Family Relationships and Personal Identity

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"Marriage for Everyone"

On June 30, 2017 the German Parliament voted in favor of the "Marriage Opening Act (*Eheöffnungsgesetz*) that introduced the right to marriage to persons of the same sex. The law came into force on October 1, 2017. Ever since that day in Germany same-sex couples can enter into what the law continues to call "marriage," and they can then also jointly adopt children. In Germany the public campaign in favor of this act went by the catchphrase "Ehe für alle" – "marriage for everyone." The idea behind this slogan is that extending the privilege of public recognition to additional kinds of unions is simply a gesture of generosity that does not infringe on anyone else's rights. After all, if you do not like same-sex marriage, then don't contract one. The law does not force people to do things they do not find appealing. It is presented simply as an act of inviting citizens to assume an attitude of generous tolerance toward those who feel differently. After all, why would someone's same-sex marriage hurt someone else's opposite-sex marriage? Is it not simply a question of being open-minded and accepting of differences? Isn't there something good and laudable about people wanting to make a public commitment to each other? Doesn't love, affection, and commitment deserve public recognition, independent of the accident of a given couple's composition in terms of biological sex?

On the face of it, these considerations do have a certain appeal. But then again, one can also look at things from a different perspective. On June 27, 2017, a few days before the German Parliament's vote on same-sex marriage, Reinhard Müller, senior editor at the influential German daily *Frankfurter Allgemeine Zeitung* published a brief opinion piece on the issue in which he aptly spelled out what according to him was at stake. I mention Müller here simply as a witness to common sense. He points to the obvious fact that "marriage for everyone" – "Ehe für alle" – effectively means "marriage for no one" – "Ehe für keinen." If every kind of union is recognized as deserving special privilege, then none of them is. Therefore, according to him, the Marriage Opening Act spells the end of marriage as a legal institution in Germany. He also refers to the undeniable reality that only

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a union between a man and a woman is capable of generating children, implying that this difference in biological fact would seem to be significant enough to warrant a difference in legal recognition. In other words – and going beyond Müller's brief exposition – one can and must speak of injustice not only in cases where what is the same is treated differently, but also in those cases where what is really different is treated as if it were the same.

The legal and social situation in Germany is meant to serve here only as an example. There are similar tendencies in other European countries. And public discussion is not limited to same-sex marriage. New family models are being proposed on a large scale. Unions of the most variegated sort are called "marriage" and the most diverse forms of social arrangements are referred to by the name of "family." What justifies the application of these names to those realities? Ludwig Wittgenstein famously said that, at least "for a large class of cases … the meaning of a word is its use in language" (Wittgenstein: §43). It is difficult to deny that up to a certain extent, language is conventional. Nothing would hinder a group of people from deciding henceforth to use the word "tomato" to refer to the reality that had hitherto been called "chair." In this case, then, the meaning of the word "tomato" will shift from an organic vegetable to a piece of furniture. Something along these lines has in fact happened to the English word "gay," which until not too long ago meant "merry" or "happy." Thus, as late as in the 1970s, the English translator of Friedrich Nietzsche's *Die fröhliche Wissenschaft* thought it well to render the book's title as *The Gay Science* – the happy, merry, serene science – back in the days a reference to poetry. However, at some point in the 20th century, political activists decided to use the word "gay" to refer to everything homosexual, so as to give homosexuality more positive connotations. With time, they have become overly successful, the result being that the word's original meaning has almost been forgotten.

Something similar is currently happening to the nouns "marriage" and "family." We are witnessing the attempts by civil governments and parliaments to keep the names but to change the reality which these names are meant to express. Currently, it seems that marriage and family are whatever public authorities decide they are. And yet, it is my contention here that there is a quite distinct and well-defined reality to which these words have always referred – universally, across cultures – and it is to this reality that I would now like to turn.

Family Relationships Are Unconditional Relationships…

What, then, is specific to family relationships as they have historically been understood? How do they differ from friendships? Now what is so special about family relationships is that they have been understood as *unconditional relationships.* As the French-Canadian sociologist Jacques T. Godbout puts it, family relationships are unconditional, inasmuch as they exclude the moment of choice (Godbout: 34). Indeed, for Godbout family bonds delimit freedom in an important way. This limitation lies in the fact that "we do not choose the individuals who make up the family network – our parents, brothers, or sisters" (Godbout: 33). I can choose my friends, though having friends is also always to some degree a free gift. I can certainly choose to *end* a friendship if I no longer find it convenient. Someone may even do so by a formal declaration, "You are no longer my friend." At this point indeed, the friendship will have ceased to exist. One cannot, however, end a family relationship in this way. Even if we told our parents or siblings that they are no longer parents or siblings to us, they would still remain what they are. We never chose these relationships to begin with, and we cannot opt out of them.

… Based on Kinship…

In the examples just given, the absence of choice and the resulting unconditionality of family relationships is based on *consanguinity.* Kinship is based on the lines of origin and descent. Family members are kin. They share a common origin, common ancestors. Brothers and sisters share the same parents, cousins the same grandparents; our grandparents are the parents of our aunts and uncles.

… and Irrevocable Promises…

But since human beings are persons, it is possible to establish kinship not only on account of consanguinity. It is also possible to do so through a particular promise, which must be functionally equivalent, that is, it must establish a relationship of an unconditional nature. Just as consanguinity is an objective biological fact that gives rise to an unconditional and irrevocable personal relationship, so the promise that gives rise to a non-consanguineous family relationship must be unconditional and irrevocable. It must take the form of a promise that establishes a covenant. In the context of family relationships, there are basically two types of these promises.

… among Which There Is the Marital Promise…

For one, there is the relationship of the married couple. As Godbout points out, at least in the past, it was considered evident that also "the founding nucleus of the family – the couple – was once joined in an unconditional relationship, 'for better or for worse'" (Godbout: 34). This unconditionality is based on the marital promise. There was a free choice in entering marriage. But when one had contracted marriage, it was commonly agreed that the relationship became as unconditional as the relationship between parents and children or other family relationships based on consanguinity.

… and the Act of Adoption

Second, as the German philosopher Robert Spaemann puts it, "the bond of procreation can be replaced, in respect of its personal meaning, by adoption" (Spaemann: 70). The *act of adoption* can thus be interpreted as a second kind of unconditional and irrevocable promise that establishes a non-consanguineous kinship relationship.

Kinship by Covenant

These then, are the two kinship relationships based not on consanguinity but on the power of an irrevocable promise: marriage and adoption. To say it with the American biblical scholar Scott Hahn: "Marriage and adoption are specific manifestations of the concept of covenant, which, at root, is the establishment of kinship relations and obligations between non-kin" (Hahn: 341n25).

To undergird the thesis that covenantal promises are capable of establishing kinship relationships, Hahn draws on Frank Moore Cross's study, *From Epic to Canon: History and Literature in Ancient Israel*:

> "In Israel, contrary to many primitive band or tribal societies, the legal compact of marriage introduced the bride into the kinship group or family…. This is the proper understanding of Genesis 2:24: 'Therefore a man will abandon his father and mother and cleave to his wife, and [the two of them] will become one flesh.' Flesh refers not to carnal union, but to identity of 'flesh,' kinship, of 'bone of my bone, flesh of my flesh.' … Obviously, offspring

of the marital union will be of one flesh; what is asserted is that the covenant of marriage establishes kinship bonds of the first rank between the spouses. Adoption of sons or daughters is another means of ingrafting non-kin or distant kin into the lineage" (Cross: 7-8).

According to this interpretation of *Gen* 2:24, with the exchange of the marital vows, the spouses, even if not of the same blood, still become relatives. And the same is true of the legal act of adoption.

The Genealogy of the Person

Family relationships, established through consanguinity or specific kinds of promises, inscribe a person into a genealogy, which is crucial for their identity. The family is a network of relationships in which all members have their particular place: being a son or daughter of, husband or wife of, father or mother of, brother or sister of, uncle or aunt of ... Finding themselves inserted into this kind of family network is of utmost importance for human persons, because, as St. John Paul II affirms, "Bound up with the family is the genealogy of every individual: the genealogy of the person" (John Paul II 1994: n. 9). The lines of origin and descent are not just a biological fact, but a personal one: "Human fatherhood and motherhood are rooted in biology, yet at the same time transcend it" (John Paul II 1994: n. 9). The long genealogies of the Old and New Testaments express something fundamental. It is important for us, as human beings, as human persons, to know where we come from. Our origin matters to us; it is a question of identity for us. We want to know and need to know who our father and mother are, who our grandparents are, and who the people are to whom we are related by some common ancestor.

One can take as an example the relationship between Winston Churchill (1874-1965) and his father Randolph (1849-1895). Randolph himself was a descendant of John Churchill, the 1st Duke of Marlborough (1650-1722), a national British hero. And Randolph, too, at his own time, was a politician and nobleman, a public figure of some renown. Now it turned out that Randolph was extremely neglectful of Winston. He did see to Winston's education, but the number of high-quality conversations he had with his son during his lifetime could be counted on one hand. When in 1910, Winston Churchill advocated the reform of the British aristocracy, a political opponent rhetorically asked whether Churchill owed anything to his father. Churchill significantly responded, "Why, of course, I owe everything to my father" (Roberts: 134). And in fact, it is true: his father had given him his

origin, inserting him into a lineage, a lineage from which he received a strong sense of identity and mission. "Walking with destiny," Churchill, a descendant of Marlborough, early on in life thought he should himself be a national hero one day, indeed the savior of the British nation and Commonwealth, as later it was indeed going to be the case.

"Pathologies" of Family Relationships

Having emphasized the importance of lineage for our identity, it will now be possible to see in a new light the problems inherent to some practices that are increasingly common today. For the most part, the old and new sins against the sixth commandment are in fact pathologies of family relationships that result in a confusion of personal identity. Indeed, the best way to understand the sixth commandment "Thou shalt not commit adultery" is to see it as guarding family relationships, and with that the origin and destiny of the person, the person's deepest identity.

The Incest Taboo

Let us begin with a reflection on the incest taboo. According to the Belgian-born French cultural anthropologist Claude Lévi-Strauss, the incest taboo is the basis of civilization. For him, this taboo marks the transition from the (hypothetical, rather mythical) state of nature to the state of culture (cf. Lévi-Strauss: 350). Even today, most people agree that the incest taboo must be upheld. The reason often advanced is that incestuous relationships pose a health hazard to possible offspring, as they limit the gene pool and increase the likelihood of transmitting genetic diseases. However, knowledge of genetics is relatively recent, while the incest taboo is archaic. It dates back to times in human history when people were happily ignorant of the principles governing the transmission of their genetic heritage. For Lévi-Strauss, the incest taboo is so decisive for civilization because it is tantamount to the requirement of exogamous marriage, that is, marriages outside of the close family circle. The incest taboo requires families to open up and form alliances with other families. Exogamous marriages prevent families from closing in on themselves. Marriages, then, take place not just between two individuals but between families, and as such they are the condition for the possibility of larger social realities such as the city or the nation.

However, one can still think of another reason for the incest taboo. For example, Robert Spaemann and Leon Kass emphasize how the incest taboo

ensures that family relationships are well-defined and clear. By avoiding incest, one avoids ambiguity in the lines of origin and descent and therefore in the relationships of consanguinity and kinship. Robert Spaemann puts it this way:

> "The incest-taboo among humans … [protects] a variety of relation against loss of personal clarity. In many cultures, such as nineteenth-century Russia, it was impossible even for brothers- and sisters-in-law to marry, even though no consanguine relation existed between them" (Spaemann: 70).

The mother is the mother and not the wife. One's mother's children are one's siblings and not one's children. One's sister is one's sister and not one's wife. Clarity about who is whose is of enormous importance. Only in this way each family member will have a definitive place in the great web of family relationships. Everyone will know where they came from and who they are in relation to everyone else in this web.

Fornication and Adultery

While clarity about one's relationships of origin and descent, one's ancestors and descendants, is not in itself a *sufficient condition* for healthy family relationships, it is nevertheless a *necessary* and fundamental condition. Most of the taboos surrounding our sexuality have to do with this fundamental human concern. This is a concern and need that remains in place, even as we are increasingly losing awareness of it. In this sense, Leon Kass writes:

> "Our society is dangerously close to losing its grip on the meaning of some fundamental aspects of human existence. ... Properly understood, the largely universal taboo against incest, and also the prohibitions against adultery, defend the integrity of marriage, kinship and especially the lines of origin and descent. These time-honored restraints implicitly teach that clarity about who your parents are, clarity in the lines of generation, clarity about who is whose, are the indispensable foundations of a sound family life, itself the sound foundation of civilized community" (Kass: 99-100).

To a large extent, then, taboos against fornication and adultery were based on a concern for legitimacy, which in turn stemmed from a concern for guarding the lines of origin and descent. Concern about legitimate birth was still prevalent in most European countries until the middle of the last

century. In German civil law, for example, the distinction between legitimate and illegitimate children was abolished only in 1998. It is true that at times society's concern for legitimacy led to the unjust discrimination against illegitimate children. The point of the distinction between legitimate or illegitimate birth, however, originally had little or nothing to do with marking the alleged moral quality of the child born. The distinction rather signaled the difference between being recognized by one's father, and thus having a definitive place within the family network, and not being so recognized and therefore not having such a place. Social concern for legitimacy, and thus a widely-felt taboo against fornication and adultery, ultimately were meant to protect children, ensuring that they have a father. Concern for legitimacy was not meant to be a source of the discrimination of illegitimate children – after their unmarried parents had come together – but a social means of protecting children, encouraging unmarried adults to wait till after marriage. No matter how we call children who are born out of wedlock and independent of whether or not we reserve a particular name for them at all: they are disadvantaged, because their relationship to their father is different than the relationship that children born within marriage are allowed to enjoy with their father.

The ancient Roman adage certainly holds true: *pater semper incertus est* – it is always uncertain who the father is. But marriage, among other things, was supposed to be a remedy for precisely this difficulty. As the American political scientist Stephen Baskerville puts it, "Marriage turns a man from a sperm donor into a parent and thus creates paternal authority, allowing a man to exercise the authority over children that otherwise would be exercised by the mother alone." Baskerville refers to Thomas Hobbes who rather convincingly argues that, "If there be no contract, the dominion is in the mother. For in the condition of mere nature, *where there are no matrimonial laws*, it cannot be known who is the father, unless it be declared by the mother. And therefore the right of dominion over the child dependeth on her will and is consequently hers" (Hobbes: II, 20). In other words, marriage, among other things, serves to connect the father to his children and the children to their father. Reformulating Hobbes' affirmation just cited, one can put it rather drastically: While motherhood is a biological fact, fatherhood is a cultural achievement. Marriage creates fatherhood. By contracting marriage, the man, among other things, agrees to recognize any children potentially born to his wife as his own.

Independently of whether or not a society is concerned with legitimacy, in the case of an out-of-wedlock birth, the father and his children are not related in the same way. By committing an act of fornication or

adultery, one risks generating a child who will be born outside of publicly recognized lines of descent. Therefore, the child will not be able to assume any clearly identifiable place in the network of family relationships. It is precisely here that much of the immorality of fornication and adultery lies. It is an act of injustice done to *the children* who may potentially be conceived in this act and who are deprived of the symbolic figure of their father, deprived of their father's recognition, deprived of their father's lineage and thus of a fundamental source of their identity. It is also an injustice done *to society,* whose common good requires that its citizens be part of a family network, that they have a home, that they know where they come from and where they're going to, that they can enjoy a strong sense of personal identity.

Given these considerations, it becomes understandable that civil law used to have an interest in adultery. In fact, in some regions, adultery is still considered a crime (for instance, as of 2019, in 19 States in the USA; in India it was considered a criminal offense up until 2018). There may also be good reasons not to penalize adultery. However, it is important to see where its problematic nature lies. It directly infringes on the common good of a society and on the good of the children potentially conceived in this act.

Divorce

A society that cares about lineage will consider divorce a big problem. In the end, divorce not only disrupts the relationship between two individuals, but introduces a disturbance into the entire family matrix. Family relationships become ambiguous. Due to divorce and the subsequent entering into new unions on the side of their parents, children may find themselves having four or more parents. It will become impossible for them to say to whom they really belong.

Please allow me to give another example from British history. Britain's constitutional crisis of 1936 may indeed teach us something about the meaning of divorce. The British king Edward VIII wanted to marry Wallis Simpson – a twice-divorced American. There was great opposition from the government and the Anglican Church. Churchill, devout supporter of the monarchy, committed himself to standing by the king's side. The solution he proposed had historical precedents, albeit not in England. He suggested that Edward contract a morganatic marriage, which meant that Edward would be king, but his wife would not be queen and their children would not be entitled to the throne (Roberts: 408-409).

Incidentally, the proposal was rejected, and Edward, intent on marrying Simpson but also considerate enough not to bring the conflict to a head, decided to abdicate. What interests us here is to consider why Churchill thought that a morganatic marriage would have been the solution. If a morganatic marriage was the solution, then where would he have seen the difficulty with the king marrying a divorcee? The problem would seem to be clear. Marrying a divorcee would imply risking confusion in the lines of descent and therefore, in the case of a king, in the lines of succession. Who are the woman's other children? Where is their place? For a monarchy to endure, it is of utmost importance that the lines of succession are very clear. If they are not, one risks civil war and the demise of the royal house. Divorce may risk the royal house's very survival. But can we not and must we not apply these same considerations also to commoners? Does divorce not introduce confusion into the lines of origin and descent? Does it not cause strive and at times even small-scale "civil war," leading to the ruin of entire families?

The sure fact is that with the creation of the legal institution of divorce, relationships that were once considered unconditional have become conditional. This is why Jacques Godbout can say that introduction of the legal institution of divorce "is probably the most important social revolution of modern times" (Godbout: 34). As the context of his book makes clear, the word "important" must be understood here in the sense of "having far-reaching consequences," without any positive connotations. In some ways, the existence of the legal institution of divorce turns any marriage into a temporary, consensual relationship, valid until further notice. And Godbout wonders what will happen to other family relationships, now that society has widely abandoned the idea that the marital promise establishes an unconditional relationship between spouses. The idea of a promise that establishes a kinship relationship was that it is just as impossible for a woman to have an ex-husband as it is for her to have an ex-father or an ex-son; and that it is just as impossible for a man to have an ex-wife as it is impossible for him to have an ex-mother or an ex-daughter. Now that, in the understanding of modern society, one can indeed have an ex-spouse, it may yet become conceivable for someone to have an ex-parent or an ex-son or ex-daughter, at least in the eyes of society.

Artificial Reproductive Technologies

Family relationships are evidently made ambiguous by incest, by fornication and adultery, and by divorce and new unions. In addition, and

importantly, a confusion of one's identity is also caused by new artificial reproductive technologies. A child may be in the situation of having to distinguish between the genetic mother, the gestational mother, and the social mother. He or she may never be able to know who his or her genetic father is.

Who is my father? Who is my mother? We are in danger of becoming unable to answer these simple questions. The very terms "father" and "mother" may soon become meaningless or even appear on an index of socially inacceptable expressions, as Aldous Huxley foresaw for his "brave new world." His utopian vision may soon become reality if research on artificial wombs and cloning makes further progress. But also the proliferation of already existing artificial reproductive technologies makes it potentially quite difficult to find meaning in the words "father" and "mother."

If there is confusion in the linear relationships of origin and descent, then there will be ambiguity in all collateral family relationships as well. We will not be able to tell who our brothers and sisters, uncles and aunts, nieces and nephews are. All of this means that family relationships are not simply changing, but that they are being virtually destroyed and replaced by a reality of a very different kind.

We risk living in a society in which people become isolated individuals, alienated from their origin and destiny, without a past or future, unable to find a home, a place that is specifically theirs, a place of belonging. In her 2019 book *Primal Screams*, Mary Eberstadt argues that by separating sexuality and procreation, the sexual revolution has severely damaged family relationships, so that increasingly people are incapable of finding their identity in them. But human beings still need an answer to the question, "Who am I?" According to Eberstadt, this difficulty gives rise to the phenomenon of people trying to find their identity in their gender or sexual preference. To her mind, the root of identity politics, which promotes causes such as radical feminism or the LGBT+ movement, is found right here.

A Question of Generativity and Identity

An important problem with identity politics, a problem not very often attended to, is found in the fact promoting the LGBT+ movement or feminism in its most radical forms means fostering sterility. Those who follow along these lines will no longer be able to generate. They will not be able to become fathers or mothers in the flesh. Sterility is certainly a problem

for society because, as Pope Francis states, "No union that is temporary or closed to the transmission of life can ensure the future of society" (Francis: n. 52). But it is a problem also *for the individual,* since, as St. John Paul II insists: "the genealogy of the person is inscribed in the very biology of generation" (John Paul II 1994: n. 9), and with that the identity of every human being.

Becoming a father or mother is not simply a biological fact, negligible and unimportant. Rather it is of utmost relevance for our identity. A man who becomes a father is no longer the same. A woman who becomes a mother has undergone a profound change. As father and mother, a man and a woman are entering a new sort of existence, an existence-for. According to St. John Paul II, it is here that they come to the fullness of what they are as man and woman, since, in his words, "masculinity contains in a hidden way the meaning of fatherhood and femininity that of motherhood" (John Paul II 2006: 217, Catechesis 22, 6). Whether we like it or not, and quite independent from what civil legislation decides, our origin and destiny largely constitute our identity. Where do we come from? Who are the ones who have given life to us? Where are we going to? Who are the ones to whom we have given life? Our identity lies in generative relationships, in being generated and generating others. To say it again with St. John Paul II: "Bound up with the family is the genealogy of every individual: the genealogy of the person" (John Paul II 1994: n. 9).

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