



The Future for Defenders of Marriage



Ryan T. Anderson

With its decision in *Obergefell v. Hodges*, the Supreme Court has now completed the sexual revolution by redefining our civilization's primordial institution. It has cut marriage's link to procreation and declared sex differences meaningless. The court has usurped the authority of the people to define marriage through the democratic process. And it has silenced debate just as we were starting to hear new voices—gay people who agree that children need their mother and their father, and children of same-sex couples who wish they knew both their mom and dad.

If the polls are right, there has also been an astonishingly swift change in public opinion. Most Americans now think that justice and equality, or at least good manners, require redesigning marriage to fit couples of the same sex.

We are sleepwalking into an unprecedented cultural and social revolution. A truth acknowledged for millennia has been overruled by five unelected judges. The consequences will extend far beyond those couples newly able to obtain a marriage license.

If our society teaches a falsehood about marriage, it is harder for people to live out the truth of marriage.

About the Author



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Marital norms make no sense, as a matter of principle, if what makes a marriage is merely intense emotional attachment. There is no reason that mere consenting adult love has to be permanent or limited to two persons, much less sexually exclusive. And so, as people internalize this new vision of marriage, marriage will be less and less a stabilizing force.

And if fewer people live out the norms of marriage, then fewer people will reap the benefits of the institution of marriage—not only spouses, but also children. Preserving the man-woman definition of marriage is the only way to preserve the benefits of marriage and avoid the enormous societal risks accompanying a genderless marriage regime. How can the law teach that fathers are essential, for instance, when it has officially made them optional?

There is nothing necessarily “homosexual” about the new vision of marriage that Justice Kennedy enshrined in law. Long before there was a debate about same-sex anything, many heterosexuals bought into a vision of marriage that came out of the sexual revolution: cohabitation, no-fault divorce, extramarital sex, non-marital childbearing, pornography, and the hook-up culture all contributed to the breakdown of the marriage culture. The push for the legal redefinition of marriage did not cause any of these problems. It is, rather, their logical conclusion.

If the sexual habits of the past fifty years have been good for society, good for women, good for children, then by all means we should enshrine that vision of marriage in law. But if the past fifty years have not been good for society, for women, for children—indeed, if they have been, for many people, a disaster—then why would we promote a view of marriage that will make it more

difficult to recover a more humane vision of sexuality and family life?

The essence of marriage as a permanent, exclusive male-female union, however, has become an unwelcome truth. Indeed, a serious attempt is well under way to define opposition to same-sex marriage as nothing more than irrational bigotry. If that attempt succeeds, it will pose the most serious threat to the rights of conscience and religious freedom in American history.

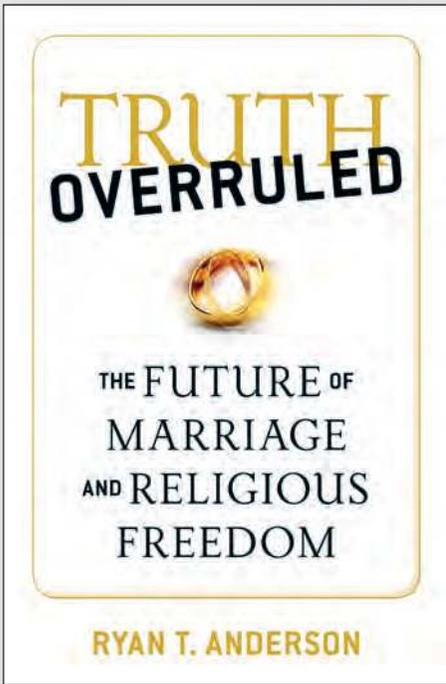
Bigots or Pro-Lifers?

Will the defenders of marriage be treated like bigots? Will our society and our laws treat Americans who believe that marriage is the union of man and woman as if they were the moral equivalent of racists?

Perhaps not. Think about the abortion debate. Ever since *Roe v. Wade*, our law has granted a right to abortion. And yet, for the most part, pro-life citizens are not treated as though they are “anti-woman” or “anti-health.” Those are just slurs from abortion activists.

After *Roe*, there was a political push to make all citizens pay for abortion and to force all healthcare workers and facilities—pro-life doctors and nurses, and Catholic hospitals—to perform abortions. The argument was that abortion was a constitutionally protected right, and thus for the poor to exercise this right they needed taxpayer subsidies. And, further, abortion was a standard medical procedure, so all medical professionals and facilities should perform abortion, and all healthcare plans pay for abortion.

The abortion activists lost that debate. The pro-life movement won. Through legal protections such as the Hyde Amendment and the Church Amendment, tax-



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payer funding of abortion was prohibited, and pro-life physicians were protected from being forced to perform abortion. Until the HHS insurance coverage mandates imposed under Obamacare, at least, there was wide agreement that pro-life citizens should not be forced by the government to be complicit in abortion. Even the HHS mandate only extended to abortifacient drugs and devices, not surgical abortion.

Today, even many of those who disagree with the pro-life cause can understand what motivates our concern. As a result, they tend to respect pro-lifers and recognize that the pro-life position has a legitimate place in the debate over public policy. And—this is crucial—it is *because of that respect* that pro-choice leaders generally respect the religious liberty and conscience rights of their pro-life fellow citizens.

Will the same tolerance be shown to those who believe the truth about marriage? Will the government

respect their rights of conscience and religious liberty? So far, the trend has been in the opposite direction. We must now work to reverse that trend. And our work must start by helping our neighbors at least understand why we believe what we believe about marriage. Only if they can understand what motivates us will they respect our freedom to act on such motivation.

The False Analogy of Interracial Marriage

For years, the refrain of the Left has been that people who oppose same-sex marriage are just like people who opposed interracial marriage—and that the law should treat them just as it treats racists. Indeed, the *New York Times* reported that while the amicus briefs filed with the Supreme Court in *Obergefell* were evenly divided between supporters and opponents of state marriage laws, no major law firm had filed a brief in support of marriage as the union of a man and a woman: “In dozens of interviews, lawyers and law professors said the imbalance in legal firepower in the same-sex marriage cases resulted from a conviction among many lawyers that opposition to such unions is bigotry akin to racism.”

Same-sex marriage advocates insist that the court’s *Obergefell* ruling is not like *Roe v. Wade*, which engendered undying controversy, but like *Loving v. Virginia*, the universally accepted decision that struck down bans on interracial marriage—a decision now so uncontroversial that most Americans have never heard of it. If that is true, then anyone who opposes *Obergefell* is an irrational bigot—the moral and legal equivalent of a racist.

But cultures throughout human history have thought it reasonable and right to view marriage as a gendered institution, a union of

male and female. Indeed, such an understanding of marriage has been shared by the Jewish, Christian, and Muslim traditions; by ancient Greek and Roman thinkers untouched by the influence of these religions; and by Enlightenment philosophers. It is affirmed by canon law as well as common and civil law.

Bans on interracial marriage, by contrast, have no such historical pedigree. They were part of an insidious system of racial subordination and exploitation that denied the equality and dignity of all human beings and forcibly segregated citizens based on race. When these interracial marriage bans first arose in the American colonies, they were inconsistent with the common law of England and with the customs of various cultures throughout human history.

We must now bear witness with more resolve and skill than ever before. We must now find ways to rebuild a marriage culture. The first step will be protecting our right to live in accordance with the truth. The key question, again, is whether liberal elites who now have the upper hand will treat their dissenting fellow citizens as they treat racists or as they treat pro-lifers. While liberal elites disagree with the pro-life position, most understand it. With the exception of the most hardened Planned Parenthood supporter, the recent videos have shocked the consciences even of liberals—and they certainly can understand *why* pro-lifers are concerned. They can see why a pro-life citizen defends unborn life—so, for the most part, they agree that government should not coerce citizens into performing or subsidizing abortions. The same needs to be true for marriage.

What Do We Do Now?

In January 1973, the U.S. Supreme Court created a constitutional right



to abortion throughout all nine months of pregnancy in *Roe v. Wade* and *Doe v. Bolton*. The law taught citizens that they had a new right, and public opinion quickly swung against pro-lifers by as much as a two-to-one margin. One after another, formerly pro-life public figures—Ted Kennedy, Jesse Jackson, Al Gore, Bill Clinton—“evolved” in their thinking to embrace the new social orthodoxy of abortion on demand. Pundits insisted that all young people were for abortion, and elites ridiculed pro-lifers for being on the “wrong side of history.” The pro-lifers were aging, their children increasingly against them. The only people who continued to oppose abortion, its partisans insisted, were a few elderly priests and religious fundamentalists. They would soon die off, and abortion would be easily integrated into American life and disappear as a disputed issue.

But courageous pro-lifers put their hand to the plow, and today we reap the fruits. My generation is more pro-life than my parents’ generation. A majority of Americans support pro-life policies, more today than at any time since the *Roe* decision. More state laws have been enacted protecting unborn babies in the past decade than in the previous thirty years combined. What happened?

The pro-life community woke up and responded to a bad court ruling. Academics wrote the books and articles making the scientific and philosophical case for life. Statesmen

like Henry Hyde, Edwin Meese, and Ronald Reagan crafted the policy and used the bully pulpit to advance the culture of life. Activists and lawyers formed coalitions and devised effective strategies. They faithfully bore witness to the truth.

Everything the pro-life movement did needs to be done again in this new fight for marriage. There are three lessons in particular to learn from the pro-life movement:

1. *We must call the court's ruling in Obergefell v. Hodges what it is: judicial activism.* Just as the pro-life movement successfully rejected *Roe v. Wade* and exposed its lies about unborn life and the U.S. Constitution, we must make it clear to our fellow citizens that *Obergefell v. Hodges* does not tell the truth about marriage or the Constitution.

Nothing in the Constitution justifies the redefinition of marriage by judges. Our Constitution is silent on what marriage is. It protects specific fundamental rights and provides the structure of deliberative democracy by which we the people, retaining our authority as full citizens and not subjects of oligarchic rule, decide important questions of public policy, such as the proper understanding of marriage and the structure of laws defining and supporting it. The majority of the court, however, has simply replaced the people's opinion about what marriage is with its own.

2. *We must protect our freedom to speak and live according to the truth.* The pro-life movement accomplished this on at least three fronts. First, it ensured that pro-life doctors, nurses, pharmacists, and hospitals would never have to perform abortions or dispense abortion-causing drugs. Second, it won the battle—through the Hyde Amendment—to prevent taxpayer money from paying for abortions. And third, it made sure that pro-lifers and

pro-life organizations could not be discriminated against by the government.

Pro-marriage forces need to do the same: ensure that we have freedom from government coercion to lead our lives, rear our children, and operate our businesses and charities in accord with the truth about marriage. Likewise, we must ensure that the government does not discriminate against citizens or organizations because of their belief that marriage is the union of husband and wife.

3. *We must redouble our efforts to make the case in the public square.* We have to bear witness to the truth in a winsome and compelling way. The pro-life movement accomplished this on different levels. Specialists in science, law, philosophy, and theology laid the foundations of the pro-life case with research and writing in their disciplines, while advocacy groups tirelessly appealed to the hearts of the American people. Pro-lifers did much more than preach, launching a multitude of initiatives to help mothers in crisis pregnancies make the right choice.

Now we must employ reason to make the case for the truth about marriage, communicate this truth to our neighbors, and embody this truth in our families and communities. Just as the pro-life movement discovered the effectiveness of ultrasound and letting women speak for themselves, the pro-marriage movement will, I predict, find the social science on marriage and parenting and voices of the victims of the sexual revolution to be particularly effective. And just as grassroots pregnancy centers exposed the lie that abortion is a compassionate response to unplanned pregnancy, we must show what a truly loving response is to same-sex attraction.

The Church

The Church—either through action or inaction—will play a major role in the debate over the meaning of marriage. Here I suggest four things the Church should do to help rebuild a strong marriage culture.

1. *Present an appealing and engaging case for biblical sexuality.* The virtues of chastity and lifelong marriage are enriching, but after fifty years, the Church has still not devised a compelling response to the sexual revolution. The Church needs to find a way to capture the moral imagination of the next generation. It needs to make the truth about human sexuality and its fulfillment in marriage not only attractive and appealing, but noble and exhilarating.

A proper response to the sexual revolution also requires engaging the best of contemporary secular thought. What visions of the human person and sex, of marriage and personal wholeness do today's thinkers advance? Exactly where and why do their ideas go wrong? The Church needs to show that the truth is better than a lie. While I among others offer philosophical defenses of marriage, theologians need to continue developing theological defenses.

2. *Develop ministries for and with those with same-sex attraction and gender identity conflicts.* People with same-sex attractions or gender identity conflicts, for whom fidelity to the truth about human sexuality requires special courage, need our loving attention. Pope Francis's description of the Church as a field hospital after a battle is especially apt here.

These ministries are like the pro-life movement's crisis pregnancy centers. Abortion is sold as the most humane and compassionate

response to an unplanned pregnancy, but pro-lifers' unprecedented grassroots response to women gives the lie to that claim. Likewise, supporters of the truth about marriage should be the first to walk with men and women dealing with same-sex attraction or gender identity conflicts, showing what a truly humane and compassionate response looks like.

Young people experiencing same-sex desire can face isolation and confusion. They suffer humiliation if they say too much, but they bear the heavy burden of a secret if they keep silent. Parents and teachers must be sensitive to their struggles. We should fight arbitrary or abusive treatment of them.

A shining example of ministry to those with same-sex attraction is Courage, an international Catholic apostolate, which has produced the documentary film *The Desire of Everlasting Hills*. Every community needs groups like this where persons with same-sex attraction discern the unique life of loving service to which God calls each of them and find wholeness in communion with others. But this work cannot just be outsourced to special groups and ministries. Each of us needs to be willing to form deep friendships with men and women who are attracted to their own sex or struggle with their identity, welcoming them into our homes and families.

Those with same-sex attraction, like everyone else, should have strong and fulfilling relationships, especially deep friendship. Marriage is not the only relationship that matters. The conjugal view of marriage does not denigrate other relationships. Those who would redefine marriage as a person's most intense or deepest or most important relationship devalue friendship by implying that it is simply less: less meaningful, less fulfilling. The

greatest of Justice Kennedy's errors may be his assertion that without same-sex marriage some people are "condemned to live in loneliness." His anemic philosophy of marriage cheapens friendship.

3. *Defend religious liberty and help conscientious Christians witness to the truth.* This task is especially imperative since a radical sexual agenda has become a nonnegotiable public policy. What should bakers and florists and photographers do? What should directors of local Catholic charities or Evangelical school teachers do?

There is no one single answer for every circumstance. Each person's situation will require a unique response, based on his vocation and the challenges he faces. The answers for schools and charities and professionals may vary with a thousand particulars, but the Church will need to teach Christians the moral principles to apply to their

own circumstances.

The Church also has to help the rest of society understand the importance of religious freedom. The national conversation on this important civil liberty has not been going well, and Indiana revealed how extreme a position the corporate and media establishments have staked out. They have the money and the megaphones. We have the truth.

4. *Live out the truth about marriage and human sexuality.* This fourth task of the Church is the most important and the most challenging. Husbands and wives must be faithful to one another for better and for worse till death do them part. Mothers and fathers must take their obligations to their children seriously. The unmarried must prepare now for their future marital lives so they can be faithful to the vows they will make. And they need the encouragement of pastors who are not afraid to preach unfashionable truths.

Saints are the best evangelists. The same is true when it comes to marriage. The beauty and splendor of a happy family is our most eloquent testimony.

There is an enormous task before us of defending our families, churches, schools, and businesses from opponents who now wield coercive power in government, commerce, and academia. It is time to equip everyone, not just the experts, to defend what most of us never imagined we would have to defend: our rights of conscience, our religious liberty, and the basic building block of civilization—the human family, founded on the marital union of a man and a woman. **P**

For a deeper look at these issues, see the author's *Truth Overruled: The Future of Marriage and Religious Freedom*, from which this essay has been adapted.

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