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Same-sex marriage: 7, Bishops: 0

by Phyllis Zagano

Just Catholic

I don't think the recent legalization of same-sex marriage in New York state was as much a victory for its proponents as it was a defeat for the coalition of religious leaders -- especially the Catholic bishops -- who opposed it.

In the public debate, one side was "pro" and the other side was "anti." That is the heart of the public relations situation. The bishops walked the negative side of the street.

The bill before the New York state legislature was called "The Marriage Equality Act." What legislator wants to be against equal rights for any class of persons? Who wants to join with individuals or groups denying those equal rights?

The bishops lost before they began for two other reasons.

This year's New York state battle was coordinated directly by the governor, who, a good while back, told the five separate (and bickering) same-sex marriage groups to get their collective act together. They eventually formed one group with one voice.

Finally, we have to recognize regretfully that Catholic bishops have lost all moral authority in the public square, especially regarding matters of sex and sexuality. No politician wants to be aligned with them; no ordinary citizen pays attention to them.

What to do?

Well, it is a little late now in New York or for the five other states and the District of Columbia that have legalized same-sex marriage. But for the church to have its say -- if not its way -- it had best get organized

and quickly.

It seems that most folks, in and out of the pews, agree that people should be able to create protective unions for themselves. After all, this is the United States of America. With enough lawyers (and money), no doubt a same sex couple could create a private corporation that would mirror the rights and responsibilities of marriage as it is understood both federally and under state laws.

That is not a viable solution for most of the individuals involved, nor does it systematically address the pastiche of state laws regarding marriage and civil unions or partnerships.

So, from New York, the same-sex marriage campaign will spread across the country. And from state to state, from diocese to diocese, and eventually on the federal level, the bishops will lose.

Is there any way to make this a win-win situation?

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Well, purists in the same-sex marriage debate will not give in either direction. It is, for each side, same-sex marriage or nothing.

Some commentators suggest religious organizations should get out of the marriage business completely. Let the state ratify civil marriages, they say, and let folks have a religious ceremony the next day if they wish, as in so many European countries.

That won't sit well with the bishops and their theologians, who are dead set against calling same-sex unions "marriage." Perhaps the bishops -- directly or indirectly -- can suggest something else?

Tiny Catholic Rhode Island seems to have circumvented the discussion by legalizing civil unions between same-sex partners. The church need not recognize the unions, which theoretically provide the same civil rights and responsibilities of marriage. Meanwhile, legalizing civil unions recognizes they are not what the Church -- not to mention federal law and linguists -- define as marriage.

More than 20 countries recognize civil unions or registered partnerships. Could U.S. Catholic bishops cause, get behind or join a coalition of groups that support civil unions? The answer to that question may rest in the determination of whether homosexuality is a choice, a preference or a status.

Choice, preference or status? The church contends homosexual inclination is neutral, but homosexual behavior is a choice, always disallowed. If homosexuality is an innate preference -- like left-handedness -- possible for one to overcome, the church can and will still argue its case.

But if down the road science undeniably proves homosexuality is a status rooted in genetics -- or at least is gestational biology -- the church will be faced with a game changer.

Today, however, the church is faced with a lot of homosexual people who want to form unions and be protected under the law -- and an increasing number of Catholics who agree with them. The attitude alone creates undeniable complications (adoption and education of children come to mind) for religious entities.

In fact, the church seems to have already lost the argument about whether homosexual behavior affects the public morality. Without approving behavior it sees as a choice or at least a preference, might the church boost the public concept of marriage as it is defined by federal law by supporting the notion of

civil unions -- even if it does so silently?

"Will you civil union me" does not say what same-sex marriage proponents have in mind, but politically it might be the best the bishops can do.

[Phyllis Zagano is senior research associate-in-residence at Hofstra University and author of several books in Catholic Studies. Her latest book is *Women & Catholicism* (Palgrave-Macmillan)]

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