Marriage: The “American” Question (3/27/13)

These days the U.S. Supreme Court – and seemingly the whole country – is hearing/making arguments as to the definition of marriage. Strictly speaking, the Court is considering the constitutionality of a California law (Prop 8) and the federal Defense of Marriage Act. In this arena, it’s a question of law, one that comes along with other legal questions like “standing” and “representation.” The outcome appears uncertain, though the prevailing vote will almost certainly be narrow either way.

Elsewhere, the debate is entirely political. National polls, shifting tides of opinion, and swing voters changing sides all seem to suggest a resolution in favor of same-sex marriage as a matter of non-discrimination and equal rights.

But the question, ultimately, is neither legal nor political. The real issue before us is not about equality, nor is it about tradition. And sociology remains rather unreliable as the means to an answer.

No, the real answer is to be found by digging deeper – further down in that “ground” that provides the foundation of things and the basic nutrient for human flourishing. For the question below the controversial surface concerns a radical divergence of views about reality – “radical” in as much as it goes to the very roots of what it means to be human and to live in this world. In this much, it is a philosophical question, but one that discloses a particularly American perspective.

The question, put simply, is this: does my free choice make something to be what it is, or do I choose something because that’s the way it is (already)? Stated in terms of this debate: does a couple make marriage, or does marriage make a couple? At its roots, the real issue at stake here is freedom (choice) – or at least the understanding of how freedom works in terms of what it means to be a human person.

Owing to the American political legacy of John Locke, our American tradition speaks of “liberty” (freedom) but does so in a deliberately non-defined way (hence, the need for a supreme adjudication). Locke considered all words to be merely labels, affixed to things only as a means of exercising personal power; no terminology is inextricably linked to reality such as it is. In his nominalistic view, everything is whatever we say it is, including the human person, who constitutes him/herself and determines the meaning of his/her existence by the free choices that he/she makes. Thus does Locke liberate freedom from nature (reality) and from history (society). Darwin, Freud, and Marx do likewise in terms of science, psychology, and economics.

From these philosophies emerge both popular nihilism (nothing really is) and moral relativism (good/bad depend on who’s defining it). What emerges is a picture of human beings as “autonomous chimps” – as Peter Augustine Lawler depicts them in Modern and American Dignity: Who We Are as Persons, and What Difference That Means for Our Future – who distinguish themselves from nature, from history, and from others by the choices they make. The unfortunate, though consistent, result is an autonomy without any guidance or direction from reality. To quote Lawler: “The being who can understand Being, the human being, seems to be an inexplicable or chance occurrence in a cosmos that has no particular need for and is seemingly distorted by his existence.”
Sadly, this is the philosophical view university students generally hold, however consciously or not. Liberated as they have become – from nature, from history, and even from God – they think that choice is paramount, that whatever I choose must be good for me, that I am (and we are) free to decide what life in this world means for personal existence (to paraphrase another American court decision). Tragically, this sense of freedom is often the basis of their hopefulness. But, as Roger Scruton perceptively notes in a recent New York Times opinion, “when truth threatens hope it is truth we usually sacrifice, often along with those who search for it.”

What today’s students – and a majority of citizens – struggle to understand is that every choice we make, we make because we think what we are choosing is good or true. That it already is good or true (or at least appears to be) is the very reason why we choose it; the alternative choice, in other words, presents itself as not (or not as) good or true. If this mechanism of deciding were not the case — if, in fact, our choosing makes whatever we choose to be good or true — then we really are not choosing between alternatives because anything we want “becomes” good or right or true simply by virtue of my having chosen it for myself.

This is the American quandary we are in: does “liberty” have a necessary (and limiting) connection to reality, or is its function changeable to make reality suit the aims and desires of individual autonomy? Or, to put it in terms of the question now before the Court: is marriage whatever two people define it to be by their “free” choice? Or is marriage what it is, and the two people who choose for it “enter into” it? Does any couple of people make marriage what it is? (If so, why is this limited to two people?) Or does “marriage” comprehensively make the two people capable of it (people who are what they are physically as well as emotionally) into a couple?

Let’s hope the Supreme Court justices who must answer the question know not only politics and law, but also philosophy. If they don’t, education will also come to be sacrificed along with nature and history, for the next generation will learn to see the world not for what it is but only for whatever they want it to be.

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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)

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