

against same-sex marriage in California and other states. But General Authorities, savvy Mormon lawyers, public relations professionals, and Church employees are most definitely involved; and it would be ludicrous to suggest that top Church leadership knows nothing about their activities on such a high-stakes moral issue.

While Mormons may have helped win the battle against same-sex marriage in California, I believe they've lost the war—probably at great cost to the Church over the long run. The strong negative reaction to Mormons' involvement lingers and could cause problems in current/future missionary and humanitarian efforts. Our efforts have caused division within our "tribe" between Church members who feel differently about same-sex marriage. Outsiders have cause to be suspicious about Mormons' involvement in political campaigns, and our actions and reactions have swelled the ranks of people who actively hate Mormons. I believe we'll be reaping a Prop 8-tainted harvest for years to come.

### Notes

1. "A Commentary on the Document 'Six Consequences . . . if Proposition 8 Fails,'" [http://www.hrc.org/documents/Responses\\_to\\_Six\\_Consequences\\_if\\_Prop\\_8\\_Fails.pdf](http://www.hrc.org/documents/Responses_to_Six_Consequences_if_Prop_8_Fails.pdf), print-out in my possession.

2. "First Presidency Urges Support of Marriage," press release, <http://www.ldschurchnews.com/articles/49041/First-Presidency-urges-support-of-marriage.html> (accessed July 2008), print-out in my possession.

## Four Reasons for Voting Yes

*Russell Arben Fox*

I don't live in California, and so the questions of what I thought of Proposition 8 and of my Church's involvement in it were never presented to me with any more force than that of any other announcement from the pulpit after sacrament meeting or any other stray comment that gets mentioned in Gospel Doctrine class. I've no doubt that there were many wards throughout the country (and perhaps throughout the world) where, for reasons having to do with the beliefs and priorities of local or regional

leaders, or perhaps due to some combination of demographic or cultural factors, the ecclesiastical demand to support Proposition 8 firmly, or at least announce your opinion about it vocally, was very strong. But that wasn't the case for my ward in Wichita, Kansas, and I suspect that it also wasn't the case in the great majority of wards and branches throughout the Church.

For which I'm grateful—and not because I don't like politics in Church. The truth is, I think Mormon Church life would actually be *improved* if our congregations were more political, but that's a different argument. No, my gratitude stems from the fact that the lack of any intensity on Sundays meant I had time to think through how I would have approached Proposition 8, without ecclesiastical pressure from above or social pressure from below.

Would I have voted for the proposition if I'd lived in California? I think probably yes, reluctantly, for four reasons:

1. Because my church asked me to.
2. Because I agree with some (but not all) of the philosophical arguments which my church and others who pushed for the proposition adduced as part of their case for the proposition.
3. Because, all things considered, I will almost always side with any proposition or referendum that involves setting matters directly before voters and thereby demands of them democratic deliberation and legislative compromise, rather than contenting ourselves with all-or-nothing decisions issued by courts;
4. Because—and this is important—it was a narrowly focused proposition, one which would have reestablished a formal distinction between same-sex relationships and heterosexual marriages in the state of California, but which would not have removed any substantive rights that gay couples currently enjoy under state law.

Note that key word "reluctantly." I include it for at least two reasons. First, California is almost certainly the wrong place for this kind of struggle. It is far too large and too diverse to be, I think, responsibly conceived of as an arena within which an argument about what a community wants or expects or believes when it comes to marriage could be worked out. Second, the specific political arguments which the "Yes on 8" side made use of—as opposed to the more tentative and general philosophical ones which I, in part, agree with—were often complete paranoia and nonsense. Such crummy and inflammatory arguments are enough to

make me want to vote against something in principle, even if I see the general point of the proposition.

With regards to (1), a fair question to ask is: If I am supposedly obedient enough to take seriously the way leaders of the Church ask us to vote, why do the arguments mentioned in (2) matter at all? Well, they matter because (a) my commitment to the Church doesn't ever quite override my reasoning faculties, and because (b) the Church leadership didn't actually "tell" anyone to, or at least not so far as I am aware.

Did our prophet, and all the rest of the Church leaders (or at least, those Church leaders who actually spoke out on this matter, which was only a tiny minority of all those who potentially could have spoken out) really *want* the Saints in California to vote a certain way? Absolutely. Official statements were read in California wards encouraging members of the Church to organize and vote in support of the proposition, along with references to scripture, and statements were put out by Church media, and directives came down from Church leaders giving advice and support to regional leaders in California who contacted members and involved them in various campaign activities, and many millions of dollars were raised along the way. But does that asking and encouragement equal being "told" to do something? I don't think so. The official language from Salt Lake City was always one of "encouraging" members, not ordering them. Perhaps that will change, as these conflicts over same-sex marriage continue. But for now, that is how things stand.

With regard to (2), what, then, were the arguments that I considered persuasive? Well, to me, the general point of the proposition was one of drawing distinctions. I do happen to accept the deep cultural and/or communitarian and/or conservative presumption at work behind most traditionalist thinking about marriage. That is, I believe that civilized society depends on sustaining certain norms (like heterosexual marriage). I also believe that many (not all, but many) norms reflect essential characteristics of the way the majority of human beings has historically related and will continue to relate to one another. And I further believe that opening up social institutions to forced redefinitions—as if said institutions were based on nothing more than self-satisfying, mu-

tually agreed upon contracts—undermines their ability to support and draw the good out of those norms regarding human relationships for the benefit of society.

But allow me to quote Noah Millman, a commenter on cultural matters whose writings can be most often found on The American Scene blog (<http://www.theamericanscene.com/>), on this topic, as he's much clearer about the subject than I:

[Many advocates of same-sex marriage want the state to] redefine marriage to mean any exclusive partnership . . . between any two individuals regardless of their biological sex. . . . That's not what marriage means, nor ever has meant, because the complementarity between men and women is at the heart of the meaning of marriage. Marriage has changed an awful lot over the centuries, and we in the West have ultimately repudiated the polygamy and consequent second-class status for women that were central to marriage for its first few thousand years as a legal institution. But the proposed redefinition would be, essentially, a linguistic falsehood. For that reason, I fear that it would . . . make the traditional language of marriage relating to complementarity of the sexes appear to be nonsensical[;] it would make it that much harder for men and women to learn how to relate to one another, and form stable marriages. And because it would have advanced under the banner of rights such a reform would implicitly concede that marriage is a choice rather than a norm—a choice we all have a right to make but, by the same token, the right not to make if we prefer to live otherwise.<sup>1</sup>

While it's unlikely to get much of a hearing by partisans on both sides of this struggle, I would note that Millman is not arguing against any kind of legally recognized same-sex marriage; he's merely arguing against our currently existing marriage system (which is by no means the only possible set of marriage laws and understandings available either today or historically) being expanded to include same-sex couples.

So what do we do for same-sex couples? We create a new institution exclusively for same-sex couples that would have many—perhaps even all—of the rights and responsibilities of marriage. Will this proposal ever fly? Probably not. We reduce so much to either/or questions of legal rights in this country, partially by (unintentional) constitutional design, partially by inclination and habit, with the result that consensual, democratically deliberated dis-

tinctions that might otherwise emerge are rarer in our polity than they ought to be.

Distinctions along the lines of “differentiating between black and white people in deciding which kind of jobs are appropriate for them is invidious discrimination, whereas distinguishing between gay people and straight people in determining which sort of marriage union is appropriate for them is not” probably wouldn’t survive in our legalistic environment, in which the claims of “separate but equal” are dismissed without argument as relics of a pre-*Brown v. Board of Education* era. And as much as it frustrates me to say so, perhaps that’s for the best; perhaps, given our polity’s history of discrimination and sexual paranoia, there is little reason to believe that a fully democratic engagement over which forms of marriage could be best accommodated within our history and culture would result in the fair but distinct forms of recognition I’m gesturing at here. But it is depressing to believe that the only alternative is for judges to forbid our legislative bodies from even trying.

Admittedly, there are practical reasons to doubt all this as well: the evidence that such “distinctions” could even be operable is, admittedly, minimal. I tend to think that the French were on the right track when they established their *pacte civil de solidarité*, first instituted in 1999, to serve as an alternative to marriage, thus avoiding unnecessary fights with various religious communities. But they failed to articulate what they were doing as a route for gay couples in particular; and as a result, heterosexual couples looking to avoid the social implications of marriage flocked to civil unions, which warped the legislation’s potential to be a model for addressing the deeper issues of “distinction” which I think are—or at least ought to be—relevant here, to the extent that you think any of this is worth worrying about.

I would also add that if the California proposition had moved beyond what I saw as simply insisting upon a distinction, I wouldn’t have voted for it. This is the point I made in (4). For all the problems associated with it, the truth is that I am fundamentally a modern person and therefore a believer in modern liberties, one of which is the right to privacy which the Supreme Court defined and defended (however dubiously) in *Romer v. Evans*. I do not

want to see sodomy recriminalized, and I do not think gay and lesbian couples deserve any less legal and economic protection than state laws provide to straight couples

Finally, with regard to (3), I have to confess that, as both a modern American (and thus a believer in individual equality) and a Christian (and thus a believer in a God capable of performing an act that demands a response which could potentially trump every single other commitment or connection any individual may have), it's hard to maintain hard and fast rules that always give priority to community integrity, popular decision making, and public opinion, especially when I am confronted with a question that potentially involves the rights and moral worth of individual persons. Still, I'm pretty cautious when it comes to all such interventions in the political process in the name of higher principles because I respect the messy compromises of democracy. Failing to do so is, I think, to set oneself up as an elite decision maker by virtue of one's position or enlightenment, and treat the beliefs of others as contemptible.

Practically speaking, in the American political context, this means I'm suspicious of judicial review and the ability of courts to mandate, in the name of Constitutional principles, practices that to my mind really need to be hammered out in our conflicted, divided communities by the folks who actually live in them.

And, in the end, all other things being said, Proposition 8 *was* an opportunity—a basically reasonable, only minimally harmful opportunity—to say, “Judges don’t rule in our democracy; majorities do.” And if you think trusting in majorities is itself somehow retrograde or wrongheaded, then you must have a sufficiently large suspicion of the democratic process to make any anger you may have about the result of Proposition 8 seem pale by comparison.

### Note

1. Noah Millman, [http://gideonsblog.blogspot.com/2005\\_11\\_01\\_archive.html#113224786664342821#113224786664342821](http://gideonsblog.blogspot.com/2005_11_01_archive.html#113224786664342821#113224786664342821) (accessed May 1, 2009).