

22 MISTAKES

A B O U T M A R R I A G E

A BRIEF FROM AUGUSTINE COLLEGE

If the issue of same-sex marriage were equality, it *would be possible* to extend marriage to all couples equally.

But to extend the concept you have to redefine it.

So that's the real issue: not 'Equality or not?' but 'Which definition is best?'

And when you answer that, try not to make the usual mistakes about the basic notions of marriage before us.

Try not to make either too much or too little of marriage.

The very idea of 'same-sex marriage' rests upon a number of mistakes – an unusually large number. Embrace a handful of these and you will begin to think, as many intelligent Canadians do, that same-sex marriage is after all a sensible proposal, a matter of equality, etc. But if you have a loose grasp of the issues in the definition of marriage you may simply be casting a vote to write that loose grasp of marriage into law.

Nor will a dim appreciation of the issues help you defend the traditional definition of marriage. It will only help you generate arguments that the supporters of 'same-sex marriage' will rightly sneer at, because your proposals will be fallacious.



Image from *Une femme mariée* (1964) by Jean-Luc Godard

Much smarter to understand the issues. Here are 22 common mistakes in our underdeveloped debate over 'same-sex marriage.'

1 Marriage is a symbol

When people ask for equal access to marriage, they are asking for equal access to marriage defined as a *symbol of their love* (plainly, you can't extend the longstanding legal definition of marriage as a "*union between one man and one woman*" to same-sex couples – you can't give equal access to that definition).

Loosing the term 'marriage' from its traditional definition, so that it might be used by those who identify themselves as gays and lesbians (deriving their identity from a single aspect of their behaviour), will indeed allow us to do something good: it will permit marriage to symbolize the commitment of loving partners and signify public acknowledgement of the worth of committed unions between people of all kinds, underlining our acceptance of difference. — But that will mean cutting the rest of marriage away.

That will mean insisting, against the facts, that marriage 'is really just a symbol'. And it isn't. Its symbolic function is only a part of its role. Beyond symbolizing commitment it does specific work that is central to its real meaning (read on to see what work that is).

To count that work non-essential is like counting everything about money *besides its nature as a symbol* irrelevant to a definition of money. Well, try to buy a carton of milk with a hand-drawn twenty, a symbol of money, and see how far that kind of thinking gets you.

2 Marriage is a contract

Because marriage is a contract, all parties capable of forming contracts should have access to it.

But again, marriage is a contract only in part. To argue that marriage is a contract (and therefore all parties capable of forming contracts should have access to it) is to argue that marriage is *just* a contract. That's false. Its contractual function is only a part of its role. (Read on to see what else it does.)

3 Marriage is just a word (and words change their meanings all the time)

If I can demonstrate a right that trumps some dictionary definition, then so much for the dictionary definition – let human rights prevail! Words change their meanings all the time.

Words do, but not without consequence. To treat marriage as *just* a word – as a thing that can be moulded, like dough, into any shape – is to misunderstand what words, definitions, and concepts are for.

Concepts like marriage are tools and if you reshape tools in certain ways they cease to do the jobs they were designed for. The question to ask is: what was marriage (as traditionally defined) designed for?

4 We are simply extending the meaning of marriage to others

‘Extending’ is an entirely positive-sounding operation. But you cannot ‘extend’ the application of certain terms without in fact destroying the meaning they originally possessed and injuring your ability to perform the task those terms facilitated.

Once the word ‘citizen’ is made to include what is now a ‘visitor’ or ‘resident’ we do not simply ‘extend the benefits of citizenship’ to visitors and residents: we destroy the current category and *stop* the term ‘citizen’ from operating as it now does. We spread the benefits of citizenship but by changing the meaning of ‘citizen’ in such a way as to *cancel* the current privileging of birth and formal immigration. A whole established discourse (currently using ‘citizen’ in the old, privileging sense) will not simply ‘have a new reach’ – it will *not work*. A whole set of distinctions will instantly be devalued by the mere ‘extension of meaning’.

Again, the work now done by ‘citizen’ (singling out certain qualifications for special credit) will not be done more broadly; it will not be done at all, since the exact qualifications the original meaning supported have lost their value. The questions to ask are: what work is ‘marriage’ now doing, and is it dispensable – is it work we no longer want done?

5 The reference to heterosexuality is arbitrary

“One man and one woman” is the origin of babies, new people. No other number or combination makes a baby. There is no one in this country or any other who does not owe their life to a single –

a *narrow* – kind of sexual union: the “union between one man and one woman to the exclusion of all others.” There are two people and only two people, of the opposite sex, mixed up in you, me, anyone. The formula is not arbitrary, the product of square culture, or somebody’s backward idea of order; it is given to us by the facts of our nature.

6 The reference to heterosexuality is biased

“Heterosexuality” should not be an entitlement to status! Why should it be part of the definition of marriage at all?! Why shouldn’t marriage be defined solely in terms of the ‘goods of the married state’, those good things (love and commitment) for which respect is due? Heterosexuality is no more a good than homosexuality: it is neither better nor worse; it is neutral. We should drop the restrictive gender bias from the definition of marriage.

All this makes good sense, but it is rendered beside-the-point once it is understood *why* heterosexuality is part of the traditional definition of marriage ... once it is understood what the ‘goods of the married state’ include.

The point of singling out the origin of babies for special attention is not that marriage is all about children (which is not true) or that some people build their relationships around the raising of children (which is simply what *some* people do, thus irrelevant). The point of narrowly centring the definition of marriage on the union between “one man and one woman” (the people in our world who make babies) is that the heterosexual union is *where we all come from* and where we all come from (the conditions in which we grow up) is key to the welfare of *all Canada’s citizens*.

Heterosexual unions are simply everyone's starting point, and it is because those blood origins are poised to play a special role in our welfare that singling them out is not singling them out in preference to some alternative style of union – because with respect to our general welfare there is no alternative, there are no styles. And if there are *no alternatives to favour unequally* there cannot be any bias.

7 Marriage is not about children

Many traditional marriage vows and ceremonies make no reference to children. The legal conception of marriage makes no reference to children. Married people who have no children are not considered any less married. *Therefore marriage has nothing to do with procreation.*

But that conclusion does not follow. These various ritual, legal, and de facto ways of defining and characterizing marriage do not sum marriage up. The things that we say in order to establish a relationship do not encapsulate the character or meaning of the relationship thus established. The meaning of marriage is its actual role in the world we live in – the role that accords best with our welfare.

8 Marriage is all about children

Just as everyone comes from a heterosexual union, everyone was a child. And who today does not see a connection between the strength or weakness of the family upon which they depended, as a child, and

the strength or weakness with which they face the world today? The strength at issue does not *have to come from the family*, but if it does not come from the family it will be purchased later at an exorbitant price that will be debilitating in its own way, in the time taken from adult functionality and the damage done to others until that weakness is overcome.

But the main point is this: *marriage is about everyone because it is about children*. Precisely to the extent that marriage is about children, it is for everyone – it is an institution conceived for the good of everyone. The formation of secure, lasting, multi-generational families is not about babies but about everyone – *everyone's* welfare – care right through, all the way through to the care returned to the parents in their own time of weakness.

9 Marriage is not about procreation, since childless marriages are still marriages

If marriage had to do with reproduction then a marriage without children could not be a marriage at all – *yet it is one*. And if you can extend the term marriage to childless couples then you can extend it to lesbian couples with children and to gay couples without. Marriage is a status that has *already been* tacitly extended to childless couples who don't fit the definition.

Children are not a necessary condition of marriage and don't figure in the definition at all. Nor does the potential for having children; you can marry past menopause and you can marry if sterile. Such marriages have no potential to serve human welfare via new generations – but they are still marriages. Why?

Because they echo marriage, the central relationship of the culture, in which heterosexuality is pivotal.

These couples that cannot have children have all the *outward features* of traditional marriage (*heterosexual union + love + commitment to fidelity*) and so they serve to reproduce and emblemize and support the concept. These are relationships that echo and buttress the established understanding of marriage, in which heterosexuality is pivotal.

So yes, marriage is a status that has been tacitly extended to necessarily childless couples that lack the potential around which marriage has been defined. But this still serves to preserve the centrality of the traditional definition. Outwardly, these marriages *do* fit the definition.

You can extend the term marriage to these couples without altering the basic, outward conditions for marriage, but you cannot extend it to lesbian and gay couples without altering those conditions. Once marriage loses the focus on heterosexuality you no longer have marriages that echo and buttress marriage defined around a potential, a capacity, a fitness to perform an pivotal social task. In the new definition that task will be overshadowed by some other task that is the new focus of marriage.

10 Defining marriage with reference to reproduction is unreasonable

The Ontario Court of Appeal has said that “‘natural’ procreation is not a sufficiently pressing and substantial objective to justify infringing the equality rights of same-sex couples.”

To single out for credit or distinction *natural reproduction* is just to find a pretext for discrimination. Why favour the mere “biological reality” that “the union of two persons of the opposite sex is the only union that can ‘naturally’ procreate”?

It would be as unreasonable to define marriage simply to *reflect a biological fact* as it would be to define friendship or ownership or politics to do so. But marriage does not single out the makers of new people to ‘mirror nature’ or ‘recognize a fact’ or ‘celebrate reality’. It does that to shore up a fragile condition that is at risk of falling apart if not shored up by demonstrative societal support: the union built between those who give us life.

The traditional definition of marriage does not pay homage to a fact or encourage one form of family-building (natural) over another (adoption, artificial insemination, etc.). It helps Canada *turn to its advantage the fact* that the welfare of all the children born in this country today, tomorrow, and forever – the welfare of the whole Canadian population – rests *primarily* on the shoulders of men and women who have bound themselves together in such a way as to give their children the time, care, and attention they need.

The definition of marriage, by its reference to the source of all human life, supports *family-building*. Family building is not a lifestyle alternative; it is essential to our welfare. Defining marriage around the formation of secure, lasting, multi-generational families is not partisan, biased, and exclusionary ; it is intended to help everyone.

11 Because same-sex parents, step-parents, and adoptive parents have as much (often more) love for children as natural parents, binding marriage to natural parenthood for child-welfare reasons is bogus

The bonds of love between natural parent and child *can be wholly equalled* by the bonds of love between child and others. No sensible person disputes that. But the traditional definition of marriage does not contest that. It does not imply the superiority of natural parents. Rather it exists to take advantage of and maximize the use of a ‘natural resource’ greater than any other we have: the love attending the birth of your own child.

There is no given condition (in this or any other country) naturally set up to furnish and generate perpetually replenishing volumes of love, on the requisite scale for the welfare of children, *apart from* the condition in which that child is *your child*. That you and your partner and no one else have started that life, brought that child into the world, nourished that body from your own, raised that child to an adult, followed that life from its beginning, is an explosive fact of unfathomable power.

This is a power afforded us *by the very nature of things*. And the traditional definition of marriage is a cultural artefact devised to harness that power for the benefit of all. Think of a federal bill to put Canadians in possession of vast resources of oil deep below the surface of the earth. That is what the established definition of marriage is: a resolution, in the interest of the nation’s welfare, to connect every person born in this country, for so long as they need, with these vast reserves of natural energy.

12 The traditional definition of marriage says natural parents are best

The traditional definition of marriage does *not* say that the above-noted reserves belong to natural parents exclusively. It simply points out the surest location of those reserves, in “a union between one man and one woman.”

Everybody knows that an enduring family is the best hope there is for every human being’s later life (childhood, youth, adulthood, old age). It is not the only hope, thank goodness; if the family breaks down, that doesn’t spell doom. But is there anyone at all who thinks that the conditions of the lasting family, rooted in parental love and permanent commitment, are not *the optimal conditions for the growth and protection of all future generations?*

There is no one on the planet who does not know the presence or absence of a mother’s love, the presence or absence of a father’s interest – know it long after the farewell from the family home, even after the last goodbye – and who does not count that love and that interest a supreme high social good, a *priceless gift* that no social benefit or remedial solution could ever rival or supplant.

The traditional definition of marriage simply takes sensible cognizance of the indisputable fact that nothing achieved by human morality, Canadian decency, the Christian legacy, multicultural values, or anything else – nothing afforded by any cultural history or humanly developed resource – comes anywhere near to creating the vast reserves of love that a whole people will need to feed off voraciously, day in and day out, to build themselves each into strong and whole human beings.

Morality and decency and religion do wonders, furnishing that love when natural parents come up short, or empty, as they often do – other people rush into that gap with astonishing love for strangers they do not see as strangers at all.

Marriage is an institution defined around natural procreation in order to exploit the fact of deep familial love, so as to make it more and more of a fact – so as to insulate that love from the contaminating influence of competing cultural forces with serious air-time (me-ism, sexcapades, personal development, etc.).

13 Marriage is the greatest of human unions

Marriage is not an end but a means. It is no more the high point of life or the institution of status than a hammer is the high point of the tool box or the tool of status. Marriage is the best tool we have for building a sound society, but it is not the only tool we need, since it is a tool that it is difficult to make strong enough to do the job.

Marriage is called an *institution* because it is a social instrument, a structure devised to give all people born of heterosexual unions (everybody) the best chance in life they can have, that best chance being the stability of a family. If your starting point is the problem of the psychological, physical, and spiritual welfare of Canadian citizens (getting them the resources they need to be well) – if you begin with that problem and look for the solution to it, intending to secure those resources – you wind up with a definition of marriage. You come up with a formula for human unions

heterosexual union + love + lifelong fidelity

that will answer to that need – the name of that formula being *marriage*.

That is not a formula for all deep human unions; it merely sketches the answer to one central problem: from where are *most of* the psychological, physical, and spiritual resources our citizens need to be well going to come?

Other unions will not answer this question – perfectly fine. It is not as if we have only one task to think about.

14 If you change the definition of marriage, marriage won't be harmed

As the Ontario Court of Appeal has said, “Heterosexual married couples will not stop having or raising children because same-sex couples are permitted to marry.”

Perfectly true. But if ‘marriage’ ceases to mean what it does, there will be no way to channel – in common speech, and in ‘getting married’ – support to those performing this vital, central service.

That service will no longer be singled out by even so much as a word in the dictionary, a name that is its own. Society will not recognize it by deigning even *to give it a name by which we could refer to it*. (Could you recognize Quebec as a distinct society without having a distinct name for Quebec?)

The traditional definition of marriage is – *the definition itself* is – a *pivotal move in the creation of an institution* (which is to say, a model for the encouragement of a certain kind of behaviour). The purpose of that institution is securing for Canadians the resources of caring and attention they need: sealing them in around the child, the

elderly, preventing them from dissipating, as they do all the time under the influence of the constant weather we human beings live under.

It is not a word that recognizes you, it is a word that allows you to recognize something bigger than you.

Every time support for marriage, as traditionally defined, is given – almost every time the word is said, meaning what it does (though a lot has been done to it make it mean less) – support for that nurturing environment it stands for is given.

That support begins with assigning a name to the ingredients equipped (in principle) to create those conditions of welfare: *heterosexual union + love + lifelong fidelity*. If those components are not brought together – which is the exact work that the traditional definition of marriage performs – then that special condition cannot easily be supported by laws and resources and ceremonies and benefits.

Without a name, that special condition will lose its stature and the related supports will wither away.

Without a name, the condition will no longer even seem valued, *even* as heterosexual married couples keep raising children. And the prevailing alternative to marriage – the self-serving life – will rise in prominence. As it has long been doing.

15 Marriage belongs to the church

Marriage is not religious property. Marriage pre-exists religion, then religion sees its true value and shelters the order it captures, in harmony with God's order. Canada's Catholic bishops have called it

“a human reality, a natural institution that precedes all social, legal, and religious systems. Marriage has existed since time immemorial.” To that effect they cite Archbishop of Chicago Cardinal Francis George: “Marriage predates our present government or any other and predates, as well, the founding of the Church. Marriage is not the creature of the State or Church....”*

The reason that religion is so visible in the marriage debate is that the judicial and legislative powers that once joined religion in an entirely common wisdom (recognizing traditionally defined marriage) have now and for the first time changed their minds. Religions that by definition are not subject to this mind-changing about God's order are quite naturally standing firm.

But the argument of the religious is not that marriage is theirs; it is that marriage is God's – that is, a fitting component of the very order of the good, *not* subject to temporal fiddling.

* “Message of the Canadian Conference of Catholic Bishops,” 10 September 2003

16 Marriage is the business of the government and the courts

Marriage is not the property of law. Marriage pre-exists law and law bows to it. The proper role for the authorities, as the government said in the legislation it proposed in 2003, is to support the ancient wisdom marriage embodies: “Marriage is a fundamental institution in Canadian society and the Parliament of Canada has a responsibility to support that institution.” It merely needs to recognize that the “fundamental institution” it then referred to is the one that *is* the actual basis of our citizens' welfare. Remade to serve a different and

less fundamental end, it will no longer be a “fundamental institution.”

17 Marriage is yours and mine

Marriage belongs to us, our culture, our times.

But it does in the way that farmland belongs to farmers. Farmers can use that land however they want – who can stop them? It is *their* land. But if they impoverish it, it won't be good for them. If they damage the land, it won't repay them. To call it simply theirs, free to do with as they see fit, is to artificially erase from consideration the very point of their *having* the land.

18 Same-sex couples want to destroy traditional marriage

But a great many same-sex couples obviously *approve of* marriage – or one aspect of it. They approve of the loving pledge of lasting fidelity. For that aspect of marriage they want to join the married.

Their claim to marriage is based on the understanding that a loving pledge of lasting fidelity is what marriage is – or ought to be regarded as, and defined in law as, with the protection of the government.

They want that limitation of marriage written into law. That is, they want the heterosexual component of marriage struck from the definition.

The supporters of same-sex marriage are not *themselves* against traditional marriage. But *what they support* simply requires

destroying the traditional definition of marriage and the demotion of traditionally defined marriages from a place of status above their own unions.

To honour the aspect of marriage *that means something to them*, they want the existing group they wish to ‘join’ (in a common pledge of lasting fidelity) to change their habits and identify themselves the way that the newcomers are inclined (for the newcomers’ own objectives) to understand that group.

No intent to destroy but rather a subtle replacement of purposes. Did the fur barons of the past intend to co-opt native culture? No. But trapping, for them, was fortune-making and to that purpose they encouraged First Nations’ hunters, who taught them how to trap, to see themselves as global suppliers – nudging them along to the enlightened verdict that their trapping really was, in essence, a source of money, a lucrative business. But it was *not* a business; it was a way of life.

The legitimate ends that fill our eyes sometimes need to be set to one side when charging forward to deliver the last, legal word on what is really what.

19 Marriage is a human right

Marriage could be turned into a right. And the reason for doing so would be clear: making marriage a human right would accord “community recognition and support” to human beings of all kinds and show that the “commitment and love” of same-sex couples is no different from love and commitment elsewhere (which is surely true).

But if marriage is turned into a human right, to serve the above-mentioned end, it can no longer serve the end it now addresses. To do that you would have to value the one good (social approval of a specific way of life) over the other (citizen welfare).

The one concept can't serve both because a concept serves through its definition.

If the country chooses to give marriage the new role proposed for it (a sensible and constructive role), marriage under the new definition ceases to be "a fundamental institution in Canadian society" – in the sense of an arrangement singled out (with parliamentary backing) as the central source of the psychological, physical, and spiritual welfare of Canada's citizens, thus a resource deserving special protection.

We could indeed make marriage a "basic human right" but to do so we would have to change it from the vital instrument of general welfare it now is. Marriage is the specialized instrument of a crucial task, just as the army and the medical profession is. Only those equipped for the work at issue can be soldiers, doctors, partners in a marriage.

Marriage is a hallowed role assumed at the cost of a hefty sacrifice of lifelong freedom. It is not a right.

20 The progressive thinker supports same-sex marriage

On the contrary, supporting same-sex marriage is the safe answer. Speaking up for equality is not bold move – it is as comfortable to the Canadian as dry boots; Canadians are pretty squarely *for* equality.

The daring move is to defend an idea that sounds bad to the average ear. The bold thing is to defend what the average person might automatically, prejudicially, not-having-thought-this-through, *reject*: the social recognition of an *unshared* status; singling out for special recognition a way of life that you and I may have no claim to. (Yet there is nothing strange or novel in that at all.)

21 The issue is equality

It is an issue of equality, plain and simple!

Equality is certainly *an issue*. But to say it is *the issue* – to say that the right thing to do is obvious because *the issue* is straightforward and crystal clear – is to demonstrate a narrowness of perception, an inability to listen, a closed tendency.

It is like saying that in the Maher Arar case *the issue is security*.^{*} The issue here is security plain-and-simple only for those to whom no other issue (like justice for this man) means anything.

And you cannot even say, 'But *it is* a security issue *for them*'. The fact that the issue of justice is invisible to them (focused as they are on their own most keenly felt issue) doesn't mean it isn't there.

The right thing to say is that to some the issue *appears to be* a simple security issue, but in fact it is not. There is a countervailing issue. And the undogmatic thing to do is to consider all the issues.

To say that the issue of same-sex marriage *is an issue of equality* (to which the answer is in the *Charter*) is just to insist that nothing apart from equality (such as the issue of our generational human welfare) is worth considering. When you are told 'This is an issue of equality, plain and simple! you are being told to ignore everything else – told

not to think about other issues. You are being told to think like those who think narrowly.

* A citizen of Canada who when returning from a vacation was detained at JFK airport by US officials and on groundless suspicion of links to al-Qaeda was flown to Syria, where for ten months he was imprisoned in a jail cell the size of a grave, beaten, and tortured.

22 Traditionalists are supporting their tradition, not universal values

People on one side of the debate are fighting under a *universal principle* enshrined in the *Charter* while people on the other side are fighting under a personal or sectarian value, a value that is *devalued* by many, a value that is merely *dear to them* (those in traditional marriages make up only 57.4 percent of the population and in some parts of Canada, i.e., Quebec, the difference is one common-law marriage for every two marriages).*

But the reason for supporting the traditional definition is the welfare of future children, the welfare of all Canadians. How much more universal could you get?

The traditional definition of marriage is said to be narrow. That definition is *heterosexual union + love + lifelong fidelity*. Marriage includes all three components. If you reduce it to only one – to a symbol (of love) or to a contract (swearing fidelity) – then it becomes narrow. If marriage gives up, in its very definition, its orientation to human welfare (via reproduction) then it becomes narrow. But all three together give the concept all the breadth you could ask for.

It isn't the amount of support an idea has got that warrants its defence. (By that token the Civil Rights marchers in the 1960s would

have been 'fighting under a personal sectarian value'.) The defence of traditional marriage *is* a concern for universal values.

In the traditional definition of marriage, *love* names the kind of union that has the best chance of generating goods that last a lifetime *for all who belong to it*. *Fidelity* implies the delights you must renounce to make that union last: to express your love and preserve the good of the union for the benefit of *all those in it*. The final component is said to lead to intolerance, but it is only *heterosexual union*, which names the origin of every person, that *extends those goods to all*.

The three elements taken together provide a formula for the basic health of everyone, a formula for *human* welfare. How much more open-armed and universal could you possibly get?

* "Among the provinces, Quebec had the highest proportion of couples living common law at 24%." Profiling Canada's Families II (Ottawa: Vanier Institute of the Family, 2000), pts. 9, 15

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