

On “Defense of Marriage”: A Reply to Quinn

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D. MICHAEL QUINN, A SCHOLAR for whom I have immense respect, has written what he calls a “prelude” to the national campaign in “defense of marriage” with reference particularly to the efforts of the LDS church during the California phase of this campaign in the election of 2000. The campaign in question is, of course, actually a campaign against legitimating same-sex marriage, and it has been underway somewhat longer than just the California period. Mike indicates at the outset that for him this campaign is “personal,” especially the church’s involvement in it, and that is readily understandable. It is understandable too that he would thus find it difficult to maintain the emotional detachment and balance that have distinguished so much of his earlier work. I truly sympathize with him in this present predicament, or at least as much as one can who has not personally suffered as he has. Yet, precisely because so many of us, inside and outside the church, have given way to feelings, our discussions of the homosexual situation and of derivative public policy issues have too often taken the form of mutual demonizing and re-
crimination across the gulf between sexual orientations.

A PHILOSOPHICAL AND POLITICAL CONTEXT

As citizens of the United States or other countries, we come to such issues under the influence not only of religion, but of our own respective political legacies, and these will not be uniform across the entire LDS membership, even in the same country. I should explain at the outset that my own thinking on the marriage issue has been influenced by contemporary American libertarianism. Put most simply, this philosophy calls for individuals (and thus couples) to enjoy as much personal liberty as is accompanied by personal responsibility for the consequences of their behavior. Intervention by the state should be limited to preventing force

and fraud, enforcing civil contracts made in good faith, and penalizing irresponsible behavior affecting others. So-called "life-style" matters, including conjugal relations of any kind, would be left in the private realm. Thus, no one form of "marriage" would be privileged by the state over any other forms except to hold people responsible for their offspring (if any), as well as for any other "consequences" of their conjugal behavior. Religious and other *private* organizations would be free to bestow any blessings, rewards, or penalties they might wish upon any such behavior, but these would be entirely apart from any kind of state sanction or privilege.

Coming from this perspective, I do not think that the laws of states should look with either favor *or* disfavor on "miscegenation," monogamy, polygamy, *or* sexual homogamy (i. e. "same-sex-gamy"). At the same time, I think the LDS church or any other private, voluntary organization, has the right to lay down whatever rules and sanctions it wishes in order to regulate conjugal relations, including marriage, *among its own members*. Those who accept such rules and sanctions will behave accordingly. Those who do not are free to leave the organization or to remain and accept such penalties or disadvantages as their non-compliance might bring. Some homosexual persons, indeed, opt to remain as active members of the church with a commitment to celibacy, which is doubtless difficult but no more so than the celibacy required for membership in the voluntary religious orders of some other denominations. Notice, though, that the issue here is *behavior*, not thoughts or feelings and certainly not physical traits like race or gender.

To be sure, however, church influence and involvement in external public policy is a different issue, and that is presumably the main concern of Quinn's essay. That issue, in turn, breaks down into several others. First, is the church entitled to intervene in the nation's politics (including state and local)? Of course it depends on what we mean by "intervene" or "intervention." The "separation of church and state" has never been understood in America to mean that churches cannot advocate public policies or even exert pressure upon public officials. If by "intervention" we mean the mobilizing of church resources and membership to bring pressure on the political process (i. e., more than just public preaching or occasional communication with politicians), then I would say that the LDS church historically has not intervened very often in *national* politics; but it has intervened regularly and overtly in the politics of Utah (or states where it was headquartered earlier).¹

1. In his footnote no. 32, Quinn takes issue with a similar statement appearing in my book *The Angel and the Beehive* (Urbana and Chicago: University of Illinois Press, 1994), 109. He seems to overlook, however, my explanation and qualification there for what I

Many religious denominations have intervened overtly in the political process, and still do. In this respect, they have the same rights as labor unions or other special interest groups. Such organizations frequently mobilize their members to write or communicate with public officials as private individuals without reference to religious or other affiliations. Quinn apparently considers this a "deceptive" practice when organized by the church, but it has become a readily recognizable tactic in political advocacy, and large volumes of such duplicate mail no longer deceive anyone, least of all savvy politicians. As for tax law, as I understand it, a religious organization devoting more than a small fraction of its resources to political mobilization runs the risk of losing its tax exemption. Such, indeed, happened to the Christian Coalition, but I don't think the LDS church has ever faced such jeopardy, and the leaders are usually careful to see that it does not.

Second, even if it is legal for the LDS church to intervene overtly in the political process, should the church do so? If so, on what kinds of issues? This is essentially an organizational cost-benefit question for each and every issue separately. Posed differently: On which public issues does the church see so much at stake for the future success of its mission that it must pay the required price to defend or sustain that mission? Depending on the nature and quantity of the resources to be mobilized, the "price" paid might, of course, be steep, not only in material terms but also in internal member morale and in external public relations. What sorts of issues can justify a relatively high price? It is only in recent decades that the LDS church has acquired enough "capital," in both material and political terms, that it can afford to "weigh in" to the national political process as older and larger denominations have always done. Like them, the LDS church no longer has the innocence (if it ever did) that we associate with the other-worldly preoccupations of its pioneer days as a struggling sect. This "lost innocence" might be a disillusioning discovery for those still holding to idealistic expectations about the church and its leaders, but it ought not to shatter the faith of those with any sophistication or understanding about the nature of large, complex organizations.

Third, should the church be intervening in *this particular* political issue (the so-called "defense of marriage") in its various forms around the country? Here again there are several considerations. From a purely libertarian point of view, I would prefer to have the state stay totally out

mean by national political "involvement" (or here, "intervention"), on page 111. Nearly all the examples Quinn gives in his long list of exceptions to my generalization were issues on which prominent General Authorities were in public disagreement, and very few would constitute examples of official and monolithic mobilization of church members and resources of the kind we have seen recently with ERA and DOMA.

of deciding which conjugal relations are to be privileged in public policy; then the church could and should do the same. In the real world, however, and not just in the United States, *every* government legitimates or otherwise privileges *some* form(s) of conjugal relations over others for purposes of inheritance, taxation, joint ownership, child support, even social status and prestige, and/or many other purposes. Similarly, every state privileges certain economic institutions ("capitalist" in the U. S. case) over others. Since these privileges originate in law and custom and not in nature, they are not "natural rights," strictly speaking, but are awarded by the state through political negotiation and struggle. Thus, voluntary conjugal relations can be considered a natural right, but access to state legitimation via marriage is politically "awarded" and is, thus, highly variable across time and cultures.

Obviously there are considerable differences among cultures in what kinds of conjugal relations are eligible for legitimation through marriage. As Quinn has reminded us, marriage across certain racial or ethnic boundaries (so-called "miscegenation") was only recently legitimated in most (if not all) of the United States and not just in Utah. That kind of state discrimination certainly seems unreasonable in retrospect though it is still practiced in some other societies. If we consider marriage within certain categories (like the same sex) as analogous to marriage across ethnic boundaries, then perhaps discrimination against same-sex marriage would also be considered unreasonable. On the other hand, to use a different analogy, denying state legitimacy to marriages within the same *sex* does not seem inherently any more unreasonable than denying legitimacy to marriages within the same family, a common if variable form of state discrimination.² Minimum age and certain kinds of disability are also criteria that have been used, with considerable variation across time and cultures, to determine eligibility for marriage, whether or not such criteria seem rational on their face.

To reiterate the main point here: In our society as in others, the extension and denial of legitimacy to relationships through marriage are always questions of political power, contention, and negotiation between or among interested parties. At least in democratic societies, these

2. Presumably marriages between members of the same family or kinship group have been regulated in most societies because of fears about the genetic consequences of consanguinity or "incest" (even well before our modern understanding of genetics). However, couples in modern societies have ready access to contraception, so one wonders if we will see this long-standing bar to marriage also challenged. See "Incest" entry in the *Encyclopedia of Sociology*, Second Edition, Edgar Borgatta and Rhonda J. V. Montgomery, eds. (New York: Macmillan Co., 2000), 1270-78, for a review of the religious, cultural, and political determinants (as opposed to rational or scientific ones) of rules governing sex and marriage among close relatives.

arrangements are always subject to renegotiation or change and have, in fact, been changed periodically throughout history. Churches and social movements alike (including the movement for "gay rights") are entitled to contend for their interests in the political arena. New claimants are typically resisted by older ones, sometimes with considerable prejudice (though invective usually flies in both directions). Those individuals and groups which conclude that there is something crucially at stake for them can be expected either to promote or to resist change accordingly. Thus, the LDS church in the nineteenth century contested the privileged status of heterosexual monogamy in hopes of extending that status to polygyny.³ Today the church's interests are different, and it is now defending the privileged status of heterosexual monogamy. Delicious irony though that might be, history is full of ironies, especially when a change of vital interests has occurred.

THE IMPLICIT CHURCH RATIONALE

So what are the apparent "vital interests" of the church today in its "defense of marriage?" I am in no position to speak for the church on this matter. However, from the public discourse on the subject in church settings, I would infer two different kinds of interests. The first is essentially *theological* in nature. From the accumulated doctrinal heritage condensed in the widely disseminated "Proclamation on the Family," we learn of a divine intention for human destiny based on eventual marriage and procreation, both in mortality and in eternity. Some church members may harbor doubts about some or all of the implications of this theological framework, but the Proclamation seems an accurate, if oversimplified, statement of the understanding shared by today's church leaders and most members.⁴ It seems to me that those who are hoping the church will change its internal policies on same-sex marriage, however humane such a change might seem, are expecting too much. Marriage *between* the sexes, and the expectation of procreation here and hereafter, seem to lie at the very foundation of the doctrinal complex called the "Plan of Salvation," in church parlance.

3. As we all know, the national and international attacks on Mormons during the 19th century, for polygamy and other things, involved some extraordinarily vicious and unfair propaganda. Quinn is right in pointing to parallels with some of today's attacks on same-sex marriage and on homosexuals more generally. Yet, just because some of the arguments against Mormon polygamy were phony doesn't mean that they were *all* phony. What we have learned about the actual practice of early Mormon polygamy through recent historical research would seem to vindicate many of the fears once expressed by the Protestant establishment, and by the government, about its impact on the very institution of marriage.

4. Elder Dallin Oaks offers a much more extensive development of this doctrinal framework in the first half of his "Same Gender Attraction," *Ensign* (October, 1995): 7-13.

A second (but probably related) vital interest seems to be more *normative* in nature. Since the "Age of Aquarius" in the 1960s, our nation, like much of the world, has passed through a period in which the traditional "Victorian" model of marriage and family has increasingly lost the normative dominance that it enjoyed while our church leaders were growing up. Rates of divorce, non-marital conjugal cohabitation, birth rates to teenagers and the unmarried, as well as serious venereal diseases, have all increased greatly during this same period of normative transition.⁵ It is not unreasonable to believe that these developments are all related. While it is naive and foolish to romanticize the family of the 1950s (which had its own downside), we should be able to understand why church leaders might see the permissive trends in laws and norms since then as having undermined the stability, and even viability, of the family as an institution.

I do not see church discourse as "blaming" homosexuals for these developments, as Quinn seems to imply. Yet given this societal context of recent and drastic change already apparent in the nature of American family life, it should not be hard to understand why church leaders would be reluctant to see any further "experimentation" with family norms in our society. Even such marginal changes as same-sex marriage, which are likely to have only a minimal practical impact, might still be worrisome to them as *symbolic* indications of a continued permissive slide down a normative slippery slope.⁶ One need not embrace all the phony arguments Quinn cites that have been advanced by bigots or "homophobes" and I do not. Yet I see nothing homophobic or irrational about the theological or normative reasoning that I have just summarized. One might well have disagreements with this reasoning, and these should certainly be introduced into our discussions.

Meanwhile, church leaders obviously believe that as God's spokesmen they cannot condone conjugal relations outside the framework of the divine marriage institution (as they understand it), either for the

5. See the recent article by Tim B. Heaton, "Social Forces that Imperil the Family," *Dialogue: A Journal of Mormon Thought* 32, no. 4 (Winter, 1999):19-41.

6. Although Heaton does not consider same-sex relationships as much of a threat to the family, he does note that "the costs and benefits to . . . legitimizing [them] have not been empirically demonstrated" (26-28). In contrast to the conventional estimate of Quinn and others (n152) that 10% of the population is homosexual, Heaton indicates about half that figure reports having had sexual relations with persons of the same sex since age 18. The 5% figure is about what appears in most scientific surveys and has stayed about the same for more than ten years. Heaton's data come from the General Social Surveys of the National Opinion Research Corporation. See also entries on "Alternative Life Styles" (106-14), "Sexual Behavior in Marriage and Close Relationships" (2537-49) and "Sexual Orientation" (2564-75) in the *Encyclopedia of Sociology*, cited above.

church or for society as a whole. I do not believe that most of them are oblivious to the pain of those living without fulfilling and legitimate conjugal relationships, whether homosexual or heterosexual. They simply find themselves in a very uncomfortable predicament: If they succumb to the pleas of those in pain (or their families), they are abdicating their responsibilities to maintain gospel standards of behavior (for to them the issue is *behavior*, not orientation). On the other hand, if they do not embrace the newer and seemingly progressive or humane resolution sought by same-sex marriage advocates, then they are open to the charge of insensitivity at best or bigotry at worst.

THE NATURE OF QUINN'S CRITIQUE

As I recognized at the outset, Mike Quinn has been hurt personally by the other side of this same predicament. The indignation that sometimes appears in his analysis is, thus, understandable. Yet he seems unwilling or unable to credit, or even to acknowledge, the conscientious theological and normative concerns which might motivate the political interventions of the church leaders in this campaign, even if he regards them as misguided. It would certainly be fair enough for him to engage and critique the church's theological and ecclesiastical rationale. He could either reject it altogether out of his own conscientious disbelief; or, if he is a believer in general, then he could explain how LDS doctrine might reasonably accommodate the proposed modification of the marriage institution.⁷ Instead, he simply dismisses the church posture as a "political campaign of fear against gays and lesbians." Bypassing altogether whatever conscientious theological claims the church might have, he goes right to his assumptions about certain other reasons for its campaign against same-sex marriage.

These other reasons, we learn, boil down mainly to the "homophobia" and "social hysteria" which Quinn apparently believes constitute the principal sources of the Mormon motivation on this issue. Quinn

7. Even the early critics of LDS policies on the race issue did not simply dismiss church policy as bigotry. They questioned the authentic doctrinal and historical bases for these policies, letting the relevant quotations from early leaders "speak for themselves," as it were. (See, e.g., the collection of *Dialogue* essays in Lester E. Bush and Armand L. Mauss, eds., *Neither White nor Black: Mormon Scholars Confront the Race Issue in a Universal Church* (Salt Lake City: Signature Books, 1984). Quinn's own prize-winning *Same-Sex Dynamics among Nineteenth-Century Americans: A Mormon Example* (Urbana and Chicago: University of Illinois Press, 1996) appropriately addresses the history in question, though it is not clear how many of the LDS relationships he cites were, in fact, homosexual in the physical or conjugal sense. Aside from the history, the doctrinal bases for restrictions on same-sex marriage remain to be adequately addressed in the way that the racial restrictions were.

recognizes that a similar kind of motivation underlies American public opinion generally, which he regards as "the tyranny of the majority."⁸ Yet for Mormons in particular, somehow he blames their "obedience above conscience," dismissing them as "army ants." My readers will know that I am no champion of blind obedience, and I have seen my share of it. Yet that does not necessarily explain the motivation of all or even most of those who concur with church leaders on a given issue; and anyway such charge is no substitute for engaging their conscientious arguments, however misguided these might seem. In the California campaign especially, I saw at least as much genuine soul-searching as blind obedience in the California wards with which I associated.⁹

I know as well as Quinn does (though not from personal pain) that bigotry of all kinds, including "homophobia," is alive and well in LDS communities, as in our nation generally. I do not, however, think it is necessary or helpful to cite such malevolent feelings (even if conceding that they are sincere) as the primary explanation for a given preference in public policy, whether social, political, or economic. I can remember when those who contested the state requirement for loyalty oaths from teachers in California (1950s) were publicly suspected of Communist sympathies, as if there could be no *other* motivation for their objections. Much more recently, those who object to the more strenuous forms of "affirmative action," such as racial quotas and "set-asides," are regarded by some as race bigots by definition, as though there could be no other reasons for their opposition to such "progressive" policies. It is always hazardous to draw inferences about a person's general psychological or ideological outlook from his or her position on a specific public policy issue.

Of course, it is especially when we lack scientific consensus about a sensitive issue (such as when life begins and ends) that the issue gets relegated to the political arena for resolution. Contention and power struggles with the usual emotion and acrimony are, therefore, inevitable. There is no consensus in the medical establishment on the origin of differential sexual orientation.¹⁰ Even the official diagnostic manual for

8. Heaton's national data (28) indicate that since 1972 between 70% and 80% of American adults have continued to believe that homosexual relations are "always" or "almost always" wrong. For Mormons, of course, the range is even higher. A slight decline is evident for both populations during the final decade of the twentieth century. See also the entries cited above from the *Encyclopedia of Sociology*.

9. Certainly *some* Mormons besides me and Quinn take seriously the sentiments he quotes (nn143 and 144) from B. H. Roberts, J. Reuben Clark, and later authorities to the effect that church leaders are not infallible and can be seriously in error. Until church members come to believe that such error has occurred in a specific matter, however, they can hardly be criticized as mere "army ants" just because they follow their leaders.

10. The second half of Elder Oaks's "Same Gender Attraction" (1995) discusses several relevant scientific references to the current state of biological knowledge on the matter.

psychiatry and psychology has changed drastically on this issue in only 25 years, and the changes have been prompted as much by political considerations as by science.¹¹ We do know that in scientific research on the body, the brain, or anything else, causal inferences cannot be drawn when the suspected origin or "cause" is manifested only after the onset of the "effect" (as when special brain traits are found in homosexuals but only after their sexual behavior has already become habitual). Even half a century ago, Alfred Kinsey found sexual orientation to constitute a *range*, rather than a dichotomy, with environmental experiences potentially more salient in the middle of the range than at either end. So there is much that we have yet to learn.¹²

FRAMING THE ARGUMENTS

To a large extent, Quinn's essay adopts the line of argument used so successfully by the national gay rights movement, which of course does not necessarily represent all, or even most, homosexual persons. This argument portrays gay rights, including the right to legitimated same-sex marriage, as civil rights like those achieved by women and by certain racial or ethnic minorities. Derivatively, opposition to gay rights, as to these other civil rights, is attributed largely to prejudice or bigotry. Despite his own recognition, at the beginning of the essay, that different people might have different kinds of prejudice, Quinn seems to believe that bigotry is all of a piece for LDS church leaders. At least that is the implication of the parallel which he draws between the racial bigotry among earlier leaders and the "homophobia" of today's leaders. By my calculation, about a third of the essay is devoted to demonstrating, with numerous and redundant quotations, that even distinguished LDS leaders once harbored outrageous prejudices about black people.¹³ This is, of

11. The political processes lying behind the periodic revisions in this manual are detailed in Wilbur J. Scott, "PTSD in DSM-III: A Case in the Politics of Diagnosis and Disease," *Social Problems* 37, no. 3 (August, 1990): 294-310. A reference to the psychiatric redefinition of homosexuality in particular will be found on page 304. See also Ronald Bayer, *Homosexuality and American Psychiatry: The Politics of Diagnosis* (New York: Basic Books, 1981) and the references cited earlier from the *Encyclopedia of Sociology* on alternative lifestyles, sexual orientation, and sexual behavior.

12. I believe I first encountered this idea in Alfred C. Kinsey, W. B. Pomeroy, and C. E. Martin, *Sexual Behavior in the Human Male* (Philadelphia: Saunders, 1948). The ongoing effort among scholars to find a satisfactory definition for the nature and characteristics of homosexuality will be apparent also from the *Encyclopedia of Sociology* essays cited above.

13. It has long been part of Quinn's scholarly style to compound gigantic lists of citations from various sources in support of essentially the same evidence. Multiplying such redundant citations does not necessarily add more evidence, but it does take up as much extra space as indulgent editors will permit. More important, for present purposes, these extensive quotations and citations about racial bigotry are relevant only to the extent that their connection to homophobia has been demonstrated and not just assumed.

course, not a new discovery. The leaders cited were all products of the nineteenth century,¹⁴ and Quinn eventually concedes that their prejudices were well within the national consensus until the 1960s. Even Abraham Lincoln's public statements about black people, before and after emancipation, do not look very good by today's lights. So why does Quinn devote so much space to demonstrating the obvious? By implication, the argument seems to be that if church leaders were race bigots then, their successors are probably homophobes now, for prejudice is prejudice.

This facile parallel has become the conventional and "politically correct" way of framing the argument for gay rights. It might be the most useful way, in the current political culture, to understand the nature of the political controversy, but not necessarily so.¹⁵ It is important to keep in mind that the way in which we frame an argument or a theory determines what we consider and what we ignore in our discussions. A parallel, or an analogy, is just such a frame. If we can agree on what a certain situation or condition is *like*, then we have gone a long way toward agreeing on what it *is*. Many of us are sincerely struggling to find an appropriate analogy for the homosexual orientation. If we knew that it was genetically determined, then the analogy to race or gender (sex) would be much clearer; but we don't know that. Other analogies might also make sense: for example, homosexuality could be analogous to some kind of dysfunction or disability, which would not necessarily entitle it to special "civil rights" protection.

Certainly when advocates like Quinn invoke the American tradition of equal protection under the law and call for the extension to homosexuals of all the rights and privileges accorded other officially recognized "minorities," they are using a perfectly reasonable analogy to frame their arguments—even if it is not the only feasible analogy. I find certain other rhetorical devices, however, less legitimate. Toward the end of his essay, Quinn claims that to question his analogy of gay rights to ethnic minority rights is to "privilege the current campaign" against same-sex marriage. Of course—just as to advocate such an analogy is to "privilege" the campaign *for* such same-sex marriage. That's what we do in debates. Quinn then goes on, however, to insist that failure to embrace *his* analogy "is itself a sign of heterosexism and homophobia." Thus, his oppo-

14. See Quinn's n118 and his statement in the accompanying text: "In these respects, Utah and the Mormons were representative of the rest of America's white society until the 1960s."

15. As I write this during Labor Day weekend, 2001, a United Nations conference is underway in Durban, South Africa, at which most of the UN delegates seem determined to equate Zionism with racism. I doubt that most Americans, gay or straight, would accept *that* parallel.

nents are put into the position that if they question his framing device (his analogy), they are bigots by definition, whatever might be the intellectual foundation of their political position. Much earlier in his essay, Quinn also embraces a definition of "phobia" that relies more on recent advocacy literature than on traditional dictionary meanings. In his usage, that term would cover *any* "opposition against legal protections based on sexual orientation," even when "calmly reasoned arguments" are used.¹⁶ Movements organized for such opposition, we are told, are best understood as expressions of "social hysteria," again without examining any other rationale they might claim.¹⁷

For its part, the LDS church is, of course, framing the argument differently and to its own advantage. The discourse of church leaders and literature, before and during the California campaign, places its concept of marriage within a theological framework. In this framework, the ultimate purpose of marriage, in the divine intention, is procreation. Sexual relations might well have certain wholesome secondary functions, but marriage as an institution is intended primarily for the production and nurturing of offspring. Differences between the two sexes, furthermore, are "eternal," we are told, and—perhaps by extension—so are the differences in sexual orientation that nature's God has intended should accompany the male and female sex, respectively. In this construction of nature, there is no provision for a divinely condoned same-sex marriage, and any sexual relations outside marriage, whether homosexual or heterosexual, are considered offensive to God. In the understanding of the church leaders, and of orthodox Mormons more generally, such is the only reasonable framework for understanding the institution of marriage.

As the LDS argument is framed, the analogy to the civil rights of "other minorities" is not applicable here because (1) gender and race are given at birth, while homosexual (or any sexual) preference has an obscure origin and might well be a product largely of one's social experiences; and (2) in any case, it is *behavior* which is at issue, not sexual orientation itself, any more than race or gender themselves. In making such distinctions for the present debate, church leaders have not

16. Quinn (nn6-9) quotes two recent standard dictionaries that emphasize the *irrationality* implied by the term "phobia," but a third dictionary (*American Heritage*) dilutes the meaning simply to "fear" or "aversion" when applied to black or gay people. In my opinion, the diluted version largely destroys the original meaning and permits its advocates, as a rhetorical tactic, to put a scary-sounding epithet ("-phobia") into circulation without having to justify the oblique imputation of irrationality to opponents.

17. The term "social hysteria" has been largely replaced in contemporary sociology by the less pejorative "moral crusade," intended as a non-judgmental reference to the specific content or motivation of a movement.

acknowledged, as candor would require, that earlier legal restrictions on the liberty of women and minorities, once fully condoned in the church and in most states, *were indeed* based on “race and gender themselves,” and not merely on certain kinds of behavior. To that extent, Quinn’s analogy to race relations has some relevance to the debate, even if one believes (as I do) that he has exaggerated the relevance. Church spokesmen also justify the LDS campaign by distinguishing the “moral issue” of same-sex marriage from “political issues” more generally. This is simply a rhetorical device, of course; any issues fought out in the political arena are by definition political, so the distinction makes no sense.

CONCLUDING OBSERVATIONS

Much as I might prefer both church and state to leave marriage and conjugal relationships entirely in the private realm, it appears to me that the current model for marriage and family in American society, which is a somewhat eroded Victorian model, is likely to remain the subject of strenuous political contention for some years to come. The LDS church is one of probably many interest groups that can be expected to remain in contention, pursuant to certain theological and normative interests that its leaders regard as vital. For me, that is a sufficient explanation for the ongoing political participation of the church in the “defense of marriage” campaign. I might have some serious questions about the cost-benefit ratio, or about strategy and tactics, but I have no doubt about the legitimate right of the church in this contest, and I see no reason to impugn the motives of church leaders.

To their credit, church leaders, at least at the general level, have shown more restraint in recent years than earlier in the rhetoric with which they characterize homosexuals. Toward the end of his essay, Quinn has appropriately pointed to several reassuring or (in his words) “faith promoting” examples of such changes, even if these do not go far enough. In many of these instances, however, Quinn sees not genuine progress in official thinking but rather mere “smoke screens” covering the perpetuation of the earlier retrograde thinking. This puts even the more modern and well-intentioned church spokesmen in a “catch-22” situation: If they don’t explicitly renounce the language and stereotypes of the past, they remain open to charges of bigotry; if they do speak in more humane and presumably enlightened terms, then they are judged as insincere and charged with using “smoke screens” and mere “platitudes.” Mutual understanding is not facilitated in this process.

In no way do I intend that observation to minimize the extent of prejudice and ill will remaining among Mormons toward homosexuals and the cause of gay rights. Any of us active in LDS social circles continue to hear the same kinds of derogatory and stereotypic comments and “humor” about homosexuals that we encounter in the society at large;

and some of it is definitely hateful. All of it undermines the rhetorical claims of our leaders that LDS resistance to same-sex marriage is motivated only by devout religious belief and by a genuine civic concern for the integrity of "traditional" marriage. To the extent that we harbor prejudices in our hearts, and especially if we give expression to them, even privately, we not only harm our gay brothers and sisters, we also weaken the moral position of the church itself and its leaders in the current and ongoing political campaigns "in defense of marriage."

To look at the other side of the tragic gulf, I do not believe that the gay rights cause or the quest in the Mormon community for mutual understanding and acceptance between gay folks and others can be advanced by castigating orthodox Mormons for their beliefs about marriage, however retrograde those beliefs might seem in the contemporary social and political environment. Nor is anything but catharsis likely to be gained by recounting *ad nauseum* the morally anachronistic and reprehensible statements and beliefs of past LDS leaders whether about race or sexual orientation or anything else. Furthermore, suggestions of their "moral responsibility" for recent suicides, past lynchings, or other "hate crimes" are not only unfair, but indicate an extraordinarily simplistic understanding of the complex causes for such tragedies.¹⁸

There is obviously still much to be deplored in the intellectual and emotional responses to the homosexual orientation among Mormon leaders and members as in the nation generally. Yet those responses are not monolithic; they range from hostile to sympathetic. There is a range also to the public policy preferences about how best to accommodate persons stigmatized by their sexual preferences or by stereotypes about the same. It is therefore unfair to suggest that church leaders and others who do not accept the particular platform and agenda of the gay rights movement are *ipso facto* bigots or homophobes, just as it is unfair and unnecessarily prejudicial to dismiss the heartfelt claims and aspirations of homosexuals with charges of mere licentiousness, perversion, or depravity. We can all do better.

18. Quinn seems to see a correlation between a rise in hate crimes and the participation of religious groups in campaigns for "Defense of Marriage" (see his notes 24, 129-41). The subject of "hate crimes" requires another whole discussion. There is little consensus among scholars in either the law or the social sciences about the validity of that discrete category of crime nor about the costs and benefits of employing the category in actual practice. See, for example, Valerie Jenness and Ryken Grattet, *Making Hate a Crime: From Social Movement Concept to Law Enforcement Practice* (New York: Russell Sage Foundation, 2001); and James Jacobs and Kimberly Potter, *Hate Crimes: Criminal Law and Identity Politics* (New York: Oxford University Press, 1998). For a contrasting view, see Frederick M. Lawrence, *Punishing Hate: Bias Crimes under American Law* (Cambridge: Harvard University Press, 1998).