

**TEMAS PARA LA REFLEXIÓN  
SOBRE EL MATRIMONIO  
Y LA FAMILIA  
(3)**

## DIVORCIADOS Y VUELTOS A CASAR

La Congregación para la Doctrina de la Fe ha solicitado a los obispos, a través de la Conferencia Episcopal Española (23-4-2014), que difundan, en los medios de comunicación diocesanos, los documentos del Magisterio de la Iglesia sobre las «cuestiones acerca de la cura pastoral de los fieles divorciados y vueltos a casar». Así pues, siguiendo tales instrucciones el Obispado de Alcalá de Henares ha preparado el presente portal con el ánimo de que sea de utilidad a nuestros lectores. El portal incorpora, además, algunos recursos para la oración, así como para la orientación y ayuda a matrimonios y familias con dificultades.

### MAGISTERIO DE LA IGLESIA: CARIDAD EN LA VERDAD

**A modo de resumen** (Textos literales del Magisterio)

1) «El *vínculo matrimonial* es establecido por Dios mismo, de modo que el matrimonio celebrado y consumado entre bautizados no puede ser disuelto jamás. Este vínculo que resulta del acto humano libre de los esposos y de la consumación del matrimonio es una realidad ya irrevocable y da origen a una alianza garantizada por la fidelidad de Dios. La Iglesia no tiene poder para pronunciarse contra esta disposición de la sabiduría divina» (Catecismo de la Iglesia Católica, n. 1640).

2) «El *adulterio*. Esta palabra designa la infidelidad conyugal. Cuando un hombre y una mujer, de los cuales al menos uno está casado, establecen una relación sexual, aunque ocasional, cometen un adulterio. Cristo condena incluso el deseo del adulterio (cf *Mt* 5, 27-28). El sexto mandamiento y el Nuevo Testamento prohíben absolutamente el adulterio (cf *Mt* 5, 32; 19, 6; *Mc* 10, 11; 1 *Co* 6, 9-10). Los profetas denuncian su gravedad; ven en el adulterio la imagen del pecado de idolatría (cf *Os* 2, 7; *Jr* 5, 7; 13, 27).

El adulterio es una injusticia. El que lo comete falta a sus compromisos. Lesiona el signo de la Alianza que es el vínculo matrimonial. Quebranta el derecho del otro cónyuge y atenta contra la institución del matrimonio, violando el contrato que le da origen. Compromete el bien de la generación humana y de los hijos, que necesitan la unión estable de los padres» (Catecismo de la Iglesia Católica, nn. 2380-2381).

3) «El divorcio. El Señor Jesús insiste en la intención original del Creador que quería un matrimonio indisoluble (cf *Mt* 5, 31-32; 19, 3-9; *Mc* 10, 9; *Lc* 16, 18; 1 *Co* 7, 10-11), y deroga la tolerancia que se había introducido en la ley antigua (cf *Mt* 19, 7-9).

Entre bautizados, “el matrimonio rato y consumado no puede ser disuelto por ningún poder humano ni por ninguna causa fuera de la muerte” (CIC [can. 1141](#)).

La *separación* de los esposos con permanencia del vínculo matrimonial puede ser legítima en ciertos casos previstos por el Derecho Canónico (cf CIC [can. 1151-1155](#)).

Si el divorcio civil representa la única manera posible de asegurar ciertos derechos legítimos, el cuidado de los hijos o la defensa del patrimonio, puede ser tolerado sin constituir una falta moral.

El *divorcio* es una ofensa grave a la ley natural. Pretende romper el contrato, aceptado libremente por los esposos, de vivir juntos hasta la muerte. El divorcio atenta contra la Alianza de salvación de la cual el matrimonio sacramental es un signo. El hecho de contraer una nueva unión, aunque reconocida por la ley civil, aumenta la gravedad de la ruptura: el cónyuge casado de nuevo se halla entonces en situación de adulterio público y permanente:

«No es lícito al varón, una vez separado de su esposa, tomar otra; ni a una mujer repudiada por su marido, ser tomada por otro como esposa» (San Basilio Magno, *Moralia*, regla 73).

El divorcio adquiere también su carácter inmoral a causa del desorden que introduce en la célula familiar y en la sociedad. Este desorden entraña daños graves: para el cónyuge, que se ve abandonado; para los hijos, traumatizados por la separación de los padres, y a menudo viviendo en tensión a causa de sus padres; por su efecto contagioso, que hace de él una verdadera plaga social.

Puede ocurrir que uno de los cónyuges sea la víctima inocente del divorcio dictado en conformidad con la ley civil; entonces no contradice el precepto moral. Existe una diferencia considerable entre el cónyuge que se ha esforzado con sinceridad por ser fiel al sacramento del Matrimonio y se ve injustamente abandonado y el que, por una falta grave de su parte, destruye un matrimonio canónicamente válido (cf [FC 84](#))» (Catecismo de la Iglesia Católica, nn. 2382-2386).

4) «Si los divorciados se vuelven a casar civilmente, se ponen en una situación que contradice objetivamente a la ley de Dios. Por lo cual no pueden acceder a la comunión eucarística mientras persista esta situación, y por la misma razón no pueden ejercer ciertas responsabilidades eclesiales. La reconciliación mediante el sacramento de la penitencia no puede ser concedida más que aquellos que se arrepientan de haber violado el signo de la Alianza y de la fidelidad a Cristo y que se comprometan a vivir en total continencia.

Respecto a los cristianos que viven en esta situación y que con frecuencia conservan la fe y desean educar cristianamente a sus hijos, los sacerdotes y toda la comunidad deben dar prueba de una atenta solicitud, a fin de que aquellos no se consideren como separados de la Iglesia, de cuya vida pueden y deben participar en cuanto bautizados:

«Exhórteseles a escuchar la Palabra de Dios, a frecuentar el sacrificio de la misa, a perseverar en la oración, a incrementar las obras de caridad y las iniciativas de la comunidad en favor de la justicia, a educar sus hijos en la fe cristiana, a cultivar el espíritu y las obras de penitencia para implorar de este modo, día a día, la gracia de Dios» ([FC 84](#)) » (Catecismo de la Iglesia Católica, nn. 1650-1651).

5) «La reconciliación en el sacramento de la penitencia —que les abriría el camino al sacramento eucarístico— puede darse únicamente a los que, arrepentidos de haber violado el signo de la Alianza y de la fidelidad a Cristo, están sinceramente dispuestos a una forma de vida que no contradiga la indisolubilidad del matrimonio. Esto lleva consigo concretamente que cuando el hombre y la mujer, por motivos serios, —como, por ejemplo, la educación de los hijos— no pueden cumplir la obligación de la separación, «asumen el compromiso de vivir en plena continencia, o sea de abstenerse de los actos propios de los esposos».

Del mismo modo el respeto debido al sacramento del matrimonio, a los mismos esposos y sus familiares, así como a la comunidad de los fieles, prohíbe a todo pastor —por cualquier motivo o pretexto incluso pastoral— efectuar ceremonias de cualquier tipo para los divorciados que vuelven a casarse. En efecto, tales ceremonias podrían dar la impresión de que se celebran nuevas nupcias sacramentalmente válidas y como consecuencia inducirían a error sobre la indisolubilidad del matrimonio válidamente contraído» (Papa San Juan Pablo II, *Familiaris consortio*, 84).

### **Catecismo de la Iglesia Católica**

» [nn. 1638 - 1651: Los efectos del sacramento del Matrimonio y los bienes y las exigencias del amor conyugal](#)

» [nn. 2380-2391: Ofensas a la dignidad del matrimonio](#)

### **Compendio del Catecismo de la Iglesia Católica**

» [nn. 346-349](#)

» [n. 502](#)

### **Compendio de la Doctrina Social de la Iglesia**

» [nn. 221-229: El amor y la formación de la comunidad de personas](#)

### **Papa Francisco**

«La santidad y la indisolubilidad del matrimonio cristiano, que a menudo se desmorona bajo las enormes presiones del mundo secular, deben ser profundizadas a través de una doctrina clara y sostenida por el testimonio de parejas casadas comprometidas. El matrimonio cristiano es una

alianza de amor para toda la vida entre un hombre y una mujer; comporta auténtico sacrificio para evitar las nociones ilusorias de la libertad sexual y para favorecer la fidelidad conyugal. Vuestros programas de preparación al sacramento del matrimonio, enriquecidos por la enseñanza del Papa Juan Pablo [II] sobre el matrimonio y sobre la familia, están demostrando ser instrumentos prometedores y, de hecho, indispensables para comunicar la verdad que nos hace libres sobre el matrimonio cristiano, y están infundiendo en los jóvenes una nueva esperanza para ellos mismos y para su futuro como esposos, esposas, padres y madres» ([Papa Francisco, Discurso a los obispos de la Conferencia Episcopal de Sudáfrica en visita “ad Limina Apostolorum”, 25 de abril de 2014](#)).

## **Papa Benedicto XVI**

### » [Exhortación Apostólica \*Sacramentum Caritatis\*, 29](#)

Sobre la Eucaristía fuente y culmen de la vida y de la misión de la Iglesia (22 de febrero de 2007)

Coloquios con los sacerdotes

— » [con el clero de la diócesis de Aosta](#) (25 de julio de 2005)

— » [con el clero de Albano](#) (31 de Agosto de 2006)

— » [con el clero de la diócesis de Belluno-Feltre y Treviso](#) el (24 de julio de 2007)

» [Discurso a los obispos franceses en el hemicio Santa Bernardita](#) (Lourdes, 14 de septiembre de 2008)

### » [Celebración de la Hora Media en el Duomo de Milán](#)

VII Encuentro Mundial de las Familias (Milán, 2 de junio de 2012)

### » [Celebración Eucarística. Homilía del Santo Padre Benedicto XVI](#)

VII Encuentro Mundial de las Familias (Milán, 3 de junio de 2012)

## **Papa San Juan Pablo II**

» [Clausura de la V Asamblea General del Sínodo de los Obispos, n. 7](#) (25 de octubre de 1980)

### » [Exhortación Apostólica \*Familiaris Consortio\*, 84](#)

(22 de noviembre de 1981)

Múltiples discursos

— » [A los obispos de la Conferencia Episcopal Escandinava](#) (19 de abril de 1997)

— » [A los participantes en la XIII Asamblea Plenaria del Consejo Pontificio para la Familia](#) (24 de enero de 1997)

## **Papa Juan Pablo I**

» [Discurso a un grupo de obispos estadounidenses en visita «ad limina»](#)

(21 de septiembre de 1978)

## **Papa Pablo VI**

» [Homilía con ocasión del XV aniversario de la coronación del Santo Padre, n. II, b](#) (21 de junio de 1978)

» [Discurso al Presidente de la República de Tanzania](#) (16 de octubre de 1969)

### **Papa San Juan XXIII**

» [Carta Encíclica \*Pacem in terris\*, n. 16](#)  
(11 de abril de 1963)

» [Carta Encíclica \*Mater et Magistra\*, n. 193](#)  
(15 de mayo de 1961)

» [Carta Encíclica \*Ad Petri Cathedram\* \(parte segunda, Unión y concordia en las familias\)](#)  
(29 de junio de 1959)

### **Congregación para la Doctrina de la Fe**

» [Carta a los Obispos de la Iglesia Católica sobre la recepción de la comunión eucarística por parte de los fieles divorciados que se han vuelto a casar](#)  
*Annus Internationalis Familiae* (14 de septiembre de 1994)

» [Sobre la atención pastoral de los divorciados vueltos a casar](#)  
Libro de la Ed. Palabra 2003 con una introducción del Cardenal Ratzinger y con los comentarios de Tettamanzi, Pompedda, Rodríguez Luño, Marcuzzi y Pelland

### **Pontificio Consejo para los Textos Legislativos**

» [Declaración sobre el canon 915 CIC](#)  
sobre la admisibilidad a la sagrada comunión de los divorciados que se han vuelto a casar (24 de junio de 2000)

### **Sínodo de los Obispos 2012**

» [Mensaje final de la XIII Asamblea General Ordinaria del Sínodo de los Obispos](#)  
(26 de octubre de 2012)

### **Artículo S.E. Mons. Gerhard L. Müller, Prefecto de la Congregación para la Doctrina de la Fe**

» [Testimonio a favor de la fuerza de la Gracia](#)  
Sobre la indisolubilidad del matrimonio y el debate acerca de los divorciados vueltos a casar y los sacramentos (*L'Osservatore Romano*, 23 de octubre de 2013)

» [Portal sobre la materia en la página web oficial de la Conferencia Episcopal Española](#)

### **La primacía de la gracia: para orar y meditar**

«El principio de la *primacía de la gracia* debe ser un faro que alumbre permanentemente nuestras reflexiones sobre la evangelización» ([Papa Francisco, \*Evangelii Gaudium\*, n. 112](#))

- » [Algunos mártires en defensa de la verdad sobre matrimonio](#)
- » [Algunos matrimonios de santos y beatos](#)
- » [Centro de Orientación Familiar \*Regina Familiae\* ¡Te podemos ayudar!](#)

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## **QUO VADIS MATRIMONIUM? WHERE THINGS STAND, AND WHERE THEY MAY BE HEADED, IN THE SAME-SEX MARRIAGE DEBATE.**

**BENJAMIN J. VAIL**

The year 2014 saw important changes in attitudes and policy in the US regarding marriage and the so-called “same-sex marriage” (SSM) debate. In this article, I would like to bring readers up-to-date on some recent developments, and help Catholics understand their own position better, by summarizing some important philosophical arguments used by traditionalists and by the proponents of SSM. In spiritual warfare as in politics it is helpful to know your adversary, after all.

We begin with an update on recent developments in marriage policy and culture, and then review the history of the debate, introduce some of the important philosophical principles that characterize the different camps, and conclude with a few thoughts on where it’s all headed. We focus on the writings of well-known academic advocates representing the two positions: affirming SSM, Professor John Corvino of Wayne State University, and affirming a traditionalist view, Professor Robert P. George of Princeton University, and his coauthors Sherif Girgis and Ryan T. Anderson.

## The on-going marriage debate

The reason SSM is so controversial is because it is not just an abstract policy debate, but a highly personal issue, and a moral question. The opposing viewpoints are animated by what could be described as completely different world views. On the one hand, those who advocate SSM typically adhere to a social constructionist view of marriage. In other words, they see marriage as a product of culture and subject to change. For those who defend what is called the “conjugal” view, the definition of marriage is not a malleable construct but an expression, or consequence, of natural law. In the book *Debating Same-Sex Marriage*, Corvino explains that this definitional debate “...is one of those areas where each side tends to see its position as not merely correct, but obvious. Marriage-equality opponents say that marriage has been male-female pretty much forever, and you can’t just change the meaning of words at will. Marriage-equality advocates say that marriage is an evolving legal and social institution, and if the law and society recognize same-sex couples as married, then they are in fact married” (p. 27).

Pro-SSM author Jonathan Rauch traces the origin of the SSM debate to May 1970, when a homosexual couple applied for (and were denied) a marriage license in Minnesota. As of this writing, 30 of the United States, Washington, DC, and at least 16 nations (and parts of Mexico) have legalized same-sex marriage. Within other nations, some jurisdictions have legalized SSM. The Netherlands was the first country to legalize SSM in 2001, though before that numerous countries approved various kinds of civil partnerships that granted homosexual couples rights similar to those of marriage.

It is fair to say that in many parts of the world, the SSM movement is gaining momentum. Since 2013, countries as diverse as New Zealand, France, Uruguay, England and Wales, and several states of the US have changed their marriage laws to allow homosexual weddings. Same-sex marriage efforts are well underway in several more countries.

Changes to marriage law have been achieved through court decisions, legislative acts, popular referendums, and executive decisions. In the United States, in the last decade there has been a flurry of activity in many states to either ban or allow SSM. The Supreme Court has made a number of rulings that appear to gradually be opening the way for federal level recognition of SSM, and has allowed the striking down of state prohibitions on same-sex unions. Nationwide, a majority of the population have come to support SSM. The change in public opinion has occurred rapidly. Most Americans, for example, were against same-sex marriage until 2011, but since then polls show it is supported by more than 50 percent of the population. What was unthinkable—even to LGBT activists—just a few years before very quickly shifted to majority opinion. A May 2014 Gallup poll found that 55 percent of Americans support same-sex marriage, up from 42 percent 10 years ago. For young adults (18-29 years old), support stood at 78 percent.

However, a Pew poll conducted later in 2014 found “a slight drop in support for allowing gays and lesbians to marry, with 49 percent of Americans in favor and 41 percent opposed—a five-point dip in support from a February Pew Research poll, but about the same level as in 2013. It is too early to

know if this modest decline is an anomaly or the beginning of a reversal or leveling off in attitudes toward gay marriage after years of steadily increasing public acceptance.”

Why the sudden change? Broad and long-term cultural forces may explain much of the shift. George Chauncey places the current SSM debate within the context of the African-American civil rights movement, the feminist movement, and the gay rights movement, all of which became active in the decades following World War II. While homosexuals were once marginalized and excluded, by the 1990s they were often featured positively in the mass media with, for instance, many “out” characters featured in popular TV shows and films. This helped lead to a normalization and legitimization of LGBT issues. Marriage was seen by many LGBT activists as a way to “mainstream” sexual minorities (though there were those in the movement who believed there were higher priorities and who even opposed SSM). The SSM movement’s appeal to values of love, equality, and human rights has struck a chord in American society. The goal, it is often said, is simply to be able to commit to each other and raise families the same as heterosexuals. Since marriage law affects more than 1,000 federal rights and responsibilities and more at the state level, according to the Government Accountability Office, homosexuals assert it is discriminatory to be excluded from these benefits.

The “marriage equality” view

Those who seek to reform marriage law often describe themselves as fighting for the “right to marry” with the goal as institutionalizing what is alternately called “same-sex marriage,” “marriage equality,” or “gay marriage.” The narrative is framed primarily in terms of claims about human rights, equality, anti-discrimination, and the freedom to love. Rather than changing or redefining marriage, Corvino says the goal is “expanding” and “extending” the right to marriage: “The phrase ‘same-sex marriage’ suggests the creation of a new institution rather than the expansion of an existing one, which...is the better way to understand our goal: recognition, not redefinition. Gay men and lesbians don’t want something new, a ‘special right’: they want marriage” (p. 6).

Evan Wolfson, another SSM proponent, adds, “The truth is that ending the exclusion of gay people from marriage does not change the ‘definition’ of marriage any more than allowing women to vote changed the ‘definition’ of voting. It would remove a discriminatory barrier from the path of loving couples seeking to strengthen their commitment and participate fully in society while taking nothing away from anyone else. By contrast, denying marriage hurts kids whose families are deprived of the critical safety net, support, and meaning that marriage brings.”

The claim is that society benefits from stable, monogamous, committed same-sex unions, and it is discriminatory to bar homosexuals from unions understood as marriages. It is good for society because marriage advances individual well-being, because it eliminates discrimination, and because the common good is served by partners caring for each other in legally recognized relationships. For Corvino, the key to the state’s interest in opening marriage to same-sex couples is that it promotes “mutual lifelong caregiving” (p. 16). It is in society’s interest that individuals be free to enter into marriage with their “Number One Person” to provide “reliable caregivers” (p. 15). The state should promote such commitment and allow same-sex couples to enjoy all the benefits of marriage. Corvino

also makes the case that it's good for children if homosexual couples can adopt, because then rather than languishing in state institutions or shuffling between foster homes, children in need can be cared for by a loving (same-sex) couple.

Corvino helpfully summarizes: "The central premise of the marriage-equality movement is that John and Jim's marriage is just as legitimate, qua marriage, as Jack and Jill's. (That's the whole point of calling it 'marriage equality'.) ... Either gay people are full-fledged members of our society—in which case they too deserve the rights and responsibilities of marriage—or else they are second-class citizens, people whose relationships and families aren't 'real.' You can't have both" (pp. 54, 58).

In the American context, the appeal to equality and freedom to love resonate with foundational national ideals. Many Americans are familiar with the famous phrase in the 1776 Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Corvino pointedly states, "The question is one of equal treatment under the law" (p. 89)—in other words, discrimination based on sexual orientation is wrong and illegal. This is a reference to the 14th Amendment to the US Constitution, which was passed after the Civil War to outlaw slavery and racial discrimination, and proclaims, "No State shall...deny to any person within its jurisdiction the equal protection of the laws."

Marriage is claimed as a civil right, and the movement for SSM is often compared with the 20th century's civil rights movement against racial discrimination. Indeed, the pursuit of SSM is explicitly connected with the 1967 US Supreme Court decision *Loving v. Virginia*, overturning prohibitions of interracial marriage, which existed in some states. Contemporary cultural repugnance to the idea of segregation of minority groups can be traced to the 1954 US Supreme Court decision *Brown v. Board of Education*, which overturned the notion of "separate but equal" facilities for whites and blacks. These themes are compelling not only for LGBT activists, but for "straight" Americans who value social justice.

However, the philosophical argument in favor of SSM is complicated by ambiguity over just what marriage is. Professor Corvino states that there is no single, straightforward definition of marriage (pp. 39-44). Basically, he advocates a social constructionist view of marriage which states that marriage is not a fixed, immutable institution but rather a product of cultural convention. This means that today, in the West and globally, marriage is open to reinterpretation and reform according to contemporary notions of justice and utility. Chauncey explains, "Given the enormous variation over time and among cultures in how 'marriage' has organized sexual and emotional life, child-rearing, property, kinship, and political alliances, many anthropologists are loathe to use the term 'marriage' at all, since the term's apparently straightforward simplicity hides so much more than it reveals" (p. 59).

According to Corvino, there are only two strictly necessary requirements of marriage: that there be at least two partners, and the consent of each partner. Corvino is personally partial to the traditional wedding vow, and asserts that the purpose of marriage is for each partner “to have a special someone to care for them and vice versa—to have and to hold, for better or worse, until death do they part” (pp. 42, 58). And yet, according to his characterization of marriage, sexual relations between the partners are not necessary, and marriage has no other essential features—not love, romance, shared domicile, children, caregiving, exclusivity, or lifelong commitment (p. 41). Indeed, he declares “...the male/female distinction is arbitrary for virtually all of marriage’s purposes besides biological procreation” (p. 89).

Ultimately, for Corvino the concept of “‘marriage’ is not definable in the way ‘triangle’ or ‘bachelor’ is,” and the question of the meaning of marriage “looks like a mere academic quibble” (pp. 43, 31). “Words are symbols, and speakers may use them in whatever ways serve their communicative aims” (p. 30).

#### The “conjugal” view

Many marriage traditionalists who engage the public debate based not on revealed Truth but from natural law and reason often refer to their position as the “conjugal view” of marriage. Basically, they make a natural law argument that marriage is a fixed concept derived from the reality of human nature. It is not merely a contract between people who love each other, or between any two people who want to commit to each other, under terms that can be engineered and re-engineered by legislatures, courts, or the partners involved. The essence of marriage derives from the reality of human reproduction, and that is why the male-female distinction is inseparable from the purpose of marriage. In the traditionalists’ view, Corvino and other SSM proponents are pushing a “revisionist” view of marriage. Their point, however, is not that the conjugal view is correct because it is traditional, but because a rational argument can be made in its favor.

One of the first notable aspects of this perspective is the claim that the debate over same-sex marriage isn’t really about homosexuality at all. In the popular discourse of the marriage debate, it is very common for SSM proponents to label traditionalists as “bigots,” “homophobes,” and “haters.” This is an indication of how personal the issue is. In their book *What is Marriage? Man and Woman: A Defense*, Girgis, Anderson, and George argue that “this is fundamentally a debate about what marriage is, not about homosexuality” (p. 10). The harm to society of changing marriage law is not “the conferral of benefits on same-sex relationships itself,” but the distortion in the public mind of what marriage actually is. “Societies mindful of this fact need deprive no same-sex-attracted people of practical goods, social equality, or personal fulfillment” (p. 7).

Girgis, Anderson, and George begin their explanation of the conjugal view with a definition of marriage distinct from that of Corvino: “Marriage is, of its essence, a comprehensive union: a union of will (by consent) and body (by sexual union); inherently ordered to procreation and thus the broad sharing of family life; and calling for permanent and exclusive commitment, whatever the spouses’ preference” (p. 6). Thus, there are four characteristics that define marriage: it is comprehensive,

exclusive, permanent, and life-giving (reproductive). Marriage is comprehensive in the sense that it unites a couple not only in heart and mind, but bodily according to the biological complementarity of male and female sexuality, and in the child that may result from the marriage act.

William Gairdner identifies four other standards that in the West have established eligibility for marriage and have supported the institution “like a four-legged chair”: number, gender, age, and incest. In other words, only two people may be married, they must be of the opposite sex, they must be of sufficient maturity to consent, and they cannot be close blood relatives. These distinctions are not arbitrary because marriage is, from the conjugal standpoint, not only a private relationship between two individuals oriented toward themselves but a life-producing, family-forming institution.

Humans are embodied persons; marriage is a “natural institution” and “objective structure” precisely because unlike kinship, friendship, or other relationships, it unites two persons in in a single biological function. The act that bodily unites husband and wife is the same act that generates new life. For those who believe marriage formalizes an emotional relationship, children are only an extrinsic addition to the adult relationship. But the conjugal view holds “the conceiving and rearing of children is not extrinsic to their personal union, but is its natural fruition,” writes Professor Patrick Lee of the Franciscan University of Steubenville.

It is for this reason that, by definition, “marriage requires a man and a woman,” Girgis, Anderson, and George explain, and add, “Relationships of two men, two women, or more than two, whatever their moral status, cannot be marriages because they lack this inherent link to procreation. Any sexual acts they involve, in addition to not being organic bodily unions, will not be ordered to procreation; so they will not embody a commitment ordered to family life: a marital commitment. Unsurprisingly, in the common-law tradition, only coitus (not mutual stimulation by other means, even between a legally wedded man and woman) has been recognized as consummating a marriage” (p. 30).

Only the conjugal view makes sense of other conventions associated with marriage, such as commitment, exclusivity, and a limit to two partners. Marriage is limited to one man and one woman because procreative intercourse is limited to two persons. Coitus is a unique form of bodily union, possible only between a man and woman, and results in “more than merely emotional union” (p. 17). For the relationship to be comprehensive—a union of mind, emotions, and body—it must be exclusive. Commitment between spouses creates the optimal environment for taking responsibility for any children that may result from the marital act. Biological parents (a man and woman) are irreplaceable to each child, and the parents first become irreplaceable to each other (by making an exclusive, life-long commitment) to prepare to make such a commitment to their child, William B. May says (p.15).

While even same-sex marriage advocates like Corvino tend to agree that marriage is, or should be, a relationship between two people, ideally for life, Girgis, Anderson, and George explain that the revisionist view would logically call into question such customs: “if sexual complementarity is optional

[in the definition of marriage], so are permanence and exclusivity. ...If marriage is primarily about emotional union, why privilege two-person unions, or permanently committed ones?" (p. 57).

Contrast this understanding with Corvino's concept of marriage—a consensual relationship between (at least) two parties who wish to be the other's "Number One Person," the main social benefit of which is caregiving. Girgis, Anderson, and George respond, "Some argue simply that the state should grant people certain legal benefits if they provide one another with domestic support and care. But such a scheme would not be marriage, nor could it make sense of the features of marriage law" (p. 16).

Corvino is basically calling for the state to recognize loving relationships between any two persons. The ground for marriage, in this view, is an intense emotional bond. "The revisionist proposal would teach that marriage is most centrally about emotional union. But emotional union cannot stand on its own. People really unite by sharing a good, but feelings are inherently private realities, which can be simultaneous but not really shared. People unite by consent, but feelings cannot be central to a vow, for we have no direct control over them" (p. 55). Rather, "marriage is first a matter of will and action" (p. 56).

George and his colleagues point out that the state has little or no interest in personal emotional relationships. The state does not have an interest in friendships, the living arrangements of roommates, or who is dating whom. The state has no reason to affirm, celebrate, or put an official stamp on these kinds of relationships, even though they may involve intense affection or high levels of intimacy, sharing, and caregiving. The state does have an interest in establishing and promoting marriage for one primary reason: children. Society's interest in marriage is not really about the feelings of happiness or fulfillment of the spouses. It is about protecting the interests of the children that are a natural byproduct of the procreative act that defines the spousal union. It is about the right of those children to know and be raised by their biological parents, and encouraging those parents to take responsibility for their kids. It is legitimate for the state to do this because it is in the interest of all society that the population reproduces and children become responsible members of society.

Girgis, Anderson, and George provocatively claim that those who propose a social constructionist view of marriage are inconsistent. If marriage really were a construct or "a fiction designed to promote social utility," there would be no inherent "right" to marriage that LGBT activists could claim, and no principled opposition to polyamorous unions (pp. 50-51). They conclude, "Most people on both sides of our current debate reject constructivism. They agree that marriage has certain necessary features. They only disagree on whether sexual complementarity is one" (p. 52).

Kent Greenfield, a Boston College law professor and SSM advocate, admits that the logic of redefining marriage to include same-sex couples will almost inevitably lead to polygamy: "You know those opponents of marriage equality who said government approval of same-sex marriage might erode bans on polygamous and incestuous marriages? They're right. As a matter of constitutional

rationale, there is indeed a slippery slope between recognizing same-sex marriages and allowing marriages among more than two people and between consenting adults who are related. ... The left is in this bind in part because our arguments for expanding the marriage right to same-sex couples have been so compelling. Marriage, we've said, is about defining one's own family and consecrating a union based on love. We've voiced these arguments in constitutional terms, using claims arising from the doctrines of 'fundamental rights' and equal protection. ... The arguments supporters of same-sex marriage have made in court do not sufficiently distinguish marriage for lesbians and gay men from other possible claimants to the marriage right. If marriage is about the ability to define one's own family, what's the argument against allowing brothers and sisters (or first cousins) to wed?"

The conjugal view claims that a policy of same-sex marriage really does redefine marriage; it doesn't just "extend" marriage, as Corvino and others assert. One way to see this is through dueling metaphors. While Wolfson says legalizing marriage for same-sex couples would be like extending the vote to women, the US Conference of Catholic Bishops offers another analogy: "Just as oxygen and hydrogen are essential to water, sexual difference is essential to marriage. The attempt to 'redefine' marriage to include two persons of the same sex denies the reality of what marriage is. It is as impossible as trying to 'redefine' water to include oxygen and nitrogen."

William B. May says that, ultimately, in comparing the "revisionist" and "conjugal" views, there are two competing definitions of the primary characteristics, or purposes, of marriage, which he summarizes, respectively:

1. Marriage is the public recognition of a committed relationship between a man and a woman (or two adults) for their fulfillment.
2. Marriage unites a man and woman with each other and any children born from their union.

Conjugal marriage advocates warn that this is a real distinction, and obscuring or denying the conjugal nature of marriage will have negative effects for families and society.

However, no matter their merits, Professor Rachel Lu of the University of St. Thomas cautions conjugal marriage supporters that many Americans are not swayed by natural law arguments. She states, "...it is wise to be realistic about the limitations of the natural law argument as a strategic tool for bolstering the institution of marriage. Liberals have convinced many Americans (and particularly the young) that extending civil marriage to homosexual couples is a basic requirement of justice." Natural law arguments are not popular, she warns. "For the grandchildren of the sexual revolution, the left's simple argument in favor of same-sex marriage ('why not?') seems so utterly definitive that most are uninterested in further discussion. The left's characterization of conservatives as homophobic bigots is accepted more or less on face, and there the debate ends, before it has even begun."

Social implications and future directions

It is impossible to predict the exact endgame of the marriage debate, but momentum is building for change and the US Supreme Court is expected to rule, sooner or later, in favor of nation-wide same-sex marriage. On the “marriage equality” side, this is seen as consistent with the centuries-long struggle for social justice in the United States. From this point of view, legal recognition of same-sex unions will strengthen the institution of marriage. On the “conjugal” side, such a development is seen as part of a decades-long decline in family life, and therefore undermines the basic foundations of a stable, coherent society. If both sides share anything, it is the conviction that their view represents moral truth and that they are fighting for justice. Both sides believe that their views will benefit individuals and society, will strengthen families, and promote love and well-being.

One reason increasing majorities in many Western countries support same-sex marriage is because the traditional definition has been gradually eroding as a result of various cultural and legal changes, especially since the 1960s. The erosion of the historical understanding of marriage forms the context for today’s same-sex marriage debate. No-fault divorce, modern contraceptive technologies, abortion, and non-marital cohabitation—in short, the sexual revolution—have rendered heterosexual marriages impermanent, childless, and easily dissolved if the partners’ emotional bond grows cold. Marriage has already been redefined for many if not most heterosexuals as an institution based not on permanence, comprehensive union, and reproduction, but on an intense emotional bond. Under such cultural and legal circumstances, is it really so unreasonable for homosexuals to wonder why heterosexuals can get married without having children and break up whenever they want—yet enjoy tax breaks and other state support and benefits as couples—while LGBT persons cannot? Holbrook expresses this commonly held view:

Same-sex marriage doesn’t undermine marriage. Instead, it serves to enhance and confirm the importance of marriage in today’s society. Thousands of gay couples are fighting for the right to enter an institution that has been waning within the heterosexual community, with divorce on the rise and couples choosing to cohabitate instead of getting married. Those in favor of marriage should be happy that gays and lesbians are fighting for inclusion, breathing fresh life into marriage’s faltering lungs.

Similarly, Rauch affirms that SSM will revitalize marriage, rescue the institution from its increasing irrelevance, and defend the idea of life-long commitment from the growing popularity of partnership alternatives. Furthermore, if the state has an interest in children’s well-being, it should legalize SSM. He states, “Forbidding gay people to raise children is neither humane nor practical (especially since many gay couples are raising one partner’s natural children). Given the reality of children in gay households, and given the many ways in which marriage supports and sustains unions, the relevant point is that children will be more secure and happy with married gay couples than with unmarried gay couples” (p. 75).

In contrast, George and his colleagues express concern that discarding the conjugal view will eventually lead to the demise of the institution, or at least to a gross distortion that will produce widespread confusion about the nature of love and family life. Not knowing what marriage really is,

over time conventions like exclusivity and commitment that have hitherto been taken for granted will eventually seem meaningless. This is already happening. Consider the recent example of two New Zealand “straight” male friends who married in order to qualify for a sweepstakes to win tickets to the rugby World Cup. Their action was condemned by many LGBT activists as trivializing SSM, but they said, “We are not here to insult anyone. We are here to do our own thing and travel our own path.”

Girgis, Anderson, and George cite evidence that the meaning of commitment, even within marriage, may be different for many LGBT couples than for heterosexuals, and so the broader cultural norms of marriage, under revisionist policy, may shift in unexpected directions. For instance, Dan Savage, a popular homosexual journalist and strong advocate for same-sex marriage who himself has a male spouse, claims that heterosexual married couples should learn from homosexuals the benefits of open relationships. Savage states,

Monogamy is ridiculous, and people aren't any good at it. They're not wired for it. We didn't evolve for it, it's not natural, and it places a tremendous strain on our marriages. ...And the truth of the matter is that if you're with somebody for 40 or 50 years and they only cheated on you a few times, they were good at being monogamous, not bad at being monogamous. So I do think there needs to be some leeway. ... I think that we should do what we can to preserve marriages and long-term relationships, and one way to do that is to encourage people to have more realistic attitudes about sexual exclusivity.

Several additional examples of the shift in views on marriage that can be seen throughout American culture might be cited. More than 300 prominent scholars and activists have signed a statement called “Beyond Marriage” which calls for legal recognition of sexual relationships involving more than two partners. Jillian Keenan writes in Slate, “Just like heterosexual marriage is no better or worse than homosexual marriage, marriage between two consenting adults is not inherently more or less ‘correct’ than marriage among three (or four, or six) consenting adults. ... Legalized polygamy in the United States is the constitutional, feminist, and sex-positive choice.”

When asked about SSM in an interview, Judith Butler, a lesbian philosophy professor at the University of California – Berkeley answered, “...marriage is only one way of organizing sexuality and organizing kinship...and so I think marriage does have to open. I suppose it has to open to any two people who may want to join in a marriage contract, although I don't know why it only is two. Why two? I don't understand the ‘two.’ ... Let's hope that some of the norms that have made marriage into a narrow and restrictive institution can and will change when and if gay people get married.”

Masha Gessen, a lesbian journalist, has stated, “Fighting for gay marriage generally involves lying about what we're going to do with marriage when we get there, you know, because we lie that the institution of marriage is not going to change, and that is a lie. The institution of marriage is going to change, and it should change, and again I don't think it should exist.”

Girgis, Anderson, and George warn that legal and cultural approval for non-conjugal views of marriage has already led to “malicious prejudice” toward those who continue to believe in this millennia-old norm (p. 9). “Conjugal marriage supporters would become, in the state’s eyes, champions of invidious discrimination. This idea would lead to violations of the rights of conscience and religious freedom, and of parents’ rights to direct their children’s’ education” (p. 63).

Along these lines, May states, “With marriage redefined, schools would be required to teach marriage as nothing more than an adult-centric institution solely for individual fulfillment. It must be presented as a lifestyle alternative with no relationship to children or the foundation of a family with common ancestors. This will have a profound negative effect on how young people understand marriage, how they approach relationships, and make decisions about marriage and family in their own lives” (p.18) He continues,

Removing the only institution that unites children with their mothers and fathers [i.e., conjugal marriage] presumes there is no public interest in any such institution, which is untrue, particularly when one considers the consequences of the breakdown of marriage. Additionally and surprisingly to many, redefining marriage would make it legally discriminatory for public and private institutions to promote the unique value of children being united with their moms and dads, since it would violate the principle of equality of relationships and equality in parenting (p. 35).

## Conclusion

The Catholic view is clear: innovations in marriage law and cultural norms will not strengthen the institution and improve family life; rather, such violations of God’s Law will lead to further confusion and more social problems. Yet the movement for “expanding access to marriage” is gaining political support.

While the nation may be just one Supreme Court decision away from a conclusion to the legal-policy debate, as we have seen the SSM issue is only part of a broader cultural shift in the meaning of marriage that is taking the nation in unpredictable directions. If current trends continue, will marriage be recognizable in five, 10, or 20 years? An Urban Institute study shows the marriage rate in the US is falling. Many young people are either postponing marriage or are not marrying at all, opting instead for cohabitation, multi-partner fertility, or other domestic arrangements.

A recent Child Trends report concludes, “Dramatic increases in cohabitation, divorce, and non-marital childbearing in the Americas, Europe, and Oceania over the last four decades suggest that the institution of marriage is much less relevant in these parts of the world. At the same time, the meaning of marriage appears to be shifting in much of the world. ... Adults may look for more flexibility or freedom in their relationships, or they may feel that they do not have sufficient financial or emotional resources to marry, or they may perceive marriage as a risky undertaking.”

Pamela Haag attributes these trends to the rise of the “post-romantic” marriage, in which marriage is negotiated like a business contract. Terms can be selected a la carte, resulting in novel partnership

and family conditions. For instance, she says couples may divorce but continue to cohabit, or spouses may agree to be “openly non-monogamous.” “Marriages are likely to be more heterogeneous and customized to each couple. That’s already happening, with the rise in prenuptial agreements and couples such as a wife I interviewed, who substantively revises her marriage contract with her husband every five years or so.”

She continues, “I’m not so sure that the ideal of marriage will still be happy-ever-after. Our longer life spans and shorter attention spans may push marriage toward a planned obsolescence ideal. ...The post-romantic might imagine having more than one ‘successful’ marriage in a lifetime or wanting to pursue a single life after a long, child-centric marriage. Maybe a marriage doesn’t fail at that point. Maybe it just comes to the end of its natural life.”

To a large extent, the changes in marriage law and culture feared by conjugalists, of which SSM is only a part, appear to be a fait accompli. But exactly how these trends will play out is unclear. While the future of marriage in America is uncertain, it certainly is key to the future of the family. As Pope St. John Paul II said, “As the family goes, so goes the nation and so goes the whole world in which we live.”

#### **About the Author**

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## **10 TIPS PARA QUE EL QUE EDUQUE A TU HIJO SEAS TU Y NO (SÓLO) EL COLEGIO**

### **ES IMPORTANTE ELEGIR UN CENTRO EDUCATIVO... PERO MUCHO MÁS QUE TU HIJO SE SIENTA QUERIDO POR TI**

**JUAN ÁVILA ESTRADA (81)**

Empezar un nuevo año siempre viene cargado de esperanzas. Los planes pululan, las buenas intenciones son el plato fuerte del corazón y la re-planificación de muchos aspectos de nuestra vida hacen que los nuevos ajustes nos ayuden en la consecución de los mismos.

Dentro de todos esos aspectos que planeamos está la educación de los hijos; la consecución de un cupo para el colegio, largas filas para poder matricularlo, pero sobre todo una institución que nos garantice que ellos pueden recibir todo aquello que esperamos para su bienestar intelectual y humano. En este sentido no falta quien, con muy buena intención pero mala intuición, indague sobre un colegio que le proporcione a sus hijos educación en valores y virtudes humanas. Esto, sin duda, es loable, pero no es lo absolutamente correcto.

Como padres de familia, se puede pensar más bien en una institución que incentive y arraigue todo aquello que como padres-educadores debemos inculcar en la vida de los hijos. Es decir, no podemos pensar que ha de ser la institución la encargada de enseñar aquello que como padres de familia estamos llamados a hacer.

La verdadera y auténtica educación es aquella que se ha impartido en el seno del hogar y en donde los padres saben exactamente qué es lo que quieren que sus hijos aprendan y cultiven para su vida futura. El colegio, por su parte, debe asegurar que lo dado en casa debe ser desarrollado y promovido por ellos. Entre los múltiples errores que se pueden cometer al momento de la elección está la confesionalidad religiosa. Padres católicos deben buscar instituciones católicas y padres de otras denominaciones aquella que le permitan a sus hijos vivir adecuadamente su experiencia de fe sin sentirse extraño entre quienes no creen de la misma manera.

Niño católico en institución protestante terminará con confusiones doctrinales y de espiritualidad, y viceversa.

Es fundamental comprender además que, en lo que tiene que ver con la educación de la casa, los padres deben tener en cuenta ciertos "tips" que les ayuden a sus pequeños en el proceso de madurez humana, emocional y psicológica. He aquí algunos de ellos:

1. La educación no debe apuntar sólo a lo intelectual de los chicos. La excelencia académica no le asegura felicidad y acierto. Es imprescindible educar la afectividad y el deseo. Aprender a saber renunciar cuando sea necesario para la búsqueda de logros mayores. Aprender a escuchar un “no” por parte de sus padres. Los mimos excesivos malogran a los hijos.
2. Para educar debe renunciar a la irascibilidad. Cuando tiene ira puede tener razones pero ha perdido la razón. A mayor grito menor escucha.
3. Hágase confiable a su hijo (a); si le ha contado un secreto, debe guardarlo con respeto y sigilo como si fuera de confesión,
4. Esté siempre atento para todo aquello que necesite esclarecimiento, escucha, desahogo de parte suya, pero sobre todo esté atento y dispuesto a amar.
5. Sepa escuchar para entender y no simplemente para responder. Los hijos quieren hablar no sólo porque requieran respuestas sino sobre todo para compartir todas aquellas situaciones que son nuevas para ellos y que no saben cómo afrontarlas de manera adecuada.
6. La confesionalidad religiosa debe ser reforzada por la institución, pero arraigada en el hogar. Los hijos suelen tener la espiritualidad propia de los padres. Padres fríos religiosamente acompañan hijos indiferentes a Dios.
7. El amor, el respeto, la honestidad, la verdad, la lealtad y la fidelidad no son cosas que el colegio esté llamado a inculcar de modo primario. Todo esto se aprende en casa por la manera como cada uno de los padres lo vive en su día a día.
8. Eduque positivamente, enseñe lo que debe hacerse en vez de estar diciendo permanentemente qué no debe hacerse. Educar con prohibiciones no es lo más acertado. Todo lo prohibido siempre causa curiosidad.
9. No diga que haga, hágalo con él. No lo mande a que rece antes de acostarse, ore con él.
10. Finalmente, recuerde que el primer modelo de aprendizaje para la vida lo tiene en usted. Él seguirá sus pasos.