

**THE THIRD WAY**  
**BY MAXIME VILLENEUVE**

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## **Is Everyone Going Crazy, Or Is that Just Me?**

When two people are fighting, the best way to resolve the disagreement is to let both sides make their case. After hearing both sides, the ultimate mediation technique is to propose a “win-win” rather than a “win-lose” scenario. Our society can approach the issue of gay marriage in a similar fashion, with the answer being what I call “The Third Way,” which would allow both sides of the issue to claim victory and protect their rights. This is important because the latest elections have shown that this issue is not going to go away. The media constantly brings up the “wedge issue,” and gets people fired up on both sides: those who are pro-traditional marriage and those who want gays to be allowed to marry. It has led to an obtuse cultural climate where eating a Chik-Fil-A sandwich has become a political statement. Let that sink in and take a moment to realize how fever pitched this issue has become in the American psyche. I’d rather America be a place where someone can eat a chicken sandwich without having their motives questioned. Yet we never seem to stop and actually think, “Maybe there’s a better way to solve this issue.”

The Third Way is rooted in the principle that makes America great: freedom. The freedom of a gay couple, or any couple, to live together in peace without fearing that the government is peeking into their bedroom window. What is more fireworks and apple pie than that? Full disclosure: I’m a morally conservative Catholic. You’re not about to find me shaking my booty at the annual Pride Parade (you’re welcome for that mental image). But this issue has been the subject of so many debates, arguments, drunken shouting matches (I am Catholic), and conversation stopping “did-she-just-say-that?” awkward moments that I need to get this off my chest.

None of this marriage arguing makes sense. We have one side saying that we need to preserve the sanctity of marriage, (which is wonderful!) who doesn't support the sanctity of marriage? But look at what passes as government endorsed marriage sanctity:

- Elvis marrying Bob and Diane at 1am in a drive thru in Vegas
- Kim Kardashian's 72 day marriage
- Sam and Diane taking love at first sight to its logical conclusion and immediately get married at City Hall after meeting each other on the bus
- Larry King's eight marriages to seven women

Basically, if you are a heterosexual couple and you both have a pulse, you can get married in City Hall without anything stopping you (provided you have \$50 in cash, check, or money order). Where's the sanctity in any of that? Gay marriage advocates do make a good point: our system *is* hypocritical, and there is no virtue in defending institutional hypocrisy. How can we allow any of the four above scenarios to happen, and still have a bishop get his mitre in a bunch about sanctity when Bob and Tom want to get hitched?

### *How Did We Get Here?*

The first major intrusion of government into the realm of marriage occurred after the French Revolution (I know, another problem caused by France). The Revolutionaries decided that the Catholic Church officiating marriages was a bad idea, so they declared that all marriages not officiated in front of a civil magistrate would be null and void. A couple married for 40 years that had multiple children and grandchildren suddenly were no longer married in the eyes of the French government. Think of that couple being marched before a

judge so that their marriage could be declared “legitimate” in the eyes of the State. What a terrible scene! Does this sound like the way a free society should function? To this day, a couple in France has to first go to City Hall for a civil marriage, and then go to Church/Synagogue/Beret factory for a second service if they so desire (and most do desire that, since nothing says “romance” like getting married in City Hall).

The entire notion of getting a license to marry is scandalously disturbing. Webster defines license as, “a permission granted by competent authority to engage in a business or occupation or *in an activity otherwise unlawful.*” Is it really unlawful to get married without the express written consent of the State? Is love, the most sacred, private, and intimate feeling that we can share with another person, subject to the whim of the “competent authority” of City Hall? Why do we need to validate our love with the government? Let us not forget those beautiful lines from Shakespeare, “Romeo, Romeo, wherefore art thou, Romeo? We art late for our appointment at City Hall!”

Now it wasn’t until relatively recent history that government in America got into the business of licensing marriages. Licensing marriages was a really stupid idea, and the only reason it became so widespread is twofold: 1) A lot of people in the 1800s were racist and 2) City Hall gets to make a bit of money on something most people do over the course of their lifetimes (and running a Crony Capitalist City Hall isn’t cheap). That’s it. We are stuck with this whole licensing business because of those two reasons, and more or less those reasons only.

Licensing marriages got started in the US mainly because people in government didn’t like the idea of African Americans and caucasians intermarrying. People of different

colors or ethnic origins being in love were deemed to be especially nefarious and dangerous to society at large. By the 1920s, 38 states had banned interracial marriage. We were left with the State, supposedly the guardian of the sanctity of marriage, institutionally undermining that sanctity by preventing legitimate couples from their *natural right* to be in love with one another. That's what is so dangerous about giving the State authority over something it should have nothing to do with: when it messes up, it creates abuses of the worst sort against the natural rights of its citizens.

### *So How Did Gays Get Caught Up in All This?*

I think it's obvious that our laws on marriage were never intentionally written to specifically use the power of the State to prevent gays from getting married (racism and money gave us licensing). Rather, marriage was universally seen as being between a man and a woman. The thought of two men getting married never crossed the cortex of the average Jim Crow era racist. They didn't fear gays, they feared interracial marriages because they challenged the status quo that the races were inherently unequal. Someone in City Hall figured that love wasn't colorblind, and that the power of the State had to be used to make sure of that. That's the system that we've been trying to work within.

Flash forward to today and where we've (thankfully!) eliminated government bans on interracial marriage, yet we are still stuck with the baggage. Part of that baggage is that licenses only have two places for names, and one of those places says "groom" and the other says "bride". Isn't it interesting that the laws we are currently fighting over were never intentionally written to prevent gays from marrying in the first place? Here we are

today, stuck with the chains from the sins of our past, arguing over which couples should be allowed to give \$50 to City Hall to have their love sanctioned by the State.

Enough.

## Why Legalization Comes Up Short

Alright, I bet you're thinking, "So here we are stuck in this mess because of racists and the money grubbers in City Hall... let's just let gays marry and be done with it." I think that would be superior compared to the status quo we have at the moment, yet it also falls short from the ideal we should have if we wish to live in a truly free society. It's like settling for the C or telling a drunk to drive the speed limit on their way home.

We can't live in a free society and simultaneously insist that lovers present themselves before civil magistrates when they want to get married. We can't trumpet ending one form of legalized discrimination while also ignoring "alternative" marriages that would still be banned by the State even if we succeed in making the status quo more comfortable. That would be like allowing African Americans to vote, while keeping restrictions against Asians from doing the same. It's just not good enough.

In fact, if we don't take the opportunity now to make a full paradigm shift in how our political structures handle marriage, we will settle back into our false worldview where everything is hunky dory in the Land of the Free now that gays and straights are lined up in the same line at City Hall. Here are three reasons why simply legalizing gay marriage in our current system isn't good enough, and we'll use the rest of this chapter to discuss the concepts further:

- Polygamous and polyamorous relationships would still be outlawed
- Negative consequences for religious charities/private businesses

- Continuing shame of a supposedly free people requesting Big Brother for permission to get married

*Love + Love + Love = Love*

Let's talk polygamy first (fun!). One of the saddest and most perplexing ideas that I have encountered in discussing gay marriage with its' advocates, is how little people seem to care about the rights of those in polygamous and polyamorous relationships to live free from interference from the State. One major reason is that gay marriage advocates see it as a trap. Social crusaders on the right link homosexuality to polygamy and bestiality as a "slippery slope" danger of legalizing gay marriage. As a result, most gay advocates try to change the subject if the topic comes up in conversation. Though this may be good sophistry, it is not good philosophy. It shows that the foundation on which gay marriage advocates argue is uncertain and flimsy.

If gay marriage advocates argue that marriage should be opened to gays because the government should not discriminate against same sex couples who are in love, why should government also limit marriage to only two people? Are those in polygamous relationships not in love? Are they not citizens? Do they not have natural rights to live in peace and freedom? It seems counter intuitive that those who march with "No H8" banners should also support the State barring marriage to those with multiple partners. How is this barring of state endorsed marriage to the polygamous not a form of fear and hate? Do they not pay taxes? Are they not happy? What's the problem? It seems as though the gay marriage movement has ignored the principles on which freedom rests: the right to be left alone and

live out intimate consensual relationships in peace. All for the sake of political convenience that has left the less socially acceptable relationships out in the cold in its fight for freedom.

So now we see why the legalization of same sex marriage within the status quo is still ultimately unacceptable. It perpetuates institutionalized discrimination against the polygamous and their families, and gay marriage advocates can't really point to a serious reason why same sex couples should marry and the polygamous can't. Strike one.

### *I Demand That a Homophobe Photograph My Wedding*

One of the most troubling consequences of legalizing same sex marriage is that it will send forth a cascade of lawsuits against mom and pop businesses that are not comfortable serving same sex couples. If same sex marriage becomes a "right," it means that people who work in the wedding industry will be forced by law to serve both heterosexual and homosexual couples, despite whether or not they are comfortable doing that.

In a free society we should be free to interact and do business with whom we choose. People are sinful and often stupid; this means that some people will exercise that freedom in a reprehensible manner. So long as that person does not harm the rights of others, they should be free to live, more or less, as they please.

When a homophobic photographer says he is not comfortable shooting a gay wedding, people should take their business elsewhere, and encourage others to boycott the photographer. That's how change is supposed to happen in a free society: free people exercising their views, spending their money, and living their lives as they see fit. What we do not need is for the government to step in and force the homophobe to shoot a gay

wedding. I've never quite understood why people feel that government should force people to serve those whom they don't want to serve. Why do you want someone who hates gays to take pictures of your gay wedding? Why do you want to give your money to someone who hates gays? Instead, why not support a photographer who genuinely supports your relationship and will ensure that they do the best possible job in immortalizing your special day?

When government forces the photographer to serve you, it doesn't magically make the photographer love gays. He will be more likely to sabotage your pictures and make a show of his displeasure at "having" to serve you. *Why on earth would you want to hire that guy and pay him lots of money?* How is the government requiring him to serve you actually helping you? Are Americans so helpless that we need the government to protect us from homophobes, but in so doing ask the government to make it impossible for us to spot them before we hire them? That's not how it should work. We either live in a free society or we don't. Take your money to someone who will serve you, and in the long run the bigot will eventually go out of business. That's how freedom is supposed to work.

If we legalize gay marriage within our current system, it will lead to a flood of lawsuits from couples who were not "accommodated" by anti-gay businesses. Photographers, bakers, wedding hall owners, caterers and the like, will either shut down their businesses in keeping with their consciences, or grit their teeth and serve those whom they do not wish to serve. I'm not sure that is the best way to bring about change in our society.

*All You Need is Love (and a Blessing from the State)*

If I told you that in Soviet Russia couples required permission from the State before they could become married, you'd probably find that repulsive. Yet that has been the case in America for many generations now. We are so convinced that we are free that we have never stopped to think that maybe lining up at City Hall for State acknowledgment of our romantic relationships doesn't have to happen. It just seems wrong to see a free people registering their love in a ledger in City Hall. And for what? To save money on taxes? Why don't we treat all citizens equally whether or not they are married? How does being married entitle you to hand over less of your hard earned money to Uncle Sam than I do? We don't have to accept the status quo! Take away the financial incentive of registering your marriage with the State (isn't that just a great reason to get married, saving a few bucks of tax returns), and maybe we'd have less people getting married who shouldn't be getting married.

It seems counter intuitive that a free people should accept this system in which we currently live. There is nothing free about requesting State permission to marry the love of your life. What's romantic about the justice of the peace saying, "By the authority vested in me by the State of California, I now pronounce you man and wife."? Why does the State have to insert itself into our wedding day? Can you imagine William Wallace in "Braveheart" seeking permission from the English to marry his love so he could save money on taxes? Get real.

### *Just Not Good Enough*

Legalization of gay marriage within our current system poses serious consequences that should be fully thought out before we approve it. My problem is with the system itself. It saddens me to see people fighting for the right to prove their love before a county clerk. That's not what America is about. That's not what freedom is about.

Legalization of gay marriage would do nothing to normalize polygamist relationships within our society. I think there are certain inconsistencies within the pro-gay marriage movement in their refusal to acknowledge the plight of polygamists who are also being "discriminated against" by the State. If gay marriage advocates truly argue that their cause is all about love and against hate, why shouldn't they be standing with polygamists side by side in demanding to be recognized? It's a real issue that I think the gay community should reflect upon in their fight for equality.

Legalization of gay marriage would have many negative consequences in the wedding industry with the government forcing homophobes to serve gay couples against their conscience. I think we'd be better off if the government stayed out, and let the people make changes themselves through boycotts, social media and word of mouth. I don't think it's a victory for gay rights to force a mom and pop bakery to bake you a cake they'd rather not make for you. Your business should go towards someone who is happy to serve you. Gay couples shouldn't be unwittingly handing their money over to someone who will subconsciously do an inferior job.

Lastly, the legalization of gay marriage within our current system would still perpetuate the indignity of a free people seeking the State's blessing of their relationships. Marriage licensing in America is a product of Jim Crow. We don't need it in a free society. We don't need the State involved in our wedding ceremonies. We don't need permission from the State to get married. To hell with the status quo! Let's get government completely out of the business of marriage rather than fighting to insert the State into more of our marriages. If we wish to consider ourselves free, this is what we must do.

## How Would Marriage Work in a Free Society?

Hopefully now we can appreciate some of the dangers and shortcomings of the government licensing marriage. However that only gets us part way there. It would be wrong of me to walk up to the sandbox of ideas in your mind and stomp around and leave, without helping you build something new and better than what you had before. So let's jump in the sandbox together and get to work! Oh... and don't forget your shovel and pail!

The easiest part of this process is that it's rather easy to imagine marriage without government. I've yet to see a chick flick where the characters run off in the sunset to City Hall. We have the "ideal" in our minds already. It's the grown up stuff that seems to stand in our way: taxes, hospital decisions, end of life preferences. It's almost as if we have to accept legalized marriage because life is hard and complicated.

What does free marriage look like? Marriage, from a government perspective, is and always will be, a contract. Theologically we can speak of marriage as covenant, but that's religious talk; courts don't deal with theology. In their eyes, marriage has always been a contract. It's a complex contract that brings forth all sorts of rights and responsibilities, but a contract nonetheless. It is the duty of government to enforce contracts when something goes wrong and the parties can't solve the impasse between themselves. It's not the job of the government to force us *into* contracts.

In a free society, when a couple gets married, they would have their marriage ceremony as they best see fit: church, synagogue, mosque, reception hall, on the beach, wherever. We all recognize this as entering into a marriage. No one sees a couple in a Church and thinks that the marriage isn't official unless they've gone to City Hall first. In free

marriage, all we add is the signing of certain legal contracts that best express how the parties wish to live out their marriage. Some object to this and think that we need government marriage to avoid the pitfalls of a confusing world, and that government marriage makes things more clear. Let's take on some of these issues and see how they really aren't much of a problem at all.

**Taxes:** This is typically the first issue that someone who can't think outside the status quo will mention when you bring up the idea of free marriage. Yet, this isn't really an obstacle to marriage so much as it is an obstacle to thinking critically about how the world could be otherwise. The income tax in America was only authorized in 1913. Until then you had married people and non-married people taxed at the same rate and living in society in harmony.

The idea that government promotes marriage by giving couples a break on their taxes is patently ludicrous. First, if that is true, then government shouldn't tax married couples at all. Second, taxing married couples at 30% rather than 35% hardly constitutes a praiseworthy and laudable government gift to those who are married. Could you imagine a robber taking 1/3 of your possessions, and for him to tell you that he was promoting marriage because he didn't also steal your coffee table? It's a ridiculous argument. Lastly, government shouldn't be in the business of incentivizing and treating citizens differently based on their group status. Just as government shouldn't tax you less for holding a gym membership, grocery shopping at Whole Foods, or getting a full eight hours of sleep every night (all laudable and societally beneficial things), government shouldn't give you a break

on taxes because you got someone to sign a piece of government paper saying that you both are in love.

If government is going to be in the business of taxing our incomes, it should tax everyone equally. At the very least it shouldn't tax certain groups less than others because government believes that belonging in that group is good for society. That opens up a whole host of issues that would require another book to parse out. The taxation objection to free marriage can be rejected.

**Healthcare:** This argument actually pops up quite a bit among gay marriage activists as they describe the injustice of partners unable to make serious healthcare decisions because the government (and thus the hospital) does not recognize their relationship. This is a terrifying situation, and one of the better arguments that the gay community has used in its fight for marriage equality. Make no mistake: it is not praiseworthy to defend a system in which a spouse is barred from their partner's hospital bedside.

So, how would free marriage function in our system? I actually think that it would make everything much simpler. We already have living wills and power of attorney in healthcare. We simply have to take those concepts, and proactively make sure that when people get married they have these documents signed so that the day something happens, they'll be ready, and everyone will know what their roles are in a health emergency.

**Employee Health Benefits:** Currently most jobs that provide benefits also agree to cover your entire family, including your spouse. In response to the rise of homosexual couples, many employers shifted to allowing the naming a beneficiary on health plans (since there was no "legal" union). In a free marriage system, employers would be completely free

to choose to cover the significant others and children of their employees. Free marriage would not in any way threaten employee health benefits.

**Inheritance:** I'm not sure why this is a problem for so many people. As if without government we would look at a dead person and be completely baffled with what to do with their belongings now that they have died. We already have a system for dealing with this, we call it a will. Wills precede government marriage, and wills could be drafted and signed when a couple gets married. This isn't a difficult idea to accept at all.

**Children:** As marriage in our society has fallen, there has been a rise in cohabitating couples. These couples have children. Our courts have figured out how to deal with things like parental rights and responsibilities even when the parents aren't civilly married. Free marriage does not do away with any of those things. Doing away with marriage licenses will not create a world in which we won't know what to do with children if something happens to their parents.

**Divorce:** If a couple decides to break their private marriage contract, and can handle splitting their assets equitably outside of the court system, then more power to them. We already have pre-nuptial agreements that function as legal documents. Couples could choose to do the same in a free society. Couples who do not have pre-nuptial agreements, or simply can't divide their assets fairly, would go to court, just like they do now.

**Testifying in Court:** I once knew a priest who told me that we shouldn't get government out of marriage because that would mean a court could force someone to testify against their spouse. Currently there are laws against that practice. This argument doesn't make sense to me, because we already have the 5<sup>th</sup> amendment and the right to not

testify in court. We don't need civil marriages just because a lawyer might one day call us to the stand to testify against our spouse. "I plead the 5<sup>th</sup>," solves the issue just fine.

*You Can, In Fact, Spell "I Do" Without "Government"*

I think what often gets lost in the discussion about marriage is that it shouldn't be the government's job to define a word for the people. Some people have different ideas about how a marriage should work; the role of each spouse, childcare, chores, etc. Some have different ideas as to what constitutes fidelity in marriage. That's okay. We don't need the government defining those things for us; just like we don't need the government defining marriage as being between a man and a woman.

Hopefully this chapter has given you a sense of how marriage can function in society without civil licensing. In making sure that we have things like living wills, power of attorney, etc., it does require that we take more responsibility for ourselves and our futures, but we should already be doing all of these things. Unfortunately, civil licenses have given people a false sense of security, and we've had some ugly family feuds over end of life care, splitting up property and the like. Why stick with a broken system when we already have the tools to live without it? We don't need the status quo when it creates societal strife and dissent. Outlawing certain types of marriage never stopped gays from living together or polygamists from buying multiple trailers. Do away with it all and embrace free marriage! It has all the benefits of the status quo, without the pitfalls. Free marriage for a free people in a free country. What's not to love?

## The Conservative Case for Freedom

It seems odd to have to make a case for freedom of marriage to a conservative. You'd think that it would be inherent within conservatism that we wouldn't want government involved in our intimate relationships; just like we don't want government dictating the size of soda cups, what light bulbs we can buy, and onerous regulations on our homes or businesses. There are very serious dangers and consequences to supporting the status quo, because whether we like it or not, gay marriage is here to stay. If conservatism is to remain relevant in our society, we have to stop it from impaling itself on the sword of the government licensing of personal relationships; the most big government policy I can imagine.

*Please Open Your Government Approved Holy Book to Page...*

I've long thought that the best way for a conservative to tackle the issue of gay marriage is through the concept of freedom of religion. I am a proud and active Catholic. I wish everyone was Catholic. I do not think the State should force people to be Catholic. There was a time in history when group identity was so strong, that it was inconceivable for a member of the group to practice a different religion than everyone else. We even had the Latin phrase "*Cuius regio, eius religio*" (His realm, his religion) which helped to bring about short term religious peace in Northern Europe in the 16<sup>th</sup> century. Obviously, that concept didn't stand the test of time, but it still reveals how important the centrality of religion has been throughout human history.

Our Founding Fathers saw the religious problems plaguing Europe and wisely discerned that America would be a land belonging to no individual church. The people would be able to practice religion in freedom and peace. The Founders recognized that a particular person, or even a community of people, practicing their faith as they saw fit harmed no one. A synagogue filled with Jews did not challenge the faith of a local congregation of Episcopalians any more than my subscription to the New York Times prevents you from reading the Washington Post. The Christian church in America did not need government sponsorship to thrive. The church simply needed to be left to the people and free from government interference.

This is an important idea, because the argument that religious conservatives make against gay marriage rests on the concept that marriage is the bedrock of society, and thus it is the duty of the government to uphold marriage for the good of society. Can we really say though that government interference in marriage is needed, while in our relationship with God it is not? It seems hard for the Christian to claim that government has an interest in promoting the “good of society” and all the while insisting that government has no interest in promoting religion. Are there not people who use their free exercise of religion wrongly? Take Satanism as an example (I’m assuming Satanists are reading the *Case to Progressives* chapter rather than this one, save your hate mail). How can the Christian claim that the government is promoting the good in allowing someone to practice Satanism, and yet insist that the government cannot promote the good in tolerating gay marriage? Is not religion a lifestyle choice and identity just as acting upon your sexuality is?

Some Christians claim that “anarchy” will ensue if we allow gay marriage, but could the same not be said of our society in allowing freedom of religion? When Christians argue that gay marriage will lead to incest and bestiality, would it not follow that people could also use their freedom of religion in ways with which we would not agree? Imagine someone arguing, “But if we allow freedom of religion, people will just do whatever they want, they’ll play with Ouija boards, go to yoga classes, build Buddhist temples next to schools, build mosques next to Ground Zero, not go to church, not baptize their children, not be buried in a religious cemetery, gurus will have TV shows where they can spread their false gospel, etc.” We wouldn’t take such an argument seriously. It seems to be that the only way a Christian could oppose gay marriage is if they would also oppose *freedom of religion*. I do not see how one can support one and not the other. Especially since someone acting out their homosexuality does not interfere in the life of anyone who does not wish to take part. Gay marriage does not threaten society any more than holocaust deniers and the Westboro Baptist Church threaten society through the misuse of their political (not moral!) freedom. Just as people in the library read books that we may not choose to read, we should allow people to exercise their sexuality in freedom so long as they respect the rights and privacy of others.

*It's Like Letting the TSA Guard Ft. Knox*

A frustration I have in the gay marriage debate is how government marriage has undercut the Christian theology of marriage, leading to many of the problems we see in society’s view on marriage today. To put it simply, the Church takes marriage more seriously

than the government ever will. When the government gives the fourth marriage of Larry King as much legal backing and status as a couple living out a true covenant relationship; it's not good for marriage or society.

The Catholic Church, and most Christian churches, take marriage seriously. You can't just walk in one day and get a priest to witness your wedding. The average Catholic wedding in America (depending on the policies of the diocese), requires about four appointments with the local priest (in which potential points of disagreement between the bride and groom are discussed openly), and a one weekend engaged encounter retreat (typically with talks from one or two long-time married couples and a priest). Most churches require at least six to nine months of engagement to ensure that the couple is truly in love and not merely infatuated with one another. All these things are the bare minimum. Catholics won't marry people who have previously been married if they have not received an annulment, Catholics won't marry people who have murdered their spouse in the hopes of marrying again, Catholics won't marry people who have kidnapped their wives in a raiding party (Canon Law is fun!). The point is obvious: the Church takes marriage very seriously. The government only cares that you are a heterosexual couple with \$50 in your pocket. Can we honestly say that government is upholding marriage and building up society, when they undercut the norms of the Church and "marry" those who the Church would not recognize?

As conservatives, we shouldn't be surprised by this. Government tends to mess up anything that it gets its hands on. Is it possible that approximately 100 years of government marriage licensing has undermined the efforts of the Church to uphold the dignity of marriage in society? It is not the gays who are trying to redefine marriage; it is the

government that has already redefined it! The Church has always looked to marriage as naturally leading to pro-creation and the family. Government has usurped this, which is why the gay community is correct in arguing that if the government is in the business of marrying heterosexuals who are “in love,” then it should also marry homosexuals who are “in love.” When the link between marriage and the family was removed by government, it set the stage for the crisis of marriage we have in our society today.

The Church takes marriage more seriously than the government ever will. Why are we defending a system that has undermined how society views what true marriage is? Get government out. Let people “marry” whom they please, because even if someone considers themselves to be married, *it doesn't force us to recognize their marriage*. If we are to build up society, let us show society what true marriage looks like: a covenant relationship between two spouses called to serve one another in self-sacrificing love. The Church will work to prepare couples to live out their vocations with love, and when people see how love filled our marriages are, they will seek to emulate us. *That* is how we are called to transfigure society.

### *Government: Dispenser of Sacraments*

The social conservative case for government involvement in marriage rests on the assumption that man-woman marriage is the “best possible” relationship, and therefore it is the job of the government to promote and defend it. Thus, the argument goes, government has a sacred duty to uphold the proper formula of marriage. Would we accept this in other instances of faith such as in what constitutes a proper Baptism and how to celebrate

Communion? Do we need the force of law to “protect” the traditional Trinitarian formula for Baptism? Of course not. Government is not the granter and defender of the Sacraments. It is only the duty of government to protect and defend those who live in peace and don’t violate the freedoms of others.

More troubling, though, is the concept that government has a duty to enforce what it decrees to be the “best possible” relationship. I don’t see how one can both oppose Obamacare (which promotes the “best possible” healthcare) and support the government promoting certain relationships. If we allow the government to support the “best possible” relationship, then what is to stop it from supporting:

- The best possible sleep pattern → Count sheep or face extra taxes
- The best possible gym membership → Washboard abs pay no taxes
- The best possible diet → ~~Mayer~~ Nanny Bloomberg supports this

As we can see, this is a bad philosophical idea, because the same concept can be applied in all sorts of ways that any free person would immediately object. We do not need the government upholding marriage; we need the government to recognize how free people choose to live their lives. It would be an abuse of government to refuse to recognize those who consider themselves to be married. Imagine the government approving a visa for one spouse and not the other. It would be a travesty. The government exists to serve us and to recognize us on our level. It is not supposed to function in Big Brother fashion and dictate to us who our best possible lover should be. There is clearly nothing conservative about this, and thus as conservatives we should have nothing to do with government sanctioned marriage.

*Would You Like a Dose of Realism with Your Coffee?*

I hope that I've shown why the philosophical underpinning of government sanctioned marriage is a bad idea. Now, I want to focus on the dangers of keeping our head in the sand and supporting the status quo. It is inevitable that gay marriage eventually becomes the law of the land. Young voters overwhelmingly see the issue as a matter of fairness, and ultimately they will prevail at the ballot box as they come of age. There are many dangers that will come with gay marriage becoming a civil "right". We have already seen the government persecution of Christians here in the US through the Obamacare contraceptive mandate, and it is only a taste of what is to come if we do not open our eyes to see a Third Way in solving the gay marriage issue.

The most obvious consequence of legalized gay marriage is that private businesses would now be forced to serve gay couples just as they would anyone else. It means that Christian businesses will either have to shut down or act against their conscience in accommodating homosexuals. Expect a torrent of lawsuits around the country brought against mom and pop business owners who were uncomfortable serving a gay wedding. Wedding photographers<sup>1</sup>, florists<sup>2</sup>, bakers<sup>3</sup>, and reception hall owners<sup>4</sup> will not be able to operate their businesses as they see best. Gays will be able to bring law suits against them should they be refused service (they already have!). If we do not get government out of marriage, make no mistake, this will happen.

The next consequence that I foresee happening eventually is that radical leftists in government will use their bully pulpits to persecute Christians. If gay marriage is considered by government to be a civil "right", then the government will be able to work against

anyone who doesn't hold this belief. Already in the UK, local authorities barred a Pentecostal couple being from foster parents because they were morally opposed to homosexuality.<sup>5</sup> Could government bar Christians from adopting? From fostering? Could the government eventually deny marriage licenses to those who oppose gay marriage as a civil right? Would the government declare teaching a child that homosexuality is a sin be considered child abuse?

Whenever we grant the government power, we should always consider how that power could be used in ways we would not expect. Think of the irony of Christians defending government sanctioned marriage and this system ultimately being used to *persecute* Christians. This is something I don't want to see happen in our world. The dangers are real. Is this the sword that conservatives wish to fall on, even while there is a better and more prudent way?

## Why Progressives Should Embrace Free Marriage

In the early morning of June 11<sup>th</sup>, 1958, Richard and Mildred Loving were fast asleep in their bed. Local police then burst into their room and arrested them for the crime of being an interracial married couple. For our purposes, an interesting wrinkle took place in the story: the couple married in Washington DC to get around Virginia's ban on interracial marriage. Their civil marriage certificate was hanging on the wall of their bedroom. When it was pointed out to the sheriff, he said, "That's no good here."<sup>6</sup>

I am highlighting this story because it shows the innate danger of the government being intimately involved with something it should have nothing to do with. Sometimes less is more. To better serve society, government should stay out of marriage and allow all citizens to pursue happiness as they please. This is vital; it would be wrong for us to accept that the government should impose its marriage beliefs on people who do not agree with that definition.

Simply "legalizing" gay marriage will not fully address that issue. That implies that other types of relationships are still illegal, or at minimum unworthy of government recognition. It seems contradictory that Progressives can honestly support such a system. How can it be insisted that legalizing gay marriage is about love and fighting homophobia, while still barring other "marriage minorities" from civil recognition of their love? Let us assume that we legalize gay marriage, will we now fight for the rights of others to be in love as they please? Or do we only fight for those relationships which we approve of? This in

effect is being no better than the Bible Thumper next door. Progressives should not accept this.

When we consider how marriage licensing is a product of the vile ugliness of racism in the Jim Crow era, can we just admit that we would be better scrapping the status quo altogether? Why add patches to shit filled pants? Why fight to perpetuate a status quo system that has caused misery to millions of interracial and gay couples in the last hundred years? Let's break down the racist system and send it to the dustbin of history where it belongs. In fighting for free marriage, we can tell our children that in getting government out of personal relationships, we removed one of the last vestiges of America's blatantly racist past.

Free marriage is the answer to the gay marriage question progressives have been looking for because it is consistent with the premises to legalize gay marriage: marriage is about love, and government shouldn't get in the way of that. It's elementary! We cannot both say that and yet do nothing to the status quo system that would continue to discriminate against marriage minorities. We cannot leave alternative marriages in the dust simply because there isn't enough political support for them. Are we to leave polygamists and those in open marriages to fight for recognition on their own? Do we walk away once we achieve our victory and continue to hold a blind eye toward others? We can do better.

If the status quo is discriminatory, we cannot claim total victory in making it less discriminatory. Stop licensing marriage and this divisive issue goes away. People will fall in love and live with those they want to live with. Why complicate the matter? We don't look at lovers on a park bench and think the moment would be more romantic if they were

holding a civil marriage license. With free marriage, everyone wins, because we would allow free adults to pursue their happiness as they best see fit.

## Afterword

I hope that this booklet has been helpful to the reader in seeing the issue of gay marriage from a new perspective. I realize that much of what I have said may be new to you, and relatively controversial. I think the best way to bring about change in society is to let the free exchange of ideas thrive. There is nothing better than wrestling with an idea that is new and exciting, even if you end up rejecting the idea; if this booklet has left you unconvinced, thank you for reading and giving your brain some exercise. The free exchange of ideas is the best of what our great land has to offer. If this booklet convinced you that there is a better way of solving gay marriage than the dichotomy the media presents to us, please share this booklet with your friends and family, propose this as reading for a book club, or have friendly debates at a local pub or coffee shop. This book is purposely priced so as to be accessible to a many people as possible.

For further reading in seeing things from a “Third Way,” I would suggest picking up books by Ron Paul, Judge Andrew Napolitano, Thomas Woods, Thomas Sowell, and Peter Schiff. My whole worldview dramatically changed in the summer of 2008 when I came across a YouTube video of Ron Paul. I have since shared countless books, videos, and speeches with my friends and family. The message of freedom is growing louder than ever. It is my hope that this booklet may spark more “Brushfires of Freedom.”

In Christ and Liberty

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<sup>1</sup> Sherbert, Erin. "Christian Photographers Sued for Refusing to Take Pictures of Gay Wedding." SF Weekly. N.p., 8 Jun 2012. Web. 8 Apr 2013.  
<[http://blogs.sfweekly.com/thesnitch/2012/06/christian\\_photographers\\_sued\\_f.php](http://blogs.sfweekly.com/thesnitch/2012/06/christian_photographers_sued_f.php)>.

<sup>2</sup> Turnbull, Lornet. "State sues florist over refusing service for gay wedding." The Seattle Times. N.p., 9 Apr 2013. Web. 11 Apr 2013.

<sup>3</sup> Hallowell, Billy. "Lesbian Couple May Sue Christian Baker Who Refused to Make Their Wedding Cake." The Blaze. N.p., 17 Nov 2011. Web. 8 Apr 2013.  
<<http://www.theblaze.com/stories/2011/11/17/lesbian-couple-may-sue-christian-baker-who-refused-to-make-their-wedding-cake/>>.

<sup>4</sup> Dobbs, Taylor. "Same-sex couple, ACLU-Vermont prevail in discrimination lawsuit settlement with Wildflower Inn." VTDigger.org. N.p., 23 Aug 2012. Web. 8 Apr 2013.  
<<http://vtdigger.org/2012/08/23/same-sex-couple-aclu-vermont-prevail-in-discrimination-lawsuit-settlement-with-wildflower-inn/>>.

<sup>5</sup> Ellicott, Claire. "Christian couple 'doomed not to be approved as foster carers for views on homosexuality'." The Daily Mail. N.p., 28 Feb 2011. Web. 8 Apr 2013.  
<<http://www.dailymail.co.uk/news/article-1325635/Christian-couple-doomed-foster-carers-homosexuality-views.html>>.

<sup>6</sup> Matin, Douglass. "Mildred Loving, Who Battled Ban on Mixed-Race Marriage, Dies at 68." The New York Times. N.p., 6 May 2008. Web. 8 Apr 2013.  
<[http://www.nytimes.com/2008/05/06/us/06loving.html?\\_r=1&](http://www.nytimes.com/2008/05/06/us/06loving.html?_r=1&)>.