

## **SAME-SEX “MARRIAGE”**

*This paper (given as a homily in January 2004) is more a compilation than an original work. Most of its ideas are borrowed from those who have thought more profoundly on the issue than myself. Since it is a modified version of a sermon, text references are not given. Particularly useful essays were Michael Pakaluk, “Anti-Sodomy Laws, Just Discrimination & the Nature of Marriage,” Graeme Hunter “Debatable Vatican Document,” and Maggie Gallagher, “The Stakes: Why we need Marriage.”*

Recently the Congregation for the Doctrine of the Faith issued a document addressing the issue of the legal recognition of same-sex unions (“Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons,” June 3, 2003). Some question the Church’s place in even speaking on such matters. The Church has a right and an obligation to speak publicly on moral issues. This is because what is morally right and wrong is not simply a local concern. It is a general human concern. Also, the moral norms of a society effect all its members, including its Catholics.

Many in the media and in politics have claimed this document is an attempt by the Vatican to pressure Catholic politicians into imposing their religious views on others. Actually the document itself notes that the question of same-sex unions can be addressed in a non-sectarian way by reference to the “natural moral law.” In other words it is not simply presenting a faith-based argument. It presents an argument based on reason reflecting on our shared human nature and the types of things that help achieve its proper ends. This is called a natural law argument and in my opinion is the only impartial and objective way of addressing moral issues. Most other ways appeal to faith, cultural norms, or simply individual preferences.

From a faith perspective the Vatican document does point out that Sacred Scripture does condemn homosexual acts (cf. Rm. 1:24-27; I Cor. 6:10; I Tim. 1:10). This judgment of Scripture does not, of course, permit us to conclude that all those with homosexual attractions are condemned. A person is not condemned for an attraction he/she did not personally choose. But we are all responsible for the things we choose to do based on our attractions.

Men and women with homosexual tendencies, says the *Catechism*, “must be accepted with respect, compassion and sensitivity. Every sign of *unjust* discrimination in their regard should be avoided” (CCC 2358). They are called, like other Christians, to live the virtue of chastity.

## **THE NATURE OF MARRIAGE**

The key issue in this whole debate is not equality, discrimination or tolerance. The key issue is the nature of marriage itself. It is in knowing what marriage is that we can discern who can marry. The Church's own teaching on marriage and on the complementarity of the sexes reiterates a truth that is evident to reason and recognized as such by all the major cultures of the world. It’s truly a multicultural perspective. Marriage is not just any relationship between human beings. It has its own nature, essential properties and purpose. Different cultures may modify some of its characteristics (e.g. to include more than one wife or permit divorce),

for good or ill, but none has ever redefined it as anything other than between a man and a woman.

Philosopher Michael Pakaluk illuminates the difference between marriage and other human relationships. There are many sorts of human friendships, he notes. Different friendships form around different sorts of activities. A marriage is a particular sort of friendship, which centers around the conjugal activity of a man and a woman together with the procreation and raising of children. Because the friendship of marriage tends to result in children, and it is a burden of sorts to raise children, society benefits greatly if it is done well. Therefore society distinguishes marriage from other forms of friendship, gives it special recognition, and awards it distinctive benefits.

Two men or two women may display a certain type of sexual friendship. But this sexual friendship does not result in children, so there is no reason for society to reward the relationship in any way. It gives special recognition to marriage because of the good that society gains through the children who are begotten and raised in marriages, and to compensate the parents for their sacrifices.

Some argue that if this is true then it is hypocritical to recognize the marriage of infertile couples and not homosexual partners. Are not both non-procreative unions? Yes, but one is non-procreative by circumstance (of age or health) while the other is non-procreative by nature. The infertile couple can perform conjugal acts that are procreative in type (i.e. the genital union of a man and woman) though not in result while the homosexual partners can do neither. Being the type of persons able to perform the type of acts that normally produce children makes marriage possible. It would be hypocritical, therefore, to pretend homosexual unions are marital when, in fact, by their very nature they are not.

Faced with the *fact* that homosexual unions exist modern governments have adopted different positions toward them. At times they simply tolerate the phenomenon; at other times they advocate legal recognition of such unions under the pretext of avoiding discrimination; in other cases (such as Canada's) the government gives such unions legal equivalence to marriage, along with the possibility of adopting children.

Those who would move from tolerance to the granting of specific rights to homosexual unions need to be reminded that legalization is not the same as toleration. Tolerance understands that certain behaviours may be wrong but that trying to stop them may be futile or cause a greater evil; so they are tolerated. Legalization, on the other hand, gives social endorsement to such behaviour.

## **ARGUMENTS AGAINST LEGAL RECOGNITION OF SAME-SEX UNIONS**

The Vatican document reminds us that every humanly created law is legitimate only insofar as it is consistent with the natural moral law, as established by human nature and discovered by reason. If a civil law is not consistent with natural moral law then it should be opposed

From a common-sense standpoint calling same-sex unions "marriages" is unreasonable and disingenuous, for one is intentionally appropriating a term that has always and only connoted

heterosexual unions. Philosopher Graeme Hunter observes: "It is as if Parliament were trying to solve the global warming problem by declaring that henceforward heat will be called cold."

To claim same-sex unions are marriages is unreasonable from a biological point of view. As Hunter so succinctly puts it, men and women together are normally able to conceive and rear children without the intervention of third parties. Homosexual couples never are. And openness to the procreation of children is an integral part of marriage. The possibility of using recently discovered, but morally questionable, methods of artificial reproduction does not alter the intrinsic procreative deficiency of same-sex unions in this regard. Journalist Hillel Halkin has noted that for Israeli Jews "it makes about as much sense to them to say that homosexuals should be granted marriage licenses in the name of human equality as it would make sense to say that it is discriminatory to withhold driver's licenses from people who can't drive."

From a societal standpoint recognising same-sex unions as marriages is not wise. The institution of marriage exists to secure the union of a man and woman. And as Pakaluk notes this is not just for the man and woman's own sake but also for the sake of any children born from their union. Children need a stable environment in which to grow up. Uniting a man and woman in a permanent bond encourages spouses to mutually assist each other and care for their children. But marriage and raising a family are hard work. Because of this reality marriage needs to be socially encouraged. If marriage's privileged status is not protected then many men and women will be prone to enter types of unions that are less demanding and less stable. This has detrimental effects on children and on the community. In giving the same recognition and benefits to same-sex unions (and cohabitating couples) one weakens the privileged and esteemed status of marriage and so weakens many people's incentive to marry.

The legal recognition of same-sex unions is also unreasonable from an anthropological viewpoint. By definition such couples lack the natural sexual complementarity that exists between a man and woman. Psychologists, anthropologist, and even neurologists are becoming increasingly aware that men and women are innately different in more ways than previously thought. Yet the differences of one sex compliment the other – not just physically, but intellectually, emotionally and psychologically. This complementarity can be very beneficial to the couple but is also generally held to be a significant factor in the proper development of children's personalities. And the well-being of children is important both for their own sake and for the sake of the society as a whole, for children represent its future.

This brings us to the issue of homosexual couples being allowed to adopt children. Pakaluk points out that the unavoidable absence of either the male or the female parental role in such couples deprives children of the experience of either fatherhood or motherhood. The complementarity of male and female parents in an intact family is of fundamental importance. For each parent serves as a role model for the child, who is thus educated in the significance of both of these fundamental dimensions of human nature – male and female – and also in the manner in which each should relate to the other through love. In a homosexual relationship, however, either the male or the female role model is missing. This is already a deficiency. Yet there is another problem: For a homosexual couple, it is not simply that one of these dimensions is missing: The importance of complementarity is in practice denied. A widower

can admit that it would be better if the deceased mother, the female parent, were present, but two women cannot admit, without contradicting the premise of their lifestyle, that it would be better if one of them were replaced by a member of the opposite sex. Arguing in favour of such adoptions by contrasting “loving” homosexual parents with “unloving” heterosexual parents, as some are inclined to do, is unfair. It is contrasting a positive image of one with a negative image of the other. It also fails to address the real question: Are a male and a female parent normally more beneficial to a child?

Society owes its continued survival to the family, founded on marriage. Therefore, in maintaining the universal and traditional definition of marriage one is not unjustly discriminating against homosexual unions. One is simply denying the social and legal status of “marriage” to forms of cohabitation that are, by their very nature, not marital. Common sense and justice requires that such a distinction to be made.

Many have argued that what happens between consenting adults is nobody else's business. Yet, Pakaluk notes, proposed legislation to recognize same-sex unions wants to make it everybody's business by requiring others to acquiesce in their unions and treat them as they would the marital union, both in law and in social practice.

## **THE ROLE OF CATHOLIC POLITICIANS**

Believing what we do about the nature of marriage, the Vatican reminds us, Catholics are obliged to oppose the legal recognition of same-sex unions and “marriages.” This opposition must include Catholic politicians. When legislation in favour of the recognition of such unions is proposed the Catholic lawmaker has a moral duty to express his opposition clearly and publicly and to vote against it. When such legislation is already in force, the Catholic politician must still oppose it in the ways that are possible for him. In doing so the Catholic lawmaker or politician may refrain from using faith-based arguments. Instead he or she may use natural law arguments that appeal to a rational understanding of our human nature and an objective morality based on it.

## **CONCLUSION**

The Church teaches that we must respect the dignity of homosexual persons. But respect for such persons cannot lead in any way to the approval of associated behaviours or to the legal recognition of same-sex unions. The common good of society requires that laws recognize, promote and protect marriage as the basis of the family, the primary unit of society. Legal recognition of same-sex unions or placing them on par with marriage would mean not only the approval of such behaviour – with the consequence of making it a model in present-day society – but would also diminish the significance of what marriage really is.

Marriage would risk becoming, warns Maggie Gallagher, simply a religious rite (as it largely has in Sweden), with little public or social significance. As a legal institution, marriage would lose its coherence. By embracing same-sex marriages the legal establishment will have declared that the public purposes of marriage no longer includes anything to do with procreation, or giving children mothers and fathers.

If parliament or the courts declare that the public purposes of marriage no longer have anything to do with the union of a man and a woman or procreation, then how long will it be before they declare that they have nothing to do with monogamy or fidelity either? The legal recognition and social acceptance of polygamous marriage will inevitably follow and after that polymorphous sexual relationships. When everything becomes “marriage” then marriage becomes nothing. True marriage – already gravely weakened by divorce, contraception, premarital sex and cohabitation – will finally be rendered completely meaningless and thus incapable of protecting couples and family life from the sexual urge’s power, which by its nature makes for chaos. Marriage is meant to channel the sexual urge into a permanent, faithful and procreative relationship so that it may serve love and life. The destruction of this purpose cannot end well.

The Church cannot fail to defend the value of marriage and the family, for the good of men and women, for the good of children, and for the good of society itself. We, as Catholics and as citizens, have a duty to uphold the normative value of marriage. We need to do this politically but also by how we live our own lives.