

# Marriage in Massachusetts: Crisis and Challenge

## A Leadership Guide for Roman Catholics in the Commonwealth

Massachusetts Catholic Conference  
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The great gift of marriage unites a man and woman to each other and forms the optimal basis for family life.

The Massachusetts Supreme Judicial Court has redefined this institution. It has ordered legal marriage to change dramatically.

Four judges on the court rejected thousands of years of tradition. They ruled that any two persons may get a marriage license in our state.

The three other judges on the court dissented. They believed that the people must decide, not judges. Now it is up to us, the people.

Do we recognize that marriage is the union between a man and a woman? Will we work to overturn this court ruling?

This resource guide speaks to Roman Catholics. We understand marriage to be human and divine, a gift from our Creator to all

people. Marriage and the family are among the most precious of human values, treasures that the state must protect and foster.

The question before our Commonwealth is not, therefore, just a religious issue. It is also a public policy concern. What does the Catholic faith have to say? What is the role of the Catholic citizen in this debate? Many Catholics might feel uncomfortable with gay marriage but don't know the reasons behind the Church's position.

Read the information in this resource guide and pass it along to your friends. Reflect on what it says. Pray about it. Get involved!

Marriage as we know it is at stake. We must act before it is too late. We must reaffirm marriage as the union between one man and one woman!

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## In a Nutshell: The Secular Case for Heterosexual Marriage

The Roman Catholic Church is not unique in its concern about marriage. Society has long upheld marriage as the sacred bond between one man and one woman. Citizens of all backgrounds affirm this longstanding definition.

“Across times, cultures, and very different religious beliefs, marriage is the foundation of the family. The family, in turn, is the basic unit of society. Thus, marriage is a personal relationship with public significance.

Marriage is the fundamental pattern for male-female relationships. It contributes to society because it models the way in which women and men live interdependently and commit, for the whole of life, to seek the good of each other.

The marital union also provides the best conditions for raising children: namely, the stable, loving relationship of a mother and father present only in marriage. The state rightly recognizes this relationship as a public institution in its laws because the relationship makes a unique and essential contribution to the common good.”<sup>1</sup>

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<sup>1</sup> United States Conference of Catholic Bishops, *Between Man and Woman: Questions and Answers About Marriage and Same-Sex Unions* (Nov. 2003).

### **Not all relationships merit endorsement**

Some argue that speaking out for marriage’s traditional definition is hateful towards those now unable to marry. Normally, our society does not leap to this false judgment. By law parents cannot marry their children. Does that mean society hates parents and children? Of course not.

The Catholic tradition on social justice insists that all human beings are equal in their intrinsic dignity. But it has never accepted the claim that all private relationships merit equal endorsement as a public institution. That is what a marriage license does—it endorses a private sexual commitment that has a significant public value.

The crux of the issue is whether same-sex relationships are like heterosexual unions. Supporters of same-sex marriage contend there is no material difference. They downplay the inability of same-sex couples to engage in the type of sexual intercourse of which only a man and woman are capable. To qualify for a marriage license, they assert, a couple’s love, commitment

and good citizenship should be enough.

This ignores history. Marriage law was not only about recognizing these qualities. If it were, then all sorts of private arrangements would have arisen somewhere along the road to marital status. Marriage law endorses the union between one man and one woman because of its generative capacity. Even in cases of physical infertility, the heterosexual union constitutes what John Locke called the “first society”. It brings into the home both halves of the human community and requires them to coexist. These unique characteristics possess enormous public value and thus recommend the heterosexual union for marital status.

### **Problems with same-sex marriage**

What is wrong with changing history? Why not redefine marriage to endorse any adult coupling regardless of gender? We anticipate several problems.

First, the state will no longer be able to acknowledge the unique value to children. A child benefits most from having

in the home both a mother and a father. Even Hillary Clinton recognized this in her book “It Takes a Village”.

If marriage is redefined, then mothers or fathers, as the case may be, become legally irrelevant. What common sense tells us, the law will have to ignore.

Second, where can the state draw the line? If love and commitment are all that is needed to claim a right to a marriage license, then the state loses its ability to distinguish between any private relationships. Endorse them all or face discrimination lawsuits!

Third, if the courts redefine legal marriage to remedy what they perceive as unjust discrimination in the licensing law, then ultimately all private groups will have to toe the line. Under threat of legal sanction, the Church and individual believers will be forced to change all kinds of institutional policies despite their moral convictions about what constitutes a marriage. Failure to recognize same-sex unions as marriage under their employment and other policies will expose them to legal penalties based on charges

of bias, hate and a desire to harm. Religious freedom will suffer.

It is in the best interests of society at large not to attack marriage at its core, but to preserve what has made marriage important in all ages, the lifelong union of a man and a woman.

## **In a Nutshell: The Spiritual Truths about Marriage**

For Catholics, the issue of marriage must start with the truths God has revealed. We acknowledge these truths in the Catholic ceremony.

What is the purpose of a wedding? Why go through all the trouble of planning, rehearsing, and coordinating for the big day? Maybe to some it's to please the parents. To most, it's more. Is it to celebrate commitment? In the Catholic Church, it's even more than that.

### **What marriage means**

A Catholic wedding celebrates a special promise. In response to God's call, the man and woman vow to give

themselves to each other. This promise is fulfilled not just through the sharing of time, attention, money, plans, or support. More fundamentally, the spouses consent to giving their entire selves exclusively to each other, to become one flesh, as the Scriptures put it. Through this unique bond, the spouses cooperate with God in the creation of new human life.

This special promise and its bodily fulfillment are holy. The joining together by word and by physical act provides a glimpse into God's very essence as a communion of persons and source of life. This is the cause for spiritual celebration.

Marriage reveals the divine nature and God's plan for all societies, however, only when it unites a man and a woman.

In God's image we were created, the Book of Genesis proclaims, and that divine reflection comes precisely from our creation as male and female. As John Paul II teaches, human beings “became the ‘image and likeness’ of God not only through [their] humanity, but also through the communion of persons

which man and woman form right from the beginning.”<sup>2</sup>

Jesus referred to Genesis when he taught, “Haven’t you read that in the beginning God created them as male and female and said ‘the two will become one flesh.’ Therefore, what God has joined together, let no one separate.”

### **God created man and woman for each other**

Jesus gave this answer in response to a question about divorce. His words implicate the same-sex marriage issue. According to the Catholic Catechism, “Holy Scripture affirms that man and woman were created for one another”.<sup>3</sup> God intends a man to join sexually only with a woman. Yet, same-sex marriage encourages men to join sexually with men and women with women. Thus, it endorses the separation of the sexes and promotes sexual relations beyond the joining of a man and a woman.

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<sup>2</sup> Wednesday Audience, Nov. 14, 1979 (part of a series of reflections on the “theology of the body”).

<sup>3</sup> Catechism of the Catholic Church, no. 1605.

Same-sex marriage contradicts the command of Jesus by separating what God created to join. For this reason, the Catholic Church cannot condone same-sex weddings or recognize same-sex marriage.

As put recently by the Vatican, “No ideology can erase from the human spirit the certainty that marriage exists solely between a man and a woman, who by mutual personal gift, proper and exclusive to themselves, tend toward the communion of their persons. In this way, they mutually perfect each other, in order to cooperate with God in the procreation and upbringing of new human lives.”<sup>4</sup>

The wedding of a man and a woman is cause for spiritual joy for a reason that transcends the degree of commitment, support, and sharing involved. The Church celebrates the vocation of marriage as a sacrament. It reveals a fundamental reality of God’s very being and nature. The joining of a man and a woman reflects

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<sup>4</sup> Congregation for the Doctrine of the Faith, Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons, no. 2 (2003).

this mystery and makes it present in our world today.

## **Judges Redefine Marriage in Massachusetts: Questions & Answers**

On November 18, 2003, four out of seven judges of the highest state court in Massachusetts, the Supreme Judicial Court (or SJC for short), redefined marriage. The decision is named *Goodridge v. Department of Public Health*.

The judges decided that marriage as we know it has to go. The judges ruled that from now on marriage must be defined not as the union of one man and one woman, but as “the voluntary union of two persons as spouses, to the exclusion of all others.”

### **How did it come to this, where we have the courts redefining marriage?**

Groups advocating homosexual marriage decided to go to the courts to bypass the democratic process. In Massachusetts, seven homosexual couples applied for marriage licenses. The state officials refused to issue

the licenses. The couples then sued the state, arguing that their constitutional rights were violated. They claimed that they had a fundamental right to be legally married, and that the state discriminated against them.

**So, is that what the court ruled, that a fundamental right was denied?**

No. Instead, Chief Justice Marshall, writing for the 4-3 majority, claimed that limiting marriage to opposite-sex couples was arbitrary. Using legal terminology, she argued that the traditional definition lacked a “rational basis”.

**So these judges believed that a definition surviving for thousands of years and enjoying such broad support is irrational?**

Yes, that’s exactly what happened. The judges said that in their view marriage has nothing to do with procreation and children. Instead, in their minds, marriage is “a momentous act of self-definition” for adults. Thus for the judges it is “the exclusive and permanent commitment of the marriage partners to one another, not the begetting of children, that

is the sine qua non of civil marriage”.

**What about the fact that children do best with a mom and a dad in the home?**

The judges rejected that reason too. Here is where the judges really substituted their own biases. They said that it was too difficult for them “to speak of an average American family”. Instead of encouraging marriage between a man and a woman as the norm, they thought it was better for the state to “strengthen the modern family in its many variations”. So now we are forced to ignore the issue of what is optimal for kids. We must blindly support all “the changing realities of the American family” without asking what is good for children. We must treat the tried and true as no different from all the other lifestyles out there.

This is exactly the wrong approach. It is one thing to be compassionate towards persons found in less than perfect arrangements, such as single parents and their children, without ratifying their circumstances as an ideal to strive for. It is another thing altogether to promote alternative

arrangements as if they were just as good as the opposite sex bond when it comes to raising children.

**The judges said marriage has nothing to do with kids and that kids can get along just fine without having both a mom and a dad. What proof did they cite?**

None. They just said that’s that and struck down thousands of years of tradition. To them, it’s just “stereotypical” nonsense to recognize any more that “marriage is intimately tied to the reproductive systems of the marriage partners and to the ‘optimal’ mother and father setting for child rearing”. They claimed that the common sense view “that men and women are so innately and fundamentally different” supposedly has been “long repudiated” by people wiser than us, that is, those sitting in government offices including “the courts”.

By the way, the judges concluded that anyone who disagrees with their redefinition of marriage is prejudiced and hurtful.

**What do you mean?  
Were the judges really  
that harsh?**

Here's exactly what they said.

Chief Justice Marshall wrote that "the marriage restriction is rooted in persistent prejudices against persons who are (or who are believed to be) homosexual."

She equated the conviction that marriage is the union between one man and one woman with "prejudices" and "private biases" against blacks.

She said that "history must yield to a more fully developed understanding of the invidious quality of the discrimination." Now, the dictionary defines "invidious" as something that is hurtful. So, she thinks anyone who disagrees with same-sex marriage wants to hurt homosexual persons or is just plain ignorant of the harm.

Judge Greaney wrote that "neither the mantra of tradition, nor individual conviction, can justify the perpetuation of a hierarchy in which couples of the same sex and their families are deemed less worthy of social and legal

recognition". All this is a fancy way of saying that whoever wants to limit marriage is guilty of disrespecting those left out.

**All kinds of people aren't allowed to marry, but that doesn't mean we hate them. So did the judges remove all limits to marriage?**

No, and that's the most upsetting irony of an upsetting ruling. After arguing that exclusion from marriage is harmful to same-sex couples, the judges redefined marriage as "the voluntary union of two persons as spouses, to the exclusion of all others." The judges characterized defenders of traditional marriage as no better than bigots for drawing the line around the union of a man and woman. Yet the judges got away with "excluding all others" from their own definition after drawing their lines differently. Now the judges, in forcing the institution to become "gender-neutral", eliminated the very reason that marriage included only couples in the first place.

So they acted arbitrarily in keeping marriage limited to couples. But they're calling the shots.

According to them, their line drawing is constitutional law and our line drawing is prejudice.

**Doesn't this conflict with the proper role of judges?**

Yes, judges should interpret the law, not make it up as they go along. But some refuse to see anything wrong with this. They say that unelected judges are better at leading a democracy than the people's elected representatives.

Listen to what Mark Mason, the treasurer of the Massachusetts Bar Association, said:

"Many criticize the majority decision for exercising what they deem to be judicial activism. To the contrary, the *Goodridge* decision represents the type of decision which is best left to the debate, deliberation and legal analysis of our appellate courts. On the other hand, the debate which we might envision in the Legislature will undoubtedly involve reflexive discrimination as well as arguments which, although born of emotional sentiment, are not helpful

in analyzing the merits of same-gender marriage.”<sup>5</sup> In other words, only judges can be trusted with making social policy! Citizens and their elected representatives will just be too “reflexive”, “discriminatory”, and “emotional” to handle self-government! We beg to differ.

### **So is the Goodridge ruling really that extreme?**

It is. Both sides agree that the ruling is radical. Mr. Mason at the Massachusetts Bar Association, obviously a fan of judicial imperialism, says approvingly: “It is a decision with far-reaching consequences, which will not be fully felt for perhaps years to come. The majority decision represents a level of jurisprudence that our nation has not seen in decades”!<sup>6</sup> Lots of us are not as enthused.

### **I hear people comparing this ruling in *Goodridge***

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<sup>5</sup> Mark Mason, Mass. Bar Assoc. Treasurer and chair of the MBA Same Gender Marriage Task Force, quoted in Krista Zanin, *Goodridge decision ‘fascinating’ say MBA officers*, Mass. Bar Assoc. Lawyers Journal, Dec. 2003, at 1.

<sup>6</sup> *Id.*

### **to the *Brown v. Board of Education* case in the 1950s striking down “separate but equal” accommodations for blacks. Is that a fair comparison?**

In 1954, the United States Supreme Court ruled in *Brown* that the equal protection clause of the U.S. Constitution prohibited the exclusion of blacks from schools where white persons attended. Giving blacks “separate” accommodations violated the 14th Amendment, the court concluded.

People compare this case to *Goodridge* by saying that both rulings conflicted with popular opinion and practices at the time they were issued. It was good for the court in *Brown* to act contrary to public opinion on behalf of racial equality. Thus, isn’t it equally good for the court in *Goodridge* to act on behalf of homosexual persons despite public opposition to homosexual marriage?

The comparison fails however. In *Brown*, a unanimous court had a constitutional amendment on its side that was passed by Congress and a majority of states precisely to eradicate racism. That

amendment told the courts and other government institutions that racial discrimination should be treated with great suspicion. Thus, the court in *Brown* had a very important expression of public policy behind it, a constitutional amendment, that obliged public officials to comply. The Supreme Court was not making up the law but following it.

Additionally, the *Brown* court pointed to reams of evidence, citing numerous studies and reports, to justify its decision.

Now look at the *Goodridge* ruling. The four judges could not even garner a unanimous opinion on their own court. Plus, they do not have a constitutional amendment ratified by the people to back them up. Instead, we have Congress and 37 states adopting laws expressly reaffirming marriage as the union between one man and one woman.

Finally, the four judges cited no studies, no reports, and no data to support their ruling. Thus, the four judges had no basis beyond their own personal ideologies for challenging public opinion on

marriage. To compare *Goodridge* with *Brown* demeans the latter.

### **What will happen if the *Goodridge* ruling goes into effect?**

The obvious thing to happen will be a rush to get marriage licenses followed by lots of lawsuits. The American Civil Liberties Union came out with a legal how-to guide just days after the ruling was issued.<sup>7</sup> The attorneys over at the Massachusetts Bar Association are already rubbing their hands with glee—listen to its president Richard C. Van Nostrand: “This case will undoubtedly be used by any number of litigants in any number of states as this issue moves outside of Massachusetts.”<sup>8</sup>

After this, look out in the Commonwealth! The four judges signaled their intent to wipe out any vestige of the old way of looking at marriage.

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<sup>7</sup> ACLU, *Thinking of Getting Married in Massachusetts? Questions & Answers for Same Sex Couples Considering Tying the Knot* (Nov. 25, 2003), available online at [www.aclu.org/getequal/rela/massachusetts.html](http://www.aclu.org/getequal/rela/massachusetts.html).

<sup>8</sup> Richard C. Van Nostrand, MBA President, quoted in Zanin, *supra* note 4.

### **What do you mean?**

At the end of their ruling, the judges blamed “persistent prejudices” against homosexual persons as the supposed reason behind marriage’s longstanding definition. Then, they quoted this language from a racial discrimination case: “The Constitution cannot control such prejudices but neither can it tolerate them.” The message is clear—the “old” understanding of marriage will no longer be tolerated. It will be treated like racism. Those who continue to adhere to it must be treated like racists.

The judges quoted further: “Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect.” Here is where a whole truckload of changes will come crashing into our lives.

### **Are you saying that this ruling affects not just license clerks but private individuals too?**

Exactly! The judges cited an anti-discrimination statute that threatens private citizens with punishment. Now the state will have to use this statute to protect same-sex marriage as a civil right.

That means employers and landlords, for example, will have to treat same-sex couples as married spouses if they have marriage licenses, or face discrimination lawsuits. In addition, the state will have to condition grants of public dollars on the requirement that the policies of every private recipient must recognize homosexual marriage. The public schools will have to teach all children that homosexual marriage is a civil right.

### **But this will conflict with our religious freedoms, won’t it?**

You bet! The judges made clear that traditional convictions about marriage must be eradicated. In lawyer’s talk, the state’s duty now will be “compelling”, as urgent as the need to eliminate racism. The state will not look kindly on any institution, even a religious one, that dissents from the new social order envisioned in *Goodridge*.

For example, religious schools have lost their tax exempt status for implementing racial segregation. A Catholic institution that refuses to recognize an employee’s

homosexual marriage will face the same threat.

### **Is there anything that can be done?**

Yes! Amend the state constitution to reaffirm marriage as the union between one man and one woman. Changing the constitution would override the *Goodridge* ruling and restore common sense. The federal government and 37 states have passed similar laws. The people in two states, Hawaii and Alaska, amended their constitutions to reverse decisions by their own courts that attempted to redefine marriage. The meaning of marriage is not “best left” to judges, no matter what officers of the Massachusetts Bar Association think.

The legislature must vote once in 2004, and once again in 2005 or 2006, to place an amendment on the referendum ballot in November 2006. If voters approve it, then the amendment would become part of the constitution and *Goodridge* would be reversed. If it fails, then we lose marriage! It’s that simple. For more information see **Action Steps to Protect Marriage**.

## **Marriage, Children, and Society: Voices From Across the Spectrum in Agreement**

### ***The Roman Catholic Church***

God, in his infinite wisdom and love, brings into existence all of reality as a reflection of his goodness. He fashions mankind, male and female, in his own image and likeness. Human beings, therefore, are nothing less than the work of God himself; and in the complementarity of the sexes, they are called to reflect the inner unity of the Creator. They do this in a striking way in their cooperation with him in the transmission of life by a mutual donation of the self to the other.

### **Congregation for the Doctrine of the Faith<sup>9</sup>**

Marriage, which undergirds the institution of the family, is constituted by the covenant whereby "a man and a woman

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<sup>9</sup> Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons, no. 6 (1986).

establish between themselves a partnership of their whole life", and which "of its own very nature is ordered to the well-being of the spouses and to the procreation and upbringing of children". Only such a union can be recognized and ratified as a "marriage" in society. Other interpersonal unions which do not fulfil the above conditions cannot be recognized, despite certain growing trends which represent a serious threat to the future of the family and of society itself.

**John Paul II<sup>10</sup>**

### ***Other Religions***

Marriage is much more than the sum of its social functions. Marriage, defined as the union of one man and one woman, is intrinsically valuable because of the singular institution it creates. In marriage, men and women come together to form a union whose nature is, in a unique way, both male and female. . . . [W]e have no way of knowing what will become of society should the definition of our most basic institution progressively be expanded to include any intimate

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<sup>10</sup> Letter to Families no. 17 (1994).

grouping of emotionally committed persons. . . . But common sense suggests that even a small shift in a foundation can have seismic effects on the structure that relies on it for support.

**Brief filed in *Goodridge* by Several Religious Organizations and Leaders<sup>11</sup>**

***Sociologists***

Marriage is a fundamental social institution. It is central to the nurture and raising of children. It is the "social glue" that reliably attaches fathers to children. It contributes to the physical, emotional and economic health of men, women and children, and thus to the nation as a whole. . . . A robust body of social science evidence indicates that children do best when they grow up with both married biological parents who are

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<sup>11</sup> Amici Curiae Brief of the Ethics & Religious Liberty Comm'n, the Nat'l Assoc. of Evangelicals, the Mass. Catholic Conference, the Mass. Council of Knights of Columbus, the Greek Orthodox Diocese of Boston and New Engl. And His Eminence Metropolitan Methodios, the New Engl. District Church of the Nazarene and its District Superintendent, and Several Other Religious Leaders, filed Dec. 2002.

in a low-conflict relationship. . . . Throughout the nation's history and through much of the world today, marriage is first and foremost an institution designed to unite men and women in the shared tasks of child rearing. The possibility or presence of children is the key reason why the state and society treat marriage differently from other intimate partnerships.

**National Marriage Project, Rutgers University<sup>12</sup>**

***The African-American Community***

Marriage as the union of male and female is the most multicultural social institution in the world—it cuts across all racial, cultural and religious lines. Significantly, this common sense understanding of marriage as the union of male and female is so fundamental to the African-American community that over 70% of all African-Americans

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<sup>12</sup> State of Our Unions 2003: The Social Health of Marriage in America available online at <http://marriage.rutgers.edu/Publications/SOOU/TEXTSOOU2003.htm>.

in the United States would currently favor a constitutional amendment to protect the legal status of marriage.

**Rev. Dr. Ray A. Hammond II, M.D., M.A.<sup>13</sup>**

***Social and Political Observers***

Even now, we are losing the ability to provide public cultural support for heterosexual bonding. This would become official with the legalization of gay marriage. At best, marriage (between men and women) would be nothing more than one "lifestyle choice" among many supposedly equal ones. Any attempt to promote it for the good of society as a whole—that is, at least partly, reproducing it demographically — would be denounced as "discrimination" against gay people. It would be not merely politically incorrect, therefore, but illegal as well.

**Katherine Young & Paul Nathanson<sup>14</sup>**

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<sup>13</sup> Testimony before Congress, Sept. 4, 2003.

<sup>14</sup> Answering Advocates of Gay Marriage, paper presented at Emory University, May 14, 2003 (the authors identify themselves as either homosexual

In the SJC's brave new world of gender-neutral marriage, the Commonwealth of Massachusetts will no longer communicate to its citizens that the central purpose of marriage is to bind men and women exclusively to each other and to the children that their sexual behavior is apt to produce. . . . Sooner than you think, it will become improper to speak of unique sex roles in family life. The meanings and status associated with words like "husband" and "wife" will be erased from the law; most likely, the words themselves will be replaced in statutes with the unisex "spouse," just as "father" and "mother" will give way to "parent."

Two years ago, a private school in New York caused a stir when it banned celebrations of Mother's Day out of concern for the sensibilities of children being raised by gay parents. That was a tiny foretaste of what is now in store for Massachusetts — and perhaps the rest of the country too, if the Constitution's Full Faith

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or as taking a position contrary to the Church's position on homosexual conduct, but who nonetheless oppose same sex marriage).

and Credit Clause means what many experts say it means.

**Jeff Jacoby**<sup>15</sup>

### ***From the judicial branch***

Aside from the act of heterosexual intercourse nine months prior to childbirth, there is no process for creating a relationship between a man and a woman as the parents of a particular child. The institution of marriage fills this void by formally binding the husband-father to his wife and child, and imposing on him the responsibilities of fatherhood. . . . The alternative, a society without the institution of marriage, in which heterosexual intercourse, procreation, and child care are largely disconnected processes, would be chaotic. . . .

The policy question that a legislator must resolve . . . turns on an assessment of whether the marriage structure proposed by the plaintiffs will, over time, if endorsed and supported by the State, prove to be as

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<sup>15</sup> Op Ed, Down the Slippery Slope, Nov. 21, 2003, available online at <http://www.jewishworldreview.com/jeff/jacoby112103.asp>.

stable and successful a model as the one that has formed a cornerstone of our society since colonial times, or prove to be less than optimal, and result in consequences, perhaps now unforeseen, adverse to the State's legitimate interest in promoting and supporting the best possible social structure in which children should be born and raised.

### **SJC Justice Robert J. Cordy, dissenting in *Goodridge v. Dep't of Public Health***

The court today blithely assumes that there are no such dangers and that it is safe to proceed [to same-sex marriage], an assumption that is not supported by anything more than the court's blind faith that it is so. . . .

However minimal the risks of that redefinition of marriage may seem to us [judges] from our vantage point, it is not up to us to decide what risks society must run, and it is inappropriate for us to arrogate that power to ourselves merely because we are confident that "it is the right thing to do."

### **SJC Justice Martha Sosman, dissenting in *Goodridge***

There is no basis for the court to recognize same-sex marriage as a constitutionally protected right. . . . Such a dramatic change in social institutions must remain at the behest of the people through the democratic process.

**SJC Justice Francis X. Spina, dissenting in *Goodridge***

### *The final word*

I thought that we had a government of the people, by the people, for the people. Now we have a government by four people.

**Mass. State Rep. John Rogers, Chair of the House Ways and Means Committee, commenting on the SJC's 4-3 ruling in *Goodridge*.**

### **Are We Homophobes? Marriage and the Issue of Prejudice**

Is our faith prejudiced?

Four judges on our state supreme court think so. They claimed that a “persistent prejudice against homosexuals” lurks behind the marriage tradition.

Does defining marriage as the union between a man and woman stem from hate and bigotry against homosexual persons?

Let's look at this issue closely.

### **Reverence for marriage—respect for persons**

The Church's position on marriage affirms the good of the sexual union between a man and a woman. It affirms the good of sexual identity based on biology. It affirms the good of complementarity between the sexes. Complementarity means that differences between the sexes allow them to cooperate physically, psychologically, and emotionally to form a complete whole of equal partners.

Affirming these goods does not judge persons. Married persons are just as capable of bad behavior as unmarried persons. Thus, we do not recognize the married because we judge them to be good souls and others to be bad.

Instead, the Church and society judges that only the opposite-sex relationship can realize all of the goods

just mentioned. Not only the spouses but also their children and society benefit from these goods. This judgment does not distinguish between persons; it distinguishes between relationships.

Thus, when the Vatican says that “Christians [must] give witness to the whole moral truth, which is contradicted both by approval of homosexual acts and unjust discrimination against homosexual persons”, it is not talking through its hat.<sup>16</sup> The Church can judge relationships as having differing values at the same time it treats all persons as equally valuable.

### **Are we making this up?**

Making marriage “gender neutral” disconnects the institution from the goods mentioned above. No form of sexual conduct could be preferred over any other. Our biological identity as male or female would become irrelevant. The idea of complementarity would be treated as a fiction.

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<sup>16</sup> Congregation for the Doctrine of the Faith, Considerations regarding proposals to give legal recognition to unions between homosexual persons, no. 5 (2003).

For proof of this, just read the majority decision in the *Goodridge* case. The judges declared that it was “stereotypical” to say that men and women are different. Since the judges could see no difference between the sexes, they could see no difference between opposite-sex and same-sex couples. They concluded that lacking a father or lacking a mother made no difference to the well-being of children.<sup>17</sup>

Thus, the judges charged us with making up things that do not really exist. Why would we fabricate something as unreal in the judges’ minds as sexual difference and use this to define marriage? Well, we must have done it, according to the judges, because we want to hurt homosexual persons.

It is one thing to engage in a form of political correctness that refuses to give sexual difference any place in social policy. It is sheer arrogance to claim that sexual difference is a myth and therefore a cover for bigotry.

Society is not making it up when it recognizes that there are men and that

there are women. It is not imaginary to see differences between the sexes, popularized by the phrase that “men are from Mars and women are from Venus”. There is no hidden agenda in the recognition that only the opposite-sex relationship can bring both halves of the human race together, beget new life, and give children the distinctive advantage of having both a mom and a dad.

Apparently, in their rush to conclusions about bias, the judges lost touch with these realities.

#### **The case of 84-year old newlyweds**

If marriage is about children, why are opposite-sex couples too old to bear children free to marry? If they can marry, why can’t homosexual couples? Isn’t this irrational discrimination between two equally infertile groups? Many point to this example to claim that we are biased against homosexual persons.

Marriage is about children but not exclusively. It also benefits society by bringing men and women together and requiring them to get along. Even the relationship between an

infertile man and woman can achieve this good.

Allowing 80-somethings to marry still promotes stable relationships between the sexes. Homosexual unions separate the sexes. Thus, in relation to this good, same-sex and opposite-sex unions are not the same.

Procreation remains a key interest. Stable procreative relationships are worth promoting because when a baby arrives, a father and a mother are there. These parents are ready to nurture the child with the gifts that mark their respective natures as male and female. This parental setting is uniquely beneficial to children. Its importance is tied directly to the reality of sexual difference. Of course, even infertile opposite-sex couples reflect this reality. Thus, their marital union reinforces the importance of sexual difference and contributes to its normative influence in society.

Yet, making same-sex couples eligible to marry interferes with the goal of promoting stable procreative relationships. Forced to include same-sex couples, marriage could no longer bear any relation to procreative potential, and thus to sexual difference.

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<sup>17</sup> *Goodridge v. Dep’t of Public Health*, opinion of Chief Justice Marshall at footnote 28.

Some other criterion would have to define marriage and determine marital eligibility.

The majority in *Goodridge* indicated that love and commitment would mark the essence of marriage as they redefined it. As a consequence, society will be forced to ignore what is optimal for children. The association between sexual difference—providing a mom and a dad—and a child’s well-being will be severed. We will embark on a rash social experiment on children denied either a mother or father.

Thus, it is the social importance of sexual difference, not bias against homosexual persons, which explains why marriage has included the 84-year old newlyweds.

### **The Church’s position on homosexuality**

What about the Church’s opposition to homosexual conduct and concern about homosexual orientation? Is this where the “persistent prejudice” against homosexual persons is harbored?

Church teaching is strong and clear. Scripture condemns homosexual acts “as a serious depravity . . .

and [as] intrinsically disordered”. While not in and of itself sinful, the homosexual inclination is considered objectively disordered.<sup>18</sup>

According to the Vatican:

“To choose someone of the same sex for one’s sexual activity is to annul the rich symbolism and meaning, not to mention the goals, of the Creator’s sexual design. Homosexual activity is not a complementary union, able to transmit life; and so it thwarts the call to a life of that form of self-giving which the Gospel says is the essence of Christian living. This does not mean that homosexual persons are not often generous and giving of themselves; but when they engage in homosexual activity they confirm within themselves a disordered sexual inclination which is essentially self-indulgent.”<sup>19</sup>

Even if some are offended by this characterization, it is part of a total vision that recognizes the inherent dignity of all human beings, and appreciates the threat to that dignity presented by the broad

range of sin. For example, equally strong and clear are the Church’s rejection of extramarital sex, or divorce-and-remarriage by a man and a woman, and its condemnation of hatred against homosexual persons.

Thus the Church does not single out homosexual conduct but addresses it as part of the entire scope of acts constituting evil. The inclination to sin takes many forms and characterizes all men and women. Sins against chastity, as with any sin, are not unique to any one class. All human beings are tempted to do wrong. We may even try to justify our wrongs by appeals to compassion, tolerance, and the courts.

The Church’s moral doctrine acknowledges the reality of evil in all its forms, but does so to invite all individuals to repentance, reconciliation and healing. Our teaching about human dignity and the indignity of sin may be challenging. But in no way is it discriminatory.

### **The wages of crying “Homophobe!”**

As a public institution, marriage between a man and a woman serves the

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<sup>18</sup> Congregation for the Doctrine of the Faith, Declaration *Persona humana*, no. 8 (1975).

<sup>19</sup> *Id.* at no. 7.

common good by being the bedrock of the family and of society. The value of sexual difference and complementarity, especially in relation to children, gives marriage its special status. To affirm these uniquely important goods is not prejudice. The more that advocates for same-sex marriage insist otherwise, counter to the evidence, the more they themselves engage in their own prejudice.

The four judges in the *Goodridge* majority placed all of their judicial power behind a very divisive tactic—smear defenders of marriage as harboring a persistent prejudice against homosexual persons. Their action will only enflame the cultural debate.

Will this intimidate us into silence? Who wants to be labeled a homophobe? Catholics will not, and cannot, fall quiet! We will not let unjust accusations of bias still our voice in the public policy arena.

As Archbishop Sean O'Malley of Boston said recently, the Church's mission "is to preach the truth with humility and love. . . . We must preach the Gospel in season and out of season. If a

redefinition of marriage is enshrined in the law of the Commonwealth, it will be a tragedy for the entire country. And if it happens because of our cowardice or inertia, we shall have to answer before God."<sup>20</sup>

## A Dialogue on the Issue of Benefits

Why not give the legal benefits of marriage to relationships other than the union of a man and woman? What about healthcare, inheritance rights, and other material benefits? The Church's position is both clear and compassionate.

We start by acknowledging the unique contributions to the common good made by the union of a man and woman. These contributions justify recognizing only this union as marriage and granting it with marital benefits.

### **How can you say that? What's so special about this union?**

When a man and a woman consent to marry, they help society. Their commitment bridges the gender gap. They love one another precisely because

they are sexually different and complementary. Thus they witness to the reality, and the equality, of the opposite sexes.

The joining of opposites in a mutual life project requires arduous effort. Experience tells us that if the effort is made, this union "has a cohesiveness that surpasses that of any other social community".<sup>21</sup> Thus, the decision to marry a person of the opposite sex makes possible a "stable reality".<sup>22</sup> Its enduring nature contributes to society's stable existence as no other relationship can.

Also, the physical union of a man and woman opens them to fruitfulness. They alone have the natural potential to renew society itself. Their lifelong witness of living together as male and female is key to a child's healthy biological, emotional, and sexual development. Their fatherhood and motherhood are irreplaceable, affording their children the full range of human nurturing.

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<sup>20</sup> Address to Priests, Dec. 16, 2003.

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<sup>21</sup> Pontifical Council for the Family, Family, Marriage and "De Facto" Unions, no. 18, fn. 26 (2001).

<sup>22</sup> *Id.* at no. 25.

Thus, married moms and dads with kids are more than just parents or guardians. They are the “ultimate foundation”<sup>23</sup> on which society itself depends for human renewal and healthy development.

As the United States Conference of Catholic Bishops put it, the state “can justly give married couples rights and benefits it does not extend to others. Ultimately, the stability and flourishing of society is dependent on the stability and flourishing of healthy family life. The legal recognition of marriage, including the benefits associated with it, is not only about personal commitment, but also about the social commitment that husband and wife make to the well-being of society.”<sup>24</sup>

**But this reasoning sounds like a collection of stereotypes. Where is the proof that opposite-sex unions are more “stable” for society and “optimal” for raising children?**

Regarding stability, let’s look at some census figures involving opposite-sex couples. The latest

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<sup>23</sup> *Id.* at no. 16, fn. 20.

<sup>24</sup> *Between Man and Woman*, no. 7.

data show that between 80 to 90 percent of all 15 year-olds will likely marry in their lifetimes.<sup>25</sup> Most adults marry only once (men: 54 percent; women: 60 percent).<sup>26</sup> In 1996, of all currently married couples, 82 percent had reached at least their 5th anniversary, 52 percent had been married at least 15 years, 20 percent had passed their 35th anniversary, and 5 percent had celebrated their golden (50th) anniversary.<sup>27</sup>

Now, let’s look at the data for same-sex couples. Researchers caution that “little empirical work is currently available on commitment and permanence in homosexual relationships.”<sup>28</sup> The most extensive study to date showed that 15 percent of men and 17 percent of women in such unions had relationships lasting longer than 3 years, and less than

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<sup>25</sup> U.S. Census Bureau, Number, Timing, and Duration of Marriages and Divorces: 1996 (Feb. 2002), at 16, available online at <http://www.census.gov/prod/2002pubs/p70-80.pdf>.

<sup>26</sup> *Id.* at 6.

<sup>27</sup> *Id.* at 9-10.

<sup>28</sup> Letitia Anne Peplau & Susan D. Cochran, *A Relationship Perspective on Homosexuality*, in *Homosexuality/Heterosexuality: Concepts of Sexual Orientation* (1990), at 335.

1 percent stayed together longer than 10 years.<sup>29</sup> That is a huge difference.

**But expanding access to marriage and its benefits will promote more enduring relationships for everyone!**

Not so. In order to make same-sex couples eligible, you have to eliminate marriage’s link to sexual difference and to procreation. It becomes, as the SJC put it in *Goodridge*, a legal status based on love and commitment, period. But that’s exactly the wrong way to ensure stability.

**What do you mean?**

Look at the latest report on marriage called “The State of Our Unions” by researchers Barbara Dafoe Whitehead and David Popenoe. They are part of a secular think tank called the National Marriage Project at Rutgers University. Each year they look at government statistics and other studies to determine how marriage and family life are faring.

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<sup>29</sup> Marcel T. Saghir & Eli Robins, *Male and Female Homosexuality: A Comprehensive Investigation* 57, 225 (1973) (referring to tables 4.13 and 12.10).

They are worried about recent trends. They say that an exalted idea of autonomy and the divorce culture are hurting marriage. It's becoming less "child-centered" and more "adult-centered":

"Chief among these changes is the weakening connection between marriage as a couple relationship and marriage as a parental relationship. The two used to be joined together. Today, however, the couple relationship is increasingly independent of the procreative and parental relationship. As a consequence, there is a growing split between adults' and children's experience of marriage. Though most adults continue to prize marriage and to seek it for themselves, children are less able to count on their parents' marriage as the secure foundation of their family lives. Indeed, if there is a story to be told about marriage over recent decades, it is not that it is withering away for adults but that it is withering away for children."<sup>30</sup>

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<sup>30</sup> The State of Our Unions: The Social Health of Marriage in America 2003, available online at <http://marriage.rutgers.edu/Publications/Print/PrintSOOU2003.htm>.

Redefining marriage to make it gender-neutral will accelerate this disturbing trend. The SJC in *Goodridge* announced that legal marriage is now all about "momentous act[s] of self-definition" for adults. Thus *Goodridge* ratifies the very "adult centered" conception of marriage that researchers are finding poses the greatest threat to the institution's ability to advance children's well-being.

If *Goodridge* is not reversed, it will be almost impossible to restore marriage as the ultimate foundation of society and most secure foundation for children.

**But I don't think the Church should be slamming same-sex couples who devote themselves to raising children. They deserve the same benefits as any married couple with children!**

Before we respond from a faith perspective, let's look at the social research on how children fare in these situations.

The Center for Law and Social Policy, regarded as a liberal organization that deals with welfare policy

for low-income families, recently published an informative and well-documented report. It cannot in any way be accused of being the product of "right wing" fear-mongering:

"The 2000 Census revealed that out of 5.5 million cohabiting couples, about 11 percent were same-sex couples—with slightly more male couples than female. One-third of female same-sex households and 22 percent of male households, or about 163,000 same-sex households in total, lived with children under 18 years old. (This compares with about 25 million married-couple households with children under 18.)

Although the research on these families has limitations, the findings are consistent: children raised by same-sex parents are no more likely to exhibit poor outcomes than children raised by divorced heterosexual parents. Since many children raised by gay or lesbian parents have undergone the divorce of their parents, researchers have considered the most appropriate comparison group to be children of heterosexual divorced parents. Children of gay or

lesbian parents do not look different from their counterparts raised in heterosexual divorced families regarding school performance, behavior problems, emotional problems, early pregnancy, or difficulties finding employment. However, as previously indicated, children of divorce are at higher risk for many of these problems than children of married parents.”<sup>31</sup>

Another way of putting it, kids with same-sex parents fared no better than kids of divorced parents. They are missing what a mom and dad married to each other can provide.

The same report concluded that “over the past 20 years, a body of research has developed on how changed in patterns of family structure affect children. Most researchers now agree that together these studies support the notion that, on average, children do best when raised by their two

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<sup>31</sup> Mary Parke, Center for Law and Social Policy, *Are Married Parents Really Better for Children? What Research Says About the Effects of Family Structure on Child Well-Being* (May 2003), at 6, available online at [http://www.clasp.org/Pubs/DMS/Documents/105284111.75/marriage\\_brief3\\_annotated.pdf](http://www.clasp.org/Pubs/DMS/Documents/105284111.75/marriage_brief3_annotated.pdf).

married, biological parents who have low-conflict relationships.”<sup>32</sup>

Thus, based on the research data alone, one cannot argue that opposite-sex and same-sex parenting arrangements are equally optimal. Thus, it is rational to promote one setting over the other.

**But it’s unjust to discriminate against any loving parent!**

As Catholics, we cannot ignore a child’s spiritual and moral well-being. Endorsing same-sex relationships as equal to marriage may help provide easier access to socioeconomic benefits, but does so at a tremendous spiritual and moral cost. From a faith perspective, we cannot justify the good end of obtaining material goods through the immoral means of endorsing wrong behavior.

By giving homosexual relationships marriage status, we would ratify an arrangement that purposely deprives the children of the full range of human nurturing, denying them the experience of a father’s or a mother’s love. We

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<sup>32</sup> Parke, *Are Married Parents Really Better for Children?*, at 1.

would be telling the children that homosexual coupling is good, when our faith and our experience say otherwise.

For example, a recent survey of research on same-sex parenting reveals the potential moral impact on children. Sociologists Judith Stacey and Timothy J. Biblarz, describing themselves as supporters of “lesbigay” parenting, found the following:

“A significantly greater proportion of young adult children raised by lesbian mothers than those raised by heterosexual mothers . . . reported having had a homoerotic relationship.”<sup>33</sup>  
“Relative to their counterparts with heterosexual parents, the adolescent and young adult girls raised by lesbian mothers appear to have been more sexually adventurous and less chaste[.]”<sup>34</sup>

The authors noted that boys raised by lesbian mothers appeared “somewhat less sexually adventurous and more

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<sup>33</sup> *(How) Does the Sexual Orientation of Parents Matter?*, *American Sociological Review* (vol. 66, p. 159), available online at <http://www.asanet.org/pubs/stacey.pdf>, at 170.

<sup>34</sup> *Id.* at 171.

chaste.” However, this raises the question: would boys with gay men as parents also be more “sexually adventurous and less chaste” than their counterparts raised by heterosexual parents?

“The sexual orientation of parents appears to have a unique (although not large) effect on children in the politically sensitive domain of sexuality. The evidence, while scanty and underanalyzed, hints that parental sexual orientation is positively associated with the possibility that children will be more likely to attain a similar orientation[.]”<sup>35</sup>

This is why the Vatican announced recently in strong terms that “allowing children to be adopted by persons living in such unions would actually mean doing violence to these children, in the sense that their condition of dependency would be used to place them in an environment that is not conducive to their full human development.”<sup>36</sup>

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<sup>35</sup> *Id.* at 178.

<sup>36</sup> *Considerations* (2003), no. 7.

### **Are you saying that the Church opposes giving homosexual persons any benefits at all?**

No, but there is a critical distinction between benefits guaranteed to individuals and those given to relationships or to affirm conduct.

As individuals with intrinsic dignity, homosexual persons have a right to respect. They have the right to receive any material benefits or social opportunities that are due to human beings in their individual capacity. Such would include the right to protection against physical and other harm, adequate healthcare, suitable employment, and housing.<sup>37</sup>

However, the Church holds that the law should not recognize homosexuality as the “basis for entitlements”.<sup>38</sup> Indeed, “the Church provides a badly needed context for the care of the human person when she refuses to consider the person as

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<sup>37</sup> Congregation for the Doctrine of the Faith, *Some considerations concerning the response to legislative proposals on the non-discrimination of homosexual persons* (1992), at no. 12.

<sup>38</sup> *Considerations* (2003), at fn. 17.

heterosexual or homosexual and insists that every person has a fundamental identity: a creature of God, and by grace his child and heir to eternal life”.<sup>39</sup>

Nor do homosexual persons possess the civil right to redefine marriage, notwithstanding the *Goodridge* ruling.

According to the Vatican,

“The Church teaches that respect for homosexual persons cannot lead in any way to approval of homosexual behavior or to legal recognition of homosexual unions. The common good requires that laws recognize, promote and protect marriage as the basis of the family, the primary unit of society. Legal recognition of homosexual unions or placing them on the same level as marriage would mean not only the approval of deviant behavior, with the consequence of making it a model in present-day society, but would also obscure basic values which belong to the common inheritance of humanity. The Church cannot fail to defend these values, for the

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<sup>39</sup> Congregation for the Doctrine of the Faith, *Letter on the pastoral care of homosexual persons* (1986), no. 16.

good of men and women and for the good of society itself.”<sup>40</sup>

### **What about civil union or domestic partnership bills?**

So-called “civil union” or “domestic partnership” bills attempt to recognize homosexual relationships for the purpose of distributing social benefits. While they might treat marriage as a distinct category for the purpose of definition, they nonetheless equate the homosexual relationship as identical. They thus trivialize marriage, and in a way are more insidious since they are promoted as harmless compromises when they really are not.

### **So, what’s the bottom line on benefits?**

There are certain benefits that only a man and a woman as a couple should receive: 1) the right to be identified as eligible to marry; 2) the right to be treated as spouses upon entering marriage; 3) the right to legal recognition of the marital relationship; and 4) the right to have this relationship promoted as the unique foundation of society itself.

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<sup>40</sup> *Id.* at no. 11.

Advocates for same-sex marriage often cite a range of other legal benefits that they want to obtain through marriage. Yet unmarried persons can already access these benefits through alternative, currently available means. This access is possible without redefining marriage. It can be done without recognizing homosexual relationships.

For example, any one can be put in a will. Any one can be appointed as a health care agent or granted hospital visiting privileges. Any one can become a joint property owner or an insurance beneficiary. These are rights that belong already to all individuals, married or unmarried.

The Human Rights Campaign, a national homosexual rights group, complains that same-sex couples will have to pay legal fees to access many of these alternatives “just because of whom they love”.<sup>41</sup>

This points out the “adult centered” focus that marks this group’s misunderstanding of

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<sup>41</sup> Human Rights Campaign, Top 10 Reasons for Civil Marriage Equality, online at [www.hrc.org](http://www.hrc.org).

marriage. If the well being of children takes second place to the financial well-being of adults, then marriage loses its public significance.

### **Conclusion**

At stake in this debate are the values of family, faith and freedom.

Don’t crack the foundation of the family by redefining marriage to be just a matter of adult choice without regard for the children. Don’t threaten religious institutions and other defenders of marriage with charges of bigotry for simply recognizing the truths about the optimal nature of the life-long union between one man and one woman. Don’t imperil freedom by letting unelected judges make up the law as they go along.

The people of Massachusetts deserve the opportunity to reaffirm marriage as the union between one man and one woman.

Lawmakers should give us the chance to vote for MA & PA in 2006. We should amend our state constitution and reverse the *Goodridge* ruling. The welfare of society demands no less.

## What's At Stake? Address of Archbishop Sean P. O'Malley, O.F.M. Cap., Archbishop of Boston, Oct. 2, 2002<sup>42</sup>

"Love and marriage go together like a horse and carriage," and in some sectors of modern society, love and marriage are becoming as obsolete as that outmoded form of transportation. The Boston Globe a few years ago, under the rubric "Goodbye Ozzie and Harriet," reported that only 7 percent of American households had stay-at-home moms and working dads. Even in times of prosperity, our economy is not family-friendly.

The same report documents the fact that only 36 percent of US households are comprised of married folk, and the other 64 are made up of single parents, couples who cohabit, widows, and so forth.

By the same token, the divorce revolution has taken its toll on family life. Between 1960 and 1990, the number of children who experienced the divorce of their parents increased from less than 1 percent to more than 50 percent, and today, over a third of children are being born out of wedlock.

Divorce was touted as a means of greater equality for women. Actually, divorce has contributed to the feminization of poverty.

After a divorce, mothers and children typically experience a 73 percent decline in their standard of living, while men experience a 42 percent increase. In 90 percent of divorces, the responsibility for raising the children falls to the woman. No wonder the woman in *The Irish Dail* said, "A woman voting for divorce is like a turkey voting for Christmas."

Violence against women and children has also increased dramatically with the breakup of the family. According to the surgeon general, the home is often more dangerous for women and children than the streets. On average, 57,000 women are violently assaulted each year by their husbands, 216,000 by ex-husbands, and 200,000 by their boyfriends. The risk of physical and sexual abuse of children has escalated, often due to the absence of the biological father and the presence of boyfriends and other transient males.

The sad statistics of American life in today's world add up to a typical family with a higher degree of instability, more stress, and greater personal turmoil than is commonly recognized. Often chemical solutions are used to solve spiritual problems, and separation is used to solve interpersonal problems.

Believers who are "married in the Lord" and those who consider marriage a sacrament have a special duty to salvage society from the free-fall spiral that threatens civilization itself. The grave problems that beset our world today will not find their solutions around the great oak conference tables in Geneva, New York, or the Oval Office, but around the dinner tables where loving

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<sup>42</sup> Delivered before the Summit on Marriage in Wayland, MA, sponsored by the Massachusetts Family Institute.

parents share their lives, their faith, their friendship with their children at meal times, when families come together to be nourished by prayer, by conversation, by being together.

Pope John Paul II has said in his "Familiaris Consortio" that the first and fundamental contribution of the family to society is the "very experience of communion and sharing that should characterize the family's daily life." By becoming what it is meant to be, the family is the first and most efficacious school of socialization which takes place through their welcoming of each other, their disinterested availability, their generous service, and their deep solidarity.

The Holy Father has written in his letter to families, "It is not an exaggeration to reaffirm that the life of nations passes through the family -- and through the family passes the primary current of the civilization of love."

But the institution of marriage, so crucial [to] the raising of children and sound family life, is in crisis.

The cost to society of the breakdown of marriage is substantial. According to one government estimate, the cost of faltering child development approaches \$1 trillion a year, by feeding a demand for welfare services and by contributing to a multiplicity of social problems, including poverty, crime, addiction, poor health, lower educational achievement, job instability, depression, and suicide.

There have been federal programs to deal with virtually every ill-effect of the breakdown of marriage, but none has dealt with the root cause, and none promote marriage itself.

On Sept. 17, a study was published about the breakdown of marriage in Australia that says it is costing taxpayers there \$3.6 billion a year. A similar study in Britain done this year estimates the economic cost of the breakdown of the English family is costing \$42 billion a year, which translates to \$11 a week for taxpayers. And, of course, those fiscal statistics just represent all of the human suffering behind them.

The ideal way for children to be socialized and raised is in a stable marriage of a man and a woman. Many single parents and grandparents are doing an outstanding job raising children in the most adverse circumstances. However, I am sure that if we ask those single parents and their children what is the best way to raise children, most would agree that a stable marriage between a man and a woman is the optimal basis for raising children.

The unique contribution which marriage makes to the welfare of society has won for that institution privileges and prerogatives that bolster marriage, in the service of child-rearing, and for the common good.

The nature of marriage as a lifelong union of man and a woman, who enter into a total sharing of themselves, for the sake of a family, is not simply a religious teaching. Marriage predates the founding of our government. Indeed, it predates the founding of our church. Marriage is not a creation of the state or of the church, and neither has the legitimate authority to change its nature.

To dismiss people's legitimate concerns about the institution of marriage as simply unjust discrimination against homosexual persons is to dismiss the centrality of marriage for the well-being of society. The concerted campaign of Hollywood and TV to reshape public opinion into accepting same sex marriages has been a great disservice to the American people.

As for Catholics, the same catechism that demands that people of homosexual orientation should be treated with every respect and with compassion, and their rights should be defended, also defends the unchangeable nature of marriage.

One of the reasons for the social fabric coming unraveled is that we have placed an exaggerated emphasis on the preferences and conveniences of individuals, elevating these personal preferences to the level of rights and entitlements, to the detriment of society.

Any redefinition of marriage must be seen as an attack on the common good. The weakening of the institution of marriage has already had too high a social cost. Our concern must be to strengthen marriage and create a climate that will be supportive and indeed promote the traditional paradigm of marriage.

We are part of a pluralistic society and in no way pretend to force our religious preferences on other people. But neither can we be intimidated by those who see our defense of the common good as simply mean-spirited, narrow-minded, or intolerant of other people's supposed rights.

The rights of children and indeed of the community demand that we support family life by protecting the definition of marriage. Nothing will strengthen family life and society like a strong institution of marriage, and nothing weakens family life and society like a weak institution of marriage.

I would urge all the members of our community, regardless of their religious persuasion or their sexual orientation, to realize what is at stake and to oppose any attempt to alter the definition of marriage.

I am not so naive as to think saving the definition of marriage is enough to undo all the harm suffered by society, caused by a weakened institution of marriage. I would hope that those who promote same-sex unions will not be so naive as to fail to recognize the impact that redefining marriage will have on American culture, which has already suffered too much because of the deterioration of family life.

Strengthening marriage in the face of widespread cohabitation and the galloping divorce rate needs to be the concern of every citizen. Radically redefining marriage will simply serve to intensify the assault on marriage and the American family.

Thank you for your commitment to marriage and family life, and God bless you.

## *Action Steps to Protect Marriage*

### **1) Support MA & PA!**

The Marriage Affirmation and Protection Amendment (MA & PA) would reverse *Goodridge v. Dep't of Public Health*. That decision by the Supreme Judicial Court ordered marriage licenses to be issued to homosexual couples. MA & PA would reaffirm marriage as the union between one man and one woman. It gives people the chance to exercise their democratic rights. **The meaning of marriage should not be left up to judges.**

The text of MA & PA is:

It being the public policy of this Commonwealth to protect the unique relationship of marriage in order to promote among other goals, the stability and welfare of society and the best interests of children, only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts. Any other relationship shall not be recognized as a marriage or its legal equivalent.

MA & PA must pass two votes in the legislature, once in 2004, and again in either 2005 or 2006. Then, it goes to the people for their vote in November 2006.

Please contact your state senator and state representative as soon as possible. At stake is marriage as we know it—the traditional definition is up for grabs.

Write a letter, and soon—that has the greatest impact. Otherwise, phone calls and emails will do. Your message is simple: **Let the people decide!**

Don't be afraid to tell your legislators how critical this issue is to you. Let them know that you will remember how they acted on MA & PA and will vote accordingly at the next election.

Also, contact Governor Mitt Romney and urge him to find a way to delay implementation of the Goodridge ruling until the people have a chance to decide in 2006.

See **How to Contact Your Elected Officials** below.

### **2) Speak Out!**

**\* Schedule information meetings at your church, community center or home.**

Raise awareness about the *Goodridge* ruling and the need to reaffirm marriage as the union between one man and one woman. Help get others to attend. Be a part of the movement to reaffirm marriage and restore democracy! The Massachusetts Catholic Conference can provide speakers to address Catholic audiences.

**\* Participate in public gatherings being scheduled around the state.**

Critical rallies in all regions of the state are in the works. The Massachusetts Family Institute is the clearinghouse for information. Visit their website at [www.mafamily.org](http://www.mafamily.org) or call (617) 928-0800. Our voices must be heard!

**\* Write a letter-to-the-editor of your local newspaper.**

Share with local readers the information you found in this resource guide. Urge others to join the movement to reaffirm marriage in Massachusetts. Tell them why a vote on MA & PA is critical.

**• Help underwrite the effort.**

Freedom comes at a price, and your support is needed right now. Help pay for distribution of this resource guide and other educational efforts in the Catholic Church. Please make your check payable to the Massachusetts Catholic Conference and mail to our address at West End Place, Suite 5, 150 Staniford Street, Boston, MA 02114-2511.

**• Keep us informed.**

Whenever you make contact with an elected official or the media, it's important that you let us know. Send a quick email to [staff@macathconf.org](mailto:staff@macathconf.org) or call (617) 367-6060. We're keeping careful track of all outreach efforts.

### **3) Join MCC-Net**

MCC-Net is the legislative action network for Catholics in the Commonwealth. Sign up today to receive timely alerts and updates about public policy issues. Your involvement is critical! Join MCC-Net through our website at [www.macathconf.org](http://www.macathconf.org). Or call our toll-free phone line at 866-367-0558 to reach our automated sign-up system.

### **4) Pray!**

Ask God to give us the courage and wisdom we need to meet the challenge we face in Massachusetts regarding marriage. More than anything else, God's strength will see us through! Ask Father Patrick Payton, a Massachusetts native and now deceased, to intercede for us. His cause for canonization is underway. His apostolate focused on nurturing strong marriages and family life. He coined the phrase "The family that prays together, stays together!"

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## *Contacting your Elected Officials*

### GOVERNOR ROMNEY

<b>Online</b>	Send and email to: <u><a href="mailto:GOffice@state.ma.us">GOffice@state.ma.us</a></u>
<b>Telephone Contact or Print Letters</b> The proper salutation for addressing the governor is His Excellency	His Excellency Mitt Romney Governor, Commonwealth of Massachusetts Office of the Governor Room 360 Boston, MA 02133 (617) 725-4000

### LEGISLATOR INFORMATION

<b>Online</b>	Find out your legislator by entering your address online: <u><a href="http://www.wheredoivotema.com/bal/myelectioninfo.php">http://www.wheredoivotema.com/bal/myelectioninfo.php</a></u> A contact list of Senators and Representatives by name: <u><a href="http://www.state.ma.us/legis">http://www.state.ma.us/legis</a></u> Legislators can receive letters via email. Consult your legislators homepage for their email address
<b>Telephone Contact or Print Letters</b>	Call your local Town Hall or the State House Switchboard (617) 722-2000 to find out the name of your state senator and representative. Ask to be connected to his/her office. Let his/her aide know you want to express your opposition to the SJC decision about marriage and want your legislator to support the Marriage Affirmation & Protection Amendment.
<b>Addressing your envelope</b>	The Honorable (First Name - Last Name) State House, Room _____ Boston, MA 02135

## Additional Resources

Second Vatican Council. Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*), nos. 47-52. December 1965. Available online at [www.vatican.va](http://www.vatican.va).

Catechism of the Catholic Church, nos. 369-373, nos. 1601-1666, and nos. 2331-2400. Washington, DC: United States Conference of Catholic Bishops–Libreria Editrice Vaticana, 2000.

Pope John Paul II. *On the Family (Familiaris Consortio)*. Washington, DC: United States Conference of Catholic Bishops, 1982. available online at [www.vatican.va](http://www.vatican.va).

Congregation for the Doctrine of the Faith. *Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons*. July 2003. Available online at [www.vatican.va](http://www.vatican.va).

United States Conference of Catholic Bishops. *Follow the Way of Love: A Pastoral Message of the U.S. Catholic Bishops to Families*. Washington, DC: United States Conference of Catholic Bishops, 1993.

United States Conference of Catholic Bishops. *Faithful Citizenship: A Catholic Call to Political Responsibility*. Washington, DC: United States Conference of Catholic Bishops, 2003.

Massachusetts Catholic Conference. *Various Statements of the Roman Catholic Bishops of Massachusetts concerning marriage, a Q & A on Marriage in Massachusetts and along with other resources*. Available online at [www.macathconf.org](http://www.macathconf.org).

## About the Massachusetts Catholic Conference

The Massachusetts Catholic Conference (MCC) is the public policy office of the Roman Catholic Church in the Commonwealth.

The MCC is governed by Archbishop Sean P. O'Malley, OFM. Cap., Archbishop of Boston, Bishop Daniel P. Reilly of the Diocese of Worcester, Bishop Thomas Dupre of the Diocese of Springfield, and Bishop George Coleman of the Diocese of Fall River.

Founded in 1968, MCC seeks to measure public policy against Gospel values, educate the public on official Catholic social teaching, provide key testimony to public officials on issues involving human rights, social justice, and respect for life, and work with others to further the common good.

The MCC spearheads a grassroots action network for Catholics called MCC-Net. This statewide network joins Catholics willing to write or call their legislators to protect human life, strengthen marriage and the family, and provide for the poor.

MCC-Net gives Catholics in Massachusetts the unparalleled opportunity to put their faith into action! Through God's grace and the commitment of the faithful, we can become an effective voice in the public policy arena. As constituents and as citizens, we have the right to participate in public policy debates. We have the power to make positive change happen!

Our contact information: Massachusetts Catholic Conference, West End Place, Suite 5, 150 Staniford Street, Boston, MA 02114-2511; (p) 617-367-6060 (f) 617-367-2767; email—[staff@macathconf.org](mailto:staff@macathconf.org); website—[www.macathconf.org](http://www.macathconf.org).