



*A domestic centre of Christian spirituality*  
**integritas**

# **THE INTEGRITY OF MARRIAGE**

**Giving constitutional recognition  
and protection to same-sex unions**



**whilst preserving the truth of marriage as  
the integrity of one man and one woman**

**by**

**Patrick Treacy S.C.**

**(in collaboration with Dr. Rik Van Nieuwenhove)**

**Eight answers to eight questions**

# THE MARRIAGE REFERENDUM

in the Republic of Ireland

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The Thirty-Fourth Amendment of the Constitution (Marriage Equality) Bill 2015 proposes to add a new section to Article 41 of the Constitution of the Republic of Ireland. The wording of this new section is that :

*‘Marriage may be contracted in accordance with law by two persons without distinction as to their sex.’*

Article 41 is entitled ‘The Family’. The section will be Article 41.4, being the final section of this article in the Constitution which prescribes the constitutional rights of the family.

This proposal to amend Article 41 changes the meaning of marriage in civil law in this country by removing any different status being given to a union of a man and a woman from that of two men or two women.

This proposed constitutional amendment has proceeded to a referendum without first being subjected to the scrutiny of an Oireachtas inquiry, a public hearing or even a working group, in which the various social, moral, legal, and psychological implications of this proposal have first been teased out and clarified.

The title of the Bill that gives rise to this referendum is misleading in being named ‘*The Thirty-Fourth Amendment of the Constitution (Marriage Equality) Bill 2015*’. The referendum is not about giving an equal right to same-sex couples. It is about creating an entirely new right that allows same-sex couples to be married.

We need equity that respects difference and not equality that destroys it. All truthful love between two adults is of value but the differences between relationships need to be respected. The Marriage Referendum in the Republic of Ireland is not about sharing marriage. It is about changing it. Marriage cannot be truthfully changed.

**Human nature finds expression in either male or female. Marriage, as the intimate and permanent union of man and woman, is the unique expression and embodiment of the wholeness of human nature and should, therefore, enjoy a unique status. Neither man, nor woman, fully captures what it is to be human but in their union, including sexual union, man and woman capture something about the wholeness and integrity of human nature.**

**Marriage is based on the unchanging truth of the distinction between a man and a woman. To say, as this referendum now proposes, that marriage can be contracted in law without any regard to the distinction between a man and a woman, is not truthful.**

**This referendum also seeks to divest male and female relationships of separate, distinct and different recognition as marriages, even though it is only these relationships in which we find the embodiment of the wholeness of human nature, male and female and from within them alone that new human life is brought forth into the world.**

**If this Referendum is rejected, it opens the way to adopting a new name and language for same-sex unions in our Constitution and so allows for them to be legally recognised and equally respected for what they truly are. We would be the first country in the world to pioneer this.**

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Jesus said to them,

*“But from the beginning of creation, ‘God made them male and female. For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh.’ So they are no longer two, but one flesh.”*

Mark 10 : 6 – 9 (NRSV)

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*Blessed are you, Father,  
the creator and sustainer of all things;  
you made us in your own image,  
male and female you created us;  
even when we turned away from you,  
you never ceased to care for us.*

(From Eucharistic Prayer I,  
The Book of Common Prayer,  
The Church of Ireland)

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Deep within their consciences men and women discover a law that they have not laid upon themselves but which they must obey. Its voice, ever calling them to love and to do what is good and to avoid what is evil, tells them inwardly at the right moment : do this, shun that. For they have in their hearts a law inscribed by God. Their dignity lies in observing this law ... By conscience that law is made known in a wonderful way that is fulfilled in love for God and for one's neighbour. Through loyalty to conscience Christians are joined to others in the search for truth and for the right solution to so many social problems that arise both in the lives of individuals and in social relationships.

*‘On the Church in the Modern World’ Vatican II*

What could be stronger than marriage, or what shapes any particular life-form more profoundly than does marriage? And marriage is only true to itself if it is a kind of bracket that both transcends and contains all an individual's cravings to 'break out' of its bonds and to assert himself. Marriage is that indissoluble reality which confronts with an iron hand all existence's tendencies to disintegrate, and it compels the faltering person to grow, beyond himself, into real love by modelling his life on the form enjoined. When they make their promises, the spouses are not relying on themselves – the shifting songs of their own freedom – but rather on the form that chooses them because they have chosen it, the form to which they have committed themselves in their act as persons. As persons the spouses entrust themselves not only to the beloved 'thou' and to the biological laws of fertility and family; they entrust themselves foremost to a form with which they can wholly identify themselves even in the deepest aspects of their personality because this form extends through all the levels of life – from its biological roots up to the very heights of grace and of life in the Holy Spirit.

Hans Urs von Balthasar, *The Glory of the Lord. A Theological Aesthetics*.

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*No, because whilst love makes a human relationship thrive and be fulfilled, it is the identity of its participants, not their love for each other, which truly defines it.*

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*No, because marriage entails not just the legal recognition of the relationship between two adults but also the protection of their right to form a family in accordance with their legal status as a married couple.*

**VIII Is there another way of resolving this controversy about how our society should define 'marriage'? 50**

*Yes, by creating a new name and language for permanent same-sex unions, by giving these terms full recognition in our Constitution while also affirming the truth of marriage as between one man and one woman.*

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## Introduction

*What is the purpose of this booklet?*

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This booklet is written for those who find that the referendum about marriage in the Republic of Ireland presents a difficult dilemma and who are seeking a truthful way to respond to it. It is based upon the premise that seeking to have same-sex relationships treated as a marriage requires many caring and conscientious people, who have no difficulty in truthfully recognising these relationships, to give them a definition which they know to be untrue.

The introduction of 'same-sex marriage' violates three truths at the heart of conscientious reflection on this issue, which are that:

- (a) we are made;
- (b) we are made male and female;  
(The distinction between male and female is at the heart of human nature. Marriage is the unique union of male and female that expresses and embodies human nature in its entirety in a unique way. The fact that only this union is intrinsically fruitful in biological terms brings us to the third truth.)
- (c) we are made by a male and female.

These are three fundamental realities upon which marriage, as the union between a male and a female, is based. These truths are of universal application and are self-evident whether one is religious, agnostic or atheistic. Only the intimate union of man and woman fully captures the integrity of human nature. Other relations (gay and lesbian, between parents and children, friendship and so forth) must, of course, be treasured. Nonetheless, the intimate union of man and woman, which finds supreme expression in their sexual union, captures something of the full integrity of the human being in a unique manner.

Some will perhaps want to question the second truth and argue that the distinction between male and female is neither valid nor absolute. Indeed, the denial of this very difference at the heart of human nature appears to be one of the hidden key presuppositions of the proponents of single-sex marriage. They may point out that there are some individuals in whom reproductive organs of both sexes are present (i.e. hermaphrodites) or emphasise, quite rightly, the plight of transgender people. This observation does not, however, invalidate the claim that male and female are distinct. To use an analogy : the fact that the colour 'grey' exists does not invalidate the veracity of the claim that the colours 'black' and 'white' are genuinely and truly distinct. So too, the fact that some people are intersexual or transsexual does not imply that the distinction between male and female is not real.



This referendum on the nature of marriage also implies that the meaning of truth (c) may be altered. As Michael Hanby (Associate Professor of Religion and Philosophy of Science at the Catholic University of America) has pointed out: if single-sex marriage is to be truly equal to natural marriage in the eyes of society and the law, then all the rights and privileges of marriage – including those involving the procreation and rearing of children – must in principle belong to both kinds of marriage. With single-sex couples, procreation can only be achieved by technological means. Hanby writes :

And so the case for companionate marriage has been supplemented again and again by the argument that we must endorse reproductive technologies that eliminate any relevant difference between a male-female couple and a same-sex couple. This elevates these technologies from a remedy for infertility, what they principally have been, to a normative form of reproduction equivalent and perhaps superior to natural procreation. But if there is no meaningful difference between a male-female couple conceiving a child naturally and same-sex couples conceiving through surrogates and various technological means, then it follows that nothing of ontological significance attaches to natural motherhood and fatherhood or to having a father and a mother.<sup>1</sup>

If being male or female are no longer regarded as fundamental natural realities, integral to human identity and the flourishing of society, but “mere accidents of biology overlaid with social conventions that can be replaced by functionally equivalent roles without loss,” the implications are enormous : “existential changes to the relation between kinship and personal identity, legal redefinitions of the relation between natural kinship and parental rights, and practical, biotechnical innovations that are only beginning to emerge into view and will be defended as necessary for a liberal society.”<sup>2</sup>

This booklet argues that the marriage referendum in the Republic of Ireland is a profound mistake. The adoption of this referendum also impedes the introduction of a different and truthful constitutional amendment which recognises same-sex relationships but which uses a new, creative language to describe them. By not confusing same-sex relationships with marriages, but by using respectful and ground-breaking language in our Constitution to describe them, we could act together in pioneering reform on this issue and do so in a way which is progressive and yet truthful and reconciliatory.

No other country in the world to date has allowed for same-sex marriage by way of a referendum of its Constitution, based on a universal vote. Certain American States have done so but no country has. Furthermore, not a single country or nation state has pioneered the recognition of same-sex relationships in its Constitution whilst also affirming that the legal definition of marriage is between a man and a woman. Our country, therefore, has a unique opportunity to carve a way forward for all democracies that wish to be fully respectful of same-sex

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<sup>1</sup> Michael Hanby, “The Civic Project of American Christianity” from *First Things* 250 (2015):37

<sup>2</sup> Ibid.

relationships, whilst also ensuring that the truth, beauty and goodness of marriage between one man and one woman is equally cherished.

*A Referendum about changing marriage - not sharing it.*

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The marriage referendum in the Republic of Ireland is not a referendum about marriage equality although the Bill that introduces this referendum describes it as such. We already have, and have always had marriage equality, in that every adult, male and female, irrespective of his or her sexual orientation, has always shared the same right to marry a person of the opposite sex in this country. This referendum is about changing the meaning of marriage – not sharing it. It is not about extending equal access to an existing right (the right of a couple of the opposite sex to marry) but about creating an entirely *new* right (the right of a couple of the same sex to marry).

This referendum is not about whether one is in favour of marriage equality – as everyone is – but rather whether we already have marriage equality or not. For the constant use of the term '*marriage equality*' serves to distract us from the issue which is the subject of this referendum:

*Can we truthfully change the definition of marriage to a relationship other than between a male and a female?*

The use of the term '*marriage equality*' also serves to make us question ourselves as to whether we are bigoted or 'homophobic' if we are not prepared to change the legal definition of marriage so as to apply it to a relationship of two males or two females. The reality, however, is that this referendum is asking us to accept a profound change and a counter-intuitive claim, namely that marriage is a coupling of persons and not of the sexes.

When a group campaigns for a single-sex marriage, based on equality, they have already answered *the* most profound question – that a marriage between two men or two women (that is without the genders of male and female) is truthfully a marriage. It is this question which this referendum is about.

By ignoring how one answers this most fundamental question, the debate becomes diverted from the central issue and does not take place. This is not a debate about the nature of homosexuality. It is a debate about the nature of marriage, or more particularly, when you remove the complementarity of male and female genders from a relationship of two people, can their relationship then be truthfully called a marriage?

This booklet is prepared in response to the marriage referendum in the Republic of Ireland. The method which is adopted in this text is to answer eight questions, all of which come from the position of seeking to change the meaning of marriage so as to apply it to a relationship of two individuals of the one sex. In essence,

this format seeks to identify and scrutinise eight assumptions which give rise to campaigns for the legalisation of a single or one-sex marriage internationally.

These assumptions are that:

- I Marriage can be truthfully changed;
- II It is progressive to support changing the definition of marriage to apply it to two people of the one sex;
- III No harm arises from changing the definition of marriage to apply to two people of a single sex;
- IV The refusal of marriage to two people of the same sex is an act of discrimination and inequality;
- V Marriage between two people of the one sex is a human right;
- VI If two adults really love each other they should be allowed to be married;
- VII Marriage is fundamentally about the relationship of two consenting adults and not about the rights and welfare of children;
- VIII The only way to properly name and describe permanent, committed relationships between two people of the one sex is to allow them to be treated as a married couple.

Before proceeding to question these eight assumptions, there are two essential points which should be made from the outset so as to prevent certain misunderstandings from arising:

- I Marriage, as between one man and one woman, can be justified without denying the prolonged, wrongful and ongoing mistreatment of people because of their sexual orientation.*

The arguments outlined in this booklet do not intend to diminish or deny the wrongful intolerance, prejudice and hurt which have been and continues to be inflicted upon people who have the courage to be open about being sexually attracted to persons of the same sex. It is surely true that at the heart of the distress suffered by such persons is having to pretend to be something they are not, to be forced to be inauthentic about their sexuality by the intolerance of others.

Does the description of a relationship between two people of one sex as a marriage, however, not perpetuate this problem? Would it not be better and more truly authentic to find a new, respectful and truthful name and language for relationships between persons of the one sex rather than pretending that these relationships are something that they cannot be – a marriage – when they do not involve both a male and a female? Would the enshrining of this new name and

language in our Constitution not be a really innovative step to truthfully recognise same-sex unions while ensuring the preservation of the deepest truth about marriage as the unique union of male and female? Can we not distinguish in order to then, truthfully, unite?

We must also acknowledge that marriage culture has become eroded in the last couple of decades through the introduction of divorce, the widespread increase of co-habitation and political and financial measures that erode the privileges of the married state (e.g. tax individualisation). Some people will argue that these developments warrant more urgent attention from anyone defending the integrity of marriage than challenging the introduction of 'same-sex marriage'. Undoubtedly, these developments indicate a serious devaluation of marriage and anyone seeking to protect an understanding of marriage as between an adult male and female must address these realities. Nonetheless, while these developments have a negative effect upon marriage, they do not change the definition of it. Equating single-sex unions with marriage between a man and woman fundamentally alters the very notion of marriage. This is why this referendum is so significant.

*II Marriage, as between one man and one woman, can be justified by reference to philosophy and not by reference to religion, theology or faith-based arguments.*

Similarly, this booklet deliberately does not advance exclusively religious, theological or faith-based arguments to support the retention of the existing legal definition of marriage. Of course, compelling arguments can be advanced on one or more of these related grounds to support rejecting this referendum. It is not, however, the main line of argument in this text. This is not to say that a religious sensibility may not assist us in perceiving the cogency of rational arguments in favour of natural marriage and help us in discerning its beauty and appeal. Indeed, it is contended at a later stage that the mix of post-modern individualism and emotive subjectivism, on the one hand, and a secular outlook on the world, on the other hand, makes it increasingly hard for us to grasp that certain core values are grounded in reality, and are not a mere construction of our own will.

The arguments for rejecting this referendum are based upon truths about human nature, which none of us, in conscience and irrespective of our religious beliefs, can deny. Human nature is not exhausted by males only, or by females only. The fullness of human nature includes both male and female in their distinctiveness. It is exactly in the most intimate union of male and female, including in their sexual union, that we can encounter in a unique way the fullness of human nature: man and woman become *one* flesh. In sexual union we encounter otherness in unity, which is why it is such an 'ec-static' experience, which 'brings us out of ourselves' (*ekstasis*) through a most intimate encounter with somebody from the opposite sex. Sexuality is an intrinsic part of marriage. This is why non-consummation was always considered a ground for annulment. The fact that the

introduction of single-sex marriage will indeed radically change the nature of marriage can be illustrated by the fact that laws regarding non-consummation will be in drastic need of revision. In short, marriage between male and female has a profound symbolic power *which captures the integrity and fullness of human nature in a unique way.*

The distinction between male and female is a universal, undeniable reality. Their union gives rise to the beauty, truth and goodness of marriage. This unchanging truth has been and will always be present for all to acknowledge, irrespective of whether one is religious, atheistic or agnostic and regardless of one's tradition, race, nationality or culture. It is for this reason that in conscience many are, with good reason, troubled by describing a relationship between two people of the one sex as a marriage. The purpose of this booklet is to seek out the root of our own conscience and to discern a response from there, a response which treats relationships between persons of the same sex with dignity and respect and which because of that (and not in spite of it) does not call them something they can never in truth be – a marriage.

We call for a rejection of the referendum proposal (which wrongly suggests that marriage can exist between two persons without distinction as to their sex) and encourage all relevant parties to work towards a different constitutional amendment which gives constitutional recognition and protection to same-sex unions while also affirming that marriage is the union of one man and one woman.

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## **I Can the legal definition of marriage be truthfully changed?**

*No, because the true and unchanging meaning of marriage is the union of male and female who, in their union, capture the integrity and fullness of human nature in a unique way.*

Certain realities are not subject to change. They are written into the core of our being and to deny them is to deny who and what we fundamentally are. Three such essential truths are that:

- (a) we are made;
- (b) we are made male and female;
- (c) we are made through one male and one female.

We cannot deny these three sequential truths of how we are made as human persons. When we say that marriage expresses and captures the fullness of our human nature as male and female, we base this assertion upon these three truths. As the Constitution of the Republic of Ireland has been understood at all times prior to this referendum proposal to refer to marriage as between one man and one woman, it is similarly founded upon these three truths.

### *The inalienable dignity of human difference*

Even if one has no belief in God or in any creator, one cannot deny these truths. Together, they point to an underlying profound truth – the dignity of human difference – which is at the heart of what marriage is. Marriage is a celebration of this difference between man and woman and of the truth that in the encounter with somebody from the opposite sex we encounter the wholeness of human nature as such – which is why spouses, significantly, speak of “their other half.”

In our encounter with a person of the other sex, we recognize distinction in unity, which makes us whole and bestows an integrity on our being which had until then been lacking (cf. Gn 2:23). In their union, including their sexual union, man and woman capture the fullness of human nature in its complementarity (as male and female). Marriage is therefore based on the truth of who we are and how we are made. The very existence of each one of us emanates from this complementarity of our father and mother, the union of a male and a female.

Society is always based upon a certain belief system. There is never a complete vacuum in terms of a belief system which is operative in a society. The proponents of single-sex marriage deny that marriage has any intrinsic, objective

and unchanging meaning. This major assumption, which itself implies a self-referential belief system in need of critical scrutiny, means that we believe that we can change marriage to anything that we wish it to be, whether that be a relationship between two men, two women or indeed, three or more people. To do so, however, entails a departure from these truths that are known to us all. Calling a relationship between two people of the one sex a 'marriage' is simply not truthful because it is contrary to this unchanging trinity of truths upon which marriage is based.

### *The hidden presuppositions and worldviews behind the debate*

In this context, it is important to distinguish between two radically different philosophical worldviews: one is a realist one, the other is a voluntarist one. A realist worldview acknowledges that there are certain truths and values inscribed in the way things are, in reality itself (hence: 'realism'). Until the early modern period, the philosophical tradition was predominantly realist (Plato, Aristotle, Thomas Aquinas). This tradition referred to "natural law" or "the common good" to express that morality is grounded in a reality which transcends mere individuals. A realist position usually develops a rich anthropology and has a developed understanding of the common good. For instance, Aristotle, in his *Nicomachean Ethics*, accepts that we can make meaningful statements about our human nature, its *telos* or goal, and how we can attain a fulfilling life. Thomas Aquinas adopted this rich anthropology within his own writings. This understanding of human nature and fulfilment includes the notion of the common good, for nobody can be fulfilled in utter isolation from others. The common good can be defined as "the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully."<sup>3</sup>

At the end of the medieval period, however, and throughout modernity, voluntarism gained dominance. Gradually, the notion took hold that value is not recognised but bestowed by the will of society, or even the individual (hence 'voluntarism', from *voluntas*, meaning 'will' in Latin). In our post-modern liberal society, only the flimsiest of understandings of the common good survives, if at all. Essentially, individuals can now exert their freedom in any way they want, as long as it does not infringe upon the freedom of other individuals to exert theirs.<sup>4</sup>

The importance of anchoring the laws of a society in universal, unchanging truths was already recognised by Plato, which is why he developed his '*theory of forms*'. Plato combated the Sophists, who taught that values are relative and capitalised on a void left by the ancient myths and ancient religion which were falling out of fashion as Greek civilisation moved towards a less mythological worldview. The old values were losing their relevance and there were no new values to replace them. Plato could see the danger that moral relativism posed

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<sup>3</sup> *Gaudium et Spes*, 26, 1

<sup>4</sup> For instance, in sexual matters the only criterion appears to be *consent*, no matter how profoundly the individuals involved are actually being degraded in their consensual activity (e.g. pornography).

for the State. His *'theory of forms'* can be read as an attempt to find a solid grounding for moral values in rational principles.

Plato's approach brings out the idea that that which is truthful in the deepest sense cannot be truthfully changed. Marriage, as between one man and one woman, is such a 'form', an unchanging reality, which transcends the vagaries of change and opinion. This approach, then, raises the key question as to whether we can *truthfully* change the meaning of marriage, when we participate in the making of our laws.

It also challenges those who want to legally define marriage as something other than a permanent commitment between one man and one woman to explain what their new meaning of marriage is grounded upon. The choice we face is quite stark: either marriage is an unalterable form, which can only be truly known and understood as between one man and one woman and cannot be changed (realism), or it is something which is temporal, subject to our own beliefs and can be changed as we see fit (voluntarism). Each of us is called to discern where we stand in relation to these two approaches when considering the proposed change to our Constitution.

#### *Problems with a voluntarist worldview*

The problem with the voluntarist worldview – the notion that meaning is not grounded in reality but that all meaning, truth and values are of our own making – is this: because of the very fact that voluntarism refuses to acknowledge that external truth and goodness are grounded in reality, it is in danger of simply becoming a pursuit of power.<sup>5</sup> If the human will (be it societal or individual) is the sole determining factor in deciding what is right and wrong, it has no criteria or standards in light of which it can make its moral evaluations, but only the blind exercise of the will itself.

The technological revolution further strengthens this self-referential exercise of will. We do things, such as space travel, or cloning, because we *can*, not because it is morally imperative or even desirable to do so. As the earlier quotation from Michael Hanby made clear, driven by their own dynamic, technological developments in relation to reproduction will impact on our understanding of marriage and kinship and vice versa.

Ironically, but worryingly, post-modern, liberal societies are in danger of becoming deeply 'illiberal' in relation to those who dare to challenge this unbridled and blind exercise of 'freedom of will' by appealing to a realist ontology. As a consequence of this referendum, any public servant in the course of his or her employment, who claims that single sex unions are not genuine marriages, will face legal sanctions. Any registrar who refuses to preside over these 'marriages' will face dismissal (as is already the case in relation to civil

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<sup>5</sup> This is why perceptive commentators have suggested that there is connection between Jean-Jacques Rousseau's Social Contract theory and the Reign of Terror inflicted by Robespierre during the French Revolution.



partnerships). Christian adoption agencies will be closed, despite their sterling work – as has already happened in the United Kingdom.

The absence of a realist notion of morality and a substantialist account of the common good further explains the new emotivism, which seems to infect any attempt at discussing major issues in the public sphere. If we no longer acknowledge “the sovereignty of the Good” (to borrow a phrase from Iris Murdoch), in light of which we make moral evaluations, we resort to simplistic notions of how we *feel* about something. Hence anyone who claims to be “offended” or “hurt” by views which challenge his/her own, has an immediate claim to our sympathy, without any reference to the substantial contents of the discussion. Political correctness is both the manifestation of this new emotivism and a phenomenon which further strengthens it. As Rowan Williams, the former Archbishop of Canterbury, has remarked, “(Society) assumes that the public expression of specific conviction is automatically offensive to people of other (or no) conviction.”

This emotivism is often deeply irrational and may result in incoherence in our moral evaluations. For instance, proponents of single-sex marriage argue that our sex (being male or female) is not of significance when it comes to raising children. Our maleness or femaleness does not matter in the parenting of a child. These proponents also advocate (quite rightly) the concerns and rights of transsexual people. Surely, however, a transsexual person is living proof (in the very tension they experience between their biological sex and their personhood as male or female) that sex and gender are actually of major relevance and that our maleness or femaleness are relevant to who we are? Or again, in the world of artificial reproduction, we see a similar contradiction. On the one hand, the biological bond between an anonymous sperm donor and a child is considered unimportant. On the other hand, the whole enterprise of artificial reproduction is based on the very premise that this biological bond (with at least one of the parents) is important.

Another major result of the decline of a realist position is our growing dependence on “experts” (psychologists, social scientists etc.) in all aspects of moral and societal decision-making. In the early modern period moral philosophers were of the view that the *sensus communis* (common sense) offered a reliable compass in moral reasoning. “Common sense” functioned as the remnant of the pre-modern virtue of prudence, or practical wisdom. People had a rich and substantive understanding of the common good and they trusted their own capacity to make moral judgments in light of this. If we operate, however, as we do now, with an impoverished understanding of the common good, it becomes increasingly difficult to exercise our own moral judgment and appeal to it to settle important moral and societal issues. For instance, anyone who claims that it is “common sense” to claim that children are better off being raised by their own loving biological parents, or that the natural bond between parents and children matters, will immediately be challenged to provide “scientific data” for this claim. This ‘scientificism’ is further illustration of the weakening of our understanding of a substantive notion of the common good and our lack of confidence in our own moral decision-making. It also further contributes, in turn, to this decline.

In fairness, modern liberal society initially still operated with tacit remnants of the older realist position. The American legal philosopher and public intellectual, Ronald Dworkin, for instance, put human dignity at the centre of his teachings about the moral system. His legal arguments were subtly presented applications to specific problems of a classic liberal philosophy which, in turn, was grounded in his belief that law must take its authority from what ordinary people would recognise as moral virtue.

In his writings, Dworkin made a fundamental distinction between '*principles*' and '*policies*' in law making. Principles are unchanging, steadfast and eternal in nature. Policies give effect to principles and bring them into being. Unlike principles, policies change continuously so that the underlying principle giving rise to the policy can be honoured more clearly in changing circumstances. For example, if the principles of a political party are not defined, the policies will lack coherence and identity for the electorate, a problem which should resonate strongly with the Irish electorate in this era.

To say that marriage embodies the fullness of human nature in its intimate union of male and female, is to state an unchanging principle because it is based on the three truths, listed earlier, which never change and always pertain. Different countries may adopt varying policies as to what marriage is. Yet, when the country departs from the principle that marriage is between one man and one woman, the country adopts a policy which is contrary to this most fundamental principle. This is seriously damaging because the violation of the dignity of the human person by a government is always based upon the adoption of a policy which violates a key principle.

Plato's 'theory of forms' also helps us in one other very significant respect. It is important not to confuse the essence of what marriage is, with its effects or consequences. Some marriages result in the procreation of a child and some do not. Some marriages allow the partners to become more loving human beings and some do not. The outcomes of marriages change and vary and are therefore outside and different to the form of what marriage is – the embodiment and expression of the fullness of human nature through the union of a male and a female.

In short, marriage cannot be truthfully changed. The fact that we attempt to do so, illustrates how we have become overwhelmed by a voluntarist outlook on the world, despite the weaknesses such a position entails (infantilisation of public discourse, emotivism, incoherence, growing dependence on 'experts' etc.). This voluntarism gains further strength from the decline of religious sensibilities and the rise of secularism, as will argued in the next section.

The supposed right to homosexual marriage has no basis *at all* in constitutional, common or European law. There is also no valid philosophical argument to demonstrate that such a right exists in natural law. The onus is clearly on the advocates of the constitutional amendment of marriage to explain how the entire corpus of human law and philosophy has been mistaken in this regard for thousands of years.

## II Is it not progressive to allow two people of the same sex to be treated as a married couple?

*No, because it is never progressive for society to move in a direction which is contrary to a truth, grounded in the reality of who we are as human beings.*

On February 21<sup>st</sup>, 2014 a leading public commentator in Ireland, Olivia O’Leary, wrote the following in *The Irish Times* about the forthcoming referendum:

*... the passing of that referendum will require a job of level-headed persuasion and even education of that substantial part of our electorate who are conservative.*

She captures the essence of the present question, namely that it is surely progressive to vote in favour of this referendum and that this is really about educated liberals enlightening the substantial part of our electorate who are conservative.

Rather than becoming entrenched in polarised positions, however, we need to move towards a shared understanding of truth together. We all need to be educated by each other if we are to open to a greater understanding of the truths about marriage, same-sex relationships, their similarities and their differences and the discovery of truthful, respectful and accurate language to describe both.

The anticipated referendum on whether we should change the definition of marriage creates a highly challenging dilemma for any person who conscientiously reflects upon it. On one side, one can easily sympathise with the deeply held conviction of two people of the same sex, who are in an exclusive, faithful and loving relationship, that a civil partnership is not the same as marriage. Leaving aside the legal rights afforded by the former in Irish law, it is quite clear that marriage, both in its title and tradition, offers a greater personal and social recognition to a relationship of two people. The present position in this country, which defines marriage as between one man and one woman, creates an incontrovertible loss and absence for two committed people of the same sex. Yet, there is a troubling sense that this attempt to re-define marriage, so as to apply it to two people of the one sex, cannot be truthfully done when the most essential ingredient of both sexes being involved is not present.

In seeking to move together towards the truthful resolution of this dilemma, we must challenge certain distorting assumptions being made in the public discourse which are assumed to be ‘progressive’ but which are simply not. In the previous section we dealt with some of these when discussing the realist and voluntarist positions. We now want to examine another dimension, namely the growth of a secularist framework. The rise of secularism, specifically within the context of *contemporary Ireland* is contributing to a voluntarist and individualist outlook on the world. It is not claimed that secularism in general is necessarily

individualist or voluntarist – but in a post-modern Ireland it certainly contributes to these currents.<sup>6</sup>

### *The secularist frame*

Irish society, like other European countries, is entering the *post-modern* era, which is characterised by de-traditionalisation, individualisation, and pluralisation.<sup>7</sup> At the same time, the present Government, supported by mainstream media, promotes a typically *modern* form of secularisation which reinforces the privatisation of religion (which is being actively banned from the public sphere, schools, hospitals, politics, etc.).

While other countries in Western Europe (France, Low Countries, Scandinavian countries) have been secularised in the nineteenth and early twentieth century, in Ireland we now witness a strange convergence of modern and post-modern dynamics. What can be termed a traditional ‘secularist frame’ thus coalesces with a post-modern understanding of morality in highly individualistic terms (“Do whatever you wish as long as it does not infringe upon the freedom or well-being of others”). This is an adaptation of the neo-liberal economic principle of *laissez-faire* into the realm of ethics. Similarly, in a de-traditionalised society, religion too is understood in individualistic and therapeutic terms (“I am not religious but spiritual, and this helps me to cope”). The two currents – the modern emphasis upon secularisation and the post-modern prominence of detraditionalisation and individualisation – combine to erode any remnants of the realist position outlined earlier. So when this Government is actively pursuing a secularist agenda in Ireland, attempting to reduce the significance of religion in the public sphere, it meets with little resistance, not because a majority of Irish people actually have become hostile towards religion, but because in a post-modern understanding, the social and public significance of religion is no longer acknowledged. Religion has become a merely private and deeply individualised source of consolation (“spirituality”), the opium of the individual, the heart of a heartless world, to paraphrase Karl Marx. It is to be feared that this mix of secularism, on the one hand, and individualisation and de-traditionalisation, on the other hand, create a pervasive aspiritual climate in which people find it increasingly difficult to discern genuine meaning in their lives.

The word ‘secular’ derives from the Latin word *saecularis* meaning worldly, temporal, of a generation, belonging to an age. Tradition and received wisdom from previous generations count for little in a secularist framework.

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<sup>6</sup> Officially atheistic states, such as China or the former Soviet-Union can certainly not be accused of individualism, relativism, or voluntarism. In contrast to these nations, Ireland skipped the phase of industrialisation, (which typically involves growth of secularisation) and moved straight from a pre-industrial to an information technology society.

<sup>7</sup> Perhaps the notion of pluralisation needs to be nuanced. While other countries have witnessed major immigration from outside of Europe, the same cannot be said about Ireland. Most immigration is from countries (Poland, Baltic States, Christian parts of Nigeria) in which Christianity still exercises an important public role and these immigrants actually reinforce the values of ‘traditional’ Ireland.

Accordingly, when this secularist frame is applied to our understanding of marriage, it matters for nothing that every other previous generation and civilisation treated marriage as a gender based partnership between man and woman. Again, within a deeply individualistic understanding of morality, in which all substantivist references to the common good appear to have evaporated, all that matters is whether or not any harm is being done. (“What does it matter? As long as they love one another...” etc.) As the consequences of allowing for one-sex marriage may not be immediately obvious and apparent at this time, as it is too recent a phenomenon for the ‘experts’ to have a conclusive view on the matter, the question of future adverse consequences is also blocked out from our evaluation as to whether to re-define marriage.

The secularist frame further blocks out any reference to a timeless reality, to God, to a transcendent truth, to universal values. In this way it further reinforces post-modern individualism, subjectivisation, and de-traditionalisation. Just as there is no reference to the past or the future, there is equally no reference to an overarching narrative or to a transcendent anchor, either of which may discommode our framing of the top and bottom of our perspective. The simple and universal truths that the human person is made, that he or she is made male or female and can only be made by a male and female, are then framed outside of the debate. Once these basic truths are excluded, the way is clear inside this limited frame to simply define marriage as a permanent relationship between two people and nothing more, and to then engage in a mechanistic application of the principle of equality.

The secularist perspective crowns and buttresses the voluntarist worldview we outlined earlier. The denial of the reality of God reinforces the notion that we ourselves are the sole source of moral values and truth. If you do not acknowledge God it will become harder to make sense of what theologians call “the natural law” or provide a substantivist account of “the common good.” If we consider ourselves to be god (cf. Gn 3:5), we will be less willing to acknowledge objective standards and values of goodness, for they will be experienced as an imposition. Indeed, anyone who evinces strong moral convictions is, on that account alone, perceived as making unacceptable, totalising claims which disturb the ‘freedom’ of the other. The typical reaction to statements that claim objective validity is simply to ‘subjectivise’ them: “That’s just your personal opinion” or “That is just the view of one person”.

### *Becoming increasingly myopic*

The effect of this voluntarist-secularist frame is that our collective thinking-process is constantly reduced in terms of its capacity to see the totality of any issue. Most significantly, there is no place for God in our understanding of ourselves and of how our society can flourish. Most public commentators operate with the notion that religion infringes upon human freedom. They fail to see, however, that their understanding of freedom is one-dimensional at best, solely in terms of “freedom *from*,” and not in terms of “freedom *to*.” Nonetheless, it is exactly in surrendering ourselves *to* something or somebody we recognise

(and not construct) to be of value, that true freedom and fulfilment is to be found.

Religion fosters a disposition of humility, “earthedness” or groundedness (the word “humility” is derived from the Latin *humus*, meaning earth), which acknowledges that we are much more recipients of goodness and truth than producers or constructors of it. Indeed, the most important aspects of life have this character of gift (love, friendship, children, experience of things of beauty etc.) and we fail miserably when we attempt to produce or construct them of our own accord. Religion nurtures the awareness that *everything* is ultimately gift – a gift from God. A religious person knows the bliss of being able to receive, rather than being subjected to the curse of having to produce or construct all things, including oneself. Indeed, a religious person knows that both the other person, as well as her/himself, are gift. Our worth is given to us. It is not something we earn.

Marriage between man and woman, too, is an instance of goodness which we must acknowledge as a gift, not as something we can produce or change at will. It is for this reason that religious leaders are opposed to the re-definition of marriage in order to apply it to a couple of the one sex. Their conviction is not founded in a lack of rationality but in a profound understanding which has the humility to know its own limitations before the greatness of the infinite God. Through their own lived experience of God, they know that everything is gift, including marriage, which is a central element of an order that transcends us as individuals – a transcendent order of male and female through which we come to life and have our being.

In the complementary bodies of the male and female, there is also a revelation, an image and a likeness of a deeper, infinite order which is utterly beyond our ability to fully comprehend. In marriage between a male and a female, a new body, a new membership, so to speak, comes into being which re-presents before us this transcendent reality and presence. The two bodies, male and female, are re-membered as one and the ultimate reality from which they have their being becomes re-constituted before all to see as one.

This connection of memory, membership and the union of the human bodies of male and female, as a restorer of what we have forgotten, is essential to understand. To re-member is to re-embodiment. To say that marriage is not between a male and a female is to dis-embodiment and to forget what it is and more profoundly, who we are and how we come to be and have our being. It is to forget that we are made and made as male or female and through them both. We have fallen into a deep state of forgetfulness about our origins, how we are made, our gifted-ness as ‘recipients’ rather than ‘producers’. The post-modern obsession with the self, its tedious chronicling of its activities for the whole world to see (Facebook, Twitter, Instagram etc.) is another exemplar of our futile attempt to construct a bulwark against our own mortality, to solidify our transience and illustrates our failure to accept our creaturely evanescence.

People who forget who they are can be much more easily manipulated. This was dramatised famously in Orwell's image of the 'memory hole' in his novel *1984*. Today, the history of the Church and the legacy of Western Christianity are being pushed down the memory hole. To be a European or an American is to be heir to a profound synthesis of Greek philosophy and art, Roman law and Biblical truth. This synthesis gave rise to the Christian humanism that undergirds all of Western civilization.

By subscribing to the belief that there is no universal truth fixed in reality, no transcendent anchor, no overarching narrative, one is not liberated from allegedly oppressive religious beliefs. Instead, one is imprisoned by one's own subjectivity. The refusal to acknowledge truth, goodness and beauty as embedded in reality, and to regard it as a subjective construct, renders reasonable and constructive dialogue about moral and societal issues problematical. It appears that the old adage *De gustibus et coloribus non disputandum* ('There is no point arguing about tastes and colours') has now been extended to moral convictions, and not just to disputes about colours or personal tastes. The implication is that everyone's personal preferences are merely subjective opinions that cannot be "right" or "wrong", so that they can never be argued about as if they were. In short, the secularist privatisation of religion has now come to fruition in the privatisation of morality as well. If we fail to agree on a substantialist account of the common good and assume that profound societal or moral issues are merely a private, subjective matter, we will be forced to regard one viewpoint as being as good as another. This is why we must respect all views equally, or *almost* all views: those views which dare to challenge this subjectivism are, of course, to be censored.

This kind of moral subjectivism prides itself on its liberalism and tolerance – but it is anything but. After all, the view that we must respect all views equally does not demonstrate tolerance. It is actually an instance of profound indifference towards the views of the other. If we treat all views as equally valid, it actually indicates that we do not really care about any of them in particular.

Equality is not just regarded as the supreme value, but also the exclusive one in the prison of this subjectivism. To differentiate in any way is to wrongfully discriminate. A relationship between two men or two women should be seen as equal to a relationship of a man and woman. Even though only the latter can involve an integration of both sexes, bring forth new life and provide natural bonds between the child and its parents as the primary educators of its life, the confines of these prison walls demand that we must treat all partnerships of two people as one and the same. If we lived for sixty years with no homosexual relationships, we would continue to survive. If we lived for the same period with no heterosexual relationships nor union between the gametes of a male and female, we would become extinct. Yet, in our culture of relativism, created by a voluntarist-secularist frame, we must treat both relationships as being of equal importance.

### *The influences of minoritarianism, indifferentism and intolerance*

Within this frame, once a minority group successfully advocates that it is not being treated the same as another group, the common good (insofar as it is still acknowledged) can then be placed at risk, so as to meet the demand of this minority. This is further evidence of the emotivism discussed earlier. In this perspective, a new understanding of marriage, as genderless and applicable to one sex, must then be allowed to meet the demands of some members of our society who want to be married to persons of the same sex.

The advent of minoritarianism occurs when the majority become convinced by the minority that the established position of the majority is based on discrimination and not on differentiation. This is achieved in the debate about the nature of marriage by blocking out the totality of what is at issue. Firstly, marriage is defined as simply a permanent partnership between two people and no more than this. When you have convinced the majority of this, any attempt to exclude two people from marriage is self-evidently discriminatory. What has happened here, of course, is that all of the elements that differentiate a partnership between two people of the one sex and two of the opposite sex have been framed out of the discussion. Once you take away gender, sexual complementarity, the ability to procreate, parent and educate one's own natural children, the basis for an entirely fair, reasonable and necessary differentiation is lost and the voluntarist-secularist frame for the misleading claim of discrimination is made.

The collapse of the distinction between differentiation and discrimination can be called indifferentism. This is the denial of genuine differences between two realities so as to ensure that they are given the same recognition and status. Treating a one-sex relationship and a relationship of both sexes as being the same for the purpose of defining marriage is pure indifferentism. It has serious consequences which we cannot truly foresee. It means that when a child is being considered for adoption, one has to be indifferent as to whether the child will have a mother and a father or simply two mothers or two fathers. An infant in school must be taught that marriage between a man and a woman or between two men or two women are all one and the same. Ultimately, the difference between the male and the female, the most fundamental difference of the human being, becomes a matter of indifference.

As indifferentism becomes all-pervasive, another inevitable consequence is that those who highlight that truthful differences are not being honoured are shouted down, bullied into silence and labelled as ignorant and intolerant. For generations, this occurred when this country was held in submissive authority to the teachings of the Catholic Church. We were like children in a school room, following by rote what the teaching authority held forth. Yet, where we are now, is of little improvement. Our society has moved from the school room to the school yard, filled with name calling, such as 'homophobes' and ceaseless ridicule and bias in our social and national media. This results in a widespread distortion of conscience by what Pope Francis recently described as the dictatorship of only one permitted way of thinking. The Italian language that he used says it more concisely: '*la dittatura del pensiero unico.*' "Today you must think this way and if



you don't think this way you are not modern, you are not open." [Francis, *Morning Meditation, April 10<sup>th</sup>, 2014*].

### *Adolescent progressivism*

Pope Francis described this dictatorship as "the modern spirit of adolescent progressivism". Like true adolescents, we reject all authority but we cannot surrender to a deeper, truer understanding of who we are, where we come from, how we are sustained and what happens when we die – the meaning and destiny of our lives. To do so would involve a sacrifice of the self, the tiny reality of our own life which can only begin to contemplate the infinite reality of the divine. Instead, we live in a 'selfie' culture where oneself is god at all times. In this culture, it is all about me, my experience, my views, my appearance, my achievements and above all what I think – and this is just as good as what you think. Our approach is like looking through a set of binoculars – except we have first turned them the wrong way around. Our means of perception reduces objective truth to our own tiny reality so that we can convince and happily deceive ourselves that we are in control of the reality in which we live.

As outlined earlier, in this adolescent culture, we create our own truth. We make the truth conform to what we want. Marriage can thus be made to what we say it is, to what suits us. It has no universal, unchanging nature that we receive, such as that it is between a male and a female. In the spirit of adolescent progressivism, we can make of it what we will. Everything can be changed because there is no anchor to a universal, unchanging truth. Marriage is something which should conform to us and not something which we should conform to. To advance our own deification and authority, language also has to become malleable and pliable in our hands. While the word 'marriage' has always been understood as a gender based partnership between the male and female, we are constantly told that we can remove gender from our understanding of marriage and that this does not in any way diminish its essential meaning.

In order to achieve this, we have to base marriage on something that can change as opposed to something which is universal and permanent. Accordingly, we unhinge marriage from a relationship between a male and a female as this is a permanent, unchanging reality not amenable to indifferentism. Instead, we now seek to base marriage on something which can change – sexual orientation. Marriage is not to be based on the permanent commitment of a male and female couple but is to be re-defined to apply to any couple so as facilitate attraction between two persons of the same sex. This profound alteration is driven by a confidence that everything can be challenged and changed, without adverse consequences, including truth itself. We decide what we want and in order to do so, we apply the voluntarist-secularist frame to exclude any objective truths which may unsettle us from this objective. This is anything but progressive.

### *A referendum about the nature of reality*

The referendum to re-define marriage is a Rubicon-moment in the social and political culture of the Irish State. It offers us a defining choice between whether we are going to continue headlong into creating a self-referential and utterly shallow political state or whether we are going to surrender to a deeper maturity calling us to pause and reflect upon the profound limitations which the secularist frame imposes. The passing of this referendum will become a cornerstone in the establishment of a superficial, secular humanism in this country. As no nation state in the world has yet established one-sex marriage in its constitution by means of a popular vote, a decision by this country to do so will set a major and ground-breaking advance for the development of this secularist humanism, which is, in fact, utterly contrary to the true well-being of the human person, male and female.

This referendum is the denouement in a battle between two irreconcilable views of reality. As mentioned earlier, the first is that everything has an inherent nature, an inbuilt purpose, which is ordered to ends that inhere in their essence and make them what they are (realism). The second view is that things do not have a nature with ends, they are nothing in themselves and we can make of them what we wish according to our own wills and desires (voluntarism). We can make everything, including ourselves, anything that we wish and we have the power to do so. The first view leads to the primacy of reason in human affairs and does not allow for one-sex marriage. The second leads to the primacy of the will and allows for anything. This is why this debate is of such critical importance – it is about the nature of reality itself.

The challenge is whether we have the maturity to move beyond this adolescent progressivism, to shatter the secularist frame and realise that the limitations imposed by this understanding of the human person is not just simply suffocating but also profoundly untrue. It is based on an inadequate understanding of reality which denies the universal order which makes, sustains and governs us. It is this universal order which provides that the human person can only be known through the difference of male and female, made through the union of male and female and best nurtured through the love of the male and female through whom the person enters the world. This is the timeless, unchanging reality that marriage honours. We are called to serve and protect this reality and not manipulate and distort it to support our own limited ends in this time alone.

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### **III Is it not true to say that no harm will arise from the legalising of a 'single gender' marriage?**

*No, because harm is inevitable when a society adopts a law which is contrary to the conscience of many of its members and to the unchanging truth that marriage as the union of male and female represents the fullness and integrity of human nature.*

#### *A violation of conscience*

No one, Plato said, wants a “lie in his soul about the most important things.” Therein begins the harm from legalising the counter-intuitive and fundamentally contradictory concept of a ‘same-sex’ or ‘single-gender’ marriage. There are many people in this country who have no difficulty in recognising same-sex relationships and regard it as second nature to treat these relationships with the fullest respect. Yet, when these same people are then forced to say that a marriage is between two people of the one sex, they simply cannot do so. It offends their conscience and what they know to be true – that marriage as the intimate union of man and woman represents and embodies the fullness of human nature, based upon us being made, being made male and female and being made through a male and a female.

The real difficulty with this proposed amendment to our Constitution is that it obliges all of us to accept something which many of us know in our deepest conscience to be untrue. Those campaigning for this change, who are in same-sex relationships, want a legal recognition that obliges everyone to recognise the legitimacy of their relationship as a marriage. They insist not only in defining themselves in this way but in defining the rest of us as well. For many of us, who are married, have always proceeded on the basis that marriage is between one man and one woman. Many more of us, who aspire to being married, are innately drawn to the beauty, truth and goodness of marriage as a relationship between one man and one woman. The referendum now seeks to deny the ground of what marriage is. This offends conscience and distorts the wholeness which is marriage.

We have already mentioned that if this referendum is passed, then any public servant (teachers, gardai, registrars, judges etc.) who claims that single sex unions cannot, in conscience, be truthfully called marriages, will face legal sanction and possibly dismissal. Religious freedom and freedom of conscience, in all their different forms, will be impaired. This is not scaremongering. It is happening already in other jurisdictions.

The oppression of conscience that is entailed in the passing of this referendum is vividly portrayed in relation to how Ashers Baking Company is currently being treated in Northern Ireland. The Equality Commission in Northern Ireland is

taking a civil action against this company for refusing to bake a cake for a customer promoting same sex marriage. The Commission in a letter to the company which employs sixty-two people said it would initiate legal proceedings against Ashers unless it acknowledged that it was in breach of equality legislation and unless it paid compensation. In July, 2014 the Commission warned the bakery that it could face prosecution after it refused an order for the cake which was to feature the Sesame Street puppets, Bert and Ernie with their arms around one another. The slogan on the cake was to state “Support Gay Marriage” and feature the logo of “Queerspace”, a gay, bisexual and transgender volunteer organization based in Belfast. At the time Asher’s twenty-four year old manager David McArthur said they were happy to bake cakes for anyone but could not fulfill that particular order as it clashed with the ethos of the business and more particularly, their conviction that marriage is between one man and one woman. The Equality Commission is a public body, funded by taxpayers’ money. They have massive resources at their disposal whereas Ashers is a family business with limited resources. A State body, supposedly working for equality, is threatening a Christian family, all because of a cake.

Brendan Eich invented the programming language Javascript and co-founded Mozilla which is a free software community best known for producing the Firefox web browser. In addition to the Firefox browser, Mozilla also produces Thunderbird, Firefox Mobile, the Firefox OS mobile operating system, the bug tracking system Bugzilla and a number of other projects. On March 24th, 2014 Mozilla promoted Brendan Eich to the role of Chief Executive Officer. This led to global boycotts and protests from the LGBT community and its supporters as Eich previously donated US\$1,000 in 2008 in support of California's Proposition 8, a California ballot proposition and State constitutional amendment in opposition to same-sex marriage.

Eich's donation first became public knowledge in 2012, while he was Mozilla’s chief technical officer. Following angry responses on Twitter— including the use of the hashtag *#wontworkwithbigots*— the controversy eventually abated. Further protests, of a greater magnitude, emerged in 2014 following the announcement of his appointment as CEO of Mozilla. U.S. companies OkCupid and Credo Mobile received media coverage for their objections, with the former asking its users to boycott the browser. Credo amassed fifty thousand signatures for a petition that called for Eich's resignation.

Eich resigned on April 3rd, 2014 and Mitchell Baker, Executive Chairwoman of Mozilla Corporation, posted an official apology on the Mozilla blog. Her apology is quite simply breathtaking in its lack of understanding of the rights of equality and freedom of speech and of how they apply to the controversy over same-sex marriage:

“We didn’t move fast enough to engage with people once the controversy started. Mozilla believes both in equality and freedom of speech. Equality is necessary for meaningful speech. And you need free speech to fight for equality.”

In Northern Ireland, in the name of equality, one does not have the freedom to bake a cake free from a political slogan. Yet, according to Ms. Baker, equality is necessary for freedom of speech. On a superficial level, these sorts of comments are almost amusing. The prospect of being amused, however, drains away rather quickly when one senses the bullying, the ugliness and the oppression of a person's conscience which is behind all of this. For this is the outcome of not respecting the conscience of people rooted in the universal truths that we are made; made male and female; and made through a male and a female; and who know that marriage, as the permanent, intimate and complementary union of male and female, represents the fullness of human nature in a unique manner.

### *The basing of society upon a profound untruth*

The treatment of the conscience of people in this way by the State is exceptionally serious. Such conduct by a corporation is very unattractive but it can be explained to some degree by the venality of commercial realities. No such mitigation arises in relation to the State. In every single situation in which we see an abuse of human rights by a State authority, it is always preceded by a profound violation of human conscience.

It is through the conscience of the human being that we intuit the unchanging principles that are pivotal to the health and well-being of a society. It is through human conscience that the truth of unchanging and timeless principles are gradually revealed to us from one generation to the next. Human conscience brings forth a gradual revelation of human dignity, of what is inalienable about the human person and which cannot in truth or justice be distorted without profoundly disturbing consequences.

Trying to define a principle in a way which is inaccurate and contrary to an understanding of the human person in his or her totality, is a matter for serious concern. The consequences of this take time to manifest themselves but they are always, without exception, deeply troublesome because they involve the re-organisation of society against its own members. Politics then becomes divorced from its constitutive purpose – the well-being of the members of society.

### *The loss of integrity in the Constitution*

One of the most fundamental realities about the human person is that we are made male and female. Yet, with this referendum proposal, a man and a woman are denied the right to exclusively call their relationship a marriage. Men and women are being told that they cannot claim the meaning of marriage for themselves even though the distinction between both of them is at the very heart of how we are made. We live in a constitutional democracy, a republic, founded upon a Constitution which has understood marriage to be between a man and a woman and which provides in Article 41.3.1 that:

*“The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.”*

We are now to insert into the Constitution, in the next sub-article (Article 41.4) the following provision arising from this referendum :

*“ Marriage may be contracted in accordance with law by two persons without distinction as to their sex.”*

The Constitution is to be changed to state that marriage is to have no regard to the distinctiveness between a male and a female. This is a fundamental attack on the truthful meaning of marriage. The effect of this is to introduce a major inconsistency into the Constitution in relation to the most fundamental institutions that make society – marriage and the family. The inescapable conclusion is that the Constitution as a whole now becomes inconsistent and loses its inherent integrity. The introduction of this amendment to the Constitution of the Republic of Ireland puts inherently contradictory policies on the family and children into the Constitution, particularly as the Constitution was also recently amended to protect and vindicate the natural and imprescriptible rights of children and to promote their best interests. It involves the rejection of existing constitutional principles in favour of a gender ideology which refuses to give due regard to the natural distinction between male and female.

The sad irony of all of this is that the Constitution, which is meant to protect the inalienable dignity of the human person, now becomes an instrument in denying the most fundamental right to a married couple to their truthful understanding of their association as a marriage and to their entirely legitimate expectation that it would remain in accordance with this understanding. Rather than being a guarantor of the inalienable dignity of human persons, for married people who know that marriage is truthfully between a man and a woman, the Constitution is now to embroil them in a new social construction that they know to be deeply flawed. They entered civil marriage on a clear and unambiguous understanding that it is between a man and a woman. They had a legitimate expectation that marriage would remain this way. Now they are being forced to accept that their civil marriage does not necessarily entail any distinction between a male and a female.

The differences in gender between a man and a woman are at the very heart of marriage, of every major decision, where to live, when and where to work, where to educate children, who to show hospitality towards, when and how to recreate etc. Telling people who are married, and who know this to be true from years of shared experience, that their distinct genders are not relevant to being civilly married, is utterly implausible. It is also quite disturbing, however, when understood as the piece of powerful social engineering that it is. It is the culmination of a radical gender ideology that maintains that there is no real difference between a male and a female.

The importance of the Constitution only making claims which are accurate and truthful is well known to us as a people. We learnt this from the prolonged

controversy about Articles 2 and 3 of the Constitution, which in their original formulation, made certain territorial and political claims about the whole island of Ireland. These claims were amended by a referendum as part of the implementation of the historic Belfast 'Good Friday' Agreement of 1998. Making certain claims in the Constitution, which do not carry a widespread consensus, is a recipe for nothing but further strife and disharmony. We must seek the truth, as best we can, in everything that finds expression in the Constitution. To take a social institution as profound and fundamental as marriage and to then give it a completely contradictory meaning in our Constitution, can only issue in harm.

### *The effect on education policy*

One of the more widespread and immediate consequences of this change to the constitutional definition of marriage is in the area of primary and secondary education, where the State is in a dominant position. This revision of the Constitution must issue an authorisation to the Department of Education and Skills to engage in a programme in schools to inculcate an acceptance of 'the new reality' of gender-neutral marriage in children and young adults.

Educational texts will have to be introduced in primary schools in Ireland to ensure that the school reflects and promotes this new reality among the younger generations. This process will directly pit the State against many families and religious bodies in the area of education. The State exercises a considerable influence on syllabi and policy even in private fee-paying schools. It will be very difficult for religious bodies or other faith-based schools to maintain a traditional family doctrine, in the face of a publicly funded and constitutionally endorsed programme to inculcate a theory of gender-neutral marriage.

### *The loss of the integrity and beauty of marriage*

The marriage of a man and a woman has a sense of wholeness and integrity which transcends us. The attempt to change that which cannot be altered is deeply harmful because we lose access to something of profound beauty, truth and goodness. Marriage as between one man and one woman is one of the most beautiful, truthful and good forms in human experience. On the wedding day of every man and woman, they bring all of their respective limitations and insecurities to the marital commitment. They each have countless imperfections. Yet, there is something perfect and whole about their union at that moment. There is a beauty, a wholeness, a completeness about their union on their wedding day. We must not allow the beauty, the integrity of this to be occluded or distorted. Every single marriage celebration literally re-presents the human being as a whole being, male and female. We cannot in truth allow this to be misrepresented. To do so is to lose a vision of something eternal and of inestimable value in its revelation of beauty, truth and goodness, the transcendentals which we are so in need of in an increasingly secularist society.

### *The imposition of a false gender ideology*

Irrespective of what view one has in this debate, we must acknowledge the truth that discrimination based on the gender or the sexual orientation of a person has been pervasive and is fundamentally wrong. Seeking to redress this wrong has inspired countless human rights activists to vindicate the rights of people who have been the subject of such wrongful prejudice throughout the world. The problem, however, is that on the basis of this truth and the great value of this work, a deeply flawed gender ideology has emerged, which maintains:

(a) that there is no real distinction between a male and a female

and

(b) that this distinction, if it were to exist, is not relevant to what marriage is.

Both of these claims are deeply erroneous. Nonetheless, as they are presented on the basis of the truth that many people have been wrongfully discriminated against on the basis of their gender or sexual orientation, their error becomes occluded.

The referendum is based on the truthful premise that Irish society should do all that is possible to prevent discrimination against a same-sex couple. Unfortunately, these two erroneous premises are then employed to argue for a change of the legal definition of marriage into something that it is not. In essence, the error which is at the root of this proposal is that in order not to discriminate on the basis of gender, one must obliterate the distinction of gender, and particularly in relation to our understanding of what marriage is. We are then left with what this referendum suggests – marriage can be contracted without reference to the two genders of male and female. This is deeply problematic. The most foundational, defining element of marriage is that it is based on the distinction between a man and a woman.

This referendum is the culmination of a profoundly flawed gender ideology which advances the two erroneous principles highlighted above. An example of the implications of this ideology can be gleaned from a policy adopted in the Graduate Centre of the City University of New York (CUNY), which is the principal doctorate-granting institution of the City University of New York. An announcement was made that administrators, faculty, and staff members will no longer use the gender salutations of ‘Mr.’ and ‘Ms.’ in exchanges with students. The policy went into effect for the Spring 2015 semester at the Manhattan public university as part of what it states is an “ongoing effort to ensure a respectful, welcoming, and gender-inclusive learning environment.” Apparently, the most basic form of politesse has been deemed so grossly insensitive at CUNY’s Graduate Centre that the school has cited Title IX, the federal law banning gender discrimination in government-funded education systems, as an explanation for its new speech code policy.



While one may believe that the good of preventing gender discrimination could never be taken this far in this country, one has to look dispassionately at what is happening with this referendum proposal. It tells us that marriage, always understood in the legal history of this country as being based on the union of the male and the female, is to be re-constituted by law without any distinction as to these genders.

Rather than being a guarantor of the inalienable dignity of human persons, the Constitution now becomes an instrument to impose a new social construction, based on a gender-neutral, disembodied understanding of the human person. The Constitution is not just another piece of law, side by side with other legislation. In purely legal terms, it is *prescriptive* and with the introduction of this amendment proposal, it will therefore necessarily radically our very understanding of marriage and family along those lines.

Society is not a machine to be manipulated by a false gender ideology. Marriage has endless, truthful connotations based upon the distinction of male and female, of masculinity and femininity, of husband and wife, of motherhood and fatherhood, of grandfather and grandmother, of romance and chivalry, of tradition and custom. They are all of infinite value and based on the truth of human nature that we are made male and female. No adoption of a severely flawed gender ideology in a constitutional referendum can change the unchanging truth of how we are made. To pretend otherwise can only be harmful.

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#### **IV Is the refusal of 'marriage' to two people of the one sex not discrimination?**

*No, because to truthfully differentiate between two different forms of relationships never amounts to discrimination. Preventing discrimination on the basis of gender must not entail the denial of the truth of the distinction of genders.*

Every citizen in this country currently enjoys the same, identical and equal rights to be married to a person of the opposite sex. To say that this is a referendum for marriage equality is therefore based on two prior assumptions, namely that:

- (a) marriage can be truthfully changed to apply to two people of the one sex
- and
- (b) a relationship of two people of the one sex should be identified in the same way as a relationship of two people of the opposite sex.

The first contention has already been examined and argued against in this booklet. The second contention is addressed and argued against in this answer.

The use of this title '*marriage equality*' in the Bill, which introduced this referendum before the Oireachtas, is designed to convey the message that if two people of the same sex cannot marry, they are being wrongfully discriminated against when compared to a couple of the opposite sex who can marry. The essence of this language is that equality demands that two people of the same sex should be allowed to marry just as two people of the opposite sex can.

It is true that the principle of equality, without reference to any other values, does demand that. What is not said, however, by those who absolutize the principle of equality, without reference to any other values, and further claim it vests in relationships and not in the human person, is that this way of proceeding also demands that three men should be allowed to marry each other if two men can. It demands that three women should be allowed to marry each other if two women can. A lesbian couple, who both wish to marry a man in order to father children for them and who want to ensure that the child knows his father, should also be allowed to marry.

Equality, as a supreme principle, on its own, demands that polygamy must be allowed, whether that be polygyny which involves one male and two or more females or polyandry which occurs when a woman has two or more husbands at the same time. Similarly, if we interpret 'equality' in such a way that it demands that we re-define marriage to accommodate and recognise the relationships of people who are same-sex attracted, then it must follow that bi-sexual people who are attracted to people of both sexes and who wish to enter into a marriage with

a man and a woman at the same time should be accommodated in the name of 'equality of sexual orientation'.

It is taken as a given that the vast majority of people in this country wish to have marriage confined to two people irrespective of whether they also require that it must be between two people of the opposite sex. Those advocating for single gender marriage, however, based on the principle of equality, have then to explain where the requirement of confining a marriage to two people comes from for them. Is it not unequal to deny marriage to three people who all maintain that they love each other and want society to recognise the relationship which they claim to have?

This comparative emphasis upon relationships of three or more people is not meant to be disrespectful of relationships between two people, whatever their gender may be. Rather, it is used to highlight the inconsistency of the argument for same-sex marriage which is based on equality alone. The vast majority of advocates of same-sex marriage believe marriage is for two people only. The question of where they draw the limitation of two people from is, however, for them to answer if they do not believe that marriage has any unchanging meaning. They also have a major problem in maintaining that the principle of equality is the supreme test of what is the right course of action in relation to this issue, if they are to then deny marriage to relationships of three or more people. The roots of this inconsistent, exclusive use of the principle of equality by the advocates for single gender marriages needs, however, to be explored further.

*The right of equality vests in the human person not in human relationships*

Every citizen has the same, equal right to marry a person of the opposite sex. If marriage is to be changed in our law to apply to two people of the one sex, every citizen in this country will then have a new, additional and equal right to marry someone of the same sex. When you approach this issue from the perspective of each citizen therefore (and not from comparing different forms of relationships of two people) this debate has nothing to do with equality.

The core of this misunderstanding that this is an 'equality' referendum arises from the misconception that the right of equality vests in relationships and not in the human person. It does not. The fundamental right of equality arises from the inalienable dignity of the human person not human relationships. It is human beings and not human relationships which must be treated equally before the law because human beings (and not human relationships) are fundamentally the same. Accordingly, human beings must have equal access to the same relationships and equal rights to the same relationships. This is reflected in Article 40.1 of the Constitution of Ireland, 1937 from which the right of equality vests in an individual person – the citizen – and not in a couple or any other relationship. Accordingly, Article 40.1 of the Irish Constitution provides for the right of equality by stating that:

*All citizens shall, as human persons, be held equal before the law.*

An adult homosexual male or lesbian female enjoy the identical rights of a heterosexual person to marry a person of the opposite sex. While that may be an unwise and often an impossible right for a homosexual male or a lesbian female to exercise, they are not denied the exercise of that right by reason of inequality or discrimination on the part of the State but by their own sexual orientation. What is being claimed in this referendum is not an equal right to marry but the creation of an entirely *new* right to the constitutional status of marriage with a person of the same sex.

*Equality never requires that substantively different relationships must be treated in the same way.*

The second cause of this misunderstanding is that the principle of equality does not mean that substantively different human relationships should be treated in the same way. The relationship of a husband and a wife is different to the relationship of a parent and a child. The requirements of truth and justice require that they be named differently, identified accurately and treated appropriately. This is not discrimination. This is truthful differentiation.

Article 40.1 of the Irish Constitution also provides that the right of every citizen to be held equal before the law “... shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function.” In other words, the State is entitled to differentiate, that is to treat different situations differently, which, in fact, is often essential in order to uphold the right of equality for each citizen. To say that a relationship between one man and one woman is the same as that between two men or two women is simply not the truth. Only a relationship between one man and one woman represents and embodies the fullness and integrity of human nature in its entirety. A relationship between a man and a woman and a relationship between two people of the same gender are fundamentally different. They are not the same. To name them differently and to treat their differences appropriately is a requirement of truth and justice, which are principles as relevant as the value of equality.

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## V Is 'marriage' between two people of the one sex not a human right?

*No, because the human right to marriage is based upon the unchanging and fundamental truth that the fullness of human nature is expressed and embodied in the intimate and permanent union of a male and a female person. This union, uniquely fruitful in biological terms, is distinct from all other human relations.*

Human rights are moral principles or norms that describe certain standards of human behaviour and are regularly protected as legal rights in national and international law. They are commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because he or she is a human being. They are inherent in all human beings, regardless of their nation, location, language, religion, ethnic origin, gender, sexual orientation or any other status. They are applicable everywhere and at every time in the sense of being universal. They are egalitarian in the sense of being the same for everyone.

In this country, two people of the same sex can live together, enter into a civil partnership and confer mutual property and succession rights upon each other. They are fully protected in law to work in a place that gives them the benefits they need to live happily together without fear or discrimination based upon their sexual orientation. The Irish Government is now enacting legislation to enable a same-sex couple to adopt a child with the intention that this is enacted prior to the holding of this referendum. Yet, it is still claimed by some that to not call a union between two people of the same sex a 'marriage' is an infringement of their human rights. Perhaps we could listen to the people of Slovenia and Croatia, for instance, who have emerged from the collapse of the Soviet Union, to really understand what the denial of human rights means. Each of these countries have confirmed that marriage is between one man and woman in separate referendums held in 2012 and 2013 respectively. They know that dictatorship, totalitarianism and State based oppression and brutality cannot break the most important institution – the family, bonded by the love of man and woman for each other.

To realise how inaccurate this claim is, one has to understand a fundamental truth about human rights. A human right is innate. They are not invented or created afresh. They can be more clearly expressed and realised over time but they always exist by reason of the innate dignity of the human person or they never truly existed at all. A human right, like human dignity, stands outside of time. The accurate recognition of a human right arises from the intersection of timelessness into time.

There is no such thing as a human right unless there is a certain universal order which underlines the nature of the human person and which, in turn, gives rise to rights that vest in the dignity of the human person and which cannot be violated. In other words, the discussion of "rights" only makes sense if the participants involved hold to a proper anthropology, one that contemplates what

the human person is in his or her nature and what his or her destiny is. As suggested earlier, dialogue concerning the human rights can only take place if we recognise that the foundation of these rights exists in an absolute, which is superior to our will or desires.

The question must then be put to people, who claim that two men or two women each have a human right to be treated as a married couple, as to what is the objective order that gives rise to this right, an order that makes this 'right' inalienable. When the question is put to someone who claims that a 'marriage' is only truly between one man and one woman, the answer once again is quite clear – marriage represents the absolute order of the union of male and female, a union which fully embodies and expresses in a unique manner what human nature is. It is based upon the reality that we are made, made male and female and made through the union of a male and a female.

These are objective truths of the nature of how we are made, patently observable and recognisable by anyone in any culture, at any time and of any religious conviction or none. They also have a consequence in terms of human rights. Surely, it is an infringement of a human right to force a person to observe a law which is contrary to an absolute order and in violation of simple, unchanging truths that are known to all of us. In short, we each enjoy a human right not to have to call a relationship between two people of the one sex something which it is not – marriage.

It seems to be lost in the debate about this referendum proposal that its adoption means that a man and a woman in this country no longer have any right to have their relationship distinctly recognised by the State as a marriage. Even though we are made male or female and made through a male and a female, this referendum proposal is now saying that a male and female no longer have a right to exclusively call themselves a married couple. In fact, they no longer have the right to State recognition of their union as exclusively anything.

Human rights must come from the one source. Following from this, they must be coherent. They cannot contradict each other. There cannot be a human right for a certain group which contradicts a human right of another group. If two men or two women have a human right to call themselves a married couple, it means that a man and a woman have no human right to exclusively call themselves a married couple even though this right has existed for generations. How could it possibly be truthful to say that a man and a woman have no right to distinct recognition by the State of their relationship – through the meaning of marriage - when we are made male or female and through the union of a male and a female? By claiming that two men or two women have a human right to be married, it means that a man and a woman have no human right to the separate, distinct and different recognition of their relationship. This cannot be true.

Decisions of the European Court of Human Rights are often viewed as more liberal than those of our own courts. In reality, this is not the case and recent decisions of the European Court are very much supportive of those who cannot support the concept of a marriage being between two people of one gender only.

Article 8 of the European Convention on Human Rights provides that :

*“everyone has a right to respect for his private and family life ...”.*

Article 12 provides that:

*“Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.”*

Furthermore, the conduct of the Irish Government in relation to respecting human rights is also regulated by the European Union Charter of Fundamental Rights. Article 9 of this Charter provides that:

*“[t]he right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.”*

Taking these provisions together, one can see that the right to respect for private and family life is an inalienable right, which transcends all differences in legal jurisdictions or social or cultural norms. The right to marry, however, is guaranteed but also in so far as it is in accordance with the national laws governing the exercise of that right. If the national law defines a marriage as between one man and one woman, as the law of the Republic of Ireland currently does, there is no right to marry conferred upon two people of the one sex pursuant to the European Convention on Human Rights or otherwise provided for by reason of the European Charter of Fundamental Rights.

As a member of the European Union and having incorporated into our domestic law the European Convention on Human Rights, the highest arbiter of what is a ‘human right’ in the law of this country is the European Court of Human Rights in Strasbourg. On June 24<sup>th</sup>, 2010 in the case of *Schalk and Kopf v. Austria*, the European Court of Human Rights held that having regard to Article 9 of the European Union Charter of Fundamental Rights, the Court would “no longer consider that the right to marry enshrined in Article 12 must in all circumstances be limited to marriage between two persons of the opposite sex”. The Court then went on to state that:

*“[A]s matters stand, the question whether or not to allow same-sex marriage is left to regulation by the national law of the Contracting State ... Article 12 of the Convention does not impose an obligation ... to grant a same-sex couple ... access to marriage.”*

The Court also rejected the argument that Article 14 of the Convention, which prohibits discrimination on grounds such as sex, imposed an obligation on contracting states to recognise single gender marriage.

The position was made even clearer in the case of *Hämäläinen v. Finland*, in which judgment was given by the European Court of Human Rights on July 16<sup>th</sup>,

2014. In the course of these proceedings, third party observations were made by Amnesty International and Transgender Europe. The Court reaffirmed that the European Convention on Human rights cannot be interpreted “*as imposing an obligation on Contracting States to grant same-sex couples access to marriage*”. While the Court had previously found that no such right exists in the Convention in the case of *Schalk and Kopf v. Austria*, on this occasion, the Court went further and explicitly stated that Article 12 of the Convention (dealing with marriage) :

*“... secures the fundamental right of a man and a woman to marry and to found a family. Article 12 expressly provides for regulation of marriage by national law. It enshrines the traditional concept of marriage as being between a man and a woman ... While it is true that some Contracting States have extended marriage to same-sex partners, Article 12 cannot be construed as imposing an obligation on the Contracting States to grant access to marriage to same-sex couples.”*

In addition, the Court also found that no consensus in favour of same-sex marriage exists in Europe because only ten of the forty-seven signatories to the Convention have legalised same-sex marriage.

It is against this background that one has then to consider the statement by Human Rights and Equality Commission in the Republic of Ireland, which this body issued on February 12<sup>th</sup>, 2015 and which is entitled ‘Policy Statement on Access to Civil Marriage’. The Commission was created by the merger of the Equality Authority and the Human Rights Commission and was formerly established as an independent body in November, 2014. In its statement, it said:

*“By excluding couples from participation in a social and cultural institution on the basis of their sex, the commission considers that Irish law fails to provide full recognition and equality of status for same-sex couples in a way that would underpin a wider equality for people within Irish life.”*

The Chief Commissioner Emily Logan was reported in *The Irish Times* on February 13<sup>th</sup>, 2015 as stating :

*“In other countries, in extending access to civil marriage, the courts have recognised that equality encompasses not only the practical benefits and responsibilities of marriage, but the equal status and recognition of their relationship within their communities.”*

In this policy statement, the Irish Human Rights and Equality Commission states that the Commission believes that “the opening out of civil marriage to two persons without distinction as to their sex is a matter of equality and human rights.” While having a specific section in the statement devoted to ‘Developments in Regional and International Law’, this policy statement makes no reference at all to the decision of the European Court of Human Rights in *Hämäläinen v. Finland*. Is it right that a statutory body, funded by public monies does this? Is it right that this public, statutory body now campaigns for the introduction of ‘same-sex’ marriage by calling it a human right when it is not



clearly defined nor universally accepted nor consistent with the long established and universal human right of a man and a woman to be distinctly recognised as a married couple?

There are two other interesting responses to the whole question of single gender marriage, one domestic and the other international, which need to be highlighted in the context of the claim that there is a human right for two people of one gender to be married. It is quite clear that, in this country, a significant number of gay people do not believe that a relationship between two people of the one sex can be truthfully termed as marriage. They have arrived at this conviction based on their own conscience and sense of what is truthful, irrespective of whether this is hurtful to them or not. Their courage in articulating this truth witnesses to the fact that in conscience, they know, that while attracted to a person of the same sex, this relationship is not the same as a relationship between two people of the opposite sex and that it is the latter which constitutes a marriage.

Furthermore, on the European level, as noted earlier, one recent trend has been the re-affirmation by Eastern European countries that marriage is between one man and one woman. On March 25<sup>th</sup>, 2012 Slovenia held a post-legislative referendum on a new Family Code (which equated the position of homosexual and conjugal marriages) adopted in the Slovenian parliament in June 2011. In a popular vote, 55% of voters rejected the new Family Code and 45% supported the law. Turnout was 30%. A constitutional referendum was held in Croatia on December 1<sup>st</sup>, 2013 on a proposed amendment to the Constitution to define marriage as being a union between a man and a woman, which would create a constitutional prohibition against same-sex marriage. The amendment was approved by 65.87% to 33.51% in a turnout of 37.9% of eligible voters.

This trend is significant because each of these countries have emerged from a prolonged and brutal suppression of human rights prior to the disintegration of the Soviet Union. When it comes to being truly deprived of human rights, the people and politicians of these nations know what this means. With this knowledge foremost in their collective consciousness, they are moving to ensure that the true meaning of marriage, as between one man and one woman, is protected for future generations in their countries.

In summary, in the context of this debate, it is important to recognise certain fundamental truths about human rights. They must be clearly defined, they must be of universal application and they must be consistent. When one sees these three essential elements, it becomes clear why the claim that 'same-sex' marriage is a human right is not true. Firstly, the accepted definition of what marriage is in this country is that it exists between a man and a woman. The referendum seeks to utterly change the definition of what marriage is. A human right cannot exist if what it is defined as is a matter of debate and confusion.

Secondly, a human right must be of universal application. At the moment, less than 10% of the countries of the world legally recognise 'same-sex' marriage. No

country in the world has adopted it by means of popular vote but other countries have affirmed marriage as between a man and a woman by popular vote.

Thirdly, human rights must be coherent because they come from the one source, that is the inalienable dignity of the human person. They cannot contradict each other. We cannot truthfully say that two men or two women have a human right to be treated as a marriage because this then entails that a man and a woman have no right to the separate, distinct and different recognition of their relationship as a marriage. It means that even though we are made male or female and made through a male and a female, a man and a woman have no right to this distinction recognition. These are two irrefutable, coherent and universal truths at the heart of human dignity and it is upon these that the human right of marriage, between a man and a woman and not otherwise, is based.

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**VI If two adults of the same sex truly love each other, should they not be allowed to have their love recognised in marriage?**

*No, because whilst love makes a human relationship thrive and be fulfilled, it is the identity of its participants, not their love for each other, which truly defines it.*

*Do not accept anything as love which lacks truth.*

Edith Stein

The diminished understanding of the common good, which was discussed earlier, leads to a corresponding devalued understanding of marriage. This understanding becomes framed in highly subjectivist and emotive terms such as marriage simply being the union of two people who love one another. In a post-modern society, marriage is in danger of simply becoming an instrument of personal fulfilment of adults, which is why love and companionship are now considered to constitute the essence of marriage. Traditionally, however, people married for a whole variety of reasons, not necessarily or even primarily marital love or erotic attraction. Whereas the traditional couple used to be on holy ground when entering the marital state, the post-modern couple is now on very shaky ground for there is nothing permanent either about the post-modern understanding of love. That can come and go as well in the accordance with one's will. Voluntarism occupies the throne once again – especially in matters of the heart.

There are certain things in life which can only be defined by a complementarity in their make-up. This binary nature, which fits or works together to produce a larger whole, defines what it is. An example of this is our national parliament, the Dail. The Dail is made up of the Government and the Opposition. If two people are to represent the Dail, then, in truth, there must be one person who is a member of the Government parties and one who is a member of the opposition. If we send two representatives from one side, even if these two representatives are from two parties which form a coalition, it is still not a true representation of the totality. The totality is known by its intrinsic complementarity of the Government side and the Opposition side. Indeed, the same principle applies to this debate about the marriage referendum. For this debate, or for any debate to take place, there must be two different sides, working towards the larger whole of a truthful solution. The joints in our own bodies provide another example of this complementarity. The shoulder joint is comprised of the complementarity of the cavity of the scapula and the humerus. The hip joint is comprised of the joiner of the acetabulum and the femur.

The meaning and essence of marriage is the complementary joiner of two different elements, the male and the female, not a doubling of two elements that

are essentially the same. It is a coupling of the sexes, not of persons. If you remove the gender basis of marriage, you take away its essential meaning and engage in the imposition of a highly problematic gender theory that says that there really is no difference between a male and a female. As the human nature is made male and female, there is a re-presentation of the whole human nature in the joinder of a male and a female which simply cannot be present in a pairing of two persons of the one sex. Both types of relationship are qualitatively different. To call them by the same name is simply incorrect.

The loss of integrity does not come from the nature of the relationship but from the misnaming and/or wrongful representation of it. In other words, the problem arises in calling something that which it is not. A relationship of two men or two women does not in any way lack integrity provided you name and describe it for what it is – a relationship of two men or two women as the case may be. It is a different matter when you call this a marriage – which requires the erasure of the essential element for a marriage of the sexual complementarity between a male and a female.

Through prior generations and civilisations, marriage has developed certain meanings which are based on union between males and females. The complementarity of the male and female is absolutely embedded into the meaning of what marriage truly is. One manifestation of this is our understanding of the act of consummation of a marriage as sexual intercourse between a male and a female, which, if it does not occur, is a ground for the civil annulment of a marriage in this country. Consummation of a marriage, as understood in our civil law, cannot occur in sexual acts between two men or two women.

The view that marriage is a life-long commitment between one man and one woman emanates from an intrinsic, objective truth accessible to all of us as to what marriage is. Thus, irrespective of our positions in relation to this referendum, the vast majority of us do not believe that two brothers or two sisters should be allowed marry or that one man should be allowed marry two women or vice versa. These arrangements offend an intrinsic sense of the truth of marriage which almost all of us share and which means that marriage is defined by something more than simply what consenting adults wish it to be. Love makes a relationship but it does not define it.

The truth of this is seen in the example of a car. Some cars perform at high speed, some at moderate speed and some do not function at all. The performance of the vehicle does not, however, define what in essence it is.

A relationship between two men or two women can be as sincere and committed as a relationship between a man and a woman but the two relationships still remain fundamentally different. We cannot confuse the goodness and the sincerity of the love that makes a relationship thrive, with what is constitutive of what the relationship actually is. The love of two gay people for each other may be of equal value to the love of a man and a woman for each other. This does not, however, alter the truth that their relationships are fundamentally different.

This clarifying distinction was expressed beautifully by Timothy Radcliffe O.P. He is a Roman Catholic priest, Dominican Friar of the English Province and former Master of the Order of Preachers from 1992 to 2001. In 2003, he was made an honorary Doctor of Divinity in the University of Oxford, the University's highest honorary degree. He is currently the Director of the Las Casas Institute of Blackfriars, Oxford which focuses on the promotion of Social Justice and Human Rights. His care and concern for people who are homosexual is acknowledged in every quarter involved in this debate in Britain and indeed, has caused him to be the subject of considerable criticism from some sections of the Roman Catholic Church. In a piece in *The Guardian* on December 16<sup>th</sup>, 2012 he wrote as follows:

*Cardinal Hume taught that God is present in every love, including the mutual love of gay people. This is to be respected and cherished and protected, as it is by civil unions. But to open up marriage to gay people, however admirable the intention, is ultimately to deny "the dignity of difference," in the phrase of the chief rabbi, Jonathan Sacks. It is not discriminatory, merely a recognition that marriage is an institution that is founded on a union that embraces sexual difference.*

The question is, can we develop a new understanding and respect for same-sex relationships, which honours and protects the love that is experienced within them but which does not pretend that they are something which they are not – the marriage of the male and female? In other words, can we mature into an equity of relationships which respects differences, as opposed to following the overweening demands of equality, which seeks to obliterate all differences in its slavish application? The final question will provide us with an opportunity to explore this. Before we tackle this issue, however, we would like to consider the role of children in marriage.

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## **VII Is marriage not fundamentally about the will of two consenting adults without reference to the rights and welfare of children?**

*No, because marriage entails not just the legal recognition of the relationship between two adults but also the protection of their right to form a family in accordance with their legal status as a married couple.*

We must acknowledge that, for a majority of people, there is still an intimate link between the decision to have children and marriage. Most couples who are getting married do so because they are of the view that the time is right to start a family or because they are expecting a child. In short, there is a strong and intimate connection between marriage and procreation or openness to new life exclusively through the two persons who constitute the relationship – a reality which is an impossibility with a same-sex union.

A UNESCO Report has stated unequivocally that children are best raised by their own biological parents, united in loving and permanent bond:

The use of data on the proportion of children living in single-parent families and stepfamilies as an indicator of well-being may seem unfair and insensitive. Plenty of children in two-parent families are damaged by their parents' relationships; plenty of children in single-parent and stepfamilies are growing up secure and happy. Nor can the terms 'single-parent families' and 'stepfamilies' do justice to the many different kinds of family unit that have become common in recent decades. But at the statistical level there is evidence to associate growing up in single-parent families and stepfamilies with greater risk to well-being – including a greater risk of dropping out of school, of leaving home early, of poorer health, of low skills, and of low pay.<sup>8</sup>

If we know – as this Report from the United Nations indicates – that children are better off with their own biological parents in a stable relationship, is it then desirable to promote an understanding of marriage in which the sexual and psychological differences between the spouses, as well as the biological bond between the parents and their children, are considered utterly irrelevant? Our Constitution and laws are not detached legal provisions but rather they profoundly determine the behaviour and outlook of us, as citizens, upon our own lives.

The undeniable significance of the biological bond between parents and children is illustrated by the following. If you are a parent and in favour of gay marriage, ask yourself this question:

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<sup>8</sup> See: UNICEF, Child poverty in perspective: An overview of child well-being in rich countries, Innocenti Report Card 7, 2007 UNICEF Innocenti Research Centre, Florence, available at : <http://www.unicef.org/media/files/ChildPovertyReport.pdf>

“If, in the morning, you received a letter from the Maternity Hospital, informing you that your children were swapped in the Maternity Ward for somebody else’s children, and that you have actually been raising somebody else’s biological children, would this matter to you?”

The question is not whether or not you would still love the children you have been raising which, of course, you would. The question is: “Would it be a matter of indifference to you if the children you are raising were not your own biological children?” If you acknowledge that this would matter to you, you are effectively subscribing to the view that the biological bond between parent and child matters. It is with this in mind that one must acknowledge that homosexual unions and heterosexual unions are not equivalent social entities for the purposes of the State because only a heterosexual union can ever, *within itself*:

- (i) have the capacity for procreation and thus for the growth and development of the family unit;
- (ii) satisfy the natural right of a child to the stable society of its natural father, mother and siblings in family life and
- (iii) have the potential to renew and extend the family bond through many generations and thus to build up and strengthen society.

Rather than erasing the difference at the heart of the human being – the difference between male and female – we should cherish it and acknowledge its significance in the area in which it matters most: the begetting and raising of children. The parenting of a child by a male and a female gives the child the full presentation and experience of the whole human being, male and female. This simply cannot be given to a child by two people of one sex, however loving and committed these two people are to the child in question.

The constitutional right to be married does not just simply legally endorse and solidify the relationship of two people. It confers upon them to right to found a family. This referendum proposal seeks to confer the exact same constitutional right upon same-sex couples as upon an opposite sex couple to found a family. To suggest therefore that this referendum really has nothing to do with the rights and welfare of children is simply not true.

The enactment of this referendum proposal will introduce a gender-neutral marriage regime. The essential family bond will be based – as matter of constitutional norm – on legal guardianship just as equally as upon natural parenthood. The proposal establishes a family unit which does not require a natural father or mother. It promotes diverse circumstances (e.g. surrogacy, with all of its known problems) in which children would be deprived of the company or one or both of their natural parents and of their siblings and of the full knowledge of their grandparents and ancestry. Surely, this is contrary to the duty of the State – recently confirmed by the people in a referendum in

November 2012 – to protect and vindicate the natural and imprescriptible rights and to promote the best interests of the child.

This referendum proposal is to be inserted as an additional clause in Article 41 of the Constitution entitled *'The Family'*. It makes the Constitution formally indifferent as to whether or not a child lives with both natural parents and siblings as a family unit. This occurs by endowing same-sex relationships (which can never provide a child with the stable society of his or her natural father and mother) with the same family and social status as an opposite-sex relationship (which can and most often does).

In every single family that is based on a same-sex marriage, one or both of the legal parents of the child do not have a genetic relationship with the child while one or more parties outside the 'marriage' retain this fundamental, biological bond. Several persons might have such claims in respect of the same child and those claims can vary on a case by case basis. This multiplicity of interests must inevitably create a far greater exposure of children to parental disputes about guardianship and access, particularly when a 'marriage' ends.

In due course, no matter how carefully the law seeks to regulate matters, technologies that, until now, have only been used to aid heterosexual couples who have a difficulty with fertility, will be the ordinary means of reproduction for same-sex couples, who, biologically, cannot otherwise have children. The number of children who will have several people they could properly refer to as their parents must increase, varying between the genetic mother who donated the egg, the father who donated the sperm, the surrogate mother, the married adopting homosexual fathers or the married adopting lesbian mothers.

It is true that this multiplicity of parents can also arise with a heterosexual couple who adopt a child, having availed of sperm and egg donation and surrogacy and who have no biological connection with the child. Yet, when this occurs, the child has the stable society of a male and a female, as adopted parents, in substitution for the biological parents who are male and female. For instance, where an infant girl is adopted by two married homosexual men, having been made through sperm and egg donation and surrogacy, the child will have two mothers (biological and surrogate) but she will not know either of them. She will have no relationship with a woman whom she can call her mother.

Once the Constitution is changed, all of these kinds of parenting situations will have to be considered part of the "new normal." In such situations, the issue of legal guardianship of children will become increasingly complex to determine and more frequently entail the resolution of guardianship disputes on a case by case basis.

Notwithstanding all of this, this booklet does not seek to rely primarily upon the intrinsic and essential value of marriage, as between a male and a female, in the bringing of new human life into the world and in providing stability in the nurturing of a child by his or her own parents. The core argument of this booklet



is that marriage, as the union of male and female, captures and embodies in a unique way the wholeness and integrity of our human nature (which alone can lead to procreation) and should therefore be given special recognition in our Constitution.

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## **VIII Is there another way of resolving this controversy about how our society should define 'marriage'?**

*Yes, by creating a new name and language for permanent same-sex unions, by giving these terms full recognition in our Constitution while also affirming the truth of marriage as between one man and one woman.*

*Distinguish in Order to Unite.*

Jacques Maritain

The Marriage Referendum in the Republic of Ireland has proceeded without first subjecting the proposal to the scrutiny of an Oireachtas inquiry, a public hearing or even a working group, in which the various social, moral, psychological and legal implications of the proposal could be properly evaluated. Furthermore, there has been little or no discussion about whether there is a different way to respond to this issue, that is by giving constitutional recognition to civil partnership while affirming that marriage is between one man and one woman.

This approach may not seem attractive to the supporters of 'same-sex marriage' particularly as media reports of the opinion polls constantly say that there is a huge majority in favour of this referendum. Given this background, it may seem fanciful to suggest that anything other than an emphatic triumph for this referendum is not good for homosexual people in this country and the due recognition of their rights.

Countless people who have got married in this country did so on the understanding that marriage is between one man and one woman. When they got married civilly, they had a legitimate expectation that what they entered into would remain. This is now being taken from them with this referendum proposal. We must respect the good conscience of people who honour and respect the truth that we are made male and female and that marriage captures the fullness of human nature in its unique union of male and female. We must also respect and honour the truth that a significant number of people are innately made with same-sex attraction and in good conscience, they wish to have their different relationships treated with recognition and respect by society. What we cannot have is the denial of good conscience to one group because that honours the conscience of neither. Similarly, we cannot interfere with the legitimate expectations of one group for the benefit of the other.

Of all nation states, we should understand this. The pain-staking work and mutual suffering which has led towards an ever stronger political settlement in Northern Ireland has taught us that we must respect each other's identities, not

seek to force people, who are entitled to their own distinct identity, to have it changed so that it accords with our own.

People who have suffered prejudice and abuse for being homosexual also know this better than anyone. They know the pain of having to pretend to be someone they are not, of having society force a certain identity and pattern of behaviour upon them which is not true to who they are. They know the importance of the dignity of difference having campaigned for this for decades. To now seek to deny people, who understand marriage as between one man and one woman, the right to exercise this conscientious belief, often when they committed to marriage on this basis and with the legitimate expectation that it would remain this way, is not correct. No one can seek to promote a right, which involves the violation of the conscience of another, when that position of conscience is based on an objective truth – in this case being that the human person is made male or female, and that marriage captures the full integrity of our human nature as a unique union of male and female. It is totally inconsistent with what LGBT organisations have always campaigned for – the respect for each other's true identities. It gives rise to the irony of those who have been wrongfully oppressed now supporting the wrongful oppression of others. For a society which denies difference and pretends we are all the same may have outlawed intolerance in one form but it then institutes it in another.

The irony in all of this is that when a person tells others that he or she is attracted to persons of the same sex, there is a profound sense of relief of not having to pretend to be someone that one is not. Having to fit into a presumed belief that one is heterosexual is at an end. There is a weight taken off the person's shoulders. Surely this demands that we do not now create a situation where we give rise to the same problem again, where instead of recognizing homosexuals unions for what they are, we instead seek to misdescribe them as a marriage. This makes homosexual unions conform to something they are not and it makes others recognize them for something they are not.

There is a further irony in all of this. Many people who are homosexual rely upon the support of their own parents, mother and father and upon their marriage. In finding the courage to express who they truly are, it is often the acceptance and love of their own married mother and father which proves to be pivotal. They know the value of having a mother and a father and of the different, complementary value of the love and affirmation provided by both. The affirmation given by the father is very valuable in a different way to that given by the mother and vice versa. Homosexual persons who are truly affirmed by both of their parents, who are married, are often profoundly grateful for the fact that their parents are together, married and there for them to support them, to truly acknowledge them, to respect and care for them.

The real tragedy with this referendum proposal, however, is that it creates a lose-lose situation for everyone. Obviously, it destroys the true meaning of marriage in our civil law for those who believe marriage is a heterosexual union. Furthermore, the truth that is entirely lost in this campaign is that the pressure for gay marriage is self-defeating. It is similar to the efforts by King Henry VIII to

gain ecclesiastical endorsement for his divorce by making himself the head of the Church. The Church that endorsed his divorce thereby ceased to be the Church whose endorsement he was seeking. In seeking equality with something unlike yourself, by changing it in order to join it, the thing that you join to is no longer what you were trying to join in the first place.

The Constitution is a profoundly significant document and it needs to be treated as such. While we will all differ about various provisions in the Constitution, it is of the utmost seriousness to ascribe a meaning to something, as pivotal as marriage, in the Constitution, which a large number of citizens do not believe to be truthful and will never believe it to be so.

In order to respect the conscience of all, we need an equity that respects difference not equality that destroys it. Gay people have wholly legitimate demands and needs, not just for acceptance but for celebration. This needs to be recognised by all. To pursue an end to discrimination against people who are attracted to persons of their own sex is noble and right. To pursue it, however, by undermining heterosexual institutions is deeply damaging to both heterosexual and homosexual persons alike. We need to find a way which prevents discrimination on the basis of gender but which does not obliterate the truth of the distinction between genders, a truth which is at the very foundation of the integrity of marriage.

We need a constitutional referendum in this country where heterosexual relationships and homosexual relationships live side by side, in mutual respect, recognition and care for each other. To do so, we do need to give constitutional recognition to same-sex unions but not in a way which obliterates the true meaning of marriage as a union between a man and a woman and the human dignity of their difference.

It is accepted that a civil partnership does not have the same status or sense of social significance that marriage has. Graphically, they can be compared to two circles. The circle that represents civil partnership is not as large or as strong as that which represents marriage. There are two ways of responding to this lack of parity or equity but only one of which is truthful. The first way is what this referendum proposes, to treat a same-sex relationship of two people as constituting a marriage. Again, in terms of the two circles, this involves creating a figure eight where the two circles are joined together and are called the one entity of marriage. The problem with this is that we are then no longer left with the integrity of either circle. Both are lost in being fused into one entity and at the meeting point of both – the new legal definition of marriage – each of them loses the integrity of being a complete, round and whole circle.

The alternative is not to seek to change the legal meaning of marriage from being between one man and one woman but to enhance the circle of homosexual unions by giving them proper definition and rights in an amendment to our Constitution. The dilemma, which we find ourselves in, calls us to be held in the tension of two polarities – marriage is intrinsically between a male and a female – yet society must be as affirming, protective and respectful as possible of all

couples who demonstrate committed, faithful love to each other. The question arises as to whether those who hold differing views on this question have the ingenuity to discover, and the generosity to accept a new title and language for permanent, committed relationships between two people of the one sex.

It is of note that the 'marriage equality' campaign and all of the political parties are completely silent about other legal alternatives which could be found for enhancing the constitutional status of relationships between two people of the one sex without changing the fundamental social institution of marriage. At the very least, in a constitutional democracy, you would expect one party to advocate a 'No' vote coupled with a subsequent 'Yes' vote to a referendum which gives separate definition and rights to same-sex unions in our Constitution. Not one of them is doing this. This referendum asks us to do the wrong thing for the right reason. By voting 'No' so that a subsequent referendum could provide properly for same-sex unions in our Constitution, we would be doing the right thing for the right reason.

During the course of his presidency, President Michael D. Higgins has tried to promote a new understanding of ethics in our society. In the spirit of what he is seeking to encourage, can we not find a group of people with different views, who could come together and formulate a new recognition for same-sex unions in our Constitution which is really dignified, graceful and imaginative while retaining the meaning of marriage as between a man and a woman? This would honour the dignity of difference and lead to the most truthful resolution of this question.

Do we have the courage and the magnanimity to be truthful together? Can organisations such as the National LGBT Federation educate all of us with a new name and a vibrant, affirming language to accurately describe same-sex relationships which we can all support being introduced into our Constitution? Can we all work together to bring about a reform which is really innovative, truthful and of international value, based upon the unchanging reality that there are different sexual orientations but that marriage is truthfully for two people of the opposite sex? It is this approach which is advocated for in this booklet.

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## *Integritas – a Domestic Centre of Christian spirituality*

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Patrick Treacy lives with his wife, Linda Rainsberry and their children at Ennisnag, Stoneyford, County Kilkenny, where they facilitate a domestic centre of Christian spirituality called *Integritas* ([www.integritas.ie](http://www.integritas.ie)). He is a Senior Counsel.

Dr. Rik Van Nieuwenhove, originally from Flanders, has been residing in Ireland since 1993. He studied Moral Sciences, Philosophy and Medieval History in the Universities of Ghent and Leuven. After obtaining his PhD he became a Lecturer in Theology in the School of Theology and Religions, Trinity College Dublin. In 2003 he joined the Department of Theology and Religious Studies in Mary Immaculate College, University of Limerick.

This document can be downloaded from the website of [www.integritas.ie](http://www.integritas.ie) by clicking on to the link 'Marriage Referendum' on its homepage.

*Integritas* is referred to as a domestic centre as it is based in a family home. It has a contemplative garden with wooden sculptures made by different communities in Kilkenny who care for people with intellectual disabilities. The centre seeks to promote a Christian ecumenical theology and spirituality which responds to the particular needs of our time. It does so by being involved in the following:

### *Christian Meditation and Contemplative Prayer*

On each Wednesday evening at 8.00 p.m. between September and June, Christian Meditation and Contemplative Prayer is held here. It is based on the Christian monastic tradition of prayer and relies upon the dynamic of the *Spiritual Exercises of St. Ignatius of Loyola* in a way that is harmonious with the liturgical calendar.

### *Scripture and Theology Study Group*

On the third Thursday of each month between September and June, this centre also hosts a scripture and theology study group at 7.30 p.m. This group also invites those with an expertise in scripture and theology to provide guidance and support to its reflections.

### *The Body in Christian Faith*

Throughout the year, again between September and June, courses are held here which seek to help people become more aware of the body and of how the body is the most profound revelation of the image of God. These courses promote the care and well-being of the body through deep relaxation and specific exercises which enhance the movement of the body. They are taught in the context of the

Christian tradition which teaches that God was fully revealed in the human body of Jesus Christ and that we are all members of His body.

### *Domesticity, monasticism and Church renewal*

This centre seeks to explore how the Christian Church can be renewed based on the conviction that this must come through a recovery of the importance of the home, of our monastic tradition and of how each can mutually support each other. This is imperative as we move from an understanding of the Church which placed the priesthood as central, to a new Church, which places the experience of love and relationships, first found in the family, at the centre of its life. Those in spiritual leadership in the emergent Church will often be mothers and fathers of children and their spiritual leadership will be primarily grounded upon monastic values of stability, obedience and life-long conversion. A new formulation of the rule of St. Benedict is called for, which applies to all in the life of a town or parish who seek a deeper, more conscious union with others as members of the body of Christ.

### *The awakening of Christian faith in education*

On an ongoing basis, a group of concerned parents, educators and lawyers meet here to explore how Christian faith in primary and secondary education can be protected and enhanced as we go through this unprecedented period of secularisation. This group is concerned, in particular, with the breakdown of communicating the experience of Christian faith in primary and secondary schools.

It is currently researching the secularist underpinning of the Junior Certificate Programme in religious education and the potential of a different Christian faith-based curriculum. Furthermore, this group is researching specific areas where governmental policy is extending beyond the legitimate objective of pluralism in education and is actively undermining faith-based education. In response to this, legal rights and remedies are being researched for broader circulation as an aid to withstand this wave of secularisation which is moving to erase Christian identity from Irish education.

### *Public Theology*

One of the key objectives of *Integritas* is to articulate a public theology based on the conviction that the dislocation of Christian faith from public life increasingly threatens the future of our society. When society becomes post-religious, it is in danger of becoming post-human.

What is public theology?

Public theology refers to a self-consciously religious effort to form and mould culture and politics so that they conform more fully with God's plan of salvation. It sees all societies as subject to an enduring order of justice which calls all nations to self-criticism and reform. It responds to the organisation of the world without God as being against the protection of human dignity and the freedom of mankind. In essence, it seeks to wrestle with the larger question of how spiritual values should function in a modern society. A renewed public theology is seen as profoundly necessary to respond to 'the secularist crisis' which leads to an ever greater organisation of Western society without God and then against mankind.

'The secularist crisis' is a phrase which appears constantly in the work of John Courtney Murray SJ. It represented for him a massive assault upon the very fabric of religion and the social values which he believed necessary for human well-being. The secularist crisis refers to the increasing acceptance of the view that commitments of faith and prayer are private and personal choices which should not be allowed to intrude into the social arena. The secularist crisis is the *onrushing tide of indifferentism* which empties Western civilisation of its spiritual roots and puts in its place a shallow humanism which leads only to ennui and despair. This loss of a spiritual rootedness and the shallow humanism that replaces it was described by Vaclav Havel, through the use of the image of the loss of the transcendent anchor, when addressing Stanford University in 1994:

*If democracy is not only to survive but to expand successfully and resolve those conflicts of cultures, then, in my opinion, it must rediscover and renew its own transcendental origins. It must renew its respect for that non-material order which is not only above us but also in us and among us and which is the only possible and reliable source of man's respect for himself, for others, for the order of nature, for the order of humanity, and thus for secular authority as well. The loss of this respect always leads to loss of respect for everything else from the laws people have made for themselves, to the life of our neighbours and of our living planet. The relativisation of all moral norms, the crisis of authority, reduction of life to the pursuit of immediate material gain without regard for its general consequences - the very things Western Democracy is most criticised for - does not originate in democracy but in that which modern man has lost: his transcendent anchor and along with it the only genuine source of his responsibility and self-respect.*

The manner in which this referendum on marriage in the Republic of Ireland seeks to deny the dignity of difference is part of the larger narrative of the onrushing tide of indifferentism which this era of Western society, unlike any other, is now being subjected to. Seeking to maintain the true meaning of marriage as between one man and one woman, whilst also giving proper constitutional recognition and respect to same-sex unions, is therefore an objective of public theology. It is an essential element in the greater search for how spiritual values should function in a modern society. The importance of this



search gives rise to certain seminars and publications from this centre. This booklet is one of these publications.

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A copy of this booklet can be downloaded from the website [www.integritas.ie](http://www.integritas.ie) by clicking on to the link 'Marriage Referendum' on its homepage.

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