surveillance/resources/factsheets/prevalence.htm>, viewed on April 7, 2009. Viewed at the city level, new incidents of HIV per 100,000 of population were still highest in gay-friendly cities like Miami, New Orleans, Washington D.C., New York and San Francisco. <http://www.avert.org/usa-states-cities.htm>, viewed on April 7, 2009.

homosexual communities at rates similar to, or even higher than, those in the United States.²⁹

Similarly, suicide rates among homosexuals in the Netherlands, where gay marriage has been legal since 2001, continue to equal those in the United States.³⁰ This statistic seems explained in part by studies that show that the prime factor for suicide or suicide attempts among homosexuals are internal factors, such as relationship difficulties and break-ups, and not external discrimination or harassment, as is often assumed.³¹ On the contrary, studies show that such external factors as societal acceptance or stigma appear to play a minor role in suicidal ideation of homosexuals, which seems driven by other factors internal to the gay lifestyle and experience.³²

Institutionalizing gay marriage would provide legitimacy and affirmation to that lifestyle in the eyes of children. More people would be raised in gay households, and children in public schools would be educated that such a lifestyle was an acceptable, viable, alternative lifestyle. Studies have shown that children raised in gay-led households suffer from higher levels of gender disorientation, and that girls engage

²⁹ *The Journal of Human Sexuality*, 2009, Vol. 1, p. 1:75, 79 (discussion of studies showing rates of mental illness in homosexuals at 50 to 60 percent for the Netherlands and 70 percent for New Zealand, whereas slightly less than half of homosexuals in America reported mental health issues.)

³⁰ *Ibid.* 1:71.

³¹ *Ibid.* 1:70-71.

³² *Ibid.* 1:71.

earlier in sexually risky and promiscuous behavior.³³ It is a reasonable argument to make that it is not just unwise, but wrong, to knowingly place children where they face these sorts of increased risks to their health and welfare.

We accept such arguments as valid and appropriate when dealing with child custody in relation to other public health issues, such as drinking or smoking, or even religious beliefs about medical care. We even consider these arguments in custody cases or laws dealing with certain kinds of sexual choices, such as polygamy or prostitution, even where legal.³⁴ What stops us from considering these arguments in dealing with same-sex marriage and child custody, if not sheer political correctness and fear of being accused of anti-gay bigotry?

We owe it to our children to consider this evidence carefully. Several thousand years of nearly universal experience has shown that traditional marriage, with all its flaws and shortcomings, is a very good way to raise children. Same-sex marriage has nearly a zero track record in this regard. The scant evidence that does exist is troubling. Given the instabilities and pathologies associated with gay relationships, whatever their sources, should we rest our society's future—our children's future—on same-sex families? Because fundamentally, it is not about equality, or sameness, or self-actualization, or self-

³³ Judith Stacey & Timothy Biblarz, "(How) does the sexual orientation of parents matter?" *American Sociological Review*, 2001-APR. For a discussion of this article and its conclusions see <http://www.narth.com/docs/does.html>.

³⁴ "Polygamists Lose an Adoption Plea," AP, Tuesday, December 6, 1988, published in section A page 32 of the *The New York Times*; http://en.wikipedia.org/wiki/Prostitution_in_Nevada.

affirmation, or self-respect, or self-anything. Rather, it is, or should be, about our children and their future.

This concern for children and their moral environment takes the matter of marriage and sexual choices outside the arena of personal, private morality, and makes it a concern for our larger society. As Adventists, we look forward to a day when we will enter a new heavens and a new earth, where children will be raised in ideal conditions, and all will live in peace and harmony. Until that day, however, we are to seek the best kind of justice we can in this world, especially for the weak and marginalized. The Bible has much to say about standing for the orphans and the fatherless, and for seeking the best for them that we can in an imperfect world. We can still stand for religious freedom, while advocating on behalf of the least of these.