

# Respect for all Catholic values key in marriage amendment vote

The proposal to amend Wisconsin's constitution to define marriage as the union between a man and a woman is one of the most contentious issues facing voters in this November's election. Some view this as an opportunity to defend the institution of marriage, which they see as imperiled by an array of hostile social influences. Others consider this measure to be an attack against an already outcast social group, making it the scapegoat for the anxiety and unease that many feel.

In order to morally analyze this measure, it is important not to engage in abstractions or sloganeering, such as "defense of marriage" or "equal rights." Instead, we need to look at the entire concrete proposal before us, and see how it squares with our Catholic convictions and values.

The proposed amendment has two clauses. The first is: "... only a marriage between one man and one woman shall be valid or recognized as a marriage in this state ..." This statement is quite straightforward, and the Catholic position on it is clear. Catholic teaching, as enunciated by Rome and recently restated by the Catholic bishops of Wisconsin, states that only the loving commitments of heterosexual unions are to be dignified with the title and status of 'marriage.'

(The position of the Wisconsin Catholic bishops is summarized on the "Catholic Social Action" section of the archdiocesan Web site, <[www.archmil.org](http://www.archmil.org)>. There one can find a pamphlet stating the church's teaching and the reasons for the Catholic conviction that marriage be exclusively maintained as a union between a man and a woman.)

## **Troubling concerns**

If this were the whole amendment, we could end here. The moral analysis in light of the church's official teaching would be clear. But that is not the entirety of the actual amendment before us.

The amendment's second clause is: "...and a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state."

This is the part which makes many Catholics pause, for it raises troubling concerns. Many fear that this clause could endanger laws and other arrangements which extend medical coverage (among other benefits) to unmarried households and people who would otherwise be uninsured.

Why is this a problem? Because the right to medical care, according to Catholic social teaching, is a fundamental human right. It is an essential good, the denial of which compromises the right to life (cf. *Pacem in Terris*, no. 11). Our Catholic commitment to a culture of life requires us to promote and protect health care access for all people.

Thus, any measure which opens the door to the possibility that health care benefits could be limited or denied to any segment of our population, under the pretext that these are "spousal" or "marital" benefits not only exacerbates the already scandalous reality of the uninsured in our society; it runs contrary to deep Catholic commitments and values.

No one knows with certainty what the impact of this second clause will be. But the legal experts I have consulted all agree that it opens the door to the possibility that a legislature or court could invalidate existing provisions (such as domestic partnership arrangements) which extend health insurance to the unmarried and the children in their households.

Thus, the amendment, read in its entirety, poses a dilemma for many faithful people. It is a single piece of legislation, which requires a "yes" or "no" vote to the whole package. The amendment upholds certain beliefs about the uniqueness of marriage. But it does so at a cost, namely, potentially damaging impacts upon the welfare of individuals and their children.

### **A way to deal with dilemma**

In searching for a way to deal with this dilemma, I am instructed by the insights of Cardinal William Levada, the head of the Congregation for the Doctrine of the Faith. During his tenure as archbishop of San Francisco, he had to deal with a law which required church agencies that receive public funding to provide health care benefits for unmarried domestic partners.

After strongly affirming the right to health care, Levada articulated a pivotal insight: "The ordinance poses a dilemma for church agencies: Our principles teach us as Catholics to imitate Christ by serving our neighbor in need, and they teach us the importance of marriage and family in God's plan. We should not be excluded from upholding either of these important religious convictions."

In other words, he refused to be put in a position of choosing between Catholic convictions. He refused to promote the uniqueness of marriage at the risk of eroding access to health coverage. He refused to play one belief against another. Instead, he worked for, and eventually obtained, a resolution that respected all of our Catholic values, one that enabled church agencies to extend access to medical benefits without compromising their position on the uniqueness of marriage. (Cardinal Levada's remarks are found in the Feb. 13, 1997 edition of *Origins*.)

"We should not be excluded from upholding either of these important religious convictions." This is why the marriage amendment is flawed and compromised. The first clause upholds one aspect of Catholic teaching, while the second part jeopardizes other Catholic principles. Yes, marriages between heterosexuals would be granted a unique and privileged status, but at the risk of endangering human well-being. This amendment puts Catholics in the morally unacceptable position of having to choose between our faith convictions.

Some try to resolve this dilemma by saying that the proposed amendment does not automatically nullify existing laws or necessarily compel a court to do so in the future. This is true. But respected legal scholars agree that this is a risk or possibility. The amendment opens the door for such an outcome. In effect, this amendment requires us to take a human rights gamble.

### **What Catholic morality teaches**

Catholic morality dictates that the safest course of action must be followed when the vital interests of another are at stake. The traditional moral handbooks forbid even the possible invasion of another's human rights. To cite moralist Henry Davis: "Every man has a right that I should not take the risk of injuring or killing him."

Others object that granting spousal equivalent benefits to unmarried households supports behaviors of which the church does not approve. Granted that many cohabiting unmarried persons -- both gay and straight -- are "living in sin." But our Catholic faith is clear: Human Rights are not rewards for good behavior. Sinners do not forfeit their human dignity and the human rights that flow from it. To paraphrase John XXIII, sin does not have rights, but sinful people do.

Human rights, according to Catholic social teaching, are inalienable because they are inherent in us because of who we are, regardless of our behavior -- children of God, created in God's image and likeness. This image of God is independent of race, class, ethnicity, social status or personal morality. Even hardened criminals remain children of God, with rights to life, health care, and basic dignity. The same is true for people who live in a manner contrary to church teachings on sexuality.

### **'They' are us**

This raises another point. Too often, discussions of this issue treat "those" people -- specifically, gays and lesbians -- as if they were an alien species. They are not. They are our sons and daughters; our sisters and brothers; our aunts, uncles, and cousins; our friends, neighbors, students, and coworkers; our priests, ministers, and parishioners. "They" are us! No matter how we view the morality of same-sex relationships, those among us who are gay or lesbian are human beings; worthy of our care and concern; possessing fundamental human rights (cf. *Catechism of the Catholic Church*, no. 2358).

I am in sympathy with those who are concerned about marriage in our society. One wonders why our legislators crafted an amendment which seems to go beyond the purpose of keeping a unique status for heterosexual unions. But this is what they chose to put before us: a measure which requires Catholics to make a choice between our faith convictions, playing one against another. This makes the whole package morally compromised and unworthy of our support -- no matter where we stand on the issues of homosexuality and gay marriage.

The bottom line is this: Since same-sex marriage is already illegal in Wisconsin and prohibited by church law, a "no" vote changes nothing. Gay marriages would remain illegal; the current unique status of heterosexual marriage remains unaltered; no one's health care access is endangered.

Voting "yes" opens the door for major changes in the status quo, changes that would not be consistent with all of our Catholic values and convictions. Voting "yes" risks harming children and families. Therefore, voting "no" on the marriage amendment, in my judgment, is the best way to respect all of our Catholic beliefs and values.

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