

The Fairness of Marriage

What is the current Indiana law concerning marriage? Our state defines marriage in a singular way—between a man and a woman. As I discussed the merits of this law recently with an opponent, his challenges fell into two fundamental areas: fairness and civil rights.

One of the primary arguments for walking away from the logical, time-tested standard of marriage is the assumption that reserving marriage to a man and a woman is unfair or discriminatory. Hoosiers, known across the nation for their sense of fair play, rightly feel compelled to address this issue of fairness. It should therefore be admitted up front that because the definition of marriage is a standard, the application under the law will not be fair to some—the nature of a standard is that it is not always “fair.” Indiana law sets a standard for driver’s licenses which some could argue is not fair to the young, the elderly, the blind, or the intoxicated. Our election law restricts voters and those running for office to living in certain areas if they want to participate politically in that locality. During this last election season, many Indiana’s laws were carefully applied to those who would have liked to be the exception to some of these rules—was that fair?

Marriage is not a universal entitlement open to anyone who has a passion and desires society’s stamp of approval. For example, under Indiana law, a brother and sister or two thirteen-year-olds cannot marry, no matter how sincere their relationship. Love is not the only standard two people need to meet before they can be married. If our laws are overturned, and any two people can get married simply due to desire, why can’t three men, why not a woman and two men? What if someday it’s a man and a boy seeking “fairness”?

This point angers many proponents of same-sex marriage, but has anyone asked homosexual activists in the LGBT community if they intend to be unfair to their own members? What does the “B” stand for? If a man is married to a woman, but he is bisexual, can he also marry a man? To be fair, they must say yes, and the boundary of both bigamy and polygamy are gone. Little will be left of marriage, as we know it.

The largest polygamy organization in the US has the slogan, “Polygamy: the Next Civil Rights Battle.” This raises a similar claim that reserving marriage to a husband and a wife violates the “rights” of those with different sexual behaviors.

Much like the fairness claim, equating the proposed overturning of marriage law with a civil rights struggle can have an emotional pull (even though courts have rejected this sexual minority status analogy). We have already established above that the law is able to discriminate—when the legal qualifiers are reasonably necessary for the activity’s normal operation.

This demonstrates just how much our view of marriage has been turned upside down. The essential public purpose of marriage is to attach men to women, fathers to

mothers, and both to their children. Whatever two men may be; they are not a mom. Children have a right to a mother and a father.

Some are quick to note that not every husband and wife have children. Yet, every child does have a father and mother. This requires us to look at marriage not just from the desire of adults, but as a societal responsibility to the needs of children. Rosie O'Donnell once admitted on ABC's *Primetime* that her toddler son had often asked "Mommy, why no daddy?" Rosie's response was revealing, "Because I am not that kind of mommy." Yet, her son, like every other, is that kind of child who needs both a mother and a father.

If we change the standard for marriage into anything anyone desires, marriage will ultimately mean very little. Such an unraveling will weaken and devalue marriage and detach more children from mothers and fathers. This would neither be "fair" to children nor "right" for society.

Micah Clark is the Executive Director of the American Family Association of Indiana