

Marriage, Same-Sex Relationships and the Catholic Church



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In each of my hands I am holding a piece of fruit. If I asked you to identify these, most people would likely say that I have an orange in my right hand and an apple in my left, and that would be the common consensus. But if the civil government were to pass a law or some judge were to declare that in the name of fairness we will no longer discriminate in what we call these visibly different realities, and that both were to be called apples, we would then see in supermarkets bins of each type of these fruits labeled "apples."

Consumers have selective tastes, however, so adjectives would be needed to make distinctions for those who have discriminating tastes. In addition to red apples and green apples and golden delicious apples, we would now have orange apples, too.

Something very similar is happening with two very distinct realities that some civil laws and judicial decisions have decreed will both be called "marriage." Until recently, one of those realities was considered a sacred partnership of man and woman, while the other was considered a sinful transgression against nature by people of the same sex. Regardless of what these different realities are called by civil law and popular culture, people know in their hearts and in their minds, if they are honest, that they are not the same, and so will need to use adjectives to distinguish between them, such as traditional marriage and same-sex marriage, natural marriage and unnatural marriage.

For those of us in the Church, we have further distinctive terminology for the reality that we call Holy Matrimony and a sacrament between a baptized man and baptized woman. Making these distinctions is an unpopular and increasingly uphill battle in our secular culture today.

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The ethical or moral analysis of an issue is not properly based on polls or surveys of public opinion, but on values, virtues and principles. The challenge is first to show what marriage is and why it deserves a unique status.

I describe the view I am presenting tonight as "consistent with Catholic teaching" because it is not exclusively the teaching of the Catholic Church. The traditional understanding of marriage as between one man and one woman is not the invention of the Catholic Church and in fact precedes Christianity. It is not based on religion, but on natural law.

In my remarks tonight I will address the claims of an argument against my views that would go something like this: The Catholic Church teaches that marriage is limited to the union of one man and one woman, and that the civil law should reflect this definition. Some non-Catholic religions, and some people with no religious affiliation, are supportive of homosexual marriage. The civil law governs a diverse and pluralistic society, and it is not legitimate to single out one religious group's views and grant them favored status by enacting their religious views into law. Therefore, it is not legitimate for civil society to limit marriage to heterosexual couples.

The first thing to note in response to this argument is that it relies on several false premises. The Catholic Church did not invent marriage as an institution limited to heterosexual couples. Neither did the state. Marriage is a pre-political and natural phenomenon that arises out of the nature of human beings. The Catholic Church, along with virtually every religion and culture in the world recognizes and supports this natural institution because without it, no society will exist or flourish. I will discuss this phenomenon shortly.

Secondly, it is a given of First Amendment jurisprudence that the mere fact that a civil law harmonizes or agrees with religious beliefs is not grounds for finding an Establishment Clause violation. Certainly, if the civil law granted recognition *only* to sacramental marriages as defined in the *Code of Canon Law* of the Catholic Church, this would violate the Establishment Clause. But no law purports to do so.

The Supreme Court has held that: The Establishment Clause does not ban federal or state regulation of conduct whose reason or effect merely happens to coincide or harmonize with the tenets of some or all religions. In many instances, the Congress or state

legislatures conclude that the general welfare of society, wholly apart from any religious considerations, demands such regulation. Thus, for temporal purposes, murder is illegal.

And the fact that this agrees with the dictates of the Judaeo-Christian religions while it may disagree with others does not invalidate the regulation. So too with the questions of adultery and polygamy. The same could be said of theft, fraud, etc. because those offenses were also proscribed in the Decalogue.

My response to the claim that it is illegitimate for the civil law to favor the Church's view on marriage will address three points: first, I will discuss the nature of marriage as a natural institution; second, I will argue that civil law and a limited government act beyond their competence and authority when they attempt to redefine the fundamental attributes of marriage; and finally, I will address some pastoral implications of the

Church's definition of marriage.

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I. THE NATURE OF MARRIAGE

First, neither the state nor the Church "created" marriage. Marriage is a natural outgrowth of human nature, capacities and needs in a similar way that language is a natural outgrowth of human nature, capacities and needs. No one at the dawn of time sat down with a committee of

linguists to develop languages, nor did a blue-ribbon committee of sociologists and politicians create marriage.

Marriage grows out of a natural affinity and complementarity of male and female - in other words, the ways in which one gender completes the other emotionally, spiritually and physically. Most of our natural inclinations can be developed and accomplished through our own efforts - we can fulfill our inclinations towards preserving our health, satisfying our hunger, learning the truth, seeking the beautiful, through our own solitary efforts. Even if others assist us in reaching these goals, it is our own efforts that ultimately are determinative of our fulfillment. But the inclination, natural desire and capacity towards procreation and creation of a family can only be fulfilled through the union of a man and woman. Even though new biotech interventions in reproduction have advanced seemingly solitary avenues to this fulfillment, say through artificial reproduction, they all must find ways to mimic the union of a man and woman in order to be successful.

The inclination towards these goods is obviously keenly felt by all human beings, including those with same-sex attractions. But couples of the same sex lack the capacity to realize the goods of natural marriage for the simple reason that they lack the complementarity of male and female.

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II. LAW AND TRUTH IN RELATION TO THE STATE

Next, I would like to turn to a consideration of the proper relationship between law and truth, or, more specifically, between law and the truth about marriage as held on the basis of natural law reasoning.

Since limiting public policy to positions based on either empiricism or moral relativism is too problematic, we should consider a third basis of justifiable laws -- those that are warranted. While it may be that ethical truths do not lend themselves to being "justified" under scientific standards of proof, moral positions can and should be evaluated in terms of whether or not they are "warranted" because they are reasonable. We can come to a conclusion that a claim is warranted in a number of ways - based on trustworthy authorities (a basis that is explicitly rejected by both enlightenment and post-modern philosophy), through natural law reasoning, reflection on human nature, including our embodied biological nature, human experience, as well as the lessons that come from various cultures, religions, traditions, history, and the social sciences. Together, this common human heritage represents a received treasure that each generation has the duty to hand on to the next.

A re-definition of marriage to include same-sex marriage is beyond the competence of the state, because marriage both precedes the state and is a necessary condition for the continuation of the state (because future generations arise from and are formed in marriage). When a state enacts a law saying that a same-sex relationship can constitute a marriage, it has the power to enforce that in a society's external practices, but it is devoid of any intrinsic moral legitimacy and is a contrary to any natural reality. As I said at the outset of this talk, if the government says that an orange is now the same as an apple, and the law requires everyone to call oranges "apples," the state would have the power to punish anyone who calls an orange an "orange" instead of an "apple," but it would be a totalitarian abuse of raw power and would not change the biological reality of the nature of the fruit in question. So too with the definition of marriage.

The State has a duty to preserve and promote marriage as an institution that precedes the State, but the State does not have the authority to fundamentally redefine the nature of that institution. Similarly, the State has the authority to enact the "rules of the road" to protect vehicle drivers.

But it has no authority or power to change the laws of physics so that car crashes will be less destructive. Rather the State assesses the pre-existing factors that influence safe driving - the age when most persons can handle the responsibility of driving, the effect of alcohol on drivers, the best way to construct roadways, maximum safe speeds - in order to create rules that best accord with these pre-existing realities. The same should be true of marriage.

Church's defense of the unborn and other frail human beings, this pressure is now being brought to bear on the Church's opposition to same-sex marriage. For instance, in 2011 Catholic Charities throughout Illinois were forced to withdraw from offering foster care and adoption services because the state refused to accommodate the Church's teachings and policies against placing children with same-sex couples, indeed with any unmarried cohabiting couples, whether heterosexual or homosexual. While most redefinition of marriage laws do not obligate ministers of religion to perform same-sex marriage ceremonies, they may not stop the state from obligating the Knights of Columbus to make their halls available for same-sex "weddings." They may not stop the state from requiring Catholic grade schools to hire teachers who are legally "married" to someone of the same sex. They may not protect Catholic hospitals, charities, or colleges, which exclude those so "married" from senior leadership positions. They may not even protect me as the Bishop of Springfield in Illinois if I refused to employ someone in a same-sex "marriage" who applied to the Diocese for a position meant to serve my ministry as Bishop.

In the end, the Church's teaching on homosexuality and marriage is Catholic because it is true, not true because it is Catholic. This is expressed in the words of the bishop, St. Cyril of Jerusalem: "The Church is called Catholic or universal because . . . it teaches fully and unfailingly all the doctrines which ought to be brought to men's knowledge, whether concerned with visible or invisible things, with the realities of heaven or the things of earth."⁸ In other words, the conclusion that same-sex relationships should not be afforded legal status is because it is based on the truth, not just on Catholic teaching. Yet, saying that makes this conclusion all the more controversial.

Similarly, Pope Francis last year pointed out in his Apostolic Exhortation, *Evangelii Gaudium* ("The Joy of the Gospel"), "Marriage now tends to be viewed as a form of mere emotional satisfaction that can be constructed in any way or modified at will. But the indispensable contribution of marriage to society transcends the feelings and momentary needs of the couple." Neither two men nor two women - nor, for that matter, three or more people - can possibly form a marriage. Our law would be lying if it said that they could. The basic structure of marriage as the exclusive and lasting relationship of a man and a woman, committed to a life which is fulfilled by having children, is given to us in human nature, and thus by nature's God. Notwithstanding the vanity of human wishes, every society in human history-including every society untouched by Jewish or Christian

revelation-has managed to grasp this profound truth about human relationships and happiness: marriage is the union of man and woman.

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The redefinition of marriage to include same-sex couples enshrines in our law-and thus in public opinion and practice-three harmful ideas:

1. What essentially makes a marriage is romantic-emotional union.
2. Children don't need both a mother and father.
3. The main purpose of marriage is adult satisfactions.

These ideas would deepen the sexual revolution's harms on all society. After all, if marriage is an emotional union meant for adult satisfactions, why should it be sexually exclusive? Or limited to two? Or pledged to permanence? If children don't need both their mother and father, why should fathers stick around when romance fades? As marriage is redefined, it becomes harder for people to see the point of these profoundly important marital norms, to live by them, and to encourage others to do the same. The resulting instability hurts spouses, but also-and especially-children, who do best when reared by their committed mother and father.

Indeed, children's need-and right-to be reared by the mother and father whose union brought them into being explains why our law has recognized marriage as a conjugal partnership-the union of husband and wife-at all. Our lawmakers have understood that marriage is naturally oriented to procreation, to *family*. Of course, marriage also *includes* a committed, intimate relationship of a sort which some same-sex couples (or multiple lovers in groups of three or more) might imitate. But our law never recognized and supported marriage in order to regulate intimacy for its own sake. The reason marriage is recognized in civil law at all (as ordinary friendships, or other sacraments, are not) is specific to the committed, intimate relationships of opposite-sex couples: they are by nature oriented to having children. Their love-making acts are life-giving acts.

Same-sex relationships lack this unique predicate of state recognition and support. Even the most ideologically blinded legislator cannot change this natural fact: the sexual acts of a same-sex couple (regardless of how one views them morally) are simply not of the type that yield the gift of new life. So they cannot extend a union of hearts by a true bodily union.

They cannot turn a friendship into the one-flesh union of marriage. They are not marital. This is not just a Christian idea, but one common to every major religious tradition and our civilization's great philosophical traditions, beginning with ancient Greece and Rome.

III. PASTORAL IMPLICATIONS OF THE CHURCH'S TEACHING

This leads me to my third and final point - the pastoral implications of the Church's teaching on the definition of marriage. With the growing acceptance of the redefinition of civil marriage in secular society, there are increasing numbers of situations being presented of couples coming to the Catholic Church who are in civil marriages not recognized by the Church.

How do we respond to them with compassion and with the truth? The most compassionate thing we can do is help people to turn away from sin. To ignore another person's wrongful actions is a sign of apathy or indifference, while fraternal correction is motivated by love for that person's well-being, as can be seen by the fact that our Lord Jesus himself urged such correction. Indeed, the call to repentance is at the heart of the Gospel, as Jesus proclaimed, "The Kingdom of God is at hand. Repent and believe the Good News"(Mark 1:15).

The Good News is that God's mercy and forgiveness extend to those who repent. Mercy does not mean approving of something that is sinful, but does absolve the wrongdoer after a change of heart takes place in the sinner through the gift of God's grace. It is not the Church that must change to conform its teachings to the views of the world, but it is each individual who is called to be configured to Christ.

The Church has always believed that it has a duty to assist Catholics in living a moral life. Scripture says that every person will have to give account for the actions they performed in life, and that we are judged on the basis of our own actions in life (*Matthew 25:31-46*). That judgment will take place regardless of the kinds of work we perform in life - it is equally true for an auto mechanic, a chef, a doctor, and a politician.

It is the duty of the Church to assist her members in living a morally upright life, both for the sake of advancing the common good and defending human dignity, and in order to assure the salvation of souls. Part of that duty includes assistance in thinking through difficult moral dilemmas that come up in many different areas of life.

IV. CONCLUSION

I conclude by recalling St. Paul's visit to Athens. We read in the *Acts of the Apostles* that Paul engaged in daily debates in the public square with ordinary passers-by. Some Epicurian and Stoic philosophers disputed with him, some of them asking, "What is this magpie trying to say to us?" (*Acts 17:18*). Perhaps you are asking the same thing of me right now! After Paul addressed the Athenian citizens in the Areopagus, we are told that "some sneered, while others said, 'We must hear you on this topic some other time'" (*Acts 17:32*). Again, some of you may be sneering, and I might be lucky if you said you were willing to hear me again on this topic some other time. But the passage ends by saying that a "few did join him, however, and became believers" (*Acts 17:34*). In the end, I hope that at least a few of you will agree with my remarks.