

Just Cause Against Same-Sex Marriage: Why We Cannot Hold Our Peace

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Abstract

As the questions raised by same-sex marriage are frequently foreclosed for participants from the various sides of the debate, the particular issues that they highlight are seldom given the sustained and close attention that they merit. Placing the argument against same-sex marriage on a broad foundation, these articles explore the ways in which its legalization would transform the institution, in its relationship to individuals, the genders, marriage partners, children, society, and past and future generations. By emphasizing these distinct matters, Christians will be better equipped to establish points of contact around which meaningful dialogue can be forged.

Few contemporary social issues are as emotive or debates as fraught as those surrounding same-sex marriage. For its supporters the refusal to grant marriage to committed same-sex partners is regarded as one of the most glaring of remaining social inequalities, a direct affront to the genuine love and commitment exemplified in countless such relationships. The same-sex marriage cause is perceived to be in direct continuity with movements to uproot institutional racism and sexism,¹ attracting the same measure of moral fervour and passionate

¹ Comparisons with the prohibition of interracial marriage in some contexts are particularly common, though deeply problematic. David Orgon Coolidge,

outrage. Those who resist it are seen as the bigoted defenders of outdated, irrational, and unscientific prejudices, no less hateful than their misogynist and racist relations, fighting vainly against the bending of the arc of the moral universe towards justice and equality. For the opponents of same-sex marriage it can be viewed as a profanation of a sacred union,² a wilful blindness to key coordinates of our human existence, throwing open the doors to a plethora of perversions, and inviting the unravelling of the social fabric. A sharp contrast in the framing of the debate on either side renders communication very difficult, creating a situation in which the parties are more likely to talk past each other, than actually to engage in constructive discourse on the issues.

One framing problem relates to the close connection between the same-sex marriage debate and other ongoing debates within the culture. For instance, resistance to same-sex marriage is popularly perceived, by persons on both sides, to be nothing more than a particular battle within the greater war between faith and secularism in the culture. It is frequently presumed that the lines of the debate

'Playing the *Loving Card*: Same-Sex Marriage and the Politics of Analogy', *BYU Journal of Public Law* 12 (1997-1998): 201-238; Andrew Sullivan, ed., *Same-Sex Marriage: Pro and Con – A Reader* (New York, NY: Vintage Books, 1997), 130; Evan Gerstmann, *Same-Sex Marriage and the Constitution* (Cambridge: Cambridge University Press, 2004), 46-63; Margaret Somerville, 'What About The Children?', in *Divorcing Marriage: Unveiling the Dangers in Canada's New Social Experiment*, ed. Daniel Cere and Douglas Farrow (London: McGill-Queen's, 2004): 63-78, at 74.

² The term 'marriage' is a huge sticking point in the same-sex marriage debate, given the cultural weight that it holds. Many of those happy to extend marriage-type rights to same-sex couples will balk at granting their unions the title of 'marriage'. As the term 'marriage' is seen to stand for an important body of shared cultural convictions, values, and norms, arguments founded on considerations of expediency, pragmatism, pluralism, and toleration will struggle to make headway at this point. Raj Ghoshal, 'Argument Forms, Frames, and Value Conflict: Persuasion in the Case of Same-Sex Marriage', *Cultural Sociology* 3 (2009): 76-101, at 88. Many, especially among Christians, believe that same-sex marriage profanes sacred values. Even for some supportive of gay rights, there can be a fear that granting the term 'marriage' to same-sex unions jeopardizes a shared cultural meaning, or fails to appreciate the unique character of opposite-sex marriages. John Milbank, *Best of 2010: Stephen Fry's Unsexing of Sex* (2010) <<http://www.abc.net.au/religion/articles/2010/11/14/3065746.htm>> [last accessed 19 February 2011].

will necessarily coincide more or less exactly with those on the morality of homosexual practice more generally. Others reduce the same-sex marriage debate to a question of legal and political equality within a pluralistic society and to the question of whether a government should be permitted to impose religiously grounded morality upon an increasingly secular citizenry.

I will here attempt to clarify some of the distinct issues that relate to the question of the legitimacy, morality, and wisdom of same-sex marriage. I will argue that the same-sex marriage debate ought not to be treated as a mere proxy for other debates, nor should the questions raised by same-sex marriage be approached merely as foreclosed, our position on the matter being nothing more than a corollary of conclusions arrived at elsewhere. Rather, the debate must be addressed on its own terms, giving its distinct questions the close attention that they merit. In addition to recognizing the distinct character of the same-sex marriage debate, we must also be rigorous in establishing its true size, shape, and contours.

Situating the Debate

The Changing Shape of Marriage

We do not debate same-sex marriage in a cultural vacuum, but within a context that shapes both parties. Learning to read this context and to trace its effect upon the participants in and the concerns, terms, and shape of the debate is one of the most immediate tasks to face us. Why does same-sex marriage, virtually unthinkable only a couple of decades ago, appear so commonsensical, natural, and necessary to a rapidly increasing proportion of the population today? While changing views of homosexual practice in society are undoubtedly an important factor behind the drive for same-sex marriage, shifts in society's understanding and practice of marriage and the family may prove to be more significant.

The Western notion of romantic love is perhaps the single greatest

factor in the forging of modern concepts of marriage.³ The inordinate stress that we now place upon romance as the rationale of marriage sharply contrasts with other societies, where the feelings of the couple are frequently subordinated to cultural, societal, familial, political, and economic concerns. With the growing emphasis upon romantic love has arisen the expectation that one should not merely be committed and faithful to one's wife: one must also have romantic and sexual 'feelings' for her.⁴ It has also led to a priority being granted to the choice of the lovers: all obstacles to, restrictions upon, or limitations of their choice must be challenged. As romance has come to dominate our understandings of marriage the idea of 'sexual orientation' has also acquired a prominence that it quite lacks in societies where marriage is defined primarily around social goods, rather than around the feelings or sexual tastes of individuals.⁵

Following the Industrial Revolution, the household has been

³ Michael Novak, *The Myth of Romantic Love* (2010) <<http://www.firstthings.com/onthesquare/2011/02/the-myth-of-romantic-love>> [last accessed 17 February 2011].

⁴ 'Love' now principally denotes the emotions that bind the couple together, rather than the faithful outliving of a vow of comprehensive self-gift, mutual care and concern, provision, and commitment. Understood in such a manner, love is recognized through a subjective introspection, rather than by an objective retrospection. Stanley Hauerwas observes: "A Christian marriage isn't about whether you're in love. Christian marriage is giving you the practice of fidelity over a lifetime in which you can look back upon the marriage and call it love. It is a hard discipline over many years." Stanley Hauerwas, *Faith Fires Back: A Conversation With Stanley Hauerwas* (2002) <<http://www.dukemagazine.duke.edu/dukemag/issues/010202/faith.html>> [last accessed 26 January 2011].

⁵ In societies where romance isn't so prominent, homosexuality will generally be far less visible, as the institution of marriage will be relatively indifferent to whether or not the marriage partners have 'feelings' for each other or not, focusing rather on whether or not they can fulfil the duties of a husband and a wife towards each other, and serve the greater interests of society together. Where there is not the same presumption of the mutual sexual attraction of the partners, the categories of 'heterosexuality' and 'homosexuality' will carry only limited significance—people's sexual desires are marginalized with regard to their social identities. The 'homosexual' is a relatively recent invention and homosexuality and heterosexuality are socially-constructed identities, reifying certain behaviours and desires. See, for instance, David F. Greenberg, *The Construction of Homosexuality* (London: University of Chicago, 1990).

displaced as a centre of collaborative production, and largely reduced to a place of shared consumption.⁶ No longer serving the same economic functions, marriage was further changed as a growing accent on romance displaced procreation as a core purpose of sex within marriage and gave the sexual intimacy of the partners a far greater prominence.⁷ Those who get married will now tend to follow what has been termed the 'hedonic model', marrying on account of mutual attraction, shared interests, and consumption habits.⁸

Many things traditionally offered by marriage are now available through other means. The financial security offered by a husband to many women may be limited: in some cases marriage might even jeopardize the woman's financial security, career prospects, and independence. Being 'tied down' can be a risk in a society with short job tenures, where the footloose are favoured. Proliferating non-marital sexual relationships offer intimacy apart from the need for long term commitment and loss of autonomy. In such a context, the sense of the necessity or desirability of marriage is harder to grasp.

The entire landscape of sexual relationships has been transformed by the sexual revolution and the rise of feminism, with their common emphasis upon the autonomy of individual sexual agents and their bodies. When bonds between bodies are denied, along with many of the duties that we might have towards society and others in our sexual behaviour, it should not surprise us to find that the institution of marriage is slowly being redefined around the rights and autonomy of the individual sexual agent. Feminism has challenged traditional gender roles, which are now widely regarded as arbitrary cultural constructs. The asymmetry of gender roles that was characteristic of many marriages in the past has become far less apparent.

Contraception, abortion, and reproductive technologies have all driven a wedge between sex and reproduction, reframing sex as a

⁶ Wendell Berry, *The Art of the Commonplace: The Agrarian Essays of Wendell Berry* (Washington D.C.: Counterpoint, 2002), 67.

⁷ Allan Carlson, *Conjugal America: On the Public Purposes of Marriage* (New Brunswick, NJ: Transaction Press, 2007), 31-33.

⁸ David Lapp, *The Poor's Good Marriages* (2010) <<http://www.firstthings.com/onthesquare/2010/10/the-poorrsquos-good-marriages>> [last accessed 26 January 2011].

‘univocal phenomenon of nature’,⁹ with no great distinction of kind between procreative and non-procreative forms, and considered purely in terms of the gratification of the partners. Where contraceptive sex is the norm, children must be ‘wanted’ and ‘chosen’. Traditional sexual mores, which derive much of their rationale and intelligibility from a connection between sex and reproduction, have been weakened as a result.

Over the past few decades, divorce has become progressively easier, both legally and socially. Making a lifelong commitment to another person doesn’t mean the same thing in an age of no-fault divorce, as there is always a way to get out when the reality of the union doesn’t attain to the romantic expectations with which it was entered.¹⁰ Marriage is considered less in terms of a vow—an unconditional and unending commitment, which can never be finally satisfied—and more in terms of a well-intentioned promise, which may be reneged upon whenever the situation no longer proves mutually beneficial.

The sexual revolution brought with it an attack upon legal and social limitations on sexual practice. Marriage is ceasing to be thought of as an institution primarily ordered towards greater societal goals and purposes, placing constraints upon the sexual practice of all within the society, and transcending the motives and intentions of those entering into it, now serving more as a name for a set of private lifestyle choices, whose norms can be tweaked and selected to suit the particular relationship. As the social stigma associated with cohabitation, premarital and extramarital sex, illegitimacy, divorce, and open marriages have been sapped of power, and societal and legal norms have been relaxed or laid aside, marriage has gradually become deinstitutionalized.

The abandoning of traditional norms surrounding marriage is also noticeable in the greater separation of marriage, childbirth, and childrearing. The last few decades have witnessed the rise of a

⁹ Milbank, *Fry’s Unsexing of Sex*

¹⁰ Some couples’ use of prenuptial agreements makes this altered conception of the marriage bond even more apparent: ‘Partners now enter marriage with an escape route already mapped out.’ Roger Scruton, ‘Sacrilege and Sacrament’, in *The Meaning of Marriage: Family, State, Market, & Morals*, ed. Robert P. George and Jean Bethke Elshtain (New York, NY: Sceptre): 3-28, at 8.

'childfree' movement. This movement, along with a more common tendency to put off childbearing, has changed society's perception of childless couples. Once viewed as exceptional, abnormal, or unfortunate cases, childless or 'childfree' marriages are increasingly regarded merely as less common, but no less 'normal' arrangements. The fact that a sizeable proportion of children today are born out of wedlock,¹¹ and many are raised by at least one step-parent, or by a single parent, further loosens the connection between marriage, conception, and child-rearing.

The rise of the welfare state and the proliferation of technological conveniences have also transformed the character of marriage and the family. The historic importance of a strong institution of marriage arose in large part from its role in serving the ends and maintaining the fabric of society. However, when the state has taken over many of the responsibilities of childrearing, care, the ensuring of economic security, and provision that were traditionally the task of the family and other social institutions, the family no longer needs to be so strong, as much less rests upon its shoulders. The effect that this has upon the institution of marriage will be especially noticeable among the poor.

Technology and the welfare state have encouraged the sentimentalizing of married and family life. As married partners and family members no longer depend so much upon each other for education, support, survival, security, and well-being, married and family life are increasingly thought of in sentimental terms, and will derive their rationale from such sentiment. As the family has become functionless, it has been reformed around the notion of shared affection.

In treating same-sex marriage we must take cognizance of this broader social context. It is hard to defend the assertion that same-sex marriage is an unprecedented attack upon conventional marriage, when seemingly there is little to distinguish a same-sex partnership from other forms that marriage takes in contemporary society.¹² While

¹¹ The expectation that a couple who have conceived out of wedlock should respond to that fact by marrying is vanishing too.

¹² Whereas once same-sex marriage might have appeared a marginal and peculiar case, in certain respects it might even prove a paradigm case for some new

the focus of this article is upon same-sex marriage, the wider implications of its arguments for the practice of marriage within contemporary Western society ought to be recognized.

The Motives and Ends of Same-Sex Marriage Advocates

Opponents of same-sex marriage often fail to appreciate the degree to which many of those pushing for same-sex marriage perceive themselves to be driven by a conservative impulse. For the most part, they are not seeking to tear up the social fabric: all they seek is normality. They don't want to turn society upside down, undermine anyone else's marriage, or be sexual revolutionaries. They are just seeking the right to live boring married lives in the suburbs, much like everyone else. They do not seek the abolition of the institution of marriage. Unlike many heterosexuals, they see the value of marriage as a social institution, and wish to participate in it. In a society where promiscuity is widespread and relationships are short-lasting, they see themselves as defenders of marriage, rather than enemies of it.

Society's refusal to publicly recognize and celebrate loving and committed same-sex relationships renders them invisible to many. To those within such relationships, and to many of their friends and acquaintances, this refusal reeks of prejudice and irrational ideology. If we are prepared to put ideological opposition to the side for a moment and just be attentive to the reality of such same-sex relationships to stop thinking and just look—it should be apparent that we are without justification for treating the love of the partners within them as intrinsically second-class, or any less worthy of society's recognition, celebration, and support. As long as this recognition is denied, society is futilely resisting a reality that is amply displayed in gay people's lives. We are oppressing gay people by refusing to grant expression to their experience, sending them the message that they are somehow less than heterosexuals.

For generations, homosexuality has been treated as dysfunctional, a mental disorder, unnatural, contrary to the norms of society, and morally repugnant. The Kinsey Reports challenged the idea of the

understandings of marriage, the norm and ideal to which even opposite-sex marriages aspire.

'normality' of heterosexuality. Heterosexuality isn't normal, just common, much like right-handedness. Rather than involving a normal form, with dysfunctional departures, human sexuality exists on a continuous spectrum. Subsequent research has shown that homosexual activity is widely observable in nature, and has suggested that there may be genetic and epigenetic factors that predispose people to it, producing a fairly consistent percentage of persons with homophile inclinations across human societies. Psychiatry has generally concluded that homosexuality was not intrinsically neurotic, but that any neurosis was the result of the social marginalization, alienation, and oppression of the homosexual.¹³

The restriction of marriage to heterosexual couples is one of the most egregious forms of heteronormativity within society. It is a resistance of the fact that homosexuality is no less normal and natural as heterosexuality: the fact that it is not as prevalent is utterly irrelevant. As long as it refuses to normalize homosexual relationships, society is complicit in the oppression of homosexuals and must bear a large measure of responsibility for the distress and pressure that this places upon them, for homophobic bullying, for higher levels of suicide among the homosexual population, mental health issues, and for dysfunctional practices with the homosexual community. As long as society doesn't give the unequivocal message that it is OK to be gay, it risks pitting homosexuals in self-destructive struggles against their own natures.

The structures of marriage provide for more secure, stable, and lasting relationships. The gay community is one in which marriage isn't a possibility, and where the values enshrined in the institution of marriage can only have limited effect in shaping the values of the community. The exclusion of homosexual couples from marriage would seem to encourage more destructive, promiscuous, and fleeting forms of sexual relationships. Marriage grants married couples certain privileges, guarantees, and securities, conferring status and a level of respectability upon relationships. The denial of such privileges to same-sex unions would seem to be an example of gross inequality.

¹³ It has been almost four decades since the American Psychiatric Association removed homosexuality from its list of mental illnesses.

Finally, there is a desire for integration. Marriage and family represent common goods within society, a shared project within which we are bound together and through which we pass on social capital from one generation to the next. Same-sex couples want a stake in this shared project, being welcomed into the circle of society as full participants, not marginalized to a subculture. Although some might claim that the position of homosexuals is much the same as long term unmarried single persons, who feel like unplaced pieces, yet to find their position in the jigsaw puzzle, the position of the homosexual in heteronormative, marriage-focused society is probably more akin to that of a piece that finds itself placed in the wrong box. Integration of homosexuals into society's project of marriage would seem to be good, not merely for same-sex couples, but for society more generally.¹⁴ Same-sex couples would be invested in the institution of marriage, and would seek to strengthen it and serve its ends. Society would no longer be weakened by a dissatisfied and marginalized minority within its midst.

Even though we may oppose same-sex marriage, we should recognize that a number of the concerns of the gay rights movement are quite understandable and reasonable, and that the simplest exercise of a sympathetic imagination should be able to appreciate that society's treatment of homosexuals is frequently inexcusable in its cruelty and lack of humanity. In opposing same-sex marriage, many valid concerns about the treatment of homosexuals within a heterogenous society will remain. Although our focus here is upon the particular question of the legitimacy of same-sex marriage, they are highlighted here to ensure that their place in the larger cultural debate is not neglected.

The Motives and Ends of Opponents of Same-Sex Marriage

Among supporters of same-sex marriage, those opposing same-sex marriage are frequently perceived as being hateful and authoritarian religious hypocrites, seeking to impose their values on others. We shouldn't lightly dismiss this impression, as in certain cases it is

¹⁴ Jonathan Rauch, *Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America* (New York, NY: Henry Holt and Company, 2004).

uncomfortably close to the truth. The association of opposition to same-sex marriage with these motives has led to a general discrediting of our arguments, and a refusal to give them a hearing. Logical fallacies they may be, but poisoning of the well and arguments from motive are perhaps the single greatest reason why arguments against same-sex marriage are widely ignored or rejected; we cannot complain that we have been harshly treated when we have often invited such a response.

The attribution of all opposition or criticism of homosexual practice or relationships to 'homophobia' is one of the greatest coups of the gay rights movement. Any resistance to it is perceived to be driven by irrational hatred and fear: whether the hatred and fear are conscious or unwitting, the irrational driving motive renders the rationalizations under which it dissembles itself undeserving of intellectual engagement.

The frequent injustice of the charge of homophobia should not dull us to the fact that, in many instances, it has been merited. For many, resistance to homosexual practice is not driven by principle, reason, or argument, but merely by hateful cultural prejudice. Biblical teachings merely serve as rationalizations for hatred. The mantra of 'love the sinner, hate the sin' rings hollow in the ears of many gay people who have firsthand experience of the attitudes that many of the Christians who employ such rhetoric actually have towards them.

There was a time when opposition to homosexual practice was largely a cultural given, driven by a widespread revulsion for homosexuals and their practices.¹⁵ Whereas many bigoted Christians could once assume that the winds of cultural prejudice were blowing in their direction, this is no longer the case. Among the Millennial Generation, homosexuality is generally perceived to be entirely natural and any opposition to it is regarded as inexcusable and intolerable. Most of us have several openly gay friends, have seen numerous sympathetic portrayals of homosexual relationships in the media, and have a clearer understanding of what society's opposition to homosexuals looks like from the other side of the fence. It is hard to feel threatened by what has become so familiar. Now, in those few

¹⁵ Carl Trueman, *Gay Marriage* (2010). <<http://www.reformation21.org/blog/2010/08/gay-marriage.php>> [last accessed 26 January 2011].

places where people are prepared to give opposition to the gay rights movement a second hearing, only scrupulously reasoned arguments will suffice. This sea change in cultural attitudes has exposed the crumbling foundations of bigotry upon which much of the Church's opposition to homosexual practice has been built over the years, a revelation that has caused many to turn their backs on the Church altogether.

Countless lurid revelations and scandals concerning vocal opponents of same-sex marriage haven't eased this public relations crisis. Opposition to the gay rights movement is now widely associated with deep and ugly hypocrisy. Attention is drawn to the selectivity of Christians' outrage: in comparison to homosexual practice, the sin of adultery—habitually euphemized in such expressions as 'had an affair/relationship with'—hardly registers on many Christians' moral radar. Taking a selective attitude towards sin enables us to adopt a morally superior and judgmental posture, while excusing and minimizing our own indiscretions and peccadilloes.

A further perception of opposition to the same-sex marriage cause is that it is grossly illiberal and authoritarian, wresting the fundamental rights of a vulnerable minority from them, while imposing the values and ethics of a dominant majority. Little argument is presented to explain how a same-sex marriage might undermine conventional marriages. More fundamentally, however, there is no justification for the withholding of basic rights and equality from a minority population, even were it to cause a measure of harm to others.

Without a willingness unflinchingly to evaluate our motives, repenting of, seeking forgiveness for, and purifying ourselves from those which are sinful, our case will lack all moral credibility. As I will hopefully go some way towards demonstrating here, the case against same-sex marriage can and should be driven by a concern for a free society, for the securing of the rights of the vulnerable, for justice, opposition to oppression, and the establishment of equity. Central to our task will be that of providing vague terms like freedom, justice, and equity with clear content. Such a case must be one driven by love, rather than hatred and fear. It must also be a case that exposes the hypocrisy that so easily lurks within us, taking us beyond Romans 1:32, and presenting our own inexcusability in the

bold colours that it merits.

The Shape of the Debate

Is a Debate Possible?

Even were the advocates of same-sex marriage to overcome their distrust of the motives of its opponents, there still remains the question of whether a debate can be had. A daunting obstacle to such debate must be the fact that the opponents of same-sex marriage are perceived to have little personally at stake, and to lack sympathy or affinity with the underlying concerns of persons with homophile inclinations. For many within the gay community the suggestion that same-sex marriage is something that we ought to 'debate' is as offensive as suggesting that there should be a debate about the permissibility of anyone else's marriage: fundamental rights should not be subject to such 'debate'. Such obstacles to debate can only be addressed through the slow and painful work of establishing trust and friendship, clarifying the nature of our intentions, and learning to share the struggles of those who have homophile inclinations.

Opposition to same-sex marriage is frequently perceived to arise entirely from religious grounds. A common assumption holds that Christians oppose same-sex marriage on the basis of a simple assertion of divine will as revealed in the Bible. This purportedly renders debate impossible with anyone who rejects the idea that the Bible is a means of divine authority.

Although some Christians give little more than an appeal to divine authority expressed in the Bible, few thinking Christians would argue their case in such a manner. Steven Smith observes that the claim that debate is impossible with those who hold certain beliefs for religious reasons operates on the basis of the questionable assumption that people who do not agree on basic premises cannot engage in productive discourse.¹⁶ Smith challenges this model of discourse:

It would be more accurate to say that we have a whole assortment of

¹⁶ Steven D. Smith, *The Disenchantment of Secular Discourse*. (London: Harvard, 2010), 221-222.

beliefs (and not only “beliefs” but also experiences and impressions and memories and feelings and images, and also needs and yearnings, and also traditions and practices), some more general and some more particular, of which we are conscious to varying degrees, and which we are convinced or committed to in varying degrees, and which relate to and act upon each other in varying and unpredictable and often invisible or surreptitious ways.... Consequently, it is always possible that, however much we may disagree with another person’s worldview, something in that view will connect with something in our own that will result in constructive engagement.¹⁷

Among Christians, one occasionally encounters the concern that such establishment of common ground grants autonomy to the unbeliever, and suggests the existence of neutral epistemological territory within God’s universe. Although this is a genuine danger, such a concession need not be a necessary consequence of such an approach.

Within these articles I will present a case against same-sex marriage, without making direct appeal to biblical revelation. This is not because biblical teaching on the subject of marriage and sexual behaviour should be without any bearing on the public debate about gay marriage, or because there is a separation between Church and state that should disqualify Christian convictions from informing our political and social stances. No realm of epistemological neutrality exists, yet for the task of public discourse in a pluralistic society and for the purposes of persuasion in consensus-forming dialogue it is prudent to give our arguments as broad a base as possible. We should seek to demonstrate the manner in which our positions follow, not merely from our core Christian convictions, but also from beliefs that we hold in common with atheists, agnostics, and others who do not share our confession of the gospel.

The belief that such an argument is possible can derive from a conviction that we share a world in common with unbelievers, a world of God’s creation. As such it is a world that we should expect to provide supporting evidence for the claims of God’s word. Our biblically-formed convictions can give us privileged epistemic access, as they attune us to the nature of many of the realities of the world that we inhabit. Speaking about what we can see by the light of God’s word within our shared world can be a significant way of bearing

¹⁷ Smith, *Disenchantment*, 222-223.

witness to its truth.

A Question of Equality

Central to popular arguments for same-sex marriage is the insistence on a right to 'equality' when it comes to marriage. In the contemporary climate, few charges sting quite as sharply as that of unjust discrimination, which gives the claim of inequality a peculiar rhetorical potency. While the claim of current inequality is not infrequently advanced as an argument in favour of same-sex marriage, it is a poor one, as it is question-begging. The problem with the term 'equality' is that it is essentially empty and without any clear meaning.¹⁸

Equality is only meaningful in contexts where, relative to clear criteria, people are in fact equal. We all differ in our backgrounds, characteristics, competencies, needs, desires, relationships, and possessions, and there are many contexts in which these differences are significant, render us unequal, and call for differential treatment. A society blind to all such differences, which treated us all 'equally' would not be a just one. Without first demonstrating that people are equal, it is pointless to argue that they should be treated equally. Nebulous terms such as 'freedom', 'justice', and 'equality' are only truly given form by the ideological baggage that they contain. In the case of the same-sex marriage debate, equality is precisely the point that is at issue, so cannot be treated as an argument that settles anything. The failure on the part of many same-sex marriage advocates to acknowledge the emptiness of the term 'equality' renders the debate particularly difficult, as the driving assumptions of

¹⁸ "Equality is entirely "circular." It tells us to treat like people alike, but when we ask who "like people" are, we are told they are "people who should be treated alike." Equality is an empty vessel with no substantive moral content of its own. Without moral standards, equality remains meaningless, a formula that can have nothing to say about how we should act. With such standards, equality becomes superfluous, a formula that can do nothing but repeat what we already know." Peter Westen, cited in Smith, *Disenchantment*, 30. John Milbank alerts us to the contrast between 'geometric equity' and 'arithmetic equality' in relation to the gay rights movement, observing that the latter is 'never truly just because it rides roughshod over human differences' (Milbank, *Fry's Unsexing of Sex*).

the same-sex marriage case are frequently cloaked by such terms and left unexposed to direct scrutiny.

Nature and Convention

Perhaps it is misleading to describe the same-sex marriage advocates' use of the concept of equality as 'question-begging'. It is doubtful that many of them perceive it in such a manner. They do not regard equality as something that needs to be demonstrated in relation to marriage. Rather, equality has already been established on other grounds and marriage must become whatever is necessary to secure this equality, to ensure that there are no grounds for discriminating between or privileging opposite-sex marriages over same-sex ones.

The underlying assumption—one that is seldom directly declared—is that marriage is a 'family resemblance' and 'essentially contested' type of term, not subject to clear criteria inherent to the reality described, or reducible to a single definition,¹⁹ merely denoting a set of effective conventions and loosely related forms of life. For this increasingly common approach, marriage is purely conventional, like the rules of the game of chess.²⁰ There is no more need to demonstrate that gay marriage conforms to some 'nature of marriage' than there is to posit some fundamental 'essence of chess' to account for the move of the knight. There are no inherent criteria of marriage that we can appeal to in order to rule out certain forms by definition. Consequently, given the desideratum of a form of marriage in which both homosexuals and heterosexuals can participate equally, we should tweak and broaden our understanding of marriage to accommodate same-sex unions.

This bold assumption merits closer attention. The assumption that marriage is merely a set of social and legal conventions dismisses the possibility that marriage might denote 'a distinctive, inherently

¹⁹ Wendy Lynne Lee, 'Ludwig Wittgenstein', in *Sex from Plato to Paglia: A Philosophical Encyclopaedia, Volume 2: M-Z*, ed. Alan Soble (Westport, CT: Greenwood, 2006): 1076-81, at 1079.

²⁰ Andrew Koppelman, *The Gay Rights Question in Contemporary American Law* (London: University of Chicago, 2002), 91-92. Koppelman presents marriage as an instance of a MacIntyrean 'practice', which has a 'history', rather than an essence.

valuable reality,²¹ with its own intrinsic conditions. We can chop up and categorize reality however we like: there is no 'grain' that we need to cut with. Some uses of the term marriage might prove more effective than others, but as the definition is merely conventional, the term cannot be fixed or restricted to a single set of 'correct' meanings.

Most importantly, the idea that marriage is merely conventional severs the connection between it and the natural forms, processes, and patterns of activity of human life. There is no reason why an understanding of meaning in terms of use and convention need be regarded as incompatible with the belief that meaning is also powerfully constrained by reality. Marriage is a matter of conventions, but it cannot be reinvented as we please, as it is inextricably bound up with fundamental facts of the human condition. We do not need to consult a dictionary to inform us that marriage between two men is impossible: as we shall see, the impossibility arises out of the human realities that provide the context for our use of the word.

The stability of core elements of the concept of marriage across human cultures and throughout human history weighs heavily against the belief that marriage is a mere artifice, largely unconstrained by or ungrounded in the social and personal reality that it categorizes. Marriage, though expressed by means of a panoply of contrasting cultural conventions and practices, gravitates towards certain shared realities of the human condition, realities that obtain in all times and places.²² These deep realities of the human condition include such things as sexual difference, bodily union in coitus, reproduction, parenthood, the bonds of blood, and the movement from one generation to the next. Despite many cultural differences,

²¹ Sherif Girgis, Ryan T. Anderson, and Robert P. George, *Marriage: Merely A Social Construct?* (2010) <<http://www.thepublicdiscourse.com/2010/12/2263>> [last accessed 26 January 2011].

²² Contrary to some same-sex marriage advocates who bring up the practice of polygamy to undermine the claim for historical stability in our understanding of marriage, it should be noted that polygamy still maintains the norm that a marriage involves one man and one woman. The distinctive character of polygamy does not consist in its legitimating the entrance of many women into a single group marriage, but in the permission that it grants to a single man to form many marriages.

the form that marriage takes is neither accidental nor arbitrary, but is one that is appropriate to these realities and apt for engagement with them. These realities are profoundly intractable features of the human condition and cannot be reinvented at will. Same-sex marriage untethers marriage from these realities, and will result in a growing inability on the part of society to think about and negotiate these realities in a healthy and successful manner.

Some advocates of same-sex marriage will not want to abandon the notion of a limiting reality altogether, but just to weaken its hold on our understanding of marriage, and give greater latitude and emphasis to the conventional aspect. For example, marriage could be seen to conform to the reality of committed and romantic ‘pair bonds’, something that places looser constraints upon the shape that the institution can take. When such definitions are adopted, however, marriage tends to become ever more uncertain and indeterminate in character, and a clear answer to the question—‘what is marriage?’—much harder to come by. Things that once represented clear criteria of marriage start to appear as arbitrary impositions and lose their rationale.²³ As the institution of marriage has become uncoupled from procreation and the negotiation of sexual difference, the illegitimacy of polyamorous marriages²⁴ and the need for sexual exclusivity have also started to be questioned.²⁵

Attending to Reality

The case for same-sex marriage often relies heavily upon a construal of our current moment in history as one consequent on a startling

²³ Daniel Cere, ‘War of the Ring’, in *Divorcing Marriage: Unveiling the Dangers in Canada’s New Social Experiment*, ed. Daniel Cere and Douglas Farrow (London: McGill-Queen’s, 2004): 9-28, at 20-21.

²⁴ Koppelman, in arguing for gay marriage, adopts a purely consequentialist approach, maintaining that, although polyamorous marriages strike him as impractical, there is no reason to rule them out in principle (Koppelman, *Gay Rights Question*, 92).

²⁵ The widespread practices of consensual non-monogamy, open marriage, and the redefinition of monogamy in terms of emotional monogamy in the gay community are worth noting here. Sherif Girgis, Ryan T. Anderson, and Robert P. George, ‘What Is Marriage?’ *Harvard Journal of Law and Public Policy* 34 (2010): 245-287, at 277-279.

discovery, necessitating a renewed attentiveness to reality and suspicion of traditional teachings. An exciting new fact about human nature has emerged—the natural character of homophile inclinations—and in light of that fact all of the old maps must be redrawn.²⁶ The temptation will be to employ the old categories as a Procrustean bed, on which the unwelcome aspects of the new reality can be hacked into a more agreeable shape. If we are to retain any credibility at all, however, we must be prepared to redraw our maps, being attentive to the new reality, rather than dogmatically asserting the truth of outmoded categories against an obstinate reality. The old categories are irrelevant to the new reality, as they never envisaged its emergence.

It is indisputable the last century has involved a number of groundbreaking and enlightening discoveries about the character of homophile inclinations. We must reckon with reality as it really is, and not in some form that may strike us as more congruent with our preconceived notions. It is, however, disappointing that the very people who most loudly champion this approach seem to apply its principles in the most selective of fashions when it comes to the institution of marriage. A particular set of commonalities with same-sex partnerships are fixated upon, and in light of these commonalities all differences are denied or relativized.

Describing a same-sex union as a marriage may be akin to Marco Polo's discovery of a 'unicorn' during his travels.²⁷ Polo was surprised to discover that, contrary to the stories, it was black rather than white, had hooves like those of an elephant and a pelt like that of a buffalo. Much like Marco Polo's mistaking a rhinoceros for a unicorn, a few shared features can lead to a gross failure to reckon with the nature of same-sex unions, and a monumental distortion of the familiar category of marriage.

If careful and close consideration of new realities is important, comparable consideration of traditional categories and institutions is no less important. Before dispensing with the traditional form of

²⁶ James Alison, *The Fulcrum of Discovery or: How the 'Gay Thing' is Good News for the Catholic Church* (2009) <<http://www.jamesalison.co.uk/texts/eng59.html>> [last accessed 26 January 2011].

²⁷ Umberto Eco, *Serendipities: Language and Lunacy*, trans. William Weaver (New York, NY: Harvest, 1998), 75.

marriage with its gender stipulation, it behooves us to ascertain the reasons for which it first assumed that form.²⁸ It is this sort of close examination of the goods and ends of marriage as traditionally defined that is most markedly absent from the arguments of most proponents of same-sex marriage. Reflection on the possible purposes served by this norm has been slight and cursory. The facile assumption that we can now see that the transcultural norm of the gender stipulation in relation to marriage was always merely an arbitrary imposition and narrow-minded restriction reeks of the hubris of modern Western liberalism.

Committed and loving relationships between same-sex couples may exist, but this recognition shouldn't predetermine what we recognize them *as*. Unless there is a compelling argument to see these relationships as conformable to the category of marriage, they should be treated as a *sui generis* reality. While there is no reason to deny genuine similarities, if we are not careful we will end up compromising the grammar of marriage to accommodate this newly recognized reality, much as Marco Polo muddled the concept of the unicorn by using it to describe the rhinoceros.

Seeing the Whole Picture

Within these articles I will argue that the 'recognition' of gay unions as marriage-type relationships arises from an extremely myopic perspective on marriage. Viewed through a zoom lens, same-sex unions and conventional marriages can indeed look extremely similar. It is only as we begin to look at marriage as a larger reality—in terms of the social bonds that it creates, of its underlying institutional logic, and the effect that the institution itself has within society, as its norms shape both marriages and the practices and thought of society more generally—that its distinct character will start to emerge.

Arguments for same-sex marriage routinely operate with a measure of strategic misdirection. Attention is distracted from the bigger and global picture to the various features shared in common.

²⁸ As G.K. Chesterton once observed, someone who is unable to provide a good explanation for a fence's original erection should not be permitted to remove it.

The general patterns of marriages taken as a group are downplayed by focusing upon particular and atypical cases of marriages that don't exemplify the full potential of the union. The broader social effects of marriage as an institution and its logic are distracted from by focusing on particular marriages detached from an underlying institutional grammar (the 'my marriage can't hurt yours' argument²⁹). The general pattern of a committed sexual relationship over the course of its life is downplayed by emphasizing the facts that frame the particular sexual encounter. As those engaging in such a selective representation will frequently speak of the necessity of closely attending to the reality of same-sex relationships, one cannot but be struck by the inconsistent application of these principles.

Advocates of same-sex marriage draw our attention to childless and infertile couples in conventional marriages: if such unions count as marriages, why can't a same-sex union? Since some loving and committed relationships between two persons can count as marriages even though childless and infertile, the essentially sterile character of same-sex relationships should not preclude them from being considered as such. The underlying assumption of this argument is that each marriage is an independent and autonomous reality, with the 'institution' of marriage being an agglomeration of these realities within a set whose members are determined on the basis of their similar features.

This assumption is seldom explicitly stated, but if marriages aren't independent realities, and the significance of the norms of marriage derives in large measure from their expression on a broader societal stage, the argument from childless and infertile couples begins to appear quite flimsy. This claim is hardly a tenuous one: the larger social expression of relational norms is surely the level with which societies and their institutions are concerned, rather than with the private and independent realities of particular individuals and their unique motivations and intentions. Although childless and infertile couples undoubtedly exist, virtually every child that has ever been born has been conceived through the relationship between a man and a woman in coitus, whereas not one person has been born

²⁹ This question isn't altogether dissimilar from asking how my mass printing of counterfeit £20 notes could hurt your bank balance.

through the sexual relationship that exists within a same-sex partnership. That society should seek to institutionalize, regulate, and confer status upon sexual relationships between men and women, while granting no similar status to same-sex relationships is entirely reasonable.³⁰

The argument assumes that individual marriages are autonomous, not operating in terms of an underlying 'grammar'. The grammar of marriage that I will defend in these articles is oriented towards a number of ends, which are variously and incompletely displayed in particular marriages, having their chief effect on a more general social level. Removing the norms that orient marriage to reproduction and child-rearing, even though they may not seem to directly affect many individual marriages, would radically transform the social expression of the institution. Many genuine football matches end in goalless draws, some without a single attempt on goal. The skill of goal-scoring is only one part of the game, and only one aspect of the striker's role. However, a form of 'football' without scoring would not be football at all.

Sympathy and the Limiting of our Field of Vision

Popular presentations of the same-sex marriage case frequently draw our attention to particular examples of loving and committed same-sex couples and the intelligent and well-mannered children they have raised. It is stressed that it is an incredibly personal issue for them and implied that those of us for whom it is not such a personal issue have no right to declare on the matter. If we do oppose same-sex marriage we are being authoritarian and causing harm to others without justification.³¹

³⁰ As I will argue in my later articles, this isn't the only end served by the gender stipulation.

³¹ Implicit in this approach is a highly tendentious claim: that marriage must ultimately be seen as subordinate to private and personal ends. As Wolfhart Pannenberg observes, conventional marriage has operated on precisely the opposite assumption: "[T]he subject of sexual activity should not be the all-determining center of human life and vocation. As the sociologist Helmut Schelsky has rightly pointed out, one of the primary achievements of marriage as an institution is its enrollment of human sexuality in the service of ulterior tasks

In many of the emotive arguments in favour of same-sex marriage we encounter a common tactic: we are encouraged to focus on an issue as it appears within a very limited sympathetic frame, a frame that can blind us to the many concerns that fall outside of it. Sympathy can produce a sort of critical myopia. Although an inability imaginatively to enter into the other's experience is dangerous, the inability to shatter the sympathetic frame can be no less so. This is a danger that particularly faces those of us with close friends who are in same-sex relationships.

For same-sex couples, granting them the right to marry would most likely increase the durability of their relationships and facilitate a greater degree of integration into society. It could reduce homophobic cultural hostility that might otherwise be directed against them and improve their sense of well-being. It would provide children raised in such households with a more secure environment in which to grow up. While recognizing this side of the case, and the deeply personal concerns bound up in it, it is imperative that we do not lose sight of the larger picture.

In October 1859, a Victorian landowner, Thomas Austin, having moved from England to Australia, released twelve rabbits into the wild, arguing that 'the introduction of a few rabbits could do little harm and might provide a touch of home, in addition to a spot of hunting.'³² Those rabbits went on to ravage the continent.³³

In the debate surrounding same-sex marriage it is crucial that we do not ignore the broader social issues at stake. The modest and seemingly benign intentions of same-sex marriage advocates³⁴ should not distract us from our task of assessing the actual effects that the

and goals." Wolfhart Pannenberg, *Should We Support Gay Marriage? No.*, trans. Markus Bockmuehl (2004) <<http://www.holytrinitynewrochelle.org/yourti92881.html>> [last accessed 26 January 2011].

³² Charles Bowden, *Our Wall* (2007) <<http://ngm.nationalgeographic.com/print/2007/05/us-mexican-border/bowden-text>> [last accessed 26 January 2011].

³³ Bill Bryson, *Down Under* (London: Doubleday, 2000), 117.

³⁴ Although some gay rights activists have spoken of seeking same-sex marriage as a means to undermine and weaken the institution of marriage (Girgis, Anderson, George, 'What Is Marriage?', 277-278), most probably have no such end. Some such as Jonathan Rauch will argue that same-sex marriage will strengthen the institution of marriage, making it a more general rule within society.

introduction of the new species of same-sex marriage will have upon our cultural ecology. The unintended and unforeseen consequences of many such well-intentioned actions have proven catastrophic.

A Question of Culture

Traditionally, marriage has involved the careful social, religious, and legal regulation of sexual behaviour. Certain forms of sexual behaviour were strongly discouraged or prohibited, while others were encouraged and supported. The sexual revolution sought to undermine this order, presenting repression as the real sin in the area of sexuality—there are no crimes of pleasure, only crimes against pleasure.³⁵ Society and culture have moved on, and it is often presumed that the institution of marriage needs to change with it. Marriage must no longer exist to police sexual behaviour, but must bless various forms of unions equally, in a non-discriminating fashion.

We must beware of using the word ‘culture’ in a loose fashion, to refer to whatever lifestyle trends are current. To the extent that a culture can be said to exist, it must represent a persistence of determined patterns of life, involving some form of interdiction, and not merely a social trend among lifestyle consumers.³⁶ Within a culture, one can expect one’s fellow members to act in certain ways, but not in others. If the fixing and directing of choice, and the prohibitions that secure this are essential to the existence of culture, it is imperative that a culture have and enforce boundaries. A culture without boundaries would be an amorphous anti-culture, nothing more than an agglomeration of swirling patterns of lifestyle consumer choices. A marriage culture will largely cease to exist where interdiction and regulation of sexual behaviour are rejected, and sexual voluntarism renders the individual subject of sexual activity the ‘all-determining center of human life and vocation.’³⁷

³⁵ Roger Scruton, *Perversion: An ‘Outdated’ Concept, Desperately and Perpetually Needed* (2004) <<http://old.nationalreview.com/issue/scruton200406040938.asp>> [last accessed 26 January 2011].

³⁶ Zygmunt Bauman, *Liquid Life* (Cambridge: Polity, 2005), 56; Peter Leithart, *Against Christianity* (Moscow, ID: Canon, 2003), 113-115

³⁷ Pannenberg, *Should We Support Gay Marriage?*

As a cultural institution, marriage is ordered to serve greater societal ends. It transcends the immediate concerns, motivations, and desires of individuals, harnessing, restricting, encouraging, or sublimating these for the benefit of the society in general. It is at this level that the institution of marriage must be analyzed and appreciated. Traditionally, marriage has not existed primarily to legitimate or grant society's imprimatur to individuals' desires, but to order those desires to the service of something more significant and lasting.

The number of same-sex marriages that would occur were it legalized would be negligible compared to the total number of marriages in society. However, the significance of this debate cannot be measured in such quantitative terms. At root, the same-sex marriage debate is a 'battle for public meaning'.³⁸ At stake is the question of what marriage is, and the ends for which it exists. Daniel Cere observes:

Under the rubric of "marriage," we will either have an institution dedicated to male-female bonding, and to procreation and child-rearing, or we will have a quite different institution, dedicated to a close-relationships regime.³⁹

Within the same-sex marriage debate, we face the question of the shape, strength, and integrity of the marriage culture that we wish to create, if we wish to retain a marriage culture at all. We face the question of whether same-sex marriage would result in the forfeiting of a more homogeneous marriage culture for a fissiparous and disordered one. We face the question of whether marriage is to be thought of primarily as a vocation that places duties upon those who undertake it, ordering their actions to cultural ends, or whether it is primarily a loosely defined lifestyle option for autonomous individuals, which society has the responsibility to recognize, support, privilege, and encourage.

The range and scale of the cultural issues at stake are immense. Within subsequent articles I will provide a detailed exploration of certain of the ways in which same-sex marriage represents a threat to

³⁸ Cere, 'War of the Ring', 23

³⁹ Cere, 'War of the Ring', 23

the public meaning that marriage has traditionally represented and secured.

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