

Abstract: I identify three historical reasons that explain why public opinion shifted from opposing legalizing marriage equality to supporting it. Revisiting these historical reasons matters for marriage equality advocates today because they show that marriage equality advocates should care about how conservative faith traditions define marriage. Marital norms in conservative faith traditions harm queer people's wellbeing by morally subordinating queer members of that faith tradition and threaten to undo hard-won gains in legal and social domains. Moreover, revisiting these historical reasons deepen the virtuous commitment that marriage equality advocates took on when they endeavored to change legal and social norms around marriage as a way to make queer people better off.

### Committing to Marriage Equality

One of the most astonishing things about the history of marriage equality in the United States is how quickly so many people went from opposing it to supporting it. Polls in 1990, for example, showed about two-thirds of Americans against marriage equality, while polls in 2011 showed that a majority of Americans supported it, with current support (2025) just below 70%.<sup>1</sup> But why did people stop opposing marriage equality and start supporting it? I claim that most people historically became marriage equality advocates (MEA) because marriage was an important political symbol that represented a broader commitment to protect queer people's wellbeing. Revisiting these historical reasons matters today because, I will argue, they show that these same reasons should also motivate MEA to care about how conservative faith traditions (CFT) define marriage. CFT marital norms negatively impact queer people's wellbeing by morally subordinating queer members of that CFT and threatening to undo hard-won gains in legal and social domains. Instead of calling for state intervention, I argue that MEA should earnestly engage with CFT traditionalists. Changing CFT marital norms may seem impossible, but so did legalizing marriage equality when MEA started. The grassroots activism I am calling for will be daunting, and while MEA may hesitate about engaging with CFT they are not members of, there are queer CFT members who can act as local guides and have already done much of the work in showing how they reconcile their sexuality and spirituality.

I start, in Section One, by identifying three common historical reasons that people stopped opposing marriage equality and became MEA: (1) tragic media stories showed how lacking legal rights made same-sex couples and families worse off, (2) love stories in popular culture showed same-sex couples as “normal,” and (3) more people came out which made the political debate personal. By changing their hearts and minds about marriage equality in response to these reasons, straight people developed virtues (e.g., compassion, benevolence, self-reflection) and committed to protecting their loved ones’ from being mistreated because of their sexual orientation.

Given that MEA have shown they value these virtues, my argument in Section Two is that MEA who choose to engage with CFT marital norms are living out these same virtues in a different way. I show that faith traditions that reformed their marital norms to include queer couples made them better off by empowering them to build a life or family in that faith tradition. I add that CFT marital norms harm “marginalized insiders,” queer CFT members who feel forced to suppress one core part of who they are to preserve another core part of who they are by: (1) leaving their CFT, (2) enduring conversion therapy or unwanted chastity, or (3) being tolerated rather than included. Even if MEA are unmoved by what happens to marginalized insiders, they should care about CFT marital norms because they shape policies in schools, workplaces, and service agencies, which affect queer people who depend on those organizations, whether or not they are CFT members.

In Section Three I work through two prominent philosophical approaches to changing CFT marital norms. I argue that because these approaches try to make religious marriage compatible with philosophical liberalism, they will struggle to ameliorate the harms I identify in Section Two. I add that state intervention, while well intended, is likely to inflame “CFT traditionalists” and risk CFT revanchism that can undo legal gains. This risk remains as long as CFT traditionalists believe that marriage equality is incompatible with their CFT.

I conclude in Section Four that a more promising solution is for MEA to engage with CFT traditionalists as individuals. I argue that MEA can find common cause with a subset of CFT traditionalists who want their CFT to change, but do not (yet) see how change can happen. I address some reservations that MEA might have about engaging with CFT as “outsiders” by working through some practical considerations that focus on the value of changing CFT marital norms for marginalized insiders and the personal connections MEA may (unexpectedly) find themselves having to marginalized insiders.

Before getting started, I want to foreground the general relationship between marriage and legitimacy. While philosophical liberals usually assign marriage to the public sphere, marriage also doubles as a normative stand-in for what kind of relationships get taken seriously.<sup>2</sup> The “legitimacy” from marriage was not just about who can marry who, but also which children, individuals, and families matter for social, legal, or religious questions. If people became MEA in response to loved ones being mistreated because of their sexual orientation, then that mistreatment is what should guide MEA efforts, wherever that mistreatment happens.

### **Section One: Legal Marriage, Social Marriage, and Reasons for Change**

My goal in this section is to identify three common reasons that prompted large swathes of the public to rethink their opposition to marriage equality and become MEA. First, tragic news stories showed how the lack of legal rights hurt same-sex couples and families. Second, popular culture sympathetically portrayed same-sex couples falling in love. Third, more people started to come out, which made the political discussion personal. People became MEA by responding to these reasons with compassion, benevolence, and self-reflection on how they participated in relationships and society. These historical reasons matter today because, as I will show in later

sections, MEA must decide if they will keep on enacting these virtues to help marginalized insiders.

Before *Obergefell v. Hodges*, same-sex couples could be legally married in one state, but not another, even though their love for each other didn't change across state lines. The Defense of Marriage Act ensured that even if same-sex couples were, lacking a better phrase, "Massachusetts married," they were not married at the federal level until 2013, when marital law, not each person's commitment, changed.<sup>3</sup> I will use "legal marriage," to refer to the rights and benefits couples gain from the state when they get a marriage license. As a kind of marriage, legal marriage is metaphysically unified by specific elements: laws, court cases, elections, state constitutions, the US Constitution, etc. I will use "social marriage" to refer to a different type of marriage that is metaphysically unified by informal mores, customs, commonly shared practices, or family models that people grow up with. Few of the elements in social marriage get codified into law because couples do not have to convince a clerk they are in love, share household chores, or remember anniversaries.

While legal marriage is distinct from social marriage, it is not isolated from social marriage. This relationship matters because same-sex couples found themselves lacking rights in situations where they were most vulnerable, especially if they travelled or moved to a state that did not legally recognize their marriage.<sup>4</sup> These tragic stories made sympathetic headlines and were referenced in political debates, op-eds, or at public speaking events.<sup>5</sup> One common story was that even though A and B were in love and had been together for years, B's family would legally deny A from being with B while B was dying in the hospital because, by law, A and B were strangers. Even if A and B had filled out the appropriate paperwork ahead of time, their wishes were sometimes ignored, and so medical decision-making reverted to a family that had disowned and not spoken with B for

years.<sup>6</sup> More vindictive versions of this story extended to the funeral or graveside,<sup>7</sup> and it was hard for straight people to not feel compassion or sympathy when they learned about these stories.

Another common story was that C and D were living together raising children that C had from a previous relationship. Because D was not legally recognized as C's spouse, D was not the child's parent nor legal guardian and could not approve medical care for the child. Legal marriage notwithstanding, some states required parents to be of different sexes. If C died, D was labeled an unfit possible parent (their "deviant" sexual orientation raised concerns about child welfare), so the children would go to foster care or an estranged relative of C.<sup>8</sup> Other, similarly tragic stories about health insurance, immigration difficulties, or prison visitation rights showed the same contrast: two people who had built a life together were denied something that other people took for granted for no other reason than their sexual orientation. So, although two-thirds of the public opposed marriage equality in 1990, these tragic media stories made many straight people critically reflect on how they thought about queer people. This reflection process took work and meant discarding entrenched stereotypes, but it also showed that straight people were willing to change their hearts and minds and rethink if they did want to endorse the exclusionary legal framework that was causing queer couples and families pain.<sup>9</sup>

These tragic stories entered the public imagination alongside rosier narratives of romantic love. Cheshire Calhoun observes that popular culture circulates scripts about romantic love that reflect and shape what kinds of relationships are (possibly) romantic.<sup>10</sup> Calhoun adds that these scripts historically and overwhelmingly only featured heterosexuals falling in love, getting married, and having children together. When scripts did feature queer characters in same-sex relationships, "romantic love [was] more often upstaged by narratives of seduction or coping with the realities of having a deviant sexuality, or a plot line that puts romantic love in an unseen past.

Falling in love virtually never appear[ed] in any narrative.”<sup>11</sup> This lack of romantic representation in scripts fostered the belief that same-sex couples lacked the emotional capacity or desire for social marriage and, by extension, were simply unfit for legal marriage.<sup>12</sup>

In the 1990s and early 2000s, television shows (e.g., *Buffy the Vampire Slayer*, *Dawson's Creek*, *Will & Grace*) and movies (e.g., *Brokeback Mountain*, *Milk*) featured sympathetic main characters in same-sex relationships. These characters and story arcs utilized stereotypes, but they did showcase same-sex couples successfully enacting romantic, sexual, and emotional scripts.<sup>13</sup> As more people saw same-sex couples doing everything different-sex couples did in relationships, the more they began to think that same-sex couples were “normal” and the less they believed that same-sex couples weren't fit for social marriage.<sup>14</sup> As historians of queer popular culture have argued,<sup>15</sup> straight people who did not know (openly) queer people recalibrated their beliefs about the value of queer relationships by talking with other people who watched the shows, which gradually weakened stereotypes about promiscuity or exaggerated gender norms. MEA could, therefore, appeal to the characters or relationships in these romantic scripts as conversational common ground when they were trying to persuade others to become MEA.

As politicians gave speeches, cases went to court, and legislation about marriage showed up on ballots, people started asking each other what they thought it meant to be married and if two men or two women could be married to each other. While we don't normally ask each other about the nature of legal categories, Sally Haslanger encourages us to ask these “ameliorative questions” because they usefully get us to pause and reflect on what our current social practice is and why we have it in the first place.<sup>16</sup> Figuring out that rationale puts us in a better position to then evaluate if our current practices get us closer or further away from that purpose.<sup>17</sup>

A common rationale was that marriage promoted the conjugal procreative unity between one man and one woman. Since same-sex couples could not have procreative sex, they could not be married.<sup>18</sup> Andrew Koppelman observed that at the time most of the public concurred that there was something morally unique and special about a marital union between a man and woman.<sup>19</sup> MEA, however, asked about people who were unable to procreate, but who loved each other and wanted their commitment to be publicly recognized.<sup>20</sup> If respondents conceded that the point of marriage was to have children but thought that adoption would not vitiate the conjugal connection spouses had with each other, then follow-up questions pointed out that same-sex couples could, like different-sex couples, adopt.<sup>21</sup> This conclusion about same-sex couples adopting disentangled the procreative rationale for legal marriage from the broader rationale: that the purpose of marriage was the raising and care of children—biological or adoptive.

Another line of argument questioned this broader rationale for marriage. However common it was for married couples to have children, there were many people who were in love, mutually committed to each other, but did not want to adopt or have children. MEA pointed out that since these unions, sterile or fertile, were legal marriages, then raising children could be *an* ameliorative rationale for legal marriage, but it could not be *the* ameliorative rationale for legal marriage. This conclusion shifted the conversation away from what individuals personally thought *the* point of marriage was to why they, and the state, should interfere with what other people thought the point of marriage was. In sum, once people saw and sympathized with queer characters, it was easy for MEA to persuade people who opposed or were ambivalent to marriage equality that legal barriers to marriage harmed same-sex couples by preventing them from building a life together.

The third common reason people started to become MEA was because more people started coming out. Sympathetic characters in popular culture stories during the 1990s helped structure

broader social conversations about how to respond to real life cases. One of the first media representations of a “normal” teenager coming out was written for parents, specifically mothers. Billy Douglas (played by Ryan Phillippe, 1992-93) was a recurring character in one of the main narratives in the soap opera, *One Life to Live*. Billy’s multi-month story arc showed the emotional distress teenagers felt (and hid) while they were in the closet. Because he worries that they won’t understand, Billy comes out to his minister, not his parents, contemplating suicide when his parents react poorly.<sup>22</sup> Phillippe received fan mail that praised his performance because it reminded fans of their own experiences, either coming out or being come out to. But the reason Phillippe’s performance sparked national coverage in magazines, tabloids, and talk shows was because the message was disquietingly straightforward: What if Billy was your child and you were the reason he felt distressed?

As people began to think about the possible Billy Douglasses in their own lives, they started to critically reflect on how they should respond to family members, especially their children, who came out. This self-reflection manifested into another, quieter kind of advocacy and support. While many MEA went to rallies, organized protests, knocked on doors, or circulated petitions, some re-evaluated how they responded to other families that mistreated or disowned their children who came out. Instead of resignedly treating it as an unfortunate reaction that was another family’s business, MEA criticized families or appealed to someone’s better nature to persuade them to be more accepting family members. Coming out, then, forced straight friends and family to decide how they would respond to legal exclusion and social prejudice when someone they cared about either experienced it or inflicted it. This interventionist benevolence showed that people were reconfiguring their moral values to publicly support queer teenagers or adults.

Moreover, as straight people found out that they had queer friends or family members, they started to change how they described these relationships in public. Instead of furtively mentioning their daughter's "special friend" or brother's "roommate" to colleagues, clients, or friends, straight people talked about their loved one's boyfriend/girlfriend, husband/wife, or partner. This rhetorical shift signaled that a straight person was not ashamed of their friend or family member. It also stood in for other political commitments, like wanting their loved one to be able to build a life with the person they were in love with by getting married. Straight friends or family quickly realized that legalizing marriage equality did not just matter for their daughter/sister who wanted to marry her girlfriend, but for anyone else in that position,<sup>23</sup> and even if they never went to a rally for marriage equality, there were other ways for MEA to demonstrate their benevolence or compassion (e.g., voting, donating to causes).

But becoming MEA also created a moral crossroads that had nothing to do with the law. Choosing to accept or decline a wedding invitation, for example, doubled as a verdict on someone's commitment to gay rights writ large.<sup>24</sup> While these actions might not seem morally impressive from a contemporary standpoint, they were part of the sea change in public attitudes towards legal and social marriage equality—not because everyone became activists for the cause in the usual sense, but because straight people would show their support in more mundane, but no less important, ways. Consider, for example, how coming out also shined an uncomfortable light on how casual homophobia saturated relationships.<sup>25</sup> In order to show that they accepted their loved one who came out, straight people started to break their own habit of mean-spirited jokes, slurs, or ordinary insults (e.g., "that's so gay"). Because they were publicly talking about their loved ones who were out, that very act also discouraged other people in their social circles from telling

homophobic jokes or using slurs. This moral decision-making showed that becoming MEA meant changing how someone acted in both the public and private sphere.

Figuring out how someone would respond to a loved one coming out took work and it sometimes meant owning up to moral failure, but to straight people's credit, they did reflect on several questions:

- (1) Why did they oppose marriage equality and how would that affect their relationship with their queer loved ones?
- (2) What could they do to make their queer loved ones more comfortable to come out to them if they weren't out already?
- (3) How could they make their queer loved ones feel safer after they came out?

I don't want to overstate the transformative effects from these three historical reasons. Some straight people heard the media stories, saw the love stories, and had friends or family come out, but did not really do much beyond, say, swapping a media profile filter during Pride. Yingshihan Zhu argues that these actions are complacent because someone settles on doing something superficial and is satisfied that their choice is enough.<sup>26</sup> Zhu says that complacency is a vice not just because of its practical shortcomings, but because the epistemic flaw (satisfaction) also indicates that someone didn't put in the work to figure out what they needed to do. Straight people who came up with complacent answers may have supported marriage equality, but I want to distinguish them from MEA not to shame them, but to focus on the reasons that motivated people to become MEA because I will draw on those reasons throughout the rest of my argument.

Becoming MEA was a recognizable political shorthand for broadly supporting changes that would make queer people less vulnerable. While legalizing marriage took pride of place for MEA, Kenji Yoshino observed that public support was not based in abstract moral principles or arcane

jurisprudence.<sup>27</sup> Slogans like “love is love” or “love wins” encapsulate the three reasons I talked about in this section because the tragic news stories only make sense if the public believed that the individuals in those stories loved each other. The slogans naturally complement the sympathetic love stories in popular culture and the experiences with loved ones coming out made the political struggle personal, because straight people took their loved one’s vulnerability seriously enough to change their mind about marriage equality and commit to being MEA.

The historical claims in this section matter today because they show that people decided to become MEA when they critically reappraised their opposition to marriage equality. This response was based on compassion and acting benevolently towards queer loved ones and expanded to queer people in general. I will now make the case that MEA who were persuaded by these reasons should also want to engage with CFT marital norms because these norms partly constitute conditions that hinder queer people’s wellbeing. I will show how these norms harm marginalized insiders and how they inform policies in schools, businesses, or service agencies that are associated with CFT, all of which harm queer people who depend on these organizations regardless of their religious identity. MEA who try to ameliorate CFT marital norms are exemplifying the same virtues from the struggle for legal and social marriage equality because they are prioritizing queer people’s wellbeing.

## **Section Two: Religious Marriage and Unrecognized Reasons for Change**

Intuitively, someone can be married by civil law, but not canon law; be divorced by the state without having a cancellation of sealing from the Church of Jesus Christ of Latter-day Saints. Political or loveless marriages can still be binding by *halakha* or the state, even if they fall short of ideals about romantic love. Although religious officiants are authorized by the state to perform civil marriages, there are different reasons why the couple is religiously or legally married, even if performed by the same officiant. Religious marriages usually require that at least one of the

intended is a member of that religion; legal marriages in the US have no faith-based requirement. Religious officiants go through extensive training or education, while someone can become a legal officiant after completing (online) forms. No-fault divorce lets someone leave a legal marriage, but canon law in Catholicism requires an annulment, *mutatis mutandis* for other religions. Someone may, after a no-fault divorce, fall in love with another person and legally marry them (or not) while still being religiously married (and may leave the faith over it). Even if a Catholic priest risked being defrocked by officiating a purely legal marriage, his signature would only be *qua* legal officiant, it would not bestow the sacrament of matrimony. Some couples may be in love with each other and want to build a life together, but are not religious.

Some faith traditions had been performing same-sex marriages before any state did. Unitarian Universalists and some Reformed Jewish congregations celebrated when states caught up. As state supreme courts began hearing cases and marriage equality made its way onto the ballot, other faith traditions started discussing how they should vote in elections and what they should do for same-sex couples in their congregations. The United Church of Christ (UCC), for example, endorsed same-sex marriage in their 2005 General Synod. Although members of the General Synod were responding to legal and social debates, the reason they changed their beliefs to affirm marriage equality was based on religious texts and values. The UCC hierarchy cited Christian compassion and new interpretations of scripture, not election results or Supreme Court decisions, for why they were changing the UCC marital norms.

UCC members did not say, “We really like John and Adam, and it would be a shame if they left, so let’s revisit things.” Instead, UCC members saw John and Adam building a committed life and family together, and so saw less reason to believe that the previous interpretations of scripture were correctly diagnosing immoral actions. As more faith traditions reformed their marital norms

to include queer couples and families, queer people who had left started to return, some who had never been associated with it started going to services and then converted, and others began to grow up in that faith tradition.<sup>28</sup> These decisions show that queer people who return, join, or grow up with the more inclusive marital norms find that being able to marry or start a family with someone in their faith is deeply meaningful to them. Even if queer people who grow up in that faith tradition decide to leave it, that choice would be for some other reason, say a general loss of faith or because they connect more to a different faith tradition (or they marry someone else in a different faith tradition), not because they feel alienated (more on that below). But this change wasn't just good for religious queer people themselves, it was also good for their families who no longer had to worry if their loved one would be mistreated or cast out and did not have to worry if they will have to pick between their child or sibling and their faith. Wouldn't these inclusive marital norms, then, be just as good for marginalized insiders in CFT?

I will spend the rest of this section identifying how CFT marital norms harm marginalized insiders. If people were moved by compassion and benevolence to become MEA, and marginalized insiders experience similar harms, then MEA should reflect on what compassion and benevolence mean here: how might those virtues extend to marginalized insiders or, if they don't, why not? I'll treat some of these harms as "spiritual" not just because they predict someone's afterlife, but also because they affect someone's religious identity.<sup>29</sup> If MEA are skeptical about "spiritual" harms, then they can paraphrase them as psychological or emotional harms. However these harms get classified, what matters is that they can be subsumed under any viable theory of well-being (e.g., frustrated desires, pain, thwarted items on an objective list).

A fairly common narrative is that people with a marginalized sexual orientation leave their CFT as soon as they can because they were told that they were "unnatural," "going to Hell," or the

softer, but no less damning, “won’t be in Heaven.” Even if these denunciations were abstract, about “homosexuals” and not particular members, they were still enough to inflict deep feelings of inadequacy and inferiority,<sup>30</sup> sometimes leading to self-harm.<sup>31</sup> Another version of this narrative focuses on silence within a CFT. It is not that sexual relationships between men or between women are *never* spoken of within a CFT, but rather that they only get talked about in the context of, and so conceptually associated with, sexual abuse scandals, lurid sexual practices, or the destruction of the family.<sup>32</sup> These conceptual chokepoints drive many marginalized insiders away because they do not see a livable future within their CFT. Moreover, they parallel the heterosexist positions from Section One: that same-sex couples were emotionally unfit for legal marriage and that heterosexual relationships were morally superior.

But this narrative is more complex. One reason is that many marginalized insiders affirm that their sexuality and spirituality are equally integral to who they are. Catholics<sup>33</sup>, Latter-day Saints,<sup>34</sup> Orthodox Jews,<sup>35</sup> and Muslims<sup>36</sup> cite this mutual centrality as why the above denunciations and conceptual chokepoints were so painful. While marginalized insiders did report that leaving a CFT reduced their feelings of inferiority, they clarified that this reduction required sacrificing something else of deep existential value.<sup>37</sup> If we take these testimonies seriously, that marginalized insiders experience our sexuality and spirituality as equally fundamental parts of who we are, then the suggestion to “just leave a CFT” fails to recognize the cost of doing so.

A related spiritual harm that mirrors this cost is what I will call “conditional acceptance.” Unable to sacrifice their faith, some marginalized insiders try to commit to a life of celibacy or conversion practices to try to change their sexual orientation. These experiences are complicated. Many “Ex-Gays” reported *relief* when they started conversion therapy because they finally met others who understood that religion was as important to them as their sexuality (Weiss et al. 2010).

Yet this relief was offset by feelings of resignation when the promised conversion never came, and “Ex-Ex-Gays” recalibrated their hope for conversion to a life of chastity or started to take stock of the moral injury from trying conversion therapy.<sup>38</sup> So, conditional acceptance is harmful for a similar reason that leaving a CFT is: it forces someone to suppress a core part of who they are to preserve another core part of who they are. Moreover, conditional acceptance inflicts a hermeneutical harm by categorically denying that someone could possibly find spiritual meaning in their relationship or desire for a relationship. If one of the reasons that inspired MEA to legalize marriage equality was to help their loved ones be accepted and feel more comfortable during and after coming out, then MEA should care about the harms from conditional acceptance.

The last kind of spiritual harm I’ll discuss is about those of us who stay in CFT. Cards on the table, I was raised in a CFT (Catholicism) and heard the same messages and silences that those who left did. I wasn’t immune to the feelings of inferiority or moral injury. Compartmentalizing suggestions were well-meaning, but separating my spirituality from my sexuality felt like an amputation (evisceration?). And while the conditional acceptance path was a way forward, its promise was worse than leaving. Between urgency and impossibility, I only found aporia. I choose to stay to try and make it better, both on a theoretical level<sup>39</sup> and by trying to be a role model I wish I could have recognized in the pews while growing up. Recognizing that conflicting parts of who we are curdle or inseparably mix, Maria Lugones insists that people embrace that ambivalence.<sup>40</sup> Doing so takes time and may be painful; it requires what Lugones calls “loving worlds,” which are affirming spaces separated by a moral membrane where people can put in the work to articulate how they understand themselves without the conceptual interference from less supportive worlds. These loving worlds are invaluable for marginalized insiders because they do not presuppose that CFT spirituality and a marginalized sexuality are mutually exclusive. Loving

worlds do not restrict exploration by forcing conversation through the above conceptual chokepoints: marginalized insiders do not have to presuppose the denunciations or start from a presumed desire to change.<sup>41</sup> Loving worlds, then, are enclaves where people can explore who they are and start the moral repair needed to (re)create themselves. Lugones adds that these enclaves are a refuge, not an endpoint, because the whole point is to expand and normalize those enclaves so that people do not have to flee to them to feel at home.

Marginalized insiders who stay and endure the denunciations or evade moral injury from conditional acceptance may still be excluded, in part or in whole. Even if marginalized insiders are not explicitly told to leave, we often find a cold shoulder or experience toleration from other parishioners as a *noblesse oblige* rather than a genuine desire to include us.<sup>42</sup> The prospect of raising children in CFT is complicated not just because there are questions about whether or not the parental relationship disqualifies the children from religious milestones, but also because parents may only be included to help at religious school or parish events in a non-public capacity so as not to create “scandal.” Further into the future, I, like other marginalized insiders, wonder if our relationship will be downgraded in death, a eulogy describing deep friendship or an epigraph omitting romantic language (even assuming adjacent burial plots). These harms are not the same as legally stopping a loved one from being at the deathbed or saying goodbye at the graveside, but they aren’t far off either.

Going back to the introduction, marriage is not a single issue because it stands for a larger discussion about legitimacy. CFT marital norms, then, are part of a deeper disapproval of queer relationships. Sometimes, this disapproval means friends or families cut ties when someone announces that they are in a same-sex relationship or when they are getting married. In starker cases, this disapproval extends to a more general rejection of a marginalized sexuality, where

friends and families disown someone when they come out. In addition to being a traumatic spiritual harm, rejection from family and friends leads to other harms. Teenagers who come out and are rejected by their families, for example, are vulnerable to several immediate and long-term harms. When teenagers are kicked out, they do not have a safe place to live and face the immediate problem of finding food and shelter. Disowned teenagers are less likely to finish school and so are more likely to find work in the illegal economy (e.g., selling sex, selling drugs), which makes them more likely to be incarcerated, which further reduces their life chances.<sup>43</sup> Citing his work with homeless LGBTQ teens, Carl Siciliano remarks that they commonly talked about their parents' religious disapproval as a reason for why they were ostracized.<sup>44</sup> Recall from Section One that when people became MEA, they criticized parents who disowned their children for coming out. Given that MEA were rightly concerned about family rejection, then MEA should also care about why teenagers are vulnerable in the first place. In other words, MEA should care about why the parents believe that rejecting their child is the best option, which means they should care about CFT marital norms that de-legitimize queer relationships or identity, because those marital norms explain why parents believe those relationships or identities should be rejected.

There are other reasons that MEA should care about CFT marital norms. First, schools, companies, hospitals, and outreach programs that are associated with CFT rely on these norms to inform institutional rules. Marginalized insiders who work, serve, or go to a school that uses CFT marital norms for a policy will likely suffer spiritual harms. But these institutional rules also create another danger about being fired, expelled, or denied service. Honor codes or workplace policies may force students, administrators, teachers, or custodians into a double life, even if they are not members of the CFT.<sup>45</sup> So, anyone with a marginalized sexual orientation is vulnerable to this harm, whether they are a member of that CFT or not.

CFT marital norms also shape several other ways queer people and couples participate in society. From wedding cakes to religious adoption agencies, CFT marital norms underwrite religious exemptions to justify not serving queer customers or clients.<sup>46</sup> If one of the reasons people decided to become MEA was because they did not like seeing their loved ones and anyone in a similar position being mistreated because of their sexual orientation, and these institutional rules endanger educational opportunities, jobs, or access to services, then MEA should care about the root cause for why these policies exist. MEA should therefore care about CFT marital norms as an extension of the historical reasons why people became MEA in the first place.

I argued in this section that religious marriage plays a significant role in religious queer people's wellbeing. When religious traditions reformed their marital norms, some queer people returned, joined, or grew up with those inclusive norms to build a life or family there, which made queer members of that faith tradition, and their loved ones, better off. I added that CFT marital norms preclude this affirming possibility and so harm marginalized insiders and people who depend on organizations that institutionalize CFT marital norms. MEA who choose to respond to these reasons would, I argued, be living out the same virtues (e.g., compassion, benevolence) that made them MEA in the first place, just in a different domain. But I also argued in Section One that people became MEA when they critically reflected on their values to change not just what they thought about marriage equality, but how they should show concern for queer people's wellbeing in general. I now want to take up two philosophical responses to CFT marital norms. While these responses show concern for queer people's wellbeing, I argue that they come up short in addressing the harms I identified in this section because they try to make religious marriage compatible with philosophical liberalism rather than empowering marginalized insiders to reform their CFT.

### **Section Three: Two Philosophical Approaches and Their Limitations**

There is a long history of civil law requiring religious communities to pay this tax, comply with that policy, or refrain from a specific practice (or practice altogether). These demands come with incentives or punishments and there is no uniform way to determine ahead of time if (some? most? all?) members of a religious community will cooperate or resist (and to what extent). But whatever believers do commit to, the justification for changing the religious tradition is based on religious elements, not legal ones (even if legal events prompt believers to reconsider parts of their faith). My argument is that two prominent philosophical strategies to get CFT to change their marital norms struggle because they try to make religious marriage compatible with a liberal democracy, which is not the same as reworking the texts, traditions, and values within a CFT to include marginalized insiders. Recognizing these strategies' limitations puts MEA in a better position to respond to CFT revanchism and engage with the reasons why CFT traditionalists oppose marriage equality.

The first approach adapts Stephan Macedo's argument that liberal democracies have an interest in ensuring non-state institutions or organizations accepted or were at least compatible with the state's liberal values.<sup>47</sup> Macedo proposed tilting the legal landscape in favor of the state by regulating school curriculum. Growing up on secular political values, youths will gradually infuse them into the other institutions or organizations that they are also members of, CFT included. So, MEA who adapt Macedo's general strategy of how the liberal state should include CFT, might argue that while they did have to work hard to enact marriage equality into law, it is the current law of the land, and so they just have to wait for it normalize in newer demographics.

One problem with this approach is that while it recognizes the value of changing CFT, it is not clear why MEA should be content with only a long-run strategy of passively inculcating more accepting demographics. Suppose for the sake of argument that MEA were right to prioritize legal

and social harms because they were more severe than spiritual harms. This explanation is about priorities. Given the harms I identified in Section Two, MEA should therefore still care about CFT because of their commitment to protecting queer people's wellbeing.

Another problem with this approach is how it envisions success. Macedo's goal is that the state should transmit politically liberal values into CFT to ensure that "these communities provide for our shared political project."<sup>48</sup> This concern is about making CFT compatible with a liberal democracy, which is not the same as how marginalized insiders belong to their CFT. If, for example, the Catholic Church changed its position so that priests could perform purely secular marriages, for same- or different-sex couples, then the Church would be fully compliant with legal marriage. But permitting the priest to sign the marriage license as a purely legal officiant would not make a meaningful difference to marginalized insiders in Catholicism who want a religious marriage because his signature would have nothing to do with the sacrament of matrimony. *Mutatis mutandis* for other CFT.

The second response is based on Clare Chambers' observation that CFT harm marginalized insiders who are, or want to be, in queer relationships and build a life together in that CFT.<sup>49</sup> Chambers urges the state to pressure CFT to stop discriminating against marginalized insiders who want to get married. While I share Chambers' goal of wanting CFT to change, I am skeptical that her approach will succeed because she justifies state intervention (2018, 176-87) by appealing to secular legal-political values (e.g., free association, freedom of religion)<sup>50</sup> and, as I will argue, changing a religious tradition means drawing on an entirely different set of values (e.g., scripture, revelation).

Chambers does say that even though the justificatory values are different, the state can use them to justify intervention that pressures CFT members to innovate and reinterpret their marital

norms. Chambers adds that although the state would be regulating a religion's practices, it is not dictating if that religion has to require or merely permit the practice (or a particular part of that practice), which gives CFT members leeway to reconfigure that practice in their faith.<sup>51</sup> When the Supreme Court ruled in 1878 that the Church of Jesus Christ of Latter-day Saints (LDS Church) could not practice polygamy, for example, the LDS Church continued to perform plural marriages. Determined to eliminate polygamy in the Utah Territory, the US government blocked Utah's application for statehood and passed the Edmunds-Tucker Act in 1887, authorizing federal prosecutors to disenfranchise, arrest, or seize property from people in plural marriages<sup>52</sup>. Plural marriage endured.

The political contest continued until 1890, when Wilford Woodruff, the president of the LDS Church, formally renounced plural marriage as a religious practice. While the years of state persecution had taken their toll, Woodruff clarified in his 1890 Manifesto that the Saints would no longer practice plural marriage because of a revelation from God—court rulings and federal agents did not feature in the Manifesto. Not every Latter-day Saint accepted Woodruff's Manifesto. Plural marriages covertly continued in pockets until 1904, when Joseph F. Smith issued a Second Manifesto, excommunicating any Latter-day Saint who entered into a plural marriage. Kathleen Flake accentuates that Smith issued his Second Manifesto in response to Congressional hearings about Reed Smoot as the prospective Utah Senator: Senators objected that Latter-day Saints were unfit for serving in the Senate and debated admitting him.<sup>53</sup>

While I agree with Chambers that the state can successfully indirectly change the religious values in a CFT (though the political and moral costs might run quite high), I remain skeptical of her overall project because she does not accurately represent what the problem is. To her credit, Chambers does express concern for marginalized insiders and objects that most accounts of CFT

describe interests and wellbeing in terms of “the religion’s leadership and dominant group,”<sup>54</sup> which simultaneously describes marginalized insiders as “outsiders by omission,”<sup>55</sup> erasing their interests (and membership) as part of the CFT altogether. Chambers’ compassion and consideration are praiseworthy, but the way she characterizes belonging to a CFT detracts from these virtues. Chambers maintains that growing up in a CFT is “pre-consensual,” and worries that this upbringing compromises a child’s ability to determine if they genuinely want to be CFT members or not, even when they become adults.<sup>56</sup> Adults (presumably not raised in the CFT) may decide to join such groups, but Chambers cautions that introducing these beliefs early in life prevent children from reasoning about them because the upbringing affects their friendships, family, sense of what is normal, and belief in what is (not) possible.<sup>57</sup> Chambers clarifies that while she does not have a specific policy in mind, she does endorse the policy implication that “a discriminatory religion would not be allowed to admit children to religious services or events, or to hold ceremonies of religious membership or sanctification for children, or to provide formal education in its doctrines to children in faith schools or after school programmes.”<sup>58</sup>

One reason to be skeptical of this conclusion is that marginalized insiders do critically evaluate their faith and decide to stay or leave. Growing up in a CFT is precisely why I stay with it and try to change it. I understand those who decide to leave, who choose to stop being hurt, traumatized, or condemned, and do not fault them for going, but I can’t expect things to get better if I am not here to help make them better. There are numerous religious ethicists,<sup>59</sup> queer theologians,<sup>60</sup> and anthologies of marginalized insiders who describe how they make sense of their experiences—the good and the bad—within CFT,<sup>61</sup> especially in CFT that went on to enact religious marriage equality. So, marginalized insiders’ formative experiences in their CFT can actually be a source of persistence. Another reason to be skeptical of this conclusion is that if

marginalized insiders' decision-making is compromised because they grew up in the CFT, then it's less clear why their decision-making about how to interpret texts or values is not, on Chamber's view, just as compromised as their decision to stay in the CFT.

I now want to discuss two limitations in both these approaches. First, each approach uses the state to intervene and protect marginalized insiders from harmful CFT. On Macedo's approach, this intervention happens all at once (changing school curriculum) and then gradually (inculcating new values into younger demographics). Chambers calls on the state to help marginalized insiders defend their interpretation of their CFT from a discriminating leadership or dominant group. But by reaching for the state each approach frames the conflict as a contest of wills between the state and CFT, which only vindicates what CFT traditionalists warned would happen after *Obergefell*: it was just a matter of time before they would be strongarmed into submission.<sup>62</sup> Ironically, the more the state intervenes to assist marginalized insiders, the more that CFT traditionalists can claim that these changes are really being forced on to them from the state, and not from dialogue with marginalized insiders. *Contra* these approaches, Mark Jordan also draws attention to how CFT marital norms harm marginalized insiders, but he points out that marginalized insiders' calls for help are not asking for a secular attempt to colonize CFT because they are coming from people living *within* a CFT who make their case around religious, not secular, values.<sup>63</sup> Appealing to the state or philosophically liberal values, and not the values marginalized insiders have articulated, limits efforts to help because doing so cannot shake the "colonizer" accusation.

A second limitation is how each approach understands CFT traditionalists' resistance. As long as CFT traditionalists believe that marriage equality is incompatible with their CFT marital norms, they will continue to resist state efforts that compel them to recognize queer individuals or couples for services or benefits. As political tides turn, this resistance can shade into revanchism.

Justice Samuel Alito, writing the majority opinion in *Dobbs v. Jackson Women's Health Organization* (2022), affirmed that the verdict did not affect *Obergefell*. Justice Clarence Thomas countered in his concurring opinion that the Court should reconsider *Obergefell* (and substantive due process more generally). The *Dobbs* ruling coincided with rising support for conservative political values: younger, charismatic CFT traditionalists (e.g., Charlie Kirk, Matt Walsh) leveraged social media to resuscitate opposition to legal marriage equality, Project 2025 outlined policies to return to the traditional family of one man and one woman, and, the support for marriage equality among conservatives is starting to diminish.<sup>64</sup>

These political changes complement CFT clarions. In 2025 the Southern Baptist Convention overwhelmingly endorsed a call to reverse legal marriage equality. While it is not clear if other CFT will join as of this writing (2026), the fact that some faith traditions have experienced schisms over religious marriage equality (e.g., Methodism, Anglicanism, Lutheranism) shows that CFT traditionalists remain unconvinced by the historical reasons that inspired others to become MEA. A more productive strategy, I will argue in the next section, is for MEA to engage with CFT traditionalists as individuals.

Before moving on to the last section, I want to clarify that I have been framing my argument in terms of the historical question, “Why did someone become MEA?” As per Section One, it wasn't inevitable that people would change their hearts and minds about marriage equality. It took work and people had to choose to become MEA, even if it meant costing them friendships or relationships with other family members. I want to start wrapping up by discussing some of the practical ways MEA can engage CFT and extend their earlier efforts.

#### **Section Four: MEA and Engaging with CFT**

Although I think MEA in general should care about CFT marital norms, acting on this concern will depend on someone's situation. Marginalized insiders, for example, do our part by continuing to show up and articulating how we see our faith and sexuality coexisting. CFT "outsiders" may worry that, as non-members they do not have the familiarity or standing to lecture CFT traditionalists about what their CFT should be. So, the worry is that intervening comes across as interloping.

This concern is understandable, but I want to say a few things to soften it. First, even if MEA are not CFT members themselves, they may have friends or family members who are and so that connection lets MEA accompany their loved one to services or events. Instead of gatecrashing, MEA could ask questions (examples below) if the opportunity arises. Second, as I mentioned in Section Two, other faith traditions have embraced inclusive marital norms, which increased the number of queer congregants. It is distinctly possible that someone from an inclusive faith tradition falls in love with a marginalized insider from a CFT (my husband is religious, but not CFT. It keeps the marriage spicy). Just as they did not anticipate having to reconsider their views on marriage equality until their loved one came out, so too might MEA find themselves at that same moral crossroads because a loved one's marriage (or conversion) connected them to a CFT. Third, the longstanding accusation about "outside agitators" may give MEA pause, but adapting Martin Luther King Jr.'s twofold response about his activism in Birmingham allays these worries: (1) invitations from local stakeholders defuses the accusations (this paper); (2) everyone should be concerned about unjustified harms (Section Two).<sup>65</sup>

MEA outsiders may also turn to "insider allies," people who are members of a CFT, do not have a marginalized sexuality, but want to see their CFT change. Eric Reitan recalls that he was a CFT traditionalist who became an insider ally and MEA in Lutheranism when he started to take

his friends' experiences as marginalized insiders seriously.<sup>66</sup> When they talked about feeling unwanted in their faith, Reitan listened and incorporated their testimony into what he believed about traditional marriage and sexuality in Lutheranism. This critical reflection process amplified his friends' concerns, but it also gave Reitan a way to compassionately describe his own change of heart to traditionalists—that it's ok for someone to take time and struggle with changing their mind. Generalizing Reitan's process, then, outsiders or insider allies can say:

- (1) I used to read those passages like that too, but here's another way to interpret them.
- (2) I was also convinced that marriage could only be between a man and a woman, but then I saw how committed my daughter and her partner were to each other over the years, and I struggled to see what really made that different from other relationships I admired.
- (3) I base my life on family values too, but I just couldn't see how kicking my child out when they came out made us a family.

Forming these relationships and having these conversations will be difficult. But outsiders and insider allies are in a special position here because they will not be subjected to the same kinds of spiritual harms as marginalized insiders would be.

It's worth mentioning what this conversation would look like if outsiders, insider allies, and marginalized insiders started from the premise that CFT traditionalists are being honest about their concerns rather than being bigots. Extending compassion to CFT traditionalists would mean recognizing that they do not want to inflict the harms from Section Two, but they may also not see any other way to interpret a passage or reconcile their commitment to their loved ones and their faith. Recognizing this tension as a source of moral injury for CFT traditionalists also opens up the possibility for benevolence by helping them find a path that does not require sacrificing either their faith or a relationship with their loved one.

For example, a standard response is for parents to try and “fix” their child by atoning for “bad parenting,” which usually results in conditional acceptance (i.e., conversion therapy, unwanted chastity).<sup>67</sup> There is a lot of empirical work on children who were disowned or ostracized by their parents, but very little in terms of interviews or studies on the parents, especially when conditional acceptance leads to estrangement. Disowning a (grown) child is stigmatized, so no one wants to talk about it unless there is a happy ending of parent-child reconciliation.<sup>68</sup> But the general silence within CFT around parents cutting ties with their children indicates how uncomfortable some CFT traditionalists are with conditional acceptance, especially when it slides into a strained and increasingly distant relationship with their child. If cutting ties with a child (even as an adult) were a sign of someone’s deep commitment to the CFT, then we should expect to see the parents that do so being held up as exemplars. CFT traditionalists wouldn’t have to celebrate these exemplars, but if cutting ties was the right answer when conditional acceptance fails, then these exemplars should at least evoke rueful praiseworthiness. Given that we don’t see these exemplars widely circulated, there may be many CFT traditionalists that want their CFT to change, but do not (yet) see how it can. If benevolently helping CFT traditionalists is rooted in their prior concern about helping marginalized insiders, then MEA who earnestly engage with CFT traditionalists are deepening the virtues they exemplified when they became MEA in the first place. Returning to the historical reasons why people became MEA in the first place usefully reminds (some) MEA that they too might not have been so different when they were first thinking about legal or social marriage. As I mentioned in Section One, secular homophobia and family rejection were common, so MEA who extend this compassion and benevolence to CFT traditionalists may be doing so to help CFT traditionalists avoid the same mistakes that they (MEA) made once upon a time. Patience, tenacity, and grace are additional virtues here.

A different consideration to keep in mind is that in addition to the differences among faith traditions, there are also further differences *within* a faith tradition. Judaism, for example, is a faith tradition, but some Reform Jewish congregations performed same-sex marriages long before any state did. Same-sex couples could be married in one Reform temple, but not another across town, until 1996, when the Central Conference of American Rabbis endorsed weddings for same-sex couples. In Conservative Judaism, the Committee on Jewish Law and Standards formally recognized the dignity and value of stable same-sex relationships in 2006, later extending their acceptance to formally authorizing Conservative rabbis to perform weddings for same-sex couples in 2012.<sup>69</sup> While most Orthodox rabbis currently do not recognize nor perform same-sex weddings, some have started to.<sup>70</sup> Each of these changes within Judaism involved reinterpreting *Midrash Aggadah* or *Midrash Halakha*, but they were also responding to the real or fictionalized love stories of same-sex couples they saw in and outside of their congregations. As with the change in UCC marital norms, marginalized insiders who build a life or family together in their CFT are the living evidence that the traditional marital norms were misdiagnosing immoral behavior.

There are two lessons here. First, religious marriage is not monolithic, and even if we individuate faith traditions, there are further sectarian differences. MEA may have to prioritize a particular CFT and recognize that their efforts to learn the Qur'an and *hadith* may help Muslims, but make little headway with Latter-day Saints. Second, the gradual changes in Judaism show that engaging with CFT isn't about trying to find a textual loophole, it requires serious engagement to understand the values, texts, and theology on their own terms. Texts can be revisited, reinterpreted, and reassimilated to a CFT in a way that organically emerges from within (Martin 2006). This process, and it is a process, not an event, will happen gradually, but starting with how marginalized insiders make sense of their faith shows how the values within CFT can evolve.

I will close with three more practical points that MEA who want to take these additional steps should consider. First, just as MEA did not commit to singlehandedly changing the law (that was up to legislators, judges, or elections), they do not have to commit to singlehandedly changing CFT. Second, if these further actions of engaging with CFT are rooted in the same concern for queer people's wellbeing that prompted people to become MEA, then we should also expect at least the same level of effort to engage with CFT traditionalists. Third, while important, this effort to engage with CFT traditionalists exists alongside other intimate commitments (e.g., caring for family) or impersonal obligations (e.g., global famine relief), so MEA have discretion to prioritize their commitments.

MEA with the time and energy to learn from marginalized insiders may try to actively build relationships with CFT traditionalists that they know. Other MEA might not evangelize, but instead act on opportunities as they come up. When someone raises doubts about being able to attend a same-sex wedding, for example, MEA can ask about the reluctance, much in the same way as they did during the struggle for legalizing marriage equality. Even if MEA are not familiar with the CFT's values, they can ask some of the following questions:

- (1) How do you think not going to the wedding will affect your long-term relationship with X?
- (2) Which teachings or values explicitly forbid you from going? Are there other kinds of weddings that you would (not) go to? How different are those from this one?
- (3) If it were your sibling/child, would you go?
- (4) How does not going live out the core values of your CFT? Do you think any other members of your CFT will be there?

This dispositional approach comes with the risk of complacency. If someone's previous efforts were superficially changing social media profile filters, then expecting them to do the same here will not be helpful. Reflecting on shallow committing may be uncomfortable, but it can also be an opportunity to do better going forward.<sup>71</sup> MEA sometimes had to confront moral failure when they were reflecting on how they would or did respond when loved ones came out, but doing so wasn't the last word on their advocacy. As before, there is still plenty of time to make up for lost time.

### **Conclusion**

I started by identifying three common reasons why people became MEA. These three reasons showed how people changed their mind about marriage equality and queer wellbeing by critically reflecting on their values and deciding to cultivate compassion and benevolence. I made the case that MEA would be enacting those same virtuous responses if they chose to engage with CFT marital norms. Even if MEA are not convinced by the spiritual harms marginalized insiders experience, there is further reason to engage with CFT marital norms to safeguard legal victories and protect other people who rely on CFT institutions for work, school, healthcare, or social services. I considered two philosophical approaches that advocate state intervention to change CFT marital norms and showed that while these approaches are trying to help marginalized insiders, they focus on making religious marriage compliant with philosophical liberalism and so struggle to address the harms I identified. I argued that MEA trying to change CFT are more likely to be successful if they listen to marginalized insiders about what those changes might look like in terms of the values within that CFT. Earnest engagement will take time and be difficult, but it is possible.

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## Notes

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- <sup>1</sup> Brenan, "Record Party Divide 10 Years After Same-Sex Marriage Ruling.
- <sup>2</sup> Calhoun, *Feminism, Family, and the Politics of the Closet*, Chauncey *Why Marriage*.
- <sup>3</sup> Kaplan and Dickey, *Then Comes Marriage*.
- <sup>4</sup> Koppelman, *Same Sex, Different States*.
- <sup>5</sup> Faderman, *The Gay Revolution*.
- <sup>6</sup> Fileff, "Hospital Visitation."
- <sup>7</sup> Bloodworth-Thomason, *Bridegroom*.
- <sup>8</sup> Eskridge and Riano, *Marriage Equality*.
- <sup>9</sup> Ball, *From the Closet to the Courtroom*, Frank, *Law and the Gay Rights Story*, Faderman *The Gay Revolution*, Eskridge and Riano, *Marriage Equality*.
- <sup>10</sup> Calhoun, "Making Up Emotional People."
- <sup>11</sup> Calhoun, "Making Up Emotional People," 222.
- <sup>12</sup> Calhoun (*Feminism, Family, and the Politics of the Closet*) elaborates that this presumption was so entrenched that legislators had not bothered writing a "different-sex" condition into marital law because no one at the time thought that such couples were possible. When gay rights activists cited this loophole in 1970 and filed for a marriage license in Minnesota, the Minnesota Supreme Court clarified that the ordinary use of "marriage" and other gendered language in the law implied a different-sex condition. Important for Calhoun's conclusion, legislatures in other states quickly amended their marital laws to explicitly state a different-sex requirement.
- <sup>13</sup> Hart, *Queer TV in the 21<sup>st</sup> Century*, Himberg, *The New Gay for Pay*.
- <sup>14</sup> Becker, *Gay TV and Straight America*.
- <sup>15</sup> Albertson, *A Perfect Union?*, Becker, *Gay TV and Straight America*, Tropiano *The Prime Time Closet*,
- <sup>16</sup> Haslanger, *Resisting Reality*.
- <sup>17</sup> Another possible outcome is that we decide to eliminate the institution because we no longer value its purpose. Analyzing the patriarchal features of marriage, some feminists (Card "Against Marriage and Motherhood," Chambers *Against Marriage*) argued for abolishing legal marriage. Queer theorists (Warner *The Trouble with Normal*, Butler "Is Kinship Always Already Heterosexual?") remonstrated that by elevating marriage as a legally privileged relationship, the state and society were delegitimizing other kinds of (queer) relationships by not granting them the same benefits or cultural cachet.
- <sup>18</sup> Girgis, George, and Anderson, *What is Marriage?*.
- <sup>19</sup> Koppelman, *The Gay Rights Question in Contemporary American Law*.
- <sup>20</sup> While traditionalists did have an answer to the "sterility objection," that it was an internal defect in the type of sex that was procreative (Lee and George, *Conjugal Union*), most of the public did not find this answer persuasive because neither gay sex nor sterile sex would result in procreation.
- <sup>21</sup> Corvino and Gallagher, *Debating Same-Sex Marriage*.
- <sup>22</sup> Capsuto, *Alternative Channels*, 339-41
- <sup>23</sup> Blankschaen, *Allied Identities*.
- <sup>24</sup> Mohr, *The Long Arc of Justice*.
- <sup>25</sup> Eribon, *Insult*.
- <sup>26</sup> Zhu, "The Moral Obligation to Resist Complacency about One's Own Oppression."
- <sup>27</sup> Yoshino, *Speak Now*.
- <sup>28</sup> Marin, *Us Versus Us*.
- <sup>29</sup> McPhillips, "Soul Murder."
- <sup>30</sup> Bouldrey, *Wrestling with the Angel*, Barnes and Meyer, "Religious Affiliation, Internalized Homophobia, and Mental Health in Lesbians, Gay Men, and Bisexuals."
- <sup>31</sup> Gibbs and Goldbach, "Religious Conflict, Sexual Identity, and Suicidal Behaviors Among LGBT Young Adults."
- <sup>32</sup> Jordan, *The Silence of Sodom*.
- <sup>33</sup> Bouldrey, *Wrestling with the Angel*.
- <sup>34</sup> Harrison, "In Our Lovely Oubliette."
- <sup>35</sup> Ariel, "Gay, Orthodox, and Trembling."
- <sup>36</sup> Sharma, *A Sinner in Mecca*.
- <sup>37</sup> Gibbs and Goldbach, "Religious Conflict, Sexual Identity, and Suicidal Behaviors Among LGBT Young Adults."

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- <sup>38</sup> Flente et al., “Experiences of Ex-Ex-Gay Individuals in Sexual Reorientation Therapy,” Jones, Power, and Jones, “Religious Trauma and Moral Injury From LGBTQA+ Conversion Practices.”
- <sup>39</sup> Blankschaen, “Rethinking Same-Sex Sex in Natural Law”
- <sup>40</sup> Lugones, *Pilgrimages/Peregrinajes*.
- <sup>41</sup> Rodriguez, “At the Intersection of Church and Gay.”
- <sup>42</sup> Hughes and Rouse, “Everyone Belongs Here,” Valen and Graham, “LGBTQ+ and Going to Church?”
- <sup>43</sup> Woods, “LGBT Identity and Crime,” Siciliano, *Making Room*.
- <sup>44</sup> Siciliano, *Making Room*.
- <sup>45</sup> Coley, *Gay on God’s Campus*.
- <sup>46</sup> Corvino, Anderson, Girgis, *Debating Religious Liberty and Discrimination*, Koppelman, *Gay Rights vs. Religious Liberty?*
- <sup>47</sup> Macedo, “Transformative Constitutionalism and the Case of Religion.”
- <sup>48</sup> Macedo, “Transformative Constitutionalism and the Case of Religion,” 65.
- <sup>49</sup> Chambers, *Against Marriage*.
- <sup>50</sup> Chambers, *Against Marriage*, 176-87.
- <sup>51</sup> Chambers, *Against Marriage*, 187-94.
- <sup>52</sup> Calhoun, “Whose Afraid of Polygamous Marriage?”
- <sup>53</sup> Flake, *The Politics of American Religious Identity*.
- <sup>54</sup> Chambers, *Against Marriage*, 179.
- <sup>55</sup> Chambers, *Against Marriage*, 181.
- <sup>56</sup> Chambers, *Against Marriage*, 181, 184-85
- <sup>57</sup> Chambers, *Against Marriage*, 181.
- <sup>58</sup> Chambers, *Against Marriage*, 185.
- <sup>59</sup> Jordan, *Blessing Same-Sex Unions*, McCarty, *Sexual Virtue*.
- <sup>60</sup> Cheng, *Radical Love*, Tonstad, *Queer Theology*.
- <sup>61</sup> Comstack and Henning, *Que(e)rying Religion*, Sharma, *A Sinner in Mecca*, Thompson, *Muslims on the Margins*.
- <sup>62</sup> Anderson, *Truth Overruled*, George, *Conscience and Its Enemies*.
- <sup>63</sup> Jordan, *The Silence of Sodom*.
- <sup>64</sup> Brennan, “Record Party Divide 10 Years After Same-Sex Marriage Ruling.”
- <sup>65</sup> King Jr., *A Testament of Hope*.
- <sup>66</sup> Reitan, *The Triumph of Love*.
- <sup>67</sup> Blake, “After their Son Came Out, this Conservative Christian Couple went into a Closet of their Own.”
- <sup>68</sup> Blake, “After their Son Came Out, this Conservative Christian Couple went into a Closet of their Own.”
- <sup>69</sup> Dorff, Nevins, and Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples.”
- <sup>70</sup> Dolsten, “Small but Growing Number of US Orthodox Rabbis Officiating Same-Sex Weddings.”
- <sup>71</sup> Zhu, “The Moral Obligation to Resist Complacency about One’s Own Oppression.”

## References

- Ariel, Yaakov. “Gay, Orthodox, and Trembling: The Rise of Jewish Orthodox Gay Consciousness, 1970s-2000s.” *Journal of Homosexuality* 52, no. 3-4. (2007): 91-109.
- Albertson, Cory. *A Perfect Union?*. Routledge, 2018.

---

Anderston, Ryan. Truth Overruled: The Future of Marriage and Religious Freedom. Regnery, 2015.

Ball, Carlos. From the Closet to the Courtroom. Beacon Press, 2010.

Barnes, D.M., Meyer, I.H. "Religious Affiliation, Internalized Homophobia, and Mental Health in Lesbians, Gay Men, and Bisexuals." American Journal of Orthopsychiatry. 84, no. 4 (2012): 505-15.

Becker, Ron. Gay TV and Straight America. Rutgers University Press, 2006.

Blake, John. "After their Son Came Out, this Conservative Christian Couple went into a Closet of their Own." *CNN*. November 5, 2024.

Blankschaen, Kurt. "Allied Identities." Feminist Philosophical Quarterly. 2, no. 2 (2016): 1-23.

—. "Rethinking Same-Sex Sex in Natural Law Theory." Journal of Applied Philosophy. 37, no. 3 (2019): 428-45.

Bloodworth-Thomason, Linda, dir. Bridegroom. Newton: Virgil Films and Entertainment, 2013. Documentary, 91 minutes.

Brenan, Megan. "Record Party Divide 10 Years After Same-Sex Marriage Ruling." *Gallup*. May 29, 2025.

Bouldrey, Brian, ed. Wrestling with the Angel. Riverhead, 1995.

Butler, Judith. "Is Kinship Always Already Heterosexual?" Differences. 13, no. 1 (2002): 14-44.

Calhoun, Cheshire. Feminism, Family, and the Politics of the Closet. Oxford University Press, 2000.

—. "Making Up Emotional People: The Case of Romantic Love." In The Passions of Law, edited by Susan Bandes, 217-40. New York University Press, 1999.

- 
- . “Who’s Afraid of Polygamous Marriage: Lessons for Same-Sex Advocacy from the History of Polygamy.” *San Diego Law Review* 42, (2005): 1023-42.
- Capsuto, Steven. Alternative Channels. Books and Translation Services, 2020.
- Card, Claudia. “Against Marriage and Motherhood.” *Hypatia*. 11, no. 3 (1996): 1-23.
- Chambers, Clare. Against Marriage. Oxford University Press, 2017.
- Chauncey, George. Why Marriage. Basic Books, 2005.
- Cheng, Patrick. Radical Love. Seabury, 2011.
- Coley, Jonathan. Gay on God’s Campus. University of North Carolina Press, 2018.
- Comstock, Gary, Henking, Susan, eds. Que(e)rying Religion. Continuum, 1997.
- Corvino, John, Anderson, Ryan, and Girgis, Sherif. Debating Religious Liberty and Discrimination. Oxford University Press, 2017.
- , Gallagher, Maggie. Debating Same-Sex Marriage. Oxford University Press, 2012.
- Dolsten, Josefin. “Small but Growing Number of US Orthodox Rabbis Officiating Same- Sex Weddings.” *The Times of Israel*. November 6, 2020.
- Dorff, Rabbi Elliot, Nevins, Rabbi Daniel, Reisner, Rabbi Avram. “Rituals and Documents of Marriage and Divorce for Same-Sex Couples.” <https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/2011-2020/same-sex-marriage-and-divorce-appendix.pdf>
- Eribon, Didier. Insult. Duke University Press, 2004.
- Eskridge Jr., William, Riano, Christopher. Marriage Equality: From Outlaws to In-Laws. Yale University Press, 2020.
- Fileff, Meredith. “Hospital Visitation: The Forgotten Gay Rights Struggle.” *UIC Law Review*. 45, no. 3 (2012): 939-62.

- 
- Flake, Kathleen. The Politics of American Religious Identity. The University of North Carolina Press, 2004.
- Flente, Annesa, et al. “Experiences of Ex-Ex-Gay Individuals in Sexual Reorientation Therapy.” Journal of Homosexuality. 61, no. 9 (2014): 1242-68.
- Frank, Walter. Law and the Gay Rights Story. Rutgers University Press, 2014.
- George, Robert. Conscience and Its Enemies. Intercollegiate Studies Institute, 2016.
- Gibbs, Jeremy, Goldbach, Jeremy. “Religious Conflict, Sexual Identity, and Suicidal Behaviors Among LGBT Young Adults.” Archives of Suicide Research. 19, no. 4 (2015): 472-88.
- Girgis, Sherif, Anderson, Ryan T., and George, Robert P. What is Marriage?. Encounter Books, 2012.
- Harrison, Christian. In Our Lovely Oubliette.” Dialogue: A Journal of Mormon Thought. 49, no. 2 (2016): 51-60.
- Hart, Kylo-Patrick R., ed. Queer TV in the 21<sup>st</sup> Century: Essays on Broadcasting from Taboo to Acceptance. McFarland & Company, 2016.
- Haslanger, Sally. Resisting Reality: Social Construction and Social Critique. Oxford University Press, 2012.
- Himberg, Julia. The New Gay for Pay. University of Texas Press, 2017.
- Hughes, Juan, Rouse, Steven. “Everyone Belongs Here.” Journal of Psychology and Theology. 51, no. 4 (2023): 523-36.
- Jones, Timothy, Power, Jennifer, Jones, Tiffany. “Religious Trauma and Moral Injury from LGBTQA+ Conversion Practices.” Social Science & Medicine. 305 (2022): 1-9.
- Jordan, Mark. Blessing Same-Sex Unions. University of Chicago Press, 2003.
- . The Silence of Sodom. Chicago University Press, 2000.

- 
- Kaplan, Roberta, Dickey Lisa. Then Comes Marriage. W.W. Norton & Company, 2016.
- King Jr., Martin Luther. A Testament of Hope. Harper One, 2003.
- Koppelman, Andrew. Gay Rights vs. Religious Liberty?. Oxford University Press, 2020.
- . Same Sex, Different States. Yale University Press, 2006.
- . The Gay Rights Question in Contemporary American Law. Chicago University Press, 2002.
- Lee, Patrick, George, Robert. Conjugal Union: What Marriage is and Why it Matters. Cambridge University Press, 2014.
- Lugones, Maria. Pilgrimages/Peregrinajes. Rowman & Littlefield, 2003.
- Macedo, Stephen. “Transformative Constitutionalism and the Case of Religion.” Political Theory. 26, no. 1 (1998): 56-80.
- Marin, Andrew. Us Versus Us. Nav Press, 2016.
- Martin, Dale. Sex and the Single Savior. Westminster John Knox Press, 2006.
- Mccarty, Richard. Sexual Virtue. SUNY Press, 2015.
- McPhillips, Kathleen. “Soul Murder.” In Examining the Past and Shaping the Future, edited by Katie Wright, Shurlee Swain, and Kathleen McPhillips, 95-106. Routledge, 2021.
- Mohr, Richard. The Long Arc of Justice: Lesbian and Gay Marriage, Equality, and Rights. Columbia University Press, 2005.
- Reitan, Eric. The Triumph of Love: Same-Sex Marriage and the Christian Love Ethic. Cascade Books, 2017.
- Rodriguez, Eric. “At the Intersection of Church and Gay.” Journal of Homosexuality. 57, no. 1 (2009): 5-38.
- Sharma, Parvez. A Sinner in Mecca. BenBella Books, 2017.

- 
- Siciliano, Carl. Making Room. Convergent Books, 2024.
- Thompson, Katrina. Muslims on the Margins. New York University Press, 2023.
- Tonstad, Linn. Queer Theology. Cascade, 2018.
- Tropiano, Stephen. The Prime Time Closet: A History of Gays and Lesbians on TV. Applause, 2002.
- Valen, Benjamin, Graham, Steven. "LGBTQ+ and Going to Church? Feelings of Acceptance and Closeness in Openly-Affirming Churches," Sexual and Gender Diversity in Social Services. 37, no. 1 (2025): 1-25.
- Warner, Michael. The Trouble with Normal. The Free Press, 1999.
- Weiss, Elizabeth, et al. "A Qualitative Study of Ex-Gay and Ex-Ex-Gay Experiences." Journal of Gay & Lesbian Mental Health. 14, no. 4 (2010): 291-319.
- Woods, Jordan. "LGBT Identity and Crime." California Law Review. 105 (2017): 668-734.
- Yoshino, Kenji. Speak Now. Broadway Books, 2016.
- Zhu, Yingshihan. "The Moral Obligation to Resist Complacency about One's Own Oppression." Journal of the American Philosophical Association. 11, no. 2 (2025): 374-92.