



4<sup>th</sup> August 2011

Nick Cater  
Editor  
The Weekend Australian

Peter Beattie's piece on Gay Marriage (Weekend Australian July 30-31) is a significant record of changing views, including his own – coming from an astute judge of the public mood yet also from a person of principle.

Unsurprisingly, I come to a different conclusion. While acknowledging the reality of a major shift in public opinion, there remains that fundamental epistemological distinction between opinions - no matter how widely held - and facts - no matter how unpopular or unpalatable.

It is difficult to strike the balance between sense and sensibility/sensitivity. As Blaise Pascal sighed: *the heart has a logic which the head does not know*. The head may not be the best discerner in affairs of the heart.

Recently my own thinking was challenged by a remark: if two people do deeply love each other – why should they not have the life-long security which marriage gives – irrespective of gender?!

While that is a difficult proposition to refute respectfully - it may yet be more rationally refined. The struggle here is defending one position without offending the other!

While sensitive to the human needs and civil rights of same gender orientated people, is it fair and just – truthful – for that section of society to make claim upon the distinctive ground belonging to another group in society: married couples?

However, as I write that sentence, the ugly specter of the white supremacist arises in my mind: oppressing and denying those presently not so privileged or advantaged! Yet that analogy does not exactly hold.

Marriage, as understood in the Jewish - Christian traditions and as it has been lived out in most societies, has been conceived of primarily for the begetting of children. Love between husband and wife was a secondary bonus. Traditionally arranged marriages, often with one dominating possessing partner, have been a sad and serious distortion.

This has only been redressed in Catholic thought in this generation, with the love of spouses and the begetting of children recognized as equal primary ends of marriage.

However, finding this fine balance is a delicate operation: we now may inhabit a world with an opposite distortion. Paul VI was prophetic, when writing in 1968 on birth control,

that we separate human sexuality and begetting at our peril! G.K. Chesterton earlier had predicted pertinently that we may end up with very few births and very little control!

Civil and religious legislation has defined and enshrined the institution of marriage primarily in terms of child begetting.

Most laws and customs surrounding marriage have had to do with procreation rather than love.

For example there are those age-old rules of consanguinity and affinity: prohibited degrees of relationships within which one may not marry. *A man may not marry his wife's father's mother, or A woman may not marry her daughter's son's wife. Etc etc.* (The Book of Common Prayer 1662).

These developed from generations of tragic human experience of birth defects – long before there was a scientific understanding of genetics.

There is also a precise determination of what physiologically constitutes a consummated marriage act: the erection, penetration and ejaculation of the male into the vagina. If this has not or can not occur, then that marriage is void. Such an unfulfilled marriage can then be subject to *annulment* rather than *divorce* in civil and religious law.

Also curiously relevant here is that in English common law *unnatural* (= anal) *intercourse* (=sodomy in marriage) was grounds for dissolving that marriage. The poet Byron was alleged this.

By this time, you may well be saying *too much detail!!* Yet these intimate issues highlight the essential aspects of marriage as it has been understood.

So reasonably it could be proposed that to speak of *Gay Marriage* is a serious conceptual confusion or a contemporary example of what Gilbert Ryle identified as a *category mistake*, when, through a loose use of language, something is taken to belong to a different category from its true one. (The Concept of Mind, 1949).

Our use of words matters: they are the means we have to name and to grasp reality. We may not re-name or re-define to accommodate a sectional opinion – especially when this would extend beyond recognition - and possibly eventually define out of its very existence - an established institution – in this case *Marriage*.

My motivation here is neither social conservatism nor philological pedantry. Rather, given the general consensus that we are in the midst of a revolution in human self-understanding, in such a context, it is wise *to keep one's head* and it is prudent not to *throw caution to the wind*.

It is sensible to defend the distinctiveness of the institution of marriage, as one of the now few *bedrocks* of human reality.

In isolation that line of thinking may sound very arid and rather sterile. It does not respond sensitively to other clearly emerging human needs and re-defining relationships.

It is predicted statistically that within a decade, people living on their own will form the major domestic grouping! So we clerical celibates will no longer be such social oddities!

However the creator God's first words in human ears were sensitive and sensible: *it is not good for one to be alone* (Gen. 2/18).

There are and always have been other forms of human and life-long commitment besides marriage. Paradoxically indeed some Church precedents may provide helpful analogies!

For many centuries within the Christian tradition certain life-long and intimately personal commitments have borrowed analogously from the language of marriage. This marital intimacy imagery has its basis in Scripture: *Christ the bridegroom* Mt 9/15, 22/1-14 and *the Church as Christ's bride* Ephesians 5/21-33.

A bishop is *married* to a diocese (and wears a ring - but on the right hand!!) Religious women (sisters, nuns) are *the brides of Christ* who also wear commitment rings and used even dress as *brides* on their entering the convent community. This custom has been quietly dropped in recent decades – much to most people's relieved embarrassment!!

These analogies to the married state have been helpful and personally reassuring for those making a serious commitment to a Christian life: *that one is not alone*. Yet these usages have only ever been by way of analogy - as parallels drawn with spousal married life and love. They have never claimed the exact identity or an equal status with the married state.

Might not some similar lines of thinking offer a way forward, providing conceptual clarification while also giving personal reassurance and security to those for whom marriage, as traditionally accepted, is not an option?

It may be strangely ironic that such Church custom may offer a way through this dilemma, while still preserving the distinctiveness of the institution of marriage!

(James Foley has been the Catholic bishop of Cairns since 1992 and holds a doctorate in Philosophy, 1981 from Leuven/Louvain, Belgium.)

**+ James Foley**  
BISHOP OF CAIRNS