



SAME-SEX MARRIAGE

Do Gay Rights Trump Religion?

New Intolerance Runs Roughshod Over Objectors

By **ROBERT ANTHONY MARANTO**

We shouldn't have to choose between gay rights and religious liberties.

The media often report on the very real pain of same-sex couples unable to validate their relationships through marriage. But reporters almost never discuss the full implications of same-sex marriage, or the underlying aims of some of its supporters.

Privately, many of my fellow professors argue that a religiously affiliated college or university should receive no government funding for student loans or faculty research until gay and lesbian couples can wed at the campus chapel, synagogue or mosque.

I was reminded of this recently when the U.S. Supreme Court let stand a lower court ruling that the University of California could deny recognition to a Christian

student group that did not allow its members to engage in "unrepentant homosexual conduct." This is just one of a number of recent court and bureaucratic decisions forcing faith-based institutions to embrace gay rights, no matter their sacred beliefs.

Yeshiva University was ordered to allow same-sex couples in its married dormitory. In Boston, Catholic Charities ended adoptions after the state supreme court forced it to place children with gay and lesbian couples. In short, many intellectuals not only want to permit same-sex marriage; they want to stigmatize religious dissenters as either bigots or fools.

Recently, such secular intolerance made me a conscientious objector in this particular culture war. At a political science conference, I had the temerity to argue that, rather than refusing to hold our conventions in states without same-sex marriage, we professors should tolerate a wide range of views. Given the reaction, I'm just glad I don't need a grant from any of the professors who heard it.

I can't support intolerance of religion. As President Barack Obama might put it, I am a red-state American with gay friends who deserve the right to marry (and divorce). But I also spent many years teaching in a blue state at Villanova University, where the Augustinian Brothers worship an awesome God, who does not allow hatred. Even so, Catholic intellectuals make reasonable claims that children benefit from the monogamous union of a man and woman, who together provide strength and diverse perspectives through their gender differences.

Legitimate concerns about the effect of same-sex marriage on children are not yet resolved by social science, as my friend Richard Redding, who does not

oppose gay marriage, points out in his recent Duke Journal of Gender Law and Policy article reviewing all of the research on same-sex

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parenting.

Moreover, same-sex marriage opponents have a point when they argue that on this issue, race-based civil rights approaches should not apply. Race is so uncertain a concept that some scholars deny its objective existence, while gender and sexual orientation are central to our humanity. Same-sex marriage is therefore a far greater social change than interracial marriage, so it is not necessarily bigoted to argue that reform should be gradual.

But just because many of my friends who oppose same-sex marriage are decent people with reasonable views, that does not mean they are right. I cannot understand how a friend's same-sex union threatens my heterosexual marriage. And if social science finds that on average, gay and lesbian parenting does not work quite as well as straight parenting, what of it? Do we really want a government powerful enough to decree that only ideal parents can raise children?

To take this to extremes, should President Obama lose custody of his daughters because he smokes? Research suggests that marriage generally, gay or straight, is likely better for children than the instability associated with out-of-wedlock birth.

For me, the reasonable compromise would recognize same-sex marriage in the public sphere, while leaving space for faith-based institutions, including schools, colleges and social services agencies, to opt out of practices that contradict their faith. Last month, New Hampshire Gov. John Lynch signed a same-sex marriage bill only after a religious exemption was added.

Given human nature, negotiating and compromising with opponents is not as sexy as coercing them to do things your way. Yet ultimately, we can only lessen the culture wars by lowering their stakes, finding ways for diverse peoples to live and let live without sacrificing their beliefs. Because people are tribal, anyone can start a culture war, but it takes genuine tolerance of others to defuse one.