



# WHY MARRIAGE SHOULD NOT BE REDEFINED

May 2011

## Overview

The New York State Legislature will soon consider a bill that would radically change the definition of marriage, to include same-sex relationships. Marriage has always been defined in our culture as a union of one man and one woman, dedicated to the good of the spouses and for the procreation and education of children.

The "Marriage Equality Act" would re-define marriage to ignore the fundamental biological fact that the union of man and woman is the only relationship that is capable -- and designed -- to unite them and to create and nurture children. Same-sex relationships just cannot fit into that definition. Same-sex couples certainly have the right to live as they wish, but nobody has the right to re-define marriage and parenthood for all of society.

## Why does the Church Oppose Redefining Marriage?

The Church's opposition to same-sex "marriage" is not based only on doctrine and revelation, but on common sense and social science as well.

The Catechism of the Catholic Church states, "The vocation to marriage is written in the very nature of man and woman as they came from the hand of the Creator. Marriage is not a purely human institution despite the many variations it may have undergone through the centuries in different cultures, social structures, and spiritual attitudes... "The well-being of the individual person and of both human and Christian society is closely bound up with the healthy state of conjugal and family life" (1603)

Social scientists agree with the Church that marriage has an essential role in the stability of society because it is about both adults and children. It is the natural way to bring a man and woman together, and it binds a father and mother to each other and to their children.

The state has a compelling legal interest in promoting marriage between men and women in order to create stable families and provide for the safety, health and well being of children. The state has no such compelling legal interest in recognizing a relationship between two people of the same sex.

Every well ordered society in history has made a special effort to protect and encourage marriage as an institution that fulfills spouses and protects their children.

## How Would Redefining Marriage Affect other Marriages, and Society As a Whole?

A radical change in the definition of marriage fundamentally undermines the foundation of society and hurts every marriage:

- The meaning and purpose of every marriage would be changed. Marriage would no longer be about children or future generations, but would be merely a private relationship of consenting adults that is solely about satisfying their desires.
- It would send a message that mothers and fathers don't matter to children -- even though all evidence shows that the best outcomes for children are in a stable marriage with their mother and father.
- The door would be opened for other destabilizing social "developments" like polygamy.

## Does Redefining Marriage Threaten Religious Liberty?

While the sponsors of the "Marriage Equality Act" correctly point out that the bill contains an exemption for clergy who do not wish to solemnize same-sex "marriages", the reality is that this is meaningless -- the First Amendment would never permit the state to force clergy to engage in religious rites that are contrary to their religious beliefs.

The real threat to religious liberty is the bill's failure to include an exemption that would permit individuals and organizations to decline to recognize same-sex "marriages", if that would be against their religious beliefs. Without this, same-sex "spouses" will be able to bring complaints against religious institutions, businesses, and individuals under various state and local anti-discrimination and human rights laws.

If this bill is passed, Churches could be:

- Denied public contracts or grants;
- Required to hire same-sex partners and give them the same benefits that are given to spouses;
- Denied licenses to operate hospitals and social service agencies;
- Required to teach about same-sex marriage in their religious schools;
- Stripped of their tax exempt status.

Individuals as well could be at risk of losing business permits and professional licenses if they decline to recognize same-sex "marriages" for religious reasons.

## Is it Unconstitutional to Distinguish Between Same-Sex "Marriage" and "Traditional" Marriage?

No. The New York State Court of Appeals, the highest court of our state, held in 2006 that the current law of marriage -- which only recognizes the union of one man and one woman -- is not unconstitutional, and that there is no "right" to same-sex "marriage". The Court held that the current law has a rational basis in the nature of one-man, one-woman marriage as the best place to have and raise children.

## Is it Discrimination to Oppose Redefining Marriage?

It is not improper "discrimination" to treat same-sex relationships differently from marriage, since they are fundamentally different in nature. Same-sex relationships are a private relationship of consenting adults, dedicated to satisfying their personal desires. As a result, they just don't have the same role to play in the health of society as real marriage, which is the best arrangement (emotionally, economically, and otherwise) for the well-being of adults and children.

Different kinds of personal relationships are not treated in an identical way under the law - friendships, grandparents, and single parents are not given the same legal benefits as married couples, because they do not have the same social importance as marriage. This is not "discrimination", but the proper use of legislative discretion -- treating different things in different ways.

## Is the Church's Opposition to Redefining Marriage Based in "Homophobia"?

No, but there are many people who falsely accuse the Church of "hatred" or "bigotry" because we defend the definition of marriage. That in itself is a threat to religious liberty.

Listen to what the Bishops of New York State have said:

"(W)e want to make absolutely clear that our firm beliefs about marriage ... must not be misconstrued to be in any way a condemnation of homosexual people or an attack on their human dignity. Our Church teaches, and we affirm, that we must treat our homosexual sisters and brothers with dignity and love, as we would all God's children. Indeed the Catechism of the Catholic Church warns that any form of prejudice or hatred - 'every sign of unjust discrimination' - against homosexual people should be avoided." (CCC 2358)

## What Should We Do to Defend Marriage?

Please contact your Senator and Assembly representative and urge them not to redefine marriage.

Here are some suggestions:

- **Send them an email** . Use the Catholic Advocacy Network (go to <http://www.nyscatholic.org>, and click on "Take Action"). There is a sample email there, or you could use your own language. The message is simple: *"Marriage is a union of one man and one woman. Same sex couples have the right to live as they wish, but nobody has the right to re-define marriage for all of society. Plus, redefining marriage would threaten religious liberty of organizations and individuals who oppose same-sex relationships based on their religious beliefs. Please oppose any effort to re-define marriage."*

- **Write them a personal letter**. Here is a sample letter:

*I am writing to express my strong opposition to the so-called "Marriage Equality Act", which would redefine marriage and legalize same-sex "marriage" in New York. Same-sex couples have the right to live however they wish, but nobody has the right to re-define marriage for all of society. Marriage is the union of one man and one woman, ordered both to the good of the spouses and for having and raising children. It is a foundation of human society that deserves special protection and recognition in the law. Plus, redefining marriage would endanger the religious liberties of organizations and individuals who oppose same-sex relationships based on their religious beliefs. Please do all you can to oppose this legislation. Thank you for your consideration.*

The address is:

New York State Senate, Albany, NY 12247  
New York State Assembly, Albany, NY 12248

- **Keep yourself informed**. Visit the Respect Life Office website for regular updates and more resources: <http://www.drvc.org/respectlife>.
- **Pray**. Ask God to grant our elected officials the wisdom to recognize the importance of marriage, and to defend it.