

Same-Sex Marriage as Social Institution and as Sacrament
Margaret A. Farley

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This morning I will be reflecting with you on the meaning of marriage as institution and sacrament,¹ and particularly its meaning for those in same-sex relationships. I have written and spoken about many controversial issues over the years, but perhaps none so complex and conflicted as this one. In every interested group—whether so-called traditional Catholics (and traditional Christians of many denominations), or so-called progressive Catholics; whether members of the gay community or straight; there is both profound support and acute opposition to the possibility of either civil or religious marriage for gay and lesbian partners. Behind and beyond these divisions are the deep questions of the meaning of sexuality, the importance of gender, and the meaning of marriage (as both institution and sacrament) in the 21st century. What is most profoundly at stake is, on the one hand, justice to those who have been excluded from the possibility of Christian marriage, and on the other hand, God's desire to be present to all of us in our church and in our world.

I intend to argue, in this presentation, that it should be possible for persons in same-sex relationships to marry, and to marry in a way that is not hindered but supported by both civil society and the church. To defend this thesis I will move slowly, although briefly, through four major considerations: (1) the moral justification of same-sex relationships in general (i.e., apart from considerations of marriage); (2) critical challenges currently leveled by the gay community against the institution of marriage; (3) a positive view of marriage as institutional and sacramental framework for gay and lesbian life and love; and finally (4) how grace works in same-sex marriages and what this can mean for the church.

Same-sex Relationships and their Moral Justification

If the validity and significance of gay and lesbian marriage is to make sense to many people, I realize the need of a basis for affirming same-sex relationships in general. This, of course, is what I tried to provide in my presentation last evening, and I will not repeat it here. I only recall quickly the major steps in my analysis and argument. So long as the Catholic or other Christian traditions continued historically to justify sex solely for the procreation of children, or sex in marriage primarily as a corrective to disordered heterosexual desire, or assumed gender complementarity as the only “natural” context for sex, there was, of course, little room for positive valuations of same-sex relationships. Heterosexual marriage had to be not only the general norm for Christian life, but along

with celibacy for those who could manage it, the only acceptable choice for Christians regarding sexuality.

In the 20th and 21st centuries, however, these presuppositions changed. In much of Catholic and Protestant sexual ethics, the view of heterosexuality as fundamentally disordered by original sin is gone; so, therefore, is the procreative norm for all heterosexual activity. Moreover, rigid stereotypes of male/female complementarity have been softened for gender roles in family and society. Yet these motifs all reappear when it comes to some peoples' negative views of same-sex relations and activity. In the words of official Catholic church documents, for example, same-sex activity remains "intrinsically disordered" and hence objectively immoral. Why? Because homosexual acts "close the sexual act to the gift of life [offspring]"; they "do not proceed from a genuine affective and sexual complementarity [male/female]; and they "thwart the call to a life of that form of self-giving which the Gospel says is the essence of Christian living."²

Searching the sources of Christian ethics for more accurate and adequate insights into people's experience of gay and lesbian relationships, I argued, produces no absolute condemnation or blessing—either in scripture, tradition, or secular fields of knowledge. But if none of these sources yields final reasons to condemn homosexual acts or relationships as such; and if, indeed, they offer some important resources for affirming same-sex relationships as an acceptable moral choice for human persons; then our question becomes no longer *whether* same-sex relations can be justified and good, but *when*, under what conditions, according to what norms, they are so.

From here I proposed a framework for a Christian sexual ethic based on norms of justice, norms that make love and action "true and just" by taking account of the "concrete reality" of human persons, their dignity as ends in themselves, manifest in their capacities for free self-determination and for relationships with one another and with God. Arguing that these norms are not different for heterosexual or same-sex relationships and activities, I specified them in terms of doing no unjust harm, and specific requirements of free consent, mutuality, equality, commitment, fruitfulness, and social justice. Of these norms, the ones most interestingly relevant to issues of same-sex marriage are commitment, fruitfulness, and social justice; hence, they play an important part throughout my considerations of same-sex relationships and marriage.

Marriage as an Institution: The Gay Critique and Challenge

The gay community is as conflicted about gay marriage as is the straight community, although the conflicts are significantly different. The primary problem for

those in gay and lesbian communities who oppose gay marriage is their evaluation of marriage as a social institution. Marriage, after all, has had a chequered history, one that is both hidden and revealed in contemporary Western notions and experiences of marriage. Gay and lesbian critiques appear in at least three forms.³ First, Western marriage has all too often been a *site of injustice*, not justice. That is, it has historically enforced gender stereotypical conformity, reinforced female subordination within a patriarchal framework, and institutionalized “compulsory heterosexuality.” Second, marriage has been *overvalued*, to the detriment of other possible configurations in the sexual sphere. Following the Protestant Reformation in the sixteenth century, marriage became central to Protestant Christian piety, escalating its risk for human injustice and obscuring the sovereignty of God through idolotry regarding the family. In addition, marriage today is glorified and *romanticized*, granting status for respectability but not sustenance for love or the maturation of children. Third, should marriage become available to gays and lesbians, the result will be enormous *pressure to marry*—not unlike ongoing pressures on heterosexuals to marry. As gay critics point out, the privileges of marriage that appear so important to some in the gay community may be falsely seductive, making of marriage an insurance policy. Fourth, under the guise of state protection, relationships unfortunately will get *state regulation and control*. And the most searing summary criticism of all: As the gay community comes into an era of acceptance, it may be doing so unwittingly in the very *terms of the larger society* that have been devastating in the long run for gays. For any and all of these reasons, why should persons want their same-sex relationships subjected to marriage as an institution—a deeply flawed institution that has harmed gays and lesbians for centuries?

Most (though not all) of the gay and lesbian critics of marriage, however, do not want either to abolish marriage or even to block the possibility of societal recognition of same-sex relationships as marriages for those who want this. Their concern is, rather, to avoid the *overvaluation* of marriage—especially in ways that continue to discourage any other configurations for persons in relation. Although these critics generally want to raise up friendship, not marriage, as the ideal framework for same-sex relationships, some of them allow that gay marriage may make possible a prophetic call to change society and the structures of marriage within it. Moreover, critics of gay marriage from within the gay community do still want new ways to strengthen ties of mutual love, increase respect for otherly gendered people, and provide support and stability to multiple forms of family.

But what shall we make of these critiques when we move to considerations of marriage as sacrament? The not-so-ideal history of Western marriage⁴ is as intertwined with regulation by the church as by the state. The forms of injustice that remain in the structures of marriage do not always disappear in marriages that are considered to be

sacramental. To idealize marriage as a sacrament may exacerbate the very real problems with the institution of marriage that are identified by its critics.

Reasonable concerns about overvaluing some aspects of marriage today contrast with the fact that marriage was also undervalued for many centuries. The legacy of the early church through the middle ages, when marriage was clearly de-centered as a primary means of spreading the gospel, remained in the Catholic tradition (with few exceptions) until Vatican II. In the beginning, Christians believed they lived in the “end times,” when marrying was relativized by hope in the eschaton. The attitude toward marriage and building families was ambivalent—sometimes dismissive, as when Christians were asked to leave all things, including spouses and family members (Matt. 12:25, 22:30; Luke 20:35); sometimes “substitutive,” claiming the church as a substitute for traditional families, a new home for believers (Matt. 10:29-30); sometimes affirmative, since “leaving all things” could have a distinct meaning for those called to live in traditional family households (Acts 10:2; 11.4; 16.15). Although the majority of Christians did choose marriage and family as their way of life, and through the centuries marriage was indeed finally given the dignity of a sacrament among other sacraments, it was still seen as a lesser calling (than a celibate lifestyle).⁵

It can be argued that the idea of marriage as sacramental, graced in a particular way as an operative sign of God’s presence in human life, was acknowledged in the Christian community from the beginning. It was not, however, officially declared one of seven specific sacraments until the twelfth century. And no one wrote a self-contained theological treatise on the marital sacrament before Hugh of St. Victor in the mid-twelfth century.⁶ What it means to say that marriage is a sacrament has been pondered by canonists and theologians in all centuries since then, but it is still not really agreed on. Even the Council fathers at Vatican II found themselves engaged in bitter debate about the meaning of sacramental marriage. What they finally discerned they recorded in *Gaudium et Spes*, but ever since, theologians have been struggling to understand more fully the *sacramentum*, or the *mysterium* that belongs to Christian marriage. To the cynical, the church’s declaration about marriage as a sacrament has more to do with wanting to control the institution and practice of marriage, but to many others the sacramentality of marriage is salvific, or can be—not made so by the social institution that provides its matrix but by the presence of God.

Sobered, then, by the dangers of overvaluing and undervaluing marriage, my thesis that it should be possible for persons in same-sex relationships to marry is nonetheless based on the conviction that marriage, both as social institution and sacrament, can provide a positive context for gay and lesbian life and love. Without forgetting the critics of marriage, I move now to explore this claim.

III. Marriage as a Positive Context for Gay and Lesbian Relationships

Two questions must be probed if the possibility of marriage is to be not only affirmed but advocated for same-sex relationships. The first is whether marriage as a framework for life and for love can be conducive to the well-being and flourishing of lesbians and gay men. The second is whether same-sex relationships can fit contemporary understandings of marriage as both institution and sacrament. In other words, is marriage “suitable” for same-sex relationships? And are same-sex relationships “suitable” for marriage? I think that basically one response can be given to both questions—the same response with multiple parts.

First, marriage can indeed serve the well-being and the flourishing of gays and lesbians (or heterosexuals, for that matter) if it is a place and a way of justice. All of the goals and the realities of marriage as a social framework for love and for life depend on whether the relationship it shapes and supports is just. This in turn depends to a great extent on whether the structures of the framework are just. Past failures, for example, in gender justice in the basic structure of marriage are in the process of being corrected, and surely they can be corrected in same-sex relationships by those who are dedicated to doing so.

Measures of justice in marriage as an institution are not unlike the norms of justice for the whole of Christian sexual ethics which I tried to articulate last evening and, in summary form, here a few moments ago.⁷ A minimal but in some sense absolute ethical basis for sexual relationships, including those within marriage, can be found in requirements to assure the freedom of partners and to do no unjust harm to one’s partner or one’s self. Further requirements of mutuality and equality make it possible to understand what harming one another might mean, and possible also to nurture the kind of freedom that can choose to commit itself wisely and faithfully. To “enter into” marriage is like any other commitment in that it means to yield to another a claim over oneself; it is to give one’s word in a way that the word now exists in the other but remains within one’s self.⁸ But what is the word, the promise, the claim given, the obligation undertaken, in marrying? It is to love—in whatever degree, with whatever understanding of what love means, and with whatever capacity for love. It is to give love a past by giving love a future. It is also to enter into a framework for loving and for sharing a life.

It is readily apparent that opposition remains strong in our church and society when it comes to extending the concept of “marriage” to same-sex relationships. Many of those who are not opposed to “civil unions,” or even to “blessed unions,” still adamantly insist that these forms of union should not be called “marriages,” lest the meaning of marriage be emptied out, perhaps distorted, or in any case, threatened.

But what *is* marriage that would seem to make it inappropriate for persons in same-sex relationships? At the end of his massive study entitled *What Is Marriage* (especially in a Christian context), Theodore Mackin acknowledged that there is as yet not one agreed upon univocal answer to that question.⁹ Most theologians who look for the core reality of marriage look to the consent of the partners in the form of a covenant or contract. In other words, marital commitment, mutually pledged, seems somehow at the heart of the meaning of marriage. But “marital” commitment is a special form of commitment, a special form of covenant. Presumably today (although not always in the past) it is, as I just said, a commitment to love and be loved—with a love that is embodied and inspirited—sexual but more than sexual. As such it is in some significant sense (especially sexual) exclusive. It is a commitment to a “framework” for living and loving, to a permanent blending of lives, a weaving of a “fabric” of life together—one that embraces moments of powerful intensity but also the “everydayness” of life. It is a commitment to fruitfulness in love (not an *égoïsme B deux*), fruitfulness that can take many forms: the bearing and raising of children, but not only this; the fruitfulness of service, of the production of beauty, or a multitude of other forms of “fruits” that are the gifts of the committed partners to one another and to those beyond themselves. Finally, the marital commitment is a commitment to community—to family, friends, church, and society; and it is a commitment made individually and jointly to God.

Now what in this description of the core of marriage would not fit same-sex relationships that are marked by profound commitments to love, to share lives and whole selves, to be faithful to the uniqueness of their love, to be together fruitful in myriad ways through the gift of their love, and to anchor their love and life in community? Ah, there is one stumbling block. That is, many theologians, church leaders, and countless others in society and church, insist there is one other element essential to the meaning of marriage: gender differentiation between partners or spouses. No matter how the forms of marriage change from era to era or culture to culture, the one constant—they assert—is that marriage is between a woman and a man. You can take away love; you can take away genuine choice; you can take away specific ceremonies; but you cannot take away a gender binary “matter.”

But need this be so? Today the meaning of gender, as well as its importance, have become sufficiently problematized that it cannot, without question, be assumed as central to marriage in just the same way it has been in the past. Let me give you a rather benign example. When Karl Rahner reflects on the sacrament of marriage in terms of its symbolic relation to the love between Christ and the church (as in Paul’s instruction to the Ephesians 5:29-33): husbands, love your wives as Christ loves the church; and wives, love your husbands as the church loves Christ, Rahner says quite simply: the point here is not the gender assignment of roles—which is culturally conditioned; the point is the

unity between spouses.¹⁰ Hence, we can just as well reverse the roles and say: wives, love your husbands as Christ loves the church, and husbands, love your wives as the church loves Christ. This is a significant shift—not only in the removal of gender assigned roles, but in the correlative removal or relativization of a gendered interpretation of the relation between Christ and the church.

So much more can be said, needs to be said, about the supposed requirement of a male and a female for marriage, and certainly about any assumptions of a hierarchical order within marriage. My own view is that marriage is between persons, equal persons. For them, the gender of one another matters. For the institution and sacrament of marriage, it need not matter. In a world where it would not matter whether persons were gay or straight, marriage would be as important as it is today; or it might finally be as important as it should be.

I continue my consideration of marriage as a positive context and framework for gays and lesbians by reflecting more specifically on sacramental marriage.

Sacramental Marriage: How Grace Works in Same-Sex Marriages

The scriptures that Christians hold reverent (both the Hebrew Bible and the Christian Second Testament) tell us again and again that God is present with us. If we behold God's presence, we shall be "radiant" at what we see (Isaiah 60:6), and we shall learn "what sorts of persons we must be" to receive and respond to the revelations of God's presence (2 Peter 3:11). In the Catholic tradition we are formed in the belief that all of creation is alive with God's presence; and that Jesus, God incarnate, came and is gone but is present still and will come again. Formed in this faith, we believe also that particular human experiences are open to God's self-revelation in remarkable ways. We identify some of these ways as "sacraments." Insofar as we are formed by these beliefs, our sensibilities grow for discerning the presence of God around and in and among us—sensibilities that can include awareness and awe, yearning and partial fulfillment, and the conviction that something is asked of us in the power of this divine presence. I interpret the sacrament of marriage in the light of these beliefs, and I therefore understand that same-sex marriages, for those called to them, are or can be such experiences of the presence of God—manifest not only to partners in marriage but to the church and the world.

The marital sacrament is in the event of covenanting, of "marrying," but also in the life that continues from there. The grace of committed loves—shaped and grounded in faith—is not all-at-once. The story of commitments is importantly in their beginnings, yes, and in their end (lived out faithfully unto the consummation of fulfillment). But it is the "between" that counts the most. Like our lives in every respect, love has a past, a

present, and a future. The meaning of the past is in the present, and the meaning of the present will be revealed more fully only in the future. Lives are stretched out in time; they are not like clocks, but more like rings in a tree or notes in a melody. Time is within them. Hence the sacrament (presence and sign) is in the everyday, in the choices to ratify commitments, the efforts to grow in simple patience, kindness, understanding, forgiveness, and the “little by little” of welcoming love.

All of this is true, or can be true, of same-sex marriages, as of all marriages. Yet partners in same-sex marriage, at this point in time, have to discern each step, each possibility, in extraordinary ways. Their marriages include imagining and making a world in which unjust discrimination and alienation cease to exist. Their journeys require the courage to refuse to be outsiders, refuse to let ignorance and irrational bigotry threaten the hope of everyone for a better world. They have to be more ready, perhaps, than others to behold God’s presence in unfamiliar ways. For this, they can hope in sacramental grace and—because grace is not an automatic track to or a guarantee of fuller life—they can work with this grace.

Every marital sacramental love has a context and a *telos*, known and sustained by faith. Its context is a community, a faith community that stretches from this world to the next and back again, because it yearns for and welcomes the presence of God. Marriage as a framework of life and love is both a means and an end, for it partakes of its goal: communion, and the ongoing of communion sustained in profound friendship. Its ultimate *telos* reaches upward into the mystery of God, into radical communion with God and with all other persons in God. Along the way, this is how grace works—in strategies for compassionate respect, enduring fidelity, hope in an unlimited future, and step-by-step courageous, faith-formed love.

All of this has meaning not only for partners in marriage or members of families; it has meaning for the church and for society. The final norm I have articulated for the sexual sphere of human life is the norm of social justice. It is the norm that identifies obligations in justice which others in society and in faith communities have toward persons as sexual beings. Under this norm gay men and lesbians have the same rights as others to equal protection under the law, to self-determination, to a share in the goods and services available to all. Their needs for incorporation into the wider community, for physical safety, psychic and economic security, and basic well-being, make the same claims for social cooperation among us as do those of us all. This is why the Christian community, and not only civil society, has an obligation of communal support for its gay and lesbian members in their discernment of their relationships and their Christian callings.

But more must be said about the meaning of same-sex marriage for the Christian

church, perhaps especially the Catholic church. It is in the nature of the church both to need its gay and lesbian members within the heart of its sacramental life, and to offer to lesbian and gay members the sources of Life that they seek in the heart of the church. All people, without exception, need one another. The church is the people of God, wherein every person is held in relation to all others because all are held in the Life of God. The church is actualized by sacraments of unity (all sacraments are ultimately sacraments of unity). No gift of love to anyone in the church is just “for the two of us.” The sealing of every marriage covenant and the married life that is shaped by the covenant are significant and needed ways in which the church finds God present within it, and realizes its own life.

But just as the community of the church needs the light and strength of those who are learning how to love, so do all of those (all of us) need the strength of the church community. This strength is given in many ways, but in no way more important than through the sacramental life—that fountain of life whose source is the Life of God’s own self. This is why God’s grace in and through sacramental marriage should not be withheld from those who are called to it, including those in same-sex relationships.