

The Case Against Same-Sex Marriage. Part Three

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Abstract

In the two articles preceding this I explored the wider context of the same-sex marriage debate, and some of its potential consequences for the relationship between the genders and parents and children. In this concluding article, I will continue this exploration, and identify some of the further implications that this debate has for the place of marriage and family in our society.

The 'Right' to Children

Inherent in the traditional understanding of marriage is a particular phenomenology of the child. The child is conceived from the loving and organic union between the couple, a union inherently ordered towards conception and child-rearing. The child is a physical expression of the organic union between the couple, not primarily related to them as distinct yet cooperating individuals, but as a 'one flesh' pair. Through their union of flesh, he is their flesh and blood, and they are obligated to treat him as such. He is assured of his origins and identity, which are straightforward, simple, and plain, leaving him with no cause for doubt over the nature of the relationship that he bears to them.

Same-sex marriages may undermine marriage's ordering towards

reproduction and the interests of children, but same-sex couples will still want to get in on the act of reproduction and child-rearing. In the context of the gay rights movement, there is considerable emphasis upon reproductive and adoption 'rights'. This quite transforms the relationship between parents and their children. Having children ceases to be a vocation to seek in the appropriate manner, but becomes a right to demand on one's own terms. As the sexual relationship within a same-sex marriage is one ordered away from procreation and one which does not exist in and of itself for the sake of children, openness to children is less likely to be regarded as an essential aspect of the meaning of marriage. When marriage ceases to be regarded as the assuming of a series of duties towards the next generation, into which context children can be welcomed as a gift, couples are more likely to construe their relationship with their children in terms of rights.

The sense of entitlement to children is quite visible in debates concerning reproductive and adoption rights. Gay rights activists claim that homosexuals and same-sex couples have no less right as married couples to have and to raise children, and that society should enable them to enjoy this right on their own terms, through the opening up of reproductive technology and adoption. As reproduction and child-rearing are construed as rights, the rights of children themselves will slowly become marginalized. Scruton writes:

[A]doption means receiving a child as a member of the family, as one to whom you are committed in the way that a father and mother are committed to children of their own. It is an act of sacrifice, performed for the benefit of the child, and with a view to providing that child with the normal comforts of home. Its purpose is not to gratify the parents, but to foster the child, by making him part of a family. For religious people that means providing the child with a father and a mother. Anything else would be an injustice to the child and an abuse of his innocence. Hence there are no such things as "adoption rights". Adoption is the assumption of a duty, and the only rights involved are the rights of the child.¹

Same-sex marriage encourages the understanding of children in terms

¹ Roger Scruton, *This 'right' for gays is an injustice to children* (2007) <<http://www.telegraph.co.uk/comment/personal-view/3636798/This-right-for-gays-is-an-injustice-to-children.html>> [last accessed 26 January 2011]

of the rights of adults, and in terms of being ‘wanted’ or ‘chosen’. In the same-sex marriage, no child is ‘unwanted’: we only have duties towards children if we choose to take them upon ourselves. The posture of openness towards children as a gift, without natural entitlement, is slowly replaced with the idea that society owes homosexuals children, in order to confer a sense of legitimacy and normalcy upon their lifestyle choices. In the process, children are being treated as pawns, and the only rights that should count in this matter—the rights of children—are being gradually eroded.

What We Owe Our Children

David Blankenhorn writes:

Marriage is a gift that society bestows on its next generation. Marriage (and only marriage) unites the three core dimensions of parenthood—biological, social, and legal—into one pro-child form: the married couple. Marriage says to a child: The man and the woman whose sexual union made you will also be there to love and raise you. Marriage says to society as a whole: For every child born, there is a recognized mother and father, accountable to the child and to each other.²

It is important that we reframe the debate. The same-sex marriage case tends to take the rights of the individual sexual agent as its all-determining norm. However, marriage cannot be understood within such a framework, as marriage is more about an assumption of duties, than about the enjoyment of rights. Marriage is entered into by vows, which are not contingent on the behaviour of the other party in the relationship—each party ‘surrenders to the other.’³ It is not an individualistic contractual relationship in which each party acts out of their own self-interest. Changing our perspective is especially important for understanding our relationship with our children. In approaching the question of adoption and reproductive rights for

² Cited by Joe Dallas, ‘Gay Parenting: Plus, Minus, or Equal?’ in *The Complete Christian Guide to Understanding Homosexuality: A Biblical and Compassionate Response to Same-Sex Attraction*, ed. Joe Dallas and Nancy Heche (Eugene, OR: Harvest House, 2010): 399-416, at 405.

³ Eugen Rosenstock-Huessy, *The Multiformity of Man* (Essex, VT: Argo Books, 2000), 63-64

homosexuals we must begin, not with the question of their rights, but with the question of what we owe to our children.

We owe our children a lineage. We have a duty to give them parentage and knowledge of their origins that is free from complications. We are interested in our roots and in where we come from, as these constitute an important dimension of our identity. Conventional marriage, by uniting biological (both genetic and gestational), social, and legal parenthood, and presenting this as the norm and ideal that we should seek to attain to, provides children with a clear sense of where they come from, and whose they are, protecting them from confusion and a sense of alienation from any of their parents.⁴

Conventional marriage expresses our responsibility to provide children with a mother and a father, who commit themselves to raising children that are conceived from their union. The individual sexual subject does not have full 'reproductive rights': reproduction is only approved of in the context of a committed relationship between a husband and wife, who share a commitment to the raising of children. Men and women each contribute distinct gifts to the task of child-rearing, and express the interdependence of the sexes in so doing.

Conventional marriage protects the birthright of children to be raised by both their biological parents, assuring children that their identity finds its root in a loving and intimate bond between their parents. The bond between the parents and their child was forged, not through a contract or arrangement with a third party, or by means of an economic transaction, but in the most intimate and private of settings, through an act of love expressive of and sealing the union of the parents. Wider society recognizes their relationship with their parents, but it did not first create it. As the bond between the parents and the child is naturally grounded in the bond between the parents themselves, which is to be a bond of lifelong commitment, the child need not fear that his search for his origins will lead him outside of

⁴ Anonymous parenthood, surrogacy, certain forms of reproductive technology, and other such things all compromise this. Within a same-sex relationship, a child will always have *at least* three parents (the same-sex couple, and a donor and/or surrogate).

this context of love, to any party outside of the bond indifferent to his existence or who might present him with conflicting claims upon his affections and identity.

Conventional marriage also protects the bond between children, their siblings, and a wider body of relatives. The fact that natural siblings share the same origins assures them both that they have equal claim to their parents' love, and that they have a direct biological relationship to each other, not merely a legal one. The bonds that bind us to our biological relations are immensely powerful ones. It matters to us whether we are biologically related to someone. If same-sex marriage is legalized, the significance of the biological bonds that bind us to our siblings and to a wider body of relatives beyond the nuclear family will be neglected and devalued, as they will no longer be clearly upheld as the norm and ideal.

Such arguments usually meet with two responses: an appeal to the case of adoption, and to the existence of other non-ideal child-rearing situations. If adoption is permitted in the case of heterosexual married couples, what objection can we raise against same-sex marriages with adopted children? We also see single parents raising children, and married heterosexual couples who are poor parents to their children. Why should a heterosexual married couple, who are holding their children back and psychologically damaging them in various ways, be permitted to have children, while loving homosexual parents may not?

Adoption is a response to a non-ideal situation, which gives no sanction to the situation in which the child was born. Adoption is never presented as the norm, but as an exception, the necessity of which should be avoided as much as possible. The norm is that of children being raised by their biological parents, and it is this norm that the institution of marriage seeks to maintain. Adoption seeks to restore children to as ideal a situation as possible. For this reason, there are numerous reasons to prefer married couples over committed same-sex couples in the case of adoption, all other things being equal.

There is no need to deny that persons with a homophile inclination can be loving parents. Nor need we claim that same-sex couples will harm any children they have, or even that such couples would not sometimes provide a far more suitable context for child-rearing than certain more conventional marriages. We ought to

recognize that children are generally resilient, and can grow into well-adjusted adults, even when raised in sub-optimal situations (and in some cases may even turn out better adjusted than some of their peers who were raised in conventional marriages).

The problem is that of normalizing sub-optimal child-rearing situations, of saying that we do not have a duty to seek and provide the best child-rearing situation for children, of marginalizing the interests of children to cater to the demands of adults. Comparing the worst types of conventional marriages to the best types of same-sex unions is an unhelpful and misleading approach. When raising our children we ought not to aim merely to give them better than the worst: it is our duty to seek that which is the best for them. The institution of marriage upholds a form of relationship which secures certain of the key things that we owe our children. Obviously, there may be more to child-rearing than the definition of marriage provides, but there should not be less, and as we live with the grain of the institution of marriage we will find that the virtues required for child-rearing follow quite naturally from it.

If marriage is indeed a way in which we live out a duty towards children, and if, all else being equal, children are best off with only two parents, with their natural parents, and with a parent of both sexes to be involved in their rearing, who are in a relationship naturally ordered towards the reproduction and interests of children, same-sex marriage cannot seek the best of children, but must necessarily compromise and settle for less.

Marriage, Reproduction, and the Body

To this point, we have not given close attention to the relationship between the use of reproductive technology and same-sex marriage. As the institution of marriage is restructured around the rights of individual sexual agents, a connection between marriage rights and reproductive rights is natural, and is already being advanced in certain quarters.⁵

⁵ “And so our rights—the rights of all of us, not simply of LGBT people—include the rights to autonomy in gender expression, the rights of individuals to have control over their own bodies, the right to engage in consensual intimate behavior

Much has been made of the parallel between same-sex marriages and infertile married couples. This is one area where the parallel will be pushed. A same-sex married couple is supposedly no different from any other infertile married couple and as such is entitled to the same access to reproductive technologies. To deny them such access is to discriminate against homosexuals, and to refuse them their basic reproductive rights. Same-sex marriage will most likely encourage a rise in the use of reproductive technologies. It will also serve to normalize them to a degree that their use within infertile relationships has not.

A number of distinctions must be drawn between different forms of reproductive technology. Not every use of in vitro fertilization, artificial insemination, and surrogacy has the same character. Most couples resort to reproductive technology because they have failed to conceive by means of the organic union of coitus. For such a couple, fertilization will probably involve the sperm and ova of the partners, without recourse to a donor and without the use of a surrogate. While such use of reproductive technology detaches conception from the act of coitus, it does not occur in the absence of a coital relationship between a man and a woman. In such a case the genetic, gestational, social, and legal aspects of parenthood remain united, and the child is still an expression—albeit unusual—of the one flesh union between its two parents.⁶

In contrast, the use of reproductive technology in a same-sex relationship is an attempt to avoid coitus altogether, while still ‘making a baby’. The partners are in all likelihood fertile, yet employ reproductive technology to circumvent the need to engage in the

with partners of one’s choosing regardless of sex or gender, the right of all women to safe and affordable abortions and the right of all people to access safe and affordable reproductive technologies and assistance.” Richard Burns, *Gay Rights and Reproductive Rights: Why Don’t People Get the Connection?* (2008) <http://www.huffingtonpost.com/richard-burns/gay-rights-and-reproducti_b_142204.html> [last accessed 26 January 2011]

⁶ Joseph L. Mangina, ‘Bearing Fruit: Conception, Children, and the Family’, in *The Blackwell Companion to Christian Ethics*, ed. Stanley Hauerwas and Samuel Wells (Oxford: Blackwell, 2006): 468-480, at 478. Whether or not we decide that such a use of reproductive technology is ethical, it is important that we see that it has quite a distinct character from the use of reproductive technology by a same-sex couple.

natural means of reproduction with a member of the other sex. Such use of reproductive technology will necessarily detach the various aspects of parenthood. It will also leave the child with at least three parents of differing types. The child ceases to be ‘an extension of the couple’s union realized in these particular bodies—the bodies they pledged to each other in marriage.’⁷ Such use of reproductive technology in same-sex relationships ‘suggests the desire to “make a baby” in circumvention of the life they share.’⁸ Same-sex marriage is contrary to the bonds of blood and shared flesh that are so integral to society.

Within this use of reproductive technology lurks an unsettling view of the body. Bodies are rendered autonomous and detached from each other. The deep sense of our own ‘flesh and blood’ comes under sustained attack. Conventional marriage operates in terms of the non-autonomy of human bodies. The bodies of husband and wife belong to each other, through the vows of marriage and the union of coitus. The body of the unborn child is connected to the body of the mother whose womb he is in. The body of both father and mother are connected to that of their child. At the core of appeals to the biological dimensions of marriage—those arguments which many toss lightly aside as the casuistry and imaginings of natural lawyers—lies the concern to maintain the non-autonomy of our bodies, and to resist the reduction of our bodies to a space that no other party could have a claim upon, and which participates in no higher realities.

The use of reproductive technology in the context of same-sex marriages will almost invariably employ bodies in a way that detaches them from each other. The sperm or egg donor will be detached from the child that was produced using their gamete. The general presumption will be that they will have no further relationship with the child. Only one of the bodies of the legal parents—the same-sex couple—will be connected to that of the child.

The use of surrogate mothers is another example. Despite the gestational bond between the surrogate and the child, they will be expected to act as if they have no lasting bodily relationship to the child inside of them. The recent case in which a couple sought to get

⁷ Mangina, ‘Bearing Fruit’, 478.

⁸ Mangina, ‘Bearing Fruit’, 478.

the surrogate to abort their child, even though she was unwilling, when it was discovered that it was likely to be born with Down syndrome is a good example of some of the moral complexities that can arise when we treat bodies as autonomous and detached.⁹

In such a world, the child becomes increasingly vulnerable. As their body is cut off from others, other persons do not have the same duties and responsibilities towards them. The child is abandoned to a sort of limbo. In the absence of bodily ties, all hinges on whether they are wanted.

In addition to rendering bodies autonomous, this approach to reproduction depersonalizes and atomizes the body. Within the framework of conventional marriage, children arise from the mutual giving of bodies as personal embodiments in the comprehensive union of coitus.¹⁰ With the use of reproductive technology in the context of same-sex marriage the body is steadily depersonalized. Even when a friend of the couple is a donor, the gift of the donor does not occur in the context of the comprehensive gift of self, but abstracts his donation from the full gift of the self to any other party.

The situation is even more extreme in the case of anonymous donors, who may be chosen merely on account of the quality of their genetic material. The surrogate mother is merely a womb: her personal identity will likely be treated with a measure of indifference. The body is broken down into impersonal entities—sperm, eggs, womb, genetic material, etc.—which can be employed or harvested for raw materials for our reproductive and other ends.

The autonomous, depersonalized, and atomized body suffers a further indignity as it is commodified. Within marriage, reproduction

⁹ Tom Blackwell, *Couple urged surrogate to abort fetus due to defect* (2010) <<http://www.nationalpost.com/news/Couple+urged+surrogate+abort+fetus+defect/3628756/story.html>> [last accessed 26 January 2011]

¹⁰ When the existence of the child is conceived through an intimate personal expression of the love that the couple bear for each other, occurring in the context of a long term commitment that they have made to each other, it is far harder to objectify and depersonalize it. Where sex is depersonalized, or undertaken without long term commitment, or where the child is not a biological expression of the personal love between the partners, abortion is much easier to countenance. This may be one of the factors behind the markedly lower abortion rates among married women. Colin Francome, *Abortion in the USA and the UK* (Aldershot: Ashgate, 2004), 36.

occurs through an aneconomic loving gift of bodies.¹¹ In contrast, a significant number of the uses of reproductive technology in same-sex relationships will take the form of an economic transaction. The couple will shop around for genetic material, and perhaps even rent a womb. The atomized body, placed on the marketplace, becomes a thing to be bought and sold, alienating people from their bodies and its processes in various ways. When the genetic ingredients of the child are considered in such a manner, should it be any surprise to find ourselves steadily moving towards the idea that children are commodities too?

The normalization of the use of reproductive technology in the context of same-sex marriages must, therefore, be firmly resisted for undermining the dignity of the human body.

Marriage and the Creation of Society

Same-sex marriage and the Demise of an Institution

Marriage has been treated, in our society, as a sacrament, whereby two people consecrate their lives not just to each other but to the family that will spring from them. In no sense is marriage, so conceived, merely the rubber-stamping of a sexual contract. It marks an existential transition, a move away from the concerns of one generation towards a concern for the next. It is not an act of gratification but an act of renunciation, the beneficiaries of which are not the spouses themselves, but their future children. Without marriage, as we are beginning to see, societies do not reproduce themselves. Hence to treat marriage as a human toy that can be redesigned at will and for the pleasure of the merely living is to jeopardize the rightful hopes of those unborn.¹²

The same-sex marriage case arises from a radical upheaval in our more general understanding of the purposes of marriage and the family, and a redrawing of the institution of marriage around the rights of the autonomous and individual sexual subject. Resting

¹¹ In the case of the married couple who resort to IVF using their own gametes, it could still be maintained that a loving and aneconomic gift of bodies is occurring. The expensive procedure enables the gift to take full effect: it is not itself the gift.

¹² Roger Scruton, *Perversion: An "outdated" concept, desperately and perpetually needed* (2004) <<http://old.nationalreview.com/issue/scruton200406040938.asp>> [last accessed 26 January 2011].

heavily on the notion that marriage exists primarily to serve the interests of individual partners, the same-sex marriage case fails to take full cognizance of the fact that institutions exist to serve vital social interests and common goods that transcend the interests of individuals. While the partners have the most immediately apparent interest, their rights cannot override and displace the interests that various other parties have in the institution. When the stake that parties other than the individual partners have in the institution of marriage is dismissed, the deinstitutionalization of marriage is the natural result.

Deinstitutionalized unions promise less stability as they endure only as long as the individual partners' interests are being served. They no longer adequately perform the institutional purpose of integrating society as a whole into a shared marriage project, or of ordering private behaviour to the service of a common good. Gay rights activists will probably disagree with this argument, claiming that a more 'inclusive' marriage culture will be a stronger marriage culture: by seeking to include same-sex couples in the institution of marriage, they are the ones forming the more integrative marriage culture.¹³ However, inclusion in an institution is no guarantee of integration into a shared project. Integration into a shared project is measured by the degree to which the ends of the institution are served, not by its membership rolls. If we do not give priority to the ends of the institution, greater levels of inclusion will be more likely to cause it to become disoriented, fractured, and amorphous.

The changes in our culture's understanding of marriage that will accompany the legalization of same-sex marriage are less likely to encourage restrictions upon the sexual behaviour of both those within and those outside of marriages. Same-sex marriage hastens the reduction of marriage to the level of an option for lifestyle consumers. As society becomes more uncomfortable with the supposedly illiberal attempt to encourage the vast majority of the population to submit themselves to an institutional form of marriage through expectation and inducement, the traditional ends of the institution are likely to be abandoned. As marriage is detached from its larger societal ends and

¹³ See, for instance, 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).

gradually dilutes its traditional ends for the sake of inclusivity, marriage may cease to have much more than a residual sentimental significance for society. By downplaying or denying such traditional ends of marriage as procreation, same-sex marriage hastens its deinstitutionalization.

It may be protested that the legalization of same-sex marriage won't stop married couples from serving these larger social interests. Although this is true, the expansion of marriage to include same-sex marriage will mean that marriage is no longer so clearly ordered towards these social interests. While many individual marriages will continue to serve greater common goods, the institution of marriage itself would increasingly fail to do so. As a society we would have to seek different means whereby to integrate the population in the service of larger social ends.

Beyond the Nuclear Family

There is a common impression that marriage primarily exists for the purpose of creating little havens of domesticity in a harsh world. The family is regarded as the sentimentalized nuclear family, mum and dad and two smiling children. Yet the family thus conceived, frozen in the moment of the snapshot, is but a single aspect of a much greater reality.

The family existed before us, and will continue long after us. Through the family we are related to our parents, uncles and aunts, grandparents, and their ancestors, to siblings, cousins, children, nieces and nephews, to grandchildren, and generations beyond them. Such relationships can persist long after the married couple, whose shared life first forged the bonds, has departed.

The idealization of the happy nuclear family ordered primarily around the emotional wellbeing of its members can obscure one of the most important dimensions of the family's life. The family does not just exist to provide security and stability in the present, but also to encourage action towards the future, and preservation of the past, connecting our short lives to an intergenerational project that can span centuries.

Marriage is the chief means by which the life of the family and society are received and perpetuated. Marriage serves much more

than biological procreation: it is the engine of cultural and societal procreation. More than a private relationship between two individuals, marriage is a bond that is entered into and lived out in the presence and for the sake of a wider society, where 'each new couple takes its place in the succession of generations,'¹⁴ with both previous generations and those yet to come having a vital interest in the success of their union.

Marriage, at its heart, is not about rights, but about the gifts that forge bonds across times and generations. It is about a family and community giving one of their members to be joined to a member of another family, along with an inheritance and social standing. It is about the comprehensive gift of self to a person of the other sex in lifelong exclusive commitment and organic union. It is about the gift of children to the couple and the couple's gift of an identity and a place in the world to their children.¹⁵ It is about the couple giving their parents and other previous generations a heritage and a memorial.¹⁶ It is about the couple giving their example, wealth, resources, wisdom, skills, and values into the hands of a new generation, to leave a legacy for a time when they have passed away. As Neil Postman expressed it: 'Children are the living messages we send to a time we will not see.'¹⁷

¹⁴ Mark Searle, 'Marriage Rites as Documents of Faith: Notes for a Theology of Marriage', in *Vision: The Scholarly Contributions of Mark Searle to Liturgical Renewal*, ed. Anne Y. Koester and Barbara Searle (Collegeville, MN: Liturgical Press, 2004): 235-253, at 244-245.

¹⁵ "Children born within a marriage are far more likely to be socialized, outgoing, and able to form permanent relationships of their own, than children born out of wedlock. For their parents have made a commitment in which the children are included and of which society approves. This fact is part of the deep phenomenology of the marital home. Children of married parents find a place in society already prepared for them, furnished by a regime of parental sacrifice, and protected by social norms. Take away marriage and you expose children to the risk of coming into the world as strangers, a condition in which they may remain for the rest of their lives." 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 6.

¹⁶ Children do not merely strengthen the relationship between their parents. They can also create a closer connection between their grandparents as the lines of their biological heritage are brought together.

¹⁷ Neil Postman, *The Disappearance of Childhood* (New York, NY: Vintage, 1994), xi

Truly understanding marriage involves perceiving our lives, identities, and place in the world as an inheritance from previous generations, one which we must in turn bequeath to future generations. It involves recognizing that past and future generations, and a wider extended family have a stake in us. It is a way of receiving the gifts that they have entrusted to us with gratitude and passing them on to others in turn. Marriage is one of most important engines of society, providing a context in which social capital can be preserved, protected, increased, and passed on.¹⁸ It forms tight and intimate connections between the present, the past, and the future. It provides us with a clear and robust lineage and strong roots for identity. It is a context in which we can trace the harvest reaped by one generation back to the seeds sown by previous ones. It is a place where we learn the importance of gratitude and memory. On account of its orientation to procreation and its structures of long term mutual commitment, marriage encourages a low time preference, the laying up of resources, rather than present-oriented consumption, and the direction of action towards a future that extends far beyond the time of our death. Marriage and family are practices of memory, faith, hope, and love, involving great sacrifice and self-gift for the sake of a time we may never live to see.

The family is an exercise in peacemaking, protecting the lines of communication between and within the generations, saving us from decadence, despair, forgetfulness, or rebelliousness.¹⁹ The family also serves to uphold the lines of communication between and within the sexes. Fathers provide sons with a model and guidance for their action within the world, much as mothers do for daughters. The father and the mother together provide their children with a model for relationships between the sexes and a context in which to practice

¹⁸ This is one reason why divorce and illegitimacy are so serious. Illegitimacy denies a child his patrimony and connection with the past. Divorce represents a loss and dissolution of the family's capital, not just financially, but socially and relationally.

¹⁹ Peter Leithart, *Fathers and Sons* (2010) <<http://www.firstthings.com/onthesquare/2010/02/fathers-and-sons>> [last accessed 26 January 2011]

such relationships.²⁰

We are witnessing the contraction and stagnation of this life of the family. Orienting marriage towards the needs and desires of present individuals, and increasingly structuring it around their shared consumption habits, we are slowly losing the will and capacity to retain and pass on the life and values of our society. In same-sex marriage we see a further stage in the subordination of the greater ends of the institution of marriage to the individual's sexual preferences, and in the denial of the stakes that parties other than the couple have in them and their union. Institutionalizing this vision of marriage would further marginalize its task of procreation, both biological and cultural, diminishing the power of the institution to forge bonds that transcend the generations.

Excursus: What about infertile couples?

In addressing the common questions raised concerning infertile and childless couples, we should remind ourselves of the points already made. Even the marriage of a childless couple can be a way of celebrating and protecting sexual dimorphism, the bond between the two sexes, and the importance of the sexual union between a man and a woman as the generative and unitive heart of the race and culture. As I have argued, the sexual partnership of two persons of the same sex is incapable of replicating or producing something interchangeable with this reality.

Historically, society and the law have sought to integrate the generative and unitive ends of marriage as much as possible. While not every couple produces children, the institution of marriage doesn't cease to have procreation as a primary end. Don Browning and Elizabeth Marquardt observe:

The *intention* of the law is the issue at stake here. It is one thing for law not to question the capacity of opposite-sex couples to have children, be they infertile, too old, uncertain, or disinterested. In the name of privacy, the law rightfully does not pry, partially because things change

²⁰ Naturally same-sex parents, like many single parents, are unable to provide such training themselves, and will have to rely on other parties to socialize their children in these ways.

(infertility is sometimes corrected, people sometimes change their minds), and the elderly traditionally have married to honor the child-centered view of marriage and the need to symbolically reinforce the norm of integrating sex, love, dependency, childbirth, and childrearing into the institution of marriage.²¹

Childless married couples are still expected to consummate their marriage in coitus, manifesting the posture of openness and hospitality to the gift of children that is to be characteristic of the union. In perhaps the majority of cases the couples are quite committed to the generative end of marriage: they have given their bodies to each other in an act apt for reproduction. That they have not been blessed with the gift of a child should not detract from the reality of their gift, from the fact that it was ordered towards reproduction, and from their genuine assumption of the duties of the calling of marriage. Even in those cases where procreation is being purposefully avoided, the institutional character of the marital union never ceases to be ordered to it, and it may well be a physical possibility for the couple.

A same-sex marriage is a relationship which is ordered contrary to the natural pattern of reproduction, so that the generative good is impossible to achieve within it. Same-sex marriage encourages the separation of the unitive and procreative ends of marriage, reducing procreation to a dispensable end, not merely of the individual marriage, but of the institution in general.

Self-Transcendence

As human beings our sexual desire is closely related to a desire for self-transcendence. We wish to escape the isolation of our own individual bodies, and project ourselves onto some larger plane, through acts of creation and participation in realities greater than ourselves. Marriage offers such self-transcendence. We transcend our individual selves through lifelong committed friendship with another person. We transcend the individuality of our own bodies and the

²¹ Don Browning and Elizabeth Marquardt, 'What About the Children? Liberal Cautions on Same-Sex Marriage', in *The Meaning of Marriage: Family, State, Market, & Morals*, ed. Robert P. George and Jean Bethke Elshtain (New York, NY: Sceptre): 29-52, at 44-45.

separateness of our gender through organic union with someone of the other sex. We transcend ourselves through procreation, as we produce one who is like us, yet different. We transcend ourselves through the raising of a new generation and continuing the family lines of our forebears, and through participation in an extended family.

The institution of marriage is a public recognition, protection, and celebration of a particular human relationship that opens up unique forms of self-transcendence. Same-sex relationships lack the intrinsic capacity for self-transcendence possessed by couples in a conventional marriage. Same-sex marriage is an insistence that persons with homophile inclinations should be able to achieve self-transcendence through a sexual relationship with a person of their own sex, and that what nature denies, society and government must provide.

The restriction of marriage to male and female pairs is not discrimination against persons with homophile inclinations *per se*. A person's sexual orientation is immaterial when it comes to marriage. There is no law forbidding persons with homophile inclinations from entering conventional marriages and very many have. The gender stipulation is not concerned with closing the doors of marriage to those with desires for persons of the same-sex, but with keeping the path of natural self-transcendence that marriage upholds open and marking it out as distinct from the blind alleys that sexual desire can propel us towards, which do not grant the same form of self-transcendence. Where the unique character of the relationship between a man and a woman in marriage is forgotten, the paths of self-transcendence that it opens will be neglected or undervalued and our lives as individuals and societies will suffer in consequence. In particular, the elevation of the satisfaction of private erotic and romantic desire, and the sentimental bond with children as the primary sites of self-transcendence, obscures the traditionally-recognized potential of marriage and the family as generative of expansive communal and political meaning, and representing a substantive presence in history.

Same-sex marriage and Tyranny

Whereas conventional marriage and family are firmly grounded in natural realities of sexual dimorphism and the organic union of male and female, procreation, parenthood, and blood relationships, realities which are recognized, protected, supported, and adumbrated by laws and customs within a marriage culture by society, same-sex unions have neither the same grounding nor the same natural means of rendering themselves public. Virtually every human society that we are aware of over history has recognized the realities that conventional marriage enshrines. The extreme novelty of same-sex relationships being regarded as marriages stands in marked contrast to this. Their recognition involves a denial or relativization of the natural realities that have traditionally grounded marriage, realities that weigh strongly against any claims for the commensurability of same-sex relationships, and a growing dependence upon the law and the state to establish the institution, arising from an adherence to an extreme constructivist understanding of it. When the state, as the instrument of constructivist will, gives so little attention to both the immense weight of millennia of tradition regarding the shared norms of our most fundamental transcultural institution and the order of nature in asserting the will of a vocal group upon society, we should all fear for our freedoms, for it is in nature and tradition that we find some of the surest bulwarks against tyranny.

The state is a natural ally for a movement that seeks to re-orient the institution of marriage around the concerns of the 'merely living'. States are the servants of the current members of society and their interests, and do not represent the interests of past generations, and generations yet to be born.²² The more that the state takes it upon itself to define and redefine marriage, the less that marriage will be regarded as a sacrament, or means of participating in a larger set of deep human realities that are transcultural and persist through time, and the more that it will be reduced to a mere 'bureaucratic stamp

²² '[S]ame-sex marriage furthers the hidden tendency of the postmodern state, which is to exclude future generations from the legal order and to rewrite all commitments as contracts between the living.' [Scruton, 'Sacrilege and Sacrament', 27]

with which to endorse our temporary choices.²³ One of the most powerful ways in which the family serves as a source of freedom is its resistance to the 'immanentization' of our social substance, providing us with access to horizons beyond those within which the state operates. Same-sex marriage tends towards the closing off of these horizons, as their existence and significance comes under question: the only social substance that we have is that which is constructed by the law and the state.

Marriage, family, and children have long posed problems for the liberal state, whose primary units of explanation are interchangeable individuals.²⁴ A union highlighting the realities of sexual dimorphism, the organic connection of sexed human bodies, and the bonds of blood, and with the capacity to produce a new social reality by means of the loving gift of bodies, granting an identity and place in community to persons born into an aneconomic order that both precedes and transcends the political, is difficult for liberalism to process. The same-sex family, bound together chiefly by romantic and legal attachments, is much easier. The new general definition of marriage ushered in by same-sex marriage is in large measure an attempt to redraw marriage around the rights of autonomous sexual agents, indifferent to sexual dimorphism, with sex as a univocal and only accidentally fertile reality, and with the significance of the natural bonds of biological parentage minimized in favour of legal ones. In the process the state and the law are given an unprecedented potential to dismantle or mediate bonds that were previously considered to pre-exist it.

One of the chief threats posed by this new understanding is to the bond between parents and children. As John Milbank observes: 'Marriage and the family, for all their corruption and misuse, are at base democratic institutions. ...[T]he gradual separation of sex from procreation is regarded naively if we do not realize that *this is what the state wants*. Covertly, it wants to secure "Malthusian" control over reproduction and to deal with the individual directly, rather than

²³ Scruton, 'Sacrilege and Sacrament', 20

²⁴ Paul W. Kahn, *Putting Liberalism in Its Place* (Princeton, NJ: Princeton University, 2005), 218-219.

through the mediation of couples.²⁵ By weakening the bond between sex and procreation, orienting marriage primarily to the romantic relationship between two partners, and away from the intergenerational and pre-political vocation to sacrifice for and create a secure and formative environment for the next generation and pass on the capital, life, and values of a family stretched out through time and extended through further blood and marital bonds, the state can progressively assume responsibility for or intervene in the raising and formation of children. The bond between parents and children sentimentalized, children can come to be treated as if they were chiefly wards of the state.²⁶ The state education system becomes the primary means of the child's socialization and families find themselves increasingly restricted in their right to opt their children out of schools and classes teaching state-approved ideologies and values.

The same-sex marriage debate is not merely about civil marriage rights, but is a total war for the public meaning of marriage. Despite its increasing control on it, the state is not the sole guardian of public meaning. The public meaning of marriage arises from the action of individuals, communities, agencies, and authorities throughout society. Truly to establish same-sex marriage, all of society must be forced to conform to the new public meaning of the institution. Voices of dissent must be silenced or marginalized, removed from positions of public authority, institutions of learning, denied media presence, have their reputations destroyed, or be taken to court for their discrimination.

Political and legal activism are primary means by which same-sex marriage advocates have pushed their position. When public meaning is as shaky and uncertain in its foundations as the same-sex marriage position is, it will be incredibly vulnerable to public voices of dissent, which is why such voices must be silenced far more decisively, and the freedom of people to hold and act on deep and

²⁵ Nathan Schneider, *Orthodox Paradox: An Interview with John Milbank* (2010) <<http://blogs.ssrc.org/tif/2010/03/17/orthodox-paradox-an-interview-with-john-milbank/>> [last accessed 26 January 2011].

²⁶ Douglas Farrow, *Nation of Bastards: Essays on the End of Marriage* (Toronto, Canada: BPS Books, 2007), 63

widely held convictions drastically curtailed.²⁷ The struggle between gay rights and religious liberties is complicated by the fact that most of our social agencies and public institutions are either run by or dependent upon the state to some degree or other, with the result that increasingly restrictive official values on such matters will dominate our public life. Christian charities and organizations that rely heavily upon public funds and on government-granted exceptions are in a significantly compromised position when they oppose official ideologies enforced through discrimination law.²⁸ As the government works towards the creation of a society that welcomes and affirms gay couples throughout, Christians will find that expression or action upon dissenting convictions will be forcibly excluded from a public life that is predominantly mediated by state values. As homosexuals come out of their closets, Christians will have to retreat into theirs.

The institutions that socialize and train children have an immense influence upon the future. Children are perhaps the primary means by which marriages become socially empowered. Unlike traditionally married couples, same-sex couples cannot naturally render their sexual relationships public through procreation, and must depend heavily upon reproduction and adoption rights. In chipping away at the power of the traditional family and its values, there is a natural affinity between the same-sex marriage movement and a state that wants to gain increasing control over the socialization and appropriate sexual education of children and to play a great role in mediating the relationships between parents and their children.

It has long been recognized that a strong family is a primary basis for a free society. However, a strong family is the greatest threat to the achievement of equality for homosexual relationships. Although it trumpets itself as a movement for sexual liberation, the same-sex marriage and gay rights movements will, by the very nature of the agenda that they seek to advance, be driving forces towards soft totalitarianism. Gay rights advocates provide governments with a natural and invaluable ally in the struggle against the natural bonds

²⁷ Matthew 14:1-12 might have a few lessons for us here.

²⁸ Rather than relying upon *exceptions* given at the discretion of the state, Christians should press for a wider recognition of the *exemptions* and *immunities* recognized in traditional Church-state distinctions and separations, and seek to create spaces where the government has little or no claim.

of the family, pushing towards the position where marriage can safely be privatized, as its procreative power and purpose is marginalized, and all children regarded as primarily the responsibility of the wider society and the state.

Conclusion

In the same-sex marriage debate we are determining the place that marriage should occupy in our society more generally. This debate is about more than certain legal provisions and protections for same-sex relationships, which could be provided in a *sui generis* institution or under another name, but about the public meaning of marriage and the place of the bonds and relationships traditionally connected with it.

Society as a whole grows out of the unique union between a man and a woman. On account of its significance to society, and its preservation and deepening of natural bonds, marriage should be encouraged, protected, and set apart from all other forms of relationship. Marriage stands at the heart of society, embodying the bonds and values that are crucial to its generation and perpetuation. Same-sex marriage is a hollow parody of it, a hubristic attempt to conform the world to a pattern more congruent with contemporary prejudices, involving the diminishing or denial of realities that we neglect at our peril. For this reason, we must resist same-sex marriage without compromise, and firmly favour of true marital union, denying the equality or interchangeability of the two. On this upholding of this discrimination hangs much of our freedom.

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