



# SPUC background paper<sup>1</sup> on same-sex marriage, January 2012

SPUC's [Position paper on same-sex marriage](#) explains why the Society has decided to take up this issue and campaign against same-sex 'marriage' and also civil partnerships (which may now be celebrated in some parts of the UK via religious ceremonies<sup>2</sup>). As the paper notes:

"Abortion figures reveal the importance of marriage as an institution oriented towards the care and protection of children: in the UK babies conceived outside of marriage are about 4-5 times more likely to be aborted than those conceived inside marriage. Children after birth face greater risks of harm in non-married situations."

One of the most famous arguments used to justify abortion is Judith Jarvis Thomson's,<sup>3</sup> which builds on the idea that a pregnant woman has not voluntarily assumed any specific responsibilities to the child she has conceived, and thus has no obligation to make any great sacrifices for him or her. One of the many problems with this approach is well put by Patrick Lee:

"...the argument views one's obligations to the child in one's womb, the child that is one's own flesh and blood, as no greater than those to a complete stranger. Once again, bodily connections count for nothing. In the end, all of one's obligations, the structure of all one's relationships, indeed the structure of one's personal world, is entirely constructed by one's own arbitrary projects. *Our culture is tending towards a complete separation of the bodily from the moral.* Relationships are never given, never have an objective structure. On the contrary, our culture tends to view relationships as arising *only* from our own consent or arbitrary fiat, and as having only what structure we arbitrarily deem to bestow on them."<sup>4</sup>

The separation to which Lee refers has been deeply damaging - be it through abortion, IVF and accompanying embryo destruction and now, the radical divorce of marriage from any link with natural conception, childbirth and child-rearing. Moreover, to defend the nature of (heterosexual) marriage is also to re-emphasise the evil of abortion, by grounding our morality in the idea that human persons are essentially bodily beings, whose flourishing has an objective bodily dimension. Sex, procreation, marriage and human life itself are all cheapened by ignoring or downplaying this basic fact. It is for these reasons that it is necessary to speak out on issues surrounding same-sex marriage and civil unions.

---

<sup>1</sup> This paper is intended to be read in conjunction with SPUC's position paper on same-sex marriage <http://www.spuc.org.uk/documents/papers/ssm201201> and provides some additional references and reflections.

<sup>2</sup> <http://www.legislation.gov.uk/ukxi/2011/2661/contents/made>

<sup>3</sup> Judith Jarvis Thomson, "A Defense of Abortion",

<http://spot.colorado.edu/~heathwoo/Phil160,Fall02/thomson.htm> For responses to Thomson see John Finnis, "The rights and wrongs of abortion: A reply to Judith Thomson", *Philosophy and Public Affairs* 2, 2 (Winter 1973), 117-145; David Oderberg, *Applied Ethics* (Oxford: Wiley-Blackwell, 2000), pp.22-31; Alexander Pruss, "Two remarks on Thomson's violinist argument for abortion" <http://alexanderpruss.blogspot.com/2008/03/two-remarks-on-thompson-violinist.html>

<sup>4</sup> Patrick Lee, "Misconceptions About Sex, Procreation, and Marriage", at [http://www2.franciscan.edu/plee/misconceptions\\_about\\_sex.htm](http://www2.franciscan.edu/plee/misconceptions_about_sex.htm) (emphasis added for sentence beginning "Our culture...")



Moves which demean marriage are recognised as damaging to society by people of all faiths and none. The importance of the connection between a sound concept of marriage and the interests of children is well put by J. David Velleman, a philosophy professor at New York University:

“My worry is that a purely affectional conception of marriage will tend to favor a purely affectional conception of parenthood. And I think that denying the importance of biological parenthood leads us to violate the fundamental rights of children. Every human child has a mother and a father. And every child has a right to know its mother and father, and to be reared by them, unless the child's own interests dictate otherwise (as they often do in the case of adoption). Until I see specific proposals for protecting those rights under same-sex marriage, I can't support it.”<sup>5</sup>

Two competing views of marriage, central to the debate over same-sex marriage, are set out in an illuminating paper by Sherif Girgis, Robert P. George and Ryan T. Anderson:

“Conjugal View:

*Marriage is the union of a man and a woman who make a permanent and exclusive commitment to each other of the type that is naturally (inherently) fulfilled by bearing and rearing children together. The spouses seal (consummate) and renew their union by conjugal acts – acts that constitute the behavioural part of the process of reproduction, thus uniting them as a reproductive unit. Marriage is valuable in itself, but its inherent orientation to the bearing and rearing of children contributes to its distinctive structure, including norms of monogamy and fidelity. This link to the welfare of children also helps explain why marriage is important to the common good and why the state should recognise and regulate it.*

Revisionist View:

*Marriage is the union of two people (whether of the same sex or of opposite sexes) who commit to romantically loving and caring for each other and to sharing the burdens and benefits of domestic life. It is essentially a union of hearts and minds, enhanced by whatever forms of sexual intimacy both partners find agreeable. The state should recognise and regulate marriage because it has an inherent interest in stable romantic partnerships and in the concrete needs of spouses and any children they may choose to rear.”<sup>6</sup>*

A standard objection to the ‘revisionist’ view of marriage is made by the philosopher GEM Anscombe:

“Biologically speaking, sexual intercourse is *the* reproductive act just as the organs are named generative organs from their role. Humanly speaking, the good and the point of the sexual act is marriage... For we don't invent marriage, as we may invent the terms of an association or club... It is part of the creation of humanity and if we're lucky we find it available to us and can enter into it. If we are very unlucky we may live in a society that has wrecked or deformed this human thing. This – that the good and the point of a sexual act is marriage – is why only what is capable of being a marriage act is natural sex... To marry is not to enter into a pact of mutual complicity in no matter what sexual activity upon one another's bodies. (Why on earth should a ceremony like that of a wedding be needed or relevant if that's what's in question?)”<sup>7</sup>

<sup>5</sup> [http://3dpancakes.typepad.com/ernie/2005/08/on\\_parenthood\\_a.html](http://3dpancakes.typepad.com/ernie/2005/08/on_parenthood_a.html)

<sup>6</sup> Sherif Girgis, Robert George, Ryan Anderson, “What is Marriage?”, at [www.harvard-jlpp.com/wp-content/uploads/2011/.../GeorgeFinal.pdf](http://www.harvard-jlpp.com/wp-content/uploads/2011/.../GeorgeFinal.pdf). The conjugal view, of course, includes all goods of unity and romantic friendship compatible with marriage being a natural institution.

<sup>7</sup> G.E.M. Anscombe, *Contraception and Chastity* (London: CTS, 1975).



Anscombe's point is that because heterosexual 'uniting' can cause babies there are compelling moral arguments for social recognition of an institution (marriage) which protects the procreation and raising of children. Such matters are not a purely private concern but are part of the common good.

Historically marriage as a pre-political institution has been recognised and supported by the State to secure the common good, with specific reference to the interests and welfare of children. After all, the state does not regulate close friendships: marriage involves something more. As David Crawford comments, the idea of family based on traditional marriage

“as root and foundation could mean that society owes something to the family, that the family is more *fundamentally* human than civil society, and that one of civil society's roles is to provide the stability of conditions and resources necessary for the family to flourish.”<sup>8</sup>

What will be lost by moving away from the conjugal view to the revisionist view of marriage? One crucial thing lost will be the essential link between marriage, conception and biological parenthood. There is strong evidence that children do better when raised by married biological parents, where neither father nor mother is seen as surplus to requirements.<sup>9</sup> As Patricia Morgan comments:

“Parental fidelity to the relationship that generated the child is a powerfully positive influence in the life of the child”.<sup>10</sup>

Society has a crucial interest in encouraging biological parents to remain involved in bringing up their child. Necessarily with same-sex couples one or both biological parents will be excluded from a parental role – or at very least, a full-time parental role. For example, same-sex couples who acquire a child by donor insemination or surrogacy thereby effectively ensure that the child will be alienated from one or more of his or her biological parents, at least in the sense that this parent will not be raising the child. We should not underestimate the harm such 'pre-planned' alienation from biological parents can cause.<sup>11</sup> Patricia Morgan notes that existing (heterosexual) family dysfunction is sometimes seen as justifying other dysfunction:

“A textbook on lesbian parenting explains how to support your child as she grieves not having a father, telling the parent that: ‘Children who are adopted may grieve the loss of birth parents; children of divorce may have to deal with losing contact with one parent’, so there is

---

<sup>8</sup> David S. Crawford, “Recognizing the Roots of Society in the Family, Foundation of Justice”  
[www.communio-icr.com/articles/PDF/crawford34-3.pdf](http://www.communio-icr.com/articles/PDF/crawford34-3.pdf)

<sup>9</sup> The evidence for this is very strong – see e.g. the references cited at [www.winst.org/family\\_marriage\\_and\\_democracy/WI\\_Marriage.pdf](http://www.winst.org/family_marriage_and_democracy/WI_Marriage.pdf) and also Kristin Anderson Moore *et al.*, *Marriage from a Child's Perspective: How Does Family Structure Affect Children, and What Can We Do About It?*, Child Trends Research Brief, June 2002, at 1–2, 6, available at <http://www.childtrends.org/files/MarriageRB602.pdf>. Even where existing children need to be adopted, having a social father and a mother is, at very least, highly desirable. As Rick Fitzgibbons observes:

“Social science research has repeatedly demonstrated the vital importance of both a father and a mother for the healthy development of children and the serious risks that they face if they are raised without a mother or a father. Mothers and fathers bring unique gifts that are essential to the health of a child.”

Rick Fitzgibbons, “Same sex adoption is not a game”  
[http://www.mercatornet.com/articles/view/same\\_sex\\_adoption\\_is\\_not\\_a\\_game](http://www.mercatornet.com/articles/view/same_sex_adoption_is_not_a_game)

<sup>10</sup> Patricia Morgan, *Children as Trophies?* (Christian Institute, Newcastle, 2002), available at [www.christian.org.uk](http://www.christian.org.uk), p.130.

<sup>11</sup> See e.g. the report of the Commission on Parenthood's Future *My Daddy's Name is Donor*, at [www.familyscholars.org](http://www.familyscholars.org)



hardly anything new or special when ‘...A.I. [artificial insemination] children of lesbian parents may grieve never knowing their biological father.’”

As the French thinker Hervé Juvin observes:

“Sexual desire no longer has anything to do with procreation; desire for a child no longer has any connection with sexual desire. A child is no longer the fruit of its parents’ desire for each other, it is the fruit of their desire for a child, when it is not the mere exercise of a right, as for example in countries that permit child adoption by homosexual couples. On this point too the break with the physical bodies of the man and the woman, to the advantage of an indeterminate juridical, political and contractual body, is decisive.”<sup>12</sup>

Those who argue for the revisionist concept of marriage claim that they are merely extending the societal benefits of marriage (e.g. stability) to more people, and that in doing so they are also addressing an injustice toward a minority. Indeed, some proponents of same-sex marriage (and the revisionist concept that goes with proposals for legalisation) make this point explicitly. Craig R. Dean, executive director of the US Equal Marriage Rights Fund, in arguing for same-sex marriage, referred to US laws against mixed-race marriage struck down by the Supreme Court in 1967:

“Then as now, those who argued against granting civil rights spoke of morality, social tensions and protection of family values. But, now, as then, the real issue is justice vs. oppression.”<sup>13</sup>

However, since mixed-race marriages were of course *heterosexual*, and thus precisely *not* controversial *in the same way* – a way crucial to the purpose of the institution - it needs to be remembered that mixed-race couples seeking legal marriage were seeking to integrate into an existing institutional system to which they had been wrongly denied access.<sup>14</sup> In contrast, we should ask if the ‘integration’ of same-sex marriage into the existing institution of marriage would even be possible, given that such a change would make sexual difference an accidental rather than an essential feature of the institution. And if it wouldn’t, we can hardly talk of ‘integration’, as the change would completely replace the nature of the institution being ‘integrated into’.

At the heart of this debate are substantial issues surrounding conceptions of the good life and fundamental institutions. The 1992 statement of the US Supreme Court in the abortion case *Planned Parenthood v. Casey* outlined the classic liberal position on certain questions:

“Our law affords constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education. Our cases recognize ‘the right of the *individual*, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.’ These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. *At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery*

---

<sup>12</sup> Hervé Juvin, *The Coming of the Body*, tr. John Howe (London and New York: Verso, 2010), p.134.

<sup>13</sup> *New York Times*, September 28<sup>th</sup> 1991.

<sup>14</sup> Of course, miscegenation laws were formulated precisely to discriminate against couples from different races who might wish to marry – whereas marriage laws have not hitherto been needed precisely to exclude same-sex couples from marrying.



*of human life.* Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.”

(emphasis added)

In other words, the State (the court argued) must maintain its legal ‘neutrality’ when faced with even highly arbitrary forms of self-definition. When it comes to the most important decisions and the most fundamental institutions, individual liberty rules (said the court). Yet the idea that the State can be ‘neutral’ or ‘impartial’ over these questions is an illusion, as many have noted. The State is never ultimately impartial on such fundamental questions, nor can it be.<sup>15</sup> On the question of marriage we have to decide between one of the two conceptions set out at the beginning of this paper. And they themselves rely on certain fundamental ideas about what we are as human persons, some of which are coherent and some of which aren’t.

On the revisionist model, as David Crawford points out,

“‘same-sex couples’ are in all pertinent matters the same as ‘opposite-sex couples’; the only real difference is one of ‘orientation’ (the biological sex of their partners). Thus, ‘heterosexuality’ and ‘homosexuality’ are nothing other than ‘alternate’, but nevertheless essentially equivalent ‘orientations’, and are therefore similarly situated with respect to the question of the civil institution of marriage.”<sup>16</sup>

To say this is itself to take a radical position on the question of marriage and the importance of sexual difference. Crawford goes on to ask:

“[I]sn’t something different – even radically different – mediated to the culture by these two ways of configuring marriage? In the end, this reconfiguring of marriage represents a very fundamental shift, the shift toward the conception of humanity composed of alternative but essentially equivalent ‘orientations’.”

As Crawford says, liberalism

“remakes the person and the ‘family’ in the image of its voluntarist and procedural concept of justice and the basic anthropology this entails.”

Now, when it comes to questions of marriage, even the liberal state has to make a decision as to what kinds of ‘marriage’ it will give juridical form to. It is a new departure for a state to give such a form to a same-sex marriage. If it does so, it is essentially saying: this is something good for society. As the socially liberal US judge Richard Posner puts it,

“marriage...is believed by most people in our society to be not merely a license to reproduce but also a desirable, even a noble condition in which to live. To permit persons of the same sex to marry is to declare, or more precisely to be understood by many people to be declaring that homosexual marriage is a desirable, even a noble condition in which to live.”<sup>17</sup>

---

<sup>15</sup> See e.g. <http://www.edwardfeser.com/unpublishedpapers/libertarianimpartiality.html>

<sup>16</sup> David Crawford, “Liberal Androgyny and the Meaning of Sexuality in Our Time” <http://www.communion-icr.com/articles/PDF/crawford33-2.pdf>

<sup>17</sup> *Sex and Reason* (Cambridge, Massachusetts: Harvard University Press, 1992), p. 312.



No society can grant unaccustomed rights and privileges to homosexual couples without sending out a message about the value of the homosexual lifestyle itself: a value which is still to be discussed.

To begin with, does same-sex marriage necessarily involve the same intentions of exclusivity as heterosexual marriage? Dale O’Leary comments that:

“...for husband/wife married couples, exclusivity is still the *desired norm*; infidelity remains the undesired exception. But for a large percentage of same-sex couples (especially male ones), infidelity is accepted and valued... So, while the courts might talk of ‘an exclusive and permanent commitment to love each other’, the effect of the decision to redefine marriage to include same-sex couples would further undermine support for the exclusive and permanent nature of the marriage vows. It will introduce into the cultural consciousness a version of marriage that differs fundamentally from traditional marriage in its most crucial facets.”<sup>18</sup>

Quite generally, it seems that same-sex couples are more promiscuous on average than heterosexual couples: therapist Rick Fitzgibbons<sup>19</sup> observes that:

“one of the largest studies of same-sex couples revealed that only seven of 156 couples had a sexual relationship which was totally monogamous. Most of these relationships lasted less than five years. Couples whose relationship lasted longer incorporated some provision for outside sexual activity”.

Fitzgibbons goes on to point out that same-sex unions are:

“very fragile. The probability of breakup is high for lesbian couples. In a 2010 report, the [US National Longitudinal Lesbian Family Study](#), 40 percent of the couples who had conceived a child by artificial insemination had broken up.”

As Patricia Morgan notes:

“There is a problem with the place of children in this world of ad hoc, fluid relationships”.<sup>20</sup>

Moreover, in the words of Fitzgibbon:

---

<sup>18</sup> Dale O’Leary, *One Man, One Woman* (Manchester, MA, Sophia Institute Press, 2007), p.177. Gay activist Michelangelo Signorile observes that:

“A middle ground might be to fight for same sex marriage and its benefits, and then, once granted, redefine the institution completely, to demand the right to marry not as a way of adhering to society’s moral codes but rather to debunk a myth and radically alter an archaic institution.”

(“Bridal Wave,” *OUT Magazine*, December/January 1994, p.161). The idea of a total privatization of marriage, towards which ‘same-sex’ marriage arguably acts as a logical slippery slope, has prominent and influential supporters, not only amongst certain gay activists, but also from Richard A. Posner and, more recently, legal scholar and advisor to President Barack Obama, Cass Sunstein

([http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=612471](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=612471)) who presumes that there is no ‘natural’ institution of marriage. For a classic argument that marriage is a natural institution see Thomas Aquinas, *Summa Theologica*, Supplement q. 41, available at <http://www.newadvent.org/summa/5041.htm>

<sup>19</sup> Fitzgibbons, [http://www.mercatornet.com/articles/view/same\\_sex\\_adoption\\_is\\_not\\_a\\_game](http://www.mercatornet.com/articles/view/same_sex_adoption_is_not_a_game)

In this context Richard A. Posner, someone with no ethical objection to homosexual activity, notes that:

“permitting homosexual marriage would place government in the dishonest position of propagating a false picture of the reality of homosexuals’ lives.” p. 312

<sup>20</sup> Morgan, pp. 28-29.



“same sex unions suffer a significantly higher prevalence of domestic abuse, depression, substance-abuse disorders, and sexually transmitted diseases”.<sup>21</sup>

The relevance of such health problems for the successful upbringing of children, where this is desired, should be clear. Morgan comments in relation to same-sex adoption:

“from the perspective of the ‘best interests of the child’, if homosexual activity – like intravenous drug use – is life shortening, and morbidity attracting, then children should be placed with parents who, at very least, will not steer them towards this. Homosexual parents seem considerably more likely to raise homosexual children. If people are making judgements about where to place children, then is it possible to ignore the differences between ways of life?”<sup>22</sup>

Some studies have found that children raised by homosexuals do at least as well as children raised by heterosexuals. However, such findings have been questioned by other researchers,<sup>23</sup> who have pointed out serious methodological problems in this research, and conflicting findings of other studies.<sup>24</sup> Some research is simply absent, such as research on long-term effects on adult males raised by homosexual men, while studies of children raised by homosexual men are rare. And even ‘pro-gay’ researchers admit, for example, that children of lesbian mothers are likely to have more sexual partners<sup>25</sup> and indeed are more likely to grow up homosexual themselves.

---

<sup>21</sup> Fitzgibbons. See also Paul Van de Ven *et al.*, “Facts & Figures: 2000 Male Out Survey”, p. 20 & Table 20 (National Centre in HIV Social Research, Faculty of Arts and Social Sciences, The University of New South Wales, February 2001); Neil Whitehead, “Homosexuality and Co-Morbidities: Research and Therapeutic Implications”, *Journal of Sexuality* 2 (2010), cit. Philip Sutton, “Who Am I: Psychological Issues in Gender Identity and Same Sex Attraction”, *Fertility and Gender* (Oxford: Anscombe Bioethics Centre, 2011), p.88. Whitehead comments:

“People reporting SSA have a more widespread and intense psychopathological burden than probably any other group of comparable size in society, though college-age people may have more substance abuse... Surveys in recent literature suggest objective discrimination is not to blame for suicidality, but *perceived* discrimination... [P]articular emotion/avoidant based coping mechanisms used by people reporting SSA almost entirely account for the effects of this perceived discrimination”.

See also Theo Sandfort *et al.*, “Sexual orientation and mental and physical health status: Findings from a Dutch population survey,” *American Journal of Public Health* 96, 6 (2006): 1119-1126; Stephen Gilman *et al.*, “Risk of psychiatric disorders among individuals reporting same-sex sexual partners in the National Comorbidity Survey,” *American Journal of Public Health* 91, 6 (2001): 933-939; Susan Cochran, Greer Sullivan, Vickie Mays, “Prevalence of mental disorders, psychological distress, and mental health services use among lesbian, gay, and bisexual adults in the United States”, *Journal of Consulting and Clinical Psychology* 71, 1 (2003): 53-61. In countries noted for tolerance or endorsement of homosexual behaviour there does not appear to be any significant change in the incidence of psychological disorder – see Sandfort (above) and also David Fergusson, John Horwood, Annette Beautrais, “Is sexual orientation related to mental health problems and suicidality in young people?,” *Archives of General Psychiatry* 56, 10 (1999): 876-888.

<sup>22</sup> Morgan, p.132.

<sup>23</sup> See Morgan for a critique of many such studies. Fitzgibbons criticises more recent research for relying wholly or largely on self-reports by parents (and in some cases children) – parents who knew the political agenda of the research.

<sup>24</sup> For example, Fitzgibbons cites an Australian study (Sarantakos 1996) which found that married (heterosexual) couples were better parents than heterosexual cohabitating couples, and that homosexual cohabitating couples were the least successful parents of all.

<sup>25</sup> Morgan (p.89) cites a study of Fiona Tasker and Susan Golombok, which found that:

“38 per cent of the lesbians’ daughters compared to 11 per cent of the heterosexuals’ daughters reported having had 10 or more sexual relationships. In turn, 64 per cent of the lesbian children had ever cohabited compared to 60 per cent of the heterosexuals – reflecting the generally high rates of cohabitational experience in present day society. But whereas all the children of heterosexuals who had ever cohabited had done so only once, 20 per cent of the lesbians’ children had cohabited at least twice”.



Among the problems raised by same-sex unions, O’Leary cites the confusion of friendship and sexual/romantic relationships in wider society. She also mentions a phenomenon she claims is common in same-sex relationships whereby sexual interest between long-term partners (as opposed to outside parties) is quickly lost:

“If indeed it’s the case that declining sexual intimacy follows naturally from the growth of same-sex friendship or primal bonding or merging, then calling same-sex relationships ‘marriages’ will not solve [the problems of same-sex couples] but only increase their shame and disappointment when it fails to. It should be pointed out, of course, that there is nothing wrong with two persons of the same sex living together without sexual intimacy...Their deep friendship, affection, and the habits of common life remain – but these do not amount to a marriage.”<sup>26</sup>

Perhaps the deepest damage that an attempt to ‘redefine’ or ‘recast’ marriage can do is to strengthen the idea that the identity of a person is grounded not in his masculinity or her femininity but rather in his/her ‘orientation.’ If the meaning of sexual difference becomes thus ‘demoted’ then a person’s sexual desire and freedom therefore, in Crawford’s words,

“possess a fundamentally indifferent relationship to his or her body’s natural correlation to the opposite sex. The relation between ‘orientation’ and the sexual polarity inscribed in the body is therefore external and arbitrary.”<sup>27</sup>

On this view, ‘orientation’ happens to be either heterosexual or homosexual – and a consequence of this is that the human body, male or female, is treated as sub-personal – the sexualized body has been ‘demystified’ or drained of meaning in relation to the person. It has been rendered essentially ‘androgynous’ – as Juvin, above, recognised. And the final absurdity of this view is captured by Crawford when he states:

“This suggests a fragmentary view of the human person. This fragmentation is first intuitive: no one experiences his or her sexuality as an androgynous use of a sexualised body”.

Indeed, adopting an essentially androgynous view of human beings, in order to establish a new idea of marriage, fails any ‘impartiality’ test for the State, and demonstrates that far from seeking to integrate into the institution, same-sex marriage proponents are seeking to change that institution out of all recognition. As Edward Feser bitinglly puts it,

“A libertarian [or liberal] is neutral between various comprehensive moral and religious doctrines that prevail in a pluralistic society – as long as they are willing to incorporate into themselves a basically libertarian conception of rights and justice.”<sup>28</sup>

And of course, it is through our being brought up in a family that we learn about sexual difference and about what is truly good for us in the area of sex and marriage (and other areas). The androgynous view of the person required in order to justify the re-casting of marriage is not, of course, compatible with the ‘familial anthropology’ which, in Crawford’s words, includes

“the nuptial but would also draw explicit attention to the relationships of paternity, filiality, and fraternity.”

---

<sup>26</sup> O’Leary, p.164.

<sup>27</sup> David Crawford, “Liberal Androgyny and the Meaning of Sexuality in Our Time” <http://www.communio-icr.com/articles/PDF/crawford33-2.pdf>

<sup>28</sup> <http://www.edwardfeser.com/unpublishedpapers/libertarianimpartiality.htm>



And if we experience our ‘relational’ identity grounded in these relationships then we can have an adequate notion of what the ‘good’ is that we should be serving. To damage the ability of people to perceive what is truly good is unjust and, in the deepest sense, inhuman. After all, as Crawford reminds us with regard to sexual differentiation and the family,

“they are necessary ordering principles, anticipating and reflecting human realizations of the good...being situated in a tissue of relations is not only a factual or metaphysical reality, but is also *necessarily experienced as good insofar as I experience my being itself as good.*”

And my being cannot be reduced in the way the revisionist view demands.

Taking an ‘outside’ view of the institution of marriage, one writer asks his readers to imagine trying to design an institution that would best protect the interests of children to be brought into the world. He suggests:

“First, by making the conjugal/sexual/procreative act a necessary condition for a ‘complete’ marriage, a consummated marriage, one would tie the appropriate act for generating children to the appropriate institution for the upbringing of children. Secondly, by restricting that act to the institution one would protect children against the possibility of their coming to be outside of the appropriate institution for their upbringing. Such an institution would be justified on account of its potential relation to children, even if, by a natural accident, no children were ever born from a given marriage. Without the potential relationship to children it is difficult to see 1) why the arrangement should be life-long and 2) why the relationship should be restricted to two people.”<sup>29</sup>

In failing to answer these questions convincingly, and in failing to counter the obvious truth that the revisionist view of marriage fundamentally undermines the conjugal view, the proponents of same-sex marriage and civil partnerships are embarking on an attack on a fundamental natural institution. These attacks inevitably leave very many innocent and vulnerable victims. That such attacks appear less obvious in their enormity than do some other evils of our day means that more, not less, vigilance is required.

The constraints of conjugal marriage may be hard, but, as Christopher Lasch, the great critic of narcissism, reminds us:

“In our enlightened age, the apparent irrationality of these constraints, of the very idea of constraints, provides much of the energy for the effort to work out ‘alternative lifestyles’ (an effort, however, that is not nearly as widespread as our liberators would like to believe, since it conflicts with a stubborn popular realism in these matters). In the face of this revolt against familial constraints, it is important to stress their value, which lies not only in their negative effect, in making it more difficult than it would be otherwise for men to desert their women and children, but in the encouragement these constraints give to a full understanding of freedom itself, one that goes beyond the equation of freedom with unlimited choice and ‘nonbinding commitments.’”<sup>30</sup>

A freedom, we might add, which is grounded in the human person and his/her bodily, differentiated and relational reality. Something, in other words, not to be ‘legislated’ away.

---

<sup>29</sup> Anthony McCarthy, “Marriage and Meaning”, in H. Watt (ed.), *Fertility & Gender* (Oxford: Anscombe Bioethics Centre, 2011), p.59.

<sup>30</sup> Christopher Lasch, “Why the Left Has No Future”

[http://thor.clark.edu/sengland/previous%20features/a\\_dialogue\\_with\\_christopher\\_lasch.htm#Why%20the%20Left%20Has%20No%20Future](http://thor.clark.edu/sengland/previous%20features/a_dialogue_with_christopher_lasch.htm#Why%20the%20Left%20Has%20No%20Future)



## Appendix: civil partnerships in the UK

In December 2005 the Civil Partnership Act (CPA) came into force and granted same-sex couples in the UK the same basic rights and responsibilities as those of married couples, although still - largely cosmetically - distinguishing civil partnerships from marriage. Since 5 December 2011, same-sex civil partnership ceremonies can be held in religious institutions in England and Wales. Prime Minister David Cameron has publicly stated that he wishes to see same-sex marriage legalised.

The CPA is restricted to same-sex couples only and is clearly intended to relate to sexual relationships. An article by barrister Jacqueline Humphreys in the *Ecclesiastical Law Journal* entitled “The Civil Partnership Act 2004, Same-Sex Marriage and the Church of England”<sup>31</sup> makes it crystal clear that the CPA institutes arrangements presumptively sexual. And if such activity is seen as morally wrong and harmful to those involved (and others), one cannot support such legislation, even if one believes that there are other aspects of the legislation that are good.

In short, as Humphreys points out:

“Whilst there may be some ambiguity as to whether civil partnerships are intended to be sexually exclusive, there can be no ambiguity that they are intended to be sexual”.

She further states:

“the 2004 Act has an understanding of civil partnerships that are voluntary, permanent, sexual, monogamous, potentially mutually supportive and potentially nurturing of children in the same ways that a marriage is understood to be within English law. A civil partnership is probably also understood as requiring sexual fidelity in the same way marriage does, although confirmation of this will only be obtained once judicial implementation of the provision takes place. *In these ways then, civil partnerships are conceptually the same as marriage.*”  
(emphasis added)

It is, finally, worth considering the honest words of gay activist John Corvino, who was far-sighted enough to see what was required when it came to ‘gay marriage’ in the US, and argued that:

- “(1) Properly crafted civil-unions legislation could grant ALL of the legal incidents of marriage (albeit under a different name). I am not talking about ‘watered-down’ civil unions here; I’m talking about the full legal enchilada.
- (2) The difference between such unions and marriage, since it is not a difference in legal incidents, appears to be a difference in level of social endorsement carried by the ‘m-word.’
- (3) Our best strategy (in most states) for securing the tremendously important legal incidents is to fight for them under the name ‘civil unions.’
- (4) Our best strategy for securing the social endorsement (i.e., marriage under the name ‘marriage’) is first to secure the legal incidents. Then people will look at our civil unions, realize that they are virtually indistinguishable from marriages, start calling them marriages, and gradually forget why they objected to doing so before. That’s what happened in Scandinavia, and it’s happening elsewhere in Europe.
- (5) Attempts to force the social endorsement too quickly (by demanding the name ‘marriage’ above and beyond the legal incidents) may backfire, resulting in state constitutional bans not

---

<sup>31</sup> The article is available online at <http://www.sarmiento.plus.com/cofe/humphreys.html>



SPUC background paper on same-sex marriage, as amended 4 January 2012

only on gay marriage but also on civil unions. The upshot would be to delay BOTH the legal incidents and the social endorsement.<sup>32</sup>

---

<sup>32</sup> Civil Discourse on civil unions, Between the Lines News, Issue 1303 available at <http://www.pridesource.com/article.html?article=10939>