

## **Defending Marriage: An Overview of the Recent Literature Critiquing Same-Sex “Marriage”**

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**John Corvino and Maggie Gallagher, *Debating Same-Sex Marriage* (New York: Oxford University Press, 2012), 224 pages**

**Robert P. George and Jean Elshtain (eds), *The Meaning of Marriage* (Dallas, Texas: Spence Publishing Company, 2006), 253 pages**

**Dale O’Leary, *One Man One Woman: A Catholic’s Guide to Defending Marriage* (Manchester, New Hampshire: Sophia Institute Press, 2007), 303 pages**

**Christopher C. Roberts, *The Significance of Sexual Difference in the Moral Theology of Marriage* (New York: T&T Clark, 2007), 259 pages**

In the decades following the wake of the sexual revolution and the rise of radical feminism, the issue of same-sex “marriage” has gone from the margin to the limelight of American law, politics, media and academic discourse. It is more and more evident that in these cultural spheres, gay “marriage” has been embraced under the banner of justice and equality. Just as one was labeled a sexist in the seventies for opposing radical feminism’s claim that there are no significant differences between the sexes, now one is branded as a bigot for claiming that sexual difference matters for marriage. While such insults are not arguments, they nonetheless hamper rational discourse about sexual difference. In response to this crisis, several recent authors have offered cases for sexual difference as intrinsic to marriage from various angles. I will review these authors’ attempts to demonstrate the importance of sexual difference for marriage and analyze the strengths and weaknesses of their differing approaches. In conclusion, I will discuss the depth of discourse on this subject and indicate what aspects need to be deepened if we are to respond adequately to the cultural challenge.

### **Sexual Difference and the Christian Tradition**

One way to look at the issue is through a reflection on the status of sexual difference itself. Christopher C. Roberts helpfully outlines the Christian tradition’s understanding of this in his book *Creation and Covenant: The Significance of Sexual Difference in the Moral Theology of Marriage*. He traces the understanding of sexual difference in the thought of various Christian thinkers including Augustine, Bernard of Clairvaux, Thomas Aquinas, Luther, Calvin, Karl Barth, and Pope John Paul II. Sexual difference was not a primary concern of many of the earlier authors. It was not until the twentieth century that the work of Karl Barth and Pope John Paul II gave sustained and direct theological attention to the subject. Nonetheless, implied in certain arguments, commentary, and asides, one can gather what the various authors before Barth and Pope John Paul II assumed to be the case about sexual difference.

Among the early Church Fathers there was very little agreement about sexual difference. For example

in *De Hominis Opificio* [On the Making of Man], Gregory of Nyssa held that sexual difference was created after the fall as a remedy for sin, but does not belong to the “image of God” in paradise (p. 25). On the other hand, Clement of Alexandria argued that sexual difference was not rooted in sin but in creation, and is good because it leads to procreation. It wasn’t until Augustine that a clear position on sexual difference was developed, one that was largely accepted by the Latin tradition after him. Contrary to some, Augustine argued on the basis of the resurrection of the body that sexual difference would remain in the *eschaton* because it was fundamental to the identity of man as an embodied soul (p. 71). Further, he developed a theological account for the enduring significance of sexual difference in marriage: to populate the city of God and to redeem sexual desire (p. 70). Thus, sexual difference was primarily good not in terms of procreation *per se*, but because sexual difference helped specifically to further the mission of God, which for Augustine was linked to the *telos* of sexual difference in procreative marriage.

Later Christian tradition clarified and deepened Augustine’s view. For example, while Aquinas accepted Aristotle’s problematic biology, which treats the female sex as a defect, he nonetheless is in agreement with Augustine that sexual difference is fundamentally good (p. 100). It is good primarily for the continuation of the species, which is “in the intention of universal nature” (p. 101). Unlike Augustine, Aquinas seldom considers the theological significance of procreation, but instead focuses on the philosophical reason of the preservation of the species as the enduring goodness of sexual difference (p. 107). After noting this difference in emphasis, Roberts then moves on to a discussion of Luther and Calvin, who each in their own way confirm the theological significance of procreation in terms reminiscent of Augustine, and move away from seeing procreation primarily in terms of perpetuating the species, as Aquinas did (p. 132).

In chapters 6 and 7, Roberts examines the thought of Karl Barth and Pope John Paul II. Both men push the analysis of sexual difference further than any other author in the Christian tradition, insofar as they ground sexual difference and its call to fruitful, loving communion with another in the doctrine of the *Imago Dei*. Barth and John Paul II see the communion contingent upon sexual difference ultimately as an analogical expression of the communion of love in the Trinity. As such, sexual difference now not only expresses a call to procreation, but also embodies a call to live like the communion of love in the Trinity. Therefore, both Pope John Paul II and Barth consider sexual difference as a call to the new covenant in Christ, which makes what Pope John Paul II calls “total self-gift” possible. Thus, sexual difference is no longer on the margin of theological reflection, but is the primary matrix in which God’s call to man and man’s response of love is lived out.

Upon reviewing all of these authors, Roberts concludes that the Christian tradition has since the time of Augustine held that sexual difference is rooted in creation, is intrinsically good, and ordered to procreation in marriage as well as to a theological purpose beyond procreation. As such, sexual difference for the Christian tradition, Roberts concludes, is morally significant for marriage and cannot be discarded. He then, in conclusion, considers three challenges to the consensus of this tradition by Graham Ward, Eugene Rogers, and David Matzko McCarthy. He refutes each of them on many levels and then argues that at the basis of all of their arguments is a refusal to engage in “questions about theological anthropology with respect to creation” (p. 240). They focus either on linguistics, sexual desire, social function, or commitment, but none of them engages the argument about sexual difference at the level of creation. Does the creation of humanity as male and female have a purpose? What is sexual difference? These questions are left unanswered by the three authors Roberts engages with, and this is crucial to the critique of their positions.

In sum, Roberts provides a useful primer on the Christian tradition about sexual difference in relation

to marriage. However, his chapters on Thomas Aquinas and Pope John Paul II are not entirely satisfactory even though they make some important points. These are in fact the shortest chapters in the book, and they leave out sustained discussions about important aspects of their respective anthropologies. For instance, in relation to Aquinas, there is very little discussion about his views on the doctrine of creation, metaphysics, freedom, and natural law. Likewise, the chapter on Pope John Paul II leaves out all discussion about sexual difference in relation to freedom, being, the body as the “sacrament of the person,” and natural law. Therefore, Roberts’ work lacks the necessary philosophical depth needed for arguments about the moral significance of sexual difference for marriage. Nonetheless Roberts is right on the mark that the primary concern in debates about so-called same-sex “marriage” is about the status of sexual difference and its purpose. As we will see, other issues unfortunately tend to take center stage in these debates. These will be the subject of the next few books under review here.

### **Psychosexual Development, Social Science, and Same-Sex Attraction**

Dale O’Leary’s *One Man, One Woman* is a book that seeks to defend the importance of sexual difference for marriage by examining two principal topics: 1) the nature and origin of same-sex attraction and 2) the politics of gay activism (p. xx). While she offers some very illuminating and startling information about the agenda of what she dubs the “ideology of the sexual left,” I will primarily focus on the first topic as it is more relevant to the question of the depth of discourse on the topic of same-sex “marriage.” Also, while O’Leary uses a variety of arguments in her later chapters, her primary argument is based upon an analysis of psychosexual origins of same-sex attraction and social scientific research. Therefore, while I want to acknowledge that her argumentation in the book does rely on more than psychosexual development and social science, these are nonetheless her principal resources.

With regard to the nature of same-sex attraction, O’Leary frames the question in the following way: “How can Catholics reconcile their desire to be truly loving, compassionate, and accepting with the unchangeable teaching that homosexual acts are always contrary to God’s rules for sexuality?” (p. xix). Her answer is to explore the psychological origins of same-sex attraction, propose a path of healing based upon those findings, and then re-cast the debate on same-sex attraction in light of those findings. She posits three approaches to the origin of same-sex attraction: essentialism, constructionism, and developmentalism (pp. 49-50). Essentialism posits that same-sex attraction is solely biologically determined, either by hormones or genes. Constructionism proposes that it is shaped only by societal forces and, as such, may be deconstructed as one chooses. Developmentalism understands it as the combined result of biology, society, and personal choice, with attraction to the opposite sex as “the outcome of healthy psychosexual development” (p. 50). It therefore holds that same-sex attraction can and ought to be prevented and treated. Relying heavily on psychological research, O’Leary debunks the first two views and then goes on to show why only developmentalism is sound.

The next four chapters trace the psychosexual and developmental origins of same-sex attraction, and possible treatments. While it is a complicated phenomenon for each individual, she concludes that same-sex attraction is *primarily* based either on alienation from the parent of the same-sex and/or same-sex peers, sexual or physical abuse, or a hurtful and disrespectful relationship with significant male figures in the case of females. Importantly, she alludes to the fact that certain cultural ideas can play a role in promoting same-sex attraction. For instance, some radical feminists teach women to distrust men and form same-sex relationships as an answer to the oppression and violence inflicted by men.

Given these factors and origins, O’Leary argues, one should help those persons struggling with same-sex attraction realize the dysfunctional roots of their behavior, and then help them to address their

same-sex attraction. A key to change is recognizing that those struggling with same-sex attraction do not have “to deny their need for same-sex love, but to find it in positive, non-sexual same-sex relationships” (p. 126). Here genuine friendships with those of the same sex can really undo the damage of feeling alienated from their sex at earlier ages, and then help them develop a proper attraction to the opposite sex. In recognizing these roots of same-sex attraction, it is clear that it is false compassion to say that same-sex behavior is simply “OK,” because this ignores the legitimate wounds that may lie behind such behavior. Instead, the truly compassionate act is to acknowledge a problem in sexual behavior and then to seek to understand and to heal the deeper causes that may be buried in a person’s soul. O’Leary thus proposes a solution that answers her initial question.

After dealing with the nature of an adequate response to same-sex attraction, O’Leary attempts to respond to the oft-heard question, “How would legalizing same-sex marriage hurt you?” With regard to those experiencing same-sex attraction, she has already highlighted how it does them no favors to ignore the true origins of their behavior. She also argues that it would hurt society because it would weaken the institutional benefits of marriage, such as fidelity. Social science has shown that many gay relationships do not aspire to sexual exclusivity, even while they profess emotional fidelity. In such a context, the ideal of “fidelity” no longer includes sexual acts, but only the emotional, financial, and care-giving dependability of a partner. This in turn devalues the importance of sexual union for marriage, reducing it to a recreational activity that can be enjoyed with impunity outside of the relationship.

With regard to children, O’Leary cites evidence from social scientists showing that two loving adults are not enough for raising children: biology and sexual difference also matter. Children do best when raised by their own biological father and mother in a committed, life-long marriage. Separation from one’s biological parents, for example in cases of divorce, causes trauma for children. Even adopted children undergo trauma by being separated from their biological parents. And yet legalizing same-sex “marriage” would sanction situations that deprive the child of either his mother or father or both. Sexual difference matters for parenting too. As was discussed above, it is absolutely crucial for a child’s well-being “to identify with a parent of the same-sex and feel loved and accepted by a person of the other sex.” And yet same-sex relationships “deliberately choose to deprive their children of a mother or father,” each of whom is necessary for the child’s psychosexual development (p. 218). Moreover, these relationships are more at risk from psychological problems, given that same-sex attraction is often rooted in some type of trauma. This could negatively affect children placed in these situations. Finally, O’Leary highlights the dearth of adequate and unbiased scientific studies *directly* analyzing same-sex parenting because of the “politicization of research” (ch. 12). Given all of these reasons, she argues that allowing same-sex couples to raise children places them in “sub-optimal situations” (p. 233).

O’Leary then goes on to look at the negative consequences following on from the acceptance of same-sex “marriage,” such as polygamy, threats to religious liberty, and threats to public school education. She discusses actual cases of individuals and schools that have been affected by legislation allowing same-sex “marriage” in their states. Further, she notes how, historically, those seeking radical changes to sexual mores have always downplayed the consequences, in the face of predictions made by opponents of the change. Yet nonetheless, a few decades later, the opponents are vindicated.

Overall, Dale O’Leary presents a noteworthy study on the psychological origins of same-sex attraction. Her review of the different sociological data in regard to same-sex relationships and parenting are especially valuable. But one has to ask if she relies too heavily on evidence drawn from social science. The bulk of her work is concerned with such evidence, and her treatment of the tactics employed by

gay activists, who likewise make ample use of this type of data, suffers from the same limitation. One has to question which anthropological presuppositions might underlie sociological research. O'Leary does touch on this in her chapter on the "politicization of research" and in her outlining of three broad schools of social research. But she never fully delves into the philosophical issues surrounding that research. Who is man to the social scientist? What is his nature? His sexual difference? His freedom? His end?

To be fair, in chapter 8, O'Leary does outline different philosophical issues related to marriage. Also she does at one key moment remark that "the debate over marriage often comes back to a debate about sexual difference," as Roberts sees (p. 141). Yet she never really engages in depth with the serious philosophical and theological issues surrounding marriage. There is little discussion about how sexual difference relates to the Trinity, for example. This aspect of sexual difference would be essential if one were presenting a *Catholic* "guide to defending marriage." In fact O'Leary's book is best read not for its philosophical or theological arguments against same-sex "marriage," but for its social scientific and psychological examination of man-woman marriage, its exposé of the gay activists' political agenda, and its advice on how to respond to their tactics.

### **The Law, Natural Law, and Same-Sex "Marriage"**

Legal discourse has become the main avenue of argumentation for proponents of same-sex "marriage." They argue for it primarily in terms of rights, liberty, and equality. In response to these arguments, it is necessary to know more about our legal tradition and why sexual difference is necessary for the public institution of marriage. In 2004, Robert P. George and Jean Bethke Elshtain edited a volume of eleven essays that helps to explain "Why Marriage Is in the Public Interest" (p. vii). Only a handful of the essays directly discuss same-sex "marriage," and it is these that will be the focus here, grouped together according to a shared theme.

In Don Browning and Elizabeth Marquardt's essay "What About the Children? Liberal Cautions on Same-Sex Marriage" and Maggie Gallagher's essay "(How) Does Marriage Protect Child Well-Being?", the authors argue that the primary reason same-sex "marriage" should not be legalized is because it is "an infringement on the rights of children, whose voices, it should be noted, are often neglected on this issue" (p. 30). Specifically, it denies the right of children to be raised by their biological mother and father. There may be circumstances that make this right impossible to achieve in practice, such as out-of-wedlock birth or divorce, but the current marriage law restricting matrimony to one man and one woman favors this right of children, whereas same-sex "marriage" does not, and instead replaces it with an "adult-centric" view of marriage. The latter view fails "to take or even consider the point of view of children – their need and right to be raised in a society whose legal, religious, and cultural institutions intentionally promote, and do nothing to compromise, the principle that children should be raised, as nearly as possible, by the parents who conceive them" (p. 46).

Because of their focus on children, Browning, Marquardt, and Gallagher highlight the care-giving role of marriage for children that ought to be enshrined in law. But they arrive at this conclusion by very different methods. Browning and Marquardt come to the importance of biological relationships for child caregiving through a philosophical inquiry about the goods of marriage presupposed by industrial modernization, various historical and cultural definitions of marriage, and the category of sexual orientation. Gallagher, on the other hand, examines the social scientific data, much like Dale O'Leary, and comes to conclusions similar to O'Leary's. However, unlike O'Leary, Gallagher demonstrates scientifically the clear methodological flaws of studies that equate homosexual parenting with heterosexual parenting.

In an essay entitled “Soft Despotism and Same-Sex Marriage,” Seana Sugrue argues that legalizing same-sex “marriage” would negatively affect society’s most cherished institutions: the market, the family, and religion. As a result, it would “contribute to the demise of political liberty” by making individuals even more dependent on the state, because intermediary institutions like the family would be weakened (p. 173). It is interesting to note that Sugrue attempts to argue against same-sex “marriage” not in terms of how it would further destroy marriage, which she agrees it would do, but rather in terms of how it would harm other institutions of society, threatening liberty and leading to a “soft despotism.”

A final set of essays by Hadley Arkes, Robert P. George, and Katherine Shaw Spaht argues that the current crisis over the legalization of same-sex “marriage” is due to the fact that problematic moral principles have been enshrined in law and politics over the last several decades. All three regard law as fundamentally a teacher of morals. Of the three, it is George’s essay “What’s Sex Got to Do with It? Marriage, Morality, and Rationality,” that is the most philosophically nuanced and developed. It is in fact a further working out of his earlier article “Same-sex Marriage and Moral Neutrality” in *Homosexuality and American Public Life* (Dallas, TX: Spence Publishing, 1999) and was the groundwork for his later position in his 2010 article “What is Marriage?” co-written with Sherif Girgis and Ryan T. Anderson in *The Harvard Journal of Law and Public Policy*.

“What’s Sex Got to Do With It?” begins by arguing that we need to discuss marriage in terms of the “practical philosophy” that is involved in choosing marriage. George believes that one always acts “in light of *intelligible goods* that provide *basic reasons* for choice and action” (p. 147). What is the intrinsic good one chooses in choosing marriage? It is the “one-flesh communion of persons that is consummated and actualized by acts that are reproductive in type, whether or not they are reproductive in effect, or are motivated, even in part, by a desire to conceive a child” (p. 151). “This one-flesh communion” is a “comprehensive, multi-level sharing of life” and not merely a reference to biology:

“The bodily union of spouses in marital acts is the biological matrix of their marriage as a comprehensive, multilevel sharing of life: that is, a relationship that unites the spouses at the bodily (biological), emotional, dispositional, and even spiritual levels of their being. Marriage, precisely as such a relationship, is naturally ordered to the good of procreation (and is, indeed, uniquely apt for the nurturing and education of children) as well as to the good of spousal unity” (p. 151).

Moreover, these goods of procreation and spousal unity are inseparable, and any attempt to separate them in sexual acts results in an act that is non-marital and, indeed, immoral. Given that these are the goods marriage entails, same-sex “marriage” should not be legalized, because it cannot achieve either one of these goods and, in fact, violates both of them insofar as the couple engages in sexual acts between persons of the same sex.

In arguing this way, George is well aware that the rejoinder will be that it is perfectly moral to separate procreation and spousal unity in sex, since that same separation occurs naturally in couples who are sterile; yet they are allowed to marry. George responds that there are significant differences between the sexual acts of an infertile couple and a gay couple. He utilizes the terms “reproductive-in-type” and “reproductive-in-fact.” The former describes the sexual act between man and a woman, which unites them as one biological unit and is the *type of act* that could lead to a child. Particular instances of this act are “reproductive-in-fact,” meaning that a child is conceived. The key is that a sterile husband and wife can still engage in acts that are reproductive-in-type, even if they never are reproductive-in-fact. As such, their sexual communion achieves the two goods which ought to be sought in marriage. In

contrast, two persons of the same sex are unable to perform an act that is “reproductive-in-type”; they lack the sexual complementarity to do so. Further, sterile couples engaging in an act that is reproductive-in-type “bespeak and bear witness to the intrinsic goodness of marriage, the kind of community that is naturally fulfilled by the bearing and rearing of children” and thereby “contribute to the good of marriage in the whole community” (p. 165).

George also remarks that the importance of reproductive-in-type acts makes no sense if one does not value the biological unity of man and woman in the “comprehensive sharing of life” that marriage is. “One will judge the matter one way or the other depending, for example, on whether one understands the biological reality of human beings, as John Finnis says, as an intrinsic part of, rather than merely an instrument of, their personal reality” (p. 159). In other words, one understands marriage and the goods it involves depending on one’s anthropology. For a dualist, biology will have very little significance for the person and his acts, because biology has been reduced to a mere instrument of the person. But if the body is an intrinsic aspect of the person, then it makes demands on how one ought to use it, and as such cannot be used for any end we wish. In the end, George argues persuasively that body/soul dualism does justice neither to morality nor to the good of the person.

All of these essays collectively help one to understand the legal aspects involved in the debate. George’s essay is especially helpful in laying out some of the philosophical issues involved with debates about the legalization. He speaks lucidly about how natural law, morality, and differing anthropologies play a role. George has also done a great service by pointing out the conflicting anthropologies that are present in the debate and the need to address them. But the problem again with George, like every other author in the book, is that none of them delves deeply enough into anthropological issues. None of them offers a sustained conversation about nature, metaphysics, freedom, or natural law. Also not a single person brings up the question of what sexual difference *is*, as Roberts has done. To be certain, several anthropological topics are acknowledged as central to the debate by some of the authors, and George even points his readers towards other works he had written on these subjects. It is to be hoped that future writings in this field will further the debate by connecting the fundamental anthropology and the legal questions about marriage.

### **An Apologetic Approach for Same-Sex “Marriage”**

One final approach that must be mentioned here is the work of Maggie Gallagher. It is difficult to characterize her argumentation as it draws upon several different fields of thought. In her most recent work, *Debating Same-Sex Marriage*, which is a point/counterpoint book with a leading gay philosopher John Corvino, she draws upon cultural studies, social science, legal studies, and even engages in moral and philosophical arguments with Corvino. Therefore, she is representative of a view that tries to bring together most of the previous authors’ perspectives. However, since the book is about responding to the arguments presented by Corvino, her approach is best explained as apologetic. That is, it is primarily concerned with defending marriage by responding to an opponent’s arguments. As for the cogency and adequacy of her arguments, I refer you to the book review elsewhere on this site by Caitlin Dwyer. Here I will only discuss briefly Gallagher’s approach, in order to help round out the discussion about various types of discourse about same-sex “marriage” currently available.

One strength of Gallagher’s approach is that it is synthetic. While one would not expect her to be able to address in detail every aspect that is necessary, one feels that she ought to include the most important aspects of the debate. But it is here that problems arise. She discusses the following topics: why the current marriage law is not discriminatory, the historical and cross-cultural case for marriage, sociological data about how marriage protects child well-being, why law is involved with marriage, exceptions that prove the rule of marriage, the consequences of legalizing same-sex “marriage,” and

how it hurts gay couples and their children. But she does not once consider the concept of nature, freedom or sexual difference, and she intentionally avoids discussion of natural law. Thus, the main problem with her method of argumentation is that she never engages with the anthropology and morality at work in her opponent's position, nor examines the one underlying her own. Perhaps she does not do this because she is debating in a secular atmosphere, trying to convince opponents on their own terms, but shouldn't one step back and ask if those terms are not already the problem? Perhaps the opponents themselves have framed the question poorly. Indeed, to the extent that fundamental anthropology and morality is left out, they have framed it quite narrowly and problematically. Unfortunately Gallagher, following their lead, also avoids these issues.

### **Conclusion: Lack of Sexual Difference as Anthropologically Thematic**

One can see that there are a variety of ways to approach the difficult question of same-sex "marriage," several of which are demonstrated by these authors. All of the approaches are important for shedding light on the issue, although they should be read with an awareness of their limitations. Further, all of the authors ought to be applauded for their courageous efforts to address such a sensitive topic at a time when there is such confusion about sexuality and deep disdain for any discussion about traditional views on the topic.

However, three questions arise that apply to all of the books under review. Are there any perspectives that are absent from discussion? Is there one perspective that we should favor over another? And most importantly, is the depth of discourse surveyed here enough to get to the bottom of the question? I believe there is at least one major perspective missing from the current, mainstream conversation: one that examines underlying presuppositions about human nature, and their impact on how we view freedom, the body, and sexual difference. Several of the authors reviewed here identify sexual difference as a critical topic, but there remains much to discuss. Reflection on the anthropology of sexual difference needs to be more rigorous. Roberts comes the closest to achieving this rigor, but he still leaves out significant aspects of the conversation. What is most needed is an anthropological perspective that can do justice to all the aspects of human existence that relate to sexual difference.

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