



Archdiocese of Newark

OFFICE OF THE ARCHBISHOP

When Two Become One: A Pastoral Teaching on the Definition, Purpose and Sanctity of Marriage

Marriage is as old as humankind. From the beginning, God created the human race in his own image and likeness; male and female he created them (cf. Gen 1:27). Sexual difference and complementarity have been present from the beginning as part of God's creative plan. Equal in dignity but complementary in their sexual difference, men and women who are called to marriage are intended to form one-flesh unions: "Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh" (Gen 2:24). Thus, marriage can be seen as the "primordial sacrament" predating the Fall and surviving original sin.¹ It provides the ideal context for children—citizens of the state and of the Kingdom—to be formed, nurtured and educated. It is therefore the fundamental building block of every society and of the Church, a matter of vital concern to both.

This pastoral reflection is offered to the faithful of the Archdiocese of Newark to help them form their consciences, discern their vocations and, for the married, fulfill their vows. It is also offered to other men and women of good will—of every faith—who join us in the sincere hope of seeing family life flourish in northern New Jersey and throughout our state and our nation.

Because God loves and cares for us, He has revealed to us the nature, purposes, and meaning of marriage. This revelation is recorded in sacred Scripture and Tradition; it is safeguarded and faithfully developed by the Magisterium, the teaching office of the Church. This gives Catholics the assurance of faith in the Church's firm teaching on the nature of marriage. But marriage is also part of God's creative plan and can be known through reason, unaided by revelation. The truth about marriage is, in other words, part of the natural law. This pastoral letter will therefore consider marriage from the perspective of reason as well as revelation.

1: What is Marriage?

Marriage is a natural and pre-political institution. As such, it is not created by law or the state, though governments rightly recognize it in law and protect and support it for the sake of the common good. Marriage is a human institution, to be sure, and spouses can enter into the bond of marriage only by freely choosing to do so. Still, marriage is an institution whose defining features and structuring norms are not pure products of human choice. We cannot define and redefine marriage to suit our personal tastes or goals. We cannot make forms of relationship or types of conduct marital simply by attaching to them the word "marriage." The defining features and structuring norms of marriage are written in the design of creation and revealed to us by a loving God who has made marriage a powerful symbol of the mystery of his love for us.²

¹Blessed John Paul II. "Marriage is the Central Point of the 'Sacrament of Creation'" General Audience, October 6, 1982.

² CF. Eph 5:20-33

Because it is part of the plan of creation, much of the truth about marriage can be known by reason unaided by revelation. But to help us to understand more fully and with greater certainty the mystery of marital love, God also revealed to us His plan for marriage.

Canon law and the *Catechism of the Catholic Church* both provide a straightforward definition of marriage: “The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life, is by its nature ordered to the good of the spouses and the procreation and education of offspring...”³ Thus, the essential elements of marriage include a communion of life (unity), permanence, fidelity, and an ordering toward fecundity (fruitfulness). It should be clear from this definition that the Church recognizes as valid and binding all true marriages, not simply those between Catholics or Christians or believers in God. It is true that Christ has elevated the marital covenant between baptized persons to the dignity of a sacrament. But considered as a *natural* human good, marriage is, in a profound sense, prior not only to the state, but even to the Church and the Abrahamic covenant that Christians, Jews, and Muslims alike recognize as foundational to salvific faith.

Even in this broadest sense, the unity of the marital covenant is a communion of life and love. Husband and wife give themselves each to the other for the whole of life. Theirs is an open-ended commitment—a covenantal union for the whole of life (“for better, for worse, for richer, for poorer; in sickness and in health”), not a mere contract. It does not unite spouses just for the achievement of this or that specific project (even the profoundly important project of childrearing), but is intended to last for the whole of life (“until death do us part”) in its many diverse dimensions. Spouses pledge to be faithful to each other (“I promise to be true to you...”) and to accept children lovingly from God.⁴

This definition we know from faith as well as reason, and it is part of the authentic teaching of the Church. All Catholics, as the Second Vatican Council teaches, are called to give a religious assent of mind and will to this teaching.⁵ Some of this teaching, such as the belief about the permanence of marriage, has been proposed infallibly by the ordinary universal Magisterium and defined by an Ecumenical Council and requires the assent of faith.⁶ It is my duty as your Archbishop to remind you that Catholics who do not accept the teaching of the Church on marriage and family (especially those who teach or act in private or public life contrary to the Church’s received tradition on marriage and family) by their own choice seriously harm their communion with Christ and His Church. I urge those not in communion with the Church regarding her teaching on marriage and family (or any other grave matter of faith) sincerely to re-examine their consciences, asking God for the grace of the Holy Spirit which “guide [us] to all truth” (John 16:13). If they continue to be unable to assent to or live the Church’s teaching in these matters, they must in all honesty and humility refrain from receiving Holy Communion until they can do so with integrity; to continue to receive Holy Communion while so dissenting would be objectively dishonest.

All Christians struggle to live an upright life. All are in need of God’s mercy and forgiveness. That is why all Catholics are encouraged to frequent the sacrament of reconciliation

³ CC 1055, 1; *Catechism of the Catholic Church* (CCC) 1601; cf. *Gaudium et Spes*, 48

⁴ Cf. Paul VI, *Humanae Vitae* par 11 and John Paul II, *Familiaris Consortio*, 29.

⁵ *Lumen Gentium*, 25

⁶ Cf. Council of Trent, Session XXIV, *De sacramentomatrimonii*

where no sinner is beyond God's loving forgiveness. But there is a difference between trying to live the whole Gospel while repenting of failures along the way, and not even trying. Worse still is the attempt by some to alter or pervert the authentic teaching of the Church, which is the true teaching of Christ. As the Catechism teaches: "Mindful of Christ's words to his apostles: 'He who hears you, hears me' (Luke 10:16), the faithful receive with docility the teachings and directives that their pastors give them in different forms."⁷ Jesus had very harsh things to say to those whose false teachings led others, especially the young, astray.⁸ God is, then, perfectly just and perfectly merciful. He always calls us to complete fidelity, but never spurns a contrite heart.

2. Can the truth about marriage be known through reason alone?

The short answer to this question is "yes," most of the truth about marriage can be grasped through reason alone. Philosophers, both secular and religious, have from antiquity recognized the existence of the "natural law": a body of moral norms "written on the heart," as St. Paul said, that serve as the universal rational standard for human behavior. These norms are accessible to human persons through our powers of reason. They can be obscured by injustices and other sins, but they cannot be obliterated. They remain valid whether they are respected or dishonored, acknowledged or ignored. In other words, the natural law remains true, indeed accessible, even if the individual has not (yet) accepted it or no longer does.⁹

Neither the natural law nor the tradition of philosophical reflection on it is a Christian invention. Indeed, philosophical reflection on the natural law reaches back to the pre-Christian Greek philosophers, especially Plato and Aristotle and Roman jurists. Cicero describes his understanding of the natural law while serving as a political leader in the Roman Empire in the first century before Christ:

True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting.... It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by senate or people, and we need not look outside ourselves for an expounder or interpreter of it.... And there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and at all times, and there will be one master and ruler, that is, God, over us all, for he is the author of his law, its promulgator, and its enforcing judge. Whoever is disobedient is fleeing from himself and denying his human nature....¹⁰

Christian thinkers such as St. Thomas Aquinas certainly contributed to the development of thought about natural law, and Christian statesmen relied upon it in the founding of modern nations. In the United States, our founding fathers believed in what the Declaration of Independence called "the Laws of Nature and of Nature's God." Our founders appealed to universal principles and natural rights that colonial Americans believed were being violated by British rule. They understood that there are objective principles of right and wrong, justice and

⁷ CCC 87

⁸ Cf. Luke 17:2.

⁹ See, Jacques Maritain, *Natural Law: Reflections on Theory and Practice*, ed. William Sweet (South Bend: St. Augustine's Press, 2001), p. 7.

¹⁰ Cicero, *De Republica*, III, 22.

injustice governing even the highest human authorities. As Martin Luther King, Jr. would later note, they understood that human law stands under the judgment of natural law and that human laws that fail to meet the standards of natural justice lack the power of just laws to bind in conscience.

It is so important in our times for us to recognize and to overcome false and ultimately destructive ideologies that deny what thinkers from Plato and Aristotle, to Cicero and Aquinas, to the American founders, to Martin Luther King and Mahatma Gandhi all affirmed: that objective truth exists and it is our task to discover it, be formed by it, and to conform our lives as individuals and communities in accord with the truth. Human fulfillment and the moral norms that direct us to promote and protect it in all its dimensions are not arbitrary or subjective notions, but objective truths. Life has meaning, but its meaning is not assigned by us at will. We should want what is good, but something is not good simply because we want it. We must be masters of our desires; we must not let desires master us.

The various ideologies that today threaten the love of truth—and indeed, the very idea of objective truth—constitute, in the words of Benedict XVI, a “dictatorship of relativism.” They have dulled awareness, especially among the young, of any universally binding principles and norms, of acts that are always and everywhere objectively wrong.¹¹ But without truth, especially moral truth, there can be no justice or freedom or fairness; only naked power, commanding and controlling.

Such is the case with marriage. Many today believe that it is arbitrary whose view of the meaning and purposes of marriage is imposed by political or juridical fiat. It can mean one thing now and another later. But this has never been the case. As the Congregation for the Doctrine of the Faith has pointed out:

The Church's teaching on marriage and on the complementarity of the sexes reiterates a truth that is evident to right reason and recognized as such by all the major cultures of the world. Marriage is not just any relationship between human beings. It was established by the Creator with its own nature, essential properties and purpose. 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. The natural truth about marriage was confirmed by the Revelation contained in the biblical accounts of creation, an expression also of the original human wisdom, in which the voice of nature itself is heard.¹²

Our understanding of how best to live out the meaning of marriage may have evolved over time. But the nature, essential properties and purposes of marriage are not ours to change.

3. What does the Catholic Church teach about persons with homosexual attractions?

¹¹ It is essential to grasp the philosophical and religious concepts surrounding natural law. See the *Catechism of the Catholic Church* 1954-1960.

¹² Congregation for the Doctrine of the Faith, “Considerations Regarding Proposals To Give Legal Recognition To Unions Between Homosexual Persons”, 2-3.

There are 2,865 paragraphs in the *Catechism of the Catholic Church*. Only three of them deal directly with the question of same-sex attraction. In two of these paragraphs (2358-59), the Church reaffirms the dignity and worth of people with “deep seated homosexual tendencies,” commanding that they be “accepted with respect, compassion, and sensitivity.” It also condemns any sort of unjust discrimination against them, and acknowledges the pain they may experience. The *Catechism* calls those with same-sex attractions, as it does all Christians, to chastity and holiness (“Christian perfection”), aided by “disinterested friendship,” by “prayer and sacramental grace.” Most people find these paragraphs unremarkable except for their pastoral sensitivity.

This leaves one paragraph that causes some misunderstanding. Paragraph 2357 defines what homosexuality is, states that it has taken different forms in different ages and cultures, and alludes to the lack of consensus among psychologists and other social scientists on its genesis. The paragraph continues by affirming that the teaching of the Church founded on sacred scripture and tradition has always and everywhere taught that homosexual acts are not in accordance with the natural law. Thus, this paragraph concludes by stating:

They [homosexual acts] are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved.

This teaching is not new but a reaffirmation of the moral norm that the only acceptable place for genital sexual expression is in a valid conjugal marriage based... on the sexual complementarity of the couple and the one flesh unity of husband and a wife.

Because of this teaching, some mistakenly charge that Christ and His Church condemn or fail to love persons who experience romantic or sexual attraction to members of the same sex. On the contrary, while calling each of us to renounce all sinful behavior, Christ and His Church unequivocally love every last human person, in every condition of life: the unborn and the dying; the able-bodied and the sick; the young and the old; and men and women, whatever their inclinations.¹³

Indeed, it is precisely *because* of this love and respect for the dignity of every human being that Christ and His Church call us to strive for full development as beings created in the image and likeness of God, and to renounce every act unworthy of our exalted status. The same gift of reason that makes us the “crown of creation” thus enables us both to know and to choose to live by the moral truth about sexuality, unshackled by mere instincts or inclinations.

In other words, Christ and His Church recognize that no person is simply bound by “un-freedom” to any form of sexual activity; rather, as human persons, each has the capacity to exercise sexual capacities on the basis of reasonable judgments and moral values. For this reason, the Church “refuses to consider the person as a ‘heterosexual’ or a ‘homosexual,’ as if these were identities or identity-forming features, and insists that every person has a fundamental identity: the creature of God and, by grace, His child and heir to eternal life.”¹⁴ The Church speaks instead of people with homosexual “inclinations” and calls them, like everyone, to live

¹³ CCC 2357-2359

¹⁴Vatican Congregation of the Doctrine of the Faith (CDF), “The Pastoral Care of Homosexual Persons”, 16.

abundantly (Jn. 10:10), with integrity, in every arena – at home and at work, in Church and in society.

In fact, the Church does not hold that homosexual attraction is necessarily an impediment even to marriage. Today and throughout history, there are and have been persons who experience same-sex attraction, even strong and predominant same-sex attraction, who also understand marriage and its value and have chosen to be joined to a person of the opposite sex in true matrimony. Many such persons have lived good, faithful, and even joyous married lives. It is a lie to say that they are living, or have lived, a lie; and the Church has never said that, and will never say it. Authenticity, after all, cannot require following every emotional inclination, or never resisting any. For *any* fallen human being, this would make for a fractured, indeed a dissipated life. What authenticity requires is that we live according to the truth—including the moral truth—about our nature and dignity. Of course, not everyone is called to the married state, and for some, it may be imprudent to marry: psychologically too difficult, or likely to put severe strains on the couple, for any number of reasons. Personal vocations can only be discerned by prayer and reflection based on all our particular circumstances, and the Church can help us by spiritual direction and the example of the saints. For all, however, chastity, whatever its challenges, is what brings fullness of life and, with it, the gift of greater holiness.¹⁵

In ethical reflection on these deeply human matters, it is important to take seriously both body and soul – both are fundamental to a person’s identity and relationships with others. Both body and soul are part of the *one person* – a psychosomatic unity called to communion with God and a sharing in His divine life. The more seriously we take the body, the more we will see the personal, social, and moral significance of human biological realities: of the sexual faculty; of others’ (and our own) maleness or femaleness; of fathering and mothering; of the difference between acts that do and acts that do not unite two people as one body, toward one bodily end. Thus, a fundamental respect for the body and the physical reality of the person will assist the person with homosexual inclinations to avoid immoral conduct and to seek and accept the gift of deep, authentic friendships.

4. Don’t equality and justice require the state to recognize same-sex unions as marriages?

It is obvious that the Catholic Church does not believe that same-sex unions can be marriages. The state, however, is not the Church, and our constitutional system demands equal treatment for all, and forbids the establishment of religion. Some argue that equality and justice thus demand the legal recognition of same-sex partnerships as marriages.

This argument might be stronger if the Church’s opposition were based solely on religious beliefs and same-sex relationships were in all important ways equivalent to the conjugal partnerships that have historically been denoted by the word “marriage.” Neither of these propositions is true. There are excellent natural-law arguments for understanding marriage as the

¹⁵ The Church’s understanding of the gift of sexuality and the role of chastity in each kind of relationship are articulated in the CCC 2331-2350.

conjugal union of husband and wife that require no religious premises. These arguments demonstrate that same-sex relationships can in no meaningful way be called marriages.¹⁶

Marriage is a covenant whereby a man and a woman pledge themselves each to the other, exclusively, for the whole of life. In the acts that uniquely embody and renew that commitment, they form a one-flesh union that is by its nature completed by, and suited for, the begetting and rearing of children. This one-flesh union depends on the complementarity of the sexes. Only a man and woman can engage together in the first stage of a unified biological process: the process by which new life comes into the world. Of course, this first (behavioral) stage of the reproductive process might or might not lead to children (depending on whether the non-behavioral conditions of procreation happen to obtain), but it is unique to authentic marriages and in many civil legal systems (as well as in canon law) is viewed as consummating the marriage. For it makes spouses, like healthy parts of a single body, united in coordination toward a single biological end: it makes them one flesh. Even without children, such unions can make of two people one flesh in the context of permanent and exclusive commitment. So marriage is possible—and good in itself for the spouses—even when it does not bring forth children. But it is its orientation to the begetting and rearing of children that makes marriage of vital concern to the state. And this same link to family life helps explain basic features of marriage like permanence and exclusivity.

Same-sex couples cannot be joined as “one flesh” in the unified biological process of reproduction (or any other). That is, their relationship does not involve organic bodily union, or an inherent connection to the bearing and rearing of children; nor then does it call for permanent and exclusive commitment. At best, two men or two women have a union of hearts and minds. For these reasons, moreover, there is no overriding reason for the state to recognize their relationships any more than other types of deep friendships or relationships.

Another way of seeing this is to look at the comprehensive nature of marriage. Marriage unites spouses in heart, mind, *and body*. Because human persons are bodily beings, a comprehensive union of persons (which is essential to marriage as a total gift of each spouse to the other) involves bodily union. (This helps to explain two important things: 1) how marriage differs in principle from other forms of relationship, including ordinary friendships, no matter how close and intense; and 2) why marriage is inherently, and not merely incidentally, a *sexual* partnership.) But union requires a common good; and bodily union, a common biological good. Two men or two women cannot come together in any bodily way that tends towards a single biological good. They may be seeking mutual pleasure, but pleasure is only a good when it is taken *in* something independently good.

As an aside, note that the philosophical work of Blessed John Paul II’s *Theology of the Body* points to this truth.¹⁷ There John Paul emphasizes and articulates human beings’ original unity, and the ultimate unity to which all are drawn. He teaches that sexual congress—the unity of male and female—points to this primordial unity, in addition to signifying the nuptial

¹⁶Cf. John Finnis, “The Good of Marriage and the Morality of Sexual Relations: Some Philosophical and Historical Observations”, *American Journal of Jurisprudence* 42 (1998) 97-134; *The Meaning of Marriage: Family, State, Market, and Morals*, eds. Robert P. George and Jean Bethke Elshtain, (New York: Scepter Publications, 2010).

¹⁷ John Paul II, *Man and Woman He Created Them: A Theology of the Body* (Boston: Pauline Books and Media, 2006).

relationship between God and His people, and between Christ, the bridegroom, and the Church, His bride.¹⁸ Building on this work, Professor Livio Melina writes that sexual relations between persons of the same sex “short-circuit” this complementarity and are thus unfruitful:

First, homosexual behavior *lacks that unitive meaning* in which “an authentic gift of self” can take place By lacking complementarity, each one of the partners remains locked in himself and experiences his contact with the other’s body merely as an opportunity for selfish enjoyment.... Secondly, it is obvious that the homosexual act *also lacks openness to the procreative meaning* of human sexuality ... without which the sexual act risks turning in on itself, by concentration on the search for pleasure alone and literally sterilizing itself....¹⁹

Only a man and a woman can establish a genuine one-flesh union through their commitment to each other and their bodily complementarity.²⁰

Here is another way of putting the point. There are many bodily activities that people do together: enjoy meals, play sports, do manual labor etc. Friends, teammates, colleagues, and others engage in all of these and many other activities. But everyone recognizes that marriage involves a sexual component, which these other physical experiences lack. A brother and sister or an uncle and his niece are prohibited everywhere from marrying because of the relationship of marriage to sexual activity and the laws of consanguinity. Even those who propose radically altering the definition of marriage would not advocate allowing two brothers or sisters or an uncle and his nephew to marry (say, for the tax benefits, or for hospital visiting privileges). What, then, explains this connection—acknowledged even by those who would redefine marriage—between marriage and *sexual* activity?

Each individual is a complete organism, for every bodily function save one: reproduction. Biologically, reproduction requires the coordination in a particular way of two sexually complementary persons to form an authentic union whose biological function is reproduction. This coordination might or might not lead to conception, but only through it does a couple function biologically as a unit; only such acts bring the couple into a true one-flesh union. Conjugal acts, and only these, fulfill the behavioral conditions of procreation and thus consummate a marital relationship. (As civil and canon law have both acknowledged, acts of spouses that fulfill the first stage of the procreative process consummate marriage whether or not later, non-behavioral factors finally lead to conception.) Since the body (including its sexual dimension) is part of the personal reality of the human being, and no mere non-personal instrument, the conjugal act unites persons as spouses—making them truly, and not merely metaphorically, one flesh—whether or not the gift of a child comes as a result.

¹⁸Cf. Eph. 5:20-33, Rev. 19: 7-9, CCC1612: “The nuptial covenant between God and his people Israel had prepared the way for the new and everlasting covenant in which the Son of God, by becoming incarnate and giving his life, has united to himself in a certain way all mankind saved by him, thus preparing for “the wedding-feast of the Lamb.”, CCC 1617: “The entire Christian life bears the mark of the spousal love of Christ and the Church.”

¹⁹Livio Melina, “Moral Criteria for Evaluating Homosexuality,” *L’Osservatore Romano*, English ed., 24 (June 11, 1997): 7, cited in David Bohr, *Catholic Moral Tradition*, Revised (Eugene, OR: Wipf & Stock, 2006), p.265.

²⁰Of course, not every sexual act by which a man and woman become one flesh is a marital act. Acts of fornication and adultery, for example, are not marital. Only acts of coitus that embody and express marital love and commitment are marital acts.

Traditionally, for a couple to validly marry, they had to be capable of such acts. A person who was from before marriage totally incapable of sexual activity (e.g., someone perpetually impotent) was ineligible to marry civilly or canonically. In many jurisdictions, including New Jersey, impotence before marriage is still grounds for an annulment.

Because same-sex couples cannot enter into the one-flesh unity of marriage – they cannot participate in reproductive type acts – they cannot marry in any meaningful sense of the term. Marriage is not mere sexual-romantic domestic partnership. It is, at its very foundation, a one-flesh union. And it is because an essential element in authentic marriage is the capacity to participate in reproductive-type acts that can, and often do, lead to children that the state has a vital interest in recognizing and promoting marriages.

The state does not and should not regulate our ordinary friendships or voluntary associations because, important as they are, they do not affect the political common good in direct and structured ways. However, everyone, including the state, has a vital interest in ensuring the best possible environment for the begetting, rearing and educating of the next generation. Increasingly strong social science evidence confirms what the Catholic Church has been teaching for two millennia: that the best possible environment for the healthy development of children is the presence and participation of the two biological parents in an intact family. For example, *Child Trends*, a non-partisan research institute (but one often associated with politically liberal causes), concluded:

[R]esearch clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage. Children in single-parent families, children born to unmarried mothers, and children in step-families or cohabiting relationships face higher risks of poor outcomes... There is thus value for children in promoting strong, stable marriages between biological parents... "[I]t is not simply the presence of two parents,... but the presence of *two biological parents* that seems to support children's development."²¹

This point was confirmed more recently in a study conducted by Mark Regnerus at the Department of Sociology and Population Research Center at the University of Texas at Austin. This study, which surveyed the social, emotional and relational dimensions of young adults raised in different family structures, confirmed that children raised by their married, biological parents fared better than those brought up in other arrangements, including those who reported being reared by someone who had been in a same-sex relationship. The study concludes:

Do children need a married mother and father to turn out well as adults? No, if we observe the many anecdotal accounts with which all Americans are familiar. Moreover, there are many cases in the NFSS where respondents have proven resilient and prevailed as adults in spite of numerous transitions, be they death, divorce, additional or diverse romantic partners, or remarriage. But the NFSS also clearly reveals that children appear most apt to succeed well as adults—on

²¹ Kristen Anderson Moore et al., *Marriage from a Child's Perspective: How does Family Structure Affect Children, and What Can We Do About It?*, CHILD TRENDS RESEARCH BRIEF, June 2002, at 1-2, 6, available at <http://www.childtrends.org/files/MarriageRB602.pdf>

multiple counts and across a variety of domains—when they spend their entire childhood with their married mother and father, and especially when the parents remain married to the present day. Insofar as the share of intact, biological mother/father families continues to shrink in the United States, as it has, this portends growing challenges within families, but also heightened dependence on public health organizations, federal and state public assistance, psychotherapeutic resources, substance use programs, and the criminal justice system.²²

Of course, sociological data has its limits, and the truth about the nature of marriage does not depend on such studies. However, there is a growing awareness of the unique service that the intact biological family built on the commitment of a mother and a father renders to the common good. To say this is not to insult those in other family types, or to overlook the sacrifices they make for their children's sake. I recognize and commend those who valiantly struggle to rear good and holy children in other contexts, including single, foster, and adoptive parents. Your efforts, often heroic, serve us all. However, the hope for our children and grandchildren is that more and more the norm will be an intact biological family.

True marriages, one-flesh unions ordered to family life, are different in kind from other forms of relationship, and bear a special connection to the common good. That is why traditional marriage law is both just and crucial. To redefine marriage to make sexual complementarity merely optional would do harm to both the true nature of marriage and to the common good.

5. Should civil law reflect the natural law?

Civil law should reflect the natural law to the extent that public order allows. The believer grasps that the natural law is “a participation in God's wisdom and goodness by man formed in the image of his Creator. It expresses the dignity of the human person and forms the basis of his fundamental rights and duties.”²³ Other men and women of good will recognize the need to embody in law the truth written in their hearts. At the same time, any man-made law (positive law) must, like all law, be “an ordinance of reason for the common good made by one who has care for the community and that is promulgated.”²⁴ For such a law to be just, it must serve the common good, and it must not exceed the legitimate authority of its human authors. Following the ancient dictum: “An unjust law is no law at all,”²⁵ no human authority can declare what is morally evil to be morally good (e.g. abortion, euthanasia, homosexual acts).

It is true that law binds in conscience, “yet this is because it is law only if just and promulgated by legitimate authority, not because the majority of the State can be the standard of conscience.”²⁶ The state likewise has an obligation to help the good of the family:

²²Mark Regnerus, “How different are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study, *Social Science Research*”, Volume 41, Issue 4, July 2012, Pages 752-770, ISSN 0049-089X, 10.1016/j.ssresearch.2012.03.009.(<http://www.sciencedirect.com/science/article/pii/S0049089X12000610>)

²³CCC 1978.

²⁴St. Thomas Aquinas, *STh* I-II, 90, 4; CCC 1976

²⁵St. Augustine, *On Free Choice Of The Will*, Book 1, § 5

²⁶Maritain, *Natural Law*, 76.

... the State becomes iniquitous and tyrannical ... if it tries to violate the rights of the family in order to become master of men's souls. For just as man is constituted a person, made for God and for a life superior to time, before being constituted a part of the political community, so too man is constituted a part of family society before being constituted a part of political society. The end for which the family exists is to produce and bring up human persons and prepare them to fulfill their total destiny. And if the State too has an educative function... this function is to help the family fulfill its mission, and to complement this mission....²⁷

Conjugal marriage has a long history as a natural phenomenon and a reality protected in law. It has cultural, philosophical, psychological, and religious aspects which run deeper than the political. Any attempt to change the definition of marriage at the political level represents an overreaching of the competence of politicians and, indeed, of civil positive law. Though its precise emotional or economic contours have varied, marriage has served the wellbeing of spouses and children, and thus of all society, in numerous ways throughout the ages. Even under the pagan law of ancient Rome, marriage was defined as "a union of male and female."²⁸

Marriage, authentically understood, provides for the possibility and protection of children. There is no right to bear a child on the part of parents, yet a child has the right to come into the world *in modo humano* (in a human way), meaning through natural sexual intercourse between a married man and woman committed to rearing the child within the family. It is not possible to respect this right in a homosexual alliance in which sexual intercourse, in its basic meaning and in its symbolic implications, is impossible.

As referenced above, the sociological data confirms the special social value of traditional marriage. The civil law ought to be centrally concerned with promoting the common good of society. Spouses as well as children flourish in a healthy marital environment.²⁹ Our history, as an experiment in ordered liberty, depends on our civil law being rooted in the truth about the human person as known through natural law. Our failures as a people have come when we have ignored the self-evident truths of right reason. We did so when we allowed slavery and were slow to protect and promote the civil rights of women and minorities. It is more than a little ironic that some who promote a radical redefinition of marriage do so claiming "civil rights" when to achieve their goals they must undermine, ignore or deny the very basis of all our civil rights: the moral law based on our nature and dignity: the natural law.

6: Should faithful Catholics defend the traditional teaching on marriage in the public square?

I write as the Archbishop of Newark with the responsibility to teach the truth about the faith, including the truth about marriage, "in season and out," as St. Paul admonished Timothy:

²⁷ Maritain, *Natural Law*, 77.

²⁸ E.g. Even in early codifications of secular Roman Law, cf.: Modestinus D. 23, 2, 1: "Nuptiaesuntconiunctiomaris et feminae et consortium omnis vitae, divina et humanairiscommunicatio" (Marriage is a union of male and female and a partnership of an entire life, a sharing/imparting of divine and human right).

²⁹ Linda J. Waite and Maggie Gallagher, *The Case for Marriage: Why Married People are Happier, Healthier and Better-Off Financially*. (New York: Doubleday, 2000)

Preach the word, be urgent in season and out of season, convince, rebuke and exhort, be unfailing in patience and in teaching. For the time is coming when people will not endure sound teaching, but...they will accumulate for themselves teachers to suit their own liking and will turn away from listening to the truth and wander into myths. (2 Tim 4:24)

This is my responsibility and my vocation as the shepherd of this local church. As St. Paul wrote elsewhere: "Woe to me if I do not proclaim the gospel!" (1 Cor 9:16). But I also write as a citizen of the United States with responsibilities to help promote the true common good for all. This, too, is part of the teaching of the Gospel, for it flows directly from the Lord's command to love our neighbor as ourselves. This commandment takes concrete form in the Church's social doctrine. Along with our commitments to defend life and serve the poor, the protection and promotion of the family serves as the core principle of our social commitment.

Besides the significance historically given to marriage even in the secular realm, the Church, in recognizing the same elements, also sees something more in Christian marriage: it is also a sacrament in that it is a sign of the love of Christ for His Church.³⁰ Christian spouses, therefore, are signs of God's self-sacrificial love for us. The way they lay down their lives in love and service to one another gives witness to how Christ mercifully loves each of us. In forming communities of life and love, they reflect the Triune love of God. Blessed John Paul II described this beautiful in *Familiaris Consortio* (11):

God created man in his own image and likeness: calling him to existence through love, he called him at the same time for love.

God is love and in himself he lives a mystery of personal loving communion. Creating the human race in his own image and continually keeping it in being. God inscribed in the humanity of man and woman the vocation, and thus the capacity and responsibility, of love and communion. Love is therefore the fundamental and innate vocation of every human being.

As an incarnate spirit, that is, a soul which expresses itself in a body and a body informed by an immortal spirit, man is called to love in his unified totality. Love includes the human body, and the body is made a sharer in spiritual love.

Christian revelation recognizes two specific ways of realizing the vocation of the human person in its entirety, to love: marriage and virginity or celibacy. Either one is, in its own proper form, an actuation of the most profound truth of man, of his being "created in the image of God."

Consequently sexuality, by means of which man and woman give themselves to one another through the acts which are proper and exclusive to spouses, is by no means something purely biological, but concerns the innermost being of the human person as such. It is realized in a truly human way only if it is an integral part of the love by which a man and a woman commit themselves totally to one another until death. The total physical self-giving would be a lie if it were not the

³⁰See CCC 1601, citing CIC, can. 1055 and *Gaudium et Spes*, 48. See CCC 1601-1666 for a thorough presentation of the Church's teachings on the Sacrament of Marriage.

sign and fruit of a total personal self-giving, in which the whole person, including the temporal dimension, is present: If the person were to withhold something or reserve the possibility of deciding otherwise in the future, by this very fact he or she would not be giving totally.

This totality which is required by conjugal love also corresponds to the demands of responsible fertility. This fertility is directed to the generation of a human being, and so by its nature it surpasses the purely biological order and involves a whole series of personal values. For the harmonious growth of these values a persevering and unified contribution by both parents is necessary.

The only "place" in which this self-giving in its whole truth is made possible is marriage, the covenant of conjugal love freely and consciously chosen, whereby man and woman accept the intimate community of life and love willed by God himself, which only in this light manifests its true meaning. The institution of marriage is not an undue interference by society or authority, nor the extrinsic imposition of a form. Rather, it is an interior requirement of the covenant of conjugal love which is publicly affirmed as unique and exclusive in order to live in complete fidelity to the plan of God, the creator. A person's freedom, far from being restricted by this fidelity, is secured against every form of subjectivism or relativism and is made a sharer in creative wisdom.

While celibacy gives witness to God's universal love for every person, marriage too gives witness to the communion of love and life which is God.

However, honesty demands that we recognize that the current state of marriage in our Church and in our society often acts as a counter sign. This means that many young people today have not experienced permanence and faithfulness in the familial relationships around them. This impedes their appreciation of the truth about marriage and makes it difficult for them to make serious and permanent commitments which overcome self-regard in favor of the good of others and the common good.³¹ Most significant, within the marital environment, the dramatic increase in the number and the social acceptability of divorces (and more recently "no-fault" divorce) has produced a generation that knows marriage only as an unstable state meant to serve the individualistic happiness of the spouses alone, with reduced regard for their duty to their offspring – the very opposite of the permanent and open-ended commitment that defines marriage as such.

Closely related to this, the widespread use of contraception in sexual relations makes it difficult for young people today to grasp the intrinsic meaning and relation between sexual activity and procreation that has always been one of the fundamental meanings of marriage, even

³¹See Rutgers University, "National Marriage Project": "more children each year are not living in families that include their married, biological parents, which by all available empirical evidence is the gold standard for insuring optimal outcomes in a child's development." Cited in "The Call to Marriage is Woven Deeply into the Human Spirit: A Message on Marriage from the Catholic Bishops of New Jersey": <http://www.rcan.org/famlife/0809ssu.pdf>

in the secular realm. When couples choose to contracept, they hold back part of themselves (their fertility) and refuse to accept the other in his or her totality. This impedes the sign of the total gift of self inherent in the marital act.

The prevalence of false ideologies about our nature affects how we think of our bodies. These ideologies have degraded the body, treating it as separate from the identity of the person. Identity appears to rest only mind and will, and the body is regarded as part of a lower order of creation. To some, sexual activity is understood simply as a source of pleasure or recreation, or as a way of satisfying an appetite just like hunger or thirst. Its deeper meaning as a one-flesh unity of covenantal partners is lost, so that the intrinsically disordered nature of sexual activity between persons of the same sex is likewise obscured.³²

The loss of the sense of fidelity and permanence within marriage and the loss of the centrality of offspring within marriage (through contraception and abortion) in favor of pleasure, has contributed to the arguments for “same-sex marriage.” Worse, it has undermined the wellbeing of many children and contributed to numerous social problems affecting the common good.

One of the best services we can provide to our Church and our society is to commit or re-commit to faithfully and lovingly living out our own commitments to marriage and celibacy for the Kingdom. Our children and our nation need the example of many, many faithful people fulfilling in a joyful and self-sacrificing way their vocations. In particular, I ask all to renew their efforts to be child-focused families where the good of the children comes before career or “personal fulfillment.” I call upon our archdiocesan offices and our parishes and schools to renew their efforts to be at the service of the families of northern New Jersey.

In addition, I call upon all Catholics, especially Catholic politicians who serve the common good, and other men and women of good will to defend the truth about marriage against those who would try to deconstruct or radically alter its meaning. Catholic citizens must exercise their right to be heard in the public square by defending marriage. We must exercise our right to vote in defense of marriage and life. This is our duty as citizens and believers.

7. Conclusion

Notwithstanding laws that have been or may be enacted regarding “same-sex” marriage in certain jurisdictions, it must be said that by moral definition and in fact such marriages do not exist; such unions are not true marriages. To equate “same-sex marriages” to marriage as it has traditionally been understood significantly damages the institutions of marriage and family. The legal recognition of such unions gives rise to further purported “rights” and laws that will do great harm, most especially harm to the rights and needs of children, but also to the religious freedom and the rights of conscience.

Some may ask: how could the recognition of “same-sex marriages” harm other types of unions, or the common good? First, it must be explicitly stated that all social processes that undermine the natural law, embody untruths about our humanity that distort our understanding of what is good and just, and hence our ability to live accordingly. The law teaches. Changing the

³² See Pope Paul VI, *Humanae Vitae*; Janet Smith, *Humanae Vitae: A Generation Later* (Washington, D.C.: Catholic University Press, 1991); see also Ann Schneible interview with Janet Smith, “Multipurpose Theology of the Body,” November 16, 2011 (<http://www.zenit.org/article-33848?l=english>)

definition of marriage teaches that marriage is basically about adult emotional and physical gratification (the fulfillment of desire), not one-flesh union and children. It would also enshrine in law a non-optimal way to raise children as equivalent to that which is best. It would also seriously undermine religious freedom and moral truth.

This last point needs further explanation. If our society enshrines in law a “civil” right to “marry” someone of one’s own sex, then any persons or groups that believe otherwise will be seriously disadvantaged in law and in fact. Already we hear public officials and news organizations refer to those of us who hold the conjugal view of marriage as “bigots.” States such as Illinois and Massachusetts have made it impossible for Catholic Charities to provide adoption services. Hotel managers, photographers, owners of reception halls, etc. who hold to the view of marriage as a conjugal partnership have had legal or civil actions taken against them. How long would the state permit churches, schools or parents to teach their children that homosexual activity is contrary to the natural law if homosexual marriage were a civil right? Already in Canada and other democratic nations “hate speech” laws have been used to harass or even arrest clerics who preach the Biblical message about marriage.

This is not a time to be alarmist, but it is a time for clarity of thought and rightness of action. Make no mistake about it: the freedom of the Church as an institution (including our schools, our universities, our hospitals, our counseling centers, and other social-service organizations) and Catholic believers as individuals will be significantly curtailed by any redefinition of marriage that would abandon the understanding of marriage that has been accepted since well before the foundation of our nation. Equally at risk are the rights of Eastern Orthodox Christians, Evangelicals and other Protestants, members of the LDS Church, observant Jews, Muslims, and other people of faith.

Every human being must obey the dictates of conscience, but our consciences must be formed. In our world today, a secular analysis of various issues is often pervasive, while the faithful are often not adequately educated in the teachings of the faith. All the faithful have the obligation to seek to understand and to share with their children and those in their care the message of Jesus Christ and His plan for salvation. This plan is articulated in and through the particular actions and decisions of our individual moral life and our life together as people of God preparing today for eternal life with Christ. Part of this plan is God’s plan for marriage and family. This pastoral teaching has been offered to the faithful of the Church of Newark as a guide in the correct formation of conscience and as a source of reflection for all persons of goodwill.³³

³³ The United States Conference of Catholic Bishops (USCCB) has a website with a wide variety of resources (booklets, texts, media) for the individual and groups to learn more about the nature of marriage and the issues related to it in our society today: <http://www.marriageuniqueforareason.org/>. See also, USCCB website, “Church Documents about Defense of Marriage”: <http://www.usccb.org/issues-and-action/marriage-and-family/marriage/promotion-and-defense-of-marriage/church-documents-on-defense-of-marriage.cfm>. See also the statement of New Jersey’s Catholic Bishops, “The Call to Marriage is Woven Deeply into the Human Spirit: A Message on Marriage from the Catholic Bishops of New Jersey”: <http://www.rcan.org/famlife/0809ssu.pdf>

Know that I pray with and for all of you and ask your prayers in return. Let us join together in a prayer for our families given to us by Blessed John Paul II:

Lord God, from you every family in heaven and on earth takes its name.

Father, you are Love and Life.

Through your Son, Jesus Christ, born of woman, and through the Holy Spirit, fountain of divine charity, grant that every family on earth may become for each successive generation a true shrine of life and love.

Grant that your grace may guide the thoughts and actions of husbands and wives for the good of their families and of all the families in the world.

Grant that the young may find in the family solid support for their human dignity and for their growth in truth and love.

Grant that love, strengthened by the grace of the sacrament of marriage, may prove mightier than all the weakness and trials through which our families sometimes pass.

Through the intercession of the Holy Family of Nazareth, grant that the Church may fruitfully carry out her worldwide mission in the family and through the family.

Through Christ our Lord, who is the Way, the Truth and the Life for ever and ever.

Amen.

Given at my Chancery this 14th day of September, 2012.
The Feast of the Exaltation of the Holy Cross.



✠Most Reverend John J. Myers
Archbishop of Newark

Attest:



Reverend Monsignor Michael A. Andreano
Vice Chancellor