

Opinion

Truth, marriage and the threat to religious liberty

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Same-sex marriage (SSM) is all the rage at the moment. Last week the lower house of the Tasmanian parliament passed a bill to allow it. A similar bill passed first reading stage in New Zealand, and the Scots parliament announced it plans to make similar law. Meanwhile, on the latest count there are four bills before the Australian Federal Parliament on the matter, two in each house. Recent legislation for civil unions in the ACT ape marriage and the local Attorney-General openly says it is a stage towards SSM on the Tasmanian model.

But before diving into this topic, a little history. At 5am on 22 June 1535, the Lieutenant of the Tower of London woke a frail old man for his 9am execution. His response: "I'll go back to sleep for a while as I want to save my strength for the occasion!" When the Lieutenant returned at 9am, John Fisher, Bishop of Rochester, was dressed in his best clothes for what he called his "wedding day." From the scaffold he asked for prayers for king and country, and for himself, and then he was beheaded. His naked body lay there all day until soldiers buried him without rites. His head was impaled on London Bridge, then thrown into the Thames.

If such a thing could happen to the greatest churchman in England, no one was safe: within three weeks his friend, the former Lord Chancellor Sir Thomas More, met the same fate. He would famously declare: "I am the King's good servant, but God's first." In due course they would share the same feast day, Fisher's "wedding day" - 22 June.

St Thomas More and St John Fisher: both were men of prayer and penance; both scholars and administrators; both intellectually sophisticated yet practical men. Though the powers of this world were against them, they remained hopeful to the end, with More telling his judges he hoped they might "hereafter in heaven all meet merrily together, to our everlasting salvation." Neither man would allow that the Church should replace the state or the state the Church: each had its proper place. As the pope could not determine the laws of England, so the king could not redefine the laws of God. Both men refused to check his beliefs in the cloakroom before entering the university, parliament or public square, as some claimed they should. For people of integrity such compartmentalising is impossible.

But why refuse to take the king's oath, when such refusal would mean disgrace, dispossession, decapitation? Why not say whatever was required but with fingers crossed, so to speak? God would know where their real loyalties lay. So many advised them. But More and Fisher would not lie, even to save their lives. Never to lie was, they thought, a duty of any officer of the Church or the law, of every Christian and indeed any person. Both believed the king's first marriage was valid; to swear otherwise would be to assert a deliberate falsehood, intending to deceive. That one might face disadvantage, ridicule, even death, for standing up for truth and conscience is far from unprecedented - it is the stuff of martyrs and daily Christian heroism.

In this golden jubilee year of the opening of the Second Vatican Council, there has already been much talk about the Council's famous teaching on the rights of conscience. What some miss was the Council's unequivocal insistence on the priority of truth. As More and Fisher thought, it is the duty of every person, every Christian, including every lawmaker and Churchman, to speak and live by the truth: conscience shows us how; it is never a route to convenience, evasion or false witness.

What else was at stake for John Fisher and Thomas More? Many things no doubt, but one was the meaning of marriage. Could the state, by a simple act of parliament, redefine marriage for the convenience of one man (King Henry) or in the interests of many? Could it make what is by nature, faith and reason a lifelong

commitment, something more provisional - at least for the powerful? Or is it the role of law here to recognize an institution that pre-exists it and which is deserving of its support?

Such questions echo down the centuries, as some lawmakers now seek to redefine marriage yet again, this time to allow SSM. Once again, those who dare oppose the mood of the age will be branded bigots, traitors or worse.

Marriage as the crunch point for religious liberty

Dan Cathy, president of a family-owned business, *Chick-Fil-A*, is a Bible Christian. Unremarkably, you might think, he told a Baptist publication and a Christian radio programme that he believes in the "biblical definition of the family unit" based on the marriage of a man and a woman.

All hell broke loose. Within hours the fast-food chicken chain was being labelled a hate organisation in the media, its restaurants were spray-painted with defamations and colleges were cancelling them as caterers. Boston Mayor Thomas Menino said he hoped to ban the restaurants from his city, Chicago Mayor Rahm Emanuel declared that "*Chick-Fil-A* values are not Chicago values" and the company that supplied Muppets and other toys for the *Chick-Fil-A* kids' meals cancelled its contract and donated a large sum to the Gay and Lesbian Alliance.

This is no isolated incident. Peter Vidmar, America's most decorated male gymnast, was selected to be the chef de mission for the 2012 Olympics, where he would have represented all American athletes and marched in the opening ceremonies. But his selection drew criticism from SSM activists because in 2008 he had publicly supported California's *Proposition 8* that defined marriage as between a man and a woman. He was forced to resign from his Olympic position. A couple of weeks ago, the Wildflower Inn in Lyndonville, Vermont, was forced to pay damages to a lesbian couple for having refused to host their wedding reception there. The inn also had to agree no longer to host any weddings or wedding receptions.

Only in America you might say. Well, after a hockey player made a television ad in favour of SSM a Canadian sportscaster, Damian Goddard, said on Twitter that he supported "the traditional and TRUE meaning of marriage." He was quickly fired by his employer, Sportsnet. Like Peter Vidmar, this Canadian learnt the hard way that being pro-marriage and pro-sport don't mix.

Across the Atlantic, the Law Society of England and Wales revoked permission for a group called "Christian Concern" to use its premises once it realized the group supported traditional marriage: the Law Society said this was contrary to its "diversity policy." British MPs are now threatening to stop churches holding weddings if they do not agree to conduct same-sex ones.

In several European countries state and even church schools must now teach homosexuality amongst the range of options for children. Religious leaders, such as the Chief Rabbi of Amsterdam, have been sacked for daring to differ. In Spain same-sex lobby groups want to prosecute a bishop for hate speech after he preached in favour of Catholic teaching on marriage.

Not in Australia surely? Well, when Victoria's Deputy Chief Psychiatrist, Kuruvilla George, joined 150 other doctors advising a Senate inquiry that children do better with a Mum and Dad, committed to each other and to the kids for the long haul, he was pilloried, [forced out of his position on the Victorian Human Rights and Equal Opportunity Commission](#), and threatened with dismissal from his academic and medical posts. Even Prime Minister Gillard is under attack for agreeing to speak at a [Christian conference](#). Alex Greenwich, Convenor of "Australian Marriage Equality," [claims](#) it is "completely inappropriate" for our national leader to seem to endorse the views of pro-marriage Christian extremists. (Ironically, her talk will be on "Religious Freedom in a Secular Democracy"!)

Whether it is restaurateurs, athletes, broadcasters, psychiatrists, school teachers, rabbis, inn-keepers or politicians, no one is exempt from this ferocious campaign to silence advocates of marriage as traditionally understood. The view that marriage is between a man and a woman, which was common to people of every known religion, philosophy and culture in history till now has suddenly become *unspeakable*. To achieve this, the SSM lobby have cleverly shanghaied the language of race equality, repeatedly declaring that

marriage redefinition is "inevitable," that eight out of ten people support the change, and that opponents have no arguments to offer, only neo-Nazi hatred or (worse) "religion."

Of course, for now there will be the outward shows of civil debate and promises of religious exemptions, but it's an open secret amongst SSM advocates that any such exemptions will be temporary and that religious organisations will be required to fall into line in due course. "Gay rights" trump rights of conscience, belief and religious practice every time.

What is *real* marriage?

Is the Christian understanding of marriage peculiar to Christian believers? My thought is *NO* and *YES*. *NO*, because marriage is demonstrably a natural institution, found in all religions, cultures and societies over the millennia, in no way the monopoly of those who believe in Christ and the Judeo-Christian revelation. But *YES*, we do have a particular take on marriage which makes this debate particularly crucial to us - for reasons I will outline below.

We can, I believe, give good arguments from philosophy, history, social science, law and literature for the classical view of marriage, without appealing to divine revelation. Marriage is a "comprehensive" union of minds, bodies and wills by two physically and psychologically different beings, each providing something the other lacks, each giving and receiving from the other a new identity as spouse and potential parent. Only a man can enable a woman to become a wife and mother; only a woman enable a man to become a husband and father; only the "one flesh" union of man and wife can be fertile so that by a strange conjugal mathematics $1+1=1$ and then 3, 4 or more. That such an evolving relationship be a *lasting* one is essential if children are not only to come to be but also to have the ongoing benefit of a mother and father.

Such a comprehensive union and such dedication to children are secured by a permanent and exclusive commitment of spouses to each other and their family. Put baldly: marriage makes it likelier that kids will be reared by their biological parents. Thus deliberately short-term, open, child-free or same-sex "marriages" may be genuine, heart-felt, committed friendships, but they are not true marriages. Only marriage brings and holds together that range of goods that are easily fragmented - at high personal and social cost - including sexual difference, love, commitment, sexual activity, procreative activity, mums, dads and babies.

It is this intrinsic link between marriage and family that explains why societies take marriage so seriously. The state doesn't normally get involved in the relationship business. It is not up to governments to tell us who our friends should be or even who we live with. The state isn't there to regulate emotional ties, hopes and promises. It is only because marriage involves so much more than emotional ties - and especially the having and rearing of children - that governments ever got involved in recognising, regulating and supporting marriages.

Tinkering with marriage

Of course, the tinkering with marriage is not new:

- Every culture in history has recognized that marriage is the proper home for sex; yet, for a few decades now, many have treated sex as a recreational rather than a conjugal activity.
- Every culture in history has recognized that marriage is the nursery of family; yet, many now render their sexual activity sterile, having sex without babies and marriages without babies.
- Every culture in history has recognized that marriage is a lifelong union; yet, our laws now allow divorce on demand, no-reasons-given, after only one year.
- Every culture in history has recognized that marriage is a solemn vow and sacred state; yet, many now demean it with try-before-you-buy cohabitation (even though this radically reduces marital sticking power) and then marry without sacred rites.

Now the social engineers have their sights set on removing the "man and woman" part of marriage as well. All that will be left is marriage as an emotional union: it's enough, as they say, that people love each other. But if marriage is just about feelings and promises, it obviously can't be limited to a man and a woman: two men or two women might love each other. But on the same logic so might more than two.

SSM advocates say talk of polygamy is scaremongering, but they give no principled reason for excluding it. Indeed, a three-person partnership of a man and two women was recently registered under Brazil's civil union law introduced to accommodate SSM advocates; a public official explained that the concepts of marriage and family have now "morphed" to allowing recognition such novel arrangements.

If polygamy is irresistible on the "all that matters is that they love each other" line, so is marriage between siblings or between a parents and their (adult) child. Once again this is not just "slippery slope" pessimism: it simply reflects the fact that the advocates of SSM give no account of marriage that would exclude such intimate partnerships from being deemed marriages. Only marriage understood as the kind of comprehensive union I have outlined can resist such "morphing."

So, too, proposals that two (or more) people who love each other and want to marry for, say, ten years with an option for renewal. Many today think - like Humpty-Dumpty in *Through the Looking Glass*, who said "When I use a word, it means just what I choose it to mean - neither more nor less" - *marriage* is whatever we make it.

Justice and discrimination

To contend otherwise - that marriage has an intrinsic meaning and this includes being the union of a man and woman - is not, as those trying to bully us into silence suggest, *homophobia*. Many of us know and care about people with same-sex attractions and we wish the best for them. Nor is this about *unjust discrimination*. Though no-one would pretend that the record of Christians has been perfect down the ages, Christians rightly deplore injustices perpetrated upon people because of religion, sex, race, sexuality, and so on. The *Catechism of the Catholic Church*, for instance, calls for understanding for those with deep-seated homosexual tendencies: "They must be accepted with respect, compassion and sensitivity. Every sign of unjust discrimination in their regard should be avoided." (2358)

But not every difference of treatment is unjust discrimination. Only women are admitted to women's hospitals, only children to primary schools. Programmes target Aborigines, refugees, those with disabilities or reading difficulties. Privileging or assisting particular people in relevant ways is not arbitrary but an entirely fair response. What *justice* requires is that we treat people alike unless there is a relevant difference. So if an institution *is* designed to support people of opposite sex to be faithful to each other and to the children of their union, it is *not* discrimination to reserve it to them. It would be unjust to pretend that those who cannot offer each other sexual complementarity and cannot engage in conjugal acts are married.

A second injustice - a grave one - is to put the wishes of adults before the needs of children, ignoring the importance for kids of having, as far as possible, a mum and a dad, committed to them and to each other for the long haul. Some admit the overwhelming evidence that children suffer disadvantage from solo parenting, but argue that as long as there are two parents it doesn't matter what sex they are. A 2005 brief of the pro-SSM and pro-same-sex adoption American Psychological Association is often cited in support of that thesis. But when [Loren Marks](#) recently reviewed the 59 studies referred to in that brief for the journal *Social Science Research*, she found that the report relied entirely on statistically insignificant studies.

Another article in the same journal, by University of Texas sociologist [Mark Regnerus](#), reviewed more recent, more extensive empirical evidence and found that children raised by same-sex couples did not, on average, fare as well emotionally and socially as those raised by their married biological mother and father. (Predictably, he was immediately tagged "anti-gay" and victimized by the [media and the academy](#) for daring to publish these findings.) To experiment with family structures by calling same-sex relationships marriages and then basing families on them is experimenting upon children and this is seriously unjust, even if approved by certain elites.

A third injustice is in further destabilizing the institution of marriage - and thus the individual instances of it - at a time when marriages are already under considerable pressure and there is much confusion about what marriage means and how to live it well. Further undermining public understanding of this institution is likely to further undermine the viability of many marriages and much needed social support for real marriages.

A fourth injustice of the SSM proposal is its retrospectivity. Redefining marriage tells those already married that they got married on a false premise: that they were wrong to think they were entering a lifelong and

exclusive partnership of a man and woman open to raising children; that the meaning of their vows is now changed by law to being merely about *loving each other for as long as it lasts*. That would be unjust to the many people already married and those who might like to enter a real marriage in the future.

Truth and marriage

I indicated earlier that I thought the case for real marriage can be made on the basis of common-sense or natural reason, and thus philosophy, history, social science and so on, without appeal to divine revelation, the Bible or Christian tradition. But I *do* think Christians have a particular stake in this debate and this brings me back to St Thomas More, who was martyred in part for his defence of marriage.

Why are Christians so concerned about legal definitions of marriage? Couldn't they leave this to the state and make their own private ritual arrangements with respect to "matrimony"? Well, one reason I think they resist this is that Christianity has always been a particularly pro-marriage, pro-family religion and that goes back to Jesus' own strong positions in support of marriage, women and children. Our religious tradition describes marriage as "a man leaving his father and mother to join his wife so that the two become one" - a description we find as early as the *Book of Genesis* (2:24), as late as Paul's *Letter to the Ephesians* 5:31), and confirmed conclusively by Christ in the Gospels (for example, *Matthew* 19:5-6). As John the Baptist suffered martyrdom for objecting to Herod's incestuous marriage, so Thomas More stands in a long line of Christians who have been instinctively protective of an institution not only natural to human beings but divinely instituted for their flourishing as disciples.

Moreover, Christianity is an incarnational religion: its God and so its faith takes flesh amidst marriage, family, politics and every human reality. This is not to deny a proper autonomy for different realms of life or a healthy "separation" of Church and state, rightly understood. But Christians cannot vacate the public square as some would wish, retreating to ghettos of the likeminded and leaving the rest to their own devices. Husbands and wives, mothers and fathers, and especially children, matter too much for Christians to abandon them and the institution that supports them to opinion polls and power elites; and if Christians themselves are to live their ideals for marriage and family well, they need a supportive cultural context. Thomas More and John Fisher clearly understood this: in resisting the redefinition of marriage for one king or for a small group, they knew they were protecting marriage for the great bulk of people.

In the Judeo-Christian faith tradition, we often view our relationship with God through the prism of marriage. In the Old Testament Yahweh is like a Husband and Father to Israel; though Israel sometimes behaves as a harlot, God is always faithful, wooing her back, pledging Himself to her and making the union fruitful. In the New Testament Jesus asks, "How shall I describe the kingdom of God? It's like a marriage, like a wedding party" - at which he is the bridegroom. So, too, Paul, when describing Christ's relationship to the Church, used a conjugal analogy. Such imagery powerfully indicates the intimacy, permanence and fidelity of Christ's love and the seriousness of our fidelity and infidelity. But to work the marriage analogy also requires a genuine *otherness* between the parties. If they are the same in all relevant respects, then marriage fails as an analogy for the relationship between God and man, Christ and the Church. To lose our sense of real marriage is to reduce the mystical language by which we can speak of God.

As my opening examples demonstrated, there is every reason to think that SSM will come at a real cost to our religious liberty. Enormous pressures will be brought to bear to teach children in Christian schools that SSM are the equal of real marriages and thus that homosexual acts are the equal of conjugal ones. Likewise, Christian organisations will be coerced to employ people in SSMs and extend to them identical benefits to those in real marriages; to conduct same-sex weddings on church premises with church ministers and rites; to offer children for adoption by same-sex couples; and so on.

There is a truth about marriage deep in the heart of every human person, and a wisdom about marriage, shared by people of faith. Now, more than ever, we must proclaim it with clarity and charity, as St Thomas More did. To say that redefining marriage won't affect our community's understanding of marriage is a lie we must resist. So too the pressures to bully us into silence.

The fact is: there's nothing *inevitable* about SSM. Human freedom is the perpetual foil of all inevitability theses, a lesson the Marxists had to learn the hard way. The future is the product of human deliberation and choice -what we make, under divine grace, in and through our individual and common actions. So can we, together, turn this thing around? By God's grace, I believe we can.

Mercifully, none of us today needs fear losing his head for standing up for the truth about marriage. But we would be naive to think freedom of belief is always respected in this country and always will be. We must be vigilant. We must be clear and forthright about what is true, if compassionate and humble also when expressing ourselves. Whether or not we are called by God to marry someone, all of us will one day have, like John Fisher did, our own "wedding day" when we must say "I do" to truth or falsity, when we must choose between the true and the comfortable, when we must vow ourselves to Christ or something less.

Saint Thomas More, pray for us, that we too might be the king's good servants, but God's first.

Anthony Fisher OP is the third Bishop of Parramatta. This is the text of the address he gave to the [St Thomas More Forum](#) on Wednesday, 6 September 2012.



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