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Same-sex Marriage: Arguments Pro and Contra
Theses of doctoral dissertation (Ph.D.)

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D.Sc.

2020

Relevance and antecedents of the research

In the period through to May 2020, the institution of same-sex marriage had been established in 29 countries around the world, starting with Netherlands in 2001 and reaching Northern Ireland and Costa Rica in 2020. The aim of this dissertation is to analyze and criticize the arguments surrounding the institution of same-sex marriage. These arguments touch on the areas of philosophy, political science, political philosophy, psychology, sociology, history, natural science, anthropology, ethnography, and theology. I explore all these territories.

The relevance of the topic and this research is so evident – because of the vigorous political and theoretical debates surrounding the institution of same-sex marriage – that it hardly needs further explanation. However, in terms of political theory, the debate is relevant because, among others, it touches on the question of freedom, equality, democracy, and the idea of the “neutral state” – all of which are evidently related to political theory.

The place of the dissertation in the body of literature of researching same-sex marriage

Most of the research regarding every aspect of same-sex marriage has been done in the first two decades of the 21st century and mainly in the U.S. So it is predominantly an Anglo-Saxon discourse. The

result is that the whole body of research is centered around specific problems unique to the U.S.: both in terms of the history of the institution of same-sex marriage in that country, as well as whether or not it is possible to reconcile the institution with the spirit of the U.S. Constitution (that is, whether it is indeed constitutional). The related sociological research is also primarily centred around Anglo-Saxon countries.

Characteristic of the body of literature favouring same-sex marriage is a narrative that is both partly the consequence of the modern ‘enlightened-liberal’ view of human rights, and partly also the result of the progressive-postmodern theoretical framework. The main fields pertaining to this body of literature are human rights, psychology, sociology, and cultural anthropology. Also, there are many publications concerning the public policy aspects of same-sex marriage.

In contrast, characteristic of the literature criticizing same-sex marriage is a narrative that is either religious-theological or grounded in the classical-premodern view of natural law. This body of literature also explores numerous fields such as human rights, psychology, sociology, and cultural anthropology; but its main emphasis is on the philosophical-anthropological questions of human nature. (The originalist view of the U.S. Constitution is also characteristic of this literature.) It is interesting to note that the traditionalist argumentation is not so characteristic, although it is not completely absent. Furthermore, there are critical works regarding same-sex marriage from feminist as well as LGBT points of view.

Because of the characteristics mentioned above, the present dissertation is based heavily on American (almost exclusively Anglo-Saxon) literature. But I do not explore the field of law and jurisprudence, or the U.S. Constitution (although I do briefly discuss these). My dissertation is rather similar to those works based on the classical natural law, and which are centred around the classical anthropological view of human beings and human nature.

Methodology, structure and results

The aim of the dissertation is to analyse and criticize arguments concerning the institution of same-sex marriage. It is divided into five parts.

The methodology combines an analytical approach with a classical continental view of human nature. I explore and discuss critically cases involving the manipulation of research and cases in which politically unpleasant research results have been ignored. Also, I pay special attention to the inconsistencies in the arguments.

My arguments are secular; but I also explore “religious” and theological arguments. This dissertation – as far as I know – is the most complete summary in the Hungarian language of the body of international research on same-sex marriage, pro and contra. It is also the only attempt in Hungarian to criticize the idea of same-sex marriage as comprehensively as possible. In a unique way, it tries to

explore all the relevant fields regarding the topic. Additionally, it is also rare in the current body of literature as it provides a train of thought that starts not only by presenting a theoretical context but also with systematically establishing a conceptual framework – and then offering a critique of others.

The **first part** explores the theoretical context of these arguments. It summarizes and then critiques the mainstream postmodern view (poststructuralism, deconstructionism, critical theory, etc.), as well as the Marxist philosophical context and the postmodern epistemology of the arguments favouring same-sex marriage. This includes gender theory and the modern-postmodern Marxist anthropological view of human beings.

I find the postmodern Marxist framework and epistemology self-contradictory and not in harmony with anthropological results. Also, using the arguments of Roger Scruton and Ryan T. Anderson, I find that the “gnostic dualism” or “cartesian dualism” of the postmodern view of human nature – which radically separates the human body and the soul (or personality), and the male and female body, from masculinity and femininity – wholly unsatisfactory and contrary to real human nature. Its ultrastructuralist and radically anti-essentialist view of human beings and personalities, and its radical social constructionism, are self-contradictory. The idea of same-sex marriage is seen as part of a modern-postmodern trend to eliminate differences and inequalities between human beings. This “ideology of

sameness” is called “memism” by the French philosopher Jean-Louis Harouel.

I find that the conventional belief that support for same-sex marriage is rational and that opposition to it is irrational is actually not supported by the rhetoric of same-sex marriage. Rationally arguing in favour of same-sex marriage is practically unnecessary because of the *Zeitgeist*, which sentimentally favours it, and presents instead rather rhetorical and sentimental “arguments” – in reality, mere buzzwords – as “rational” (e.g. the “argument” of ensuring “equal love”). This means that opposing same-sex marriage clearly goes against the *Zeitgeist* and thus one has to argue rationally and systematically against same-sex marriage. Thus – contrary to established opinion – the critique of the idea and institution of same-sex marriage is much more rational than is commonly supposed.

Thereafter, I examine the concept of tradition and I defend one of its specific understandings of marriage and explore same-sex marriage within the context of this tradition (mainly relying on the ideas and theories of Edmund Burke, Josef Pieper, Edward Shils, Lee Harris, and Alasdair MacIntyre). I find that the idea of same-sex marriage cannot be reconciled with tradition because it is a radically revolutionary underlying theory of human nature.

Finally, I examine the theory of natural law, defend its classical (that is, premodern) version and analyse same-sex marriage from the point of view of classical natural law theory. I theorize that “being natural” is not the same as being in harmony with nature as understood in classical philosophy (*causa finis*), and argue that the inherent

ontological structure of human beings is heterosexual because their potentiality leads to procreation – at least in theory. Also, I find that the complementarity of biological sexes is necessarily inherent in human nature. Denying this is to deny human nature.

In the course of this exploration, I find that the often-used argument regarding the infertility of heterosexual couples is misleading: the infertility of heterosexual couples is accidental (which means their bond is still in harmony with human nature); the infertility of same-sex couples, on the other hand, is structural. I also argue that the above-mentioned theory of tradition is rationally explained by the classical version of natural law theory.

The **second part** explores the fields of political theory and political philosophy regarding same-sex marriage. First, I examine why the state is interested in marriage at all and explore why the revisionist view of marriage is conceptually vague and why the conjugal view is well defined. After that, I analyse the concept of the “neutral state”, concluding that there is no possibility for a “neutral” position regarding the question of same-sex marriage: the position which includes the possibility of same-sex marriage inherently involves the revisionist view. I explore whether the concept of same-sex marriage is democratic, using a procedural view of democracy, and I conclude that same-sex marriage is not inherently democratic. It is only democratic if it is established through democratic procedures; but the problem is that the LGBTQ movement does not favour this because it

favours the juristic introduction of the institution, even when it is contrary to popular opinion.

Finally, I examine whether same-sex marriage means more freedom in practice. In this, I take a sceptical position because, in practice, it leads to restrictions of the freedom of conscience, freedom of religion, freedom of speech, and freedom of enterprise.

The **third part** explores more specific questions, such as: the history and evolution/development of marriage; whether there is a biological basis for homosexuality (i.e. being “born that way”); whether homosexuality is immutable and a permanent condition; the stability of same-sex relationships; the question of adoption; and the similarities and differences between same-sex marriage prohibitions and bans on interracial marriages in the southern states of the U.S.

Advocates of same-sex marriage are convinced that the institution of marriage has changed so much over time and place that there is no essentially “traditional” version of it. Change is the rule, they argue. I examine the history of marriage and find that under superficial changes of the institution there are deep continuities and some constant characteristics. A constitutive element of marriage is, for example, that it is a bond between a male and a female human being.

I summarize that there is no proof or even scientific consensus regarding the “born that way” theory. I conclude that we do not have a clear picture about the results of reintegrative therapies, and that the whole psychological question of homosexuality is so politicized that it is hard to arrive to any decisive conclusions about the results of

changing it. Furthermore, I note that the LGBTQ movement's denial that there is even a possibility of changing is in contradiction with its own philosophy, which places self-determination above everything else.

Similarly, as far as the problem of adoption is concerned, we also have an epistemological problem of scientific research, although it is more or less clear that parental roles are not interchangeable and that being a mother and a father are closely related to being biological female and male. Also, I conclude that the "conservative argument" regarding the value of stable intimate relationships is unsatisfactory because it is not supported by other arguments – and, in the light of the research on same-sex relationships, are thus inherently unstable.

Finally, I find that drawing a parallel between prohibiting same-sex marriage and banning interracial marriage is very problematic: to ban something (namely interracial marriage) is not the same as to regard it as impossible (same-sex marriage). Also, actively banning something (which can include, for example, penal punishment for "secret" same-sex marriages) is not the same as recognizing that something has no legal possibility (that is, that there is no recognition of same-sex marriage within the legal framework). So, comparing the prohibition of same-sex marriage to the ban on interracial marriage is structurally problematic.

The **fourth part** of the thesis explores the question of religion, the practice of Christianity (Catholicism, in particular), and the institution of same-sex marriage. I demonstrate that religious arguments are not

irrational. First: the existence of God can be demonstrated by natural, rational, systematic arguments – it is called “natural theology”. Second: those Christian churches and denominations which insist on the traditional view of marriage usually ground their position not in theology but in natural law theory, which does not need religious convictions. Finally, I critically examine the arguments of “gay theology”.

In the final chapter I explore the question of same-sex marriage in the context of the Catholic Holy Tradition, the role of the Bible, and the role of the Pope. I conclude – using, for example, the works of John Henry Newman, Chad Ripberger, and the Catechism of the Catholic Church – that the Supreme Pontiff cannot change Church teaching regarding same-sex marriage because his authority is not absolute and is authorized only to explain the *depositum fidei*.

Sometimes it has been argued that systematically criticizing same-sex marriage is merely a rationalisation of homophobia, defending the power structure of heteronormativity and privileges of heterosexuals. From this point view, one could reply that defending same-sex marriage is merely defending the power-seeking of the LGBTQ movement. Many have argued that they have never heard rational arguments against same-sex marriage (meaning that they demand rational arguments from those who are critical toward the institution). But when rational arguments are presented, it can be said that it is merely a rationalisation of homophobia – and that there are no other possibilities. Thus, critiques of same-sex marriage are facing a double

bind argument. It means that the statement about the “rationalization of homophobia” could be regarded simply as withdrawal from free and honest debate.

Summarizing my findings, I find that the idea of same-sex marriage is easily questionable, and that one can argue systematically and rationally in favour of the traditional view of marriage. I also find that arguments favouring same-sex marriage are able to be deconstructed, but that such an endeavour almost necessarily becomes a critique of the whole modern and postmodern project, and a defence of the traditional, classical, pre-modern view of the world, society, and human nature.

List of Publications Concerning the Subject Matter of the Dissertation

A meglegházasságról: Kritika a klasszikus gondolkodás fényében (“About Same-Sex Marriage: A Critique in the Light of Classical Thinking”). Budapest: Századvég Kiadó, 2016, 464 p. ISBN: 9786155164279.

“Antitest-politika” (“Antibody-politics”). *Kommentár*: 2020/3 pp. 108-118.

“A transzneműség totalitárius tragédiája” (“The Totalitarian Tragedy of Transgenderism”). *Kommentár* 2018/3-4. pp. 25-31.

“Az azonos neműek házasságáról szóló amerikai vita érvrendszerei” (“The Arguments and Narratives of Debating Same-Sex Marriage in the US.”). In: Szilágyi Csaba et al (ed.): *Studia Varia – Tanulmánykötet*. Budapest: Pázmány Péter Katolikus Egyetem Bölcsészettudományi Kar, 2016, pp. 314-326.

“Konzervatív szerelem: egyenlőtlen szerelem?” in: Kováts Eszter (szerk.): *Szerelem és politika*. Budapest: Friedrich Ebert Stiftung, 2015, pp. 46-57. Published also in English: “Conservative love: unequal love?” in: Eszter Kováts (ed.): *Love and Politics*. Friedrich-Ebert-Stiftung Budapest, 2015. p. 46-58.

“A hagyomány racionális magyarázata: a ‘melegházasság’ ellen” (“The Rational Explanation of Tradition: The Critique of ‘Same-Sex Marriage’”). *Kommentár*: 2015/3-4. pp. 119-142.

“A visszacsapás mítosza – avagy Európa visszainteget?” (“The Myth of Backlash – Europe is Waving Back?”). Lecture at a the Multidisciplinary Conference on the Future of Europe, Budakeszi, 29-30 September 2017. Forthcoming publication (ed.: Miklós Pogrányi Lovas)