

QUAESTIO DISPUTATA

WHAT MALE-FEMALE COMPLEMENTARITY MAKES POSSIBLE: MARRIAGE AS A TWO-IN-ONE-FLESH UNION

PATRICK LEE AND ROBERT P. GEORGE

The authors, replying to criticisms of the Catholic Church's teaching on homosexual acts presented by Todd Salzman and Michael Lawler in an article in this journal, argue that marriage is a multi-leveled personal union, essentially including the bodily as well as the emotional and volitional levels of the human self. Only sexual acts between a man and a woman who have consented to the kind of union that would be fulfilled by conceiving, bearing, and raising children together (that is, marriage) can consummate or actualize marital communion.

SCRIPTURE, THE POPES, BISHOPS, PASTORS, and authorized Catholic teachers have for centuries proclaimed as a significant part of Christian moral teaching that homosexual acts are intrinsically morally wrong. In recent years, however, some have challenged this teaching. For example, in a *Quaestio disputata* in this journal in 2006, Todd Salzman and Michael Lawler (hereafter, S/L) say that this teaching is incorrect.¹ They argue that what they refer to as merely “the magisterium’s teaching,” is based on the mistaken tenet that heterogenital complementarity is a *sine qua non* of a

PATRICK LEE received his Ph.D. in philosophy from Marquette University and is the John N. and Jamie D. Professor of Bioethics and director of the Institute of Bioethics at the Franciscan University of Steubenville, Ohio. With a focus on ethics and bioethics, his recent publications include “The Papal Allocution Concerning Care for PVS Patients: A Reply to Fr. O’Rourke,” in *Artificial Nutrition and Hydration: The New Catholic Debate* (2008); and with Robert P. George, *Body-Self Dualism in Contemporary Ethics and Politics* (2008). In progress is an article on same-sex unions for the *Monist* and a book with Robert P. George on marriage.

ROBERT P. GEORGE, with degrees from Harvard University (J.D.) and Oxford University (D.Phil.), is McCormick Professor of Jurisprudence at Princeton University. His areas of special competence are philosophy of law, moral and political philosophy, and bioethics. In 2008 he published two studies: *Body-Self Dualism in Contemporary Ethics and Politics* (with Patrick Lee) and *Embryo: A Defense of Human Life* (with Christopher Tollefsen).

¹ Todd A. Salzman and Michael G. Lawler, “Quaestio Disputata: Catholic Sexual Ethics: Complementarity and the Truly Human,” *Theological Studies* 67 (2006) 625–52 (hereafter, CSE).

truly human sexual act.² Instead, they claim, a broader view of complementarity enables one to see that some homosexual acts can be objectively morally right inasmuch as such acts possess an “orientation complementarity,” a complementarity that integrates a “personal complementarity” in a sexual act. S/L contend that homosexual partners can have a “personal complementarity,” and that this can be “embodied, manifested, nurtured, and strengthened” in homosexual acts.³ We propose to show that their criticisms of the Church’s historic teaching are unsound, that the argument for their own position fails, and that the immorality of nonmarital sexual acts, including homosexual acts, can be demonstrated by natural reason.

Everyone agrees that the marital union involves a deeply personal union. The disagreement between defenders of “gay” sex, on the one hand, and the Catholic tradition, on the other hand, is whether this personal union is a multileveled union essentially including the bodily as well as the emotional and volitional levels of the human self (the Catholic position), or an essentially emotional-volitional union that then imposes a chosen meaning onto bodily actions, which, therefore, of themselves lack personal significance and acquire it only through an extrinsic imposition (the view defended by S/L). And so the disagreement is, fundamentally, about more than sexual acts. It is about what a human person is. If a human person is a body-soul composite—the Catholic position—and not a soul or con-

² In our view the teaching that is contested by S/L is not just a teaching by the magisterium, but is taught by Scripture and was universally proposed by the popes and virtually all the bishops and pastors in the church over many centuries as a moral teaching to be held definitively. What Germain Grisez and John C. Ford compellingly argued is the case about the teaching of the magisterium on contraception—namely, that it fulfills the requirements for an infallible teaching of the ordinary universal magisterium—seems to us to apply *even more strongly* to the teaching on homosexual acts. See John C. Ford and Germain Grisez, “Contraception and the Infallibility of the Ordinary Magisterium,” *Theological Studies* 39 (1978) 258–312. For debate on the Ford and Grisez thesis, see: Francis A. Sullivan, *Magisterium: Teaching Authority in the Catholic Church* (New York: Paulist, 1983) 143–52; Germain Grisez, “Infallibility and Specific Moral Norms: A Review Discussion,” *Thomist* 49 (1985) 248–87; Francis A. Sullivan, “The ‘Secondary Object’ of Infallibility,” *Theological Studies* 54 (1993) 536–50; Germain Grisez, “The Ordinary Magisterium’s Infallibility: A Reply to Some New Arguments,” *Theological Studies* 55 (1994) 720–32; Francis A. Sullivan, “‘Reply’ to Germain Grisez,” *Theological Studies* 55 (1994) 732–37; Garth L. Hallett, “Contraception and Prescriptive Infallibility,” *Theological Studies* 43 (1982) 629–50; Germain Grisez, “Infallibility and Contraception: A Reply to Garth Hallett,” *Theological Studies* 47 (1986) 134–45; and Garth Hallett, “Infallibility and Contraception: The Debate Continues,” *Theological Studies* 49 (1988) 517–28. In our article, however, we concentrate on the case that can be presented on behalf of this teaching even apart from appeal to the authority of Scripture and the Church’s magisterium.

³ S/L, CSE 646.

sciousness that inhabits and uses the body as a kind of instrument, then the human body and bodily sexual acts cannot be of themselves void of personal meaning; rather, the personal union involving every aspect of the self (marriage) is specified by the biological actions and relations. S/L's defense of homosexual acts is, then, implicitly dualistic; it implicitly identifies the personal with the spirit or consciousness, treating the bodily aspect of the self as material for the imposition of extrinsic meaning.

DIFFERENT TYPES OF COMPLEMENTARITY AND THE MAIN CLAIMS OF SALZMAN AND LAWLER

S/L distinguish among different types of sexual complementarity. According to them, the Congregation for the Doctrine of Faith (hereafter, CDF) distinguishes between biological complementarity and personal complementarity.⁴ And within biological complementarity S/L distinguish between "heterogenital complementarity" and "reproductive complementarity." The former refers to the fact that the male and female genitals (penis and vagina) are oriented to each other and are completed by each other. The latter refers to the ability of a particular male and female to reproduce together. Thus, according to S/L, many couples exhibit heterogenital complementary (they are able to have penile-vaginal intercourse) but lack reproductive complementarity (one and/or the other is infertile).

By "personal complementarity," S/L mean a sexual union that includes psycho-affective and spiritual complementarity, but that is brought about by what they call "orientation complementarity."⁵ By the latter they mean a match (with respect to emotional attachment, sexual affection, and sexual desire) between two homosexuals or two heterosexuals of opposite sexes, a match lacking between, for example, a homosexual and a heterosexual. Finally, by "holistic complementarity" they mean an overarching complementarity synthesizing the biological and personal levels of partners. Near the end of their article they state: "In holistic complementarity, there is an integrated relationship between orientation, personal, and biological

⁴ Ibid. 629–30. Clearly, a couple's sexual act can possess biological complementarity without possessing full personal complementarity. It would be a mistake, however, to infer from this fact that therefore a couple's sexual act can possess personal complementarity without biological complementarity. S/L do not argue that, but they suppose that a personal complementarity can somehow change what would have been an act lacking biological complementarity into one that has it. But this assumption is gratuitous and impossible to credit. See CDF, Considerations regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons (hereafter, CRP), http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030731_homosexual-unions_en.html (accessed April 20, 2008).

⁵ S/L, CSE 643.

complementarity that serves as the foundation for sexual norms.”⁶ Hence, according to S/L, personal complementarity is distinct from biological complementarity and is mediated by “orientation complementarity.”

S/L point out that, according to the magisterium, sexual acts are “truly human,” that is, morally right, only if they (1) promote the assistance of the distinct sexes in a marriage and (2) are open to life.⁷ Using the distinctions among the different types of complementarity, S/L claim that, according to the magisterium, heterogenital complementarity is the *sine qua non* for the other complementarities and for a morally right sexual act. As S/L read the teaching of the magisterium, *reproductive* complementarity is not necessary for the moral rectitude of a sexual act since sexual intercourse between a husband and wife who know that one or both of them is temporarily or permanently infertile can be morally right. S/L point out that, while the heterosexual act must be “situated within the appropriate marital, interpersonal, and relational context,” still the magisterium teaches that “there is no possibility of personal complementarity in sexual acts that do not exhibit heterogenital complementarity.”⁸

S/L present four main claims against the magisterium’s teaching, and in doing so also present their own understanding of how homosexual acts can promote an interpersonal union and therefore be morally right. Those four main claims are: (1) that some homosexual acts are morally akin to the sexual acts of infertile married couples; (2) that the traditional teaching ignores the possibility of homosexual acts instantiating personal complementarity without “heterogenital” complementarity; (3) that personal testimony by homosexuals about the positive value of their sexual acts has a strong evidential force ignored by the magisterium; and (4) that the magisterium falsely claims that *parental* complementarity is achieved only in opposite-sex unions.

MARITAL ACTS OF INFERTILE COUPLES

The first claim advanced by S/L is standard. They note that, according to traditional Catholic teaching, homosexual acts, as well as contraceptive acts and nonreproductive heterosexual acts (such as oral-genital stimulation that is not part of an act of marital coitus), are morally wrong because “they are essentially closed to reproduction” (S/L’s terminology). On the other hand, sexual acts of infertile married couples (whether they are permanently or temporarily infertile) occupy a different category. The marital acts of a husband and wife whose sexual union cannot give them a child are

⁶ Ibid. 649.

⁷ Ibid. 629, in this passage S/L refer to CRP no. 7.

⁸ Ibid. 642.

morally right, provide they are performed in a loving manner, and provided they are intended to fulfill the behavioral conditions of procreation. S/L note that the traditional Catholic teaching is often defended by reference to Aquinas's distinction between acts that are *per se*, or essentially, non-reproductive, on the one hand, and acts that are only *per accidens* or incidentally nonreproductive, on the other. The former acts are regarded as intrinsically immoral, while the latter are sometimes morally right. S/L reject this explanation. Quoting Gareth Moore, they note that through science we know that "anal intercourse"⁹ is not a reproductive act, but that vaginal intercourse is. But then they further argue:

If science is relevant in distinguishing between vaginal intercourse that is open to reproduction and anal intercourse that is not open to reproduction, *it would seem that this consideration would apply equally* to the distinction between potentially fertile and permanently or temporarily sterile reproductive acts. As Moore correctly notes, "vaginal intercourse which we know to be sterile is a different type of act from vaginal intercourse which, as far as we know, might result in conception."¹⁰

The trouble with this argument is that the inference presented by Moore, far from being "correct," is unsound. No one denies that there is a difference (which can in some circumstances be morally significant) between vaginal intercourse known to be infertile and vaginal intercourse believed to be possibly fertile: a married couple may be morally required to abstain from the latter (if it would be irresponsible for them to have a child at this time), or (conversely) the possible fertility of the sexual act may be an additional reason to choose to have intercourse at a given time (if they are hoping to enlarge their family). But from the fact that this is *a* morally significant difference among sexual acts, it simply does not follow that there are no *other* morally significant differences between other types of sexual acts. The argument just quoted constitutes an objection to the magisterium's position *only if* it is supposed that there *are* no other morally significant differences between vaginal intercourse known to be infertile and anal "intercourse." Yet, there is an equally fundamental moral difference between *any* act of heterosexual, vaginal intercourse (whether known to be infertile or not) on the one hand, and anal sex, oral sex, mutual masturbation, etc., on the other. Both distinctions are morally important, and science and simple knowledge of biological facts are at least relevant to the knowledge of both distinctions, but the latter distinction is not

⁹ Of course, this term refers to the insertion of a penis into an anus, but to describe this act as "intercourse" is inaccurate—no biological union and (as we will show) no common good is realized, and so personal unity is not realized. Anal sex is no more a case of intercourse than is aural sex—inserting a penis into an ear.

¹⁰ Ibid. 631–32. The reference is to Gareth Moore, *The Body in Context: Sex and Catholicism* (London: Continuum, 2001) 162, emphasis added.

reducible (as S/L suppose) to the former. As we explain more fully below, an act that fulfills the behavioral conditions of procreation, whether or not the nonbehavioral conditions happen to obtain, and irrespective of whether one or both partners believe that they obtain, differs from anal “intercourse” (or oral, aural, intercrural intercourse, or mutual masturbation) not only because the latter can never result in reproduction, but on the more central ground that in the latter the parties engaging in the act do not become organically one (and so cannot consummate or actualize a procreative union, that is, a marriage).

S/L oversimplify the Church’s teaching, as is clear from the following passage: “Second, the magisterium’s claim that homosexual acts are intrinsically disordered because they are biologically closed to the transmission of life can be challenged. Permanently infertile acts are as biologically closed to the transmission of life as are homosexual acts.”¹¹ S/L suggest that, since infertile sexual acts of married couples can be morally right, can consummate and actualize their personal communion (their marriage), perhaps homosexual acts (or, one must assume, the anal or other sex acts of male-female partners who prefer these acts to vaginal intercourse or wish to engage in them as a change of pace, or whatever) can consummate and actualize a personal communion and constitute or bring about “personal complementarity.”¹²

However, the Church’s teaching is *not* (and has never been) that sodomitical acts (of whatever description, and whether performed by same-sex or opposite-sex partners) are morally wrong *simply because they cannot result in reproduction*. Rather, the magisterium’s position—indeed the traditional Catholic teaching—is that sexual acts can be morally right only within marriage, and only a man and a woman can marry. The magisterium has constantly proposed this as part of revelation. Of course, the magisterium is not committed to a particular philosophical justification for its teaching. It may offer various explanations and rationales, but what it proposes authoritatively is the teaching itself, not any particular philosophical account or defense of it. However, it is taught by Scripture and the tradition that in a marital act a man and a woman “become one flesh” or “one body.” In defense of the traditional teaching one can argue that sexual acts embody marriage insofar as the two become one flesh, that is, become one organism, and neither homosexual acts nor nonvaginal sex (manual, oral, anal, aural, with mechanical devices, or so on) to completion

¹¹ Ibid. 632.

¹² Note that the issue is whether *the sexual act* of a same-sex couple can possess complementarity or actualize a real union, not whether the characters of two men or of two women can in various ways be complementary. Nothing in the traditional Catholic teaching on sexuality denies the latter.

by married couples, make the participants organically one. Therefore such acts—acts that are not reproductive *in type* (i.e., acts in which the partners fulfill the behavioral conditions of procreation)—are intrinsically immoral.

To understand why an organic union is important and why homosexual acts cannot establish it, let us consider the following points. First, marriage is a distinctive type of community. It is the community whose purpose is a sharing of lives by a man and a woman in a personal communion that would be fulfilled by bearing and rearing children together. It is a community whose purpose is twofold: the *consortium vitae* of the man and the woman, and the procreation and education of offspring; the latter is the fulfillment or unfolding of the former. The sort of *consortium vitae* that defines marriage as a distinct community is the sort that is fulfilled (or would be fulfilled, even if in fact it is not) by bearing and rearing children. This is not to suggest that marriage is a mere *means* in relation to children; it is rather to acknowledge that the community of husband and wife is the sort that would be naturally fulfilled by bearing and rearing children together. Thus, a marriage, once established, remains a marriage and, as such, is an intrinsic or basic human good; even if it does not actually result in procreation: it still is *the kind of personal communion naturally oriented to bearing and rearing children together*.¹³

In this type of community, sexual intercourse is not merely an extrinsic symbol, nor is it just a pursuit of pleasure (or even a sharing of pleasure). In sexual intercourse between a man and a woman (whether married or not), a *real* organic union is established. This is a literal, biological point—albeit one bearing enormous moral significance in view of the fact that the human body is not a mere instrument of the human person but is part of the personal reality of the human being. Human beings are animal organisms, albeit of a particular type. An organic action is one in which several bodily parts—tissues, cells, molecules, atoms, and so on—participate. But the subject of the action is the organism as a whole. For most actions, such as sensation, digestion, walking, and so on, individual male or female organisms are complete units. The male or female animal organism (as a

¹³ Germain Grisez compares the relationship between marital communion and procreation (bearing and raising children) to that between the crypt of a church and the upper church that is built upon it. The crypt of a church is good in itself and can serve as a meeting place even if the townspeople are never able to build the upper church upon it; it is structured so as to have an upper church built on it, and is completed by the upper church. In somewhat the same way: “Parenthood is not the end to which conjugal communion is [merely] instrumental; conjugal communion is intrinsically good. But conjugal communion is designed to be, and normally is, an intrinsically good part of a larger, intrinsically good whole: the family” (Germain Grisez, *The Way of the Lord Jesus*, 3 vols.; vol. 2, *Living a Christian Life* [Chicago: Franciscan, 1993] 569).

whole unit) uses as parts of itself its own organs to perform its actions, but there is no internal orientation of its bodily parts to any larger whole of which the organism is a part with respect to those actions. However, with respect to the reproductive function, the male and the female are *not* complete. In reproductive activity the bodily parts of the male and of the female are internally oriented to participating in a single action, coitus, which is biologically oriented to reproduction (though not every act of coitus actually results in reproduction), so that the subject of coitus is the male and the female as a biological unit.¹⁴ Coitus is a unitary action in which the male and the female become one organism.¹⁵ In marital intercourse, this bodily unity is an aspect—indeed, it is the biological foundation and matrix—of the couple's comprehensive (and thus marital) communion.¹⁶

¹⁴ The two organisms become biologically one but also remain distinct, since they are not dependent on each other in *all* respects, for example, for survival (as are most parts of a single organism). Also, the teleology of sexual acts belongs to them primarily as groups. The design of the bodies is that some sperm or other join with an ovum. The same is true with individual instances of sexual intercourse. That is, the functional orientation belongs to acts of sexual intercourse primarily as a group and only indirectly to the individual acts. The individual act of intercourse is oriented to reproduction as a member of a set of acts of intercourse, some of which will result in reproduction. However, if one chooses to deprive a particular act of intercourse of its procreative potential, one thereby chooses contrary to the good of procreation.

¹⁵ Of course, not every instance of two entities sharing in an action is an instance of two entities becoming one organism. In this case, however, the potentiality for a specific type of action, reproduction, can be actualized only in cooperation with an individual of the opposite sex. The reproductive organs are internally oriented toward actuation together with the reproductive organs of the opposite sex. So, although the sexual organs of the male and the female are not interdependent for the continued life of each organism (as the bodily parts are to each other in a male or female organism) there is a real biological unity. Note also that, strictly speaking, men and women engaging in sexual acts do not choose to reproduce; what they can choose is to fulfill the behavioral conditions of procreation, and they can hope that the nonbehavioral conditions of procreation obtain so that a child will be conceived as a result of their union.

¹⁶ An anonymous reviewer suggested that we are assuming the centrality of coitus and that feminists, especially, might question such an assumption, insofar as many women do not attain climax during coitus but only with other types of stimulation. In reply, we are not assuming the centrality of coitus but *arguing for* its moral centrality, insofar as in this act the two, man and woman, do as a matter of biological fact become one flesh. The other bodily acts, including female orgasm, can rightly be seen as part of this act of the two becoming organically one. Note that for human beings biological unity is an aspect of personal unity, since the body is not a mere subpersonal instrument, but is part of the personal reality of the human being. The Catholic understanding, fully supported by reason, rejects all forms of body-self dualism.

When a man and woman make a commitment to each other to share their lives in the type of community distinguished by its openness and orientation to procreation (or by the fact that this type of union would be fulfilled by cooperative procreation and education of children), then the biological unity effected in sexual intercourse is the beginning or embodiment of that community. The sexual communion of spouses is the bodily component proportionate to, indeed part of, the kind of multileveled personal community they have consented to when consenting to marriage. That is, they become biologically one precisely in that respect in which their community is defined and naturally fulfilled. They have consented to a union oriented to procreation—one that has the contours it has in significant measure due to this specific orientation; so their procreative *acts* that are procreative in kind embody their *community*. Thus it is the case that loving marital intercourse commences or embodies the marriage itself. (The law of marriage has traditionally recognized this truth in its doctrine of marital consummation—a doctrine that would be rendered simply unintelligible were anal sex, for example, to be regarded as a marital act.) In marriage, the bodily, emotional, and spiritual are the different levels of a unitary, multileveled, personal, marital communion. In that way the loving sexual intercourse of husband and wife instantiates a basic human good: marital union. By contrast, sexual acts performed by *unmarried* people (whether homosexual or heterosexual) are not proportionate to, and so do not embody, any friendship they might have. A sexual act cannot embody a sports community, a scholarly community, or a nonspecific friendship. The only type of community it can embody is a procreative community, precisely by being part of, consummating, or actualizing it. Thus, if a man and a woman have not consented to form that type of community, then sexual intercourse between them does not embody or actualize any community.

S/L introduce a putative distinction between “heterogenital complementarity” and “reproductive complementarity,” and this is the central pivot of their attack on the traditional understanding of marriage as a union of sexually complementary spouses. S/L define “heterogenital complementarity” as referring to “the biological, genital distinction between male and female,” where the genitals function properly, capable of engaging in sexual intercourse.¹⁷ And they distinguish this relation from “reproductive complementarity,” which they describe as the ability of a couple actually to reproduce together. Then they cite the following as a difficulty for the traditional position that sexual intercourse between infertile spouses can be morally right, but that sex acts between same-sex partners who are homo-

¹⁷ S/L, CSE 631.

sexually inclined or oriented cannot be: "First, it raises a question about the morality of other types of nonreproductive heterosexual acts, such as oral sex, which are permanently nonreproductive though heterogenital complementarity is present."¹⁸ But the very language they must use to refer to these acts—"heterogenital"—indicates that the complementarity of sexual organs, indeed the fact that they are *sexual* organs to begin with, is derived from their natural, biological orientation to reproduction. Sexual organs are called *genitalia* precisely because they are oriented toward generation or reproduction—and they are called *sexual* for the same reason. Oral sex (to completion) is not as such *heterogenital*: though it may be performed between a man and a woman (who may indeed be husband and wife); their being a man and a woman (and even husband and wife) is irrelevant to that act—it does not exercise or actualize their distinct sexual natures precisely as sexual. Sexual acts that are not part of an act of marital coitus are disordered because the two engaging in such acts do not become organically one. The same is true of anal sex, aural sex, mutual masturbation, etc., for these sexual acts, because they do not realize bodily unity, do not instantiate any basic good. By contrast, in sexual intercourse between a man and a woman, that is, in acts in which the behavioral conditions of procreation are fulfilled, the two *do* become organically one, even if this particular act cannot result in reproduction (i.e., even if the nonbehavioral conditions of procreation do not obtain) and it is known that it cannot or never could.

So, there is a clear difference between the truly marital acts of infertile spouses and sexual acts of the sort that can be performed between persons of the same sex, such as anal and oral sex acts. In the former *what the husband and wife do* is the same kind of behavior that, given other conditions extrinsic to this behavior, could result in procreation. This is not the case with what same-sex sexual partners do; what they do can never result in procreation because the partners are not fulfilling the behavioral conditions of procreation. The same is true of masturbatory acts, oral sex, or anal sex, between heterosexual couples. These acts are distinct *in kind* from marital acts—loving acts of spouses that fulfill the behavioral conditions of procreation and thus instantiate or actualize their marital communion. Sex acts that do not realize a bodily unity are a different category or species of act. Their object—be it the giving, receiving, and sharing of pleasure and/or the expression of affection—is entirely unlike the defining object of a marital act, namely, bodily ("one-flesh") unity.

Infertile couples perform marital acts in the same way fertile couples do, namely, by realizing a biological union in fulfilling the behavioral condi-

¹⁸ Ibid. 632.

tions of procreation. The fact that the nonbehavioral conditions of procreation happen to obtain or not obtain does not affect or alter the nature of what couples do. The object of the marital act—the union of spouses as bodily persons, where this union is the foundation of a comprehensive, multileveled sharing of life that would be fulfilled by the generating and rearing of children together—is precisely the same in both fertile and infertile married couples. In fulfilling procreation's behavioral conditions, married couples realize organic unity (thus consummating or actualizing the intrinsic good of their marriage) whether the nonbehavioral conditions obtain or not.

This difference is indisputable. Is it significant? Yes. First, it is significant *biologically*. A male and a female animal organism jointly exercise their reproductive powers when they engage in coitus and become organically one. Someone might attempt to resist the force of this truth by claiming that males and females become organically one only if they actually conceive a child. But it can easily be shown that this line of objection cannot be sustained. Suppose a male and a female engage in coitus early one evening, but something happens to the female later that prevents a conception from occurring that otherwise would have occurred. This event cannot retroactively change the nature of the action they performed together. The act they performed really did fulfill the behavioral conditions of procreation. As such, it united them organically as a single subject of a biological action. By uniting sexually, they performed the first step in the reproductive process, even though conditions extrinsic to their behavior prevented its completion. Remember that the conditions for a successful conception are not all within the scope of their behavior. Whether a particular act of coitus results in conception depends on conditions extrinsic to the act itself. But whether their action unites them organically cannot depend on something wholly extrinsic to that action. So, in *every* act of coitus the man and the woman become organically one. If conception *does* occur, that may be hours or even days later; and whether they *now* become one cannot depend on events that occur only later. One cannot say that the man and the woman unite organically only in those acts of coitus that actually result in conception. In coitus itself—whatever may happen *after* coitus—the male and the female become biologically united. Their reproductive organs are actualized, as internally designed, to be a (now) unitary subject of a single act. So, this biological difference means that in coitus—as opposed to sodomy (whether between same-sex or opposite sex partners), mutual masturbation, etc.—the man and the woman genuinely become one body, one flesh, a biological unit. The biological unity of spouses is true personal unity because our bodies are part of our personal reality as human beings; we are not incorporeal beings (minds, consciousness, spirits) that merely inhabit and use nonpersonal bodies.

Second, the difference between procreative acts and other sexual acts is *morally* significant, because *marriage* is the *human* community oriented to, and proportionate to, bearing and rearing children, that to which the biological difference between men and women is oriented. Hence the biological union of a husband and a wife can embody or make present their multileveled (bodily, emotional, intellectual, volitional) marital communion. Since the biological union is present both in sexual intercourse that results in procreation and in sexual intercourse that does not, it follows that a married couple, whether fertile or infertile, can choose their sexual act as embodying their marriage, and thus as instantiating an irreducible aspect of their well-being and fulfillment—a basic human good. By contrast, sexual acts that do not establish a biological union cannot embody marriage and do not directly realize any other basic good. *Such acts can only be means to other ends.* In performing nonmarital sexual acts, people instrumentalize their sexuality and, indeed, themselves as male or female embodied persons. A personal communion can be enhanced only by the joint sharing in a basic good, but two or more people merely stimulating each other to orgasm—no matter what they subjectively intend, or how they *perceive* or *feel* their act—is not an instance of organic unity and is not the shared realization of any basic human good.¹⁹ Therefore such acts do not, in truth, realize or enhance personal communion.

In an article appearing in *Heythrop Journal* about the same time as the article we are now criticizing, S/L charge New Natural Law theorists (Germain Grisez, John Finnis, the present authors, and others) of begging the question in our argument that a biological complementarity is required for a morally right sexual act:

While it [the school of New Natural Law Theory] consistently condemns homosexual acts on the grounds that they violate genital and reproductive complementarity, the NNLT does not explain why they also violate personal complementarity other than to assert that homosexual acts between gays or lesbians, “. . . since their reproductive organs cannot make them a biological (and therefore personal unit),” cannot fulfill what those couples “hope and imagine” [a reference to an article by Finnis]. This statement, however, begs the question whether or not homosexual acts can ever be natural, reasonable, and therefore moral on the level of personal complementarity.²⁰

¹⁹ Note that pleasure is not a basic human good; it is the experiential aspect of some other condition or act. Pleasure is often *a* good, but it is good only if it is the experiential aspect of a condition or activity that is already a good, that is, already a fulfilling condition or activity. So, the fact that a sex act is pleasurable does not necessarily mean that it realizes a basic human good, and so pleasure alone cannot be the common good the joint realization of which unifies two (or more) persons.

²⁰ Todd A. Salzman and Michael G. Lawler, “New Natural Law Theory and Foundational Sexual Ethical Principles: A Critique and a Proposal,” *Heythrop*

S/L have misconstrued the basic argument. The argument is *not* that two people, including two people with homosexual orientations, may not have a sort of personal complementarity. Presumably, in *every* friendship there is some sort of personal complementarity (though only in marriage does their complementarity make them *uniquely suited* to cooperate in rearing *their own* child, the fruit of their bodily—and, as such—personal union). Rather, the argument is this: (1) a bodily act—any bodily act—can foster a friendship only by enabling the friends jointly to realize a genuine basic good; (2) a *sexual* act does not realize a basic good except by actualizing a biological union that is part of (consummates or actualizes) a procreative union (marriage); (3) sodomitical acts (including homosexual acts) cannot actualize a biological union and do not necessarily involve a procreative union that could be embodied.²¹ It is worth noting also that S/L misreport the argument presented by NNLT when they describe it as saying: “Since there can be no act of a reproductive kind between a male-male or female-female couple, homosexual acts are unnatural. Since they are unnatural, they are also immoral because they cannot realize the other intrinsic meaning of marital acts, namely, friendship.”²² In fact, however, in NNLT’s argument, the proposition that the act is unnatural does not serve as a premise. Rather, the argument is that the act is morally wrong because the basic good of marriage—the integration of the body-as-sexual with a comprehensive personal and marital commitment—is violated. Since a basic good is not realized in homosexual activity (or in any deliberate, nonmarital conduct), the body as sexual is used as an extrinsic instrument for producing what can be nothing beyond a false experience—an illusion—of organic unity.

THE APPEAL TO PERSONAL TESTIMONY

A third claim advanced by S/L against Catholic teaching on sodomy and other sexual acts that might be performed by same-sex partners on each other is that it ignores the personal testimony given by many homosexuals about the value of their sexual acts. S/L favorably quote Margaret Farley to support the claim that there are “clear and profound testimonies to the

Journal 67 (2006) 182–205, at 196. The reference to John Finnis is to his “Law, Morality, and ‘Sexual Orientation,’” *Notre Dame Law Review* 69 (1994) 1066.

²¹ Consider: a scholarly community or a sports community has nothing directly to do with procreation, and so an act of a procreative kind would not embody *that* communion. The same is true for other friendships less defined than scholarly or sports communities: unless the friendship is a procreative personal communion (that is, marriage) then an act of a procreative kind does not consummate or actualize it.

²² S/L, “New Natural Law Theory” 185.

life-enhancing possibilities of same-sex relations and the integrating possibilities of sexual activity within these relations. We have the witness that homosexuality can be a way of embodying responsible love and sustaining friendship.”²³ S/L add that “magisterial positions on gays and lesbians tend to be theoretical hypotheses unsubstantiated by the practical experience of those gays and lesbians.”²⁴ But this “argument from experience” is unsound. One can question the claim that the object of one’s experience or feeling is the embodiment or the enhancement of a friendship, just as one can question the claims regarding experiences or feelings in relation to other objects. For example, one might claim that one simply experiences or feels that a particular act is morally right, but moral rightness is not a quality that can be apprehended by experience or feeling; rather, it is the conformity of the choice or human act with the moral criterion or standard (we would say, the integral directiveness of all the basic aspects of human well-being and fulfillment). So, this “argument from experience” only shows that *some* men and women *feel that* their sexual acts have provided a contribution to their friendships. Yet, there are other, more likely explanations for these feelings than that those acts really do embody their friendships or contribute to them. Sexual acts are almost always complex events involving much more than just the exchange of pleasure. For example, the other person’s sexual desire for and/or surrender to oneself can be felt as positive experiences and thus may make it seem to one’s feelings that a real unity was fostered, even though in fact no organic union was established, no basic good was realized, and so the experience did not actually contribute to the friendship. What S/L quote Farley as saying could be—and in substance has been—said by and on behalf of polyamorists and others who regard themselves as members of “sexual minorities.” They too claim, no doubt sincerely, that there are “clear and profound testimonies” to the “life-enhancing possibilities” of polyamorous relations and the “integrating possibilities of sexual activity within these relations.” They too say, in substance, that we have the “witness” that polyamory can be a “way of embodying responsible love and sustaining friendship.”²⁵ The devastat-

²³ S/L, CSE 646, quoting from Margaret Farley, “An Ethics for Same-Sex Relations,” in *A Challenge to Love: Gay and Lesbian Catholics in the Church*, ed. Robert Nugent (New York: Crossroad, 1983) 93–106, at 99–100.

²⁴ S/L, CSE 646.

²⁵ In the literature of sexual liberationism, a standard complaint of polyamorists and others is that self-styled “conservative” gay and lesbian activists are throwing other sexual minorities overboard by promoting the acceptance of homosexual relations by depicting such relations as governed by conventional norms of monogamy and sexual exclusivity. They point out that monogamous relations among active male homosexuals are exceedingly rare and that no significant movement to promote “gay” monogamy exists. They accuse the “conservatives” of creating the

ing point against S/L is precisely that polyamorists, polygamists (including more than a few women in formal or informal polygamous relationships), and even many adulterers and unmarried teens report positive feelings about their sexual acts—not just physical feelings but complex feelings about what their acts seem to them to contribute to personal relationships.²⁶ However, such personal testimony fails to show that such acts truly embody a personal communion or are morally good. In the same way, the “argument from experience” for the moral goodness of homosexual acts fails.

PERSONAL AND BODILY COMPLEMENTARITY

A third argument—and the most central—advanced by S/L against Catholic teaching on sexual morality is that the magisterium has ignored the possibility that two people may in a sexual act exhibit a *personal* complementarity without exhibiting a genital complementarity, or a personal complementarity that causes them to possess genital complementarity. S/L point out that heterogenital complementarity is not sufficient to make a sexual act morally right, as is clear in cases of heterosexual rape or incest. For a sexual act to be truly human, or morally right, there must also be personal complementarity. S/L evidently view this as a relational component extrinsic to the biological or genital complementarity. They claim that in the teaching of the magisterium “there is a misplaced prioritization of heterogenital over personal complementarity.”²⁷ S/L then point out, quoting the Congregation for Catholic Education, that sexuality “is a fundamental component of personality, one of its modes of being, of mani-

illusion that monogamy is a goal of the gay movement in order to gain acceptance for homosexuals who, while promiscuous, are not interested in, or oriented toward, polyamorous relations. The standard response of the “conservatives” is not to condemn polyamory or to argue that polyamorous partnerships cannot be life-enhancing or be ways of sustaining love and friendship; it is, rather, to suggest that in the long term the social acceptance of homosexual conduct and relationships will lead to a more open-minded attitude toward the practices of other sexual minorities, including polyamorists.

²⁶ Sociological studies indicate *overall* significantly less marital satisfaction, more interpersonal conflicts, and more psychological distress among women in polygamous marriages than among women in monogamous marriages. Still, *some* women in polygamous marriages do claim a high degree of marital satisfaction. See: Alean Al-Krenawi and John R. Graham, “A Comparison of Family Functioning, Life and Marital Satisfaction, and Mental Health of Women in Polygamous and Monogamous Marriages,” *International Journal of Social Psychiatry* 52 (2006) 5–17; Salman Ebedour et al., “The Effect of Polygamous Marital Structure on Behavioral, Emotional, and Academic Adjustment in Children: A Comprehensive Review of the Literature,” *Clinical Child and Family Psychology Review* 5 (2002) 255–71.

²⁷ S/L, CSE 642.

festation, of communicating with others, of feeling, of expressing and of living human love.”²⁸ Hence, S/L conclude, sexual orientation is a key ingredient in how one relates to oneself and to others.

Following Robert Nugent, they define sexual orientation as a “psychosexual attraction (erotic, emotional, and affective) toward particular individual persons” of the opposite or of the same sex.²⁹ S/L then claim that a sexual act between individuals who possess “orientation complementarity” can unite them “bodily, affectively, spiritually, and personally.”³⁰ “Though they cannot exhibit genital complementarity, homosexual individuals can exhibit this holistic complementarity.”³¹

They further claim that “orientation complementarity” can determine or cause an act that otherwise would clearly lack genital complementarity actually to possess it:

If orientation complementarity indicates that a person is of heterosexual orientation, then personal complementarity would indicate that authentic genital complementarity would be male-female. If orientation complementarity indicates that a person is of homosexual orientation, then personal complementarity would indicate that authentic genital complementarity would be male-male or female-female.³²

But this argument relies implicitly on the assumption that one’s *intention* or *emotions* can by themselves alter the *bodily* structure and reality of a *bodily* act—can make what is otherwise not a genital union into a genital union. This is obviously and spectacularly false. As a simple and brute matter of biological fact, anal or oral intercourse is not, and cannot be, a union of *genitals*. Indeed, these acts cannot be biologically unitive in any sense. They involve physical contact and may involve the depositing of semen in a bodily orifice, but they do not unite the persons involved in a biological or bodily way.

Why do S/L suppose that some homosexual acts are effective in expressing or embodying a personal communion? It is because they imagine that in each such act at least one of the participants in some way uses his or her genitals to do something to the other that is not only pleasing to them but, beyond that, embodies their personal communion. But how does such genital activity involve a real *genital* union? Their answer: because it first of all expresses a personal union or complementarity. In other words (according to their argument), the act instantiates a personal union in part because the bodily act is a genital union; but the bodily act is a genital union because it is intended to instantiate a personal union. The argument is circular.

²⁸ Ibid. 643; see the reference in n. 77.

²⁹ Ibid.

³¹ Ibid.

³⁰ Ibid. 645–46.

³² Ibid. 647.

A psycho-affective union can be embodied or actualized only in a bodily act in which two (or more) people cooperate in the realization of a basic aspect of human well-being and fulfillment. Of course, sex is not the only type of bodily act by which people can be unified. Sharing a meal, playing racquetball, building a cabinet together, for example, are bodily acts the sharing of which can initiate or build up friendship or personal communion. In these types of acts the participants do not unite organically as men and women do in sexual intercourse; still, in such acts the participants are united in will and affection by pursuing together some real, bodily good. But an act is not in reality unitive, in will and affection, unless there is a genuine first-level, common good the shared pursuit and realization of which unites them personally. In a genuinely marital act, that common good is the organic union itself, as *part of* the marital union (which is itself multileveled, not just psychological or spiritual—a comprehensive sharing of life founded on bodily “one-flesh” unity). Hence in the loving sexual intercourse of husband and wife, their organic union—a reality, not just a symbol—truly (indeed, literally) *embodies* their marriage—makes them one flesh. In general, the fact that X is something that both A and B desire makes the doing of X together genuinely fulfilling for A and B only if X is already in itself something genuinely fulfilling or perfective. In the loving sexual act of spouses, the two do become one flesh, and this biological union is an embodiment of their total marital communion. Since their personal communion is a procreative union, it is the type of community fulfilled by the bearing and rearing of children together, even if for some reason this union will not reach that fulfillment; the acts by which they fulfill the behavioral conditions of procreation are part of their specific personal communion, and thus they embody and actualize it.

The concept of “orientation complementarity” introduced by S/L simply does not make possible organic, bodily—truly one-flesh—union. It cannot make acts of anal or oral penetration genuinely unitive. “Orientation complementarity” may refer in part to complex feelings and affections of one person for another, including a desire for friendship—and these aspects of “orientation complementarity” need not be wrong or improper. But the distinctive and sexual aspect of such “orientation complementarity” amounts only to the desires of two people that each perform a certain type of act on the other. And such desires are not sufficient to make such an act genuinely unitive. If A wants to do X to B, and B wants A to do X to him or her, this does nothing to show that X is something good or in any way unitive of A and B. Nothing is changed if one adds that the desires of A and B are deep and abiding, and that they view this as embodying their friendship. Their perception or their feelings must be in line with a truly unitive good; X must be *in itself* genuinely unitive for their perception or their feeling to be indicative of the truth about their act. So, the argu-

ment that “orientation complementarity” between sex partners is a proportion or relation on a par with the bodily and personal complementarity between a man and a woman joined as husband and wife *presupposes* that the sex partners desire a genuinely unitive human good. Yet that is precisely what the argument was supposed to prove.

PARENTAL COMPLEMENTARITY

Lastly, S/L note that the CDF argued that homosexual unions should not be encouraged or legally recognized also because, “as experience has shown, the absence of sexual complementarity in these unions creates obstacles in the normal development of children who would be placed in the care of such persons.”³³ To counter this assertion, S/L cite sociological studies that claim that homosexual parents are just as effective at parenting as heterosexual parents, and note that the American Psychology Association and the Child Welfare League of America have endorsed those claims. S/L quote Charlotte Patterson’s summary of several studies: “There is no evidence to suggest that lesbians and gay men are unfit to be parents or that psychosocial [including sexual—S/L’s editorial addition] development among children of gay men or lesbians is compromised in any respect relative to that among offspring of heterosexual parents.”³⁴

In effect, S/L argue that same-sex partners can form a personal union and then desire to raise children together—perhaps by adoption or by artificial reproduction (they do not specify how they will acquire the responsibility for children). For such couples, the argument continues, their sexual acts can then be oriented indirectly toward the raising of children, inasmuch as such acts would strengthen the couple’s relationship and thus help provide a stable and loving environment for raising children.³⁵

However, the studies whose conclusions S/L so confidently embrace are contentious; these studies have been severely criticized by other sociologists and legal thinkers. In their article in *Theological Studies* S/L do not mention this fact, though they do refer to it in a footnote in the article that appeared about the same time in the *Heythrop Journal*.³⁶ In the *Theologi-*

³³ Ibid. 640, referring to CRP no. 7.

³⁴ Ibid. 640, quoting Charlotte J. Patterson in *Lesbian and Gay Parenting*, APA Online (1995), <http://www.apa.org/pi/parent.html>; the article by Patterson, “Lesbian and Gay Parents and Their Children: Summary of Research Findings,” is available at <http://www.apa.org/pi/lgbcc/publications/lgbparenting.pdf> (accessed April 20, 2008).

³⁵ See also Jonathan Rauch, *Gay Marriage, Why It Is Good for Gays, Good for Straights, and Good for America* (New York: Henry Holt, 2004).

³⁶ S/L, “New Natural Law Theory” 182–205.

cal Studies article these studies are misleadingly represented as unquestioned scholarly consensus.

In fact, when one examines these studies it is clear that they are indeed seriously methodologically flawed on several grounds. These flaws include extremely small samples,³⁷ selection of data that are susceptible to subjective slanting,³⁸ unrepresentative samples,³⁹ and lack of longitudinal studies. After a thorough review of the hundreds of studies on gay parenting, Steven Nock, a sociologist at University of Virginia concluded: "Through this analysis I draw my conclusions that 1) all of the articles I reviewed contained at least one fatal flaw of design or execution; and 2) not a single one of those studies was conducted according to generally accepted standards of scientific research."⁴⁰ After reviews of the studies on homosexual parenting, similar conclusions were drawn by sociologist Dianna Baumrind in 1995,⁴¹ and by Robert Lerner and Althea Nagai in 2001.⁴²

Although there are no reliable studies directly comparing same-sex sexual partners rearing children to married men and women rearing children, there is abundant evidence from social science to show that children gen-

³⁷ The studies include at most dozens of subject couples, but sometimes as few as 10 or 20 couples. (Compare these numbers with a recent study of the effect of at-risk factors on the welfare of children; the study surveyed 34,129 children from an initial sample of 250,000 surveys: Lynn Wardle, "The Impact of Homosexual Parenting on Children," *University of Illinois Law Review* [1997] 833-920, at 840.)

³⁸ Instead of measuring clearly discernible data such as infant mortality, depression, school dropouts, arrests, drug abuse, experience of domestic violence (the type of data gathered in large studies comparing children from intact families to children from divorced or cohabiting parents), the studies relied on subjective reporting, often based only on the parents' recall. See, for example, the widely cited "Summary of Research Findings" by Charlotte Patterson in *Lesbian and Gay Parenting* 5-23, <http://www.apa.org/pi/lgbc/publications/lgparenting.pdf> (accessed May 20, 2008). The preface announces that this is a joint publication by the American Psychological Association and the Committee on Lesbian, Gay, and Bisexual Concerns.

³⁹ Most of the studies selected homosexual parents who were still living together, and these were compared with groups of heterosexual parents, many of whom were single mothers. On the methodological flaws of these studies see Maggie Gallagher, "(How) Does Marriage Protect Child Well-Being?" in Robert P. George and Jean Bethke Elshtain, *The Meaning of Marriage: Family, State, Market, and Morals* (Dallas: Spence, 2006) 200-205, and the reviews cited in the next few footnotes.

⁴⁰ Quoted by Maggie Gallagher, "(How) Does Marriage Protect Child Well-Being?" 202. The quote is from Nock Affidavit #3, *Halpern v. Attorney General of Canada*, No. 684/00 (Ont. Su. Ct. of Justice) (copies available from the Institute of Marriage and Public Policy, info@imapp.org).

⁴¹ Diana Baumrind, "Commentary on Sexual Orientation: Research and Social Policy Implications," *Developmental Psychology* 31 (1995) 130-36.

⁴² Robert Lerner and Althea K. Nagai, *No Basis: What the Studies Don't Tell Us about Same-Sex Parenting* (Washington: Marriage Law Project, 2001).

erally benefit, and benefit substantially, from being reared in the context of an intact marriage of the biological mother and father.⁴³

Moreover, mothers and fathers are not interchangeable: each brings something distinctive to the great task of bearing and rearing children. Since men and women tend significantly to differ emotionally and psychologically as well as physically, the parenting contribution of a father tends to be quite distinct from the parenting contribution of a mother. Also, the child, whether a boy or girl, benefits from having both the model of a responsible and caring female figure and the model of a responsible and caring male figure. What is more, the testimony of a great many adopted children points to a deep longing in children to be known and loved by their biological mother and father and to be reared in the context of a loving relationship between the two.

S/L deny that psychological differences between the sexes are deep-seated and morally significant, claiming that “one finds certain gender stereotypes in magisterial documents where femaleness is defined primarily in terms of motherhood, receptivity, and nurturing, and maleness is defined primarily in terms of fatherhood, initiation, and activity.”⁴⁴ They assert that “with the exception of biological motherhood and fatherhood, the ontological claim of gendered psychological traits does not seem to recognize the culturally conditioned and defined nature of gender, and does not adequately reflect the complexity of the human person and relationships.”⁴⁵ And: “The ‘masculinity’ and ‘femininity’ of the nonbiological elements are largely conditioned and defined by culture.”⁴⁶ Such statements betray an implicit and untenable body-self dualism, as if the human person were a neuter self inhabiting a body that happens to be male or female. But this is untenable. Since a human person is a body-soul composite (and to deny this is simply to put oneself outside of any possible claim to be offering a Catholic view of anything), the significant biological differences between the sexes cannot but ground emotional and psycho-

⁴³ A recent report by Child Trends, a nonpartisan research organization, stated: “Research clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage.” Kristin Anderson Moore, Susan M. Jekielek, and Carol Emig, “Marriage from a Child’s Perspective: How Does Family Structure Affect Children and What Can We Do about It?” *Child Trends Research Brief* (Washington: Child Trends, 2002), <http://www.childtrends.org/files/marriagerb602.pdf> (accessed April 20, 2008); W. Bradford Wilcox et al., *Why Marriage Matters, Second Edition: Twenty-Six Conclusions from the Social Sciences* (New York: Institute for American Values, 2005); Gallagher, “(How) Does Marriage Protect Child Well-Being?” 204–12.

⁴⁴ S/L, CSE 639.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

logical differences as well. There are, of course, no psychological traits that are *exclusively* possessed by either sex—both sexes, for example, nurture; both can interact with small children; both are aggressive to a certain degree. But there should be no question that hormonal differences between the sexes tend to produce significant emotional and personality differences; and that it is the woman who gestates the baby within her womb, gives birth, and then bonds with the newborn child in other distinctive ways produces profound differences in emotions and personality. Such differences between men and women are indeed important for family life and for the healthy development of children. Mothers and fathers are not interchangeable.⁴⁷

Moreover, a child has a natural need for the love and care of her own biological mother and her own biological father. Since we are bodily beings, with bodily connections to a mother, a father, grandparents, and perhaps uncles, aunts, brothers, and sisters, and since persons are not mere isolated individuals, part of our personal identity consists in these relationships. Conversely, in general, where the parents are mature and responsible, the biological mother and father naturally tend to develop a strong bond with the child, rooted in the biological connection to their own child. So, contrary to the claim of S/L, the ideal case *is* for the child to be born and raised by her own biological mother and her own biological father, with mother and father united to each other in the comprehensive sharing of life that marriage is. Since marriage is the distinctive community dedicated to attaining that ideal, there is nothing antiscientific in asserting, as the magisterium has done repeatedly, that a homosexual relationship is not marriage and that it cannot provide a context equivalent to marriage for the rearing of children. Thus, a husband and wife are complementary in a unique sense: they constitute a single subject (forming a bodily and personal unity) uniquely suited to bear and rear their own biological children; they are inherently suited to form a union that naturally (if all goes well) enlarges into family.

It is worth noting also that even if it *were* true that same-sex partners could somehow provide for children what a mother and father, joined to each other as husband and wife, can provide, this would not show that sex

⁴⁷ See Eleanor Maccoby, *The Two Sexes: Growing Up Apart, Coming Together* (Cambridge, Mass.: Harvard University, 1998); David C. Geary, *Male, Female: The Evolution of Human Sex Differences* (Washington: American Psychological Association, 1998) 104; David Popenoe, *Life without Father: Compelling New Evidence that Fatherhood and Marriage Are Indispensable for the Good of Children and Society* (New York: Martin Kessler, 1996); Thomas G. Powers et al., "Compliance and Self-Assertion: Young Children's Responses to Mothers versus Fathers," *Developmental Psychology* 30 (1994) 980–89.

acts between the partners contribute in any way to the alliance or friendship formed by two (or more?) persons of the same sex for the purpose of raising a child. Suppose two, three, five, or more individuals form a friendship for the sake of bringing up children, for example two sisters, or several celibate religious men or women. These are not marriages. Similarly, a same-sex pair may form an alliance for the purpose of raising a child, but their sexual acts have no specific relation to this alliance or cooperative arrangement. Thus, forming an alliance for the sake of rearing children does not make a marriage, and forming such an alliance does nothing of itself to make sexual acts marital acts; if the people who form such an alliance remain unmarried (do not consent to share their lives in the type of community specifically and biologically oriented to bearing and raising children) and/or their sexual acts are not acts in which they fulfill the behavioral conditions of procreation and are thus united as one flesh, then their sexual acts cannot be marital. Marriage is a distinct type of community—the community that provides a stable and protective environment for romantic love, sexual activity, and bearing and raising children; sexual intercourse within that context specifically consummates and actualizes marital communion.

In sum, S/L fail to make their case against the Catholic teaching on human sexuality. Their objections to the arguments presented by the magisterium misconstrue the magisterium's case at several points, and their own arguments for the morality of homosexual acts are unsound.