

# The Case Against Same-Sex Marriage. Part Two

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## Abstract

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My first article explored the context and the broader matters that shape the same-sex marriage debate. Within this article, I will start to provide the sort of detailed comparison of conventional and same-sex marriage that I believe that this debate demands of us. The broader significance of the gender stipulation will be demonstrated, and the scope of the reinvention of marriage that same-sex marriage expects of us will be revealed.

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## Where the Difference Lies

### Sexual and Gender Difference

#### *Gender, Identity, and Society*

It is commonly supposed that the only purpose that the gender stipulation in marriage might serve relates to procreation. As many married couples don't have biological children, same-sex marriage advocates will tend to dismiss this stipulation as arbitrary and unduly restrictive. This claim was contested in the previous article, but now we must go further. The impression that this claim gives us is that, in

the absence of reproduction, same-sex partnerships can be seen to be interchangeable with conventional marriages. This must also be disputed.

Gender is one of our most fundamental personal attributes. We are born with sexed bodies, and from the very earliest moments of our existence this biological fact is given cultural and personal significance. In innumerable ways, throughout our lives, we are wrapped into cultural narratives and conventions of gender, which negotiate, interpret, engage with, and give significance to the differences between our sexed bodies. Many of these conventions may be entirely arbitrary—e.g. boys in blue, girls in pink—while some others relate more closely to phenomenological differences that generally follow from the differing physiological, psychological, and behavioural tendencies of male and female constitutions. While it is popular to regard gender as almost entirely conventional and arbitrary (for instance, observing that variations between the sexes in many areas can be less pronounced than variation within each of the sexes), the combination of many areas of (often slight) difference render sexual difference a matter of significance, especially as these differences are expressed on a society-wide level.<sup>1</sup> The claim that gender is completely malleable and in no sense rooted in biological realities is widely contradicted by research and experience.<sup>2</sup>

Gender is one of the most primary and inescapable facts of our personal and cultural existence. In gender, sex becomes far more than just a fact about our physical bodies, but becomes related to who we are as persons, the means by which we humanize the physical fact of our sex. Gender is a central aspect of our personal identity; it is 'a result of the social process which transfigures us from animal to person.'<sup>3</sup> Roger Scruton writes:

Your own gender, which is part of your habit of self-identification, is experienced as through and through familiar to you. It has a first-person presence in you, and its inner workings are appropriated by

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<sup>1</sup> This said, it is always salutary to be reminded that as human persons we are far more alike than we could ever differ. It can be extremely unhelpful to think of the other sex as if it were truly the 'opposite' of ours.

<sup>2</sup> See, for instance, Paul R. McHugh, *The Mind Has Mountains: Reflections on Society and Psychiatry* (Baltimore, MD: John Hopkins University, 2006), 220-228.

<sup>3</sup> Roger Scruton, *Sexual Desire* (London: Continuum, 2006), 268.

your first-person perspective. You act, feel and respond as a woman or as a man.<sup>4</sup>

Thinking of ourselves in terms of gender is practically inescapable. I do not regard myself as an unsexed person, who happens to have a male body, but as a man. 'I think, not of my body, but of *myself*, as being of a certain sexual kind.'<sup>5</sup>

The significance of sex and gender extends beyond concerns of self-identification. It shapes society as a whole. Certain norms and patterns of behaviour accompany one's gender identity. Our own self-identification with our sex and gender establishes a relationship between us and all others who share our gender and sexual identity. In our experience of ourselves as subjects we share something important in common. Our experience of selfhood is not of something formless and completely malleable, but of something shaped by realities of our nature that are also experienced by other human beings, and most especially by those of our own sex.

### *Relating the Genders*

Our self-identification with our own sex, and of members of the other sex with theirs, divides the human race into two discernible halves. The relationship between the genders will consequently always be a significant dimension of society's existence, with considerable bearing on the health and future of a social order. A society in which the genders are indifferent to or warring against each other is a society that lacks the cooperation that it requires in order to flourish.

The institution of monogamous marriage is structured in a manner that carefully negotiates the reality of sexual difference, relating the sexes together in lasting bonds. Although most men and women would come together on occasions for copulation, irrespective of whether the institution of marriage existed, marriage exists to motivate them to remain with each other and cooperate in the task of

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<sup>4</sup> Scruton, *Sexual Desire*, 306.

<sup>5</sup> Scruton, *Sexual Desire*, 274.

societal and cultural formation.<sup>6</sup>

Marriage does not merely exist to privilege reproductive forms of sexual relationships over essentially sterile forms: it also exists to privilege committed relationships that cross the gender divide over those that don't. In this sense it is undoubtedly 'heteronormative'.<sup>7</sup> The institution of marriage stands against the notion that homosexual relationships are of equal social significance to heterosexual relationships, even when those heterosexual relationships are non-reproductive.

The humane curbing of a dominance model of sexual partnerships to favour the lifelong, loving monogamous binding of a man and a woman in marriage—one of the greatest but most difficult (and uncompleted) achievements of civilization—is unsettled and threatened by same-sex marriage, which removes the requirement of the balance of the sexes in marriage. When society's central institution of marriage no longer establishes the value of balance, cooperation, and mutuality between the sexes as integral to its meaning, but legitimizes unions of two men or two women as equal to that of a husband and wife, male identity and female identity slowly become disentangled from each other and are more likely to be locked in struggles for dominance. This can already be seen in the strong connection between feminism and lesbianism, which has frequently been seen as an expression of the separatist claim that women don't need men.<sup>8</sup> It is also to be seen in situations where homosexual practice has been employed to shore up male identity and power against women, or establish male solidarity in the absence of women.<sup>9</sup>

The gains of monogamy are not merely compromised by polygamy or polyamory, but also by same-sex marriage. Monogamy is not solely or primarily concerned with the inviolability and exclusivity of the romantic and companionate attachment to a single sexual partner, but is chiefly based upon the realities of gender

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<sup>6</sup> Katherine K. Young and Paul Nathanson, 'The Future of an Experiment', in *Divorcing Marriage: Unveiling the Dangers in Canada's New Social Experiment*, ed. Daniel Cere and Douglas Farrow (London: McGill-Queen's, 2004): 41-62, at 47.

<sup>7</sup> Young and Nathanson, 'Future of an Experiment', 47.

<sup>8</sup> David F. Greenberg, *The Construction of Homosexuality* (London: University of Chicago, 1990), 462.

<sup>9</sup> Greenberg, *Construction of Homosexuality*, 37-39, 106-110.

difference, sexual dimorphism, reproductive pairing, and biological parenthood. Absent these realities, and monogamy loses most of its rationale. Recognizing same-sex partnerships as marriages goes beyond marginalizing these realities to undermine or deny their significance, attacking the very things that monogamy seeks to protect.

Monogamy serves to defuse the war of the sexes, idealizing a close and lasting bond between the sexes and fostering the equality of love that arises from that. It undermines masculinities and femininities that elevate same-sex relationships, sexual or non-sexual, to the level of the primary inclusive bond between the sexes. The relationship of balanced mutuality enshrined in monogamous marriages that include both sexes is threatened by a society that gives homosexual relationships equal status. In claiming that same-sex relationships are commensurable with relationships between a man and a woman, we fail both to give true significance to the importance of relationships that establish deep and permanent bonds across the gender divide and to highlight the explicitly binary character of the reproductive and parental pair.<sup>10</sup>

The institution of marriage also provides norms for relationships between the sexes more generally, not solely between marriage and potential marriage partners. Through the committed bonds of marriage and family, society presents us with gendered roles, roles in which male and female identities are bound up and inextricably related together. A society built around marriage and family relates men and women together in terms of stable and lasting bonds of relationship. Men are husbands, brothers, fathers, and sons, while women are wives, sisters, mothers, and daughters.

Same-sex marriage is a direct assault upon the stable bonds of mutual belonging that the institution of marriage presents to us paradigmatic for relationships between the sexes. Same-sex marriage denies that the roles of the family need entail any lasting and committed bond between the sexes. Apart from the satisfaction of occasional needs and desires and the provision of reproductive materials, the other sex is unnecessary.

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<sup>10</sup> The same-sex couple cannot be a reproductive pair and the child in a same-sex marriage will always have at least three parents.

A society in which same-sex marriage were normalized (legally and socially) would experience a steady drifting apart or blurring of the sexes. While the sexes would never completely separate or align, there would be a diminishing of the belief that we belong to each other in our differences. Men and women would still marry, but the gender identities embodied in marriage and family would be sapped of the broader social significance that they once possessed. The ideology of same-sex marriage tends to dissolve society into autonomous adult individuals, whose needs and desires must be catered to by marriage.<sup>11</sup>

When marriage and family cease to provide a clear paradigm for relationships between the sexes, some alternative model will have to be sought. The most natural alternative relationships between the sexes are those of indifference, or an agonistic, mutually objectifying, and competitive one, focusing around temporary and occasional sexual relationships, with the law to ensure that neither sex seriously harms the other and to enforce equality—undoubtedly a tragic fall from the vision of loving bonds of permanent mutual commitment and belonging embodied in marriage and the family.

### *Relating to our own Gender*

Same-sex marriage teaches us that a husband doesn't need a wife to be a husband. Alternatively, there is no reason why a man can't be a wife or a mother. There is no difference between a family with two fathers or two mothers and a traditional one with a father and a mother. In this process fatherhood and motherhood are denigrated, being treated either as unnecessary or as roles indifferent to gender.

Being a wife and mother, or a husband and a father, are not merely roles that we play in order to relate ourselves to the other sex: they also serve as means of realizing our own gendered identity. Elevating the roles of husbandhood and fatherhood in particular are crucial ways in which society socializes its young men. The role of fatherhood is one of the foremost ways that society affirms the value, indispensability, and necessity of the positive participation of its young men and gives purpose to their lives and masculinity beyond

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<sup>11</sup> Young and Nathanson, 'Future of an Experiment', 53.

mere insemination. The role of fatherhood is society's way of telling the young man that his active, committed, and continuing involvement as a male is important, indeed essential, for the health and success of society's project. The overwhelming majority of husbands and fathers will testify to the fact that both marriage and the birth of their children powerfully transformed the way that they thought of themselves, and led them to be far more deeply invested in society, its present health, and its long term future.

Where society no longer provides for, encourages, values, and gives incentives for roles such as husbandhood and fatherhood through which men can affirm the value of their masculinity, masculinity will be tend to be expressed in anti-social ways. The importance of fatherhood as a means of taming dysfunctional patterns of male behaviour and transforming the male psychological outlook on life cannot be denied.<sup>12</sup> Being expected to be a responsible and provident husband and father gives meaning to men's lives. When a sense of masculine identity cannot be attained in such a manner, men are considerably more likely to resort to such things as anti-social violence, promiscuous and predatory sexuality, gang membership, criminality, and the accumulation of consumer goods in the quest of an ersatz masculinity. While these concerns are especially prominent in the case of masculinity, which is far more likely to be regarded as dispensable and prone to cultural devaluation, similar concerns can also be raised concerning the role of women.

Same-sex marriage encourages the degendering of spousal and parental roles, presenting previously gendered roles as interchangeable or dispensable. While men will continue to be husbands and fathers, and women to be wives and mothers, these roles will no long have the same gendered meaning (for the same-sex marriage debate is ultimately about the public meaning of marriage and its related roles in general, not merely in relation to some special 'exceptional' cases), and the social value of sexually differentiated roles will be further eroded. In a society governed by increasingly androgynous ideals, same-sex marriage is a further step towards the rejection of intrinsically gendered roles that give value and meaning to our gendered identities. As the social value of maleness and

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<sup>12</sup> George Gilder, *Men and Marriage* (Gretna: Pelican, 1986), 10-11

femaleness is largely erased, those seeking gendered identities will no longer be provided with the same roles through which to fulfil them. Gender, that crucial dimension of our identities, will be robbed of or compromised in much of its social meaning, value, and expression.

## **Sexual Relations**

### *Objective Organic Bodily Union*

Within the religious and legal tradition, the act of coitus has often been given a peculiar significance, as the act with which a marriage is consummated. Married couples and same-sex partners are capable of engaging in various forms of sexual acts, but only penile-vaginal intercourse is deemed capable of consummating a marital bond. It would seem that, in addition to discriminating in favour of male-female relationships, marriage has also discriminated in favour of a form of sexual act that is impossible within a same-sex partnership.

The requirement of coitus judges the sexual act in a manner that looks beyond the passion of the sexual partners, the intimacy of their relationship, or the quality of their orgasms. Marriage involves a bodily union and, for this reason, the reality of the union must be judged accordingly. “[B]ecause our bodies are truly aspects of us as persons, any union of two people that did not involve organic bodily union would not be comprehensive—it would leave out an important part of each person’s being.”<sup>13</sup>

While our bodies are self-sufficient for most organic purposes, reproduction is one purpose for which our bodies must be coordinated. Coitus alone is able to effect an organic, bodily union between two persons, coordinating their bodies ‘for some biological purpose of the whole.’<sup>14</sup> Homosexual sexual ‘union’ is not a reality of the same order.

It might be protested that it is meaningless to speak of such organic union when most acts of coitus do not result in conception and many couples are infertile: on such a definition, surely only

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<sup>13</sup> Sherif Girgis, Ryan T. Anderson, and Robert P. George, ‘What Is Marriage?’ *Harvard Journal of Law and Public Policy* 34 (2010): 245-287, at 253.

<sup>14</sup> Girgis, Anderson, George, ‘What is Marriage?’, 254.



couples that can conceive can achieve bodily union!<sup>15</sup> However, just as an eye remains an eye, and is objectively bound up with the function of seeing, even when closed, partially sighted, or blind, so organic union in coitus is a reality, whether or not it brings its unique function to completion. The eye doesn't suddenly become an eye when it opens, and cease to be when it closes: organic bodily union in coitus is a natural reality, whether or not conception results.<sup>16</sup> There is no less of a basis to discriminate between an infertile act of coitus and homosexual intercourse than there is to distinguish between a closed or damaged eye and a rock in one's eye socket.

That, unlike two male bodies, male and female bodies can engage in an organic bodily union invests every act of bodily congress with a deeper objective significance: as John Milbank notes, an inherent connection between male and female bodies is an aspect of their 'specific phenomenology'.<sup>17</sup> Although homosexual forms of sexual activity occur within nature, they can never be 'natural' in the manner that coitus is. Homosexual forms of sexual activity are uses of the body, but they do not reflect its inherent ordering and dynamism.

Human sexuality is unique and quite distinct from animal sexuality, as human beings are also persons, enjoying first-person awareness and rational and responsible agency.<sup>18</sup> As agents with a first-person, self-reflexive perspective, we take responsibility for our desires and sexual actions (which makes perversion a possibility).<sup>19</sup>

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<sup>15</sup> Andrew Koppelman, 'Homosexuality and Infertility' in *The Philosophy of Sex: Contemporary Readings*, 5th edn. (Plymouth: Rowman & Littlefield, 2008): 141-154.

<sup>16</sup> Girgis, Anderson, George, 'What is Marriage?', 266-267.

<sup>17</sup> Ben Suriano, *Three Questions on Modern Atheism: An Interview with John Milbank* (2008) <<http://www.theotherjournal.com/article.php?id=370>> [last accessed 26 January 2011].

<sup>18</sup> Scruton, *Sexual Desire*, 44-45.

<sup>19</sup> Scruton, *Sexual Desire*, 285-286. The fact that homosexual behaviour can be observed in numerous animal species holds no more significance for the moral assessment of human sexual behaviour than does the fact that acts such as rape, necrophilia, and interspecies sex—acts that would be rightly considered unnatural perversions if committed by a human being—are also to be observed. Animal sexual actions are qualitatively different from human ones and consequently do not provoke the same moral considerations. "It is only when we consider human intercourse that these innocent pastimes of the animals begin to require special explanation. For human sexual intercourse is mediated by, and

As human beings we are unique among the animals in having a measure of control over and responsibility for our natures.<sup>20</sup> The relationship between person and body in homosexual intercourse is categorically different from that which pertains in heterosexual intercourse. Whether or not we claim that homosexuality is perverted, the symmetry between homosexual and heterosexual intercourse must be denied, as the union effected between person and body in the latter is not apparent in the former. Heterosexual intercourse can realize the purpose of the reproductive organs and the meaning of the body in a manner that homosexual intercourse never can.

Conventional marriage provides us with a richly personalizing account of bodily relations. Mere animal instinct is transcended in responsible desire and taken up into an intentionally entered personal bond of lifelong commitment and fusion of lives and destinies. This bond renders the natural meaning of the body—the inherent connection between male and female bodies—a site of personal meaning, the expression of the loving, committed, and exclusive relationship between husband and wife, effecting a deep union between person and body.

Thus, marriage does not merely protect a union between two persons, but also a union between the person and the meaning of the body. Homosexual practice, whether we choose to regard it as perverted or not, cannot effect such a union, but maintains a far more tenuous connection between person and body. Although homosexual partners may invest great meaning in their sexual acts, the body does not play the same role in constituting this meaning, as its use is severed from the purposes to which the body is naturally ordered.

It could be protested that homosexual intercourse is no more ‘unnatural’ than using one’s tongue to lick stamps, a use the organ was not designed for, but which most of us have no moral qualms about engaging in.<sup>21</sup> Of course, using the tongue to lick stamps is

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expressive of, a conception of itself. Hence it demands explanation in intentional terms.” Scruton, *Sexual Desire*, 286.

<sup>20</sup> David Bradshaw, ‘A Reply to Corvino’, in *Same Sex: Debating the Ethics, Science, and Culture of Homosexuality*, ed. John Corvino (Oxford: Rowman & Littlefield, 1999): 17-30, at 23-24.

<sup>21</sup> John Corvino, ‘Why Shouldn’t Tommy and Jim Have Sex? A Defense of Homosexuality’, in *Same Sex: Debating the Ethics, Science, and Culture of*

perfectly consistent with other natural uses of the organ. The problematic moral character of homosexual acts arises from their supplanting of the natural 'male and female' form of the human body,<sup>22</sup> one of the most fundamental facts of human nature, with a form of bodily relations unable 'to connect in any significant way with the larger dimensions of human existence' that the natural form opens up.<sup>23</sup> Irrespective of whether homosexual intercourse is 'unnatural' or not, same-sex marriage cannot render the natural use of the body a personal fact as conventional marriage can, but rather entails the rejection and marginalization of the natural use and form of the body.

The last few decades have witnessed the steady retreat of personhood from the body and a fragmentation of the self. Body and person have become autonomous. The body regresses to the animal realm of instinct: we are no longer responsible for our own nature, and should be careful not to repress it. The body has been progressively instrumentalized, objectified, and sapped of meaning. Bodies are increasingly flaunted, and used in whatever manner desired. As the body has been depersonalized, evacuated of inherent

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*Homosexuality*, ed. John Corvino (Oxford: Rowman & Littlefield, 1999): 3-16, at 6-7.

<sup>22</sup> Arguments for homosexuality generally operate in terms of the autonomy of bodies: there is no 'male and female form of the body,' just individual bodies.

<sup>23</sup> Bradshaw, 'Reply to Corvino', 29. In contrast to homosexual relations, sexual relations in an infertile marriage and the practice of celibacy are perfectly in keeping with this form of the body, and consistent with an integrative account of sexuality. The moral value of sexual actions should not be viewed in an atomistic or disconnected fashion. There is no small difference between saying that sex is ordered towards such realities as reproduction and that the enacted denial of that fact constitutes a perversion or distortion of it, and saying that every single sexual action must be explicitly undertaken for the sake of reproduction, that sexual acts other than coitus are impermissible, or that the use of anything that might place an obstacle in the way of the completion of that function of coitus is sinful. This is one of the reasons for the greater moral complexity of the questions surrounding contraception. Sexual intercourse serves far more than the end of reproduction, being a site of personal communion and self-gift. While sexual acts performed as a personal supplementation of the natural form of male and female sexual relations might not directly manifest the natural male and female form of the body, they are not the same thing as similar acts being employed to usurp, parody, or displace it.

meaning, objectified, and consequently treated with less honour and dignity, it has become a growing cause of anxiety for us, and our relationship with our bodies as a society has become fraught.

Same-sex marriage fails truly to unite body and person. Treating our sexual organs as if they were not 'for' anything in particular and equating all uses that we choose to put them to instrumentalizes the body, and resists the idea that our sexual behaviour must recognize and be measured according to a meaning intrinsic to it. Same-sex marriage introduces the tension between body and person into the very institution that should represent the fullest union of the two. Whatever we may hold about the morality of homosexual practice, to fail to distinguish it as qualitatively different from coitus is to fail to recognize the bond between person and body.

As same-sex marriage does not involve the indissoluble connection between a natural union of bodies and a lifelong interweaving of lives, but rather committed partners engaging in mutually gratifying sexual acts detached from this natural union, the place of sexual exclusivity in same-sex relationships is far more ambiguous, as the only union effected by the sexual acts resides in the emotional bond that they serve. It should not surprise us that gay male partnerships in particular can exhibit a low rate of sexual exclusivity relative to conventional marriages, and that many can redefine monogamy in a manner that does not demand it.<sup>24</sup> The partners may permit each other to have sex with other persons, provided that there is not the same emotional investment in the act.<sup>25</sup> Where there is no account of or relation to the natural use of the body, or firm connection between body and person, the door is opened to 'meaningless sex'.

In the objective organic bodily union of coitus there are no longer

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<sup>24</sup> Girgis, Anderson, George, 'What is Marriage?', 278-279; Joe Kort, *Are Gay Male Couples Monogamous Ever After?* (2008) <<http://www.psychologytoday.com/blog/gays-anatomy/200809/are-gay-male-couples-monogamous-ever-after>> [last accessed 26 January 2011].

<sup>25</sup> Some authors have even presented this flexible, 'essentially contested' approach to monogamy as an example for heterosexual married couples to follow. See, for instance, Scott James, *Many Successful Gay Marriages Share an Open Secret* (2010) <[http://www.nytimes.com/2010/01/29/us/29sfmetro.html?\\_r=1](http://www.nytimes.com/2010/01/29/us/29sfmetro.html?_r=1)> [last accessed 26 January 2011]; Kort, *Monogamous Ever After?*

two autonomous bodies, but a 'one flesh' union. Each partner's body now belongs to the other. This claim is not just a legal or covenantal agreement between the parties, but is grounded in the biological reality of organic bodily union. Attacking this reality has been one of the central aims of the feminist movement. If bodies are not autonomous, the unborn and fathers might have claims that challenge the supposed right of women to abortion and sexual liberation.<sup>26</sup>

Our minds have progressively been dulled to this reality, as sexual liberation and reproductive autonomy have been celebrated in the culture. Part of the impetus towards same-sex marriage derives from the feminist drive to attack a vision of marriage that operates in terms of the non-autonomy of bodies. The equation of homosexual relations with coitus would be a coup for this movement towards collective desensitization. A homosexual relationship is one in which bodies are genuinely autonomous. Agreements can be reached whereby sexual behaviour outside of the relationship is limited or excluded, but neither party has any grounds for an objective, natural claim to the body of the other or such a bodily responsibility towards the other under any circumstances.

### *Failure to Negotiate Sexual Difference*

We have already remarked on the importance of gender for our self-understanding. The core difference between heterosexual and homosexual desire is at its most apparent in the context of sexual intercourse. Scruton writes:

This appropriation of gender is nowhere more imposed upon you than in the sexual act, and in the surrounding context of desire. Precisely when most compelled to see yourself *as* a woman or *as* a man, you are confronted with the mystery of the other, who faces you from across an impassable moral divide.<sup>27</sup>

Gender is constitutive of our desire for the other. I think of myself, and not just of my body, as being of a particular sexual kind, and desire the other as such as well. My sexual desire for the other is a desire for a gendered person, not merely for a physical act, or for a

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<sup>26</sup> Of course, for the same reason, men can't be 'liberated' either.

<sup>27</sup> Scruton, *Sexual Desire*, 306.

person beyond gender.<sup>28</sup>

The other sex represents a mysterious dimension of personal experience, forever inaccessible to us. Men do not have firsthand experience of what it is like to be a woman, nor women of what it is like to be a man. Otherness profoundly shapes all of our personal relationships in various ways, but most particularly sexual ones. It is the deep encounter with the mystery of personal and sexual otherness in sexual relations which necessitates the exercise of caution, tenderness, care, and the developing of trust. In such relationships we are vulnerable and open to the other, as they are to us. There must be both an opening up to the other, and a venturing forth towards the other.

The gender of its object is not a matter of irrelevance to homosexual desire, whether or not this desire focuses its attention primarily on the sexed body. The homosexual is aroused by a member of his own sex. There is no reason for us to deny that homosexual sexual relationships can involve a profound experience of intimacy and mutuality, and even a sense of the otherness of the other person, nor to claim that the other's body is altogether excluded from this sense of their otherness. However, no matter how much a sense of otherness remains, the movement towards the other within homosexuality is not of the same order as that which occurs in heterosexual relations, as sexual sameness is generally desired over sexual otherness. The self is not put at the same degree of risk in venturing into unknown territory.<sup>29</sup>

In order to establish the moral equivalency and similarity of homosexual and heterosexual desire, the significance of sexual difference must be diminished or denied. Where people continue to acknowledge its existence, it will generally be insisted that no moral distinction can be drawn between a relationship that operates in the realm of sexual difference, and one that avoids it altogether.

The asymmetry between men and women encourages a quest for complementarity, rather than mere alignment, of desires. No appeal

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<sup>28</sup> Scruton, *Sexual Desire*, 282.

<sup>29</sup> "The move out of the self may be less adventurous, the help of the other less required. In an important sense it is open to the homosexual to make himself less vulnerable and to offer, because he needs, less support." Scruton, *Sexual Desire*, 307.

to gender stereotypes need be made to support this claim: the fact of gender alone renders us outsiders to a mysterious dimension of the other's experience, a dimension of unclear content and contours, and forces us to be more attentive and sensitive to the other, making it harder for us ever to presume, no matter how long we have been with the other person, that we have them completely figured out (not that this isn't a mistake that most of us have made at some point or other).

Sexual difference obviously hasn't disappeared, and isn't about to any time soon. Nor, it should be noted, have homosexuals established a world in which sexual differences no longer exist: the differences between gay men and lesbians are proof enough of this. Rather, what is increasingly being presented as a norm for all sexual relationships, is an order wherein sexual difference is marginalized, denied, and avoided. By the normalization of homosexual desire, sexual difference and the mystery of the other sex are increasingly being treated as accidental features of sexual relationships.

In some contexts this has taken the form of pressure towards either the homogeneity of desire, or denial of the need for attentive harmonization. Women and men will be expected to approach sex in the same way. The assumption that a harmonization of desire between the sexes is unnecessary is especially problematic as the effect of pornography grows within society. Pornography idealizes women who act out male masturbatory fantasies, and women are increasingly pressurized to conform to this ideal. It is presumed that the desire of the other will directly serve the satisfaction of one's own, without the need to acknowledge and submit to the genuine otherness of the desire of the other sex.

Marriage traditionally involves the bringing together of two distinct realms of personal experience, mysterious to each other, most especially in the context surrounding sexual relations. One of the purposes of marriage is to create a context of trust through mutual vows in which a man and a woman can safely open themselves up to the other, and explore the other's sexual otherness, while recognizing the mysterious character of the other's experience and desire. While the desires of others will never be completely transparent to us, in a sexual context the desires of those of our own sex will generally seem far less opaque.

In a same-sex relationship, there is a greater susceptibility to the dominance of a single logic of desire, rather than a genuine marriage between and harmonization of two differing realms of desire. We are less likely to become students of each other. In such a context, a sexual relationship is more susceptible to becoming a sort of shared masturbation, or collaborative narcissism. Undoubtedly a deep sense of intimacy can be part of such relationships, as the otherness of the other party is largely withdrawn from the picture, yet the donation of self cannot occur to the same degree, as otherness is a precondition for the gift. Sameness precludes the sort of oneness that marriage celebrates. When the other is sexually the same as us, there is not the same scope for the gift of the self in sexual relations, while there is increased potential for 'meaningless' and 'anonymous' sex, where the self does not have to form any personal bond with a genuine other at all.

While homosexual relationships are hardly condemned to denying the otherness of the other (even though they may dampen the sense of it), and heterosexual relationships are certainly not immune to doing so, we should not be blind to the difference between same-sex relationships and conventional marriages in this area. Traditional marital norms, with their gender stipulation, serve to curb a human tendency towards the effacing of the other, maintaining that sexual otherness is a necessary condition for marital union. Marital union, and its sexual consummation in particular, is envisaged as a voyage of discovery, as a mutual exploration of the mystery of the other. In legalizing same-sex marriages we will mute this whole dimension of marriage and of human relationships more generally. We will neglect and marginalize its significance, and its attendant virtues. At the very least, there needs to be recognition that the absence of sexual otherness—of otherness 'as *flesh*'<sup>30</sup>—in same-sex relationships marks them out as being *sui generis* in key respects, and calls into question the appropriateness of recognizing them as equivalent to marriage.

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<sup>30</sup> Scruton, *Sexual Desire*, 310.



## **Reproduction, Children, and Child-Rearing**

### *Reproduction and the Social Significance of Marriage*

Conventional marriage provides a secure, committed and loving framework for the sexual act by which society reproduces itself. No matter how loving and committed a homosexual relationship may be, homosexual sex is necessarily and universally sterile. The equation of a sterile form of sexual relationship with a form of sexual relationship that is ordered towards procreation should be questioned, especially when we are dealing with public recognition, celebration, and subsidization of such relationships.

Societies and governments generally provide inducements to and subsidize marriage in various ways. If procreation were removed from the equation, it is highly unlikely that marriage would receive the benefits and supports that it does. Married people are not merely privileged over homosexuals in committed and non-committed relationships, but over other heterosexuals in non-married relationships, and over single people. This privileging of marriage is largely on account of the fact that marriage serves the social purposes of the conceiving and raising of children in a healthy manner.

Procreation renders coital relations a matter of public significance and with public consequences. As Robert Jenson remarks, 'however private the act of sexual union may indeed be, its existence and character is vital public information.... [T]he union of man and woman is the community on which all community depends.'<sup>31</sup> As a private sexual relationship between a man and a woman can lead to the bringing of a new person into the world, society has an interest in regulating such relationships, encouraging couples to engage in such sexual relationships within the context of a committed and lifelong bond, and supporting and upholding the bond of marriage for such couples. The same does not hold in the case of homosexual intercourse. Although lovers of any sexual persuasion will generally and quite naturally want to express their love for each other publicly, homosexual relationships do not have the public import that heterosexual relationships do.

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<sup>31</sup> Robert Jenson, *Song of Songs* (Louisville, KY: John Knox, 2005), 85.

Whatever society might believe about coitus *outside* of marriage, coitus *inside* marriage is regarded as integral to the union and its occurrence expected by the society that recognizes it. Apart from gossip, prurient interest, and perhaps understanding the surface dynamics of relationships in which the partners are involved, why should wider society have an interest in the private act of sexual union that occurs between a couple? The fact that marriage is about 'socially approved sexual intercourse' only makes full sense when we appreciate that the most private acts of heterosexual marital union are acts which have potential consequences that are inescapably public.<sup>32</sup>

The private union of opposite-sex marriage is publicly acknowledged chiefly because it is the means by which a new public will be formed. While discrete instances of infertile relationships obviously exist, heterosexual intercourse is still responsible for the conception of virtually every human being that has ever lived. The difference between heterosexual union and homosexual union is stark in this respect. Even though the partners might wish to express publicly their love for each other, there is no reason why the existence of a sexual relationship between a same-sex couple should be seen as a fact that is of 'vital public information'. Despite the romantic understanding of marriage that is prevalent in our culture, the institution of marriage does not exist primarily as a means by which persons can express publicly their love for each other, have society congratulate and celebrate them, and support their cohabitation arrangements.

This is one of the reasons why the deinstitutionalization route is so problematic. Marriage is institutionalized within our society on many levels, not least through the status that it is given by religious communities, and within the law. Marriage is politically and legally empowered and regulated because it is a form of relationship that naturally renders itself public. The institutionalization of marriage is bound up with the connection between marriage and the family, which is in turn bound up with the relationship between coitus and procreation and the bringing together of the two sexes. Due to the intrinsic connection between marriage and the family, it is

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<sup>32</sup> David Blankenhorn, *The Future of Marriage* (London: Encounter Books, 2009), 16-17.

exceptionally difficult for marriage to be reduced to the realm of a mere private arrangement between two parties.

As far as public recognition and acknowledgement is concerned, we must ask why the presence of a sexual relationship between the partners should set homosexual relationships apart from other long term committed cohabitation arrangements, without such a sexual component. Society may well have some measure of an interest in such cohabitation arrangements, and communities may acknowledge the commitment and love expressed in certain forms of non-marital companionship, but the public significance of the fact that a sexual union exists between a man and a woman is categorically different from the public significance of the fact that a sexual union exists between two men.

### *Taking Responsibility for Sex*

In marriage we take responsibility for sex as something with consequences. Where sex is disconnected from procreation, and seen as an act undertaken purely for private gratification or which forms no organic bond between two persons, attempts legally or culturally to restrict people's sexual freedom will be regarded as oppressive and intrusive. The sterile and contraceptive views of sex that came with sexual liberation were accompanied with a drive to privatize and deregulate sexual behaviour. Sex need not be approached with the same responsibilities or be curtailed by the same norms.

Modern 'safe sex' is sex divorced from consequences and ongoing responsibilities, sex that places no limits on our freedom. Of course, marital sex doesn't really count as 'safe sex', much as faithful married partners don't really count as 'sexually active'.<sup>33</sup> Such language is a great example of our culture's attempts to de-normalize the marital act. Marriage is built around the conviction that sex is profoundly *unsafe*, but requires great responsibility, respect, and care from us. Sex shapes our relationship with our bodies, forms an organic bond with another human being, and comes with the possibility of conception, and long term duties of childrearing.

The notion that society has the right to expect lifelong fidelity and

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<sup>33</sup> Leithart, *Modern Sex-Speak*

sexual exclusivity from a married homosexual couple would be unlikely to be welcomed by same-sex marriage advocates in general, even though there are probably many homosexual couples who wish to uphold lifelong exclusivity in their own relationships. Homosexuals will protest that, as their sexual behaviour is without direct implications for anyone other than the consenting partners, society has no right to police it, or to expect it to conform to societal values and standards. The movement towards same-sex marriage strongly desires the respectability and status that comes with marriage, but is far more ambivalent towards its sexual norms. In fact, these norms may well be treated with even greater hostility when homosexual couples find themselves directly subject to their demands and expectations.

Within marriage, the couple takes responsibility for the power of sex, employing it to create a new reality. This leads to the social empowerment but also to the regulation of the sexual partners. 'Safe sex' is impotent and without consequences and hence seeks to be unregulated. Not only will the deinstitutionalization of sex threaten the integrity of the family, it will also detract from the power of marriage as an institution. When the marital norm is safe sex without consequences, society will have less interest in it. By refusing to approach sex as an act with public consequences and hence subject to public norms, we steadily absolve ourselves of the responsibility for any public consequences that might arise. The deregulation of sex is bound up with the family's gradual forfeiting of control over childrearing. Where responsibility is not taken, power won't be enjoyed.

### *Marriage and Openness to Children*

Just as marriage exists to enable the harmonization of the desires of two partners of different sexes, so it exists to ensure that the needs of children are also taken into account. Married couples do not have the right to define marriage in whatever way they choose, as theirs are not the only interests and rights that are protected by the institution.

The restrictions that the institution of marriage places upon sexual activity within marriage, especially in terms of the traditional requirements of fidelity, monogamy, and the expectation of

consummation, depend upon the connection between marriage, procreation, and family for much of their cogency. Certain forms of sexual behaviour are regulated or proscribed because the relationship between the partners is a relationship that provides both the source and a context for other relationships, and has public significance. Infidelity is not merely cheating on your partner, but undermining the stability of the family.

This orientation to the needs of children is a necessary dimension of marriage, as the sexual relationship by which the marriage is consummated is naturally ordered to a reproductive end. As the sexual union within marriage does not merely form the bond between a husband and wife, but can also produce a bond between them both and a future child, with accompanying duties and responsibilities, children have a necessary claim upon the institution and rights with regard to it. If we remove the connection between marriage and coitus, and between coitus and reproduction, however, marriage no longer has an intrinsic orientation to children. The natural tendency will be to re-order the institution in light of this. Same-sex marriage encourages the re-ordering of marriage around the rights of the individual sexual agent, to the neglect of children and various other parties.

This re-ordering around the rights of the individual sexual agent is already far advanced in the case of heterosexual relationships. People are appalled that society should presume a right to place any limits or cast any judgments on how they conduct themselves sexually and in their relationships. The gradual loss of the notion that those having sexual relationships have a duty to ensure that they provide a context into which they can welcome any offspring that might arise from their union, that marriage is chiefly a vocation, rather than a lifestyle choice, is one of the greatest reasons for the decaying of the institution. This neglect of our duties towards the next generation can be seen in falling marriage rates, levels of promiscuity, single parenthood, contraception use, abortion, easy divorce, and other such trends.

The legalization of same-sex marriage would go a long way towards removing the notion that marriage is in large measure the living out of a duty towards the next generation. In a form of marriage in which there is no possibility of childbirth, the expectation

that the interests of children should place limits on the freedom of the married partners to define and practice their relationship as they choose will seem increasingly strange. This will produce a more selfish form of marriage, as marriage loses much of its traditional ordering towards the service of persons other than the individual sexual agents within it.

One of the wonderful truths about marriage is that it is a bond between two persons that can expand to include others. Marriage can become family. Within marriage the child is conceived out of the loving bond between their parents. The child is a physical expression of the bond between the couple, both in its origins and nature. While the relationship between the couple has a unique character within the family, there is a direct and intrinsic connection between it and the relationships that exist with the children, both in its institutional openness and ordering to children and their needs, and on account of the relationship between the marital act and reproduction.

Where the new approach to understanding the marriage bond prevails, however, a different way of seeing things is likely to take its place. The relationship between the married couple is not intrinsically open, but is a bond that exists purely for their own interests. It is gradually detached from the bond that exists between them and their children. A fault line starts to appear between marriage and the family.<sup>34</sup>

One effect of this might be the privileging of the interests of the couple over the interests of their children. The children would have an increased anxiety about their status: as the marriage bond no longer exists in large measure for their sake, they feel a heightened level of insecurity, as they have to justify their place in the family (not unrelated to the responsibility that many children feel when their

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<sup>34</sup> "Nonetheless, Christian tradition has maintained that openness to having children is essential to the overall integrity of the marriage bond. Marriage is precisely not a dyadic, closed circle for the mutual benefit of the parties involved (as modern contractual views would have it). It is not just "self" and "other," the "I" and the "Thou," but these two in the presence of an Other (God); and because in God's presence, then also in the presence of the child who is God's gift." Joseph L. Mangina, 'Bearing Fruit: Conception, Children, and the Family', in *The Blackwell Companion to Christian Ethics*, ed. Stanley Hauerwas and Samuel Wells (Oxford: Blackwell, 2006): 468-480, at 476.

parents divorce). They no longer have the natural stake that they once had.

In the concluding article in this series we will explore further potential consequences of same-sex marriage for children and for the place of marriage and family in our lives and societies.

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