

LDS Doctrinal Rhetoric and the Politics of Same-Sex Marriage

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Purpose of this Paper

A number of denominations regularly perform same-sex religious marriages. These include the U.S. Branch of Soka Gakkai International Buddhist Association, Reconstructionist Judaism, the Metropolitan Community Church, the Unitarian Universalists, and even two Restorationist denominations within the Mormon tradition.ⁱ The LDS Church headquartered in Salt Lake City is like the majority of denominations in not performing such marriages. However, it differs from most in that in addition to not performing religious same-sex marriages, it is also politically active in opposing secular recognition of same-sex marriages. I wish to address how this political activism intertwines with religious rhetoric concerning marriage, including both what is said and what goes without saying.

Background

In 1990 a court case, *Baehr vs Lewin*, was filed in Hawaii by three couples in an attempt to get the state to recognize same-sex marriages. Initially, the Honolulu Circuit Court found against the same-sex couples, but in May of that year the Hawaii Supreme Court ruled that under the state constitution, which forbids discrimination based on sex, a ban on same-sex marriage was unconstitutional unless the state could demonstrate a "compelling state interest" in discriminating against same-sex couples. Having made this determination, the Hawaii Supreme Court remanded the case to the circuit court with the mandate to reverse its decision unless such a compelling state interest was found to exist. The legislative Commission on Sexual Orientation and the Law established to determine whether a compelling state interest existed in not recognizing same-sex marriages determined that no such interest existed. This finding made it inevitable that the Honolulu Circuit Court would change its original decision and find in favor of the couples involved in the case.

The hearing of the arguments concerning the issue of compelling state interest was finally scheduled to begin in the Honolulu Circuit Court on September 25, 1995. But seven months before that date, the LDS Church in Hawaii sued the circuit court (in February) to be admitted as "co-defendants" with the state. As explained in a press release dated February 23, 1995, by the Hawaii Public Affairs Council of the LDS Church, the Church's position was based on the claim that it and its members would be adversely affected if its interests were not represented in the case. The Church argued that if same-sex marriages were granted legal recognition, then its ministers might be legally required to perform such marriages despite the fact that they are contrary to the Church's religious values. It further explained that "Our motion for intervention is

not to oppose civil rights for anyone, but to protect families and children, as well as society in general, by opposing a proposal to extend the legal privileges of marriage beyond the kind of relationship that justifies it". In late March, a Circuit Court judge rejected the LDS request, noting that the argument of being forced to perform marriages that are religiously repugnant to the church is legal nonsense, since no minister is legally required to perform any marriage. Nevertheless, the LDS Church in Hawaii appealed this decision to the Hawaii Supreme Court, where the appeal was also not favorably heard. The final step in the court process is for the Hawaii Supreme Court to hear arguments and render a final decision, one that is likely to be consistent with its previously expressed views on the unconstitutionality of refusing to grant married status to same-sex couples.

LDS Rhetoric Concerning Legal Marriage

Although most denominations are not totally sanguine about same-sex relationships, the concept of same-sex marriages is particularly problematic for the Church of Jesus Christ of Latter-day Saints, since the very core of its organizational and theological emphasis is the sanctity of the family created by heterosexual marriage. The sanctification of heterosexual marriage is more than a mere political slogan for the LDS religion, which celebrates as one of its most sacred rituals the ordinance of heterosexual temple marriages, long described as necessary for salvation in the highest degree of glory in the next life. LDS theology views such temple-blessed unions as "eternal marriages" which will endure beyond death. Among the small number of special ordinances practiced in LDS Temples is the "sealing" of children to their parents to ensure that the family organization is preserved throughout eternity. Worldwide, the LDS church reserves one evening a week in which no regular church meetings are scheduled so that each family may hold its own "Family Home Evening". So central is the family in church thought that, even Apostles of the church have expressed the idealized view that the central function of the church itself is simply to serve as an aid to the family, the true organizational unit of the church. Thus, heterosexual marriage is not simply one of a number of sacraments within the LDS church, but is better seen as the culminating ordinance for the typical member. This makes the concept of same-sex marriage uniquely problematic in LDS discourse.

The LDS press release of February 23, 1995, is interesting both in the terms that are used to discuss the legal and religious issues concerning marriage and in the terms that are avoided in that discussion. In taking a position against state recognition of same-sex marriage, the press release contrasts what it calls "traditional marriage" with "homosexual and lesbian marriage". The phrase "traditional marriage" or some synonym is used seven times in fewer than six hundred words of text. The phrase "homosexual marriage" or an equivalent is used another seven times. This contrast set is interesting because of the semantic shift which it involves. The document does not contrast "traditional" with "nontraditional" nor does it contrast "homosexual and lesbian" with "heterosexual" but rather shifts from one semantic set to the other. Notably, in contrast with the seven occurrences of "homosexual" and an equal number of occurrences of "lesbian", the term "heterosexual" is never called upon to discuss marriages involving males and females. The sexuality of same-sex unions is thus highlighted, while the sexuality of so-called "traditional marriages" is avoided.

The use of an unbalanced contrast set in statements such as the 1995 press release certainly imparts a connotative spin to the argument, but I believe that more than mere polemics is involved. It is the absence of the term "heterosexual" that I wish to focus on. It is a term that

goes without saying not just in public political statements, but in LDS rhetoric concerning marriage in general. Marriage is, in other words, assumed to be heterosexual. The possibility of same-sex marriages is an immediate challenge to this assumption. Its existence as a public category would demand that the unspoken be addressed. I will argue that doing so is problematic for the LDS church in very practical ways.

The Ambiguity of Marriage

Marriage in western societies is an ambiguous concept. It may, for instance, be thought of in personal terms as a committed sexual relationship, in political terms as a legal institution, and in religious terms as a sacrament. That which is defined from any one of these perspectives is something quite different from the meaning embodied in each of the other perspectives. Yet this ambiguity is commonly ignored as if the word "marriage" meant the same thing whenever uttered. This blindness to ambiguity makes it possible to use religious rhetoric about sacramental marriage as if it were relevant to the political issues of the legal institution called by the same name.

Failure to distinguish between "marriage" as a religious institution and "marriage" a defined set of secular legal rights and responsibilities is incongruous on its face, since it legitimizes secular bureaucratic control over an institution thought to have been established by God with no inquiry concerning the interesting question of how human governments might have acquired such authority regarding a divine institution. Mormons of a century ago came down unambiguously in opposition to the authority of government to impose a secular definition of marriage or to limit their right to establish marriages according to their own religious conceptualization of the institution. For instance, Shoshone couples whose "marriages" had involved no religious or secular ceremony were freely admitted to membership in the church without any requirement of instituting a marriage by either a legal or religious ceremony. They were not defined as "living in sin" for the lack of either formal mechanism for defining themselves as married. Similarly, Mormon polygynous marriages did not involve a civil ceremony. Thus, a variety of ways existed for creating relationships that were considered valid bases for being said to be "married". Their common denominator was probably nothing more than the expression of commitment to the relationship, because Mormons did distinguish in political speeches about polygamy between the legitimate sexuality of these relationships and the "fornication" or "adultery" in the uncommitted sexual liaisons of their adversaries.ⁱⁱ Today, the LDS church defines "chastity" in a way that incorporates the secular definition as limiting sex to a partner with whom one is "legally and lawfully" wedded. This shift in definitions deposed personal commitment as the defining essential of marriage, creating a major contrast between "married couples" and couples who, though committed, were merely "fornicators" and thereby raised the status of civil marriage to a position coequal with that of religious ceremony as the public determinants of marriage.

The contemporary ambiguous nature of the concept of marriage leaves us blind to this unasked and unanswered theological question. In LDS circles it literally "goes without saying" that secular governments have somehow been authorized by God to determine when sex is or is not sin, a sentiment that would not have been shared by LDS polygynists of the last century.

This issue can be brought into focus in several ways. From a religious perspective an LDS person might note that fornication and adultery are sins because God forbade them and that marriage, which legitimizes sex in His eyes, was instituted by God. Furthermore, marriage is a

sacrament, or, in LDS terminology, a Priesthood ordinance, since the effectiveness of a sealing for eternity is contingent upon its being performed by an authorized Priesthood bearer. The question that generally remains unput in LDS circles is "Under what circumstances may sex occur outside a temple marriage and not constitute fornication or adultery?" The "LDS common sense" response to this uncommon question is, of course, when the couple is legally married in the eyes of the government of their society. But this reply seems sufficient only because it relies on an implicit LDS assumption that God recognizes the validity of secular marriage, an assumption that is both naive concerning the cultural diversity of marriage norms throughout the world and culture-bound as well. The latter is well illustrated by a case in point, the Protestant applicant for baptism into the LDS community, who at his baptismal interview inquired whether he was "living in sin", since he and his wife of twenty-years had been married only in a non-LDS ceremony.ⁱⁱⁱ To one not immersed in the "common sense" of the LDS subculture, the question was a natural one. The LDS interviewer's response, however, was surprise at the question itself and a friendly reassurance that such was not the case.

But what is the underpinning of this LDS "common sense" view that secular marriage is efficacious in determining whether sex is sinful or acceptable to God? The case of same-sex marriage forces a confrontation with this question in a stronger way than does any other form of marriage. If a state such as Hawaii actually comes to recognize same-sex unions as legal marriages, then the usual reliance on unquestioned "common sense" fails in a religion such as Mormonism that rejects same-sex unions as inherently unchaste. It becomes logically mandatory to make a theological distinction between secular marriages performed by government that shift a cohabiting couple's sexual behavior from the category of "fornication" to that of "chaste sex" and governmental marriages that have no such efficacy. At the very least, theological discourse must change, even if the question is not addressed head on. For instance, in a society in which same-sex and other-sex marriage are legally indistinguishable, the ambiguity of the phrase "eternal marriage" in a missionary dialogue would miscommunicate in a way which would no longer be practical. To communicate LDS theology appropriately it would be necessary to make explicit that which can remain implicit in a heterosexist culture; to communicate what is really meant, the missionary dialogue would have to speak explicitly of "eternal heterosexual marriage". This explicitness is, of course, quite out of step with our still rather Victorian LDS sensibilities within which sex is to be euphemized if spoken of at all.

- i The Restoration Church of Jesus Christ and The Restoration Fellowship of Jesus Christ.
- ii Cowley, Matthias F. 1909. Wilford Woodruff. Salt Lake City: Bookcraft (1964 edition). Pp. 403-404.
- iii Personal recollection of the event.