
Is Same-Sex “Marriage” a Civil Right?

According to the Supreme Court of the United States, civil rights are based on three criteria: innateness (being born with a protected condition or distinguishing characteristic), immutability (being unable to change the condition/distinguishing characteristic), and, last but not least, the ability of the bearers of the condition or distinguishing characteristic to advocate for themselves.

There are no peer-reviewed scientific studies that demonstrate either that persons are born gay or that they cannot change. The existence of a large ex-gay community indicates that in fact persons can change. Thus many experts suppose that sexuality may be a preference, not an orientation. In addition, the LGBTQ community has proved exceedingly able to advance their interests in the face of overwhelming public opposition.

No homosexual has ever legally been denied the right to vote, forced to sit at the back of a bus, forbidden to drink from common water fountains, barred from participating in or attending the theater, or even to marry, if they marry a person of the opposite sex. Therefore what they are seeking is not a civil right; it is a special right to “marry” a person of the same sex.

This discussion is not about equality: homosexuals are fully able to participate in society as civic and social persons. Again, what they are demanding is that special state benefits be conferred upon their same-sex partner, and that the institution of marriage be made gender-blind in order to confer its dignities upon them.

There are many men and women who experience same-sex attraction in Illinois and throughout the United States. Same-sex attraction has existed since the dawn of creation. For many who struggle with this inclination, it constitutes a trial. Each person must be accepted with respect, compassion, and sensitivity. Any and every sign of unjust discrimination in their regard must be avoided and denounced. However, we believe that the activists’ call to redefine marriage discards the time-tested union of one man and one woman, which has grounded and stabilized hundreds of societies for millennia, is unsound and must be vigorously opposed.

To clarify the historical record, the U.S. Supreme Court has never indicated a civil right to same-sex unions. It has said homosexuals can be protected from discrimination (*Romer v. Evans*) and should not be prosecuted for private sexual acts (*Lawrence v. Texas*). But decriminalizing homosexual sodomy and creating a right to marriage are two entirely different notions, and the court never confused them:

“The present case...does not involve public conduct or prostitution. It does not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter. The case does involve two adults who, with full and mutual consent from each other, engaged in sexual practices common to a homosexual lifestyle. The petitioners are entitled to respect for their *private* lives.”

~Lawrence v. Texas, emphasis added.

As to respect and non-discrimination, then-Cardinal Ratzinger, now Pope Benedict XVI, wrote in 2003 that these principles:

“cannot be invoked to support legal recognition of homosexual unions. Differentiating between persons or refusing social recognition or benefits is unacceptable only when it is contrary to justice. The denial of the social and legal status of marriage to forms of cohabitation that are not and cannot be marital is not opposed to justice; on the contrary, justice requires it. Nor can the principle of the proper autonomy of the individual be reasonably invoked. It is one thing to maintain that individual citizens may freely engage in those activities that interest them and that this falls within the common civil right to freedom; it is something quite different to hold that activities which do not represent a significant or positive contribution to the development of the human person in society can receive specific and categorical legal recognition by the State. Not even in a remote analogous sense do homosexual unions fulfill the purpose for which marriage and family deserve specific categorical recognition. On the contrary, there are good reasons for holding that such unions are harmful to the proper development of human society, especially if their impact on society were to increase.” ■

