When discourse devolves  (7/1/13)

The long-awaited decision of the U.S. Supreme Court on the same-sex marriage cases (Proposition 8 and DOMA) has, understandably, brought disappointment to supporters of traditional, covenantal marriage. Had the decision been otherwise, it would have disappointed supporters of same-sex marriage. In any case, one side will always be disappointed with outcome.

But the judicial opinion in the case of United States v. Windsor bears a more burdensome brunt than its failure to recognize the natural law about marriage. In an age when “politics” is fast becoming synonymous with intransigence, the majority opinion gives clear evidence that public discourse has devolved to the point that bigotry has replaced argument as a basis for jurisprudence.

Notwithstanding the merits of the case in terms of federalism or equal protection, the majority opinion is rife with words that paint one side of the debate as enemies. Even if one disagrees with Justice Scalia’s stance or dislikes his rhetorical flourish, one cannot deny his reading of the text without also denying the clear meaning of injurious words in our English language:

In the majority’s judgment, any resistance to its holding is beyond the pale of reasoned disagreement. To question its high-handed invalidation of a presumptively valid statute is to act (the majority is sure) with the purpose to “disparage,” “injure,” “degrade,” “demean,” and “humiliate” our fellow human beings, our fellow citizens, who are homosexual. All that, simply for supporting an Act that did no more than codify an aspect of marriage that had been unquestioned in our society for most of its existence—indeed, had been unquestioned in virtually all societies for virtually all of human history. (SCALIA, J., dissenting, p. 21)

Replete with such moralistic terms, the opinion demonstrates the power of the “brush of bigotry” (as Chief Justice Roberts described it). By re-painting the marriage question in terms of personal discrimination instead of the definition of what it is (and has always been), and by priming the debate with this biased media message (as a recent Pew research study indicates), supporters of same-sex marriage as a civil right seem to have swayed the majority of justices, as they have also swayed voters in what remains a minority of states.

Apparently, not agreeing with what someone wants is no longer acceptable. A contrast in ideas has been converted to a conflict between people. Variance of outlooks smacks of intolerance. With opposition now comes opprobrium.

Writing for the majority, Justice Kennedy cites a prior New York case which favors “the initiative of those who [sought] a voice in shaping the destiny of their own times” (Opinion of the Court, p. 19). But when that voice veers away from reasoned debate and toward vitriolic accusations, the destiny of democracy
suffers. We see that now, in France, where reports are surfacing about how pro-family demonstrators have been arrested or detained as public threats.

A “culture war” that becomes a civil war tears at the fabric of the very freedom that we will celebrate this week. If we, as a people, cannot disagree without denigrating the other side, and if we cannot resolve such fundamentally important questions except by resorting to bigotry, then no court, no legislature, no institution will able to right what is wrong with us.

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“Believing means entrusting oneself in full freedom and joyfully to God’s providential plan for history .... Faith, then, is an assent with which our mind and our heart say their ‘yes’ to God, confessing that Jesus is Lord. And this ‘yes’ transforms life, unfolds the path toward fullness of meaning, thereby making it new, rich in joy and trustworthy hope.”

(Pope Benedict XVI, 10/24/12)

BOLD BELIEF is a daily blog from the faculty at DeSales University, whose mission as an institution of higher education in the tradition of Salesian Spirituality is to foster vital dialogue between Roman Catholic faith and human culture.