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Redefining What It Means to Be a Republican: A Rhetorical Analysis of Same-Sex Marriage

David Alexander

Clemson University, davebrooksalex@yahoo.com

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REDEFINING WHAT IT MEANS TO BE A REPUBLICAN: A RHETORICAL
ANALYSIS OF SAME-SEX MARRIAGE

A Thesis
Presented to
the Graduate School of
Clemson University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
Professional Communication

by
David Brooks Alexander
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Accepted by:
Dr. Teresa Fishman, Committee Chair
Dr. Susan Hilligoss
Dr. Joseph Sample

ABSTRACT

This thesis examines the same-sex marriage debate within the Republican Party and how the Family Research Council and the Log Cabin Republicans construct their rhetorical arguments using Aristotelian appeals. By defining the debate according to Lloyd Bitzer's rhetorical situation, this thesis considers the rhetorical sustainability of these organizations' claims about same-sex marriage and the implications for the future of the Republican Party.

The United States is witnessing the increasing presence of gays and lesbians in the media and everyday life. The history of homosexuals living their lives behind closed doors is becoming a thing of the past. As a result of a constellation of historical events from civil rights to the judicial recognition of same-sex couples in Vermont and Massachusetts, homosexuals in the United States are enjoying increased visibility and are now demanding the same rights afforded to heterosexual couples. The political lines have been drawn with most Democrats for the legal recognition of same-sex couples while a vocal group within the Republican Party champions a Constitutional amendment to ban same-sex marriage.

This thesis analyzes the rhetorical arguments of the Family Research Council (who are for the Constitutional amendment) and the Log Cabin

Republicans (who are against the legislation of morality). When considering Aristotelian appeals, what do the structures of these arguments reveal about the future of the Republican Party in a post-modern fragmented society?

DEDICATION

I dedicate this thesis to my family, who allowed me to be the person I was meant to be—no questions asked; no judgments passed.

ACKNOWLEDGEMENTS

This thesis and the completion of my Master's degree would have never been possible without the encouragement and support of Dr. Teddi Fishman. She will forever be a source of inspiration to me as I continue my own career as a teacher. Thank you, Dr. Fishman.

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When I was in need of a third committee member, Dr. Joseph Sample stepped up to the plate. His willingness to participate in this project will never be forgotten.

TABLE OF CONTENTS

	Page
TITLE PAGE	i
ABSTRACT	ii
DEDICATION	iv
ACKNOWLEDGEMENTS.....	v
CHAPTER	
I. INTRODUCTION	1
II. EVENTS SHAPING THE SAME-SEX MARRIAGE DEBATE	7
The History of Antigay Discrimination.....	8
Gay Rights, Civil Right.....	12
Changes in Marriage and How They Shaped Gays' Desire to Marry	14
Allocation of Public and Private Benefits	21
Why Marriage is Now a Goal.....	23
III. RHETORICAL TOOLS OF ANALYSIS	27
The Rhetorical Situation.....	27
Aristotelian Rhetoric and the Appeals.....	34
IV. TEXTUAL ANALYSES	35
The FRC's and LCR's Official Stance on Same-Sex Marriage	43
The Effect of Same-Sex Marriage on the Institution of Marriage	56
Constitutional Amendment.....	67

Table of Contents (Continued)

	Page
V. IMPLICATIONS AND CONCLUSION	78
BIBLIOGRAPHY	82

CHAPTER I

INTRODUCTION

Few issues are as divisive as same-sex marriage. The rights of homosexuals in the United States has been at the forefront of political debate since the 1990s when President Bill Clinton relented to political pressures to sign the Defense of Marriage Act in 1996, which states:

1. No state or other political subdivision within the United States need recognize a marriage between persons of the same sex, even if the marriage was concluded or recognized in another state.
2. The Federal Government may not recognize same-sex or polygamous marriages for any purpose, even if concluded or recognized in another state.

At the time of the Defense of Marriage Act, many felt that Hawaii was on the brink of judicially recognizing same-sex marriages. Many state legislators in other states feared being forced to recognize Hawaii's same-sex marriages. The repercussions of which would have been innumerable, hence the Defense of Marriage Act of 1996.

The struggle for the legal recognition of same-sex couples, however, did not stop with the signing of the Defense of Marriage Act. In fact, the real battle

was yet to begin. Seven years after the Defense of Marriage Act in June 2003, the United States Supreme Court overturned *Lawrence v. Texas*, the nation's remaining sodomy law, and thereby ensured the rights of gays and lesbians to privacy in their intimate lives. This landmark decision signaled a shift in attitude towards homosexuals, for just seventeen years earlier the Supreme Court maintained that the right to engage in homosexual activity was "facetious" (Moats 266).

In addition to decades of private commitment ceremonies in the gay and lesbian community, the new visibility of gay and lesbian characters in American television culture, and the attention the AIDS epidemic brought to the systematic marginalization and alienation of the gay community, the *Lawrence* decision facilitated the advancement of the same-sex marriage movement. Conservatives protested that the decisions would lead to the recognition of same-sex marriage—they were right. The Supreme Judicial Court of Massachusetts cited *Lawrence* in proclaiming that homosexual couples should have the same rights to marriage as heterosexual couples. Moreover, even before the *Lawrence* decision, two Canadian provinces, Ontario and Québec, had legalized same-sex marriages. The legal framework was in place to move the United States in a direction that only the most liberal countries such as Belgium, the Netherlands, and Denmark

had gone—towards a democracy in which all citizens are constitutionally entitled to marry whom they please regardless of gender.

But such is not the case in the United States. There are currently twenty-six states that have adopted amendments to their state constitution to prohibit same-sex marriage. Moreover, there are another twenty states that have enacted statutory Defense of Marriage Acts (DOMAs). The lines have been drawn with most Republicans opposing same-sex marriage while most Democrats support the constitutional right of gay couples to marry. No other issue in recent elections has been more powerful in mobilizing the conservative Republican constituency to vote. The discussion within the Republican Party about same-sex marriage is worthy of investigation by professional communicators because it has achieved a remarkable degree of attention in a relatively short period of time.

The United States political landscape has come to be defined by its polarization, and the political debate surrounding same-sex marriage is no exception. According to a USA Today poll, the American public is evenly divided on the issue of same-sex marriage with 50% of Americans unopposed to same-sex marriage and 48% of Americans opposed to same-sex marriage. This issue is not only divisive to the American public, but also to the Republican Party.

Many people imagine that homosexuals have historically been discriminated against in a systematic fashion. George Chauncey, a noted Professor of American History at the University of Chicago, asserts that “prohibition of sodomy was not the same thing as antigay discrimination” (Chauncey 13). According to Chauncey, “Since American colonial times various sodomy laws in various states criminalized a diverse and inconsistent set of nonprocreative sexual acts engaged in by diverse combinations of partners” (13). Chauncey contends that these laws “regulated conduct—conduct in which anyone could engage.” These statements establish the framework for what Chauncey asserts is the unique twentieth century phenomena of antigay discrimination.

Despite widespread and methodical discrimination, homosexuals have become increasingly visible in American society. Consequently, the Republican Party is witness to a new “rhetorical situation.” Lloyd Bitzer contends in his renowned 1968 essay, “The Rhetorical Situation,” that a complex sequence of events and situations dictate the rhetorical situation. Bitzer describes the rhetorical situation as an exigency that calls a discourse into existence (40). The key components to the rhetorical situation, according to Bitzer, are exigence, audience, and constraints. The exigency in this instance is the need on the part of

the Republican Party to address, maybe in their eyes even remedy, the increasing visibility of homosexuals and their desire to participate in the institution of marriage. The American public is the audience (or specific segments thereof), and the constraints are the “motives, belief systems, and prejudices that act as obstacles to resolutions” (Dupont 76). The question of same-sex marriage has brought to life a heated debate within the Republican Party about their response to the issue.

This thesis examines two organizations within the Republican Party—the Family Research Council (FRC) and the Log Cabin Republicans (LCR). The FRC describes itself as Judeo-Christian group believing that God is sovereign over all creation. They say that “life and love are inextricably linked and find their natural expression in the institutions of marriage and the family.” Their interest in this issue comes from their belief that government has a “duty to protect marriage and family in law and policy.”

The LCR is a gay Republican group loyal to the party. They believe that all Americans have the right to liberty and equality. The LCR asserts that “equality for gay and lesbian people is in the finest tradition of the Republican Party.” At the core of the LCR is doctrine is their belief “in limited government, strong

national defense, free markets, low taxes, personal responsibility, and individual liberty.”

These two groups are at odds on many issues; yet, they adhere to the same political party and work together in getting Republicans elected to public office. What these two organizations have to say about same-sex marriage illustrates that there is, however, a divide within in their party. This issue has become a hot topic for Republicans, and there is intense debate on both sides about the future of same-sex marriage in American society.

Rhetorical studies are about unmasking motivations and discovering what discourse moves people to action. The specific questions under investigation in this thesis are: 1) what rhetorical appeals are used by the Republican Party on the issue of same-sex marriage, and 2) how are these appeals effective or ineffective in conveying a position on same-sex marriage that reflects the nature of the Republican Party in a postmodern, fragmented American society?

Chapter Two will consider the gay rights movement and how it has shaped the debate over same-sex marriage. The issue of same-sex marriage did not come to the public’s attention overnight. This chapter examines the rhetorical history of the gay rights movement and how gays and lesbians have argued for and defended their positions in society.

Bitzer coined the term “rhetorical situation” to explain that rhetoric occurs as a result of a situation. Chapter Three frames the debate over same-sex marriage in terms of Bitzer’s rhetorical situation and Aristotelian appeals. Once the question of how the debate of same-sex marriage is in fact a rhetorical situation is answered, this chapter introduces and explains Aristotle’s appeals. The appeals as rhetorical strategies are examined in the analyses of Chapter Four.

Chapter Four identifies the Family Research Council and Log Cabin Republicans’ positions on same-sex marriage. This thesis divides their statements into groups and subsequently analyzes texts and/or press releases found on the respective organization’s websites. The goal therein is to reveal how these organizations use Aristotelian appeals to construct their rhetorical messages while also unveiling the rhetorical conflicts within the Republican Party.

Chapter Five traces and finally draws conclusions about a potential paradigm shift in the rhetoric of pro-same-sex marriage and anti-same-sex marriage Republicans. Moreover, Chapter Five concludes this rhetorical analysis with a review of its findings and a discussion of the implications with respect to rhetoric as an instrument of persuasion to unite or divide the Republican Party’s position on same-sex marriage.

CHAPTER II

EVENTS SHAPING SAME-SEX MARRIAGE DEBATE

The history shaping today's debate on same-sex marriage is important to professional communicators. It is particularly important in understanding how histories call discourse into existence. Lloyd Bitzer coined the term, rhetorical situation, to explain that "we need to understand that a particular discourse comes into existence because of some specific condition or situation which invites utterance" (Bitzer 4). Situations, however, do not necessarily happen overnight. Therefore, professional communicators must understand a situation's history in order to be a more informed rhetors when engaging in discourse on a given issue. For the purposes of this thesis, we must consider the events and factors that have helped bring today's debate on same-sex marriage to life.

The History of Antigay Discrimination

The presence and acceptance of gays and lesbians has increased significantly in the last half century in the United States. Today it is not uncommon to watch a television show with a prominent gay or lesbian character. However, there were no popular television shows such as *Will & Grace* or *Queer Eye for the Straight Guy* fifty years ago. In fact, according to George Chauncey, Professor of American History at the University of Chicago, Hollywood films

were not allowed to depict gay and lesbian characters, to discuss gay themes, nor to even acknowledge the existence of homosexuality. As the movie industry emerged and became an increasingly influential medium, religious leaders in the 1930s forced Hollywood to establish the Hays Code in order to suppress gay representation and other “deviant” sexual behaviors. This censorship of gays extended to Broadway stages as well. The measures to censor gay representation in plays even included a New York state law known as the “padlock law” that threatened to close any theater that staged a play with gay or lesbian characters. Religious leaders and government effectively erased gays and lesbians from entertainment industry until the 1960s during which time filmmakers found discrete ways to subvert censorship of gays and lesbians (Chauncey 6).

The entertainment industry was not the only institution discriminating against gays and lesbians. As Chauncey points out, “no openly gay people worked for the federal government.” Dwight Eisenhower even issued an executive order to ban homosexuals from government employment, civilians as well as military after becoming president. Eisenhower’s executive order even went as far as to require companies with government contracts to fire their gay and lesbian employees. The systematic discrimination against homosexuals in the federal government did not end until a ban on gay and lesbians federal

employees was lifted in 1975. Moreover, it was not until the late 1990s that discrimination against hiring gays and lesbians was prohibited in the federal government (Chauncey 7).

Fifty years ago, official policy warranted that all public workers be subjected to discrimination. Teachers, hospital workers, and numerous state and municipal employees lost their jobs. To understand the reach of such policy, one need look no further than the Florida Legislative Investigation Committee established in 1956 by the Florida legislature directed its attention to gays and lesbians working in Florida's universities and public schools (Chauncey 7). The committee had originally been established to investigate civil rights leaders; however, its investigation of the University of Florida claimed the jobs of fourteen faculty and staff members (Chauncey 7). Chauncey points out, too, that "under pressure from the committee, numerous teachers gave up their jobs and countless students were forced to drop out of college." Gays and lesbians were even silenced in academia.

Today's gay and lesbian community thrives economically. There are gay bars and restaurants. Many companies advertise directly to the gay and lesbian community. The Gay and Lesbian Chamber of Commerce is a strong presence in promoting gay and lesbians businesses and business relations. Yet, there were no

gay business associations or gay businesses fifty years ago. In fact, gays and lesbians had no right to public assembly. Chauncey explains:

In many states, following the repeal of prohibition in 1933, it even became illegal for restaurants and bars to serve lesbians or gay men. The New York State Liquor Authority, for instance, issued regulations prohibiting bars, restaurants, cabarets, and other establishments with liquor licenses from employing or serving homosexuals or allowing homosexuals to congregate on their premises. The Authority's rationale was that the mere presence of homosexuals made an establishment 'disorderly' (7).

The message was clear—gays and lesbians were not to be seen in public. Any restaurant or bar that had a reputation for being gay endured systematic harassment and had to deal with police raids until the police finally forced the establishment to close for good.

There were no Lesbian, Gay, Bisexual, and Transgendered Pride Weeks fifty years ago. There was no mass LGBT movement or organization fifty years ago. There were no state laws for gay rights fifty years ago. In many states, persons convicted of sodomy or suspected of being a sexual deviant were forced to undergo psychiatric evaluations after which they were confined to psychiatric hospitals until they were "cured" of their mental illness (Brookey 32). Fifty years ago, gays and lesbians were not just ostracized and scorned. They were deliberately and systematically robbed of their civil rights. Even today discrimination persists against gays and lesbians.

Gay Rights, Civil Rights

The fact that there is even a debate about same-sex marriage in the United States is a positive indicator that much has changed since the days of systematic discrimination. American history has been witness to a number of sweeping social changes from the women's movement to a broader understanding of civil rights for minorities. Yet, it is the black civil rights movement that has had the most profound impact on the fight for civil rights for gays and lesbians.

Traditionally, most homosexuals believed in assimilating themselves into mainstream American society. This was largely due to their fear of repression and ridicule. Interestingly, the word *gay* was used to indicate to another homosexual that he/she was leaving to have a gay time at a party. The gay and lesbian population had to develop means through which they could indicate their presence to one another (Chauncey 25). Most gays and lesbians conducted themselves in discrete fashion as to avoid drawing attention. This is worth mention because it was not until the 1960s and 1970s that the gay movement separated itself from assimilationist rhetoric and practices.

Chauncey explains that the slogan *Gay is Good* was adopted in 1968 only after being inspired by increasingly popular slogan *Black is Beautiful* used by the black rights movement. The gay rights movement was increasingly influenced by

black rights movement, which was rooted in self-acceptance and pride in people who had traditionally been ashamed. This self-acceptance and pride resonated with gays and lesbians and was instrumental in establishing the first *Gay Pride* march to commemorate the first anniversary of the Stonewall raids (Marcus 156). The black rights movement sought to establish solidarity and pride in cultural difference through the arts. This effort to establish an affirmative culture and identity led to the launch of gay theater, films, music, and newspapers (Chauncey 29).

The establishment of gay rights organizations was also inspired by such groups as the NAACP Legal Defense Education Fund, which waged the campaign to legally dismantle segregation via the *Brown v. Board of Education*. Such legal victories for African-Americans were decisive factors in legal victories in the Supreme Court to overturn sodomy laws. Similarly, the Gay and Lesbian Alliance against Defamation (or GLAAD) fashioned itself after the B'nai B'rith Anti-Defamation League (Marcus 251). Since its establishment, GLAAD has been successful in redirecting the representations of gays and lesbians in the media. The civil rights, in particular the black civil rights, movement laid the foundation for sensitizing the media to its "civic responsibilities that come with their

considerable power to influence the national dialogue on social and ethical issues” (Chauncey 32).

Changes in Marriage and How They Shaped Gays’ Desire to Marry

The role of marriage has changed dramatically in society. The motivations for marriage have ranged from the control of labor and transmission of property to the contemporary understanding of marriage as a union of two people to nurture love and commitment. The term marriage has embodied so many definitions, as it has varied greatly over time in organizing people’s sexual and emotional lives, child-rearing, property, kinship, and political alliances (Chauncey 59).

Marriage certainly was not a consideration for most gays and lesbians until recent history. According to George Chauncey, “four fundamental changes in marriage in the nineteenth century have made the right to marry seem both more imaginable and more urgent to lesbians and gay men.” First, the right to choose one’s partner became a fundamental civil right. It need not be forgotten that even interracial marriages were illegal during most of the nineteenth century. Second, feminism and the women in the workforce have changed the roles of husbands and wives. As the roles of husbands and wives changed, the idea of same gender marriages became less elusive and easier to imagine. Third,

the exclusion of same gender couples from marriage has imposed more and more economic and legal consequences. Marriage has become an important medium for the allocation of public and private rights and benefits. Lastly, the ability of one religion to force its marriage rituals upon another group has largely declined. Most religions held that same-sex marriages were unnatural, undermined the natural purpose for marriage, and threatened social order. These notions are increasingly dismissed by mainstream Americans (Chauncey 60).

The freedom to marry and the notion of consent can be found in the Christian precepts that established the foundations of Colonial America's conception of marriage (Chauncey 61). Colonists viewed the consent of a man and woman to spend the rest of their lives together as a fundamental condition of marriage. This notion of consent also extended into the colonists' notion of contractual ideology during the Revolutionary era. People must consent to their government. Therefore, it was natural that a marriage should be a consensual lifelong event between husband and wife. However, the notion of consent did not extend to divorce, for the colonial view of consent determined that consenting to government equated being governed absolutely. If a woman were to consent to marriage to a man, she must obey his authority. Therefore, consent must be eternal, as divorce was rarely an option (Chauncey 61).

Interestingly, the plight of freed slaves heightened the idea of consent. During the slave era slaves had not right to marry, since they had no legal standing to make contracts of any kind (Chauncey 62). Moreover, many slave owners did want the slave's obligations to his/her spouse and/or family to supersede his/her obligations to the slave owner. Nonetheless, many slaves married informally. Spouses, however, were often separated as a result of a slave sale. Many abolitionists contended that the degradation of marital relationships as a moral failing. After the Civil War many former slaves considered the right to marry and secure their families as one of the greatest indicators that they were not longer subject to the whims of another. They were indeed free to marry whom they wanted. Yet, this newfound freedom did not allow blacks to marry whites.

Although slaves were freed after the Civil War, limitations were still placed on them to perpetuate white dominance. These limitations included whom they could marry. Even before the Civil War ended many states instituted laws to ban interracial marriages and even interracial sex (Chauncey 63). Blacks, however, were not the only ones to endure such discrimination. Western states also enacted laws banning interracial marriages. Their target, however, was not primarily blacks, but rather the increasing Chinese population. A constitutional

amendment to ban interracial marriages was proposed by congressman from Georgia. He argued on the House floor that his goal was “to uproot and exterminate now this debasing, ultrademoralizing, un-American, and inhuman leprosy” (Chauncey 63). The fear of interracial marriages was rooted in the whites’ fear of having their dominance challenged. The tide turned though as a result of World War II.

The Nazi regime in Germany was notorious for enacting “purification laws” in order to protect the homogeneity of the white race. The marginalization and ultimate attempted extermination of undesirable groups of people such as Jews and Roma has been well-documented. The Nazis enacted numerous laws and penalties to prevent the intermarriage of whites and Jews. The horrific events of World War II turned the tide against such laws. In 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights in which they proclaimed the “right to marry” as one of the fundamental rights of humankind (Chauncey 64). That same year the California Supreme Court became the first state to label the ban on interracial marriages as inequitable and unconstitutional. The Supreme Court of the United States followed suit nineteen years later in their decision in *Loving v. Virginia* that such

laws against interracial marriage were inconsistent with constitutional guarantees of equality. The Supreme Court declared:

The freedom to marry has long been recognized as one the vital personal rights essential to the orderly pursuit of happiness by free men. Marriage is one of the 'basic civil rights of man,' fundamental to our very existence and survival...Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State.

In 2003 the Massachusetts Supreme Judicial Court used the precedent set in *Loving v. Virginia* to declare the same rights for gays and lesbians. They stated:

In this case, as in Perez and Loving, a statute deprives individuals of access to an institution of fundamental legal, personal, and social significance—the institution of marriage—because of a single trait: skin color in Perez and Loving, history must yield to a more fully developed understanding of the invidious quality of discrimination.

The decision on the part of the Massachusetts Supreme Judicial Court is monumental in the drive to make marriage a constitutional possibility for same-sex couples. It is important to note that most white-Americans did not indicate to pollsters until over thirty-four years after the *Loving v. Virginia* decision that they accepted interracial marriage (Chauncey 66). The judicial and social consensus for marital choice has been a deciding factor in giving gays and lesbians the belief that they have the right to marry whom they choose.

Marriage has historically been an institution in which gender inequality has been produced and perpetuated. The decline in clearly defined roles for men and women in marriages has made marriage more imaginable for gays and lesbians. Marriage has simply been one of the greatest societal forces in constructing roles for men and women.

Chauncey points out that women of two hundred years ago made the last legal decision of their lives when they consented to a marriage. By marrying a man, a woman lost her legal identity and ultimately most of her rights. Additionally, married women did not have the right to enter into contracts or sue in court well into the nineteenth century without the permission of their husband. A woman essentially ceded her financial and emotional well-being to her husband—a woman was defined by her marriage to a man. The feminist movement and the economic need for women in the work force forever altered women's dependence on husbands.

Woman's suffrage was a significant step in establishing autonomy for women. The battle for a woman's right to vote was acute. Those opposing the right for women to vote argued that voting women would undermine the institution of marriage. The bonds between husband and wife would be destroyed. If women could cast ballots, they would countermand the vote of their

husbands. The very notion of women's suffrage comprised the well-being of society. Ironically, these are some of the same arguments against same-sex marriage. Nonetheless, women did gain the right to vote, and the United States even has a female Speaker of House today. Yet, even despite the right to vote, many women still confronted restrictions in their marriages, many of which would be dissolved in the 1970s and 1980s (Chauncey 68).

Women often consented to marriage under the pretense of having a man who would provide for her for life. This need for support from a man was diminished as the need for women in the workforce increased. Along with the employment market, the legal system started to redefine the laws that governed marriage—the laws became more gender neutral. Laws changed to provide for women having to pay alimony and child support to their male counterparts. Men also gained the right to sue their former wives for loss of companionship due to an adulterous affair. Before, only women could sue for loss of companionship. These changes in law illustrate that the legal system still granted collective rights and imposed specific obligations on married couples. However, these laws lost their gender specificity (Chauncey 70).

The Allocation of Public and Private Benefits

The laws and norms that structured marriage may have changed, yet the status of marriage as a nexus for the allocation of public and private benefits did not change. During the nineteenth and twentieth century the United States instituted a number of social benefits and welfare for its citizenry. These social security insurances were differed significantly from their European counterparts. Whereas European social programs were available to all, American social programs were predicated on employment and the model of a male breadwinner and female housewife. Deviation from the male breadwinner and female housewife could prove costly in the form of lost benefits. Benefits such as survivors' benefits were in fact devised to encourage marriage.

In 1913 the United States authorized a federal income tax. A mass federal income tax though did not take life until after World War II for which the United States incurred staggering costs. Originally taxpayers had been taxed individually. As a result of the tax expansion a debate ensued about how married couples should be taxed. The debate culminated in the 1948 legislation allowing for "joint tax returns" for married couples. The ability to pool income allowed married couples to low their tax burden, if the married couple followed the model of the male breadwinner and the female housewife. Ironically, as

women entered the workforce, the pooling of income moved married couples up the tax bracket ladder. This is the only respect in which unmarried couples have gained an advantage.

The debate about taxation of couples is centered on the transfer of assets upon the death of a spouse or life partner. If a couple is not married when buying a home together and one partner becomes widowed, the widowed partner does not enjoy the inheritance tax protections afforded to married couples. The IRS simply does not recognize joint ownership of property for the purposes of inheritance taxes. According to the GAO (General Accounting Office):

For estate tax purposes, property transferred to one spouse as the result of the death of another is deductible for purposes of determining the value of the decedent's estate...These provisions permit married couple to transfer substantial sums to one another, and to third parties, without tax liability in circumstances in which single people would not enjoy the same privilege.

Same-sex couples are in the eyes of the law "single people" and have no legal recourse in regards to the taxes they must pay upon "inheriting" their partner's property and/or financial assets. Same-sex couples are penalized in terms of private benefits as well.

After World War II many companies began offering pension plans to attract workers and to appease union desires to hedge against inadequate retirement income provided by the government (Chauncey 75). Large companies persuaded the government to dismiss proposals for national health insurance, which would have provided health care insurance for all people. Instead large companies established health care insurance programs for their families. The result was that most people depended on their employer, or their spouse's employer for their health insurance—even their life insurance and the majority of their retirement income. Unmarried couples and same-sex couples do not have access to insurance coverage or pension incomes unless the company chooses to grant them that access.

Why Marriage is Now a Goal

As previously discussed, there are a number of benefits associated with being married, a number of which are financial. However, the benefits of marriage extend beyond the financial. Gays and lesbians do have children. In fact, according the U.S. Census Bureau, there were at least 600,000 gay and lesbian couples living together in the United States. At least 180,000 of those couples were raising children (Wolfson 87). Although there are many who dispute the validity of those numbers, suggesting that they are even higher, the

fact that there are so many gay and lesbian couples raising children calls for legal measures to be in place to protect the interests of these children if something were to happen to one of their parents. Marriage is the means by which gay and lesbians parents can protect their children's interests.

Evan Wolfson, Executive Director of Freedom to Marry, points out that marriage "provides an economic safety net to their families and to the kids themselves" (95). Most courts have until recently only recognized the rights of the biological parent. The recognition of the biological parents is, however, shortsighted in the age of in-vitro fertilization as a result of which only one biological parent is involved—the mother. Yet, there are many committed and nurturing lesbian mothers who may not be the biological parent of their partner's children but nonetheless function in the same capacity as a parent.

Beginning in the early 1980s groups of lesbians started organizing discussion groups called "baby maybe." Members of these groups discussed and explored options to have children. The possibilities for conceiving a child ranged from adoption, to artificial insemination, to having sex with a male friend. These groups pioneered the nationwide conferences of the mid 1980s about parenthood that attracted hundreds of lesbians at a time. The eventual result was the "Lesbian Baby Boom." The phenomena, as Chauncey points out, illustrates "the

complex legal issues raised by the lesbian baby boom provided another powerful impetus to the campaign to secure legal recognition of lesbian and gay families” (105).

There are a host of legal protections afforded to the children of married couples. It is important to remember that gay and lesbian couples are strangers in the eyes of the laws. Wolfson illustrates the benefits for children of married couples by explaining that:

- The children of married couples have automatic and undisputed access to the resources, benefits, and entitlements of both parents.
- Married couples do not have to incur any expenses, legal or otherwise, to ensure that both parents have the right to make important medical decisions for their children in case of emergency.
- The children of legally married couples are automatically eligible for health coverage and have legal rights through both parents, as well as child support and visitation from both parents in the event of separation
- If one of the parents in a marriage dies, the law provided financial security not only for the surviving spouse, but for the children as well, by ensuring eligibility for all appropriate entitlements, such as Social Security survivor benefits, and inheritance rights.

- Children benefit from the streamlined adoption processes in marriage that create legal ties between them and both their parents, giving the children legal rights and security.
- Kids get the intangible as well as tangible benefits of the family stability and social approval that often accompany marriage.

By denying gay and lesbians couples the same legal protections for their children that they allow for heterosexual married couples, politicians and judges effectively discriminate against children who have no choice in the matter. Essentially, the children of same-sex couples are made to suffer.

As discussed in this thesis, a number of historical events have pushed the debate over same-sex marriage to the forefront of today's political landscape. This debate is unique not only in its historical contexts but also in rhetorical contexts, for as this thesis will illustrate one is not mutually exclusive from the other. The historical events that have come to define the same-sex marriage movement are also defining its rhetorical situation.

CHAPTER III

RHETORICAL TOOLS OF ANALYSIS

The Rhetorical Situation

This thesis outlines the historical events and parameters which have greatly influenced the same-sex marriage movement. How do these historical events influence the rhetoric of today's debate on the issue of same-sex marriage? What can the history and rhetoric of this debate teach the professional communicator? To better understand the rhetoric of today's debate in its totality, this thesis outlines the same-sex marriage movement according to Lloyd Bitzer's theory of the rhetorical situation and examines how the Family Research Council and Log Cabin Republicans use Aristotelian appeals to construct their arguments.

This thesis establishes that there are historical and social events in place that are changing the nature and understanding of marriage in modern day American society. The increasing presence of gays and lesbians and ultimately their acceptance has forced government, judicial, and political institutions to reconsider their standing on the issue of same-sex marriage. This thesis considers how the Log Cabin Republicans and the Family Research Council rhetorically make their cases on the issue of same-sex marriage. The Log Cabin Republicans

are against a constitutional amendment to prohibit same-sex marriage, whereas the Family Research Council is for a constitutional ban on same-sex marriage. Interestingly, both of these organizations are staunchly Republican and clearly on different sides of this issue. How are they trying to rhetorically win the hearts of their party? Let us consider though how the debate over same-sex marriage embodies, even expands on, the characteristics and features of Bitzer's rhetorical situation, and how the Bitzer's rhetorical situation frames the debate over same-sex marriage.

The constituents of the rhetorical situation are a "sketched conception," according to Bitzer. A feature of the rhetorical situation is that the situation brings the rhetoric to life. The situation though can be the result of many events. As discussed in Chapter Two, no one event in the history of gays and lesbians can stand alone as the defining moment in forcing the debate of same-sex marriage to the forefront of the American political landscape. It was, in fact, a constellation of events that has led to this rhetorical moment. To illustrate this point, one need only consider the connection between the social and private benefits afforded to married couples after World War II and the civil rights movements. Married heterosexual couples enjoy the privileges of these benefits. The desire on the part of many gay and lesbians couples to have the same access

to these benefits has forced the judicial system to consider the constitutional legality of prohibiting gays and lesbians to marry. Furthermore, the civil rights movement set a precedent for equality with which a number of American courts are being confronted. These two events are not mutually exclusive in demanding today's rhetoric about same-sex marriage.

Bitzer also speaks about a fitting rhetorical response to a situation. The constellation of events driving the gay rights movement and the subsequent debate over same-sex marriage elicit responses. This debate would be unthinkable without the historical events that have taken place thus far. A "fitting" response is, therefore, determined by the situation. Bitzer illustrates this point by recounting the assassination of John F. Kennedy. The eulogies that were given after his death would have never been given had it not been for his assassination. Bitzer explains that these eulogies were a rhetorical response to John F. Kennedy's death (9). These eulogies in essence would have been rhetorically implausible without the situation of John F. Kennedy's death. In comparison with this example the rhetorical discourse surrounding same-sex marriage would not have happened without the historical contexts within which this debate operates.

One of the more important characteristics of the rhetorical situation is the reality of the rhetorical discourse about same-sex marriage. Bitzer explains that the exigence coupled with the “complex of persons, objects, events and relations which generate rhetorical discourse are located in reality, are objective and publicly observable historic facts in the world we experience, are there available for scrutiny by an observer or critic who attends to them” (7). Furthermore, Bitzer states that real rhetorical situations are to be distinguished from “sophistic ones, in which, for example, a contrived exigence is asserted to be real” (11). The critical examination of events and the subsequent discourse about these events certify the rhetorical situation’s existence.

Rhetorical situations must also exhibit simple or complex structures and organization, as Bitzer contends. Bitzer notes that rhetorical situations can be simple in structure such as Franklin D. Roosevelt’s brief Declaration of War against Japan. Bitzer elaborates on this point by stating that “the message exists as a response to one clear exigence easily perceived by one major audience” (11). However, the structure of a situation is complex, as Bitzer explains, when “many elements must be made to interact” (11). The debate over same-sex marriage is a complex situation within the Republican Party in light of the incompatible constraints of its members. Consider for a moment that the Family Research

Council is defined by its Judeo-Christian values, whereas the Log Cabin Republicans are homosexuals ascribing to the Republican message of “small government is better government.” Bitzer says that the “rhetorical audience may be scattered, uneducated regarding its duties and powers” and that constraints “may be incompatible” (12). The Family Research Council and Log Cabin Republicans are uneducated about each other’s duties as Republicans while also having incompatible constraints—the constraints for FRC being that they are a Judeo-Christian group that condemns homosexuality while the LCR itself is a group of homosexual Republicans. The complexity of the issues speaks to the existence of a rhetorical situation.

The most interesting and pertinent dynamic of the rhetorical situation for the scope of this thesis is, as Bitzer makes clear, that “rhetorical situations come into existence, then either mature and decay or mature and persist—conceivably some persist indefinitely. In any case, situations grow and come to maturity; they evolve to just the time when a rhetorical discourse would be most fitting” (12). Many gays and lesbians would argue that the gay rights movement is in the process of maturing given the increasing visibility of homosexuals in the media, the same-sex benefits offered at many American companies, and the legal recognition of same-sex unions and/or marriages in states such as Massachusetts

and Vermont. Many in the gay and lesbian community though feel that legalized same-sex marriage will be the benchmark of equality for gays and lesbians in American society. This hope, however, is yet unrealized. With that said, this rhetorical situation will certainly continue to mature, evolve, and take new meaning as time passes.

The rhetorical discourse over same-sex marriage is present on many levels of society. From a discussion between neighbors to judicial deliberations in states' Supreme Courts, this rhetorical situation will persist. As Bitzer points out, such situations exist as "rhetorical responses for us" because "they speak to situations which persist—which in some measure are universal" (13). The universal quality of this rhetorical situation is rooted in the legitimate extension of human rights to same-sex couples. The debate over same-sex marriage reveals American society's struggle to allow all Americans to be participants in the institution of marriage regardless of sexual orientation. Moreover, the universal quality of the civil rights movement for minorities of color made civil rights for gays and lesbians more imaginable, even tangible. The parallels between the two movements cannot be ignored. Bitzer explains that "from day to day, year to year, comparable situations occur, prompting comparable responses; hence rhetorical forms are born and a special vocabulary, grammar, and style are

established” (13). The situations reoccur. They take a life of their own, and, as Bitzer says, the rhetorical situation “comes to have a power of its own” (13).

Interestingly, the tradition of a rhetorical situation “tends to function as a constraint upon any new response in the form,” as Bitzer contends (8). The Family Research Council’s platform on same-sex marriage is defined by its adherence to traditional Judeo-Christian values that dramatically influence the constraints of today’s rhetorical debates on same-sex marriage. The historical quality of their rhetorical constraints limits the form and substance of the Family Research Council’s subsequent rhetoric.

Rhetoric is a means through which we mediate differences and effect change. Bitzer discusses that in an ideal world there would be no need for rhetoric. Communication would still, of course, exist. However, rhetoric would not be necessary without the presence of exigencies and the need to remedy situations and create a positive effect. Yet, as Bitzer points out, “rhetorical exigences abound” (4).

This chapter outlines why the discourse and debates over same-sex marriage are indeed worthy of rhetorical investigation. The rhetorical situation as posited by Lloyd Bitzer informs us that there is an imperfection in the world that must be mediated. All the constituents of this rhetorical situation can be

clearly identified—legalization of same-sex marriage is the exigence; for the purposes of this thesis, Republican Party members are the audience. The third constituent of the rhetorical situation—the constraints—are identified and examined in more length in Chapter Four.

Same-sex marriage as a rhetorical situation is identified in this thesis. For the purposes of analysis, this thesis explores how the Family Research Council and the Log Cabin Republicans function within the rhetorical situation and how they construct their arguments according to Aristotelian rhetorical appeals.

Aristotelian Rhetoric and the Appeals

This thesis establishes that there is a rhetorical situation worthy of analysis. Yet, what rhetorical strategies do the Family Research Council and the Log Cabin Republicans use to persuade their Republican constituents? This thesis answers the question by analyzing how these organizations structure their arguments using Aristotelian rhetoric and his explanation of the rhetorical appeals.

Recognized as the first rhetorician to systematically, with precision and order, set down the principles of the art of public speaking, Aristotle has intellectual presence, that, even after two millennia, is felt to this day. Aristotle studied in a variety of disciplines from political science to psychology and cannot

be ignore as a profound impact upon the study of rhetoric. Aristotle's rhetorical analyses divided persuasive discourse into three categories: logical argument (*logos*), emotional argument (*pathos*), and ethical appeal or credibility (*ethos*). These three elements of argument have become known as the *Rhetorical Appeals*. In Chapter Four, I examine how the FRC and the LCR use the appeals to make their arguments.

According to Dr. Michael Frost, Associate Professor of Legal Writing at Southwestern University, "Aristotle's *Rhetoric* is the earliest authoritative analysis of persuasive discourse and argumentative techniques" (Frost 86). Frost also points out that Cicero and Quintilian "extended and amplified points Aristotle had made in his *Rhetoric* regarding the effect that emotion and lawyer credibility have on a judge or jury's receptivity to lawyers' arguments" (Frost 87). Aristotle's writings on rhetoric are still considered benchmarks of rhetorical studies, and their influence is felt in every academic discipline from communications to law. Much of what Aristotle had to say about the rhetorical appeals still has bearing on today's discussion about persuasive discourse.

In his *Rhetoric*, Aristotle conveys the importance of remembering who the audience is. Although much of what Aristotle had to say about rhetoric stemmed

from a desire to be more potent in the courtroom, its applications are still acutely viable in today's political arenas. Aristotle says about audience that,

The individual man is as truly a judge or decider as an entire audience; so, in the wider sense, whoever it is you have to persuade is 'judge...' [Y]ou compose your speech for an audience, and the audience is the 'judge.' As a rule...the term 'judge' means simply and solely one of the persons who decide the issue in the disputes of civil life, where, as in law-suits, there is a question of fact to be settled, or, as in deliberations of State, a question of policy (Frost 87).

Interestingly, Aristotle does not hold the intellectual capacities of the audience in high regard. As Frost says, much of "his advice regarding persuasive discourse is based on the assumption that audiences are insufficiently educated...and overly susceptible to emotional arguments and charming advocates" (Frost 88). The recognition that audiences were not sufficiently educated and skilled in making rational decisions emphasized the roles of *pathos* and *ethos* in persuasive discourse.

Aristotle asserts that rhetoric exists to affect the giving of decisions. The orator is obligated to make his speech both demonstrative and worthy of belief; he must also put his own character in a righteous light, in addition to coaxing his audience, who is the decider, into the right frame of mind. Especially in political speaking and in deliberative assemblies, the character of the orator should seem morally upstanding, possessing prudence, virtue and goodwill towards his

hearers. Aristotle believes that the character and ultimate credibility of the speaker is instrumental in establishing the speaker's *ethos*. More importantly though, as discussed by Aristotle, the projection of *ethos* is equally important as the actual possession of it. Aristotle says,

The orator must not only try to make the argument of his speech demonstrative and worthy of belief; he must also make his own character look right and put his hearers, who are to decide, into the right frame of mind (213).

Aristotle here attributes knowledge of how to effectively create perceptions; thus, virtuous character and its pretense are the most influential components of persuasion according to Aristotle. In *Book II* Aristotle introduces the significance of the elements presented in Book I of *pathos* and *ethos*.

The idea of the virtuous man, according to Aristotle, plays a key role in determining how well a rhetor is received by his audience. A virtuous person is deemed more credible and worthy of belief. Aristotle believes that the character and ultimate credibility of the speaker is instrumental in establishing the speaker's *ethos*. Aristotle contends that only a virtuous orator can produce *ethos* in the audience. Aristotle even encourages participants in persuasive discourse to "exploit the connections between *pathos* (emotion) and *ethos* (character or credibility) in order to make the judge more attentive" (Frost 100). Although he

mentions in *Book I* a presentation lacking the solicitation of *ethos* will likely not achieve the rhetor's motives, *ethos*, according to Aristotle, is as much as about controlling it as it is about acquiring it. With that said, classical rhetoricians like Aristotle sometimes encouraged abandoning "the restrain or temperate *ethos* and adopt instead the passionate emotions they are trying to instill in their audience" (Frost 101).

Aristotle continues to expound upon the influence of emotions, or moral inclinations, of the jury who try the case. Emotions "such as anger, pity, fear and the like, with their opposites" must be considered according to (a) the states of mind in which it is felt; (b) the people towards whom it is felt; (c) the grounds on which it is felt. It is not only necessary for the orator to look at the argument, but he or she must endeavor to be a certain kind of person. The emotions of the audience are therefore relevant as they are disposed a certain way. Whether or not the hearer is angry or consumed with joy determines the interpretation of the speech. The psyche of the hearer and the emotions involved are significant in the role of the orator. Aristotle grudgingly concedes that emotional appeals have profound impact. Consequently, rhetoricians must exploit them whenever possible.

Aristotle is not alone in addressing the importance of *pathos* in persuasive argumentation. Cicero appreciates the role of *pathos* in argumentation and emphasizes its importance by labeling *pathos* a “potent factor” in winning over the feelings of the tribunal (Frost 91). Like Aristotle who preceded him, Cicero suggests that “advocates speak in a way which ‘excite and urges the feelings of the tribunal towards hatred or love, ill-will or well-wishing, fear or hope’” (Frost 91). Classical rhetoricians clearly mark *pathos* as an important component for emphasizing sympathetic facts in persuasive discourse. Moreover, the role that *pathos* plays throughout argument cannot be underestimated, especially when discussing such charged issues as same-sex marriage.

Interestingly, classical rhetoricians placed more importance on appeals to reason (*logos*). They recognized, too, the power of *pathos* in persuasive argument. *Ethos*, however, was considered more preferable to *pathos* by classical rhetoricians, for appeals to emotion “impair the audience’s ability to reach well-reasoned decisions” (Frost 111). Frost points out that modern interpretations of *pathos* recognize that emotion may impair the audience’s ability to reason logically, but modern experts are more tolerant of nonrational reasoning than their classical predecessors.

Frost explains that this tolerance for nonrational thinking stems from modern research regarding the nonlogical ways that humans think and process arguments. To expand on this, Frost says that most people are affective, not cognitive thinkers. Affective thinkers are more inclined to be emotional, symbol-oriented thinkers who base their judgments on previously held attitudes about people and events (Frost 111). This explanation of how modern research informs us even more about the power of *pathos* in argumentation and how it is intertwined with logical argumentation. Frost clarifies the intermingling of *pathos* and *logos* by saying, "Even if an advocate's arguments are logical and 'well-reasoned', the audience's affective response may be stronger than its cognitive response. Consequently, appeals to emotion become unavoidable and just as important as appeals to reason" (Frost 111). With that said, classical rhetoricians and modern authorities agree that controlling an audience's emotions is important in determining the outcome of persuasive discourse.

Apart from *ethos* and *pathos*, Aristotle writes extensively on the topic of *logos* and associates *logos* with "logical arguments." However, the notion of *logos* in argumentation is much wider in its scope. The rhetorical appeals are complex, multi-faceted components of argumentation used as logical means to different proximate ends. According to Aristotle, two of the more powerful modes of

logical argumentation are accessed through examples and enthymemes, which are similar to logical syllogism, but with an unstated major premise. Aristotle contends that examples are more tangible if they are drawn from historical parallels or fictitious parallels such as those presented in fables. In an enthymeme part of the argument is missing because it is assumed to be understood by the audience. For example: "Mary will fail her German test because she did not study." The claim is that Mary will fail her German test. The stated reason is because she did not study. The unstated assumption is that people who do not study fail tests. For the conclusion to be valid, the unstated assumption must be true. The enthymeme is a powerful rhetorical tool, for it persuades the audience based on commonly held beliefs; the audience already shares the unstated assumption. It is important to note that the enthymeme cannot be proven true in the same way as a logical syllogism. For the purposes of this thesis and the rhetorical analyses of Chapter Four, the explanations and use of how example and enthymeme facilitate the logical argumentation are examined contextually in more detail.

CHAPTER IV

TEXTUAL ANALYSES

The previous chapters of this thesis establish the issue of same-sex marriage as a rhetorical situation worthy of analysis. The FRC views same-sex marriage as a make or break issue. A considerable amount of literature on their website is dedicated to blasting same-sex marriage and the gay agenda. The fact that there are a number of Republican politicians and judges on the side of same-sex marriage unveils a huge splinter in the Republican Party. This chapter examines how the Family Research Council (FRC) and Log Cabin Republicans (LCR) use the rhetorical appeals of *ethos*, *logos*, and *pathos* to make their case about same-sex marriage.

The FRC dedicates considerable attention to the issue of same-sex marriage, more so than the LCR. Whereas the FRC's focus is almost exclusively on issues of a moral nature, the LCR's gives its attention to a number of issues from same-sex marriage to the tax reform. As a result of reading twelve press and position releases concerning same-sex marriage, for both the FRC and LCR, three categories within the debate of same-sex marriage came to my attention as being of particular interest in the discussion of same-sex marriage: 1) the FRC's and the LCR's official stance on same-sex marriage, 2) institution of marriage, and 3)

constitutional amendment to prohibit same-sex marriage. For the purposes of this analysis, I visited the websites of the FRC and LCR to obtain the press releases and/or position statements to be rhetorically analyzed.

The FRC's and LCR's Official Stance on Same-Sex Marriage

Family Research Council's Position

Take a Stand for Marriage is the title of Tony Perkins' speech on same-sex marriage given to a crowd of more than 20,000 people in the Seattle, Washington area rallying for "traditional" marriage. Tony Perkins is the current President of the Family Research Council. Perkins, a former member of the Louisiana Legislature, delivered this speech to a crowd of more than 20,000 people from Seattle, Washington area who attended a rally in support of traditional marriage. It is a relatively brief speech. The print version of this speech is two and a half pages, single-spaced of continuous text with no headings.

Perkins begins his speech by recounting the story of his time on the campaign trail as a politician in Louisiana during which time he encountered a lady to whom he had handed a push card. As Perkins points out, a push card has a politician's picture on the front and political agenda on the back. Upon receiving this push card, the lady, according to Perkins, commented: "My, that picture sure does flatter you."

Perkins uses this story to illustrate his premise that Americans today are being handed an agenda of a homosexual minority, and, as Perkins contends, “there is not picture on their agenda.” In fact, Perkins states that homosexuals do not want Americans “to see the picture that their radical agenda will create of marriage and family in America—not only is it unflattering, it’s frightening.”

The question Perkins then asks: “why do you think they have chosen the courts as their vehicle for this radical makeover of public policy in America”? Perkins argues that legislative bodies should take up the debate of same-sex marriage, not the courts. In fact, Perkins uses the words of Justice Scalia, who said in his dissenting opinion in the case of *Lawrence v. Texas*, that the court “had largely signed on to the so-called homosexual agenda.” Perkins points out that Scalia believes the *Lawrence v. Texas* decision, which struck down sodomy laws in Texas, will lead to homosexual marriage.

Perkins then reflects on the question of whether or not same-sex marriage will have an impact on society, to which he retorts: “Has no-fault divorce affected your marriage or your family or the marriage of someone you know”? Perkins poses this question to draw a parallel to same-sex marriage and how public policy shapes American culture.

Although Perkins provides no references to specific studies, he claims that the result of no-fault divorce has been a 34% increase in divorce between 1970 and 1990. The reason there has been a decline in the last decade is largely due to the 1000% increase in cohabitation, according to Perkins. Moreover, Perkins blames no-fault divorce for the 141% increase in single-parent homes. Perkins surmises that no-fault divorce has been disastrous for the family and “has caused irrefutable damage to millions of children.” Yet, Perkins cites no source for this information. In terms of the enthymeme, Perkins claim is that legislation that affords choices (about marriage) undermine marriage. The allowing of no-fault divorces are choices and thus have undermined the institute of marriage. His evidence is that there has been a 141% increase in single-parent homes. His next claim, which rests on the first, is that same-sex marriage is a similar choice that would also result in more horrific outcomes for marriage.

On his flight to Seattle, Perkins read about the apprehension of a serial murderer suspected of killing five women. The article reporter, explains Perkins, contacted friends and families of the suspect. The father of the suspect eventually was reached and explained to the reporter that he had had little contact with the serial murder suspect and that he had left the family when the suspect was a year old. The mother then became the sole influence in the suspect’s life. Perkins

then says, “Sadly that story is repeated over and over. Of the tens of thousands of males incarcerated in prison today in America, over 70% had little or no interaction with their fathers.” Perkins contends that the public policy of no-fault divorce has discouraged the “ideal environment” for a child that includes a mother and father. Perkins expands on this by saying that as destructive as no-fault divorce and the lack of a father in children’s lives have been, “it pales in comparison to what the policy of same-sex ‘marriage’ will do to our culture.”

Perkins says that heterosexual marriage has all but disappeared in Scandinavia. This, Perkins suggests, is the byproduct of the universal acceptance of same-sex marriage in those countries. Perkins asks his audience, “Is this what we want for America”?

Perkins concludes by recounting the ways in which homosexuals view tolerance as a one-way street—their way. He explains that homosexuals have gotten laws passed in other countries that outlaw discriminatory language, even in the churches. Perkins uses the Biblical story of Queen Esther who was confronted with whether or not to battle a public policy that would have resulted in the destruction of her people—the Jews. Queen Esther feared that battling such public policy would result in her death. Her uncle Mordecai told her, however, that his was her hour. Perkins then draws a parallel between the story

of Queen Esther and Americans today claiming that by “God’s sovereign design, He has chosen this generation to defend His institution of marriage, to save a nation, to preserve civilization.” This is, according to Perkins, America’s hour.

As previously discussed in this thesis, the Family Research Council is rooted in a Judeo-Christian tradition that places importance on the idea of God and Scripture. It can be assumed that much of what Perkins has to say is directed at Evangelicals who adhere to a more conservative interpretation of Scripture. In that sense, Perkins’ *ethos* is more implied rather than explicitly stated. The audience already knows with whom they are dealing. However, to endear himself to his audience further, Perkins reestablishes his *ethos* by portraying himself as a campaigning trailblazer of sorts who reaches out directly to his constituents. His self-deprecating story about the woman who directly comments about Perkins’ flattering push card picture also serves the purpose of making him more common, even more likeable. Perkins is one of them.

Understanding that his audience is most likely responsive to pathetic appeals, Perkins uses the political push card as a metaphor for what he calls the homosexual agenda. Whereas the political push card puts a picture to a political agenda, homosexuals, according to Perkins, are not putting a picture to their agenda because the picture would be too “frightening.” As discussed in Chapter

Three of this thesis, Aristotle understood the power of *pathos* and the reaction it can stir in an audience. The word “frightening” is powerful, for it portrays same-sex marriage as something destructive and sinister. Perkins is trying to instill fear in his audience.

No-fault divorce is a rhetorical comparison to same-sex marriage. Perkins explicitly states that no-fault divorce in and of itself has been destructive to American society. Yet, according to Perkins, same-sex marriage will be even more corrosive and do even more damage to the American moral fiber. The story of the fatherless serial killer is used to illustrate that single-mom homes have had negative outcomes for American society and the swell in the number of men in prison. The audience is left to deduce that further deviations from the traditional man-woman family will have even more dreadful outcomes for American society.

Much of what Perkins has to say instills fear and disgust in the audience. He certainly does not have much positive to offer. The situation, according to Perkins, is decidedly dire. Yet, in his last metaphor, Perkins attempts to embed a sense of honor in the audience, for they, too, can hear the calling of God much like Queen Esther did to save her people—the Jews. Rhetorically speaking,

Perkins is using the metaphor of Queen Esther to say that Americans must save society from the gays and lesbians.

Perkins though does not rely on metaphors to spread fear. He also talks about “tyrannical judges” and willing governments that will force same-sex marriage onto the American people. Moreover, Perkins threatens, if the gay agenda is not stopped, homosexuals will rob Americans of their religion’s right to refuse to marry same-sex couples. In addition to fearing same-sex marriage in a metaphorical sense, one must now fear being robbed of something that does not yet even exist. The implication Perkins makes is that it will no longer be *our* America, but rather a reproduction of the likes of *those* European countries that have legalized same-sex marriage.

Often numbers and statistics are used in an attempt to appeals to one’s sense of *logos*. Yet, unsubstantiated statistics become more a play on *pathos* rather than *logos*. Perkins illustrates this well in his position speech. He talks about the 34% increase in marriage since no-fault divorce. He also talks about the 1000% rise in cohabitation, but most disturbing, as Perkins suggests, is the 141% increase in single-parent homes. These astonishing numbers are used by Perkins to indicate that there is more around the corner if same-sex marriage is legalized. Interestingly, Perkins provides no references to the studies from which these

numbers were derived. The question though is whether or not that matters because the credibility the audience attributes to those numbers directly relates to their willingness to be critical of those numbers. It is not ethical to throw statistics at an audience without contextualizing them correctly. In this sense, Perkins' attempt at logical argument fails for those inclined to consider the information critically. However, on the other side of that coin, these arguments can be effective when considering their enthymematic power, particularly to audiences who share Perkins's assumptions--that radical changes in marriage have already been disastrous for the American family. Once that assumption is accepted, he need only show that same-sex marriage would be a similarly radical change in order to lead audiences to the conclusion that gay marriage would also be disastrous for the family.

Log Cabin Republicans Position

It is obvious where the FRC stands on same-sex marriage. They are against it. There is, however, a different voice within the Republican Party on this issue. *Civil Marriage Equality: A Strategy for Success* is the title of Patrick Guerriero's position on same-sex marriage. Guerriero is the President of the Log Cabin Republicans and is adamant in his support for same-sex marriage. The position statement is a page and a half of continuous text with no headings.

Guerriero begins by describing the excitement he experienced with numerous others on May 17, 2004, as the Cambridge City Hall opened its doors to issue marriage licenses to same-sex couples. He then explains that the LCR is committed to achieving civil marriage for gay and lesbian Americans. To achieve this goal, Guerriero explains that gay and lesbian Americans must “embark on a long range, coordinated, strategic and bi-partisan plan”—one that reaches across Blue and Red states.

A successful battle, according to Guerriero, will involve not only the judiciary, but also the legislatures and “the will of fair-minded Americans.” Guerriero explains that Americans must understand that same-sex marriage is a conservative movement “that will strengthen the institution of marriage by fostering the development of stable, loving, tax-paying families.” Guerriero contends that gays and lesbians must embrace a different language to talk about the issue. He states, “In addition to talking about protections and rights, we must highlight our desire to embrace the legal, ethical, and moral responsibilities that come with marriage.” Guerriero adds that gays and lesbians “must convince the majority of Americans that civil marriage equality will benefit society by encouraging stable relationships, strengthening the institution of marriage, and providing basic protection for gay and lesbian families.”

Guerrero explains that an all or nothing approach to same-sex marriage divides the gay and lesbian community. The legal gains must be incremental and is, therefore, the reason why the LCR “will not oppose domestic partner legislation and civil union laws that move our community close to the goal of civil marriage equality.” The fact that different states will want different strategies should not discourage gays and lesbians from the overall goal.

Polls show strong support for gays and lesbians, according to Guerrero. Guerrero writes that when Americans are asked questions whether or not same-sex couples should receive Social Security and partner benefits like heterosexual couples, Americans say yes. Guerrero elaborates that “several recent surveys, including 2004 exit polls, show more than 60% of Americans supporting civil unions or civil marriage equality.” Guerrero uses an entirely different enthymeme. His unstated assumption is that people do not support things that threaten them. His stated claim is that Americans actually support same-sex marriage. He uses the poll numbers to substantiate that claim. He concludes, therefore, that same-sex marriage is not threatening, because the majority of Americans support it.

Guerriero believes that in the current rhetorical context, gays and lesbians must win support from both parties and the realization of women's and civil rights has involved both Republicans and Democrats. He states:

Log Cabin already is achieving success in the GOP. California Governor Arnold Schwarzenegger has signed civil rights legislation, United States Senator Gordon Smith (R-OR) is leading the push for federal hate crimes protection, and United States Senator John McCain (R-AZ) courageously speaks out against the anti-family constitutional amendment. Also, GOP Governor Jodi Rell recently signed historic civil right legislation in Connecticut. Rell said, 'I don't believe in discrimination of any sort, and I want people to have equal rights and equal opportunities.'

Other Republican leaders have stepped forward to support civil equality; including former Massachusetts Governor Bill Weld, Rhode Island Senator Lincoln Chafee, and New York City Mayor Michael Bloomberg. Republican governors appointed six of the seven justices on the Massachusetts Supreme Court—the court that ruled in favor of civil marriage equality in the Goodridge case. Also, the state court judge in California who recently ruled in favor of civil marriage equality is a Republican appointee.

Guerriero believes that other Republican leaders will courageously step forward “to embrace fairness and equality” if gays and lesbians pursue a bi-partisan strategy. The path may be long, but Guerriero looks forward to the day “when all tax-paying, law-abiding American citizens and families are treated equally under the law, regardless of their sexual orientation.”

The Log Cabin Republicans' President Patrick Guerriero knows that much of his party caters to the Evangelical right. Guerriero relies on his ability to

appeal to *logos* and *ethos*. Guerriero does not establish himself as an expert on same-sex marriage, nor does he pretend to know what the implications same-sex marriage will have for American society beyond fairness and equality. His appeals to a Republican's sense of fairness and equality establish his *ethos*. No, Guerriero does not pretend to be a hell fire, brimstone Christian, but he does use the ideas of fairness and equality to represent himself much like Aristotle's description of the virtuous man.

Guerriero sidesteps the pathetic appeals and inflammatory language used by the FRC. What Guerriero does is establish his position in conjunction with the position of notable and popular Republicans such as Arnold Schwarzenegger and Michael Bloomberg who are against government intervention people's lives and use of the Constitution of limits its citizenry's rights. The unstated premise is that the abridgement of rights is wrong. Discrimination in any form is an abridgement of rights. The assumption, therefore, is that Republicans should be against the abridgement of rights.

Guerriero also logically argues that Republican judges are the ones responsible for instituting fairness and equality for same-sex couples in Massachusetts and California. He also contends that change will not happen overnight. This message is implicit in Guerriero's message that victories will be

incremental. The war is won in the small battles, not in the all out assaults. This message is clear, and it is logical. Most people understand the old adage: good things come to those who wait.

Interestingly, the inflammatory language of the Family Research Council is missing in Guerriero's words. Guerriero's language and appeals to *pathos* are related to what most Republicans would consider positive words: *equality, fairness, conservative values, moral responsibilities, stable relationships, strengthening the institution of marriage*. These words are inherently more positive and considerably less "frightening." Republicans of the "less government is better" persuasion *fear* government intervention. They *fear* being told how to live their lives. More importantly, they *fear* losing their privacy to government interests.

When considering how the Family Research Council and the Log Cabin Republicans articulate their positions on same-sex marriage, it is clear that the FRC has a markedly more pessimistic and detrimental view of same-sex marriage. They ostensibly understand how to appeal to people's fears of change and the unknown. The LCR relies much more on the logic of same-sex marriage and how adding this new dimension to the institution of marriage will strengthen it, not corrode it. Moreover, same-sex marriage will encourage stable,

monogamous relationships in the gay and lesbian community, whose relationships have historically been categorized as promiscuous and whimsical.

The most powerful piece of information discussed in these two texts comes from Guerriero when he states that six of the seven judges on the Massachusetts Supreme Court were appointed by Republican governors. The FRC labels these judges as *tyrannical* and *activist judges* who want to change American society as we know it. Interestingly, the FRC is defaming judges affiliated with their own political party. The attacks are almost cannibalistic.

The Effect of Same-Sex Marriage on the Institution of Marriage

Family Research Council's Position

Dr. Timothy J. Dailey in his pamphlet, *The Slippery Slope of Same-Sex 'Marriage'* found on the FRC's website, contends that same-sex marriage will be a stepping stone to the inclusion of all relationships between "two or more partners of either sex—even non-human partner" under the definition of marriage. It is worth noting that slippery slope is considered a logical fallacy in rhetorical studies; yet, the FRC utilizes this rhetorical strategy as one of its core arguments against same-sex marriage.

This lengthy pamphlet can be found in continuous text print form on the FRC's website. It is eight pages in length and is single-spaced. The headings are:

1) A Man and His Horse, 2) The Threat to Marriage, 3) They “Polyamory” Movement, 4) Anti-Marriage Activists, 5) The Frat House Concept of “Family,” 6) Same-Sex Relationships are not the Equivalent of Marriage, 7) What about the Children?, 8) Gay Marriage is not a Civil Rights Issue, 9) Upholding Traditional Marriage is not “Discrimination,” 10) Americans Reject Gay Marriage, 11) Polls Cite Moral Objections to Homosexuality, 12) Homosexuality is Unnatural, 13) The Gay Agenda vs. Nature, 14) A Coming Spiritual Revival?, 15) Gay Marriage: A No Show in History, and 16) A Federal Marriage Amendment: Protection against Judicial Tyranny. This pamphlet covers many aspects of the debate on the same-sex marriage; however, most of the arguments center on the effect of same-sex marriage on the institution of marriage—hence its inclusion under this subheading.

Dr. Daily grabs the reader’s attention by telling the following story:

In what some call a denial of a basic civil right, a Missouri man has been told he may not marry his long-term companion. Although his situation is unique, the logic of his argument is remarkably similar to that employed by advocates of homosexual marriage. She man claims that the essential elements of marriage--love and commitment--are indeed present: "She's gorgeous. She's sweet. She's loving. I'm very proud of her. ... Deep down, way down, I'd love to have children with her." Why is the state of Missouri, as well as the federal government, displaying such heartlessness in denying the holy bonds of wedlock to this man and his would-be "wife"? It seems the state of Missouri is not prepared to indulge a man who waxes eloquent about his love for a 22-year-old mare named Pixel.

According to Dr. Dailey, this story reveals how many view the sole criterion for marriage to be *love* and *mutual commitment*. Furthermore, Dr. Daily uses this story to illustrate the unstated assumption that marriage must now be confined to the union of a man and woman, for anything outside that scope would open itself to the very scenario of a man wanting to marry his mare. The illustration provided by Dr. Daily does little in the way of appealing to one's sense of logic. In fact, the story has the air of something one could find on the Jerry Springer show. Frankly, it is hard that any reasonable person could find such a story plausible, much less logical in its assertion that same-sex marriage is just one slippery slope away from marrying animals. The metaphor to bestiality stands glaringly on the side of a pathetic appeal run amok.

Dr. Dailey's story about the Missouri man and his mare is a clear metaphor correlating relationships between homosexuals to those of people who choose relationships with animals. In short, the terms that Dr. Dailey and the Family Research Council put together are *homosexuals* and *bestiality*. Dr. Dailey continues the association between homosexuals and bestiality by saying, "Of course, media stories on same-sex marriage rarely address the fact that redefining marriage logically leads to the Missouri man and his mare." The message is clear: homosexuals are just like people practicing bestiality.

Associating gays with bestiality is, in fact, flawed in its premise. Today's laws do not specify "human." For example, nobody is pursuing the legality of getting his cat a driver's license. It is understood on a human level that a cat cannot do that, just like many assume that humans do not marry animals.

Further metaphors reveal Dr. Dailey and the Family Research Council's motivations to undermine the integrity of homosexuals. Dr. Dailey describes same-sex marriage as threatening the institution of marriage. He defines for his readers what the "polyamory movement" is. Dr. Dailey states:

'Polyamory' is derived from Greek and Latin roots, and is loosely translated 'many loves.' Polyamorists reject the "myth" of monogamy and claim to practice 'harmonious love and intimacy between multiple poly partners.' Stanley Kurtz describes the "bewildering variety of sexual combinations. There are triads of one woman and two men; heterosexual group marriages; groups in which some or all members are bisexual; lesbian groups, and so forth." The polyamory movement took its inspiration from Robert Heinlein's 1961 sci-fi novel, *Stranger in a Strange Land*, in which sexual possessiveness (as in marital exclusivity) is portrayed as an evil leading to societal ills such as murder and war. The book helped spawn a number of ill-fated sexual communes, such as San Francisco's Kerista community, in which members had sexual relations with each other according to a rotating schedule.

According to Dr. Dailey, this explanation of polyamory is revealing in that "one prominent advocate of polyamory, David Chambers, professor of law at the University of Michigan, argues: 'By ceasing to conceive of marriage as a partnership composed of one person of each sex, the state may become more

receptive to units of three or more.” Once again a spokesman for the FRC, Dr. Dailey, is associating the word *threatens* with homosexuals. The message is that allowing homosexuals to marry will be a vehicle for more sinister things to come. It is a recurring message on the part of the Family Research Council. Dr. Dailey goes so far as to draw the metaphor of same-sex marriage being a “frat house concept of family” in which a “free-for-all” model of the family would compromise the safety and well-being of children. Moreover, same-sex marriage will be the final slippery slope that leads “to the destruction of marriage as we know it.” The metaphors are clear. There is no other conclusion for the audience to infer other than homosexuals are synonymous with bestiality and the destruction of marriage.

Dr. Dailey cites a Dutch study to emphasize that same-sex relationships are “short-lived and transitory.” He emphatically notes that the Netherlands is a gay-tolerant nation that has legalized homosexual marriage. The study, as Dr. Dailey outlines, shows that married couples “remain married for up to 20 years or longer.” Same-sex relationships, however, have an average duration of just eight years. Dr. Dailey mentions this study in the hopes of providing credibility to his claim that same-sex marriages are whimsical. The reason is that the Dutch study shows that same-sex marriages do not last as long. The unstated

assumption is that same-sex couples do not place the same importance on the vows of marriage.

Furthermore, same-sex relationships are marred by promiscuity. Dr. Dailey argues:

Studies indicate that while three-quarters or more of married couples remain faithful to each other, homosexual couples typically engage in a shocking degree of promiscuity. The same Dutch study found that 'committed' homosexual couples have an average of eight sexual partners (outside of the relationship) per year.

In addition to short-lived and promiscuous relationships, same-sex relationships, as Dr. Dailey contends, suffer from heightened levels of violence. He states that same-sex couples experience "by far the highest levels of intimate partner violence compared with married couples as well as cohabitating heterosexual couples." This statement, too, is quite revealing, for Dr. Dailey now includes cohabitating heterosexual couples as a benchmark for just how extreme violence is in same-sex couples—it is no longer just about the homosexuals; there are deviant heterosexuals, too. Cohabitating heterosexual couples function outside the scope of desirable man-woman marriages. Same-sex couples and their heightened instances of violence in relationships, according to Dr. Dailey, deviate even further from cohabitating heterosexual couples. Such statements about gays

and lesbians and their supposed propensity for violence bait an uncritical audience member with a sense of disgust and fear.

Ultimately, the FRC defines same-sex marriage as one step away from bestiality and two steps away from the annihilation of marriage itself. The FRC uses people's fear and uneasiness with the unknown to send the message that same-sex marriage is injurious to the institution of marriage and will eventually destroy its role in American society.

Log Cabin Republicans' Position

On the other end of the spectrum, the LCR sees the inclusion of same-sex marriages as a benefit to society. The LCR asserts that same-sex marriage will strengthen the institution of marriage, not weaken it. In fact, according to the LCR, allowing gays and lesbians to marry their partners would perpetuate conservative, family values by including all of American citizenry in the institution of marriage. They make their cases for same-sex marriage in their press release entitled *The Case for Civil Marriage Equality* found on the LCR website. The press release is one page, single-spaced and is typed in small font. The LCR says that civil marriage will encourage stable relationships, strengthen the institute of marriage, and provide important protection for gay and lesbian

families. They claim that civil marriage will also advance the cause of fairness and liberty. Such a portrayal is unmistakably more positive and uplifting.

Civil marriage for gays will lead to more stable relationships according to the LCR. This argument, they contend, is a conservative one that the religious right should support. The LCR states that one often hears “those on the right rail against homosexuality because they say gay men are more promiscuous than heterosexuals.” Marriage encourages monogamy and long term committed relationships. The LCR says that this is a good thing and poses the question: “How can the religious right disagree with this point?” Smartly, the LCR uses the tenets of religion, monogamy, and committed relationships to appeal to conservatives’ sense of morality. While such an appeal is *pathos*, it also works as an ethical appeal. The message is that the LCR shares those same values—the same morality even. Therefore, it is not much of a leap for the audience to identify the LCR as a moral authority of sorts, thus as an authority on what is a conservative value.

Gays and lesbians marrying their partners do not threaten marriage, the LCR argues, but rather strengthen the institution of marriage. The LCR points out that the “religious right talks about ‘defending marriage’ or ‘protecting marriage.’” Yet, the question then becomes: from what? The LCR states that gays

and lesbians marrying do not harm heterosexual marriage. Why? As the LCR points out, same-sex marriage is not a viable alternative for straight people. One cannot make someone become gay or lesbian, just as one cannot make someone heterosexual. The LCR says that one only need consider Vermont. The sky has not fallen since civil unions became legal there in 1999. In fact, the LCR contends, “one could argue, because this is something we [gays and lesbians] have been denied, gay and lesbian couple will take the contract of marriage more seriously.” Preliminary data from countries with civil unions actually support this assertion, the LCR contends.

The argument that same-sex marriage is not a viable option for heterosexuals shows that the LCR is forgetting its audiences a bit. Many people in the Republican Party are after all evangelical. In their eyes homosexuality is a choice; it is a “lifestyle.” The notion of sexual orientation as a choice or biological determination is itself a concern to many in the gay and lesbian community. Many gays and lesbians do not want to pursue the debate about homosexuality as an “inborn” disposition because evangelicals are quick to draw the parallel to alcoholism and other socially undesirable “inborn” conditions—it is just the cross they must bear.

Marriage as an institution has also changed dramatically with society. The LCR asserts that those who oppose same-sex marriage often talk about the “tradition” of marriage. This argument, according to the LCR, is flimsy because same-sex marriage opponents say that “it’s always been that way.” The LCR says that this argument should sound familiar because it was the same argument used by segregationists to discriminate against blacks. Moreover, those opposed to same-sex marriage never talk about how marriage has changed over the last 2,000 years. The LCR states, “As society has evolved, becoming better educated and more tolerant, the traditions and acceptable definitions of marriage have been altered.” The LCR provides the following points as illustration:

1. An adult man would be allowed to marry a 12 year-old girl.
2. Someone could be forced into a marriage arranged by their parents.
3. Men could treat their wives as property to be disposed of at will.
4. A husband would be allowed to have multiple wives.
5. A person could not marry someone of a different religion.
6. A person would not be allowed to marry someone of a different race.
7. A person could not marry someone from a different economic class.
8. It would be impossible to divorce, no matter how physically or emotionally abusive the spouse.

Given the changes to the institution of marriage throughout time, the LCR believes that with a better understanding of gays and lesbians, the time has come for another change to the institution. The list above coupled with the LCR's contention that the institution of marriage is ready for another change works logically. The LCR provides the examples, and the audience put its deductive reasoning to work.

The LCR contends that gays and lesbians have become the scapegoat for failed marriages. They wonder how Britney Spears' fifty-five hour marriage is not more threatening to the institution of marriage than a committed gay or lesbian couple pledging to spend the rest of their lives together. Gays and lesbians cannot be blamed for a divorce rate of 50%. The reasons for today's failed marriages are complicated. The LCR, in fact, claims that there are a myriad of problems with the institute of marriage. The reasons are given in the form of examples such as Britney Spears. What the LCR wants the audience to understand in the form of unstated assumptions is that it is unfair to blame same-sex couples, especially in light of the fact that they cannot yet marry.

The LCR points out that instead of examining the real reasons for failed marriages, "some on the radical right find it easier to blame gay and lesbian families." Instead of proposing a Constitutional amendment to prohibit gays and

lesbians from marrying, the radical right should be supporting an amendment to prohibit no-fault divorce. Or, as the LCR suggests, maybe they should look into ways to eliminate adultery. The LCR puts the onus on all of society to repair the institution of marriage. The suggestion is, and it is quite logical, that gays and lesbians are not responsible for the deterioration of the institution of marriage.

Constitutional Amendment

Family Research Council's Position

Today's debate on same-sex marriage is centered on whether or not a Constitutional amendment will be passed to define marriage as the union of a man and woman, which as a byproduct would exclude gays and lesbians from marrying. The significance of such a legislative measure is historically monumental. The issue of a Constitutional amendment is splintering the Republican Party between the moral right and the small-government libertarians.

The FRC contends that today's courts are radical, even tyrannical, in their thinking. In fact, these radical courts have advanced the "revolution" to legalize same-sex marriage more quickly than previously thought possible. The Massachusetts State Supreme Court's decision to allow gays and lesbians to marry, according to the FRC, has redefined marriage. The FRC states, "The court

likened opposition to same-sex 'marriage' to the racist prejudice against interracial marriage. As if to emphasize the point, the court's date for the first same-sex weddings—May 17, 2004—is fifty years to the day after segregation was forbidden in *Brown v. Board of Education*." This voice for same-sex marriage, the FRC says, has moved same-sex marriage from an exotic suggestion to a virtual reality in barely a decade. This is the argument presented by Professor Gerard Bradley and William Saunders in a six page, single-spaced press release on behalf of the FRC entitled: *DOMA Won't Do It: Why the Constitution Must Be Amended to Save Marriage*.

The FRC views the Massachusetts case as the beginning of a domino effect. Same-sex marriage will spread across America, very much like no-fault divorce laws spread during the 1960s. Furthermore, same-sex marriage might also spread by the "migration of couples demanding recognition of their Massachusetts vows in other states." Finally, same-sex marriage may become a permanent reality in every state if the Supreme Court were to declare that the Constitution require the recognition of same-sex marriage across state lines. This is why, according to the FRC, that the United States should write a Constitutional amendment to prohibit gays and lesbians from marrying.

The Defense of Marriage Act (DOMA) is a federal statute that counts only a husband and a wife as spouses for the purposes of filing tax returns, receiving veterans' benefits, and receiving social security survivors' benefits and other entitlements. The FRC mentions, too, that DOMA also addresses the issue of people married in states such as Massachusetts "traveling" to another state. DOMA specifies that no state shall be required to give effect to any act "respecting a relationship between persons of the same sex treated as a marriage under the laws of another state," according to the FRC.

The FRC is worried that DOMA will not withstand legal challenges. The full faith and credit doctrine requires one state to recognize contractual and legal obligations of another state. In other words, marriages in one state must be recognized in another state. Legally binding contracts such as marriage are valid across state lines. The FRC contends that there is no legal precedent for DOMA. With that said, the FRC cites Harvard Law School professor Laurence Tribe in saying that Congress lacks the power to legislate a "categorical exemption" from the full faith and credit clause. The FRC argues that some states might be forced to recognize same-sex marriages performed in other states as a result. The fact that marriage is not explicitly defined in the Constitution is the very reason that organizations such as the FRC want to amend the Constitution in order to define

marriage as the union of a man and a woman. They justify their reasoning by explaining:

The Goodridge court, for example, referred to the plaintiff couples (i.e. the gay wedding aspirants" as 'families' and claimed that same-sex couples may be 'excellent parents.' If these folks are already families doing an excellent job with children, the court asked, why exactly are they prohibited from marrying like other couples who head families with kids?

The FRC believes that judicial consideration of same-sex marriage forces the state to provide a rational basis for limiting marriage to a man and woman. The FRC understands that states will argue that marriage is procreative. In turn, this will invite the courts to question why sterile couples are allowed to marry. Moral disapproval or simple prejudice, the FRC mentions, is not a legitimate *rational* basis. Such legal pursuits in other states will ultimately prove how constitutionally vulnerable DOMA is to the pursuit of same-sex couples to have their marriage recognized in other states.

What is so striking about the FRC's argument about the validity of DOMA is the fact that they preemptively argue the rational reasons why states cannot deny gays and lesbians the right to marry. The claim at the heart of everything the FRC has to say is that the United States must amend the Constitution in order to ensure that marriage is between a man and a woman. They give a number of stated reasons in the form of legal questions surrounding DOMA. The audience

is left with the unstated assumption (in fact it is not so unstated) that there is no other legal recourse other than amending the Constitution to define what marriage is—the union of a man and a woman.

The FRC does not even attempt to hide their intent to search for ways to remedy what they consider to be the moral injustice of allowing gays and lesbians to marry. By framing their arguments as a legal or judicial remedy for moral injustices, the FRC attempts to appeal to *logos*. However, the arguments function primarily as an underhanded appeal to *pathos*. The unstated message is: You aren't comfortable with the idea of gay marriage. We aren't either, and this is a way to prevent them from marrying.

A *new* Constitutional right to engage in homosexual acts is at the forefront of the battle over same-sex marriage according to the FRC. The FRC states:

In *Lawrence v. Texas* (2003) the Supreme Court for the first time ruled that states may not forbid people to engage in non- or extra-marital sex acts. The justices said that the Texas law lacked any basis in reason, and that therefore no legitimate state interest was involved. The Court made a significant—and radical—statement about a supposed constitutional protection for homosexual relationships. The *reason* why homosexual acts are protected, the Court said, is precisely because such acts may constitute a person's identity; because sexual conduct 'can be but one element in a personal bond that is more enduring;' because penalizing sodomitical acts could lead to 'discrimination both in the public and the private sphere.' Therefore, the Court said, 'persons in homosexual relationships' have a right to the *same* constitutional liberty when it comes to marriage, procreation, and family that 'heterosexual persons do.' Lawrence is not

about sodomy and privacy. It is about homosexual 'bonds' and state respect for them.

As a result of the *Lawrence v. Texas* decision, the FRC contends, the federalist approach of allowing states to decide how they want to recognize a marriage is no longer viable. The courts are taking this issue out of the hands of the state legislatures. Therefore, according to the FRC, the Constitution must be amended to prescribe that marriage be between one man and one woman. The logic on the part of the FRC also holds that federalism will be overridden anyway because the courts are going to force states to recognize same-sex marriage. Why not, the FRC asks, amend the Constitution to prohibit same-sex marriage instead of allowing state courts to legalize it? Again the message is audacious on the part of the FRC. Let's just nip this problem in the bud before it becomes a reality. The means really do justify the ends. The FRC is telling that moral prohibition is a more important part of the Republican platform than maintaining small government.

The Log Cabin Republicans' Position

The LCR believes in the federalist approach to resolving social issues. In their seven-page, double-spaced press release entitled *The Truth About the Anti-Family Federal Marriage Amendment*, the LCR argues that the United States already

has a law that governs the definition of marriage as the union of a man and a woman. There is no need to amend the United States Constitution.

The LCR begins by clearly stating that DOMA is the law of the land. In fact, no court anywhere at any time has ruled otherwise. The LCR even quotes constitutional scholar, Bruce Fein, as saying that DOMA is constitutionally irreproachable. The LCR quotes James Madison in *Federalist 49* that the Constitution should be amended only on “great and extraordinary occasions.” The Constitution should never be amended on the basis of unfounded fears and “what some unknown judge might rule in some unknown case at some unknown time,” the LCR argues.

The Federal Marriage Amendment (FMA) is too broad, for it seeks to not only prohibit same-sex marriages, but also civil unions and possibly even domestic partner benefits. The LCR quotes the FMA:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any state, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

The LCR adheres to the belief that the Republican Party would not support such an amendment because the language lends itself to a glut of lawsuits by individuals and groups that will challenge any benefits granted to same-sex

couples by voters or legislators. The LCR, as an appeal to *pathos*, plays on the Americans' sense of themselves as peaceable by stating that America is already too litigious.

More importantly, the word marriage would have to be clearly defined.

The only way to do this is via judicial means. The LCR states:

As reported in the *Washington Post*, two of the amendments' principal authors, Professors Robert George of Princeton and Gerard Bradley of Notre Dame Law School, have made clear that future courts would have to 'interpret the amendment to protect not just the word 'marriage,' but also its essential meaning—in the same way that, if the Constitution forbade states from creating 'navies,' they clearly could not establish 'flotillas' or 'armadas,' either.

Moreover, as reported by the *Washington Post*, George contended that "marriage at its legal core, is a 'sexual union,' and that the amendment would bar states from extending the legal benefits of marriage to gay couples, or anyone else, 'based on the presumption that they have a sexual relationship outside of marriage.' The LCR contends that setting forth a legal list of marriage is impossible.

The FMA tramples on the principles of federalism and is an unprecedented incursion into state affairs, the LCR argues. The LCR holds that the Republican Party has consistently advocated the importance of state and local governance. As such, the LCR believes that 225 years of history show that

the recognition and protection of families is an issue best handled by local and state governments. Some within the Republican Party want to rail against homosexuals and throw federalism out the door.

To illustrate the Republican Party's stance on federalism and the role that state government, not federal government, should play, the LCR quotes Dick Cheney during the 2000 Vice-Presidential debate as saying, "it's really no one else's business in terms of trying to regulate or prohibit behavior in that regard...I think different states are likely to come to different conclusions, and that's appropriate. I don't think there necessarily should be a federal policy in this area." The LCR points out that Dick Cheney reaffirmed this position during the 2004 elections as well. The Republican concern over a constitutional amendment, however, does not stop with Dick Cheney. Former Congressman Bob Barr (R-GA) gave testimony before the Senate where he said, "marriage is a quintessential state issue...The Federal Marriage Amendment takes power away from the states that they have historically enjoyed. " Barr authored the 1996 Defense of Marriage Act (DOMA). Furthermore, Barr stated:

In the best conservative tradition, each state should make its own decision without interference from Washington. If this produces different results in different states, I say hurray for our magnificent system of having discrete states with differing social values. This unique system has given rise to a wonderfully diverse set of communities that, bound together by *limited*,

common federal interests, has produced the strongest nation in human history.

At no time in the history of the United States has a constitutional amendment been used to discriminate or marginalize any category of citizens, according to the LCR. The FMA would mark the “first time a Constitutional amendment has been used to discriminate against a segment of American population.” The LCR asserts that from the abolishment of slavery to the allowing women to vote, “amendments to the Constitution have been used to spread the benefits of liberty to a larger segment of population.”

The FMA also serves in making the Constitution a political tool for divisive social engineering. The Constitution, the LCR says, should not be used as a means of deciding important debates about public policy issues. The LCR cites George Will, conservative syndicated columnist, as saying, “Amending the Constitution to define marriage as between a man and woman would be unwise...Constitutionalizing social policy is generally a misuse of fundamental law.” Another Republican, Congressman Ron Paul (R-TX), says in speaking against the FMA, “True conservatives and libertarians should understand that the solution to our moral and cultural decline does not lie in a strong centralized government.”

FMA (Federal Marriage Amendment) sponsors often speak of wanting the people to decide the fate of same-sex marriage instead of “activist judges.” Yet, the FMA eliminates the will of future majorities. The LCR tells that “poll after poll shows people under 35 supporting some measure of equality for gay and lesbian families.” FMA proponents read those same polls and realize that the FMA is the only way they can “freeze the progress of time.” The LCR blasts that same-sex marriage opponents are not concerned with the will of the people, but rather they care about preventing “state legislators and voters in the future from deciding this issue in a way that they do not agree with.” In effort to speak to their fellow Republican’s sense of honor by saying that future generations will look back on this amendment effort and wonder how it ever could have happened. They then ask: “do you want to be on the wrong side of history?”

The LCR cleverly aligns their positions with socially conservative Republicans who believe that states’ rights trump any call for a Constitutional amendment to prohibit same-sex marriage. *Logos* coupled with *ethos* fuel their arguments. In fact, the LCR rarely uses *pathos* to make their points. The FRC on the other hand relies primarily on enthymemes and appeals to *pathos* to position their views.

CHAPTER V

CONCLUSION

Societies change over time. This thesis discusses how the United States is undergoing a change in its attitudes towards gays and lesbians. The United States finds itself at a certain historical juncture. As discussed in this thesis, gays and lesbians enjoy increased visibility in today's America. Although the days of hiding in the closet are not completely a thing of the past, living an openly gay or lesbian life is certainly more possible. A constellation of historical events and court decisions have led to this reality. These same events and court decisions greatly influence today's rhetorical discourse.

No other movement has shaped the gay rights movement more than the civil rights movement. The civil rights movement brought attention to the injustices suffered by the disenfranchised and marginalized minorities of color in this country. The civil rights movement made the gay rights movement seem more viable and possible. Just as important in changing our notion of how gays and lesbians could love and share their lives together are the ways in which marriage between heterosexuals have changed.

This thesis examines how marriage was once an institution about enriching assets, combining family wealth, procreating family names and

legacies. Love and emotional nurturing had very little to do with the institution of marriage of old. Today's marriage is more love and emotional fulfillment. This view of marriage has encouraged gays and lesbians to pursue their right to marry because they no longer should be excluded from happiness derived from an emotionally meaningful and fulfilling marriage.

What constitutes a family has also changed in American society. This thesis discusses how private and public benefits have created questions about who is entitled to them. Traditionally the American government and companies have only recognized spouses in the transfer of benefits such as Social Security Death Benefits or pension benefits as is the case with companies. Moreover, gays and lesbians are increasingly having children. Given more progressive understandings of family, gays and lesbians have joined the ranks of parenthood. This has led to the question of how their children are provided for in the event of an unfortunate death or inability to care for their children. These questions about entitlement to benefits and protection of their families have been instrumental forcing the judicial system to consider these questions in a legal forum. All of these historical events have led us to today's rhetorical situation—the debate on same-sex marriage.

The analyses of this thesis reveal markedly different language used by the FRC and the LCR. The FRC's language is more frightful. The rhetoric of their positions on same-sex marriage is rooted in fear. Moreover, in light of the increasing acceptance and presence of gays and lesbians in mainstream America, the FRC's claims against same-sex marriage are increasingly unsustainable. In a modern country with unparalleled levels of education, the metaphor of same-sex marriage being a step away from marrying animals seems inconsistent.

The LCR, on the other hand, positions itself as a group of Republicans who embrace and want to continue of the Republican Party of the past—one rooted in federalist, small-government beliefs that valued equality and fairness for all American citizens. The analyses of this thesis show that their language is decidedly more positive and hopeful. They do not have the same “us against them” mentality like the FRC.

The lines are clearly drawn. Most Democrats support some form of gay civil union whereas most Republicans are opposed to same-sex marriage. This historical debate certainly holds bearing on the future of the Republican Party.

This thesis demonstrates the complexities of rhetorical discourse and how those complexities function in real-world contexts. In order to understand how political decisions are made, one must understand the strategies and tropes of

rhetorical discourse and the usefulness of both modern and classical rhetorical theories in dissecting and unmasking motives. Also, the analyses contained in this thesis illustrate how rhetoric serves to modify imperfections, as Bitzer discusses. Moreover, this thesis reveals how a thorough understanding of a rhetorical situation coupled with a clear and pragmatic application of the rhetorical appeals can teach professional communicators how to explore and understand divisions within an organization.

Ryan Sager, a conservative columnist for the *New York Post*, writes,

the Republican Party has been heading in the wrong direction for a long time. Toward big government and away from small government. Toward politics and away from principle. Toward moralism and away from morality. It's not too late to turn back. But time is growing short (207).

Gays and lesbians across America can only hope that Ryan Sager is right.

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