



Same-Sex Unions

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Contents

2012 - ISSUE THREE—SAME-SEX UNIONS

Page

FEATURE ARTICLES

PAUL SULLINS — Postscriptum: BAAF vs Regnerus on Gay Parenting	3
GLENN W. OLSEN — The Challenge for Historians	6
DAVID S. CRAWFORD — Mechanism, Public Reason, and the Anthropology of Orientation	10

BOOK REVIEWS

PRAVIN THEVATHASAN — Family Life Cycle	24
KATHLEEN CURRAN SWEENEY — A Study of Psychological Insights	26
COLET C. BOSTICK — Children of Gay Parents	32
MICHAEL CAMACHO — The Moral Argument	35
KATRINA TEN EYCK — Homosexual Parenting	37
JULIANA WEBER — Marriage on Trial	41
MARY SHIVANANDAN — Marriage and the Nation	44
ANDREW J. SODERGREN — Restoring the Broken Image: Healing Homosexuality	46
PAUL D. SCALIA — For Those Who Believe in Rational Argument: In Memoriam John Harvey OSFS	52
PAUL SULLINS — Beyond Biology? Gay Parenting and the Conjugal Ideal	56
DANIEL MEOLA — Defending Marriage: An Overview of the Recent Literature Critiquing Same-Sex “Marriage”	64

EDITORIAL

STRATFORD CALDECOTT — Editorial: Same-Sex Unions and Marriage	72
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Postscriptum: BAAF vs Regnerus on Gay Parenting

PAUL SULLINS

The Catholic Church, like many traditional religions and cultures, recognizes that “the absence of sexual complementarity in [homosexual] unions creates obstacles in the normal development of children.”[1] In the past twenty years advocates for gay adoption have produced a spate of “research” studies which claim, on the basis of scientific evidence, to demonstrate the opposite, i.e., that children in same-sex households fare no differently on developmental outcomes than those in heterosexual ones.

To date, these gay parenting studies have lacked one or both of two essential features of method which are necessary for their findings to be dispositive on the question: a sufficiently large random sample and information on child outcomes. The March 4, 2013 study by the University of Cambridge’s Centre for Family Research for the BAAF (British Association for Adoption and Fostering) exemplifies both deficiencies in arriving at its conclusion that children in gay and lesbian families suffered no significant disadvantages compared to those in heterosexual families.

In contrast, the recent (2012) study by Mark Regnerus of the University of Texas, specifically designed to address both methodological problems, is the first to demonstrate, although not without limitations, that children raised by gays or lesbians are subject to a range of negative social, emotional, and relational outcomes.

The BAAF study compared 131 adoptive families: 40 gay male, 40 lesbian, and 41 heterosexual.

Statistical research samples estimate the presence of differences in the population they represent according to a strict calculation of probabilities; the larger the sample, the more precise the estimate. In a typical telephone survey of about 1,000 cases, differences between two categories (say, those for or against a particular policy proposal or political candidate) greater than about 6 percentage points probably represent true differences in the underlying population; this is commonly expressed as a “margin of error” of plus or minus 3 percentage points for each of the data points. With only 131 cases, the BAAF study has an ideal margin of error of 8.6 percentage points, meaning it can at best only distinguish differences greater than 17 percentage points. (This limitation, by the way, is never reported in the study.) Because it compares three groups, rather than the usual two, its precision is reduced even further.

Consequently, the BAAF study reports findings of “no difference” in the population even when there are substantial differences in the sample. For example, the authors report, “No significant differences between family types were found for any of the subscales” of a psychological assessment, even though the subscales differed by 10 to 18 percentage points in the sample. On feelings about contact with the birth family (“open adoption”), sixty percent of heterosexual parents reported positive feelings about this, compared to only forty percent of lesbian mothers. The conclusion? “No difference in feelings about contact was found among family types.” Eighty percent of heterosexual fathers, but only 59% of

lesbian non-primary mothers, were satisfied with the household division of labor for childcare; this means, we are told, that “no differences were found.”

By contrast, Regnerus collected a sample over 20 times as large as the BAAF study – 2,988 cases – which, with a margin of error of only 1.8 percentage points, could distinguish differences as small as only 3.6 percent, though most of the differences he found were substantially larger than that. Because his sample was capable of finding differences with precision, if Regnerus had found no differences it would have been a highly meaningful finding. But because the BAAF sample was not statistically able to “see” even large differences, the fact that it repeatedly found no differences means very little.

The second weakness of the BAAF study, and corresponding strength of Regnerus’ study, is in the use of outcome measures.

Social scientists have long understood that child development can only be definitively assessed by looking at outcomes, that is, how well children thrive as adults once they leave the family on their own. What matters most for wellbeing and fulfillment is not how children – or parents – feel about things at the moment, though that is certainly important in other ways, but how well the onetime children function as adults. And the former is a poor predictor of the latter. Children denied primary education, for example, seldom are unhappy about it at the time, but find themselves at a great disadvantage as adults compared to persons who had the opportunity to learn to read and write. It doesn’t take a trained social scientist to recognize that conclusions about child development based on interviews with small children are simply premature. Many problems, if they are there, will not show up until much later.

Here the difference between the two studies is stark: the BAAF study considers no adult or even teen outcomes at all, whereas Regnerus examines forty adult outcome measures that have been validated by long use in other studies of child development. The children in the BAAF study average only six years of age; none is older than nine. Regnerus gathered data from adults about their entire childhood and current success in life.

The BAAF sample and interview procedures, moreover, were highly biased to exclude problem reports. Unlike Regnerus’ study, the BAAF sample was not random; it was, in fact, recruited through adoption agencies, the same organizations that collectively commissioned the study. Some gays and lesbians were also recruited through gay and lesbian parenting groups. In other research settings such relationships have so consistently led to biased results that they raise ethical questions, as when, for example, studies on the health effects of smoking funded by tobacco companies consistently found little or no health damages to smokers.

Obviously, it is not in the interest of BAAF or its member adoption agencies to report problem placements, so it’s unlikely they would recruit difficult cases into the study. Members of gay and lesbian parenting groups are clearly already supporters of gay and lesbian adoptions, and those who are most interested in encouraging more gays and lesbians to adopt are also more likely to volunteer to participate in the study. This is called “ascertainment bias”; it is a typical problem of studies of gays and lesbians, when samples are recruited from GLBT advocacy and interest organizations, often by advertisements or appeals to help demonstrate the desired results of the study, and has been shown to lead to not only biased, but completely inaccurate, results. Not surprisingly, the study does not report any details on how the sample was recruited. Regarding canonical measures of sample quality, it tells us only that calculating a response rate is “not possible” and that “working out the representativeness of the sample is problematic.”

The study report is published by BAAF, in a glossy booklet – with pictures on the cover of drawings of families having fun with their children, and an effusive foreword – with the express intent to encourage more adoptions by gays and lesbians. At this point we must recognize that the purpose of the BAAF study is not to advance scientific knowledge but the goals of the BAAF. It is, significantly, not a scholarly peer-reviewed study, nor could it pass peer review as published. It is a piece of public relations under the guise of scientific objectivity.

Regnerus' study is not without its flaws and limitations, but, unlike the BAAF study, it is a serious attempt to address an important question of social science that results in clear, defensible empirical findings. The BAAF study presents no serious evidence whatever to challenge to Regnerus' findings. This, of course, will not prevent the BAAF study from being celebrated, as it has not prevented Regnerus' study from being excoriated, by cultural elites for whom the acceptance of homosexuality as normal, and thus the innocuousness of same-sex parenting, is an article of faith.

Although said cultural elites do not yet know it, Regnerus' study is really the wave of the future, and signals that the high-water mark of approval for gay parenting is near, or may have already been reached. I say this because, regarding the effect of marriage innovations on the wellbeing of children, we have been down this cultural cul-de-sac before. In the 1970s, rising divorce rates were widely celebrated among academic elites as a new era of relational freedom. Studies at that time of young children in post-divorce households, of which today's gay parenting studies are eerily reminiscent, purported to show that they were faring no worse than comparable children in stable married households.

It wasn't until scholars could examine the actual empirical outcomes of children of divorce well into their adult lives, first through retrospective data through the 80s and 90s, and then emphatically in Judith Wallerstein's 25-year longitudinal study, published in the book *The Unexpected Legacy of Divorce*,^[2] that the full trauma and harm of parental divorce for children finally became starkly evident. Today, family scholars widely recognize that children of divorce, compared to those from stable marriages, are more likely to suffer reduced success and function throughout their lives. Slowly, even the most liberal scholarly proponents of divorce are advising increased restrictions on divorce and support for marriages, even (unthinkable even a decade ago) that parents consider staying together for the sake of the children.

We can have confidence that at some point, as we gain more experience with children raised in same-sex households, and as the first of them mature into adulthood in large enough numbers to examine them as a group more closely, the developmental obstacles they face, which are now hypotheses of religious faith and the natural law, will become fully, though perhaps slowly and grudgingly, recognized by those who are amenable to empirical evidence which, in the end, cannot be denied. [Article copyright 2013 Paul Sullins. All rights reserved.]

[1] J. Ratzinger and A. Amato, *Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons* (Vatican: Congregation for the Doctrine of the Faith, 2003), n. 7.

[2] Judith S. Wallerstein, *The Unexpected Legacy of Divorce: A 25 Year Landmark Study*, 1st edn (New York: Hyperion, 2000).

The Challenge for Historians

GLENN W. OLSEN

The following essay is based on the author's book, Of Sodomites, Effeminate, Hermaphrodites, and Androgynes: Sodomy in the Age of Peter Damian (Toronto: Pontifical Institute of Medieval Studies, 2012), extracted with kind permission.

The flood of writings during the last generation on topics having to do with the history of sexuality and gender has enriched the understanding of all historical periods, none more than the middle ages. Yet it is difficult to take the measure of this scholarship, for not only have its approaches and conclusions shifted significantly over time, it often presents us with conflicting, if not incompatible, methodologies and perspectives. Bold is the person who would now attempt a sustained overview and analysis of the whole middle ages of the order of John Boswell's *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century* (Chicago, 1980).[1]

Though the history of homosexuality on a grand scale had been attempted before, Boswell's book, often greeted on its appearance as very novel in its arguments, struck a deep chord, and has been widely read to the present, in some quarters becoming a scholarly guide to the history of homosexuality. From the first it was also met by skepticism, and over time the doubts have grown. Much medieval scholarship on same-sex relations has been concerned to draw a more accurate or better picture than that given by Boswell, and to join his concerns to those which had simultaneously appeared in an emerging generation of historians of sex and gender.

One of the greatest problems coming from the exciting but in many ways exploratory decades through which we have just passed has been the temptation to over-generalization, to suggesting more comprehensive views and chronologies than our state of knowledge can justify. A second problem, often acknowledged and much discussed but not always treated well, has been that of anachronism. Debate about whether words such as "gay" or "homosexuality" or "lesbianism" should be used in study of the ancient world or the middle ages has been vigorous (on issue after issue scholarship on the ancient world has been particularly impressive, and naturally provides a point of departure for study of the middle ages). Everyone acknowledges that some degree of anachronism is inevitable, for we begin all study of the past with the language and categories of our own world. But the question remains whether Giambattista Vico and the classical philologists were not right to insist that we must enter earlier ages through fidelity to their language as a window on how they viewed their world, so that we may think with them in an act of sympathetic imagination. At the end of the day, I stand with those who see close examination of language as allowing both empathy and the formation of a sense of the otherness of the past. Hence my own book's title, *Of Sodomites, Effeminate, Hermaphrodites, and Androgynes*,[2] and my use (where possible) of the terms ancient and medieval people actually used to talk about male same-sex sexuality, in preference to a later vocabulary. What I have aimed for is a history which becomes a "genealogy of the present."

In the disputes which long raged between "essentialists" (those who think "homosexuality" and other categories of sexual classification are universal) and various schools of "constructionists" (those who think sexual identities are specific to a time and place, constructed either by individuals or by society

itself), one thing that emerged was the possibility that a given idea about gender might change with glacial slowness; might transmute very quickly at a specific time and place; or might exist cheek-by-jowl with competing and incompatible gender understandings. This is yet another reason we must use great care in generalization, and need to consider more than power relations in writing about gender.

In a famous passage in the first volume of his *History of Sexuality*, Michel Foucault wrote of a simple-minded nineteenth-century French farm hand accustomed like others to receiving caresses from a little girl at the edge of the village. Foucault spoke of the “timeless gestures” and “barely furtive pleasures” involved, and then showed how they got caught up in the discourse of science about matters sexual then developing.[3] The contrasts Foucault drew between the “inarticulate” country simpleton, caught unaware in the net of science and confined to a hospital for study for the rest of his life, and the seemingly unending “articulate” scientific discourse about him, was meant to identify a point at which sex was put into words. This passage from “sex” to “words,” from the “inarticulate” into the “articulate,” occurred many times before the nineteenth century.

Foucault never published his intended volume on the middle ages, and, naturally enough, we are curious about what he would have said about other and earlier “simpletons.” Especially in the early medieval centuries, were most people inarticulate about sex and lacking in sexual imagination and a vocabulary to express whatever desire they experienced? The early medieval penitentials (handbooks to guide priests in hearing confession) and canon law collections and the occasional poem suggest that many possessed some degree of sexual imagination, and that the clergy “imagined sex,” but how is this imagination to be characterized? Though the sexual imaginings lying behind or expressed in desire have been rather fully studied for certain periods and kinds of evidence, for Greek and Roman antiquity generally and for the high medieval movements initially centering on courtly and love literature, especially the early medieval centuries can seem almost mute. And a number of scholars have pointed out the dangers of treating sexual topics with a specifically genital definition of sex in mind, that is, of writing as if sex is to be equated with sexual activity.[4]

In my book I focus on Peter Damian. As the author of the longest essay on *sodomia* written during the middle ages, Peter’s importance has long been recognized, and he has been the subject of continuing study. Considerable novelty has been claimed for him, and innovating he was, but many older traditions also met in and spoke through him, and his overall position cannot be understood without assessment of his relation to these traditions, as well as what came after. A large body of scholarship exists which argues that he stands on the threshold of “the persecuting society.” No doubt high medieval society persecuted, and sodomites were among those persecuted, but the view that from some time around 1100 a society formed bent on persecution of all kinds of “others” seems more a caricature than a helpful entrance into the complexity of high medieval life.

The picture that is emerging today reveals a much more complicated situation than anything dreamt of by Boswell in 1980. Then one could characterize large sweeps of time and whole civilizations by a few overarching concepts. The persistence of historical ideas derived from the Enlightenment, even among those who thought of themselves as “post-modern,” was obvious in beliefs that it was meaningful to say that medieval civilization moved from being generally tolerant (using some modern and likely unexamined idea of tolerance as the measure) to the opposite; or from being open about sexual matters to being secretive, or the opposite.[5] Such views implied continuing belief in Enlightenment-derived ideas that the human story is ultimately on a single time-line and is one of general progress. Negatively, they were made possible by the degree to which the relatively new discipline of gender studies had not

mastered the unending details of history.

On the first point, of progress, the problem was compounded by certain Romantic notions of cultural unity, which habitually spoke of “spirits of the age,” attributing to civilizations more uniformity than had really existed. On the second point, in the unending human quest for understanding, “theory” had come to replace the ancient “politics” and the medieval “theology of history” as a key to understanding or framing one’s story. That is, just as Thucydides had found in politics the narrative framework he needed for a story he wished to tell; or Augustine had found the frame for his story in Christian revelation; secularization in the West had left scholars “theory,” an interpretive key or way to generalize, probably coming from one of the new sciences of the nineteenth century.

In recent decades, *theories* have abounded, some of them, as it turns out, very useful. The development of new historical fields such as social history, in particular, has allowed us to see things in the historical record that earlier generations missed. But it is still difficult to see the full plurality of things, the ways in which the “on the ground realities” resist being accounted for by some master theory. Many have returned to “business as usual,” perhaps with the sense that after a period of fermentation someone would write a “new Boswell,” a new attempt to survey something as large. At present, however, we better understand the evolution over time of even highly polyvalent ideas such as “nature” than generalizations about past sexual practice and terminology.

Some do now better understand that the idea of a definitive history is beyond human achievement. So far as the history of sexuality is concerned, the ambition for lasting synthesis may well now appear to express both the enthusiasm and naiveté of a founding generation of gender historians. There was and is something very valuable in an “old philology,” which insisted that at the heart of all historical understanding is the pursuit of the ever-changing meaning of language. Not only does philology provide inoculation against the assumption that we can easily pass into an earlier world, it can make us aware of our own world-views, in the same way philosophy does. By itself such study should have warned us that it is unlikely that the sweeping generalizations of an earlier generation were correct. Seeing that language is *in history* is closely connected to seeing the plurality in things. Both warn against premature generalization. Yet in a sense generalization is always premature and always necessary. We can only hope for a constant passing back and forth from the historical record to generalization about it.

Some factors seem relatively fixed, such as human quest for power over others, specifically male quest for power over females, but to account for everything according to categories of power is to miss all that is “other than power” in human life, things such as love, affection, and altruism. As, slowly, analysis according solely to categories of power has given way before a more complicated analysis in which power is only one element, the result has effectively been another crack in the Enlightenment façade, which as Foucault saw, dictated for true believers a kind of reductionism in which explanation only according to measurable and, in a sense, base qualities was allowed. So much depends on the world-view or theory we bring to the past, even if that world-view is undigested, contradictory, and only semi-conscious! Already in surveying the philosophers preceding him, Aristotle saw how much depended on whether one at the first step with the idealists opted for the priority of idea, or with the materialists, the priority of matter (his not unreasonable conclusion was to insist on the simultaneity and eternity of both, that one was the form of the other).

It is therefore dangerous to be consumed with the question of “theory.” The essentialist/ constructionist debate raised issues that will not go away. It may now seem naive to affirm one or the other of the polar views in this debate, but it is also clear that many went astray by trying to fit what they knew of

the facts into one or the other of the poles. Better, by analogy, to follow Aristotle's response to the idealist/ materialist debate, and suspect some element of truth in both views, and strive for a way in which both can speak. Generalization is not wrong, indeed is necessary and inevitable, but many of us need to be clearer about the limits of what we presently know. Instead of generalizing about scores of centuries and cultures, we need a "close reading," so to speak a reading in small doses, of what records these cultures have left.

NOTES

[1] Boswell's writings, along with much else on medieval homosexuality, continue to be discussed at www.fordham.edu/halsall/pwh. *The Boswell Thesis: Essays on "Christianity, Social Tolerance, and Homosexuality,"* ed. Mathew Kuefler (Chicago, 2006), reconsiders Boswell's book "twenty-five years later." See especially Kuefler's essay on "The Boswell Thesis," pp. 1-31. Kuefler has also edited *The History of Sexuality Sourcebook* (Peterborough, ON, 2007).

[2] Glenn W. Olsen, *Of Sodomites, Effeminate, Hermaphrodites, and Androgynes: Sodomy in the Age of Peter Damian* (Toronto, 2011).

[3] *History of Sexuality: An Introduction*, vol. 1, p. 32. David M. Halperin, *Saint Foucault: Towards a Gay Hagiography* (New York, 1995), provides an entrance into the large bibliography on Foucault's life and thought; and James Davidson, *The Greeks and Greek Love: A Bold New Exploration of the Ancient World* (New York, 2007), pp. 185–204, a critique. Cf. Lynne Huffer, *Mad for Foucault: Rethinking the Foundations of Queer Theory* (New York, 2010).

[4] Allen J. Frantzen, *Before the Closet: Same-Sex Love from "Beowulf" to "Angels in America"* (Chicago, 1998), is particularly useful here, esp. his "Afterword."

[5] I have dealt at greater length with the question of contemporary use of the term "Enlightenment" in my *The Turn to Transcendence: The Role of Religion in the Twenty-First Century*, Washington, DC, 2010.

Mechanism, Public Reason, and the Anthropology of Orientation

DAVID S. CRAWFORD

How the debate over “gay marriage” has been shaped by some ubiquitous but unexamined presuppositions

Introduction

It should be clear by now that those who oppose the civil recognition of “same-sex marriage” are gradually (or perhaps not so gradually) losing the public debate. The problem is not that they have no arguments. It is that judges, legislators, journalists, and regular citizens have increasingly found those arguments not only weak but in fact *incoherent* from the standpoint of public reason. That they are incoherent then leads to the further conclusion that they must be based on bigotry and hateful intolerance. This development naturally puts defenders of the traditional idea of marriage on the defensive. It is especially unsettling for Catholics, who feel they have a long tradition of reasoned public discourse based on natural law principles. Typically they respond with increasing frustration, often by means of a simple repetition of the usual arguments, but with greater stridency.

The whole situation may seem a bit surreal. Granted, if the state establishes an institution, with benefits and burdens, it must determine the requirements for access on a rational basis from the standpoint of valid or legitimate state interests. And of course the bar is raised where the institution involves fundamental rights, such as access to civil marriage. Nevertheless, few would have doubted until recently at least the general cogency of the traditional arguments. Those arguments at first blush appear sound enough: the man-woman couple is the basis of the continuation of society over time; it generates the familial environment in which the child can best flourish; the child should optimally have both a mother and a father to develop a healthy and balanced relationship to both sexes, and so forth. For these reasons, these arguments conclude, the state has a strong interest in regulating and preserving marriage’s traditional meaning. Indeed, some argue, the state would have no interest in regulating marriage were it not for its connection with the child. It is striking, then, that these are precisely the arguments that have been found – repeatedly at this point – to fail at the basic level of public and legal rationality, despite the fact that they seemed so irrefutable just a short while ago.

How have we come to this impasse? How could such reasoning fail the most basic test – its legal cogency? What are the controlling principles and assumptions of the reasoning that cannot see this? Complete answers to these questions are no doubt complex. My discussion will be limited to some anthropological implications of the “gay marriage” debate for the meaning of sexuality, desire and love for personal and social identity.

I

The Sameness Argument

Clues for approaching our dilemma may be garnered from a brief examination of two important court decisions, the 2010 *Perry* decision of a Federal District Court in California[1] and the 2003 *Goodridge*

decision of the Massachusetts Supreme Court.[2]

In rejecting the traditional arguments mentioned above, both courts begin by observing that it has never been a requirement of marriage that couples actually have or plan to have children, or even that they are capable of doing so. At the same time, they note, some households headed by “same-sex partners” do have children, whether from previous relationships, legal adoptions, or various sorts of “reproductive technologies,” such as surrogacy or artificial insemination. Further, some “opposite-sex” couples do not have children, either by choice or from infertility. Hence, drawing a legal demarcation for purposes of marriage around “opposite-sex couples” because of their potential ability or decision to have children generates a simultaneously under-inclusive and over-inclusive legal classification. Consider the *Perry* case’s way of addressing this question:

“The court asked the parties to identify a difference between heterosexuals and homosexuals that the government might fairly need to take into account when crafting legislation.... Proponents pointed only to a difference between same-sex couples (who are incapable through sexual intercourse of producing offspring biologically related to both parties) and opposite-sex couples (some of whom are capable through sexual intercourse of producing such offspring).... Proponents did not, however, advance any reason why the government may use sexual orientation as a proxy for fertility or why the government may need to take into account fertility when legislating.... No evidence at trial illuminating distinctions among lesbians, gay men and heterosexuals amounting to ‘real and undeniable differences’ that the government might need to take into account in legislating.”[3]

The conclusion then seems inevitable: while the state has a valid interest in stabilizing familial relations for the sake of children, this concern would be better met by opening marriage to all couples heading households with children, regardless of the parents’ “orientation.”

However, this question of the relationship between marriage and children is filtered through a more basic part of the courts’ arguments, viz. that in fact marriage can no longer be considered ordered to the child. Rather, marriage is ordered to the enduring relationship of the spouses and their life together, which may or may not include children, as the spouses choose. The *Perry* trial court records extensive expert testimony concerning the evolution of marriage’s meaning over time, while no acceptable or believable expert testimony could be produced to show procreation’s continuing essential link to marriage. Professor Nancy Cott, a Harvard historian and expert on marriage in America, testified that if marriage was previously considered a way of linking parents and children or to assure paternity, it now centers on the formation of a household and the common life of a couple.

Why would the state have an interest in licensing, regulating, and promoting marriage if it no longer possesses a necessary or intrinsic link to the child? Because it stabilizes households and the intimate relations on which they are founded, and this in turn promotes economic prosperity, personal and social wellbeing, and security in times of vulnerability, whether or not children are part of the picture. Indeed, the *Goodridge* court tells us that the “‘marriage is procreation’ argument singles out the one unbridgeable difference between same-sex and opposite-sex couples, and transforms that difference into the essence of legal marriage.” [4]

As the foregoing suggests, once procreativity is no longer essential to the idea of marriage, a crucial element of the argument is made available. This is the apparent sameness of “opposite-” and “same-sex” couples. Because “same-sex couples” are essentially like “opposite-sex” couples, they are also similarly situated for civil and legal purposes. Evidence of this sameness runs throughout the courts’ opinions. The *Perry* court cites extensive expert testimony, from a parade of sociologists, psychologists, and others to support the idea. Both courts note that the gay or lesbian plaintiffs before them have

remained in long-term, “committed” relationships. Both courts emphasize a commonality of the hopes and desires between “same-sex” and “opposite-sex” couples. Both courts regard love and enduring companionship as the basis of the relationship. The *Goodridge* court, at least, emphasizes the common middle-class standing of the two types of couples. The argument concludes that the question of “gay marriage” can be understood primarily in terms of the assimilation of so-called same-sex couples into existing social structures and institutions. Indeed, it implies that the assimilation can occur without substantially changing the authentic meaning or significantly disrupting those structures and institutions. As the *Goodridge* court put it, “the plaintiffs seek only to be married, not to undermine the institution of marriage.” [5]

This idea of sameness then mediates further consideration of the meaning and place of procreativity. While “same-sex couples” cannot produce offspring genetically related to both of them through their sex acts, this fact in no way distinguishes them from sterile “opposite-sex couples.” Or alternatively, “same-sex couples” who do employ reproductive technologies are in no pertinent way essentially different from fertile “opposite-sex couples.” Once, this essential sameness is accepted, it becomes clear that the two types of couples really are just that: two parallel types. They are therefore essentially equivalent and similarly situated with respect to their social meaning and the status of their interests.

But what about the argument that the optimal conditions for raising children requires the presence of both a mother and a father? Importantly, the argument from sameness feeds back into this question, as well. For the concept of sameness is not only brought to bear on the differing but equivalent types of couples, but more fundamentally on the sexes themselves. This point is part of the deeper logic of the entire debate: the relationship between two men or two women is equivalent (anthropologically) to a relationship between a man and woman precisely because the sexes are essentially the same (anthropologically). The sexes differ only in outward, biological aspects. Hence, to the claim that children need both a mother and a father for ideal development, the *Goodridge* court responded that such an argument smacks of “gender stereotyping,” of the false prejudice that men and women have different roles in the family, which the state long ago rejected as a matter of policy. As *Perry* concludes,

“Children do not need to be raised by a male parent and a female parent to be well-adjusted, and having both a male and a female parent does not increase the likelihood that a child will be well-adjusted.”[6]

Again, extensive expert testimony was offered to support this proposition, while hardly any expert testimony was offered for the opposite viewpoint. According to *Perry*, the argument that having both a mother and father is optimal implies also a return to the legal differentiation between the roles of husband and wife under the universally rejected common law doctrine of coverture.[7] In short, to say that men and women are different in some unspecified way (to specify opens one to the charge of “stereotyping”) implies a return to institutionalized sexism.

Once these arguments have been eliminated, the opposition to civil recognition of “same-sex marriage” can only be based on moral disapproval of homosexuality. But the courts have rejected the idea that simple moral disapproval of the majority can suffice as a legitimate basis for state laws limiting fundamental rights. Rather, state laws must be rationally related to a legitimate state purpose, and mere moral disapproval cannot serve as such a purpose.

An Illusion

This last point concerning the legal value of moral disapproval of a majority suggests another theme in the courts’ reasoning – the sharp distinction between public reason and private morality. The claim of the traditional arguments’ irrationality is of course made in a civil and legal context. The courts

emphasize repeatedly that they are only addressing “civil marriage,” that is to say, marriage insofar as it is a juridical creature of state legislation. This limitation allows them to say that they are not mandating a moral position, but only making a judgment about what the law requires. “Our obligation is to define the liberty of all, not to mandate our own moral code”[8] is a claim piously repeated by the courts. The *Goodridge* court appears at least to acknowledge the legitimacy of citizens’ deeply held convictions on both sides of the “gay marriage” issue. The implication would seem to be, then, that the issue of “gay marriage” transects two distinct domains – the public and the private – and that, if the traditional arguments are not civilly or legally rational, they may be rational – and therefore morally sustainable – in contexts other than the civil or legal one, where broader religious and moral starting points are relevant and may be decisive.

The courts seem, therefore, to offer a kind of settlement of the issue, by means of the distinction between the public and the private. But this “settlement” trades on an ambiguity in the idea of “tolerance.” The ostensibly non-moral notion of tolerance proffered by the courts would treat the concept as a merely legal one. It would have us suppose that tolerance means governmental neutrality to two positions, a neutrality that would leave in place a kind of *modus vivendi* between irreconcilable worldviews. The question then is whether tolerance really can be thought of in this way, or whether it does not slide into another sense of tolerance, one which is thoroughly moral. This latter would see tolerance not as an agreement to disagree for practical and political reasons, but as signifying an imperative for the acceptance of diverse views and ways as equally valid.

This second version of tolerance, then, offers a standard for judgment concerning the proper disposition one has toward all others within society. Anyone who does not accept this moral standard sets himself beyond the pale of legitimate public discourse. Where this happens, a given private position might be politically and legally “tolerated” on a conditional basis due to prudential considerations, such as preserving countervailing principles of autonomy (e.g. “religious freedom”) or the undesirability of intruding too overtly in domestic or ecclesial matters. This second version would nevertheless seek gradually to instill tolerance as a personal and public virtue, one that would dictate a moral and finally anthropological position regarding questions such as that of “gay marriage.” It would seek to inculcate not only a begrudging acceptance of the *de facto* presence of an opposing worldview, but the actual embrace of the new idea of marriage – that “same-sex” and “opposite-sex” marriage are essentially and morally equivalent and should be accepted as such.

If the courts at times speak as though they have the “merely” legal notion of tolerance in mind, in reality of course they have the second, and necessarily so. This is because tolerance in the first sense can only be an illusion in issues that involve beliefs about vital human matters. These are matters that necessarily involve our deepest convictions about what humanity is. Disagreement on such points cannot help but touch on the foundations of culture and society. In a moment we will see that an anthropological shift is underway. But, for now, if the arguments against “gay marriage” are publically irrational, that must necessarily mean that they are also publically bigoted. But bigoted public arguments are in fact immoral public arguments, and this means that the private position will always be at least publically immoral. But can there be a position that is publically immoral and yet privately moral? If issues such as “gay marriage” necessarily imply a certain conception of society, then rejection of the conception will appear to be antisocial, uncivil. And so it turns out that the concept of “tolerance” is in fact a demand of conformity in moral and anthropological belief.

In short, the tolerance that really is proffered is provisional and contingent, tailored to accommodate what is conceived as a significant but shrinking segment of society that holds a publically unacceptable private bigotry. Where over time it emerges that this bigotry has not in fact disappeared, more

aggressive measures will be needed, which will include more explicit legal and educational components, as well as simple ostracism.

II

Reason and Nature

In the minor Platonic dialogue, the *Minos*, Socrates characterizes law as “wishing” to be “the discovery of what is.” The sense of the statement is not simply that law should – if it is to live up to its calling, if it is to be good law or laws – embody the true or the just. That would be only a positivistic and finally moralistic interpretation. Rather, Socrates suggests a deeper point, viz. that even contradictory notions of the just express something of the truth – all tacitly wish to be the discovery of what is, even if all fall short by varying degrees in this discovery. There is another side of Socrates’ formulation, however. Theories of law, legal systems, and particular laws, precisely in falling short of the fullness of the true or the just, nevertheless always express or mediate what a given culture or society *thinks* is true, even when the legal order outwardly rejects any such pretensions. In other words, law always implies (indeed, cannot avoid implying) a truth claim about the human person.

Classical notions of law tend to be clear about this point. They begin with the basic human elements of inclination or desire and a primitive knowledge of the good. In part, this desire and primitive knowledge of the good is rooted in our embodiedness. Our desire for fully human life and love can only be for life and love as expressed and experienced by living, embodied beings. As such, this beginning point for law presupposes a robust anthropology. Not only is the body in part the source of desires that make reason practical, and on that basis a source of law, it also serves in its very visibility as a sign of human origins and destiny. It therefore serves as support and guidance to help us to be human in the fullest sense, however infinitely varied the instantiation of our lives might be. According to this classical approach, then, the truth claims about ultimates – such as the natures of the person, the body and physicality generally, freedom, and society – are fairly manifest. Law so conceived clearly and explicitly mediates an idea about “what is.”

The legal developments we have been discussing also mediate a claim about what is, although the two courts would seem to believe they are doing no such thing. It is these tacit truth claims about the human person that nevertheless dictate the sort of rationality thought to be coherent for legal authority. Of course, these implicit truth claims do not come out of a void. Rather, they represent the general outlook of deep currents in modern thought and therefore tendencies whose roots are centuries old. Consider the following passage describing this outlook, as it is represented in Hobbes, from Leo Strauss’ *Natural Right and History*:

"We understand only what we make. Since we do not make the natural beings, they are, strictly speaking, unintelligible. According to Hobbes, this fact is perfectly compatible with the possibility of natural science. But it leads to the consequence that natural science is and will always remain fundamentally hypothetical. Yet this is all we need in order to make ourselves masters and owners of nature. Still, however much man may succeed in his conquest of nature, he will never be able to understand nature. . . . There is no natural harmony between the human mind and the universe.

"Man can guarantee the actualization of wisdom, since wisdom is identical with free construction. But wisdom cannot be free construction if the universe is intelligible. Man can guarantee the actualization of wisdom, not in spite of, but because of, the fact that the universe is unintelligible. Man can be sovereign only because there is no cosmic support for his humanity. He can be sovereign only because he is absolutely a stranger in the universe. He can be sovereign only because he is forced to be sovereign. Since the universe is unintelligible and since control of nature does not require

understanding of nature, there are no knowable limits to his conquest of nature." [9]

This striking passage captures an important ambiguity at the heart of the modern project. The new form of knowing and reasoning Strauss describes tends by its very logic toward a constructive and technical approach to the world. The knowable is the makeable, according to the formula *verum quia faciendum*. [10] To know the world, in other words, is freely to construct it. But to be entirely free in this regard, the world must be drained of its inherent meaningfulness. Hence the "unintelligibility" of things in themselves. Here we find the fundamental nihilating character of modernity's main currents of thought at their sources. Knowledge and reason concern not things in themselves but their mechanical properties, their external relations, extension, mass, force, etc. At the same time, this concept of knowing and reasoning gives birth to the modern narrative of inevitable and perpetual technical progress and development, the ever-greater conquest of nature ("no knowable limits").

The implication for freedom and intellect, then, is that they are something set apart from the physicality even of the body. But where freedom is set aside from reality as given, it becomes *indifferent* freedom, freedom without interior ordination, freedom without a given end; where intellect is set aside from material reality, it views the world as only an object with its mechanical functionality and exterior and purely efficient causality. The more exhaustively meaningful and value-laden the world, the less room there is for absolutely "free construction" not only of our world but of ourselves. This exaltation of freedom is matched, however, by an angst concerning its possibility in a world thought of in mechanistic terms. Hence, we find an oscillation between absolute freedom as the radical source of human dignity and a despairing doubtfulness of the concrete possibility of that freedom in the real world. This oscillation is well represented in a passage from Canadian philosopher George Grant:

"[W]here the political liturgy is full of appeals to the individual in his freedom to make society, the scientific analysis of society and individuals is centered around the principle of a complete determinism.... We assert 'scientifically' that human conduct can be absolutely predicted and therefore controlled; as individuals we believe ourselves to be free in the most absolute sense, as the makers of our own selves and our own values." [11]

Now, of course, the question of "gay marriage" especially raises the question of the body in relation not only to the person, intellect and freedom but in relation to society and law. The body is unavoidably part of the cosmos and participates in its mechanical properties. Insofar as physicality is seen as a threat to freedom, no part of it could threaten more than the body itself, which not only operates beyond and outside our free acts but also – in its very visibility and personal recognizability – situates and determines personal identity. The body is both part of the heteronomous world of mechanism, and is also the expression of personal identity to the human community as a whole. Progress would ultimately need both to liberate the body by technical means from its limitations and defects (i.e. to make the body a better mechanism and a product of human freedom) and also to liberate the "self" from the body insofar as it represents the mechanical properties of physicality so conceived.

Legal Reasoning

These developments of course have had profound implications for the deep structure of public and legal reason. Statements of Benedict XVI in an address to the German Bundestag are helpful in pinpointing some of these implications. He begins by noting that unlike most great religions Christianity has never claimed that revelation is or should be a direct source of civil law. Rather, Christianity has always "pointed to nature and reason as the true sources of law – and to the harmony between objective and subjective reason, which naturally presupposes that both spheres are rooted in the creative reason of God." He goes on to speak of "the two fundamental concepts of nature and

conscience, where... reason is open to the language of being.” Modernity’s tendency toward legal positivism, on the other hand, demands “an unbridgeable gulf” between “‘is’ and ‘ought.’” If nature

"is viewed as 'an aggregate of objective data linked together in terms of cause and effect,' then indeed no ethical indication of any kind can be derived from it. A positivist conception of nature as purely functional, as the natural sciences consider it to be, is incapable of producing any bridge to ethics and law, but once again yields only functional answers." [12]

The basic assumptions about nature (creation) and its reducibility to “an aggregate of objective data linked together by cause and effect” and to its purely functional aspect is not only characteristic of the jurisprudential thought form known as legal positivism, but is the pervasive presupposition of modern legal theory *tout court*. In assuming the “functionalistic,” mechanistic meaning of nature, law must also, if it is to be human, be a pure construction of freedom. Where it looks to what is, it will only be able to consider the human person in terms of the logic of functionality and mechanism.

It is significant that the only evidence and arguments deemed legally valid, as shown by the *Perry* court’s reliance on expert testimony by academics in the human sciences of sociology, psychology, economics, history, and so forth, modeled on the natural sciences, are those that view “what is” according to the model of functionality and mechanism. Arguments of a more explicitly philosophical-anthropological nature are not legitimate forms of legal argument. We see in the sameness argument precisely this presupposition about functionality or mechanism as the source of knowledge about what is. At the same time, as we have seen, this functionalistic-mechanistic view of nature and being has implications for what we think freedom is. If human dignity lies chiefly in the fact of personal freedom, then the primary goal of law will be to liberate the subject as far as possible for self-invention.

Everything that has been said thus far leads to the peculiarly modern difficulty in integrating human freedom and material reality. We see this tendency nowhere more powerfully than in modernity’s liberation of human ends and freedom from the natural, particularly as these might be expressed by the body. Consider H.L.A. Hart’s famous rejection of natural law, in which he nevertheless grants a “minimum content” of law, viz. security against violent death at the hands of others and at least some minimal property rights. Even this minimum content, however,

"depends on the fact that in asking what content a legal system must have we take this question to be worth asking only if we who consider it cherish the humble aim of survival in close proximity to our fellows. Natural-law theory, however, in all its protean guises, attempts to push the argument much further and to assert that human beings are equally devoted to and united in their conception of aims... other than that of survival, and these dictate a further content to a legal system (over and above my humble minimum) without which it would be pointless. Of course we must be careful not to exaggerate the differences among human beings, but it seems to me that above this minimum the purposes men have for living in society are too conflicting and varying to make possible much extension of the argument that some fuller overlap of legal rules and moral standards is 'necessary' in this sense." [13]

For Hart, law is a human construction in view of vulnerability in the contingently factual world, from which natural teleological and formal causality have been subtracted. This fact is born out in Hart’s discussion of the aims of man in society, which are judged to be too diverse to be given an account if we abstract from the most basic passion – the one to which both Hobbes and Locke tied the source of society – the fear of death. Similarly, John Rawls tells us that “Human good is heterogeneous because the aims of the self are heterogeneous. Although to subordinate all our aims to one end does not strictly speaking violate the principles of rational choice... it still strikes us as irrational or more likely as mad. The self is disfigured....” [14] If the contractual foundation of society is founded on the fear of death, it

makes sense that in order to maximize self-realization we must minimize natural order. Indeed, “ends” are reduced to personal goals or aims. The law’s primary purpose then, above and beyond securing person and property, is to maximize the freedom for self-expression and determination. What is most important remains unstated but nevertheless obvious: to root law in nature would be to submit human freedom to what has now been reduced to the purely functional and mechanical. In such a world, law must be pure construction if it is to be rational and human.

On the other hand, Hart’s most important detractor, Ronald Dworkin, introduces legal principles of justice, which he argues underlie law in its very meaning. But Dworkin’s response to legal positivism introduces only a liberal notion of “natural law,” one that is rooted in rights and indifferent self-determination. Here again we find the tacit presupposition that to envision a connection between law and nature would be to submit the legal subject either to the mechanical properties of reality or to the arbitrary acts of will of another (such as a legislative majority). The underlying principle is that of the “equality,” or more specifically, the right to “equal concern and respect.” [15]

Characteristically, this most basic right correlates with a fairly standard notion of the meaning of the liberal political and juridical order: politics, laws, institutions, and actions in the public order must be “independent of any particular conception of the good.”[16] In a political and juridical world so defined, an underlying emphasis on autonomy and self-determination controls. And so, Dworkin is only what we might call the flipside of Hart. If Hart can only envision law as a human construction abstracted from natural principles, Dworkin seeks to found law on preexisting principles of justice, but principles that are rooted only in individual self-interest and indifferent freedom. Dworkin’s principles also presuppose the dichotomy between freedom and nature on which the liberal order is founded.

These basic jurisprudential assumptions can be seen in the way decisions are made in courts such as those we have been discussing. Consider on the one hand, the famous and influential passage from the Supreme Court’s *Casey* decision, a passage that has been both celebrated and reviled. There, the Court famously declared that

"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 of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State." [17]

Implied is a particular role and limitation of government and law. It is to generate a political and legal order without predetermining the pattern of individual self-definition in relation to the basic meaning of reality as a whole. Just below the surface of the Court’s argument is the fear of determination, of the loss of freedom, here expressed in terms of the state. For the Court, the meaning of things cannot be known or presupposed in a juridical context, but can only be a matter of individual belief, given to the self by the self. Were the state to impose meaning, it could only be the imposition of the legislative majority’s arbitrary view of things. The majority’s “moral disapproval” could have no basis in rationality, because the connection of that rationality to what is can only be understood in mechanistic-functional terms, rather than in natural terms.

Of course, conservative jurists, who have heaped scorn on the passage, differ only by the fact that they do, in effect, seek to place the arbitrary imposition of meaning in the democratic majority, rather than in the individual. In other words, the conservative position has essentially the same jurisprudential positivism, but it is more willing to give weight to a majority’s “moral disapproval,” based only on democratic principles.

The Anthropology of Orientation

My point then is this: the entire modern conception of law and its meaning favors the mechanistic view of physicality and the separate, bodiless conception of the fully human. Indeed, this view generates the standards of rationality and argumentation employed on all sides in the debate over “gay marriage.” Consider the claim that there is no legally cognizable difference between “same-sex couples” and infertile “opposite-sex couples” or fertile “opposite-sex couples” and “same-sex couples” employing reproductive technologies. To borrow Benedict’s language, this is an entirely “functionalistic” view of the body’s sexual and procreative meaning. It would appear that the body’s procreativity can be entirely replaced by the technical processes of the lab without any real loss of its essential humanity. Rather, its replacement would be an enhancement of the humanity of conception and birth. We also see these assumptions at work in the argument that man and woman are essentially interchangeable for all legally cognizable purposes.

That civil marriage would be by definition the union of a man and a woman, a union which normally and naturally results in children, means that a (perhaps, *the*) primary polarity underlying and shaping social and personal identity – and giving cultural form to social life – is that between man and woman. This is a question not just of “function” but of personal and social identity; it is a question of what we think the human being and society most fundamentally are and what we think the place of the child in that society is. More fundamentally, the social significance of this polarity allows for the integration of sexuality and love, the integration of the body’s inherent order and its implications for bodily acts as fully personal.

The sameness argument signals the rapidly approaching extinction of this polarity as personally and socially decisive. Indeed, it implies its replacement by another anthropology, that expressed by the concept of “orientation.” If this concept means nothing else, it means that the identity of the person is no longer grounded in either masculinity or femininity as naturally and personally ordained to each other and as expressed by the body. The shift therefore effectively demotes the meaning of sexual difference – the correspondence of the male and female bodies as such – to a sub-personal and purely material (“biological”) significance. The body in its sexual ordination – and the implications extend beyond sexuality – is therefore no longer decisive for the person. Rather, a person’s sexual desire and freedom possess a fundamentally arbitrary and indifferent relationship to his or her body’s natural correlation to the opposite sex. The relationship between man and woman therefore becomes merely a variant, a particular “orientation,” grafted onto what is in fact an underlying androgynous anthropology.

That this new paradigm is actually displacing the former – so that the former is increasingly unavailable as a form of social and personal identity – is evident when we consider the fuller implications of the sameness argument. Of course, it is the very purpose of the concept to redefine the meaning of sexuality altogether. Were this not the case, the concept would fail to treat “gay” relationships as equivalent to traditional man-woman relations. Hence, it is part of the very logic of the concept that it characterizes both same-sex relationships and the man-woman relationship as merely alternative “orientations.” But in doing so, the new category abstracts the essence of sexuality from the natural correspondence of man and woman. Thus, sexual attraction, according to the conceptual world of orientations, displaces this natural correspondence as the explanation for a given person’s sexuality. Hence, if a man and woman are attracted to each other it is not because of the natural correspondence of the sexes; it is because they happen to have a particular “orientation,” that of “heterosexuality,”[18] rather than another, that of “homosexuality.” But this in turn suggests that whatever correspondence there may be between the male and female bodies is only an accident of the sub-personal mechanisms of physicality. *Personal* correspondence, on the other hand, is due to an individual’s “orientation,”

which is conceived as fundamentally indifferent to the underlying natural correspondence of the bodies, since it can just as legitimately be directed toward the opposite (biological) sex or toward the same (biological) sex (or to both).

The problem with this developing anthropology, and its codification in law, is that it is impoverished as a human form. The identity of the person is no longer grounded in his masculinity or her femininity understood as a personal-somatic ordination of love; it is, rather, grounded in his or her “orientation” and thereby removed from the body as an expression of the person. Hence, the extinction of the sexual difference is also an extinction of the personal-somatic ordination of man and woman. Rather, if “orientations” really are conceived as equivalent and parallel, if the difference of the sexes has been lost to an underlying androgynous sameness, then the unavoidable fact of the sexually differentiated body has been reduced in its significance to being merely the biological and material conditions and circumstances of sexual acts of whatever kind. The “different-sex” arrangement of marriage and family, while not rejected as a possibility of desire and choice, is nevertheless reduced to constituting the manifestation of simply one of the possible “orientations.” It is, again, simply grafted onto an underlying androgynous anthropology as one of its variants.[19]

This suggests a basic paradox. The personal meaningfulness of the body’s specification as male or female is in fact inescapable – that is to say, it is affirmed even in its outward denial or rejection. We can see this truth when we consider that sexual acts must rely on the sexualized body, but that the body is only sexual insofar as it is male or female. Furthermore, the fact that a body is either male or female depends on the correlation of male and female to each other. After all, the structures of the male body would make little sense were it not for the concrete reality of the female body, and vice versa. The odd result is that, under the shift to orientations, sexual acts rely for their very being on that from which fully human and personal meaning has been drained. This paradox is particularly clear with regard to homosexual acts, which both depend on the fact of the body’s sexual polarity for their very possibility and also tacitly deny any deep anthropological significance of that polarity. In effect, homosexual acts and desire are only parasitic on the bodily correspondence of the masculine and the feminine.

But this paradox also characterizes the concept of “heterosexuality.” As we have seen, the anthropology of orientation conceives of the man-woman couple not according to their natural correspondence but according to their orientation, which is labeled “heterosexual.” The idea of “heterosexuality” as a category alongside “homosexuality” therefore fully incorporates the logic of “orientation,” viz. the indifference of the self and desire to the natural ordination of the body. Because it also rests on the abstraction of the person from this natural ordination, it also views the ordination of the male and female bodies to each other as only the external or material conditions necessary for sexual acts. This leads us to an odd result: even sexual acts between a man and a woman are conceived in a way that makes them also to be parasitic on the natural correspondence of the male and female bodies.

This fact is suggestive of a deeper point. The person as conceived by this anthropology lives an unnatural relation to his or her body. Sexuality clearly is an unavoidably natural attribute of the body. As we have seen, the anthropology of orientation pertains especially to personal and social identity. But the body presents a real problem for this identity. It is a problem precisely because, no matter how far we remove it to a subordinate realm of function and mechanism, it threatens to name us, to tell us who and what we are precisely on the basis of its visibility and the fact that – however much we may put it at a distance – it is undeniably and in a substantial way part of us. This is particularly true in the realm of sexuality. The anthropology of orientations is, therefore, in the awkward position of trying both to affirm and deny the meaningfulness of the body’s sexuality.

The result is a fragmentation in both personal identity and sexual love. The simultaneous dependency on the sexualized body and loss of that body's deep meaning leave no place for the development of sexual love as an expression of the deepest reaches of the I. The implicit androgyny leaves us no way to integrate the body, desire, love, or personal acts. To the extent these are rooted in the sexualized body, they are reduced to a material impulse of the organism. On the other hand, since according to the ideology of orientations sexual desire and love can run contrary to the sexual ordination of the body just as reasonably as they can run in accordance with it, we might believe that they are separate from the body, that they are purely spiritual realities that merely use the body. But then it is difficult to see how sexual acts, which after all are bodily acts, can really be fully personal acts. Does the specifically sexual – as love and desire – arise from the body or from the disembodied self? If from the former, then it is hard to understand how to characterize them as properly human and personal; if from the latter, then it is difficult to understand how they can be expressed as specifically sexual.

Here then is the dilemma and the source of human impoverishment. The primacy of the category of “sexual orientation” implies a fundamentally extrinsic relationship between a functionally-mechanistically conceived body and a correspondingly spiritualized freedom. Ironically, once this starting point has been accepted, sexual desire and love are left without a real home. They must oscillate between the functionally sexual – an order that has been treated as one of mechanistic determinism – and the spiritually androgynous – an order of bodiless freedom and love. But they cannot fit comfortably in either.

Public Reason and the Child

This disintegration of bodily acts as personal enactments of love is carried over into the implications for love's fruitfulness. To reduce the difference of the sexes to biological function, which in the end can be replaced and improved upon by the technical processes of the lab, is assumed to humanize physicality by making it an expression of human freedom. The increasingly clear connection between “gay marriage” and developing reproductive technologies is telling evidence of this. The logic of the anthropology of orientation and the logic of the technologization of human conception (which is, of course, a much broader practice than “gay marriage”) are in fact the same.

Indeed, the use of technology to enable gay partners to conceive has at times been viewed as superior because it is rooted in what is thought to be a mature choice rather than sub-personal natural processes.[20] Again, to conceive the question this way is to have reduced those “natural processes” to the merely functional-mechanical. There have been predictions that in the near future the majority of children in medically developed societies will be produced by means of the lab, both to prevent the sorts of problems that occur in the less perfect mechanisms of nature and to allow for certain enhancements thought to be on the horizon. Where natural conception and reproductive technologies are equated, as the courts have done, the child (even in the case of natural conception) is treated as a product of mechanical function.

At a deep level, however, the inescapability of the experience of the body in its maleness and femaleness reminds us that we are not self-originating. To already be something before an act of freedom suggests to the modern mind a loss of freedom rather than its ordination. But the importance of what we do not simply choose, but only choose as an expression of a more deeply possessed gift, is especially evident in the difference and correspondence of the male and female bodies. This becomes all the more obvious with respect to the procreative implications of sexuality and, by extension, the natural relations of the family, despite their suppression by the anthropology of orientation. The sexually “other” represented in the masculinity or femininity of the body serves as an invitation to love, precisely in its difference. It is an invitation that is by its very nature “open-ended,” both in its origins

and in its destiny.

This open-endedness already implicit in the vocation inscribed in sexual difference finds its complete expression in the *fruitfulness* proper to the love of man and woman precisely as such – viz. the child. Clearly the fact of birth – both being born and giving birth – does not fit comfortably with the notion of personal identity as rooted most primitively in the individual's act of choice. The visible expression of the parents in their bodies – their knowledge of each other and their self-knowledge in relation to each other – already bespeaks the fruitfulness proper to their love. It bespeaks the fact that this fruitfulness both requires and precedes their freedom. The body in its sexual ordination indicates our being something before any possible act of our freedom. It indicates being part of a lineage, of being a child of *this* mother and *this* father.

Similarly, the child's knowledge of him- or herself – his or her personal and social "identity" – is simultaneously a knowledge that his or her origin is embedded more deeply in reality than any act of his parents' wills. The parents did not give themselves their own bodies. Their bodies represent what stands behind them and shapes their freedom. The parents' act of freedom is in fact an act of consent to this deeper origin in a fabric of relations that precedes them, gives meaning to their love, and stretches out from the past into the future.

According to the logic of "reproductive technologies," the ideas of conception and birth are viewed in terms of choice and instrumentalism, technique presiding over a set of biological processes. The implication is that "natural relations" are only part of the functionality of the material universe, except of course to the extent that they too are viewed entirely in terms of choice – that is to say, a choice to utilize these processes for a human good. But such a line of reasoning misconceives both the meaning of birth and of love. In principle, the act that causes conception by technical means could occur without there ever having been any sort of bodily communion of the spouses or even without the spouses' gametic contribution. Hence, the relation between love and the act of choice to have a child is motivational and moral, rather than ontological. But the child needs more than to know that the intentions of his parents were good. He needs to know that his *ontological origin* is good, and this means that he needs to know that he is more than the functionalistic product of another man's freedom.

Where reproductive techniques are used, the bodily relations of the parents are abstracted from – are merely accidental to – the conception of the child. This last point is crucial. The child born in this fashion cannot understand him- or herself as having been already implicit in the parents' bodily composition and the love proper to it prior to any particular choice or act of the parents. In this way, the child's coming to be is abstracted from the "open-endedness" of the love proper to the "sexual difference" of the parents. Rather, the parents and the child must see the child's origin as the act of choice initiating technical means, rather than in the consent to the fruitfulness already implicit in their bodily acts of love. The conception of the child, then, is radically the result of an act of choice rather than the always-already implicit fruit of love. Hence, the act is restructured on the model of "making" (*poiesis*) as opposed to the "acting" (*praxis*) of fruitful love.[21] The very logic expressed by the courts is that of Baconian and Hobbsian knowledge-as-production rather than knowledge as reception or discovery of what is.

The symbolic meaning of such a "making" then is that the child does not have a deeper origin than the parents' freedom, or that, to the extent it is acknowledged that there is such a deeper origin, it amounts to a denial that that deeper origin stands in relation to the child in any way differently from any other sort of production that begins with materials given in the physical order. That procreative fruitfulness

is at a radical level something the parents give themselves in an act of choice insinuates that the child is subordinated to that choice. This is why *Donum Vitae* tells us that artificial means of reproduction treat the child as property. Such means are a violence on the child's dignity and self-knowledge as both "earlier" and "greater" than the parents' freedom.

Conclusion

The foregoing suggests ways in which political and legal liberalism, while seeming to protect and produce pluralism, in fact at the deepest level produces and enforces an absolute monism of beliefs about such absolutes as the meaning of person, freedom, and the world. Radical differences in various beliefs all drift toward mere stylistic expressions of an underlying liberal conception of what is. This is why political liberalism tends to remake pre-political and inherently non-liberal relations (e.g. marriage and family) and institutions (e.g. churches) in its own image and likeness. It tends to view these only as various types of voluntary association. There is little doubt that the question of "gay marriage" has been caught up in this process. This is why the underlying anthropology and the type of rationality to which it gives shape offer little basis for cognizable objections to the inevitable if gradual assimilation of the anthropology of orientation into educational systems, professional organizations, public ethical standards, tax policies, anti-discrimination laws, and so forth, enforced by the technocratic-bureaucratic leviathan that constitutes the environment in which the modern individual moves and breathes. It is this underlying anthropology and its implications for the person that must be challenged, if arguments against "gay marriage" are to be sustained.

NOTES

[1] *Perry v. Schwarzenegger*, 721 F. Supp. 2d 921 (2010), invalidating the referendum vote in favor of Proposition 8, which had defined marriage as between a man and a woman.

[2] *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003), overturning the state marriage law limiting marriage to the man-woman couple.

[3] *Perry*, 997.

[4] *Goodridge*, 962.

[5] *Ibid.*, 965.

[6] *Perry*, 981.

[7] *Ibid.*, 992-93.

[8] *Goodridge*, at 312, and concurring opinion of Justice Greaney, at 349 (both citing *Lawrence v. Texas*, 539 U.S. 558 [2003]).

[9] Leo Strauss, *Natural Right and History* (University of Chicago Press, 1950), pp. 174-75.

[10] Josef Ratzinger, *Introduction to Christianity*, trans. J.R. Foster (Ignatius Press, 1990), pp. 31-35.

[11] "Value and Technology," *Collected Works of George Grant*, vol. 3, 1960-1969, eds Arthur Davis and Henry Roper (University of Toronto Press, 2005), pp. 227-244, at 234.

[12] "The Listening Heart," quoting Hans Kelsen, http://www.vatican.va/holy_father/benedict_xvi/speeches/2011/september/documents/hf_ben-xvi_spe_2

0110922_reichstag-berlin_en.html.

[13] H.L.A. Hart, "Positivism and the Separation of Law and Morals," in *The Philosophy of Law*, ed. R.M. Dworkin (Oxford University Press, 1977), pp. 17-37, at 36.

[14] John Rawls, *A Theory of Justice* (Cambridge Mass., Harvard University Press, 1971), p. 554, cited in Alasdair MacIntyre, *Whose Justice? Which Rationality* (Notre Dame, IN: University of Notre Dame Press, 1988), p. 337.

[15] Ronald Dworkin, *Taking Rights Seriously* (Harvard University Press, 1977), 272-73.

[16] Ronald Dworkin, "Liberalism," in *Public and Private Morality*, ed. S. Hampshire (Cambridge: 1978), p. 127.

[17] *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

[18] I use the "scare quotes" to signify my rejection of the pair heterosexual-homosexual, as explained in Crawford, "Liberal Androgyny: 'Gay Marriage' and the Meaning of Sexuality for Our Time," *Communio: International Catholic Review*, vol. 33, no. 2 (Summer, 2006), pp. 239-65.

[19] Note that the mechanistic assumptions about the human person are entirely consonant with the experience of same-sex attraction as "innate" or "natural." Efforts to find the "gay gene" or other physiological causes of homosexuality express the desire to substantiate the source of this self-experience in precisely the world as so conceived. The "natural," here, clearly means something like the non-free; it stands for the idea of this self-experience as rooted in empirical and therefore deterministic circumstances, to be discovered at either a physiological or psychological level. Of course, it is universally recognized that human desire can be directed in ways that ultimately invert the true meaning of desire. Lost, then, is the deeper reality of the body's expression of form and finality, which offer a firmer basis for understanding the authentically human. Indeed, the treatment of sexuality on the basis of "orientation" expresses the arbitrariness of the body's natural ordination. What is not taken into account, then, is the personal order of love expressed by the body in its very visible form as male or female.

[20] Cf. *Adoption of Tammy*, 416 Mass. 205 (1993).

[21] Robert Spaemann, "Genetic Manipulation of Human Nature in the Context of Human Personality," in *Human Genome, Human Person, and the Society of the Future, Proceedings of the Fourth Assembly of the Pontifical Academy for Life*, ed. Juan de Dios Vial Correa and Elio Sgreccia (Vatican City: Libreria Editrice Vaticana, 1999): pp. 340-350, at 342.

Family Life Cycle

PRAVIN THEVATHASAN

Abbie E. Goldberg, *Lesbian and Gay Parents and Their Children: Research on the Family Life Cycle* (American Psychological Association, 2010).

This work is problematic for a variety of reasons. The cover informs us that it is published by the American Psychological Association. According to its former president, Dr Nicholas Cummings, the APA is ruled by political correctness and homosexual ideology, a position that makes it unlikely to publish material that would challenge the current orthodoxy in academic circles. It is therefore not surprising to learn that Abbie Goldberg is not only an assistant professor of psychology but also an active campaigner for homosexual rights.

Goldberg claims that the relationships of committed same-sex couples are no less satisfying than those of committed heterosexual couples. However, it would have been pertinent to mention the high levels of relationship breakdowns experienced by same-sex couples. She claims that lesbian and gay parents are as warm and nurturing as heterosexual parents, and that children of lesbian and gay parents are as well-adjusted psychologically and socially as children of heterosexual parents. Against this, copious research found in psychological and psychiatric journals demonstrates that children do best when living with their biological fathers and mothers.

Goldberg herself admits that boys in father-absent families tend to score higher on a femininity scale than boys in father-present families. Lesbian parents are more likely to be accepting of their male children behaving in feminine ways. Goldberg also accepts that girls brought up by lesbian parents are more likely to be open to same-sex relationships than those brought up by heterosexual couples. It is noted that the children of same-sex couples are more likely to be accepting of the gay lifestyle. While Goldberg is unlikely to endorse the findings of Professor Walter Schumm, whose research demonstrates that the children of homosexual parents are more likely to be homosexual themselves, her findings are at least consistent with Schumm's.

Some of the studies cited by Goldberg are small-scale studies; there are very few longitudinal studies, and she includes studies with no control groups. Still others are self-report studies, asking parents to rate the psychological health of their children. In contrast, Mark Regnerus asked adults raised by same-sex couples to rate themselves, and concluded that they do worse socially, economically, and psychologically as compared to adults raised in intact, heterosexual family circumstances. Goldberg draws attention to research limitations by noting that, "We must remember that what we know about

lesbian and gay-parent families is limited to research that largely references the experiences of white, middle-class families.”

Goldberg’s discussion of gay marriage is of interest. She notes that many homosexuals reject gay marriage on the grounds that it might demonize “non-married gays as the bad gays.” Others reject marriage because they see it as oppressive and unequal, and still others favour the abolition of marriage altogether, for themselves and for heterosexuals. Goldberg writes that the “possibility that same-sex marriage would create a greater polarization of wealth and poverty within the gay community has been cited as a major reason for why gay equality advocates should abandon their efforts on behalf of same-sex marriage....”

Goldberg has claimed that the right of same-sex couples to have children should be seen as a civil right irrespective of the research findings. In a certain sense, she might be the first to claim the irrelevance of her own work.

A Study of Psychological Insights

KATHLEEN CURRAN SWEENEY

Elizabeth Moberly, *Homosexuality: A New Christian Ethic* (Cambridge: James Clarke & Co., 1983).

No one is born heterosexual. No one is born homosexual. We are born as either male or female, but the psychological development of our sexual identity is something that happens in childhood and depends on a parent-child relationship.

This assertion is at the core of the conclusions about homosexuality made by Dr Elizabeth Moberly, who published an extensive review of the psychological evaluations of the homosexual condition, starting from Freud, in her book, *Psychogenesis: The Early Development of Gender Identity* (Boston: Routledge & Kegan Paul, 1983). Her subsequent book, *Homosexuality: A New Christian Ethic*, is a summary of her conclusions in laymen's terms and from a Christian point of view. She claims that a focus on the sexual expression of homosexuality is not helpful because it is only a secondary effect of an underlying condition, and does not go deeply enough into the question of what the homosexual condition is in itself. It is a mistake to divide humanity into two types, heterosexual and homosexual, because the situation is actually one of complete versus incomplete development of a common need. Therefore, it would be a mistake for homosexuals to assume God intended them to be as they are. Rather they are in process toward what God calls them to be, and have not yet completed the process of that development.

Description of the Homosexual Condition

Dr Moberly asserts that homosexual orientation does not derive from genetic, hormonal or learning factors, but from a child's relationship with the same-sex parent early in life. She notes that the homosexual condition is more complex and many-faceted than usually realized. Nevertheless, there is one constant factor: a deficit in the relationship with the same-sex parent and a drive to make up for this deficit through same-sex relationships. The deficit by the parent is not necessarily willful or intentional, but some disruption in the attachment needed for normal psychological sexual development has occurred; it is absent in some way at a crucial point in the child's development. This sometimes, though not always, has a negative effect.

However, there is not an absolute unvaried relation of cause to effect. It is important to be aware that siblings in the family differ in their response and relationship with the same-sex parent. Dr Joseph Nicolosi, a clinical psychologist who practices reparative therapy, mentions several other contributing factors: "a hostile, feared older brother; a mother who is a very warm and attractive personality and proves more appealing to the boy than an emotionally removed father; a mother who is actively disdainful of masculinity; childhood seduction by another male; peer labelling of the boy due to poor athletic ability or timidity; in recent years, cultural factors encouraging a confused and uncertain youngster into an embracing gay community; and in the boy himself, a particularly sensitive, relatively fragile, often passive disposition." Nevertheless, Dr Moberly maintains, for those who do suffer the

effect resulting in the homosexual condition, there is one common factor: the disruption of normal attachment to the same-sex parent. The need for emotional bonding is very strong and necessary for several developmental tasks, including sexual identity.

According to Dr Moberly, in some cases a deficit of love from the parent of the same-sex may result in over-attachment to the parent of the opposite sex; but this is a result, not a cause of the condition, and does not resolve the problem. The child is hurt by not receiving the love needed from the same-sex parent, and develops an unwillingness to relate to that parent. This defensive resistance causes a long-term deficit in relational capacity. This may not be at a conscious level. Family relationships may appear unaffected. The real damage occurs deep within the child's heart. When the loss happens at a very young age, fear and anguish may be overwhelming. A parent is the source of one's being, and thus the child can feel as if his/her very being were endangered.

The person so affected will have two contrary drives. One drive is toward undoing the repressed need and restoring the attachment. This is what leads him to seek love from members of the same sex. But the other drive is a defensive one, leading to resentment, hostility, and rejection of authority in others of the same sex. It is this psychological conflict that defines the homosexual condition. Dr Moberly emphasizes that it is a serious mistake to isolate the love need of the homosexual from the defensive maneuver that shapes the condition and causes the need to persist unmet. Variations occur because one aspect may be more prominent than another in different persons: sometimes the dependency on the love need is most prominent; in others the hostility/ resentment/ authority problem may dominate. But this is only a question of greater or lesser degree in each case.

Long-Term Effects

The homosexual condition, as Moberly sees it, is based on an ambivalence toward others of the same sex which results in a relational deficit, including uncertainty about one's own sexual identity. The drive to repair the love attachment is positive, so that blocking this is not helpful. However, the attempt to compensate for the deficit through sexual activity is inappropriate and does not resolve the psychological issue. Also, the accompanying defensive drive directed against the same sex is negative, and needs particular attention. Essentially, a negative reaction to the same-sex parent has been transferred to members of the same sex in general. An inability to trust the needed love-source has given rise to a decision to reject such love, even though at the same time there is a drive to seek same-sex love to repair the loss.

Thus these two drives are not separate phenomena but two sides of one condition. Effeminacy in a male or quasi-masculinity in a female represent a defensive maneuver against the same sex, not an identification with the opposite sex. The relationship with the opposite sex is one of unease, being based on flight from the same sex rather than a positive relationship with the other, because the development of the subject's own sexuality is not yet complete. Thus the homosexual condition does not militate against male-female complementarity but confirms it, by revealing the need for development within the person for this complementarity to express itself. It also affirms the need for a family composed of both mother and father lovingly caring for the child together, in order to give the child the best context for its own development.

The loss of love of the same-sex parent is a hurt that may be unconscious, so that the same-sex negativity is not recognized for what it is. Dr Moberly characterizes it as a deep inability to trust, to openness to receive love from the love source, which results in a lack of normal psychological growth and an ambivalence about attachment which is nevertheless an essential need.

Why Sexual Expression Is Inappropriate

Moberly believes that a person with a homosexual condition has a need that is emotional, not sexual. The erotic expression tends to distract from the psychological condition. The psychological need is pre-adult and should not be confused with a physiological drive of an adult. Sexual drives are intended to express the physical and psychological maturity of an adult. Where the psychological condition is not mature, the deficit should be fulfilled non-sexually.

Two homosexuals in a relationship have three obstacles to resolving their problem: 1) both have the same needs, including the need to develop the masculinity or femininity appropriate to their sex, so they are unable to meet the needs of the other; 2) deep dependency needs cannot be easily met when one is already physically an adult; 3) defensive detachment may re-emerge and disrupt the renewal of attachment. These factors may be the reason for instability in many homosexual relationships.

Failure to understand this has led to a polarization of the issue around the question of sexual expression. For this reason, Moberly suggests that “same-sex ambivalence” would be preferable to “homosexual” or even “same-sex attraction” as a description for the condition. It is also true that heterosexuality should not be defined merely as sexual activity with the opposite sex, but rather as a psychological state – in this case the ability to relate to both sexes as a psychologically complete/ mature member of one’s own sex. This has social as well as sexual implications. Gender identity pertains to the psychological level of personality structure., and heterosexuality is seen as the goal of human development.

Same-sex relationships are inherently self-limiting, since to the extent they fulfill their purpose of contributing to the maturation of an adult heterosexuality, they are no longer necessary. By contrast, of course, heterosexuality has no goal beyond itself, so it is not inherently self-limiting. It is not something that needs to be healed. It is not enough, however, to say that homosexuality is a form of immaturity. One needs to add that the psychological drive for attachment is normal and cannot be by-passed. The fact that this need has been unmet is abnormal, and to block the fulfillment of this psychological need is to block fulfillment of the human person.

Reparative Process

To heal the homosexual condition, the person needs to have affirmative non-sexual relationships with persons of the same-sex. Relationships between heterosexual and homosexual persons are more stable than between two homosexuals. Moreover, a homosexual male can only be healed of the profound deficit in masculine relational capacity through bonding with a heterosexual man whose masculine identity is mature and who can help heal the deep inner wound at the core of the person’s gender identity. The same would be true of homosexual females who need healing of this deep inner wound at their core through a bond with a mature heterosexual woman. Thus it is important that heterosexual persons are involved in ministry to homosexuals. This bonding and healing can also be aided by small support groups.

“It is the provision of good same-sex relationships that helps to meet the unmet same-sex needs, to heal defects in the relational capacity and in this way, forward the healing process. The [non-sexual] same-sex relationship is to be so fulfilling that same-sex deficits remain no longer and the relationship itself is outgrown” (p. 42).

This “is essentially the love-need of the child for the parent,” although it may not be consciously experienced as such. It is fulfillment of this need that provides the reparative growth required – “the process of making up for missing growth.” If the parent is involved in the healing process, this can be

particularly helpful.

Dr Moberly considers this healing within a Christian context. “To offer a home to the homeless, a father to the fatherless” is to meet the “homo-emotional drive” in family life. The process may be accompanied by prayer for psychological healing. “Prayer is at the heart of healing.” One can offer God one’s past as well as future in a prayer to open it up to the healing love of Christ, to offer God our unconscious self as well as conscious life – our whole personality – to be healed and redeemed. The Holy Spirit must repair our earliest recollections. It is God who heals, so a supportive counselor must listen both to the person and to God. The Holy Spirit can enlighten this process, revealing places of stress and pain to be healed.

The negative defensive ambivalence needs particular attention for two reasons: 1) the inability to trust the needed love source; 2) the decision not to receive this love. Since this is a pre-adult decision, it needs deep healing at the unconscious level and forgiveness of the wound which is the source of animosity. This is difficult. It takes time and may need basic prayer for the ability to forgive and to persist in making the effort for healing.

It is the deficit in relational capacity that must be dealt with. The defensive attitude toward the same-sex parent has been transferred to other members of the same sex, which means that this defensive relationship can be worked through in a current same sex-relationship. It is not necessary to know all the details of past suffering since the missing growth is apparent in the present.

“The past is effective and accessible to the present and may be dealt with as a relational deficit in the present. The repetition within present relationships of the pattern of past relationships is itself an acted-out form of memory, which makes the past available in the present.... Every aspect of the wounds of the past may be held to the love of Jesus Christ for his healing. However, inner healing is more than just the healing of memories or of emotions attached to those memories... Unmet needs must still be met in order to make up for missing growth... Relationships are the normal medium for psychological growth within the purposes of God” (p. 46).

Thus, there is a need for people willing to provide good non-sexual relationships that renew interpersonal attachment, which requires spending time and expressing active concern. God’s love needs to be mediated through human prayer and relationships. A counselor needs to be of the same sex, because one cannot normally by-pass the natural laws for human growth.

“Gender specificity is not something arbitrary but quite simply the correlation of the solution with the exact nature of the problem.... Thus, where the problem is specifically a deficit in fathering, a man is required to help; where the problem is specifically a deficit in mothering, it is only a woman who can make this good” (pp. 48-9).

In difficult cases, there may be a lengthy process of healing, a matter of some years. Dr Moberly points out that the normal process of development takes the first two decades of life, so it is reasonable to expect the reparative growth to take years if the growth was checked at an early age. To expect growth to by-pass the normal need for time would be unreasonable. Furthermore, prevention as well as cure is important. So it is important to pray for children at “points of vulnerability,” such as “temporary separation during childhood, and any other occasions on which some strain is placed on the child’s attachment to the parent” (p. 51).

One of the problems facing this healing ministry is that there are only a limited number of counselors or specialist resources available to meet this need. Non-specialists may make an important contribution, but they will need the support of specialist’s advice and supervision. Unfortunately, most

of the current community of psychological therapists are not trained to provide this support. However, there are several organizations that do provide the reparative therapy needed. These include the National Association of Research and Therapy for Homosexuals (NARTH), Jews Offering New Alternatives for Healing (JONAH), and People Can Change.

There are many stories of healing through reparative therapy that substantiate Dr Moberly's analysis, although these will not be found in most mainstream secular media. Some have criticized Dr Moberly's work because she was not herself a professional psychologist. Nevertheless, her conclusions have been substantiated by several clinical psychologists working with persons struggling with their homosexual condition. For example, Dr Maria Valdes, who has worked as a clinical psychologist for some 30 years, states, "A number of clinicians and theorists, including myself, view homosexuality mainly as the result of a deficit in the relationship with the parent of the same sex..."

In all the accounts of reparative therapy, it is clear that the person must sincerely want to change and be willing to persevere over time. It is not possible to provide samples of these stories here, but they can be found at the web sites for People Can Change and JONAH, cited above. These stories reveal the variations in the homosexual condition, but also the common threads. It does seem that often some awareness of scriptural teaching has helped the person to be drawn toward seeking the help and healing they need. Also books, persons, or public media that refer to the possibility of a healing change may have caught the person's attention.

The reparative therapy involved in these stories of change takes extensive time and a strong desire on the part of the person seeking it. For example, one man who shared his story on JONAH said,

"Anyone who says that working through homosexual desires and feelings is an easy, quick process is lying. It is a long, hard road with many challenges, pitfalls, and setbacks. But it is possible. I want to shout to all those plagued by SSA who wish they were not: Don't give up. Please. Despite what you read and hear in our secular culture about the false idea that change is impossible, a ray of light might be just around the corner. Keep looking and know that the help you seek is out there. You only need to find it."

Another man who heard about the possibility of change from reading books from NARTH wrote on the website for People Can Change as follows:

"It takes courage, honor, grits, and character to do the deep emotional work that can cause one's sexual attractions to shift. And it is no mistake that those are the same characteristics that make a strong man.... I began therapy with David Matheson through NARTH, and have never looked back since. These last years I have involved myself in deep emotional healing with the support of many wonderful men who choose not to embrace homosexual feelings. Most importantly, I have other men in my life now who are not same-sex attracted. Both of these groups of men are my brothers. They are my fathers. They are my peers. They are my connection to the world of men to which I belong and had not been a part of before. Many of these men are my "New Warrior" and "Journey into Manhood" brothers. They helped to initiate me into a more authentic manhood. With this healthy connection to men, I have learned what men do, how they act, feel, and express themselves."

Dr Moberly concludes that, "If we are willing to seek and to mediate the healing and redeeming love of Christ, then healing for the homosexual will become a great and glorious reality" (p. 52). While there remains much work to do in this area, Dr Moberly's research and analysis lays out a framework from

which a truly compassionate advocacy of healing for those struggling with same-sex ambivalence can proceed.

Her analysis confirms the theological/ontological reality that our relationships are grounded in the Fatherhood of God, revealed in the Son's love, nurtured by Mary, the Mother of God; and that human family relationships are ordered to incarnate the filial love of divine relationships.

Children of Gay Parents

COLET C. BOSTICK

Abigail Garner, *Families Like Mine: Children of Gay Parents Tell It Like It Is* (HarperPerennial, 2005).

Lisa Saffron, *What About the Children?* (Cassell, 1996).

With the culture wars raging over legal recognition of same-sex unions, advocates on both sides of the question have begun trying to examine the effects of the homosexual lifestyle on the children involved. Among the various others to have staked a claim in this field, two authors who support homosexual marriage and parenting are Lisa Saffron, a lesbian mother, and Abigail Garner, the daughter of a gay father. Both claim to be giving the children of homosexual parents an opportunity to speak for themselves without the pressure of politics. Yet beyond the real differences in their style, or their willingness to attempt an evenhanded witness, neither of these authors manages to allow the voices of these children effectively to escape the confines of their own foregone conclusions: that the homosexual lifestyle is self-justified in spite of any human fallout, and that to question or oppose it amounts to embracing bigotry.

Lisa Saffron is a self-identified lesbian. Her first book, *Challenging Conceptions: Planning a Family by Self-Insemination*, is a how-to manual for women who wish to conceive a child outside of a relationship with a man. Saffron herself conceived her daughter in this way, in part because she feared “the gender-based inequalities that would result from raising children in a heterosexual relationship sanctified by a patriarchal society.” Throughout the introduction to *What About the Children*, Saffron repeatedly asserts that families are what one wants them to be, regardless of the number, gender, or sexuality of the members involved. She proudly presents her eleven-year-old daughter as an example of happiness and stability, which she attributes, in part, to the child having three lesbian mothers and one gay father.

Saffron interviewed twenty children of homosexual parents ranging in age from eleven to sixty-six – a small sample whose numbers are mostly comprised of children of lesbian mothers. Not one of the children is adopted, and only one of the interviewees has a gay father who is the primary caregiver. Her explanation for this lack is that “men are not oriented around children, and gay men are no exception.” In any event, a scientific approach is not of primary importance to Saffron; she admits that when asked by journalists about the number of children who have homosexual parents, she wants only to give a number that would encourage people to be more accepting of homosexual parenting.

Saffron’s stated intent is to give these individuals an opportunity to speak of their unique experiences. In fact she devotes more than three quarters of the book’s pages to interviews. Strangely, not one person had anything negative to say about being a child of homosexual parents. Not one person had a troubled relationship with a homosexual parent (although some complained about a heterosexual parent and his or her intolerance of the homosexual parent). Many of the interviewees do portray the chaos of households in which parents frequently change partners, a phenomenon which is apparently

common in (though not exclusive to) same-sex unions, but Saffron stops short of acknowledging this as detrimental. In fact, the only complaints these children express is against the social prejudice their parents suffer.

There is no discernible organization of these sessions or within the interviews themselves, and the testimony from these children is neither analyzed nor categorized. Saffron maintains that the children she interviews are not intended to be a representative sample, and yet her whole book is designed to draw conclusions for social change from her inferences. At the end of the book, in a chapter entitled “Psychological Development: What Do Children Need from Their Parents?”, Saffron draws five such “lessons” about child rearing based upon – and directly quoting – the preceding interviews:

1. Children do not need their parents to be heterosexual.
2. Children do not need one parent to be male.
3. Children need their parents to be happy.
4. Children are happier when their parents have an equal relationship.
5. Children learn positive moral values from lesbian and gay parents.

Thus, based on research from a very small sample of people, whom she came to know through her own personal involvement in her lesbian community, Saffron concludes that what children really need is to accept the lifestyle that she and her friends have chosen. But the fact is that these lessons are not conclusions that arise from her inquiry. They are simply the presuppositions that motivated her to produce a work of advocacy in the first place, and that appear stronger if they seem to be the results of scientific sounding research.

Whereas Lisa Saffron allows for no negativity regarding homosexual parenting, Abigail Garner is more willing to acknowledge that life as the son or daughter of a lesbian, gay, bisexual, or transgendered (LGBT) parent is not uniformly positive. *Families Like Mine: Children of Gay Parents Tell It Like It Is* is written from the viewpoint of a child who was raised by a gay father and heterosexual mother. Drawing on her own individual experience as well as the experiences of fifty other adult children of LGBT homes, Garner explains how a childhood such as hers necessarily had more difficulties than those of children who were not immersed in the homosexual community. She contends that while there is much discussion about the welfare of children raised by homosexuals, the opportunities to do actual research in this area have been limited, and that the culture of LGBT parenting itself has been evolving in ways that make such questions hard to answer.

Garner reports that children of LGBT families feel tremendous pressure to appear “normal” so that society will be convinced that gay and lesbian parents can raise well-adjusted children. This pressure even comes from within the families themselves; so much so, in fact, that often gay and lesbian parents are disappointed when their children “come out” as homosexual. She asserts that many within the LGBT community feel “that the rights of future gay parents depend on current gay parents’ ability to produce heterosexual children.” While Garner often notes that homosexual parents are sometimes complicit in this kind of prejudice, she asserts that the root of this problem is homophobia within the culture at large. She would like to see a LGBT community that embraces its differences and thus gives its children a more positive understanding of homosexuality *as a culture*.

Garner notes in her prologue that vocabulary can be difficult when discussing the varied relationships and attitudes one finds within and towards the LGBT community. For instance, words like “queer” and “gay,” while once understood as slurs, have, with the newer generation, been “reclaimed” by those who identify as homosexual and have taken on a positive meaning. Garner develops a few neologisms of her own that she uses throughout the book to describe a scale of prejudice against gays. She feels that

“homophobia” is too broad a word, and so uses the term “homo-hostile” to describe those who are “intentionally hateful,” and “homo-hesitant” for those who are “simply uncertain.”

Throughout *Families Like Mine* Garner, to her credit, not only admits to many of the particular difficulties and problems faced by LGBT families, but tries to offer helpful guidance in managing them. She counsels gays involved in heterosexual marriages on the ways to “come out” to their families which take into account the feelings of those concerned, addresses those children who lived in fear of AIDS, and even discusses the effects on the children when gay and lesbian households break up. Here Garner has an opportunity to expose the real effects a child must suffer from changing family dynamics and the absence of a mother or father. But just as she approaches the difficulties suffered by these children, Garner veers off into a defense of homosexuality instead. For instance, in three chapters dedicated to the process of a parent “coming out” and the effects on the children and family, Garner’s most pressing concern is that the heterosexual spouse should process the separation with compassion and understanding, so that the children will not blame the gay parent’s homosexuality for the breakup of the home. She shows little compassion for the husband or wife who is left behind, and even sees a well-handled breakup as an “opportunity to enlist straight spouses as allies” in the LGBT cause.

Ultimately, Garner blames most of the problems she examines on a society or individuals she labels “homo-hostile.” The increased rates of depression or alcohol and drug abuse among “queer youth” are not actually explored, but simply blamed on homophobic bullying in school. She regards “the negative effects resulting from having LGBT parents” as “completely preventable”, by securing the sympathy of the larger community, rather than by addressing anything inherent within the family itself. For Garner, the only legitimate form of support for the children of LGBT families is advocacy for political and social acceptance of “alternatives to the dominant culture.”

Garner speaks as one who has lived through these experiences and weaves quotes from her interviewees into her narrative almost seamlessly. But apart from a general description of her interview pool (most came from LGBT discussion panels she has moderated during her decade of advocacy), very little background information is given about these adult children of homosexual families. It is as if they all agreed completely with Garner’s view, since the quotes she provides are only used to support her own arguments. While Lisa Saffron provides every word of her interviews, Garner prefers to speak for her interviewees instead, or rather to let their voices filter through insofar as they prove useful. The result may be a more pleasurable reading experience, compared to the sometimes wandering interviews in Saffron, but it does not ultimately provide a more balanced picture of the reality of the lives of children, or even necessarily a more evenhanded form of advocacy.

Even where Saffron and Garner are willing to acknowledge the existence of certain problems that exist in LGBT families, it is clear that they are not willing to face them. While Garner offers the promise of correcting this absence in Saffron’s analysis, she ultimately falls short of that promise. The unwillingness to consider that a child might see their LGBT parent’s action as a cause rather than a catalyst for the difficulties they experience reaffirms the authors’ commitment to the LGBT movement over its children. Given the very different testimony on such issues found in other authors, these works seem designed more to forestall critics of homosexual parenting than honestly and thoroughly to address the issues that children in these families must face.

The Moral Argument

MICHAEL CAMACHO

Gordon A. Gill Babst, *Moral Argument, Religion, and Same-Sex Marriage: Advancing the Public Good* (Lexington, 2009).

Is it good or bad to be gay? Much if not all of the legislation in the United States today touching on same-sex discrimination or same-sex unions purports to prescind from this question. But should it? *Can* it? Can and should the government bracket morality in deciding about issues such as same-sex “marriage”?

The ten contributing authors of the collection of essays entitled *Moral Argument, Religion, and Same-Sex Marriage*, all of whom are advocates of same-sex equality and rights, argue that we cannot and should not set aside the question of morality in debates about same-sex unions. According to these authors, we must not set aside the question of the goodness or badness of homosexuality as irrelevant to the matter but must instead face it head-on. This is indeed a new stance for supporters of gay rights, who in the past have tended to cede explicitly moral arguments to their opponents, arguing for their part that morality is a private matter without a place in public discourse. The authors of these essays argue instead that same-sex advocates must in fact advance their position precisely on moral grounds.

In doing so, however, the contributors “consciously do not engage the old, arguably tired questions of the past, such as whether gays are normal, whether homosexuality is natural or sinful, whether the traditional husband-wife family is best for children, and so on” (p. vii). One might legitimately ask whether this means that they are consciously not engaging the most important questions. The focus of the book is instead on moral arguments largely grounded in the idea of substantive equality (as opposed to simply formal or procedural equality) that the authors believe is at the heart of the American political project: “The new territory we stake is not predicated on any other assumption than that the Constitution, properly understood, offers nothing less than full and equal citizenship before the law, and after, and that its protections are sincere, not facetious” (p. viii).

As is to be expected, the different contributors approach the issue of same-sex unions from different, sometimes even diverging perspectives. While all agree most basically on the need for moral argument in these matters, there is difference of opinion on how such moral arguments stand vis-à-vis liberal-democratic theory. On the one hand, many of the authors, represented especially by R. Claire Snyder-Hall, hold that the dominant strand of liberalism operative in the United States is *not* itself simply “neutral” or “amoral,” but rather ultimately has its ground in fundamental moral values such as equality and human dignity. Proponents of this thesis argue that there has been a progressive deepening of the liberal tradition, from a “humanist liberalism” that is more negative in cast, focused on freedom from government intrusion and the right to be left alone, to a “reform liberalism” that is more positive, recognizing the role government should play in helping persons achieve their full dignity, and seeking respect and affirmative recognition for personal acts of self-definition. This shift in liberalism is also described in terms of a move from a *formal* or *procedural* understanding of equality

(i.e., non-discrimination, or the law treating everyone the same) to *substantive* equality, meaning all people are the same, or are “equally” good, even if in different, ultimately incompatible and irreconcilable ways. This first group of authors highlights the moral values of equality, human dignity, autonomy, pluralism, and tolerance.

On the other hand, there are a few authors in this collection, represented especially by Carlos Ball and Chai Feldblum, who question the presuppositions of liberalism at a deeper level. In particular, they question the principle of state neutrality or impartiality. Can the state really remain neutral in decisions regarding relationships, without making judgments on the validity or goodness of such relationships? Ball insightfully argues that the principle of formal or procedural equality, according to which those who are similarly situated should be similarly treated, in fact presupposes an “antecedent question” about whether or not the groups involved are in fact “similarly situated.” Are same-sex couples similarly situated in regards to the institution of marriage as opposite-sex couples? Advocates of same-sex unions would argue yes, while opponents would argue no. This indicates that “something more is needed than the mere call on the government not to discriminate against same-sex couples.... [We] must to some extent tackle the question of whether same-sex couples are as worthy of the rights and benefits that accompany legal recognition as are different-sex couples” (p. 85). And this in turn involves some sort of moral evaluation.

Like Ball, Feldblum argues that liberalism’s purported neutrality or tolerance is neither possible nor desirable. Such “moral bracketing” may *seem* beneficial on the surface, as a useful political strategy, insofar as it doesn’t require people to rethink all of their moral assumptions in order to extend rights to homosexuals: “Moral bracketing... allows people to say both that homosexuality is wrong *and* that antigay discrimination is wrong. How bad can that be?” (p. 210). Yet, in the first place, the ultimate effect is to leave negative judgments about homosexuals or homosexual activities in place and untouched. How much respect for the other, Feldblum rightfully asks, is really gained by such “tolerance”? This kind of neutrality in public discourse is thus not really desirable. Moreover, in the second place, such neutrality is not even possible, insofar as we are always operating with and cannot help but operate with some “vision of the good,” or “normative beliefs, assumptions, and presumptions about what is right and what is wrong,” even in the public sphere of legislation and law (p. 213).

It is certainly a step in the right direction to bring moral or substantive questions about the good into public discourse about same-sex unions, rather than hiding them behind a purported neutrality that hiddenly enforces its own normative notions. Similarly, it is helpful that the authors of this collection recognize that public institutions, such as marriage, both directly and indirectly impart to us some conception of the good, even if in their view this particular institution serves only to enforce the “hegemony of heteronormativity.” If the equality sought by advocates of gay rights is not simply formal but “substantive,” as they claim, then we can now ask what it is that they mean by such equality, or by human dignity. Based upon the essays in this collection, such dignity would seem ultimately to be grounded in a quite radical autonomy, indeed the most radical freedom. In the infamous words of *Planned Parenthood vs. Casey*, “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 of human life;” we might add: of the body, of sexuality, and of human love. As problematic a notion as this is, if the work of the authors of this collection is any indication, we are hopefully at a point today where such moral underpinnings or “vision of the good” of liberalism are out in the open, and so perhaps can really be engaged for the first time.

Homosexual Parenting

KATRINA TEN EYCK

David with Susanna Margolis Strah, *Gay Dads* (Tarcher/Penguin, 2003, 288 pages).

Dawn Stefanowicz, *Out From Under: The Impact of Homosexual Parenting* (Annotation Press: 2007, 245 pages).

Gay Dads attempts to set before the reader the new American family, grounded on affection and choice rather than the marriage of a man and woman and their natural offspring. The author intends to give his readers the experience of being “present at the beginning of what I expect will one day become a more common aspect of gay life” (p. 2). He sees himself as one of the first to offer an inside look at what the American family is becoming. He includes the stories of admirable men who have welcomed children with serious medical problems (HIV positive, for example), or who have adopted children who are likely to be passed over by other parents. There is no reason to doubt the repeated claim made by various fathers that becoming a father has made them less selfish, helped them to grow up, and introduced them to new realms of love. But is this new familial form “equal” to the traditional family?

Unsurprisingly, many of the men followed in this book state that they assumed that being gay precluded fatherhood. As the author tells us, there are no unplanned pregnancies in this world. Becoming a gay parent is a rather complicated process requiring a good deal of planning. It may require numerous meetings with social workers, court dates, battles to win the child from the biological parents, wooing mothers who choose to place their children through open adoptions, coping with mothers who change their minds, travels to foreign countries, lying about their homosexuality, finding a gay-friendly surrogacy program, being matched with a surrogate, choosing an egg donor, and, not least of all, large expenditures of money.

Thus, the new family form requires a decision followed by an extensive process. Children are obtained through adoption, fostering with the aim of adoption, or surrogacy. Surrogacy can take two forms. Either the woman offers both her ovum and her uterus to generate a child through in vitro fertilization, or two women are enlisted, one providing the ovum and the other the uterus. In the case of surrogacy, typically one of the gay partners would provide the sperm, although this need not be the case. All of the methods are accompanied by unique difficulties, as the stories in this book detail, some of which are particular to gay dads. Homosexual men seeking to adopt are often the last priority for American social workers placing children in the United States, and hence if pursuing public adoption they can expect a longer waiting period (several years) and often a greater unwillingness on the part of the government employees to work with them. They have a much higher chance of receiving a child if they are willing to take children with special needs.

Most foreign countries are unwilling to give children to gay men, and hence these men must dissemble to qualify. Furthermore, the process can be very long and the legalities confusing and daunting. Foster-adopt programs, which give foster parents the preference to adopt children, can offer a faster route to adoption, but also leave the men more vulnerable to the possibility that the child will be returned to his

or her original parents. Surrogacy gives the potential dads the most control over the situation as well as involvement with the birth process; however, the price tag ranges from \$40,000 to \$100,000 and relies upon the willingness of at least one woman, and usually two, to undergo the fertility treatments necessary for a successful implantation of an embryo.

Finally, there is also the case of co-parenting. In this book co-parenting occurred when an agreement was struck between a female gay couple and a male gay couple to conceive a child through in vitro fertilization, and then share the parenting responsibilities for that child, who usually moves back and forth between the two households. This bears a certain resemblance to what happens after a divorce, but in this case the child's parents were never married and generally have friendlier relations. Nevertheless, as the book makes clear, co-parenting may still be quite stressful for the two sets of couples.

Clearly, the new familial form hailed by *Gay Dads* is not positively but negatively defined – as an alternative to the traditional form based on a marital union of male and female and the fruitfulness of their spontaneous sexual embrace. This new form does not require a mother. In the words of Will Halm, one of the fathers from *Gay Dads* who is also the co-founder of Growing Generations, an agency that matches gay men with surrogates and facilitates the birth and transfer process of the child, “everybody has a mother, right? Wrong, Halm insists, ‘We have an egg donor and a surrogate. No mother’” (p. 140). Even the surrogate, particularly if biologically related to the child, often drops out of the picture. Other fathers, often those who adopt, are more open to the possibility of the biological mother playing a role in the child's life. In general, however, mothers are absent from the family structure.

This absence of mothers prompts a question. Is not fatherhood itself altered by the absence of the mother? Is it true that one can have “no mother,” and, more to the point, not even have need of a mother? To ask such a question is not to deny that the fathers in this book have made great efforts to care for all the needs of their children. Rather, the question is deeper; it has to do with the origin of every child, and his relation to that point of origin, even when this is parceled out among more than one woman and a petri dish.

All of these men seek to mimic the fruitfulness of the traditional familial (man-woman) relationship. More to the point, the origin of every child remains inextricably bound to the coming together of a male and a female cell, and the sheltering home of a woman's uterus. The child thus bears a form in his coming into existence that two men alone (or two women alone) cannot generate. The child's existence speaks of a union that cannot exist between two fathers. David Strah, speaking of his own experience of becoming a father, seems to move in the direction of recognizing the child as a unique seal upon a couple's union: “It struck me then – it strikes me now – that this is the most powerful, most unbreakable bond two gay men can have. We can register as domestic partners, have civil union ceremonies, break up, buy and sell joint property, tussle over joint possessions. But this bond – being fathers to our children – is unbreakable, and it is forever” (p. 241)

The bond of parenting is unbreakable because the child's existence is one, and no divorce can divide the child. However, Strah falls short of recognizing the child as the sign of the existing bond of his union with his partner; instead, he sees the child as the source of that bond. The child unites the men in a common enterprise: “being fathers to our children.” But the child can simply never be the fruit of the union of two men in the same way that it is of a man and woman; they can never know that in this child is the surprising, gratuitous superabundance of the act of giving one's self away to another. Logically then, the bond is transferred to the act of being a father, and the child becomes a source of

union instead of the echo and confirmation of the union.

In such a situation the quality of parenting becomes paramount, for it is in the act of parenting that the union of the couple rests as well as the connection to the child. In this case, relations and bonds must be forged; they are not simple givens as in a biological relation. Without a doubt, one wishes that all children might have excellent parents, and certainly biological relation is not enough to ensure good parenting; nevertheless, good parenting alone cannot forge such a relationship.

Strah's comment further suggests that no matter what happens to him and his partner, even if they break up, they remain united in the child to whom they are both parents. It is well documented by the social sciences that children of divorce suffer serious consequences from the division of the two poles of their origin. Not only are they more likely to do poorly in school, suffer from depressions, act in more deviant and self-destructive ways, but also they particularly suffer when they move into adulthood and face questions of commitment. Similarly, the sufferings of adopted children are also well documented. Simply put, neither do as well as children raised within intact, biological families. The situations described in *Gay Dads* are without a doubt comparable to adoption, and quite possibly, in the case of surrogacy, comparable to a divorce, but a divorce inscribed at the very origin of one's existence.

The truth is, that Strah, and other men like him, do not really know the true effect of these alternative family structures upon the children they are raising. It simply is not justifiable to experiment upon the children to make the parents happier or less selfish or to give them the sense of an unbreakable bond. Any language of "the right to be a father" is completely out of place here, when becoming a father is tantamount to experimenting on a child. If obtaining a child is understood as the ultimate ratification of a lifestyle and a right, then parenting has become an exercise in self-affirmation and cannot but be abusive.

If Strah is correct that the form of the family is malleable according to one's election of who is and is not in one's family, there is no reason to limit the familial structure to that which is presented in the lives of the men in *Gay Dads*. Hence, a familial structure like that of Dawn Stefanowicz's family is also possible. In *Out From Under*, Stefanowicz tells the story of growing up as the daughter of a homosexual father. Her father could not be described as "out," nor could he be described as "closeted." Without ever directly acknowledging his manner of life, her father routinely offered a room in his home to his current boyfriend, and regularly socialized in the sexually active gay nightlife in her city, all the while remaining married to her mother and the father of three children. For Stefanowicz, this familial structure led to deep insecurities, fears, and pain that required many years of counseling and prayer to heal.

Stefanowicz does not describe horrendous physical or sexual abuse, so much as being neglected by parents who were absorbed more in the drama of their own lives and a home life without the security of any boundaries. The lack of these in her father's sexual life meant that the family life could be disrupted at any time to accommodate his whims and desires. Stefanowicz describes family "vacations" to gay resorts, or going cruising with her father in gay bars as a teenager. If the traditional form of the family falls, along with it fall the boundaries within which children have a sheltered space in which to grow and mature. As Stefanowicz's story shows, a world without boundaries is not a world of freedom, it is a place of terrifying vulnerability.

It very well might be the case that those who support gay parenting and marriage would be horrified by what happened to Stefanowicz. They might even see her story as the reason why gay parenting and marriage need to become a norm, so as to allow men like her father the freedom to live openly, avoiding such situations. However, it remains the case that in deconstructing the traditional form of the

family and the forms that have given human sexuality limiting boundaries, the pathway is open to constructing families on any model, and nothing either in theory or practice will caution against the choices of Stefanowicz's father, so long as the choices are his own. Strah presents a series of fathers in his book that are likable, the families are even appealing, approaching typical family life in many ways, and yet all along the principle being pushed claims that their need be no normal – what about one mom and two dads? Three dads?

Ultimately in our relativistic society, when speaking of families, the final arguments seem to rest with welfare of children. To a certain extent the welfare of the children can be measured – how they do in school, language skills, social skills, how they fare in adolescence, etc.... And despite the American Psychological Association announcing in 2005 that “Not a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents,” it is clear that social science has only begun to study this phenomenon and that there is *no scientific basis* upon which to make the claim that children who grow up in new familial structures fare as well as those in traditional families.[1] It is simply the case that the studies have not been done, and that further more, as Strah admits, the phenomenon of gay fathers seeking to obtain children is so new that finding a significant sample size for a study would be difficult. [2]

However, many things lie beyond the possibility of social researchers to measure. How can we measure the ramifications of being conceived within the intimate embrace of a man and woman who have irrevocably given the whole of their lives to each other, or, by contrast, in the absence of that embrace, separated from that originating relationship? There is, however, enough evidence of the pain that children who have lost their birth parents, who have been adopted, or who have lived through divorce, to call a halt to further unnecessary experimentation. In the face of a serious breakdown in the family, adoption is the attempt to salvage what one can. To create adoptive situations, to willfully break into pieces the origin of a child's existence, is thoughtless at best and selfish at worst.

NOTES

[1] An excellent evaluation of the APA's statement and its scientific grounding (or lack thereof) is found in the article “Same-sex parenting and children's outcomes: A closer examination of the American psychological association's brief on lesbian and gay parenting,” by Loren Marks, and can be found at <http://dx.doi.org/10.1016/j.ssresearch.2012.03.006>. As Marks makes clear, the APA relied on studies that generally compared lesbians and gay parents to single mothers; furthermore, none of the study's sample groups are statistically significant (the small sample groups were almost all taken from white, affluent lesbian populations; in addition, other authors have noted the difficulty in recruiting significant sample sizes) and could in no way provide general conclusions for the population at large. Furthermore, a significant number of studies focused on the parent's and not the children's welfare, and those that did focus on the welfare of the children relied on parental reporting. None of the studies focused on adult children. Marks goes on to argue that the APA's statement fails to follow its own guidelines for scientific, scholarly conclusions.

[2] Mark Regenerus has recently published the findings of the first-ever study involving a large probability sample (rather than a convenience sample) that compares adult children raised by homosexual parents to those raised by their biological families (the study also includes adopted children, divorced parents, step-parents, and single parents). Interestingly, Regenerus had difficulty finding families for the study that could be described as an intact gay family or intact lesbian family, indicating the difficulty in studying such a family. His work can be found at: <http://dx.doi.org/10.1016/j.ssresearch.2012.03.009>.

Marriage on Trial

JULIANA WEBER

Glenn and Maier Stanton, *Marriage on Trial* (Downers Grove, IL: InterVarsity Press, 2004).

Stanton and Maier deal sensitively with what is, obviously, a very personal topic: same-sex “marriage.” Their tone of compassion and empathetic concern is a refreshing one. Both sides of the issue would benefit from their example. Writing in a user-friendly Q&A format, they wrap up each section with “cheat sheets” to provide helpful summaries of their main points. The most interesting part of the book, however, may be the Appendix, which is an interview with two people who have overcome unwanted homosexual attractions and who discuss their experiences openly.

The authors’ main contention is that marriage is about more than personal fulfillment or “merely a sentimental relationship between two people” (p. 95), even though many heterosexual marriages treat it just that shallowly, as evidenced by the social experiment with divorce these past several decades. To the contrary, both “Love and commitment are necessary, but not sufficient to form a marriage” (p. 25). Natural marriage has more to do with socializing men, protecting women, and providing a mother and father to every child (p. 46). Men and women complete each other (p. 11), forming a whole from two parts (p. 25), and such complementarity is optimal both in parenting and in one’s own personal development. Since society has a stake in setting norms for sexual relations, leading respectful domestic lives, forming families, and raising children (p. 35), public laws may appropriately discriminate between types of relationships that should and should not be publicly supported.

There is little favorable research concerning parenting results for gay couples. The existing research shows similarities between children being raised by homosexual couples and children of divorce. The idea of same-sex “marriage” implies that gender is simply a matter of mechanics or body parts (pp. 55-7); that gay or straight lifestyles are merely options, of equal importance and value to society. Furthermore, if it is admitted as a fundamental human right, there really cannot be a religious exemption to it.

The book has other weaknesses. The correlations between marriage and mental, physical, and financial wellness, adduced in Chapter 8, are not enough to establish which is the cause and which the effect. It is interesting that the highest rates of mental disorder occur among divorcees, but perhaps mental illness makes couples more likely to divorce (p. 99). That would also explain why divorcees are worse off than widows (p. 100). Nor is it clear that social programs to promote marriage would necessarily also bear fruit in other areas.

Chapter 9 builds an argument based on the overwhelming body of evidence showing that children turn out best when they are raised by both biological parents. The authors argue that society has no reason to recognize those relationships which are incapable of producing children biologically related to both parents in the household. Infertile heterosexual couples remain the unmentioned elephant in the room throughout the chapter (addressed indirectly in Chapter 10, which discusses the complementarity of

sexual difference as fruitful in itself). However, it is noteworthy that step-parents pose a greater risk for child abuse than biological parents, and step-families may produce more emotional and behavioral problems in children than single-parent families. This research indicates that society could reasonably consider discouraging step-parenting in all forms. This would address certain kinds of artificial reproduction and the high divorce/ remarriage rate, in addition to the recognition of same sex "marriage." Disappointingly, the authors do not discuss, for example, the fact that children already given away to adoption fare better with non-biological parents than they would with no parents at all, but reasons to deny adoption rights to gay couples also arrive in the next chapter.

Chapter 10 addresses the complementarity of the sexes and how that contributes to the healthy parenting of healthy children. Calling motherly and fatherly love "qualitatively" different (p. 113), the authors list ways in which mothers and fathers create different experiences for their children (p. 114). Any list is prone to stereotyping, and perhaps everyone knows a couple that breaks the mold. Still, the stereotypes persist. Gender-based differences in styles of communication styles or discipline, and ways of thinking and acting, might just be indestructible and meaningful after all. This, it seems, is the most necessary chapter for the overall argument of the book, though it is one of the shortest.

Part of the reason that thinking about sex differences is so new, they argue, is that they used to be more obvious; that is, prior to the emergence of birth control pills. When childbearing became separated from marriage and abortion became widespread, the definition of marriage changed to one of "a private, expressive, emotional relationship between two people" (p. 123). Marriage was no longer perceived as a service to society, something meant to be productive in itself. The divorce revolution made even the marriage vow optional, with the excuse that healthier parents would naturally lead to healthier children – an excuse that "actually worked out far worse for both children and adults than anyone ever imagined" (p. 123). A man and a woman can complete one another, whereas same-sex relationships "can't provide the many dynamics humanity needs to live well and produce the next generation" (p. 126). We feel the difference when we are in a group of just men or just women; the dynamic changes when just one person of the opposite sex enters the room. "Ponder how deeply this absence would be felt in the smallness and intimacy of a family" (p. 127). The difference is real, and the complementarity it allows for "is what provides the rich positive benefits of marriage for adults, children and society" (emphasis removed, p. 127). This is for the sake not of religious exemption, but of a healthy society, the authors argue.

It is commonly argued that homosexuality is inborn and unchangeable, something akin to race or gender, because such an argument places gay rights in the context of race and gender equality, the authors note. Gay rights become another step in the march toward a free society coming into itself. Stanton and Maier challenge the studies that would support this argument. No replicable study has shown that homosexuality is determined by genes or biology (pp. 133-6), but there are some studies showing that particular kinds of family dynamics and sexual abuse are common among people with homosexual attractions (pp. 136-8). It appears that a complex interaction of factors, including genes and biology, psychology and social dynamics, contribute to sexual orientation (p. 138). Coupling this with a chapter on the abnormality of homosexuality (e.g., its high correlation with mental illness, drug abuse, and domestic violence even in so-called gay-friendly countries such as the Netherlands) strengthens the case against the legitimacy of a homosexual lifestyle (Chapter 13). Rather, sexual orientation can be flexible (unlike race or gender), and a substantial number of people who seek treatment for unwanted homosexual attractions achieve "much less depression" and "good heterosexual functioning" (p. 153). A strong minority of those with unwanted homosexual attractions are able to make a complete break from homosexual attractions (p. 153). The authors affirm that there are those with deep-seated homosexual tendencies, whose condition may be resistant to treatment (p. 151), but it does not follow

from this that homosexuality is inborn or unchangeable in the same way as race or gender. The appended interview explores the genesis (unmet needs, abuse, etc.) and decline (fulfillment of unmet needs, unconditional love, affirmation and acceptance) of those unwanted attractions in great personal detail (pp. 176-91).

Finally, the authors point out that it would be helpful if individual gay rights activists stopped pretending to speak for the group. There are those in the gay community who desire same sex "marriage"; but there are others who have no interest in it; and there are those who would like to validate many forms of relationships, marriage being only one such arrangement (pp. 157-65). There are also those in the gay community who reason (p. 167, emphasis original):

"that legalizing same sex marriage will ultimately harm all of us. And since Nathanson is gay, it's difficult to claim he's motivated by intolerance or homophobia. Quite to the contrary; he simply understands the importance of natural marriage and places *the greater good of society* above his own personal preferences."

Marriage and the Nation

MARY SHIVANANDAN

Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2002).

Nancy F. Cott is a distinguished historian, holding the Jonathan Trumbull Professorship of American History at Harvard University. She is also a strong proponent of gay marriage. The main theme of *Public Vows: A History of Marriage and the Nation* is that arguments from “tradition,” which insist that marriage is confined to a man and a woman, cannot stand against the argument from history – a history of change over time. She marshals an impressive array of historical data to show that change, in accordance with the equality principle at the heart of the American constitution, inevitably leads to recognizing equal rights to civil marriage of gay persons.

Professor Cott gave a virtual summary of her book as testimony in the suit *Perry vs. Schwarzenegger* in the US District Court of Northern California, which challenged Proposition 8. In her testimony and her book, she sets out to show that from the beginning of the settlement of North America by English colonists, legislators determined that marriage was a “civil thing,” because it dealt with matters of property. Even though most colonists held to the ideal of Christian monogamy, colonial legislators rejected religious authority over marriage. The State recognized marriages performed in a religious setting but no legality was conferred apart from the state. It was the state that set the terms of marriage, including who has a right to marry.

Chapter 1, entitled “An Archaeology of American Monogamy,” sums up Christian monogamy as resulting from “learned knowledge that deemed monogamy a God-given but also a civilized practice, a natural right that stemmed from a subterranean basis in natural law” (p. 9). This is the extent to which she accords any value to the Judeo-Christian “tradition” on marriage, which was worked out not just in a few centuries but millennia. Cott dismisses the salience of this view among the colonists, regarding it as the result of mere common sense. She cites Clifford Geertz’s definition of common sense as “what the mind filled with presuppositions concludes.” Cott further states that lifelong monogamous marriage is a minority view and practice among world cultures. (She might also note, but fails to, that no culture has ever endorsed gay marriage.)

There is, however, one element of Christian marriage which she acknowledges as crucial to her argument for same sex marriage: mutual consent. She deftly shows how closely tied were views on mutual consent between husband and wife and consent at the heart of a democratic polity. Regardless of whether Christians in the US lived their marital consent in a covenantal way, it was the contractual consent advocated by John Locke and other Enlightenment theorists that most deeply influenced the American revolutionaries. In subsequent chapters Cott shows how this worked to the detriment of Christian marriage. Nevertheless the emphasis on consent had an important bearing on the abolition of slavery and the restoration of the right of free slaves to marry – even if the achievement of these goals also required a dedication to the Christian vision of equality in the image of God.

A large part of the remainder of *Public Vows* details, on the one hand, the institution of laws both to criminalize interracial marriage and later to abrogate them. Cott observes that the “English colonies stand out as the first secular authorities to nullify and criminalize intermarriage on the basis of race or color designations” (p. 41). On the other hand, she details, in the name of increasing voluntary consent, the loosening of the marriage bond to give greater access to divorce and alternate sexual lifestyles such as co-habitation. “Monogamy had been the dividing line between sexual morality and immorality in the law for hundreds of years” (p. 196). In the mid 20th century, “liberty, privacy, consent, and freedom” became the hallmarks of marriage. These developments were greatly accelerated by the Supreme Court decisions expanding access to contraception and abortion. As the court stated in *Eisenstadt vs. Baird*, “The marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals each with a separate intellectual and emotional make-up” (p. 199).

Cott addresses another important theme in the history of modern marriage: the increasing independence of women from what is called “coverture,” by which the wife is seen as mainly an appendage of her husband and not a subject in her own right able to hold property in her name. The final chapter, “Marriage Revisited and Revised,” shows how women endorsed the contractual nature of marriage as a way of restructuring it to get rid of the inequalities built into “coverture.” Again *Eisenstadt vs. Baird* was pivotal. According to its equal-protection-under-the-law argument, “the law of marriage no longer gave bodily possession of the wife to her husband” (p. 211). At this point Cott speaks of a particular model of marriage as finally “disestablished.”

This model, in fact, ignores altogether the body of both husband and wife. In Christian marriage, the man and woman together pledge total, mutual exclusive consent to each other. This mutual surrender includes the gift and acceptance of fertility and those acts per se ordered to procreation. Only if the woman is accepted in the fullness of her personhood as woman, and the man as man, can a true equality exist, leading to communion. The false autonomy seized in contraceptive acts, which may initially flow from an act of consent colored by self-interest, actually results in the woman becoming an object of pleasure rather than a gift in the relationship. When the reality of the gendered body is ignored, potentially any relationship of self-interested pleasure can be justified.

With marriage shorn of its traditional covenantal content, why, Cott asks, does its appeal still persist? In her view, “The resiliency of belief in legal marriage as the destination of a love match and as a safe haven begs for explanation, even when hyperbole about love seems to demand none” (p. 225). It is in this social clinging to the superiority of legal marriage over comparable relationships, and the privileged status accorded it by government, that Cott sees the basis for calls to legalize same-sex “marriage”. Even though she states (with approval) that procreation never entered the legal definition of marriage, she might ask if the gendered body does not, indeed, play a fundamental role in the ordinary man and woman’s view of marriage, and might be preferable to a radically dualist restructuring of marriage today.

Through her meticulous scholarship – whether one agrees with her views or not – in *Public Vows: A History of Marriage and the Nation* Nancy Cott has provided an invaluable resource for anyone wishing to learn about the development of marriage law in the United States.

Restoring the Broken Image: Healing Homosexuality

ANDREW J. SODERGREN

Stanton L. and Yarhouse Jones, *Ex-Gays? A Longitudinal Study of Religiously Mediated Change in Sexual Orientation* (InterVarsity Press, 2007, 414 pages).

Mark A. Yarhouse, *Homosexuality and the Christian: A Guide for Parents, Pastors, and Friends* (Bethany House Press, 2010, 239 pages).

Joseph J. Nicolosi, *Shame and Attachment Loss: The Practical Work of Reparative Therapy* (InterVarsity Press, 2009, 474 pages).

It is difficult to think of a more contentious issue in today's culture than the "healing" of homosexuality. To even raise the question already invites dismissal from some segments of society as "homophobic hate speech." This is especially the case in the field of psychology, which happens to be the profession of the present reviewer. One unfortunate consequence of this cultural climate is the discouragement of true scholarship on the topic of healing homosexuality for those who seek to be free of this condition. Despite negative pressures and professional dangers, a few heroic psychologists have stepped up with the aim of honestly addressing the question of healing homosexuality from both academic and clinical perspectives. These courageous individuals include Mark Yarhouse, Stanton Jones, and Joseph Nicolosi, all of whom have authored recent, important works being reviewed in this essay.

Many readers of *Humanum* are likely aware of the controversial study by Robert Spitzer published in 2003 in the prestigious journal *Archives of Sexual Behavior*, addressing the question of whether some homosexual men and women can change their sexual orientation. Spitzer, it should be noted, was instrumental in the removal of homosexuality from the American Psychiatric Association's *Diagnostic and Statistical Manual*, Third Edition, in the 1970s. He was moved to conduct his 2003 study because of an experience he had in which he was confronted by protestors who claimed to have left homosexuality and embraced heterosexual identities and lifestyles. Curious of their claims, he decided to study the question of whether change of sexual orientation was possible, so he recruited and interviewed 200 men and women who claimed to have experienced some degree of change from homosexuality to heterosexuality. Based on his investigation, Spitzer found that approximately 66% of males and 44% of females in the study seemed to have achieved some measure of "good heterosexual functioning," though rates of complete reversal of sexual orientation were considerably lower.

Spitzer's study was highly publicized, praised, and condemned. After several years of rancorous discourse around his study, Spitzer issued a public statement in 2012 recanting it, stating that it was severely flawed, that he wished he had never published it, and that he believes homosexual people cannot and should not try to change their sexual orientation. To be sure, his study was very weak methodologically; even if it showed enough rigor that the *Archives of Sexual Behavior* accepted it for publication. Despite Spitzer's retraction, the findings, whatever their worth, still stand.

Many people are not aware of the fact that Spitzer's study was not the first – nor the last – study to examine whether or not homosexual people can change. There are many older studies published in the psychological literature reporting therapeutic change from homosexuality toward heterosexuality using a variety of strategies. Most of these are from decades ago, when such research was more acceptable in the field. Similar to Spitzer's, these earlier studies tended to suffer from severe methodological shortcomings. Despite these various published – though questionable – findings, the American Psychological Association as late as 2005 categorically proclaimed on its website that sexual orientation is not changeable. The APA went on to question the safety of attempts to change, strongly suggesting that attempts to do so are likely harmful to the homosexual person.

Enter Jones and Yarhouse. These evangelical Christian psychologists sought to conduct the first ever prospective, longitudinal study of adults attempting to change their sexual orientation by religious means. Specifically, they designed their study to answer two questions: (1) is homosexuality changeable, and (2) is the attempt to overcome homosexuality inherently harmful? They recruited 98 adults (72 men, 26 women) participating in the umbrella organization Exodus Ministries. All of these individuals were seeking to overcome homosexuality and achieve either chaste continence or healthy heterosexuality. Jones and Yarhouse utilized very rigorous assessment methods to gauge sexual identity, attraction, behavior, fantasy, and the like along with measures of psychological distress and pathology. These measures were utilized at the outset of the study (T1) and were repeated annually throughout the duration of the study (T2, T3, and so on). To date, they have published results regarding these longitudinal assessments 6-7 years (T6) after the start of the study.[1]

While Jones and Yarhouse's sample size is somewhat small by professional standards and has eroded over time (N=63 at T6), which is typical in longitudinal studies, their study design and rigorous, prospective assessments mean that this is the best attempt to date to study sexual orientation change. They found that over the course of study, on average, their sample experienced statistically significant change on various measures of sexual orientation away from homosexuality and toward heterosexuality. However, the overall magnitude of these changes was modest in size, suggesting more of a shifting along a continuum rather than a categorical change.

In addition to these “on average” findings of diminished homosexuality, Jones and Yarhouse tabulated rates of various outcome categories among their participants. Of their T6 sample 23% demonstrated “Success: Conversion.” These were individuals who established a fairly robust heterosexual identity and lifestyle. Another 30% achieved “Success: Chastity,” meaning that they were no longer acting out nor distressed by homosexual impulses but had not fully achieved a heterosexual identity and lifestyle. Sixteen percent (16%) had experienced some progress and were “Continuing” to pursue change but had not yet achieved either form of “success.” Another 7% were regarded as “Nonresponse,” meaning that they are continuing to pursue change but had not experienced any progress. Lastly, there were two “Failure” categories: “Failure: Confused” and “Failure: Gay Identity.” The former characterized people who experienced no change of orientation and gave up on the attempt to change but had not embraced a gay identity. This comprised 5% of the T6 participants. The latter (“Failure: Gay Identity”) comprised 20% of the T6 sample and was characterized by individuals who had given up on the attempt to change and embraced a gay identity.

In summary, of the 61 participants who remained in Jones and Yarhouse's study for the full six years, the sample as a whole showed statistically significant – though modest – change on several measures of sexual orientation away from homosexuality from T1 to T6. Further analysis showed that 53% achieved some version of “Success,” 25% resulted in either kind of “Failure,” with roughly 23% of the sample in between. As Jones and Yarhouse point out, rigorously documenting even one case of intentional sexual

orientation change would suffice to refute the APA's categorical statement that such change is impossible. They clearly have done more than that.

What of the question of psychological harm resulting from the attempt to change? Jones and Yarhouse used several measures of psychological distress at each time point over the six years of the study, including the SCL-90, a widely accepted measure in the field. Over the course of their study, Jones and Yarhouse found no change on most measures of distress, psychopathology, and well-being. In addition to the lack of any psychological deterioration, Jones and Yarhouse detected a statistically significant trend on two scales [2] of the SCL-90 in the direction of *improved* psychological health. In other words, on most measures there was no change regarding psychological distress, and on a couple of key indices, this sample seemed to get slightly *healthier* as a function of the efforts to change their homosexuality over a span of 6-7 years.[3]

Jones and Yarhouse's findings have received very little attention from the rest of the field of psychology. To be sure, there are limitations to their study, and much more research needs to be done. To their credit, in *Ex-Gays?* Jones and Yarhouse candidly discuss these limitations and arguments for and against dismissing their findings as well as provide great detail regarding each of the pivotal decisions required of them as they conducted the study. Regardless of whether the rest of the field of psychology takes notice, their achievement is a landmark one that hopefully will spark subsequent and even more rigorous attempts to study the healing of homosexuality.

As important as Jones and Yarhouse's study is, it gives little insight into what helps those who seek to heal homosexuality. The ministries involved under the Exodus umbrella use a variety of spiritual, educative, and therapeutic methods. As a result, Jones and Yarhouse do not offer any particular guidance in *Ex-Gays?* However, Yarhouse, in his book *Homosexuality and the Christian*, has offered a number of useful insights and much wise guidance for individuals struggling with homosexuality, their friends, families, spouses, and religious leaders. Yarhouse's tone is clearly of one who has personally known many such people and developed a deep respect for them. He is pastoral and gentle while at the same time faithfully presenting an up-to-date understanding of the scientific literature.

For instance, on the controversial issue of the sources or causes of homosexuality, Yarhouse reviews the major areas of the literature in a clear and accessible way for the lay reader. He discusses possible genetic factors, prenatal hormones and other biological contributions. He reviews the fraternal birth order effect, which, having been replicated in many studies, shows that on average male homosexuals tend to have more older brothers than male heterosexuals. Yarhouse discusses childhood gender nonconformity and how this has been linked with later homosexual tendencies. He also discusses the issue of childhood sexual experiences. As Yarhouse shows, the research literature has substantiated a large link between childhood sexual abuse and later homosexuality among males, but not all male homosexuals have had such experiences. The situation for females is more mixed. Lastly, he discusses various views on parent-child relationships and family dynamics. While this last topic is perhaps of the most interest to therapists and parents, the research is severely lacking. In the end, Yarhouse explains that we know a few things about the above factors, but the most faithful scientific answer to the question of what causes homosexuality is "we don't know."

As frustrating as the lack of hard scientific evidence is in explaining the development of homosexuality, Yarhouse does a wonderful job of pointing out a problem with the question of origins. He illustrates how many people – Christian, secular, or otherwise – tend to fall into the trap of "nothing-but-ism." In other words, homosexuality is caused by nothing but [fill in the blank]. Yarhouse rejects this kind of thinking as both inaccurate and unhelpful. He chides religious people who get fixated on this question

because they think it necessary to show that homosexuality is learned or chosen in order to uphold a moral conviction that the behavior is wrong. Rather, Yarhouse rightly shows that the moral question (e.g., are homosexual acts morally licit?) is distinct from the question of origin (e.g., where do homosexual tendencies come from?). Furthermore, he utilizes a Christian understanding of original sin (“the Fall” in his terms) to explain how people may come into the world with unchosen predispositions to engage in behavior that is contrary to God’s design. He considers homosexuality one such condition, and he shows great compassion for people who carry this burden.

Furthermore, in his discussion of the possibility of change, Yarhouse is very modest in explaining that change is possible for some, but likely not for all. Again, we are limited by our lack of understanding. Basing himself in the best psychological science, including the study by Jones and himself discussed above, Yarhouse concludes that with sustained effort and the right helps, some people can move along a continuum of decreasing their homosexual experience, but very few will fully emerge into a heterosexual identity and lifestyle. In his compassion and realism, Yarhouse seems to want to tell the struggling homosexual Christian that it may be possible to change if you want to try, but you need to accept the real possibility that these attractions may not go away. As a result, the Christian community is called to respond with realism, compassion, and acceptance.

Perhaps Yarhouse’s most helpful contribution is his “three-tier distinction.” Yarhouse distinguishes between three levels of homosexual phenomena: same-sex attraction, homosexual orientation, and gay identity. Same-sex attraction (SSA) is the most basic descriptive level of experience. Many people experience SSA some of the time. When a person consistently experiences SSA as the prominent way of being with others, then we can speak of it as an “orientation,” a persistent pattern of attraction. Yarhouse argues that people do not typically have a choice about what sort of attractions they experience and how those attractions cluster into an overall orientation. While some people can experience change at those levels through therapy or religious activities, many do not. However, Yarhouse argues that when we move from orientation to the level of identity, human freedom becomes much more explicitly involved. Identity is not a given, but is at least partly chosen. It entails a certain social status, values, and lifestyle choices.

Yarhouse seems to want to wake people up to the reality that even though they may experience SSA and/or are stuck with a homosexual orientation, they do not need to center their identity on this. He offers a helpful alternative to the cultural “gay script” that says that these attractions reveal your true self and that in order to be happy, one must identify with them, embrace them and live them out. Rather, Yarhouse suggests that SSA is but one element of a person’s experience, and each person can choose whether or not to center their identity and lifestyle around that experience. Instead of centering their identity on SSA, Yarhouse argues that people can establish their identities on other things such as their gender as a man or a woman, their spousal or familial roles, or their spirituality (e.g., a disciple of Christ). In so doing, such a person can learn to live with unwanted SSA with an attitude of acceptance while still embracing and pursuing more central values, such as their faith in Christ. Yarhouse goes on to apply this framework to numerous situations such as when a child, adolescent, young adult, or even a spouse announces a gay identity. Many will find his guidance extremely helpful.

What of those for whom living with SSA as a persistent feature of their lives is not adequate? After all, the Christian faith teaches that in the beginning it was not so, that man was created for woman and vice versa so that the two can become one flesh. For those individuals who struggle with SSA and desire a deeper level of healing, there exists a scattered network of reparative therapists. The leader of this movement is Joseph Nicolosi, whose writings on the subject have shaped the field and whose recent book *Shame and Attachment Loss* is the main textbook for the theory and technique of reparative

therapy. Nicolosi's goal is clear: to heal homosexuality and enhance heterosexual potential. While acknowledging that biology may play a role in predisposing certain people for developing SSA, he places greater emphasis on experiential factors, principally in the family of origin. His is the most detailed and nuanced theory regarding the development of male homosexuality. Drawing on attachment research, family systems theory, psychodynamic theory, and interpersonal neurobiology, Nicolosi provides a highly nuanced and plausible account of the development of male homosexuality.

Nicolosi regards homosexuality as a shame-based system. Because of problems in the family of origin – including the relationships with mother, father, and the marital relationship – the young boy experiences his attempts to individuate from his mother to bond with his father and thereby identify with his masculine role as failures. These failures are met with disapproval and disconnection, leaving the boy in a state of shame. Furthermore, he feels that this shame is somehow his fault, that it is a reflection of who he truly is. As a result, he gives up on this important developmental task and instead develops a “false self” such as the “nice little boy” in order to keep some semblance of an attachment to his parents alive.

Reparative therapy derives its name from Nicolosi's notion of homosexuality as a reparative drive. He theorizes that homosexuality is a maladaptive attempt to make up for the developmental failure described above and finally achieve a secure masculine identity and acceptance in the world of men. It is a striving to finally get it right and is most likely to arise when those early shame states are triggered in the adolescent or adult male's life. When this occurs, he is likely to feel depressed and worthless. Homosexual behavior then looms large as a shortcut to masculine identity and attachment security, but according to Nicolosi, it fails to deliver. Nicolosi's approach to therapy involves helping the individual experience and understand the underlying emotional states such as shame that drive his homosexual desires and behavior and gradually help him to see the futility in trying to fill up what was lacking in the family of origin through homosexual means. Rather he needs to stop defending against a deep sadness and despair about what should have been but what was not. In a word, he needs to *grieve*.

Through emotion-focused therapy, grief work, and resolving childhood traumas, Nicolosi aims to help his male patients more consistently achieve a healthy assertive stance in relating to others and experience truly intimate friendships. In doing so, the true self is restored and the false self abandoned. Gradually, the homosexual compulsion is weakened and a secure masculine identity is strengthened.

Nicolosi's work is masterful in terms of detail and clarity. He frequently draws on his 20+ years of treating male homosexuals by providing reflections from his patients and extensive transcripts from sessions to illustrate aspects of the theory and the therapy. While there is little published research to support his views or therapeutic strategies – a fact which, in the eyes of the psychological establishment, justifies their marginalization – Nicolosi has done a laudable job of developing the academic and clinical foundations of reparative therapy. They deserve study by any psychologist or other academic or professional motivated to understand how family experiences may contribute to the development of homosexuality, and how psychotherapy may help to resolve it for those who wish to be healed.

NOTES

[1] Their book *Ex-Gays* provides the most detailed account of the study, its conception, the participants, the methodology, and the results through T3. However, subsequent reports provide further results as the study has continued. Jones and Yarhouse's 2009 paper entitled “Ex Gays? An Extended Longitudinal Study of Attempted Religiously Mediated Change in Sexual Orientation,” given at the Sexual Orientation and Faith Tradition Symposium at the American Psychological Association Convention and available

online, reports findings through T6 as does their recently published article “A Longitudinal Study of Attempted Religiously Mediated Sexual Orientation Change,” which appeared in issue 37 of the *Journal of Sex & Marital Therapy*(pp. 404-27) in 2011.

[2] These two scales were the GSI (Global Symptom Index – a measure of overall distress) and the PSDI (Positive Symptom Distress Index – a measure of intensity of distress).

[3] Even though these data do not substantiate psychological harm as the rule for individuals who attempt to heal their homosexuality, it is still possible that some individuals may be harmed by their attempts to do so. Indeed, it is well known in psychology that some patients do not respond positively to psychotherapy, and indeed a small but significant portion tend to experience harm or deterioration due to therapy. Nonetheless, the psychological community has not reacted by universally banning psychotherapy because, when conducted well, it is helpful to the vast majority of people who participate in it. Indeed, Jones and Yarhouse (2011) are careful to point out that despite their findings of improved average psychological functioning among their participants, “We cannot conclude that particular individuals in this study were not harmed by their attempt to change, and those claims may be legitimate, but although it may be that the attempt to change orientation caused harm by its very nature, it may also be that the harm was caused by particular intervention methods that were inept, harsh, punitive, or otherwise ill-conceived, and not from the attempt to change itself. Our findings mitigate against any absolute claim that attempted change is likely to be harmful in and of itself” (*Journal of Sex and Marital Therapy*, 37, pp. 424-5).

For Those Who Believe in Rational Argument: In Memoriam John Harvey OSFS

PAUL D. SCALIA

John Harvey OSFS, *The Homosexual Person: New Thinking in Pastoral Care* (Ignatius Press, 1987).

John Harvey OSFS, *The Truth about Homosexuality: The Cry of the Faithful* (Ignatius Press, 1996).

John Harvey OSFS, *Homosexuality and the Catholic Church: Clear Answers to Difficult Questions* (Ascension Press, 2008).

Consider how swiftly American society has changed as regards homosexuality. The “Stonewall riots,” the touchstone and unofficial beginning of the gay rights movement, occurred in June 1969. Since then, the demands from the gay community have progressed from simple tolerance, to acceptance, to the right to marry, to now the silencing of any opposition as bigoted and “homophobic.” Those who once insisted on tolerance for their lifestyle will now tolerate no disagreement. Society now requires everyone’s approval of what not long ago was regarded as morally abhorrent.

In this radical transformation of society, one of the greatest casualties is the individual who experiences homosexual attractions but who desires to live chastity. He finds, on one hand, the homosexual community encouraging him to live out his sexual desires, to claim his gay identity, to embrace the lifestyle, and so on. Worse, even some in the Church will encourage him to do so. Unfortunately, among those to whom he turns for help, he may find insensitivity, ignorance, misunderstanding, or simply an unwillingness to help. This individual is caught in the crossfire of the broader battle. He suffers great loneliness and often despair in the face of a struggle that some see as futile and others ignore.

For over fifty years Father John Harvey, an Oblate of St Francis de Sales, worked with men and women in precisely this situation. In 1980 he founded Courage, the Catholic spiritual support group to help men and women with same-sex attractions live chastity. Well before founding the group he had already distinguished himself as a moral theologian. He had also been counseling same-sex attracted men and women for several decades.

Father Harvey came to the work of Courage, therefore, as a man of considerable wisdom and experience. His books reflect this. He does not write as a man who has only read and reasoned. He displays an integration of his deep intellectual learning with years of listening to and directing those with same-sex attractions. Through his reading and study he knew the truth about homosexuality from the outside. And through his years of directing souls beset by homosexual attractions, he knew it from the inside as well. He knew both the truth to be communicated and those who need to receive it.

Father Harvey possessed that rare quality of simplicity, which made his mind all the more able to grasp the truth about morality and about the human person. He saw things clearly because he accepted the Church's teaching plainly and did not clutter his mind with worldly sophistication and vanity. Only such a man could forthrightly and peacefully present his writings, as he put it, "for those who believe in rational argument" (*The Truth*, p. 125) – knowing full well that, although many will not accept it, he must try to reach those who will... or who might someday.

Father Harvey wrote three books on the issue of homosexuality: *The Homosexual Person*, *The Truth about Homosexuality*, and *Homosexuality and the Catholic Church*. No other works provide an authentically Catholic examination of the issue with such depth and breadth. He not only presents the Church's teaching clearly but also examines the opposition with notable accuracy and fairness. And yet for all that his tone always remains placid and serene, presenting challenging truths and engaging the opposition without rancor or bitterness.

One is also struck by the variety of angles from which Father Harvey examines the matter: moral, philosophical, theological, biblical, sociological, psychological, and political. He considers the origins of homosexuality, the possibility of change, the importance of friendships, the best kind of counseling, the meaning of chastity, and so on. Unlike many writers and speakers on this topic, he never falls into the trap of thinking that it can be flattened out and made a one-dimensional issue (e.g. "Love is love"... "Born this way," etc.). Good son of St Francis de Sales, he knows that the human heart is more complex than that.

Further, Father Harvey shows a remarkable ability to integrate what many others consider opposed: solid theology and genuine pastoral charity, sound spirituality and good psychology, fatherly love for those with homosexual tendencies and a strong (and just as fatherly) opposition to those who would lead souls astray. Again, by this integration – a truly *Catholic* quality – he reveals his grasp of both objective truth and the complexity of the human heart.

His books can appear somewhat dated. Each one is indeed something of a period piece. Such is an inevitable downside of writing in response to the demands of the day. Thus the older books contain sections that we might now consider irrelevant, and the last book addresses matters unanticipated years before (e.g. the danger of internet pornography). And yet this "dated" quality does have some benefit. The spacing of the books (about one every ten years) provides an historical survey of the issue. The first book came out just as AIDS was hitting society, and the most recent as same-sex "marriage" was gaining acceptance.

Ignorance of history is a great danger, on this matter as with any other. These books tell the story of how the Church has responded to the challenge of homosexuality and – just as important – what threatened (and threatens) the Church's teaching and ministry. They also reveal how the approach of Father Harvey and of Courage developed over the years. In the second and third books you will find him explaining a correction or refinement of his thought. And that development reveals again what a good thinker and director Father Harvey was – always self-correcting and refining his approach so as to wed the truth to the person.

Father Harvey's first book, *The Homosexual Person: New Thinking in Pastoral Care*, came out soon after the Congregation for the Doctrine of the Faith's *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*. The timing was merely coincidental. And yet the book serves as the perfect companion to the magisterial document. Father Harvey has a chapter examining the document and its attendant controversy. But more importantly, the other chapters examine in more depth the issues addressed by the document itself.

The book is dated in its treatment of certain dissenters from Catholic teaching. Thanks to the Congregation for the Doctrine of the Faith, the influence of dissenters and their apostolates (most notably Sister Jeannine Gramick and Father Robert Nugent of *New Ways Ministry*) have diminished in the intervening years. Which is not to say that dissenters have disappeared... but merely that they, like dissenters in every age, have simply become more nuanced and discreet. Father Harvey's examination of the dissenters (updated in his subsequent books) helps the reader understand and appreciate the constant threats to the truth... and therefore the need to be vigilant.

This exception aside, *The Homosexual Person* is remarkably prescient. To read Father Harvey's discussion of the gay rights movement and same-sex "marriage" in light of the past five years is shocking. Although little heard or read, he saw decades ago what we are now seeing fulfilled. The entire book anticipates the deep societal and pastoral challenges that most in the Church are only now coming to realize. After eight years of involvement in the work of *Courage*, I am amazed to find many of our current questions and challenges examined if not answered in this book.

In his second book, *The Truth about Homosexuality: the Cry of the Faithful*, Father Harvey both updates and deepens the work of the first. As the title indicates, he had come to realize the faithful's thirst for truth on this issue. He desired to make the insights – both theological and pastoral – accessible to more people and thus promote the assistance needed for people with same sex attractions and those who care for them.

The third book, *Homosexuality and the Catholic Church: Clear Answers to Difficult Questions*, differs from the first two. It has the same clarity as the others but is presented in question-and-answer format. In my opinion, this format does not fit Father Harvey's style. The questions seem too forced to fit the answers. Nevertheless, the book delivers what it promises: clear answers to difficult questions. It continues the updating ("so much has happened," he says in the intro) not only of the difficulties faced by the Church but also of best pastoral practices.

In these books Father Harvey repeatedly articulates and explains the principle that guided his work and the work of *Courage* – namely, the distinction between the person and his homosexual attractions or tendencies. Those who advocate the goodness of homosexual acts and lifestyle do so because they identify the *person* – always a good – with the homosexual inclinations. They therefore conclude that such inclinations must be good and so also, of course, the actions. Likewise, those who feel shame and loneliness do so precisely because they have come to identify themselves (their very *persons*) with their same-sex attractions, which they know (both intellectually and affectively) to be wrong. The work of *Courage* (and of the Church as a whole) turns on the person/attraction distinction. We can fairly summarize that work as distinguishing the person to be loved from the attractions to be resisted and even overcome.

In this regard we must note the unfortunate title *The Homosexual Person* (and therefore also the unfortunate title of the CDF document). In short, we should not predicate "homosexual" of any person. That does a disservice to the dignity of the human person by collapsing personhood into sexual inclinations. The chronology of the books helps us to see the development in this area of language. Indeed, the Church is still trying to find the right vocabulary to speak about this modern phenomenon. Thus in his last book, Father Harvey ceased using the term "homosexual" or "homosexual person." His thought and ministry brought him to realize that it is better to speak of someone with "same-sex attractions." Although lacking brevity and ease of speech, this phrase has the virtue of precision. It acknowledges both the person/attraction distinction and the complexity of the condition – not fairly summarized as an "orientation." Which brings us to another matter of vocabulary....

Father Harvey's use of the term "orientation" also underwent a deserved change. In his first two books we find the use of this word to describe homosexual inclinations or attractions. In the last book, however, he deliberately avoids it. This reflects the increased appreciation for the fact that homosexual tendencies (to use a term from magisterial documents), do not constitute a fixed, unchangeable aspect of the person and therefore should not be considered an "orientation." Further, the term does violence to a proper understanding of human sexuality. Either our sexuality is *oriented* in a certain direction (i.e. toward the one-flesh union of marriage), or it is not. We cannot speak of more than one sexual "orientation" any more than we can think of the sun rising in more than one place (i.e. the orient).

Indeed, one of Father Harvey's contributions is his discussion of the possibility for healing of homosexual attractions. He deftly navigates the extremes (on one hand, that change is impossible... on the other hand, that it is morally obligatory) to present the simple truth that many have found freedom, to varying degrees, from homosexual attractions. Thus we cannot speak of it as a fixed, unchangeable, unchanging "orientation." (For this reason also the Church made a similar correction in the second edition of the *Catechism*, removing unfortunate language that implied homosexuality is a fixed orientation.)

The confusion in the Church on the issue of homosexuality seems to be no less than in broader society. Many, if not most, Catholics cannot provide a reasoned and reasonable response to their inquirers or accusers. Father Harvey's books strengthen the ability of both clergy and laity to respond confidently to the questions and accusations they encounter. The subtitle of his second book – *The Cry of the Faithful* – really indicates what he sought to do in all of his books: to respond to the faithful's desire for truth. And so he does, using his intellect and his pastoral charity to bring forth the beauty and goodness of the Church's teaching.

Beyond Biology? Gay Parenting and the Conjugal Ideal

PAUL SULLINS

Henry Bos, *Parenting in Planned Lesbian Families* (Amsterdam University Press, 2004).

David M. and Pertman Brodzinsky, *Adoption by Lesbians and Gay Men: A New Dimension in Family Diversity* (New York: Oxford University Press, 2011).

Fiona and Bigner Tasker, *Gay and Lesbian Parenting: New Directions* (Binghamton, NY: Haworth Press, 2007).

Conjuality requires the joining of complementary sex organs by persons properly disposed to do so. Absent such con-joining (the root of con-jugal), according to most natural or religious accounts, men and women lack the particular character of relationship that is necessary for the mutual fulfillment of erotic love and – which is the point at issue in this review – optimal for the raising of children.

On this view, of course, homosexual partners, who lack conjuality, cannot raise children as competently as heterosexual partners who possess it. As a recent Catholic teaching document expresses: “the absence of sexual complementarity in [homosexual] unions creates obstacles in the normal development of children” such that “[a]llowing children to be adopted by persons living in such unions would actually mean doing violence to these children.” Moreover “the possibility of using recently discovered methods of artificial reproduction... does nothing to alter this inadequacy.” [1]

The three books reviewed here all take strong exception to this claim. In different ways each advances a rapidly-growing body of social science studies designed to show that there is no discernible difference in well-being between children raised by homosexual partners and those raised in heterosexual households. Together they offer about a dozen new studies and, in well-written review chapters, summarize the growing stream of several score empirical studies produced on this topic since the 1970s. With few exceptions, these studies follow a common form: each compares some set of homosexual families with a set of heterosexual ones on various measures of child adjustment or well-being, and offers the conclusion that there is no difference between the two sets of children.

Bos’s careful Dutch study (hereafter “B”) avoids overt policy claims; but not so the edited collections by Tasker and Bigner (hereafter “TB”) and Brodzinsky and Pertman (“BP”), which move quickly from research to advocacy. Both of these begin with a foreword by veteran gay researcher Susan Golombok which confidently asserts that “research on adoption and... on children born through assisted reproduction... shows that genetic relatedness to parents is less important for children’s psychological well-being than are positive family relationships” (BP, p. vi), and that “the presence of a father or heterosexual role models is not essential for children’s development,” nor does it matter “whether the mother is lesbian or heterosexual” (TB, p. xx).

For these researchers, any debate over biology and the family is over. BP declares: “We have moved from a view of the family in which structure is what matters – the presence of a mom, a dad, and their biological children – to a greater understanding of the importance of the quality of family relationships for children’s psychological well-being (p. vi). There is no attempt at even-handedness or objectivity in the face of this “unprecedented transformation” in Western family life.

In both TB and BP, as their subtitles suggest, there is a breathless sense of breaking new ground, overcoming prejudice and securing long-denied rights. TB begins with one of the editors describing his own experience coming out as a gay parent; BP concludes with several chapters advocating legal and policy reform, including best practices for gay-friendly adoption agencies.

Gay “marriage” and gay adoption are, of course, mutually reinforcing reforms (BP, p. 22), since if gays are raising children as well as straights, there is no conjugal advantage to heterosexual relationships to justify exclusively heterosexual marriage. Continued resistance to abandoning conjugal or natural biological relations in families is dismissed as lingering prejudice. Indeed, the research represented in these volumes has been widely accepted as definitive, and a basis for discontinuing social and legal restrictions on gay parenting, by most scholarly, legal and child welfare agencies.

Notwithstanding this wide cultural acceptance, from a perspective that takes conjugality seriously, and by the ordinary canons of scientific evidence, this research is deeply flawed. The remainder of this review will elaborate this claim by a close examination of some of the scientific deficiencies, then of the philosophical blind spots, evident in the literature presented in these volumes.

Science or Propaganda?

Despite the aforementioned endorsements, and its impressiveness to non-specialists, including many judges, this is not a serious body of scientific research. Its methodological flaws alone, detailed elsewhere,[2] preclude any claim of objectivity. Almost all included samples of gay parents are comprised of persons recruited from pro-gay parenting organizations or friendship networks (selection bias); are far too small for reliable statistical inference (generally fewer than 50 cases); and/or rely on parents’ self-assessment of their own parenting practices and children’s well-being (attribution bias). When one asks a small group of gay parenting advocates how their own children are faring, reasonable persons may be permitted to doubt the objectivity of the answer. Exclude these three sources of bias and ninety percent of this literature is eliminated. Exclude studies by researchers who are themselves gay, funded by a pro-gay-parenting organization, or have indicated a prior normative support for gay parenting, and there is nothing left.

The fact is that, despite dozens of studies announcing there is “no difference” in child outcomes, two serious limitations preclude credibility for such claims. First, a reliable inferential sample of gay fathers (as distinct from gay mothers) has yet to be produced. As the Henahan *et al.* chapter in TB notes: “Only one study since 1978 has recruited more than 40 gay fathers; all others used smaller samples.... the only empirical study to compare gay fathers with non-fathers sampled 30 gay fathers, all of whom were members of a Catholic parenting group.” Almost all the research on gay parenting, in other words, has examined lesbian parents. Studies that do include gay male parents, as well as a large body of research on heterosexual families, have found significant gender differences in parenting practices and experience. But study conclusions that do not examine gay males at all are routinely, and improperly, extended to gay male couples, stating “no differences” for children raised by “gay parents” or “GLBT parents.” Second, no research has followed child outcomes into adulthood. Almost all of the research examines children under age 12; very little looks at adolescents, and none at outcomes past age 25. Research on all types of families, for example divorced, single parent, or blended families, has found

that the effects on children of parenting and family form persist, often powerfully, well into early adulthood and throughout the life cycle. Yet whatever anyone can claim to know about the well-being or adjustment of children raised by homosexuals relates only to transient conditions during childhood. Despite repeated broad claims, we simply do not know what will be the effects on children of having homosexual parents.

Finally, this literature lacks a key feature of genuine scientific discourse: the willingness to disclose and honestly address opposing views and difficult facts.[3] All studies in this literature ignore basic facts which a reasonable person might find relevant to parenting effects, particularly adoption policy. Space permits only a few examples. Never mentioned is the well-attested fact that gay relationships are much less stable than heterosexual ones, even where social stigma for gay unions is lacking. For example, data on Scandinavian gay marriages, which have existed since 1989, show that lesbian marriages are more than twice as likely to end in divorce as are heterosexual marriages; nearly a third of lesbian marriages (but only one in eight conjugal marriages) in Scandinavia divorce within five years.[4] The fact that the US Centers for Disease Control report that nearly one in 5 gay males, versus less than one in 300 heterosexual males, are currently HIV-positive,[5] or that repeated research finds that intimate-partner violence and emotional abuse is twice (or more) as prevalent among gays as among heterosexual partners,[6] is not deemed relevant to parenting or adoption prospects in this research. Ignoring obvious difficulties such as these is a characteristic of propaganda, not genuine scientific discourse.

It is, of course, possible that these methodological weaknesses could be overcome in future research. A deeper problem is presented by the anti-conjugal assumptions that animate the composition of the research. These are not likely to change, as they express a more profound philosophical rejection of the human body and of the conjugal family that is pervasive in the culture from which this body of research springs. Due to their complex character, these assumptions are best made visible by means of a couple of extended examples.

Better Children through Planning

B, methodologically among the best studies in this literature, nonetheless illustrates the problem of pervasive and debilitating non-conjugal assumptions, in this case about wantedness and fertility. The author Henny Bos, a Dutch researcher, matched 100 lesbian couples who conceived through assisted reproduction with 100 heterosexual couples in order to compare their parenting characteristics and children's outcomes, a method that should magnify relevant differences between the two groups. The lesbian participants were chosen from population registers, not self-selected, and were matched with heterosexual couples virtually identical to them in socioeconomic characteristics and relationship duration or stability.

A central issue examined in this study is the motivation and desire to have children, "because the desire and motivation to have children are assumed to affect parenting and the parent-child relationship" (B, p. 9). Bos found that the lesbians planned and desired their children more intently than did heterosexual parents. On a 6-point scale measuring the intensity of desire for a child, lesbian biological mothers scored higher than heterosexual mothers by about a fifth (19.2%) and higher than fathers by over a quarter (28.6%).

The hypothesis here is that lesbians conceiving through assisted reproduction are likely to be even better parents than heterosexual couples because they are more invested in becoming parents in the first place. A related study co-authored by Bos explains that lesbian mothers using assisted reproduction have a

“commitment even before their offspring were born to be fully engaged in the process of parenting. During pregnancy, the prospective mothers took classes and formed support groups to learn about childrearing. They were actively involved in the education of their children and aspired to remain close to them, however unique their interests, orientations and preferences may be. To the extent that the [lesbian] mothers may have achieved this goal, numerous studies showed that having a satisfying relationship with one’s parents is associated with a more favorable adolescent adjustment.” [7]

Here the cultural norm of parental subjectivity is fully operationalized to the displacement of the body. In a culture where “wantedness” confers value on a child, lesbian children who, as the study’s title reflects, are all “planned,” are deemed likely to have better parenting than those of heterosexual partners, who are often not planned. The anti-conjugal implication is that assisted reproduction must be superior to sexual relations because in the former the child is more intently wanted. Humans often have sex, as we all know, for other reasons than a strong desire to produce a child.

Remarkably, the effect of assisted reproduction on intensity of desire is not taken into account for the heterosexual mothers, despite the fact that the study repeatedly acknowledges that, with respect to the very variables on which the author later finds differences, “lesbian women are in a situation comparable to that of infertile heterosexual couples” using assisted reproduction. Both lesbian couples and infertile heterosexual couples, the author notes, “have to go through a long and difficult process before they finally get pregnant, and the decision to have children is not taken easily,” hold “the expectation that parenthood would provide life-fulfillment [to be] considerably more important,” and “spend more time reflecting on their desire to have a child than fertile heterosexual couples do” (B, p. 45). Notwithstanding this, in assessing intensity of desire for a child, the study compares lesbians engaged in artificial reproduction, not with comparable heterosexual couples using assisted reproduction, but with heterosexual couples who conceived naturally. The result is that the central finding that there is a lesbian/heterosexual gap in desire for a child is rendered spurious, an artifact of this choice.

In a study so otherwise careful in its methods, this rather obvious weakness is never even acknowledged. The author seems blind to the problem. Like the emphasis on wantedness, this blind spot also reflects a larger cultural blindness about sex. By comparing lesbian and heterosexual mothers while ignoring the fact that the former are reproducing artificially while the latter are reproducing naturally, the methods employed in the study embody the assumption that will become the study’s conclusion, that sexual orientation is indifferent to fertility. On this view, the true distinction between persons is who they choose to have sex with, not whether they are able to beget children.

By contrast, a conjugal view affirms that fertility is not an added quality of human sex relations, but is intrinsic to them; and a lack of fertility is always to some extent tragic. Conjugal awareness thus subordinates human sexual relations to the possibility of offspring. Openness to a child unbidden – a prospect that no lesbian couple can face – is at the heart of conjugality. The entire relationship is shaped by that ideal possibility – is open to life – by dispositions to permanence, fidelity, and unreservedness, as expressed most clearly in the cultural norm of conjugal marriage. Such dispositions, as the coming of children themselves, do not restrict but rather enable sexual fulfillment.

Lesbianism and infertile heterosexual partners are similar, this study does not have the categories to see, because lesbianism is a form of voluntary infertility. From a conjugal point of view, it is not surprising that the intent to parent a child should be heightened among human mating partners who cannot conceive, or that lesbians should turn to artificial reproduction. Having sex that cannot produce children and begetting children without sex are twin behaviors, which both deny the intrinsic link

between sex and fertility.

In several other ways, the complications involved in lesbian planned reproduction, far from overcoming biological limitations, actually underscore the link between sex and biological fertility. Among lesbian couples, the conceiving “biological mother” is typically much more attached and invested in the child than is her partner, the “social mother.” The only difference, of course, is that the former is genetically related to the child. While biological mothers desire a child more intensely than do naturally-conceiving heterosexual mothers, social mothers do not. Throughout her study the author compares lesbian social mothers to heterosexual fathers, not to heterosexual mothers, an implicit acknowledgement that the lesbian partner relationships mirror in some ways those of genetic parents. In all respects in which the social mothers differ from the biological mothers, they do so in the direction of heterosexual fathers. But, while fathers are also less intensely desirous of children than are their partners, on most measures the difference between heterosexual mothers and fathers – both genetically related to the child – is much smaller than that between the lesbian partners.

At the most fundamental level, this study falsifies any claim of “no differences.” The very results designed to demonstrate no parenting deficits for gay parents cannot avoid underscoring the dramatic differences between gay and conjugal parents in which biology is clearly implicated. While dutifully reporting that the study found “no differences between the psychological adjustment of children in lesbian and those in heterosexual families”, the study concludes, surprisingly, that there are nonetheless very real, structural differences between heterosexual and lesbian families. In the words of the author: “In sum, the findings show that lesbian families differ from heterosexual families in several respects.... The observed differences do not originate solely from gender, the position of lesbian social mothers in society, and/or the absence or presence of a biological link. It is revealed that these variables create a different kind of family structure that has consequences for the quality of the parent-child relationship.”

Interchangeable Findings

In addition to assisted reproduction, gay couples also acquire children from one of two sources: a former heterosexual relationship, or by adoption. Gay adoption research, the focus of BP and a major theme of TB, consistently concludes that children adopted by gays, including gay males, show “no difference” in well-being compared to those adopted by heterosexual couples and, as aforementioned, calls for an array of supporting reforms moving beyond the biological family.

Underlying these global pronouncements is a startling paucity of actual information. To date there have been only two studies, using subjective measures with small non-random samples, of children adopted by gay couples. Conclusions on gay adoptions, therefore, are based on studies of the adjustment and outcomes, not of children adopted into gay families, but of the natural offspring of gay parents conceived in prior heterosexual relationships. This procedure is justifiable, indeed conceivable, only on assumptions that already reject the importance of conjugality in family relations.

A central chapter in BP by Patterson and Wainwright, two veteran gay parenting scholars, illustrates the problem. To examine the question, “Should the sexual orientation of prospective adoptive parents be considered as a factor when making placements of minor children into adoptive homes?” they adduce data from the National Longitudinal Study of Adolescent Health, a large and respectable government-funded body of data on adolescents (BP, p. 85). It certainly seems that this dataset could provide valuable information on the outcomes of children adopted by same-sex parents; except that we learn, as the article proceeds, that there are no such children. The authors found, out of over twelve thousand cases, only fifty-two adolescents raised in same-sex families. Only two of these were adopted;

just six were raised by male same-sex couples. Because two and six are far too few for statistical comparisons, these eight cases were excluded, and the authors proceeded to analyze, and draw conclusions for gay adoptions, from the remaining forty-four adolescents in gay households, none of whom were adopted and none of whom were being raised by gay males.

In any other area of social science, at this point the research effort would end for lack of evidence, with judgment on the underlying question being deferred until more information was available. But Patterson and Wainwright inform us that “data about the development of children who have been born to lesbian or gay parents and who are being reared by them” are “relevant” to the question of gay adoption (BP, p. 86). Quite how they are relevant is not made clear; what is clear is that the home experience of such children is not exactly comparable to adoption. At the time a child born to a gay parent was conceived, and in many cases for several formative years, the gay parent involved was in a heterosexual relationship, not a homosexual one; and all such children still have a noncustodial heterosexual parent who contributes to the childrearing situation and typically provides additional financial resources. These factors cannot be present in any adoption by two homosexual partners. To say that the experience of these children is relevant to those adopted by gay partners is like saying we can assess the outcomes of heterosexually-adopted children by looking at step-parent families instead of at adopted children.

The authors’ judgment that parenting outcomes are transferable between these two types of relationships which are structurally very different leads directly to their conclusion, which is that sexual orientation does not matter for child well-being, since the prior judgment precludes consideration of some important ways in which it might matter. Both judgment and conclusion reflect the assumption, universal in this research, that persons in family roles are fundamentally interchangeable by such biological matters as gender, sexual orientation and (in this case) genetic relatedness. This denial of the body is to some extent self-fulfilling in the celebrated diversity of family forms that devolve from the conjugal ideal.

Conjuality and Human Diversity

Sexual complementarity proposes, at minimum, a lower limit to the interchangeability of parents. If humans are not complementary by sex, then many types of family arrangement are possible; if they are complementary, then family types are much more limited; and to the extent that complementarity does not merely affirm the binary character of the sexes, but is a condition for expressing other levels of human uniqueness and irreplaceable worth, the range of acceptable family types becomes even more limited. If sexual difference “goes all the way down” in human ontology, then there can be only one proper family type. Many shapes can be constructed from the rearrangement of uniform blocks; but a puzzle with many unique pieces has only one solution.

To the extent humans are interchangeable in sexual and family roles, it matters little whether a child has two mommies or two daddies, or for that matter whether her parents are permanently committed, change partners or she changes parents. In past decades, in fact, all of these claims have been put forward at one time or another. Research has demonstrated definitively that impermanency (cohabitation), changing partners (divorce), and changing parents (remarriage or step-parenting) all inhibit the child’s well-being when compared to conjugal marriages. It is likely, though we do not yet know for sure, that the same will be true of single-sex partners.

The fundamental flaw, not just of the particular studies reviewed, but of the entire body of gay parenting research, is its blindness to conjuality. The cause of this blindness may be philosophical, but the result is expressed in a very practical effect. Remarkably, despite (or perhaps because of) the fact

that in virtually every study ever performed on families a strong, stable marriage has been found to be the most powerful predictor of child well-being, not one study of gay and heterosexual parents has yet separated out married heterosexual couples from the rest. “Homosexual” families are simply compared with “heterosexual” ones – lumping together married, cohabiting, blended, and sometimes even single parents – to conclude that there is “no difference” in child outcomes. Gay parenting appears to make “no difference” for children only because the culture in which the practice is now increasingly approved has lost sight of what the difference that it makes may be.

This confused procedure, ironically, establishes beyond doubt that there are substantial differences in child outcomes between gay families and married ones, because we already know that there are significant differences in child outcomes between married families and other non-conjugal heterosexual family types. That gay parents raise children that are “no different” from most heterosexual partners doesn’t demonstrate the adequacy of gay parenting, but simply confirms the deficiency of most heterosexual pairings, which have long ago left behind the outdated and restrictive notion of conjugality. In a world where most children are raised in relationships that are already conjugally deficient, it may well be that having homosexual parents does no further or greater damage. The question in confronting gay parenting is not simply whether gay parents are acceptable, but whether such a world is acceptable.

NOTES

[1] Joseph Ratzinger and Angelo Amato, *Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons* (Congregation for the Doctrine of the Faith, 2003), sec. 7.

[2] Lynn D. Wardle, “A Response to the ‘Conservative Case’ for Same-Sex Marriage: Same-Sex Marriage and ‘the Tragedy of the Commons,’” *BYU Journal of Public Law* 22: 2 (January 2008), pp. 441–74; Wardle, “The Potential Impact of Homosexual Parenting on Children,” and cf. Carlos A. Ball and Janice Farrell Pea, “Warring with Wardle: Morality, Social Science, and Gay and Lesbian Parents,” *University of Illinois Law Review* (1998), p. 253.

[3] Wardle, “The Potential Impact of Homosexual Parenting on Children,” p. 838, similarly notes that “the willingness to honestly state opposing positions, to meet those arguments directly, and commitment to the fair-and-vigorous-exchange-of-informed-opinions ideal of... scholarship is generally absent from most of the current law review literature addressing same-sex marriage and homosexual parenting.”

[4] Gunnar Andersson et al., “The Demographics of Same-Sex Marriages in Norway and Sweden,” *Demography* 43: 1 (February 2006), pp. 79–98.

[5] U.S. Centers for Disease Control and Prevention (CDC), “HIV Surveillance – United States, 1981-2008,” (n.d.), <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6021a2.htm>.

[6] Government of Canada, “Measuring Violence Against Women: Statistical Trends 2006,” *Statistics Canada Catalogue* no. 85-570-XIE (2006), p. 39; Susan C. Turell, “A Descriptive Analysis of Same-Sex Relationship Violence for a Diverse Sample,” *Journal of Family Violence* 15: 3 (2000), pp. 281–93; “Silence Ending About Abuse in Gay Relationships – New York Times,” *New York Times* (November 6, 2000), <http://www.nytimes.com/2000/11/06/us/silence-ending-about-abuse-in-gay-relationships.html?pagewanted=all&src=pm>.

[7] N. Gartrell and H. Bos, “US National Longitudinal Lesbian Family Study: Psychological Adjustment of

17-Year-Old Adolescents,” *Pediatrics* 126:1 (June 7, 2010), pp. 33–4.

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

DANIEL MEOLA

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

Robert P. and Elstain George, *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.

Editorial: Same-Sex Unions and Marriage

STRATFORD CALDECOTT

The present issue is perhaps the most contentious we have yet published, for the topic of homosexuality seems to divide Christians even more than divorce or artificial reproductive technology. This can be seen from the very fact that for the first time we have approached potential reviewers only to be told that they were afraid to publish a review on this topic because it might put their academic positions in jeopardy. That is a serious matter, and worthy of reflection.

John Haldane, Britain's foremost Catholic analytic philosopher who teaches in Scotland, argued in *Nova et Vetera* recently [English Edition, Vol. 10, No. 3 (2012), pp. 649–55] that “marriage exists for the sake of making and maintaining family life, the roots of which lie in natural complementarities: in male and female of the species joining together one-to-one, with the intention of creating another. That other, or others, born of the fusion of their parents' diverse identities thereby extend a union of two, to a community of several. Marriage recognizes, celebrates, and protects this basic source of human society.” If the legal definition is changed, as proponents of same-sex “marriage” insist, that will no longer be the case.

Without dwelling on the political aspects of the current situation, and without anticipating too much what is said in our major “systematic” article by David Crawford (who has also written an important article in *Communio* on this topic), I want to try to put my finger on the nerve we are touching in this issue with a few brief comments. Other useful articles are listed in a footnote.[1]

The question of same-sex unions and the related one of gay “marriage” (now legalized in many states and at least eleven nations) penetrates to the heart of the anthropology to which the Pope John Paul II Institute for Studies on Marriage and Family is committed. The word “marriage” is placed in inverted commas here to indicate that, in our view, a gay union, no matter how solemnized, does not fit within the definition of marriage accepted by the Church and until recently by civil society. Furthermore, we believe that this definition is no mere social convention but has an ontological foundation in human nature. The second claim is harder to make these days, when ontology has been called into question. Nevertheless, the Church tells us we are alive for a reason, and furthermore we are *male and female* for a reason, a reason most fully revealed by the sacrament of marriage.

The focus in *Humanum* as we consider these matters, especially in this year we have devoted to the question of origins, must not neglect the impact of gay parenting on the child. We are concerned with what cannot be negotiated in the origin of a human being (in this case “the unity of the two,” with emphasis on the *two*). Looked at through that lens, the image is clearer still. One would expect, given the political intensity of the debate and the bias of researchers, evidence of the effects on children of being brought up by gay parents to be often unreliable. Several of the reviews in this issue show that this is the case, although the question is hotly debated. In any case, to the extent gay marriage is a new phenomenon, proper sociological studies of its results will not be available for several generations. But as in the case of divorce, we may already appeal to a fundamental principle, namely the fact that a person's sense of his own identity is largely formed in relation to the parents, by example and through education. We spoke in the previous issue of an “ontological wound” reported by children of divorced parents. A similar wound may be suffered by those orphaned when they were very young, or brought

up by a gay couple without the added richness of knowing a mother or father.

The added dangers in the latter case include the fact that not only is the child deprived of something concrete,[2] but another and untried model of child-rearing and of living intimately together has been imposed upon him. Furthermore it may be difficult for the child subsequently to admit any problems or difficulty with this experience, not for political reasons but because to do so would offend and hurt those who love and care for him. Just as the child of divorce may be forced to “take sides,” or finds his identity divided between the parents, so the child of a same-sex union may be forced to serve as the “mirror” in which the two parents seek to contemplate themselves. The child is not (in his origin) a living communion of the two with the Holy Spirit in one flesh, but has been co-opted to play that role – a burden that may prove to be too great to bear.

In memoriam

Finally, it is a year since the death of Father John Harvey on December 27, 2011, whose books are reviewed in this issue. Father Harvey was the founder in 1980 of Courage. A ministry of the Archdiocese of New York for men and women experiencing same-sex attraction and wishing to live by the Catholic teaching on chastity, Courage grew into an apostolate with support groups in 13 countries. Father Harvey directed it with gentleness and wisdom until the age of 90, and his work continues under Father Paul Check.

Stratford Caldecott
November 2012

COMING UP IN OUR WINTER ISSUE: ABSENT FATHERS

NOTE

[1] There are many other interesting articles on this topic available online. An article in the March issue of *Pediatrics* argues in favor of same-sex marriage. Here is a round-up of the best articles *against* that position that have come to my attention:

David L. Schindler in *Communio*, "Regarding Legal Recognition of Same-Sex Unions"

Francis Cardinal George OMI, "What's At Stake?"

John Milbank, "Gay Marriage and Future of Human Sexuality"

Andrew M. Sodergren, "Causes of Homosexuality: A Christian Appraisal"

Douglas Farrow, "Why Fight Same-Sex Marriage?"

Carolyn Moynihan, "If Two Lesbians, Why Not Two Sisters?"

Robert R. Reilly, "What Would the Greeks Have Thought of Gay Marriage?"

Joan Frawley Desmond, "The Preservation of Marriage: A Battle Worth Fighting"

Robert R. Reilly, "The Road to Same-Sex Marriage Was Paved by Rousseau"

This list will be updated from time to time.

[2] Since father and mother reveal different and complementary aspects of the divine image to the

child, a child deprived of either or both is at a disadvantage in terms of his knowledge of God – which is not to say that the deficit may not in some ways be compensated for, or that the argument is weakened to the extent we accept the popular view that sexual differences are largely cultural and conventional.

