

Marriage and Freedom: The Splendor of Truth in a Time of Denial*

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WE LIVE in a time of denial. I don't mean merely denial of the obvious, for the obvious sometimes needs to be denied. The sun may appear to go round the earth, but it does not. What I mean is: we live in a time when it is common to deny the obvious without putting in its place something more compelling. In economics, for example, we do not posit a new theory whereby the laws of exchange work differently than we thought they did; we simply act as if we shall never have to pay our bills. In medicine, or at least in some branches of neuroscience, we do not posit a new way of understanding the body–soul relation; we simply deny that man has a soul, or the freedom and responsibility which the very concept of the soul implies. In morality, we do not explain how it is possible to have endless ends; we simply refuse to contemplate the fact that there is an End of ends, and so we become prey to the dictatorship of relativism.

In a time of denial, self-denial tends to be in short supply. What is denied instead is man as such. “The splendour of truth shines forth in the works of the Creator and, in a special way, in man, created in the image and likeness of God,” says John Paul II in the opening lines of *Veritatis Splendor*. But if the splendor of truth is suppressed, this means that man himself must be suppressed.

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Permit me to illustrate by reference to man's most basic social institution: marriage. In the West it is increasingly common to deny that marriage is a conjugal union between a man and a woman, with founding a family and raising the next generation as its primary goal. What is put in place of this fact that cultures the world over, from time immemorial, have thought obvious? Something inevitable, we are told, but certainly nothing compelling! It is claimed today, in our corner of the world, that marriage is essentially a close personal relationship between adults, to which founding a family is not intrinsic—though adoption rights, and even reproductive rights, nevertheless appertain. The question as to how they appertain, or why society should trouble itself to recognize an institution that is private and personal but *not* inter-generational, is seldom addressed. Rather the existing social and legal capital of marriage, built up over long ages by investment in the business of raising the next generation, is quietly expropriated. This is no Copernican revolution, no scientific advance. Nor is it an advance in human rights, as its proponents insist. For none were ever obligated to marry, who now may refuse; nor were any forbidden to marry, who now may do so.¹ To make marriage over into a sterile, unisex affair, so that those who do not wish to marry may nevertheless claim to be married, is an act of despoliation. Investment in a new generation is the work of honest men and women; dissipation of the capital of marriage, without return on investment, is the work of fraudsters.

Now this denial of the nature of marriage is a denial of man as such, as Pope Benedict XVI noted in his 2012 Christmas address to the Curia. Things would not be quite so bad were that not the case. But we are not dealing here with simple fraud, much less with a mere misapprehension of human rights and freedoms or a series of honest mistakes in working out the nature and purpose of sex. Drawing on an essay by Gilles Bernheim, then Chief Rabbi of France—an essay still pertinent despite its plagiarism—Benedict agreed “that the attack we are currently experiencing on the true structure of the family . . . goes much deeper” than a misapprehension. The very idea of what it means to be human is being challenged by a philosophy that rejects the sexually dimorphic design of man:

According to this philosophy, sex is no longer a given element of nature, that man has to accept and personally make sense of: it is a social role that we choose for ourselves, while in the past it was chosen for us by society. The profound falsehood of this theory and of the anthropological revolution contained within it is obvious. People dispute the

¹ See D. Farrow and D. Cere, *Divorcing Marriage* (Montreal: McGill-Queen's, 2004), 97ff.

idea that they have a nature, given by their bodily identity, that serves as a defining element of the human being. They deny their nature and decide that it is not something previously given to them, but that they make it for themselves. According to the biblical creation account, being created by God as male and female pertains to the essence of the human creature. . . . This very duality as something previously given is what is now disputed. The words of the creation account: “male and female he created them” (Gen 1:27) no longer apply. No, what applies now is this: it was not God who created them male and female—hitherto society did this, now we decide for ourselves. Man and woman as created realities, as the nature of the human being, no longer exist. Man calls his nature into question. From now on he is merely spirit and will. The manipulation of nature, which we deplore today where our environment is concerned, now becomes man’s fundamental choice where he himself is concerned. From now on there is only the abstract human being, who chooses for himself what his nature is to be.²

This social constructionism, it should be pointed out, is not only inimical to the idea of man as fashioned by the hands of God, as having a created nature; it is also inimical to the most popular argument for embracing same-sex marriage, *viz.*, that same-sex marriage allows people to live *according* to their nature. Few seem to have grasped the fact that the LGBTQ alliance that has been promoting the reinvention of marriage is an alliance of convenience only—that its very interest in marriage is a matter of convenience only, and one that is already being abandoned.³ It is the Q that represents the cutting edge of this alliance, a cutting edge that has been forged in the fires of social constructionism. Queer theorists and other social constructionists are not interested in “natures” or essences; on the contrary, they are opposed to anything that smacks of essentialism. If, to break down the hegemony of the notion that man is male and female, it is necessary *pro tempore* to claim that man is not male and female, but rather homosexual and heterosexual, so be it; but the end game is the abolition of nature and natures.

So man (in so far as he cooperates with this agenda) is indeed calling his own nature into question. Hence he is also calling into question the dignity that attaches to that nature, the dignity it has from God. “When the freedom to be creative becomes the freedom to create oneself, then

² Benedict XVI, 2012 Christmas Address to the Roman Curia (available on the Vatican website); cf. Rabbi Gilles Bernheim, *Mariage homosexuel, homoparentalité et adoption: Ce que l'on oublie souvent de dire* (available at www.grandrabbindefrance.com), or the edited English version in *First Things* (March 2013).

³ For elaboration of this point, see “Why Fight Same-Sex Marriage?” *Touchstone* (January–February 2012): 24–31.

necessarily the Maker himself is denied and ultimately man too is stripped of his dignity as a creature of God, as the image of God at the core of his being.”⁴ In denying the dignity he was given, of course, he is perforce seeking another and different dignity. Where will he find it? On what will he base it? And what will become of him if he does not find it?

The precariousness of his situation is immediately indicated—this too would be obvious to him, were he not in denial—by the net loss of political freedom through which he purchases the redefinition of marriage. To say that man is male and female, and was made so by God, that each one might (not will, but might) come into being through the intimacy of love, and have the covenant of that love as the original school of personhood, is also to say that persons belong primordially neither to themselves alone nor to society at large, much less to the State, but to those who begot them and to those whom they will beget. They belong to their family, in other words, albeit to God first. The Church transcends this notion of family, without negating or denying it.⁵ But same-sex marriage negates and denies it, without transcending it. As I have argued many times, same-sex marriage makes every citizen, willing or no, a ward of the State. For if marriage itself is a creature of the State, rather than of God—an inescapable conclusion if the State has the power to redefine marriage—then the families generated by marriage (whether naturally or unnaturally) are also creatures of the State, and in every respect subject to what the State deems to be in its or their best interests. The family as a locus of independent authority, limiting the power of the State, is effectively demolished. Man himself is placed in natural servitude to the State.

This is the precariousness of our situation. Nothing could be more dishonest, or at all events more misleading, than the rhetorical question, “What does same-sex marriage do to *your* marriage?” For the true answer is not “nothing” but “everything.” It deprives my marriage and every marriage of its proper political and legal, not to mention moral, force. It is quite clear, as Bernheim observes, “that the intention behind the slogan ‘marriage for everyone’ is a substitution: a juridically, culturally and symbolically charged institution is to be replaced by an asexual juridical construct, undermining the foundations of individuals and of the family.”⁶

⁴ Pope Benedict XVI, 2012 Christmas Address.

⁵ Cf. D. Farrow, *Nation of Bastards* (Toronto: BPS Books, 2007), 70–76.

⁶ *Mariage homosexuel, homoparentalité et adoption*, p. 7: Que l’on ait l’une ou l’autre des visions du monde, on voit bien que ce qui se joue derrière “le mariage pour tous”, c’est une substitution: une institution chargée juridiquement, culturellement et symboliquement serait ainsi remplacée par un objet juridique asexué, sapant les fondements des individus et de la famille.

Once this substitution is complete, nothing—or nothing in principle—stands in the way of the State's intervention in the most intimate aspects of human life or its restrictions of basic human freedoms. China's one-child policy is not wicked because it is disastrous; it is disastrous because it is wicked. But we will see such things here, too, if we persist on our present path. For we are altering the very foundations.

We live, then, in a time of denial; our forgetfulness is deliberate. So how do we permit the splendor of truth to shine forth in such a time? How do we engage a culture of denial with the truth it firmly intends to deny? How do we protect, not only marriage as such, but man as such?

The Unity of Freedom and Truth

On the twentieth anniversary of *Veritatis Splendor* we do well to ask whether and how this document can help us. It was aimed at a crisis in the Church, which reflected the developing crisis in western society over the relation between truth and goodness and freedom. It did much to alleviate the former—the ecclesial crisis—not by eradicating the kind of thinking or the form of dissent it criticized, but by strengthening the hearts and minds and purpose of those who had some sense that there was a crisis. The latter, however, has not been alleviated; the crisis in western society has only deepened. The document forewarned us of this possibility. It claimed that the denial of truth and of God as the source of truth, which had given rise to the totalitarian regimes of the twentieth century, could lead also to a democratic form of totalitarianism through the advance of ethical relativism or moral pluralism.⁷ And this seems to be what is happening, as various forms of intimidation and coercion are used to back projects like same-sex marriage, and indeed to back political regimes that do not wish to be held accountable to truth, much less to God as the source of truth. The closure of adoption agencies, the conscience-violating measures of the HHS mandate, vicious personal attacks (not without effect) on those who support counter-measures such as Proposition 8, draconian education policies that violate the right of parents to protect their children and to oversee their education, pastors in prison for refusing to put the demands of the State ahead of the demands of natural law and natural justice—the list is already a long one, and it is growing. Governments and NGOs throughout Europe and the Americas are almost routinely demanding that Catholics and other Christians accommodate themselves to arrangements that are morally unacceptable.

How can *Veritatis Splendor* help us with the task of confronting a culture, not of dissent—it is we who dissent—but of denial? Of denial

⁷ See John Paul II, *Veritatis Splendor* (1993), §99 and §101.

and coercion to complicity in denial? Only, of course, by helping us to order our thoughts, and in ordering our thoughts to stiffen our resolve to speak and live according to the truth, even if, like Saint Stephen, we must suffer for it from those who stop their ears at hearing the truth. It is vital that we gather our thoughts and order them aright. On this, right action ordinarily depends. *Veritatis Splendor* seems especially concerned to help us with the process of holding together that which we are constantly urged to pull apart: above all, freedom and truth, on which a few remarks before we consider right action in the matter of marriage.

It was Jesus, of course, who famously said: "You shall know the truth and the truth shall set you free."⁸ John Paul II echoes this at the very outset of *Veritatis Splendor*: "Truth enlightens man's intelligence and shapes his freedom." Blessed John Paul was the leading voice of the last century (Solzhenitsyn might also be mentioned) insisting to one and all that "only the freedom which submits to the Truth leads the human person to his true good." He reminded the Church that helping our culture to rediscover the "essential bond between the Truth, the Good and Freedom" is a definite requirement of its mission today.⁹ There would of course be no particular relation between freedom and truth, no dependence of the former on the latter, were it not for "the essential bond between God's wisdom and will"¹⁰ (which, we might say, is God's goodness and the ground of all our good). This bond ought also to exist, on the creaturely level, for man. But it cannot exist where there is serious confusion between good and evil, and hence a lack of wisdom. Such confusion is "the most dangerous crisis that can afflict man," because it "makes it impossible to build up and preserve the moral order of individuals and communities."¹¹ But it is the very crisis that has come upon us.

If we ask after the sources of this crisis, we must consider at least two. The first is eucharistic, or rather, the refusal of the eucharistic. When man does not honor God as God, but fails to give thanks, his thinking (as Paul says) becomes futile. We must be under no illusion here. The post-Christian West is nothing other than a society that refuses to render thanks, a society that rejects the Eucharist as the beating heart that once quickened its culture. Otherwise it would still be Christian; or perhaps we should say that, in this perverse reactionary way, it still is Christian. And the refusal to render thanks—which we have elevated to a political and legal principle under the

⁸ John 8:32; see *Veritatis Splendor* §87.

⁹ *Veritatis Splendor* §84, quoting a 1986 address to the International Congress of Moral Theology.

¹⁰ *Veritatis Splendor* §99.

¹¹ *Veritatis Splendor* §93; cf. Plato, *Republic* 10, 618c.

banner of *laïcité* or secularism—means that we must claim as strictly our own what is manifestly a gift: our very lives. Whence arise our deepest moral confusions about personhood, abortion, euthanasia, sexuality, authority, economics, and the political process itself; and from these confusions spring many actual and concrete evils, such as the millions of miniscule corpses produced by the abortion industry and celebrated by our blood-spattered political and cultural elite.

The second source, unfortunately, and it is implicated in the first, is Franciscan nominalism, which taught us how to detach freedom. Nominalism attacked in God himself, or at all events in our knowledge of God, the essential bond between wisdom and will. Absent this bond, the human task of discerning good and evil became more or less impossible. Human freedom began to be understood as the freedom of indifference, of a man's raw choice unconstrained by any prior consideration of the good and of possible means of achieving the good. Nature, in so far as it constrains choice, erects a barrier to freedom that must be overcome. On nominalist premises, moreover, nature cannot be thought of in terms of either formal or final causes; hence it cannot direct us to universal ends.¹² But man can distinguish himself from nature, even triumph over nature, by legislating his own ends, where God has not already done so. And increasingly it came to be doubted that God had done so. Divine legislation and human self-legislation were one and the same thing.

At first the divine element in human self-legislation was understood to be reason, but will vied with reason for precedence. And the will in question was no longer, as Anselm had taught, a will-to-happiness and a will-to-justice, whose freedom lay in the fact that it was both these things and not one of them only.¹³ Rather it was the power of choice, pure and simple; that is, *in abstracto* and without reference to goods such as happiness or justice. Under these conditions, law (whether natural, human, or divine) gradually ceased to be viewed as the form that freedom takes—such was the Mosaic model, the covenantal model, which had hitherto informed Christendom. Law was increasingly seen as a set of arbitrary constraints against which freedom chafed. Its positive, teleological character was displaced by something essentially negative: Law serves to restrain the will at the point where it might otherwise interfere with the will of another; law does not serve freedom by directing people towards

¹² See M. Gillespie, *The Theological Origins of Modernity* (Chicago: University of Chicago Press, 2008), 24.

¹³ See *De Casu Diaboli* 13f. It was Anselm who first perceived the threat posed by nominalism, in the prototype launched by his contemporary, Roscelin; see *De Incarnatione* §1.

their true ends but rather by preventing them from interfering with the arbitrarily chosen interests of the other.¹⁴

The path from William of Ockham, whose contributions to nominalism set off this chain reaction, to moderns such as J. S. Mill is still being mapped. For Mill it is not truth that leads to freedom but freedom that leads to truth—whatever the truth is *pour moi* or *pour toi*, the qualifier attached to almost every question on the Ethics and Religious Culture exam that my youngest son brought home from school the other day! On such a view, no precept of the moral law is ever absolute. John Paul II attacked this in *Veritatis Splendor*, rejecting consequentialism and proportionalism for their failure to admit “the existence of negative moral norms regarding specific kinds of behavior, norms which are valid without exception.”¹⁵ He insisted that some things must be recognized as intrinsically evil (*intrinsece malum*) and firmly reasserted the principle that it is never licit to do evil that good may come.¹⁶ This principle, indeed, is the *articulus stantis et cadentis* of Catholic ethics. It is also the only true bulwark against the decline of freedom into tyranny. But Catholicism confronts the modern world with a positive as well as a negative principle, namely, that truth leads to freedom; that nature and its laws, properly understood, serve rather than negate freedom; that “universal and unchanging moral norms” undergird, rather than undermine, respect for “the uniqueness and individuality of the person,” while preserving the common good.¹⁷

Whence does it derive its confidence in this, if not from the gospel? The “alleged conflict between freedom and law,” claims the pontiff, arises only where another, more serious dichotomy is operative, in which morality is divorced from faith.¹⁸ The chief lesson to be drawn from *Veritatis Splendor*, on my view, is that no strategy for dealing with the crisis of confusion between good and evil can be hopeful of success if it is prepared to countenance such a divorce. And that has implications for how we ought to handle issues such as the marriage controversy, which certainly reflects our deep confusion.

¹⁴ The liberty of society, then, began to be conceived likewise, not as a function of advance towards the common good, but as a liberty that consists “in every man doing what he pleases;” or so Leo complained in *Libertas Praestantissimum Donum* (§10).

¹⁵ *Veritatis Splendor* §90.

¹⁶ *Veritatis Splendor* §§79f., §97.

¹⁷ *Veritatis Splendor* §85.

¹⁸ *Veritatis Splendor* §88. Which means also: the love of neighbor from the love of God.

The Unity of Morality and Faith

Let me explain, first, the dichotomy itself. The separation of morality from faith is a refusal to allow that the moral sense is “rooted and fulfilled in the religious sense”; more specifically, that “only God, the Supreme Good, constitutes the unshakeable foundation and essential condition of morality.”¹⁹ Russell Hittinger offered a fine treatment of this separation in an article that appeared in *Crisis* magazine two years after the release of *Veritatis Splendor*. With John Paul II, he traced the problem all the way back to Genesis 2:17; that is, to the divine prohibition against eating from the tree of the knowledge of good and evil. “The first law establishes the rule of law itself,” says Hittinger, “which is that men govern only by sharing in divine governance.” Their freedom to govern flows from this “participated theonomy.”²⁰ But the rejection of the first law, of this first principle of all law, establishes—or rather, purports to establish—a sphere of “complete sovereignty of human reason in the domain of moral norms regarding the right ordering of life in this world.”²¹ Faith and obedience are set aside in the exercise of this sovereignty. An attempt is made to evict God himself from the garden or vineyard he has planted, of which man was to be the steward or tenant and eventually the partner. The actual result is that law is turned against itself, and that liberty fragments into license on the one hand and coercion on the other. It is man who loses his place in the garden. He is reduced to living “as if God did not exist.”²²

An illustration of this “as if,” and of its coercive character, is fresh on my mind because of a case currently before the Supreme Court of Canada in which I have been involved as an expert witness. The aforementioned Ethics and Religious Culture (ERC) curriculum is mandatory in Quebec, not only for public schools, but for all schools. And in this curriculum it is forbidden that any appeal be made to God. Even Catholic schools are not allowed in their deployment of the ERC curriculum to make any such appeal. They are not to claim that God does not exist; but they are to *teach* as if God did not exist. Which is also to say that, while engaged in this teaching, they are to live as if God did not exist. They must conform to the State’s mandate for “neutrality” in matters religious and ethical. When one Jesuit school requested an

¹⁹ *Veritatis Splendor* §98f.

²⁰ “Law and Liberty in *Veritatis Splendor*,” *Crisis* 13 (May 1995): 13–17 (available at ewtn.com). Hittinger elaborates: “The natural condition of man is one of participation in a higher norm. Man has liberty to direct himself because he is first directed by another.”

²¹ *Veritatis Splendor* §36.

²² *Veritatis Splendor* §88.

exemption, that it might teach an equivalent curriculum in its own Catholic way, its request was denied on the grounds that no confessional approach could possibly do justice to the curriculum's goals, namely, "the recognition of others and the pursuit of the common good." The school sued, and the lower court called this denial—"this demand for conformity in the name of tolerance"—"totalitarian in nature." Which it is. But the Court of Appeal afterward declared it only a minor infringement on religious liberty, justified by a concern for the common good. Catholics can be asked to behave as if they were not Catholics for part of their school day, so long as there is some other part in which they may declare themselves as such.²³

What happens when we live as if God did not exist, whether by court order or simply by cultural osmosis? The answer is that "the criteria employed by believers themselves in making judgments and decisions often appear extraneous or even contrary to the Gospel"; our own weakness, says *Veritatis Splendor*, becomes "the criterion of the truth about the good."²⁴ In the case in point, teachers are instructed that no student opinion is to receive anything but affirmation; each one is free to provide his own measure of the good. This is supposed to make for a tolerant and inclusive society, but in fact it is an approach that corrupts the morality both of the individual and of society.²⁵

John Paul II reminds us that the Church is charged by God with the task of interpreting the moral norm, of which it is in "no way the author or the arbiter." "In obedience to the truth which is Christ, whose image is reflected in the nature and dignity of the human person, the Church interprets the moral norm and proposes it to all people of good will, without concealing its demands of radicalness and perfection."²⁶ But what is the Church to do when it is deprived of the power to propose this even to its own, never mind to all people of good will? What is it to do when it resides in a society in or for which it has been determined that the common good requires silence about Christ and about God?

The pope's answer is crystal clear. It must witness anyway, martyrially, resisting even to the shedding of its blood.²⁷ Why? Because "the Supreme

²³ *Le Procureur Général du Québec c. Loyola High School et John Zucchi* (Cour d'Appel 500-09-020854-105, 4 Décembre 2012). The Supreme Court of Canada has granted leave to appeal.

²⁴ *Veritatis Splendor* §104; cf. again §88.

²⁵ The battle over education that is going on in Quebec, as in many other jurisdictions, is the consequence of errors condemned already in Pius IX's 1864 Syllabus of Errors; see §§45-48.

²⁶ *Veritatis Splendor* §95, quoting *Familiaris Consortio*.

²⁷ *Veritatis Splendor* §§90-94; cf. Heb 12:3f.

Good and the moral good meet in truth: the truth of God, the Creator and Redeemer, and the truth of man, created and redeemed by him.” To this, testimony must always and everywhere be given by the Church, regardless of what man says or does. For the Church’s *raison d’être* is to bear witness to Christ, in whom the truth of God and the truth of man are objectively one. To bear witness to Christ is also to bear witness to “the inviolability of the moral order,” and so to the dignity and freedom of man.²⁸

Human freedom is today in great jeopardy, because of the crisis of confusion between good and evil that flows from a false opposition between freedom and truth, the font of which is the divorce between faith and morality; which is one and the same with our refusal to honor God as God, and to render thanks for his great gifts. Christian freedom is today in great jeopardy, because there are many, especially in places of power, who do not wish to be reminded of this, who do not wish to know—who wish rather to deny—the objective truth about God and about man to which Christians are bound to give witness. So what are Christians to do?

What Then Shall We Do?

Let us return to the matter of marriage, our main example of the confusion and coercion that arise when these dichotomies are operative. Here we are certainly not alone in our witness to what John Paul calls “the absoluteness of the moral good”;²⁹ that is, in expressing our objection to the move to put heterosexual and homosexual relations on the same legal footing. Many others also see in this move an attempt to suppress the truth of nature in the name of a false freedom. “To establish a new equivalence, a new equality, a new norm, will deny reality,” complained Bruno Azérot (representative from Martinique and *soi-disant* “man of the left”) to the French National Assembly.³⁰ What he pointed out to the Assembly—which, of course, voted shortly afterwards to proceed with this denial—was something that I had tried to point out to Canadian parliamentarians back in 2005, when Canada was at the same stage at which France is now: namely, that the move to same-sex marriage necessarily entails the commodification of children, whose right to a father and mother, and in particular to their own father and mother, is repudiated thereby; only, as one whose ancestors had been slaves, he could say it with much more force

²⁸ In a certain sense, this may even be put the other way round. To bear witness to human dignity is already to bear witness to Christ, because in him and only in him are human dignity and freedom guaranteed.

²⁹ See *Vérité et Splendeur* §94.

³⁰ Bruno Nestor Azérot, speaking on 1 February 2013.

than I could.³¹ Yet M. Azérot's speech, like Rabbi Bernheim's essay, amounted in the end, given the Assembly's vote, to a lament for freedom despised, for rights lost, for human dignity attacked at its very roots.³² What has happened in Canada and in France, and lately in Britain, has begun to happen in America also; the tide is evidently flowing in that direction. So what are we to do? How are we to set about recovering our freedom?

It is instructive, I think, to compare notes at this point with the pope of Radical Orthodoxy, Professor John Milbank. In his magisterial article on the subject, "Gay Marriage and the Future of Human Sexuality,"³³ Milbank first frames an argument against the redefinition of marriage "in broadly 'natural law' terms which can appeal to all human beings." Same-sex marriage, he concludes, appears to flout human nature, generating various more or less insoluble dilemmas. "The issue of sexual difference and complementarity," he contends, "needs to be readdressed."

Milbank then observes, quite rightly, that natural law arguments are insufficient:

[For] in the end the true character of human nature is only recognisable if one ascribes to the notion of a created order, and this is only likely to be done by people whose thinking already obscurely anticipates that the God who gives in creation will also give the knowledge of himself to rational spirits by grace. In other words, the "nature" and the "reason" considered by secular people, on the one hand, and religious people, on the other, are not likely to coincide. Christians are likely to frame the debate over gay marriage in terms of the true human good, the proper goals that human beings should aim for. Secular people, on the other hand, are likely to reject the idea that such goals can be objectively shared in common, and to frame the debate in terms of rights and private utility.

³¹ Sylviane Agacinski-Jospin, who at first opposed and then supported same-sex marriage, worried in this connection about homosexual adoption rights. Her concern is summarized by Robert Zaretsky ("Égalité Meets Gay Marriage," *New York Times*, 8 February 2013): "If we truly sought what is most universal in our lives, we could go no further than the fact that 'a child can only issue from a father and mother, that is to say a man and a woman.' We ignore this 'fundamental value' only at our own and society's peril, Agacinski warns. Most alarming, in her eyes, is the burgeoning market in surrogate mothers, women engaged in what she calls a commerce in human beings."

³² Or rather somewhere near its roots. For what he could not say, or at least what he did not say, is that we have been commodifying children ever since we normalized contraception.

³³ 13 March 2012 (ABC.net.au)

By “secular people” (an infelicitous term) I think we may understand a reference to those who do not render thanks.

When Milbank turns to the question “What then shall we do?” he briefly considers the proposal that we should ask the State to withdraw from marriage and cease regulating sexual relations altogether. “This radical position,” he says, “should be refused, on the grounds that it is desirable that the state give every possible legal and fiscal encouragement to marriage as a key institution of social bonding.” If however same-sex marriage is universally embraced, the Church (he means the Anglican Church) should “deem marriage under civil law a failed experiment and . . . resume its sacramental guardianship of marriage as a natural and social condition.” In order to defend itself from the charge of “unjust discrimination against gay people,” however, it should also “move swiftly to permit the blessing of gay civil partnerships in church,” so as to “render the strongest possible theological statement of the view that it is possible to recognise the legitimacy of faithful homosexual union without conceding that this is tantamount to marriage.”

To concede that it is tantamount to marriage “would mean embracing a dubious theology separating soul from body by imagining ethereal souls entirely free from their corporeal and so engendered connections.” On the other hand, to refuse to bless “faithful homosexual unions” (he suggests the sexual aspect of such unions be left to the discretion of couples and their confessors) would be to deny “the probability that homosexuality indeed falls within the range of ‘natural’ human behaviour.” And how is the distinction between sacramental marriage and civil unions, blessed or otherwise, to be maintained? By employing “the major weapon in its cultural armoury . . . the offer of a traditional Church wedding.” So: “the battle over gay marriage may well be lost, but this does not mean that Christians must also concede the war over the future of human sexuality.” In defense of human sexuality they still have in their armory—at least until the State makes it illegal to deploy it on a discriminatory basis—the offer of a traditional church wedding!

I said it was useful to compare notes. I’m not sure what you may have noticed, but here is what I noticed: Milbank has some very sensible things to say about human nature, including the importance of sexual difference, on the one hand, and the gifts and curses of homosexuality, on the other. He also recognizes that asking the State to get out of marriage is no solution. But where John Paul II puts martyrial witness to Christ, and so to the truth, John Milbank puts a jazzed-up offer of a traditional church wedding, complete (he proposes) with pick-up and delivery of the bride and groom, photographing etc., all at a price that undercuts the

going rate, so as to make the pagans jealous. On this the future of human sexuality apparently depends.

Something has gone wrong here, very badly wrong.³⁴ And that something is not simply a function of Milbank's failure to grasp what is really at stake in the contraceptive mentality, or in his reading of homosexual practice, within certain unspecified limits, as natural. It is more fundamentally a function of a christological deficiency, on which I have commented elsewhere.³⁵ It is worth noting that his article contains but a single passing reference to Christ—an allusion to Ephesians 5—the cogency of which he himself seems to miss.

To his credit, however, Milbank has produced a further article that grapples with the totalitarian danger now facing us. In "The Impossibility of Gay Marriage and the Threat of Biopolitical Control,"³⁶ he decries "the modern state's drive to assume direct control over the reproduction of the population, bypassing our interpersonal encounters." The gay marriage strategem, he opines, "is not about natural justice, but [about] the desire on the part of biopolitical tyranny to destroy marriage and the family as the most fundamental mediating social institution." That indeed is a fact, and its deepest explanation lies, I would say, in modern man's rejection of the lordship of Christ and in his need to force marriage to deny, rather than to signify, that lordship.³⁷ Which of course suggests that we try to give an answer to the question "What then shall we do?" that is more robust than Milbank's earlier proposal, an answer more in keeping with the guidance given in *Veritatis Splendor*.

Uncommon Sacrifices

We have learned, or we are learning, that we cannot rely on an appeal to religious freedom. Where morality is divorced from faith, religious freedom is immediately suspect. Already we hear a rising chorus of complaints about religious freedom, and of questions about whether religious free-

³⁴ Here indeed is a fine illustration of John Paul II's lament: "Certainly moral theology and its teaching are meeting with particular difficulty today" (*Veritatis Splendor* §111).

³⁵ See my review of *Radical Orthodoxy* (New York: Routledge, 1999) in *Neue Zeitschrift für Systematische Theologie und Religionsphilosophie* 42.3 (2000): 330f.; cf. R. R. Reno, "The Radical Orthodoxy Project," *First Things* (February 2000): 37–44.

³⁶ Australian Broadcasting Corporation, 23 April 2013.

³⁷ See further D. Farrow, *Ascension Theology* (London: T&T Clark, 2011), 106ff., though an exposition of Ephesians 5, which is beyond our remit here, is also lacking there.

dom really is a fundamental right.³⁸ I am for defending religious freedom with all the vigor we can muster, and for resisting the administrative tyranny to which Alexis de Tocqueville warned us we were susceptible.³⁹ Arguably the present brew of militant secularism, bureaucratic totalitarianism, and radical feminism with its LGBTQ ingredients, is the most potent and deadly draught that our civilization has yet been asked to drink. But I am not for relying on religious freedom as the antidote, for religious freedom will most certainly disappear along with marriage, if marriage itself disappears from the legal horizon, swallowed up by this beast called “gay marriage.” So here is what I think we should do.

First, we should reckon with the fact that “maintaining a harmony between freedom and truth occasionally demands uncommon sacrifices,” as John Paul II warned us.⁴⁰ And that this is such a time.

Second, we ought not at all to shy away from the fact that the citizens of a society that does not render honor and thanks to God will, among other negative consequences, be given up “in the lusts of their hearts to impurity, to the dishonoring of their bodies among themselves, because they have exchanged the truth about God for a lie.” And in reckoning with that we must be prepared, for our part, to renounce the contraceptive mentality and all its ways, even when—especially when—the government allies with various ideological and economical interests to reinforce it. For there can be no doubt that many features of our current situation, morally and culturally and legally, are the product of this

³⁸ As Yuval Levin remarks: “Religious liberty is an older and more profound kind of liberty than we are used to thinking about in our politics now. It’s not freedom from constraint, but recognition of a constraint higher than even the law. It’s not ‘the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life’ but the right to answer to what you are persuaded is the evident and inflexible reality of existence, of meaning, of the universe, and of the mystery of human life. It’s not the right to do what you want; it is the right to do what you must. Governments have to recognize that by restricting people’s freedom to live by the strictures of their faith they are forcing them to choose between the truth and the law. It is therefore incumbent upon the government of a free society to seek for ways to allow people to live within the strictures of their consciences, because it is not possible for people to live otherwise” (www.nationalreview.com/corner). But cf., e.g., Brian Leiter, *Why Tolerate Religion?* (Princeton, NJ: Princeton University Press, 2012).

³⁹ Alexis de Tocqueville, *Democracy in America*, IV.6 (London: The Folio Society, 2002), 661ff.

⁴⁰ *Veritatis Splendor* §102.

mentality. In other words, we must model self-denial, “controlling our own bodies in holiness and honor,” as Paul says.⁴¹

Third, we must be prepared to proclaim that the body is for the Lord, and the Lord for the body, as the same apostle says elsewhere.⁴² We must proclaim this first of all to believers; but we must also proclaim it to unbelievers and, in the context of that proclamation, be prepared to repudiate publicly those practices that Scripture calls *porneia* as practices unfitting for human beings and contrary to human dignity. That includes homosexual practices, which the *Catechism* (§2357) describes as intrinsically disordered, and therefore morally wrong, just as the psychology that drives such practices is objectively disordered (though not *ipso facto* culpable).

Let me say, parenthetically, that I have done my best to provide a sketch of the positive anthropology that permits such a proclamation and that also requires such repudiations, in my Thirteen Theses.⁴³ This anthropology, or something like it, is the context in which the repudiations in particular must be couched, lest they be mistaken for malicious discrimination or hate speech.⁴⁴ But there can be no getting round the fact that there is a concerted effort to displace this anthropology, or anything remotely like it, in the minds of our young people especially, and that this effort has been very successful.⁴⁵ The battle over who controls public education is in significant part a battle to secure that success and to rout completely any straggling opposition; so is the battle to control the juridical definition of “hate speech.” It is past time to stand up and be counted here. Those who think the conflict can be avoided are mistaken. They are not dealing realistically either with the gospel or with the deter-

⁴¹ 1 Thes 4:3–5; cf. Rom 1:18ff. Sexual self-denial is not the same as sexual self-repression, a point we must sometimes defend; but I am a little wary of attempts, current in some “theology of the body” circles, to counter pagan sexual eroticism by trying to cultivate a somewhat more Christian version.

⁴² “The body is not meant for immorality, but for the Lord, and the Lord for the body” (1 Cor 3:13)—a point Paul immediately supports by way of appeal to one of the most basic doctrines of the faith, viz., the resurrection of the dead.

⁴³ “Thirteen Theses on Marriage,” *First Things* (October 2012): 23f. (cf. December 2012, 14f.).

⁴⁴ Or for that matter be found in contravention of the Catechism’s demand that persons of disordered sexual psychology “must be accepted with respect, compassion, and sensitivity; every sign of unjust discrimination in their regard should be avoided” (§2358).

⁴⁵ An anecdote in illustration of that success: I recall being approached by two young women after a class at McGill University, the reading for which had been drawn from *Evangelium Vitae*. This reading they had found shocking, and they wished to make certain that I understood just how shocking it was. What they expressed was neither a complaint nor an appreciation, but a registration of utter surprise.

mination of its opponents. They are not considering the unbreakable bond between truth and freedom.

My fourth point follows: There are good natural law arguments for marriage that must be pressed with renewed energy, even if it is true that they will only be fully convincing to those who anticipate somehow that nature is open to grace and reason to revelation.⁴⁶ But if it is the eclipse of the sense of God that leads to the eclipse of the sense of man,⁴⁷ and if indeed the eclipse of the sense of man is already far advanced, it is above all the gospel of Jesus Christ that we must proclaim, declaring on his authority that man may once again learn to be man. We must preach Jesus Christ and his resurrection, and with it the truth that the Lord is for the body and the body for the Lord. “The new evangelization also involves the proclamation and presentation of morality,” says John Paul II,⁴⁸ and the reverse is true as well. To present morality apart from a presentation of the gospel, or without the authority that derives from the Resurrected One, is futile. Man, who *qua* man does yearn for the good, must draw near to Christ to discover the good, and to discern the true relation between freedom and truth, between law and liberty.⁴⁹ Not for nothing does *Veritatis Splendor* begin with the parable of the rich young ruler, or call us to forsake worldly security to follow Jesus.

Fifth—though here we only return to the first point—we must prepare for civil disobedience and its consequences. The Rev. Ken Miller, a Mennonite pastor in Virginia, recently set an example for others to follow. He was jailed for refusing to testify before a Grand Jury against those who helped a woman escape with her young daughter from a custody order that defied natural law and natural justice by assigning parental rights to a former lesbian partner. In doing so, he took the path marked out by St. Peter himself, not to mention Thomas Aquinas and Thomas More and Leo XIII and Martin Luther King, Jr., and a host of others: the path of refusing to set positive law above natural law and divine law.⁵⁰ It is one thing for the State to permit transgressions of

⁴⁶ Beyond Milbank, see for example Sherif Girgis, Ryan Anderson, and Robert George, *What Is Marriage? Man and Woman: A Defense* (New York: Encounter Books, 2012).

⁴⁷ *Evangelium Vitae* §21.

⁴⁸ *Veritatis Splendor* §107.

⁴⁹ Cf. Augustine, *De Moralibus Ecclesiae* 48ff., and Irenaeus, *Adversus Haereses* 4.12ff., both of which expound an evangelical dialectic of law and liberty that resists any tendency to substitute license for the latter and coercion for the former.

⁵⁰ See Leo XIII, *Rerum Novarum*, §52: “For laws only bind when they are in accordance with right reason, and, hence, with the eternal law of God.” (Reference is made here to the *Summa theologiae* I–II, q. 93, a. 3: “Human law is law only by

divine or natural law, another thing for it to try to enforce transgressions. Where it does so, we are duty-bound to resist; it is right and just. But of course we must be willing, as these were, to suffer the consequences. Christian freedom is not freedom from inconvenience, or even from incarceration and death. It is freedom for God, and so also for the neighbor, in Christ crucified and risen. It is martyrial freedom, the freedom to bear witness to the truth in a time of denial. Just so, it is a manifestation of the splendor of truth. N-V

virtue of its accordance with right reason; and thus it is manifest that it flows from the eternal law. And in so far as it deviates from right reason it is called an unjust law; in such case it is no law at all, but rather a species of violence.”) Cf. Pope Leo’s *Libertas Praestantissimum Donum* §10.