

Gay Marriage

by Richard Z. Duffee

To deprive a person of the right to marry is as oppressive as to deprive a person of the right to own property, to travel, to drive, to vote, or to contract. This discrimination is immoral, and we should legislate to stop the majority's oppression of the gay minority.

It is often falsely said that the right to marry is the right to form a partnership with the intention of having children. It is odd that this statement is ever made, or heard without objection, for anyone who makes this statement can know that it is false on a moment's reflection. If it were true, women past menopause would not be allowed to marry; the infertile and sterile could not marry; people with various chronic diseases and injuries could not marry; people who did not intend to have children could not marry. People in all of these categories can marry and often do marry happily and with the full approval of the community.

My position has two components, one regarding homophobia, the other regarding the nature of marriage.

1) **Homophobia**: Except between married partners who have consented to limit their own sexual contacts in the interests of their partners, no person has rights over, or an interest in, another adult's sexuality. The contrary belief, that a person has reason to care how an independent adult comports him-or-herself sexually, I understand to be homophobia.

Homophobia, like other kinds of arbitrary oppressiveness, is a serious social problem. Homophobia has two aspects, a passive side and an aggressive side. Its passive side is a fear of being seduced by a person of the same sex. That fear is founded on covert attraction; uncertain of his or her own sexuality, the homophobe is afraid of the homosexual because he/she does not know if he/she would resist seduction.

The aggressive side of homophobia is the victimization of people the homophobe believes to be homosexual for what the homophobe believes to be their failure to conform to his or her own need for a secure self-image. Unable to assume responsibility for his/her own feelings, the homophobe tries to make the homosexual responsible for them. Because the homophobe is in the apparent majority, and because traditionally shame is supposed to attach to homosexuality, the homophobe usually succeeds in this deceit.

It is to the moral disgrace of our entire culture that we have allowed the dishonest attitudes of the homophobe to oppress the beleaguered minority of homosexuals for so long. Until quite recently police and most institutions of this society have either ignored the violence of homophobes or aided and abetted it instead of protecting the human rights of homosexuals.

2) **Marriage:** Marriage is a complex contract by which two persons obtain rights regarding each other that can be obtained in no other way. These rights are so important that some persons would rather die than be deprived of the relationship formed by accepting those reciprocal rights and obligations. Many couples are so close that within six months of the death of one, the other dies.

Caring for my wife while she died of an incurable brain tumor from 1990 to 1992 formed my own understanding of the scope of the rights of marriage. Had we not been married, I would not have had the right to administer her living will. I knew it was essential to her that I, and I alone, have that right. It was essential to me that she die on the best terms possible.

Sexuality had nothing to do with how my wife died. She was paralyzed on the left side and had lost all interest in sex. What mattered between us was love.

I had long been friends with a gay man—his friendship helped me get over the homophobia I'd been raised with, for he's an extremely decent guy who thoroughly respects other people's feelings. His partner was diagnosed with cancer. I knew my friend felt about his partner much as I did about my wife, but didn't have the same legal right I had to administer a living will. This discrimination was as arbitrary as it was destructive.

Marriage rights, like property rights, are a bundle of rights that could be rearranged in many ways. This particular problem, for instance, could be solved by making it possible for non-spouses to administer living wills. But the last I heard, some lawyer counted 375 rights implied by the marriage contract. Would it make sense to forbid gay marriage but pass separate legislation for each of these 375 rights so that the state could not be charged with discrimination? What would a couple do if they wanted all 375? Sign 375 separate contracts? That's absurd. What would that do besides creating 100,000 new legal positions for lawyers who want to be parasites on the gay community? The obvious way to eliminate the discrimination is simply to allow gay marriage.

Finally, it's always foolish to let fear and ignorance rule the world. The self-righteous and careless apparent majority who think homosexuals can't, don't, or shouldn't have the same kinds of relationships heterosexuals have just don't know what they're talking about. Ignorance is understandable and forgivable in young people, but as a person gets older, one has to put some artificial restriction on one's experience to keep one's ignorance. By the time a person reaches middle age, the reason for such ignorance is fear of learning, which usually boils down to bigotry aimed at the people who could enlighten one. And this vicious nonsense pretends to be admirable!

Allowing gay marriage will make our country a more humane, interesting, and loving place to live.