



How Does Legalizing “Same-Sex Marriage” Deny the True Nature of Marriage?

The Situation

- Catholic belief and teaching stands opposed to same-sex unions being granted the social, legal, and moral equivalency of marriage. Only marriage is the union of one man and one woman joined in an exclusive, faithful, permanent partnership of life and love.
- Some people believe that the Catholic position is based upon hostility toward homosexual persons. This is not true. Catholic teaching is based on the true nature of marriage that is discoverable by human reason. This truth is confirmed by divine Revelation in Sacred Scripture.
- Supporters of “same-sex marriage” make three claims about marriage, either implicitly or explicitly, that contradict the true nature of marriage and are in fact destructive of it.
- Three claims have become clear from recent court decisions. Judges who support “same-sex marriage” have articulated these new and disturbing views that can both reflect and shape public opinion.

Legal Arguments and Church Teaching

- Claim #1: Marriage is an institution “owned” by the state, which creates it and can therefore change it at will.
Argument Pro:
The majority in the *Goodridge v. Massachusetts* case, 798 N.E. 2nd 941, stated: “we begin by considering the nature of civil marriage itself. Simply put, the government creates civil marriage. In Massachusetts, civil marriage is, and since pre-Colonial days has been, precisely what its name implies: a wholly secular institution.” The dissenting opinion in *Hernandez v. Robles* repeated this same theme: “Civil marriage is an institution created by the state. As the institution of marriage has been redefined within modern American society, the law has adjusted accordingly....It is fair to say that both the law and the population generally now view marriage, at least in the abstract ideal, as a partnership of equals with equal rights...founded upon shared intimacy and mutual financial and emotional support....In the face of such a widely held view, the gender of the two partners to a marriage is no longer critical to its definition.” (2005 Slip Op 09436, p. 34).
Argument Contra:
The Supreme Court expressed itself in *Murphy v. Ramsey*: “[N]o legislation can be supposed more wholesome and necessary in the founding of a free, self-governing commonwealth, fit to take [its] rank as one of the coordinate States of the Union, than that which seeks to establish it on the basis of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony.” 114 U.S. 15, 45 (1885).
Church Teaching:
“The intimate community of life and love which constitutes the married state has been established by the Creator and endowed by him with its own proper laws....” (*Constitution on the Church in the Modern World* #48)
“The vocation to marriage is written in the very nature of man and woman as they come from the hand of the Creator. Marriage is not a purely human institution despite the many variations it may have undergone through the centuries in different cultures, social structures, and spiritual attitudes.” (*Catechism of the Catholic Church* #1603)
“Marriage is a basic human and social institution. Though it is regulated by civil laws and church laws, it did not originate either from the church or the state, but from God. Therefore, neither church nor state can alter the basic meaning and structure of marriage.” (*U.S. Catholic Bishops, Between Man and Woman: Questions and Answers About Marriage and Same-Sex Unions*)
- Claim #2: Children are not a primary good or essential purpose of marriage.
Argument Pro:
The *Goodridge* court explicitly denied a state interest in linking procreation and marriage: “[I]t is the exclusive

and permanent commitment of the marriage partners to one another, not the begetting of children, that is the sine qua non of civil marriage.” P. 961.

Goodridge also professed state neutrality about various possible settings for procreation: “It is hardly surprising that civil marriage developed historically as a means to regulate heterosexual conduct and to promote child rearing, because until very recently, unassisted heterosexual relations were the only means short of adoption by which children could come into the world...But it is circular reasoning, not analysis, to maintain that marriage must remain a heterosexual institution because that is what it historically has been.” P. 961, n. 23.

Argument Contra:

In *Skinner v. Oklahoma* the Supreme Court stated: “Marriage and procreation are fundamental to the very existence and survival of the race.” 316 U.S. 535, 541 (1942).

Church Teaching:

“By its very nature the institution of marriage and married love is ordered to the procreation and education of the offspring and it is in them that it finds its crowning glory.” (*Constitution on the Church in the Modern World* #48)

“Thus the couple, while giving themselves to one another, give not just themselves but also the reality of children, who are a living reflection of their love, a permanent sign of conjugal unity and a living and inseparable synthesis of their being a father and a mother.” (*Familiaris Consortio* #14)

- Claim #3: Marriage is solely an emotional and practical alliance between two adults.

Argument Pro:

The *Goodridge* majority insisted that marriage is really about individual rights, not even the rights of couples: “The [state] argues that this case concerns the rights of couples...not the rights of individuals. This is incorrect. The rights implicated in this case are at the core of individual privacy and autonomy.” *Goodridge* at 957, n. 15. Quoting the Vermont State Supreme Court opinion that demanded that the state allow either same-sex marriage or civil unions for homosexual persons, the *Goodridge* court also said: “Without the right...to choose to marry – one is excluded from the full range of human experience and denied full protection of the laws for one’s ‘avowed commitment to an intimate and lasting human relationship.’” *Goodridge* at 957, quoting *Baker v. State*, at 229.

Argument Contra:

The U.S. Supreme Court has traditionally viewed marriage, not as a vehicle for satisfying the adult couple or individuals, but as “the foundation of the family and of society, without which there would be neither civilization nor progress.” *Maynard v. Hill* 125 U.S. 190, 211 (1888).

The majority in the New York decision refusing to legalize same-sex marriage affirmed the primary thrust of marriage laws: “Marriage laws are not primarily about adult needs for official recognition and support, but about the well-being of children and society....” *Hernandez v. Robles* (2005 Slip Op 09436, at 8).

Church Teaching:

“For God himself is the author of marriage and has endowed it with various values and purposes: all of which have a very important bearing on the continuation of the human race, on the personal development and eternal destiny of every member of the family, on the dignity, stability, peace, and prosperity of the family and of the whole human race.” (*Constitution on the Church in the Modern World* #48).

“Fruitful married love expresses itself in serving life in many ways. Of these ways, begetting and educating children are the most immediate, specific and irreplaceable. In fact, every act of true love toward a human being bears witness to and perfects the spiritual fecundity of the family, since it is an act of obedience to the deep inner dynamism of love as self-giving to others.” (*Familiaris Consortio* #41).

Conclusion

Today’s debate about same-sex marriage is occurring within a larger environment that increasingly understands marriage as a privatized relationship not oriented toward children or connected with the community and that is primarily focused on adult fulfillment. Recent court decisions have advanced claims about marriage that are helping to create a crisis of meaning and also promoting an acceptance of same-sex marriage. The Church’s teaching, rooted in natural law and faithful to divine revelation, must be shared more effectively if the true nature of marriage is to be protected and its fundamental value is to be promoted.

<http://www.usccb.org/laity/marriage/samesexeng.shtml>