



Marriage and Justice: A Defining Moment

In the November 3, 2009 election, Maine became the 31st state to hold on to marriage as a union of a man and a woman. While voters around the country have again and again upheld the traditional definition of marriage, the debate has not ended. In 2004, Massachusetts was the first State to adopt the propaganda of the proponents of gay and lesbian marriage. And, the propaganda continues.

After Maine voters made their choice, Betsy Smith told a crowd of No on 1/Protect Maine Equality supporters, "It seems in the end that Mainers are not ready to treat these families fairly." In the same vein, Molly McKay of Marriage Equality USA painfully lamented the outcome. She said, "Our hearts go out to same-sex couples in Maine who have had their fundamental right to marry stripped away by a slim majority." For both, the issue was equality. But is this a fair argument for same-sex marriage? To argue for gay and lesbian marriage on the basis of equality is to raise the question of justice. And, justice should be seen for what it is. Justice means giving to each person what is that person's right. It is true that the rights of individuals are a key for providing harmony in the entire social order. However, these rights are not arbitrary.

"Man is a creature of God, and for this reason human rights have their origin in God, are founded on his design for creation and are part of his plan of Redemption. One could almost boldly say that *human rights are also God's rights*. That is why the duty to safeguard and promote them is an essential part of the Church's mission" (Pope John Paul II, *Address to an International Group of University Students Attending the "UNIV '98" Congress*, April 7, 1998, n. 2).

To affirm and protect the uniqueness of marriage denies no one their right to marriage or any of their other rights. It simply guarantees the uniqueness of the institution of marriage itself as given to us by the Creator. Any other solution is unjust! Many people, in fact, the overwhelming majority of people, recognize marriage as the conjugal union of one man and one woman. They understand that holding this is not discrimination. Yet, out of a sense of fairness, they wish to grant to those who enter into same-sex unions rights that those who live alone do not enjoy. Hence, we have domestic partnerships or civil unions.

In civil unions, two individuals form a sexual relationship, commit themselves to each other and receive legal rights not given to single individuals. However, many of these rights can be enjoyed even without civil unions. Individuals can own property together, designate a beneficiary for their insurance, and appoint someone with the power to make health care decisions. To promote civil unions for same-sex couples ultimately undermines the uniqueness of marriage.

But beyond this obvious fact, civil unions are themselves a form of discrimination. Those in civil unions are granted the rights of the married, such as insurance rights, hospital visitation privileges and the ability to make decisions when the other is incapacitated. The basis for these rights is the relationship of love between the two individuals. But a sister caring for her elderly sibling loves that brother or sister. A son caring for his terminally ill father or mother loves his parent. They, too, are involved in a committed relationship of love. Why should they be denied the same privileges granted to those in domestic partnerships. Is it because their relationship is not sexual? Are they, then, not being discriminated on the basis of their sexual preference or activity or lack thereof?

It is simply not just that anyone, especially a few lawmakers, should redefine marriage. This would empty marriage of its uniqueness. It would set us on a path that leads ultimately to the unjust persecution of those who hold to marriage as a natural institution between one man and one woman, committed for life and open to children. For, if marriage is redefined by law, then to hold on to the definition of marriage as a union of a man and a woman, a definition held from the dawn of creation, will quickly be labeled as prejudice and discrimination. Any defense of marriage between a man and a woman could easily be targeted as hate speech against those who choose to embrace same-sex orientation.

The highly visible and well-funded campaign to redefine marriage will continue. Much is at stake, for marriage is more than a lifestyle. It is an institution given in creation for the passing on of life itself. We are at a defining moment for society itself. This is not the time to be a spectator.

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