

## THE STATE SHOULD NOT RECOGNIZE SAME-SEX "MARRIAGES"

### *Objections*

- Obj. 1: Marriage is the loving union of persons who pledge relational permanence, exclusivity and fidelity and who together support and raise any dependents they have. But two men or two women clearly can form such a union. Therefore, two men or two women can be married.
- Obj. 2: Forbidding a same-sex couple to marry is to discriminate on the basis of a person's sex or sexual attractions and may even be "homophobic". But such discrimination and bigotry is patently unjust. Therefore, it is unjust to forbid two men or two women from marrying.
- Obj. 3: It is said that sexual intercourse within marriage ought to be both procreative and unitive. But some opposite-sex couples are naturally infertile and are thus not procreative. In addition, marriages do not dissolve when a woman advances past child-bearing age. Furthermore, many couples choose, through contraception, to render their marriages infertile. None of these cases, however, renders a couple incapable of marriage. Therefore, two men or two women can be married despite being sterile.
- Obj. 4: Even presuming that same-sex couples cannot marry, there is neither societal nor personal harm in allowing same-sex couples to consider their relations as marriages. Therefore same-sex marriage should be made legal, since many same-sex couples desire to be married.
- Obj. 5: The institution of marriage is in crisis. Allowing more, rather than fewer, loving couples to marry will strengthen the foundation of this institution. Therefore the state would do well to recognize same-sex marriages.
- Obj. 6: Even if the Catholic Church is correct about marriage, the state should not employ Catholic theology or draw on biblical revelation in crafting public policy. Therefore the state ought not to limit marriage to opposite-sex couples.

### *Catholic Position*

- **Marriage alone is a comprehensive union of persons.** This is what makes it an objective human good and an aspect of human flourishing. Only the marital act shared between a man and a woman is comprehensive in that it unites them not only at an emotional, mental and spiritual level (as indeed do many friendships) but at the bodily level as well, through organs that unite in a shared procreative end.
- **This comprehensive union is intrinsically ordered to the procreation and raising of children.** The reproductive unity achieved by male-female genital discourse, and no other sexual act, can be fertile. Hence the intrinsic ordering to the procreation and raising of children is constitutive of the marital relationship. It demarcates marriage from other types of friendships.
- **As a human institution, marriage exists to bind fathers to mothers and parents to children in a community—the family.** Friendship, by its nature, is neither necessarily permanent nor exclusive; only in marriage does the shared spousal commitment of child-bearing and rearing call for the permanent, monogamous and faithful union of mothers and fathers, by whose love and presence their children will grow into flourishing adults. **We protect marriage in order to protect children.** Society depends for its vigor on healthy families and hence healthy marriages.

## *Reply to Objections*

- **Reply to Obj. 1 (Marriage is loving union):** The proposed definition describes a relationship that is not a marriage, since this definition fails to describe a sexual relationship the union of which is capable of being procreative. An ordinary, close friendship could as easily be defined as “marriage” under this proposed description. Hence the objection depends on a faulty definition of marriage that fails to account for its distinctive characteristics.
- **Reply to Obj. 2 (Sexual discrimination):** Friendship and marriage are different kinds of relationships, not merely different by merit or gradation; marriages by definition are ordered to procreation and are therefore constituted by members of the opposite-sex. The proposed objection fails in that it calls for equal treatment of different things (marriage and non-marital relationships). But justice is according like treatment to like things. Thus the objection does not demonstrate injustice.
- **Reply to Obj. 3 (Sterile couples):** When opposite-sex couples unite in the marital embrace, they are engaging in *the kind of sexual union* that can lead to generating a child. In any particular sexual act, of course, conception may or may not occur. It is a function of many factors, some of which are – and some of which are not – in the couple’s power to direct. Nevertheless, the presence or absence of those factors does not change the procreative ordering of the bodily union that, in principle, can lead to conception. Thus, unlike the intrinsic sterility of homosexual acts, sterility in individual heterosexual acts does not change their intrinsic procreative ordering and hence their unique importance for marriage.
- **Reply to Obj. 4 (No harm done by SSM):** For the state to define as marriage a sexual relationship between two men or two women is to obscure marriage’s intrinsic connection to children, and hence to diminish the cultural understanding of marriage and to weaken the social support for the challenging vocation to marriage. In addition, as history has already demonstrated, redefining marriage so dramatically – and the governmental extension of power that it represents – leads almost inevitably to coercive cultural and state-sponsored attempts at “re-education” and various impingements on religious and personal liberties. Finally, encouraging same-sex couples to consider their relationships as marriages is tantamount to encouraging them to pursue destructive and sinful sexual behavior. Thus the objection that same-sex “marriage” does no harm, is false.
- **Reply to Obj. 5 (SSM will strengthen the marriage culture):** As has been shown, same-sex relationships cannot be comprehensive in the same way that opposite-sex relationships can be, since they cannot affect bodily union and hence are not ordered to procreation. Since this distinction is fundamental to understanding marriage, far from strengthening the marriage culture, same-sex “marriage” would rather weaken our perception of marriage on which society depends as its constitutive element. Furthermore, once marriage is disengaged from its ordering to procreation, nothing prevents other sexual and polyamorous relationships from being included in the definition, continuing to erode the cultural underpinnings of marriage.
- **Reply to Obj. 6 (Revelation unsuitable for public policy):** The arguments advanced rely on neither revelation nor theology; they are the fruit of right reason. Many philosophical, legal and historical traditions — some of which predate Christianity — recognize marriage as a distinct kind of friendship ordered to procreation and to the family as the fundamental component of society. In fact, the defense of marriage by Christians, especially in the face of opposition, reflects a commitment to the common good and the future of our society.