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## **Marriage amendment's failure isn't a sign of our 'slouching toward Gomorrah'**

The captains of the culture wars were hankering for a fight this summer, so we had a vote on a federal constitutional amendment defining marriage as the union of one man and one woman. I voted "yes," but the amendment fell short of the two-thirds majority needed to amend the Constitution.

In the aftermath of that failure, the captains of the culture wars will no doubt announce that it's more proof America is, in fact, slouching toward Gomorrah.

Could it be, though, that it was the wrong amendment at the wrong time with the wrong leadership motives?

Wrong amendment? The marriage amendment could have been a federalism amendment that protected South Carolina's right to define marriage within its borders. A federalism amendment would have allowed Massachusetts to experiment with same-sex marriage but would have protected South Carolina from an imposition of that experiment. As it was, this mandating amendment would have created a new federal law of marriage, injecting the federal government into an area of the law that's been reserved to the states.

Wrong time? The captains of the culture wars told us that we had to act quickly because activist judges were about to impose same-sex marriages on all 50 states. But the cases they cited all involved decisions within a single state. None of those decisions has had the effect of imposing one state's will on another state. If one had, we would have easily passed a constitutional amendment through the House and Senate.

Wrong motivation? Since it wasn't the right time, there were naturally questions about the motives of bringing the amendment to a vote this summer. The captains of the culture wars have made lots of money on marriage amendment fund-raising letters. Politicians have schemed to pull voters to the polls by pushing some hot buttons and playing on fear.

As the flamethrowers move on to other alarms, let's stop for decent discussion about marriage. Let's start by agreeing that marriage draws its meaning from God, not government. Marriage makes two into one. It's intimacy and maybe children; it's sharing life; it's commitment; it's joy and sorrow, struggle and triumph, singing and crying. It's -- well -- it's a religious experience.

Civil law can drain or fill some of the tax and financial benefits of marriage, but it can't change the

covenant that's existed since the Creation. Nor can it add much to the covenant other than compelling the disposition and support of children following a divorce.

While agreeing that heterosexuals have every right to speak out against homosexuality, let's agree that homosexuals are not out to destroy marriage. Homosexuals want "in" on commitment, not heterosexuals "out" of commitment.

Even if homosexuals were out to destroy marriage, they're too late; it's already been done. We, even evangelical Christians, have a divorce rate over 50 percent. Materialism (financial pressure being the No. 1 cause of divorce) has destroyed more marriages than the homosexual lobby and activist judges can count.

Let's acknowledge that just as the Framers decided not to put the Ten Commandments into the Constitution, no one was talking about putting a biblical view of marriage into the Constitution. If we had been, we would have proposed an amendment directing the states to grant divorces only on the biblical grounds of marital infidelity. We didn't do that because historically we have allowed states to make divorce (and marriage) law and because we have avoided the imposition of a theocracy.

Iran is a theocracy. In 2005, it hanged a 16-year-old boy and an 18-year-old boy from the same gallows. Homosexual rights groups reported that the boys were hanged because they were gay. Sensing the backlash, the Iranian clerics claim they were hanged for raping a younger boy and for public drunkenness. (No evidence needed, of course, when you draw your authority directly from God.)

It's terrifying that the boys might have gotten the same punishment in South Carolina until after the Civil War. South Carolina's punishment for sodomy (defined to include common heterosexual as well as homosexual behaviors) used to be death. In 1872, the punishment was changed from death to five years in prison. That 1872 statute fell in 2003 when the U.S. Supreme Court declared sodomy laws unconstitutional, giving us a shield of privacy for our bedrooms in *Lawrence v. Texas*.

Contrary to what the captains of the culture wars may say in their fund-raising pieces, this progression (from death to five years in prison to privacy) is more delivery from theocratic imposition than a slide into the abyss.

When the discussion reaches us on a spiritual level, let's acknowledge that each of us needs an advocate between us and some lawful mob that would rightly stone us. Homosexuality may be the speck in our brother's eye, and the rest of 1 Corinthians 6:9-10 may describe some of the planks in accusing eyes. These intimate things are best handled by faith and love -- and by civil law only when we must.

Bob Inglis represents the

4th Congressional District (Greenville, Spartanburg, Union and a portion of Laurens County) in the U. S. House

of Representatives.

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