

# *Love, Homosexual Marriage, and the Common Good*

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*Abstract.* This essay argues that marriage is to be defined as an exclusive, indissoluble union of one man and one woman with openness to children. The nature of marriage is approached through an exploration of the nature of love, understood as willing the good of the other. From this study, marriage's essential characteristics of exclusivity, indissolubility, heterosexuality, and fruitfulness emerge. A brief consideration of the role of the state and its interest in marriage shows that the legal definition of marriage should not deviate from this reality. *National Catholic Bioethics Quarterly* 11.2 (Summer 2012): 267–275.

The current controversy over so-called gay marriage challenges the Catholic Church and all of society to reflect on the nature of marriage itself. To arrive at a fuller comprehension of marriage, it is necessary first to examine the nature of love and the role of human sexuality in the expression of love. This investigation should lead to a better grasp of the essential properties of marriage. In addition, a brief overview of the purpose of the state in human society is needed to determine what stance governmental authority should take on the question of defining and supporting marriage.

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## The Problem

The recent attempts to recognize homosexual unions as marriages have called into question the basic definition of marriage. In the revisionist definition, any committed relationship between two individuals may be considered a marriage. The participants in this type of union are therefore to be attributed the rights given to couples in traditional marriages (such as rights to adopt children and receive spousal benefits). These new developments have evoked responses from the Church at both national and universal levels.<sup>1</sup> To respond to this challenge, it is necessary to examine more closely the nature of marriage so as to understand better the traditional concept and its enduring validity. This presupposes an exploration of the nature of love. Consideration of the state's role in the regulation of marriage is also in order.

## Love and Marriage

It can be safely assumed that love is regarded as an essential component of marriage; that is, husband and wife marry because they love each other. On this point, all parties to the current debate about alternative forms of marriage would agree. Of course, love is a rich, variegated reality that eludes simple definitions. Nonetheless, a starting definition of love would be that one *wills the good of the other*.<sup>2</sup> This desire for the welfare of the other is essential for genuine love.

The good of the other varies according to the nature of the other and the lover's relationship to the other. The good of a child, for example, consists in being reared well and prepared for adulthood by the parents who love her. The good of a worker includes a just wage, safe working conditions, and the ability to ennoble himself through his work; all this is to be provided by the employer. The love between spouses is a specific type of the love between equals that is known as friendship. In friendship, the good of the other requires a special level of personal dedication that is rightly described as a "gift of self."<sup>3</sup> This gift of oneself to the other must be reciprocated for friendship to arise.<sup>4</sup>

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<sup>1</sup>U.S. Conference of Catholic Bishops, *Marriage: Love and Life in the Divine Plan*, November 17, 2009 (Washington, DC: USCCB, 2009). Congregation for the Doctrine of the Faith, *Considerations regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons* (June 3, 2003).

<sup>2</sup>Notice that Aristotle considers goodwill the beginning of friendship. *Nicomachean Ethics*, book IX, chap. 5. See also Thomas Aquinas, *Summa theologiae* II-II, q. 27, a. 2.

<sup>3</sup>Even in our post-Christian age, the oblation character of authentic love is still recognized. Nonetheless, this notion of love as sacrificial sinks its roots deep in the Biblical tradition. See Benedict XVI, *Deus caritas est*, December 25, 2005, n. 6.

<sup>4</sup>The modern recovery of the fundamental equality of man and woman has assisted Catholic theology in attaining a richer comprehension of the goods of marriage. The personalistic element of friendship especially was somewhat underappreciated in past treatments that emphasized procreation as the primary good of marriage. Aquinas considered marriage a kind of friendship, but prejudices unfavorable to women also marred his treatment of the theme. See *Summa contra gentiles* III, ch. 122–125.

### Marriage and Sexuality: Exclusivity and Indissolubility

Marriage is set apart from all other friendships in that it involves sexual relations between the parties. Sexual love is an expression of the mutual gift of self between husband and wife. Sex aptly symbolizes marital love, for it elegantly captures the good that is willed for the beloved, namely, the gift of the lover himself. Hence there typically arise in sexual relationships feelings of tenderness, devotion, and commitment to one's partner. Conversely, the lack of such feelings is generally recognized as a mark of pathology, that is, as a kind of dissonance between the sign of sex and the reality that should be there but is absent, namely, love for the other: the body is expressing love, but the mind and emotions are not.

The exclusivity and indissolubility of marriage flow from the totality of the gift of self symbolized by sexual intercourse. Among all the exchanges of love between friends, the conjugal embrace of husband and wife is of a singular type, unparalleled in the depth of intimacy and mutual engagement it entails. In this era when marital infidelity is commonplace and even accepted in certain circles, there still remains a widespread intuition that adultery is an offense against marriage. This awareness derives from the fact that sex is a natural symbol of irrevocable and exclusive dedication to the beloved. By "natural symbol" is meant a sign whose symbolic force is inherent in the sign itself; in other words, the symbol communicates the corresponding reality without the intervention of human artifice. For example, smoke is a natural symbol of fire and a smile is a natural symbol of joy; by contrast, computer languages exemplify artificial symbols. Thus, sexual relations between lovers naturally express a definitive gift of themselves to each other, that is, a gift which is reserved to each other and endures for the rest of their life.<sup>5</sup> At this point it is also apparent that marriage and sexual relations must be limited to adults. For only adults have sufficient maturity, specifically, self-understanding and self-mastery, to make this total gift of self to each other.

### The Good of the Other

Love has been defined as willing the good of the *other*. This altruistic dimension is the key to understanding the essential *heterosexuality* of marriage. The magnitude of love increases in two dimensions: (1) according to the magnitude of the gift bestowed on the other, and (2) according to the otherness of the other. The other must be truly understood and accepted as other for love to be authentic. Conversely, an unwillingness to encounter and accept the other in his or her otherness betokens a kind of narcissism, that is, an unwillingness to engage and accept one who is truly other, really different from the lover; the pseudo-lover is in fact infatuated with a kind of projected self.

When love is distorted by the failure to engage the other as other, its sexual expression is likewise disordered. There arise in this context a variety of pseudo-loves such as masturbation, homosexuality, and so forth. Hence it becomes clear that

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<sup>5</sup>This helps explain the relevance of consummation to the canonical question of whether a marriage can be dissolved.

marital love must involve man and woman, for male and female constitute the two fundamental poles of the human. Sexual difference is the most basic of all differences that distinguish human beings one from another, much more so than age, class, ethnicity, and such. Sexuality is a fundamental trait of the species *Homo sapiens*, a trait shared with the higher animals. But sexual identity goes much deeper than the biological level; in fact, it penetrates through the emotional and psychological layers all the way to the spiritual depths of the person. Sexual difference is what makes two human beings most distinctly other from each other. It is this otherness that also makes possible the strongest human love, namely, that between man and woman in marriage. This unique type of otherness between two persons who are fundamentally equal yet also as radically different as human beings can be is what is meant by *complementarity*.<sup>6</sup>

### **The Inherent Fruitfulness of Marriage**

Normally, sexual relations between man and woman generate offspring. This development invites the spouses to grow in love for each other and for their children. By becoming parents, husband and wife grow in their identity as persons through the emergence of a new network of relationships with their children. The man now sees the woman no longer only as his wife but also as the mother of his children; likewise, the woman now sees her husband as the father of her children.

Moreover, the objects of love are now multiplied as the couple becomes parents. Thus there arises a new summons to love, that is, to will the good of another other in the parent–child dynamic. This other is again radically other, for the child emerges out of nothingness as a totally unique individual.<sup>7</sup> Yet because the other is a dependent child, the nature of this other’s good is determined by his need for upbringing to reach adulthood, when he can make a gift of himself in a definitive act of love to another other. By contrast, the refusal to accept this expansion of love to a larger group of persons who constitute the family runs contrary to the natural dynamic of love.

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<sup>6</sup>The notion of complementarity appears frequently in magisterial and ecclesial documents. See John Paul II, *Familiaris consortio* (November 22, 1981), n. 19; CDF, *Considerations*, nn. 2, 3, 4, and 7; and USCCB, *Marriage*. Robert E. Rodes Jr., drawing on the work of Dietrich von Hildebrand, cites the “metaphysical difference” between man and woman as the basis for his defense of the traditional conception of marriage. Von Hildebrand refers to the complementary character of this difference between the sexes: this complementarity orients man and woman to each other and allows a more profound communion than is possible between individuals of the same sex. Rodes, “On Marriage and Metaphysics,” *National Catholic Bioethics Quarterly* 7.4 (Winter 2007): 698–689. That this otherness is necessary for sexual/marital love also helps one understand the validity of the prohibition on incest: genuine marital love requires a transcending of oneself and one’s family of origin through a gift of self to another outside of the parental home. One hears in this moral apprehension an echo of the statement of Genesis: “Therefore a man leaves his father and his mother” (2:24).

<sup>7</sup>Normally, the child’s otherness is signified by his or her distinct genome. Before cloning was possible, this genome was totally unique for each person (with the exception of monozygotic twins). The lack of this distinctness hints at the immorality of cloning and other forms of genetic manipulation, which fail to accept the other in his otherness.

This brief study of the nature of love has made several conclusions about the nature of marriage. Marriage is a specific kind of friendship. Its uniqueness is marked by exclusive sexual relations between husband and wife. These relations symbolize the inherently indissoluble, monogamous, and heterosexual character of marriage. The dynamic of this relationship implies fruitfulness and calls for responsible parenthood on the part of husband and wife.

### **The Interest and Role of the State in Marriage**

The controversy over the definition of marriage has arisen because it has become a political question with implications for spousal benefits, access to adoption services, and other areas where a couple's marital status is relevant. To understand the proper role of the state vis-à-vis the institution of marriage, the starting point should be a clear statement of the state's place within human society; then one may proceed to consider how this role for governmental authority should shape its approach to the issue of marriage. Since the chief instrument of governmental intervention in this arena is legislation, the role of law within society merits special attention.

#### *Common Good, the State, and the Law*

The state exists to foster the common good of its citizens.<sup>8</sup> It has a legitimate interest in marriage insofar as marriage contributes to the common good. The purpose of the state is thus limited. The securing of individual happiness or group interests is not, properly speaking, the purpose of the state; rather, this task falls first and foremost to individuals and groups themselves. By promoting the common good, the state helps ensure that individuals and groups can effectively pursue authentic happiness without offending the just claims of others.

The law is one of the main instruments the government employs to promote the common good. Many laws are crafted to protect the fundamental rights of citizens. Other laws are devised to promote the common good by fostering commerce, supporting social development, and so forth. Laws are subject to an important limitation: because they are made for application to groups (not individuals), they must be fashioned for the typical cases, that is, those that prevail in the majority of instances of the affected group.

#### *Marriage, Common Good, and the Law*

Marriage contributes to the common good in two basic ways. First, it allows two individuals to achieve self-fulfillment through the definitive and mutual gift of themselves to each other. The importance of this dimension of the human person is so great that individuals have a fundamental right to marry even when they cannot have children.<sup>9</sup> By recognizing marriage as a legal reality, the state protects this right.

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<sup>8</sup>Second Vatican Council, *Gaudium et spes* (December 7, 1965), n. 74. The common good has been defined as "the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment" (n. 26).

<sup>9</sup>Ibid., n. 50. Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, 2004, n. 216.

Through prudent legislation, the state ensures that the parties are sufficiently mature to make a definitive gift of self (by limiting marriage to adults); it verifies that they are free to give themselves to each other (through prohibition of polygamy); and it facilitates their union by various incentives that help them stay together.

Second, marriage fosters the common good by providing the ideal context for the responsible procreation and rearing of children. By bringing a new generation into being and providing for the physical, psychological, and spiritual formation of its members, parents help ensure that society will remain stable, secure, and prosperous.<sup>10</sup> The state thus affirms this interest in marriage by helping married couples become good parents. This means that couples should be assisted in having children (e.g., by granting tax deductions for dependent children, providing for maternity leave, giving special assistance to needy parents) and educating them (e.g., providing for education to a certain level through support of both public, parochial, and private schools). Granted that a stable home with two parents is the best arrangement for children, the state should also foster the unity of marriage by making it easier for spouses to share life in common (e.g., through affordable family housing), by helping spouses stay together (e.g., via support for counseling for troubled marriages), and by making it harder for spouses to separate (e.g., through more stringent divorce laws).<sup>11</sup>

#### *Homosexual Unions, Common Good, and the Law*

There really is no genuine state interest in granting legal recognition to so-called homosexual marriage. This appears from a careful examination of homosexual unions in light of the twofold interest of the state in safeguarding marriage for the sake of the common good.

First, homosexual unions do not contribute to the authentic self-fulfillment of the parties involved. This is because of the absence of complementarity in same-sex relationships. As noted above, sexual difference is the most fundamental of differences: it distinguishes persons from each other at all levels—biological, psychological, and spiritual. This difference between the partners is what allows sexual love to become the greatest of human loves: they give themselves definitively and exclusively to another who is radically other. Homosexual unions lack this essential altruistic dimension. Such unions are thus marred by an element of narcissism: there is an inability to love another who is fundamentally other than oneself.

Second, homosexual unions do not provide a suitable context for the procreation and rearing of children. Homosexual unions do not naturally beget children. While artificial reproductive technologies have made it possible for homosexuals

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<sup>10</sup>In this anti-natal age, dominated by anxiety about overpopulation, this traditional wisdom has been lost. Not so long ago, population growth was seen as essential to progress and development. Ironically, in the advanced nations of western Europe where contraception and abortion have been widely practiced, the precipitous decline in birth rates below replacement levels appears to be causing grave economic and social difficulties.

<sup>11</sup>Clearly, there are exceptional cases, such as abusive marriages, where provision for legal separation should be made. In cases where one or both parents have died, the state must provide extraordinary assistance for the children.

to become parents, this does not occur via their sexual intercourse with each other. In fact, for either partner to become a biological parent requires the assistance of a third party (e.g., a sperm donor for lesbians, a surrogate mother for gay men). An insurmountable barrier to achievement of parenthood through one's partner thus separates homosexual from heterosexual couples: in every homosexual union, the child is never the biological child of both partners.<sup>12</sup> And so in every case the child's right to be conceived as the fruit of the loving act between the parents must be violated.<sup>13</sup> Likewise violated in all instances is the child's right to a filial relationship with both parents.<sup>14</sup> The genetic link that normally obtains between heterosexual parents and their offspring provides a kind of natural support for paternal and filial affection: parents and children see a reflection of themselves in one another; this commonality helps kindle mutual love in the household. But this natural familial bond must always be lacking with at least one "parent" in a homosexual couple.

The objection may be raised, of course, that this neat biological framework does not always exist in households headed by heterosexual couples: stepchildren and adopted children obviously do not share a genetic link with both parents. If society has allowed heterosexual couples to rear children who lack a biological relationship with them, then is it not unfair to prohibit homosexual couples from doing the same?

At this juncture, one must consider other facets of heterosexual parents which are beneficial to their children. Of primary importance is the model of mutual altruistic love which can exist only between man and woman. As noted above, the lack of complementarity in same-sex relationships means that the love between partners is deficient. This absence can only be detrimental to the children. Also deleterious to the children would be the instability of homosexual relationships.<sup>15</sup> Furthermore, the lack of either a male or female adult in the household deprives the child of a valuable formative influence.<sup>16</sup>

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<sup>12</sup>This bizarre phenomenon argues for tighter regulation of artificial reproductive technologies. More responsible legislation was called for by the President's Council on Bioethics in 2004. See the council's report *Reproduction and Responsibility: The Regulation of New Biotechnologies* (Washington, DC: PCB, March 2004), 208–224, <http://bioethics.georgetown.edu/pcbe/reports/reproductionandresponsibility/>.

<sup>13</sup>Congregation for the Doctrine of the Faith, *Donum vitae* (February 22, 1987), II.B.4, and *Dignitas personae* (September 8, 2008), n. 12.

<sup>14</sup>*Donum vitae*, II.A.2; *Dignitas personae*, n. 12.

<sup>15</sup>For evidence of the instability of homosexual relationships, see Germain Grisez, *The Way of the Lord Jesus*, vol. 3, *Difficult Moral Questions* (Quincy, IL: Franciscan Press, 1997), 107–108, esp. note 86 on 108.

<sup>16</sup>Prominent voices in the mental health establishment have been loud in their support of the legalization of gay "marriage," claiming that there is no evidence that homosexual couples are inferior to heterosexual couples in child-rearing skills. See the amicus brief of the American Psychological Association et al. (2007) to the California Supreme Court in the proceedings *In Re: Marriage*, 43 Cal.4th 757 (2008), [http://www.courts.ca.gov/Amer\\_Psychological\\_Assn\\_Amicus\\_Curiae\\_Brief.pdf](http://www.courts.ca.gov/Amer_Psychological_Assn_Amicus_Curiae_Brief.pdf). It should be noted that these assertions emanate from sources that regard homosexuality as a normal variant expression of human

*Objections and Replies*

These general observations about the nature of homosexual and heterosexual unions must be supplemented by considering the complicated reality of individual cases. The limitations of same-sex relationships do not mean that homosexuals cannot have some measure of love for each other. Some gay couples may be capable of an exclusive and enduring commitment to each other; moreover some demonstrate better mutual concern than heterosexual couples caught up in abusive dynamics, although empirical evidence indicates that homosexual unions are as a rule much less stable than heterosexual ones.<sup>17</sup> These concessions do not change the fact that the sexual component of their relationship is a distorted expression of love. The psychological and spiritual development of the parties thus remains stunted. By legally sanctioning homosexual marriages, the state would encourage dysfunctional expressions of affection.

It may also be conceded that there may be some homosexual couples who treat children better than some heterosexual couples do. One thinks of dreadful cases of child abuse by heterosexual parents. But laws of their very nature are crafted for the typical cases, not the rare and exceptional ones. For example, driver's licenses are not granted below a certain age, even though it is altogether reasonable to suppose that some adolescents younger than the legal age would drive more safely than some adults.<sup>18</sup> Laws that legalized gay marriage would thus risk placing children in more serious danger of being introduced into unsuitable households.

Finally, one must recall the pedagogical dimension of the law. For most people, the law is a key source for their notion of the good: for many, what is legally approved lays strong claim to being morally right. The legalization of gay marriage would thus further advance the perceived moral standing of same-sex relationships, leading to further decay in the public conception of authentic love and parenthood and thereby weakening the common good.<sup>19</sup>

It is clear that granting homosexual unions the status of marriage under the law, whether this arrangement is named a "civil union" or a "marriage," would not serve the common good. It would not promote the authentic development of the partners. It would not protect the interests of children. It would in fact contribute to further

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sexuality. This begs the question of what constitutes genuine normality, a valid question of a discipline that has proved vulnerable to ideological manipulation. One must also note the limitations of disciplinary competence. Even if it were granted that the psychological health of members of homosexual households was above average, it would not logically follow that such arrangements are also morally good.

<sup>17</sup>Grisez, *Difficult Questions*, 108n86.

<sup>18</sup>Needless to say, no one seriously advocates reducing the legal age for driving to, say, thirteen.

<sup>19</sup>This process has already occurred with divorce. Within a few decades, the loosening of divorce laws contributed to both an increase in the incidence of divorce and a diminution of moral sentiment against the practice, with catastrophic results for the family.



decline in public morality and militate against the common good. Therefore the state should not support gay unions by treating them as traditional marriages.<sup>20</sup>

### **Conclusion**

This brief essay has been an attempt to make the Church's position on marriage—namely, her affirmation of the traditional idea of marriage—more cogent and easier to understand. Careful consideration of the definitive and altruistic nature of sexual love implies not only monogamy but also heterosexuality and fruitfulness as essential qualities of marriage. Finally, a sound conception of the proper role of state authority within society also supports a legal definition of marriage that squares with the traditional ideal.

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<sup>20</sup>It may be granted that the common good does not require criminalization of homosexual relations between consenting adults. Much of the zeal for gay rights may be a reaction to the severe penal laws of years gone by. However, proponents of gay marriage seek to elevate the status of gay unions to that of traditional marriages, with all the attendant rights and privileges. This demand goes beyond a simple request for tolerance, that is, respect for fundamental rights, to a kind of legally imposed social acceptance.