

“ Every social model that intends to serve the good of man must not overlook the centrality and social responsibility of the family.”

Familiaris Consortio, 45

Marriage and Religious Liberty

Why the civil definition of marriage should matter to Catholics

The debate over the definition of marriage has unfolded across America and at the federal level for the past several years, and is the subject of the proposed amendment on the November 2012 ballot to preserve marriage in Minnesota.

But what is the debate really about, how does it affect society, and what is at stake in the outcome of the amendment vote?

What is at stake in this debate are two *competing* definitions of marriage. One definition—advocated by gay marriage activists—would define marriage as the union of any two people regardless of gender, with the law treating the parties’ genders as irrelevant to the meaning of marriage. The other definition, contained in the proposed constitutional amendment, is that marriage is the union of one man and one woman.

Under the law, one definition of marriage would not exist alongside the other. Only one of the competing definitions of marriage would legally exist. As noted in a scholarly review published in the *Harvard Journal of Law and Public Policy*, “...once the judiciary or legislature adopts ‘the union of any two persons’ as the legal definition of civil marriage, that conception becomes the sole definitional basis for the only law-sanctioned marriage that any couple can enter, whether same-sex or man-woman. Therefore, legally sanctioned genderless

marriage, rather than peacefully coexisting with the contemporary man-woman marriage institution, actually displaces and replaces it.”

Children Need Moms and Dads

While death and divorce too often prevent it, the overwhelming body of social science evidence establishes that children do best when raised by their married mother and father.¹ Regardless of one’s view on same-sex relationships, it is undeniable that every child raised in a same-sex household is intentionally deprived of the love and affection of one parent, either his or her mom or dad.



“Fathers are far more than just ‘second adults’ in the home,” noted sociologist David Popenoe says. “Involved fathers bring positive benefits to their children that no other person is as likely to bring.”² Family scholar Elizabeth Marquardt pointed out in a recent study that “existing research suggests that there is something about the marriage of a child’s *biological mother and father* that

carries [important] benefits. Marriage alone does not make the difference.”³

Fundamentally, same-sex marriage advocates propose to shift the marriage paradigm away from what definition of marriage is best for society—especially for children, our future citizens—and squarely onto the desires of the individual adults who seek to marry. Under the genderless definition of marriage that some Minnesotan politicians are proposing,⁴ the interests of children—and therefore society’s intrinsic interest in marriage—is eliminated entirely. Only the wishes of the two adults in question matter.

The Social Consequences of Marriage Redefinition

When a court or a legislature adopts a genderless definition of marriage, legal experts—on both sides of the marriage debate—agree that there will be profound consequences for society. Scholars from some of the nation’s most respected law schools have written that

the issue implicates a host of issues, ranging from religious liberty, to individual expression of faith, to education and the professions.

For example, these legal scholars⁵ predict “a sea change in American law,” and foretell an “immense” volume of litigation against individuals, small businesses, and religious organizations. Those who do not agree with this new definition of marriage as a genderless institution existing for the benefit of adults—not

children—will be treated under the law just like racists and bigots, and will be punished for their beliefs. This is already occurring:

- Religious groups who have refused to make their facilities available for same-sex couples have lost their state tax exemption.⁶
- Religious groups like Catholic Charities in Boston and Washington DC have had to choose between fulfilling their social mission based on their religious beliefs or acquiescing to this new definition of marriage. They have, for example, been forced to close their charitable adoption agencies.
- Nonprofit groups are faced with abandoning their historic mission principles in order to maintain governmental contracts (for things like low-income housing, health clinics, etc).
- Whenever schools educate children about marriage, which happens throughout the curriculum, they will have no choice but to teach this new genderless institution. In Massachusetts, kids as young as second grade were taught about gay marriage in class. The courts ruled that parents had no right to prior notice, or to opt their children out of such instruction.⁷
- Wedding professionals have been fined for refusing to participate in a same-sex ceremony.⁸
- Doctors, lawyers, accountants and other licensed professionals risk their state licensure if they act on their belief that a same-sex couple cannot really be married. A counselor, for example, could not refuse “marriage therapy” to a same-sex couple because she doesn’t believe in gay marriage. She’d put her licensure at risk.⁹

Those people—the majority of Minnesotans—who believe marriage is between one man and one woman, would be the legal equivalent of bigots for acting on their heartfelt beliefs. Refusal to accommodate and recognize “same-sex marriages” would be the equivalent of racial discrimination. Not only will the law penalize traditional marriage supporters, but the power of government will work in concert to promote this belief throughout the culture.

A Mom or a Dad... Which One Doesn't Matter?

Perhaps most importantly, shifting the focus of our marriage laws away from the interests of children and society as a whole, and onto the desires of the adults involved in a same-sex relationship will result in profound long-term consequences.

Such a paradigm shift says to children that mothers and fathers don't matter (especially fathers)—that any two “parents” will do. It proclaims the false notion that a man can be a mother and a woman can be a father—that men and women are exactly the same in the rearing of children. And it undermines the marriage culture by making marriage a meaningless political gesture, rather than a child-affirming social construct.

When marriage ceases to have its historic meaning and understanding, over time fewer and fewer people will marry. We will likely see an increase in children born out of wedlock, an increase in fatherlessness, an increase of female and child poverty, and a higher incidence of all the documented social ills associated with children being raised in a home without their married biological parents.

Ultimately, we as a society all suffer when we fail to nourish a true, thriving marriage culture founded on the truth experienced by virtually every civilization in every nation since the dawn of time—marriage is the union of one man and one woman.

¹Regnerus, Mark. “How different are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study.” 10 June 2012, www.sciencedirect.com/science/article/pii/S0049089X12000610.
²Popenoe, David. Quote found at U.S. Department of Health & Human Services “Child Welfare Information Gateway.” 25 July, 2012, www.childwelfare.gov/pubs/usermanuals/fatherhood/chaptertwo.cfm#fn6.
³Marquardt, Elizabeth. “One Parent or Five: A Global Look at Today’s Intentional Families.” 2011, Institute for American Values, www.familyscholars.org/assets/One-Parent-or-Five.pdf.
⁴H.F. 1710, as introduced – 87th Legislative Session (2011-2012). 14 May, 2011, www.revisor.mn.gov/bin/bldbill.php?bill=H1710.0.html&session=ls87.
⁵Laycock, Douglas, Anthony R. Picarello, Jr. and Robin Fretwell Wilson. “Same-Sex Marriage and Religious Liberty: Emerging Conflicts.” Found at www.goodreads.com/author/show/5751998.Anthony_R_Picarello_Jr.
⁶Capuzzo, Jill P. “Group Loses Tax Break Over Gay Union Issue.” *The New York Times*. 18 Sept. 2007, www.nytimes.com/2007/09/18/nyregion/18grove.html.
⁷Parker v. Hurley, United States Court of Appeals for the First Circuit, 31 Jan. 2008, cited at www.ca1.uscourts.gov/pdf/opinions/07-1528-01A.pdf.
⁸Elane Photography V. Willock, *ADF - News Release*, n.p., 4 June 2012, www.adfmedia.org/News/PRDetail/5537.
⁹Ward v. Polite, United States Court of Appeals for the Sixth Circuit, 4 Oct. 2011, cited at www.ca6.uscourts.gov/opinions/pdf/12a0024p-06.pdf.



