



# Marriage

*yesterday ... today*  
*... always*

A Pastoral Letter by The Most Reverend Richard J. Malone, Th.D., S.T.L., Bishop of Portland





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# Marriage

Yesterday – Today – Always

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A Pastoral Letter from the Roman Catholic Bishop of Portland

## 1. Introduction

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“Have you not read that from the beginning the Creator ‘made them male and female’ and said, ‘For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh’? So they are no longer two, but one flesh” (Matthew 19:4-6a).

From generation to generation, the institution of marriage has been the cornerstone of family life and of societal well-being. For two thousand years, the teaching of the Catholic Church on the meaning of marriage has positively influenced both culture and society. In a particular way, the teaching on marriage and the family by Blessed John Paul II (d. 2005) has ignited a sustained excitement about the importance of this fruitful institution. His Wednesday addresses known as the *Theology of the Body*, his Apostolic Exhortation on the "Role of the Christian Family in the Modern World" (*Familiaris consortio*), and his "Letter to Families" are at the heart of his writings on marriage and the family. Our Holy Father Pope Benedict XVI, in various writings, including his encyclical *Caritas in veritate* (2009), continues to address this rich teaching.<sup>1</sup>

It is my intention to reflect with you, through this pastoral letter, upon the greatness and the beauty of marriage—as an original gift of the Lord’s creation and, consequently, as a vocation and as the foundational institution of family and society. Our revised translation of the *Roman Missal*, in the Preface of Marriage to be used at the Wedding Mass, reminds us as Christians

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<sup>1</sup> Made for Each Other: A Catechetical and Educational Aid on Sexual Difference and Complementarity, *Viewer’s Guide*, (Washington, D.C: United States Conference of Catholic Bishops, 2010), General Introduction, p. v.

how a husband and wife are drawn into the love which originates in our Lord and Creator:

In the union of husband and wife, you give a sign of Christ's loving gift of grace, so that the Sacrament we celebrate might draw us back more deeply into the wondrous design of your love ...<sup>2</sup>

As with every vocation, marriage must be understood within the primary vocation to love, because humanity “is created in the image and likeness of God who is himself love.”<sup>3</sup> In baptism, God calls the faithful to grow in love. This vocation to love, in imitation of God’s infinite love, is also a vocation to grow in holiness, for greater participation in God’s love necessarily entails a greater participation in God’s holiness. The Second Vatican Council teaches that “all the faithful, whatever their condition or state, are called by the Lord, each in his or her own way, to that perfect holiness by which the Father himself is perfect.”<sup>4</sup>

Within this universal vocation to holiness, God calls some men to the priesthood or to the diaconate, other men and women to the consecrated life. Many faithful men and women discern their vocation to holiness as single adults, making of their lives a distinctive gift of living in Christ. For the vast majority of men and women, however, God places this universal vocation to holiness within the specific vocation of marriage.<sup>5</sup> Truly, the Church must pray always for the wise discernment of young people, including engaged couples who are beginning to consider marriage or who are more immediately preparing to enter into it. And we include in our prayers all married men and women, that their lives may grow in holiness and that they may experience a love that is generous, joyful and fruitful.

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<sup>2</sup>The translation in English of the Roman Missal, 3<sup>rd</sup> ed., (2011), *Preface of Marriage B – The great sacrament of Matrimony*.

<sup>3</sup>“Catechism of the Catholic Church (CCC), #1604” In Catechism of the Catholic Church (New York: An Image Book published by Doubleday 1997), p. 447.

<sup>4</sup> *Lumen gentium*, #11 In The Documents of Vatican II, ed. Walter M. Abbott, S.J. and trans. By Very Rev. Msgr. Joseph Gallagher (Piscataway, N.J.: Association Press/New Century Publishers, 1966), p. 29.

<sup>5</sup> Marriage: Love and Life in the Divine Plan: A Pastoral Letter of the United States Conference of Catholic Bishops, (Washington, D.C.: United States Conference of Catholic Bishops, 2009), p. 44.

We rejoice that so many couples live with fidelity their marital commitment. I personally thank them for witnessing in their daily lives to the beauty, goodness, and truth of marriage. In countless ways, both ordinary and heroic, through good times and bad, they bear witness to the gift and blessing they have received from God. I am grateful as well for all those who work with young people and engaged couples to assist them in establishing good marriages, and who help married couples to grow in love and strengthen their union, particularly when life presents challenges and difficulties. I also want to express support for the good work of those who are counselors and social workers. By their training and with great respect for the marital commitment, these professionals help couples in crisis to resolve their problems and bring healing to their lives.

There are other reasons why I, as your bishop, am moved to reflect upon marriage in a manner which emphasizes its importance as a fruitful institution so necessary for the life of society and the world. It is troubling that far too many people do not understand what it means to say that marriage—both as a natural institution and a Christian sacrament—is a blessing and gift from God. We observe, for example, that some people esteem marriage as an ideal but can be reluctant to make the actual commitment necessary to enter and sustain it. Some choose instead to live in cohabiting relationships that may or may not lead to marriage and can be detrimental to the well-being of themselves and of the children who may be born of this union. In addition, the incidence of divorce remains high.<sup>6</sup> A nationally-respected research center indicates that the divorce rate of women in Maine is 25 percent higher than the national average. The same research indicates that the divorce rate of men

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<sup>6</sup> While the divorce rate in the United States hovers around 50 percent during the first five years of marriage, those who use Natural Family Planning have a divorce rate of about 0.6 percent according to the Couple to Couple League. According to research conducted by California State University, the rate is between 2 and 5 percent, attesting to the strong covenant love shared by these couples and a practice of marital sexuality that honors the purposes of strengthening the union of love between the spouses while remaining open to creating new life.

in Maine is 33 percent higher than the national average.<sup>7</sup> With the advent of no-fault divorce, the social sanctions and legal barriers to ending one's marriage have all but disappeared. The tragic effects of divorce on children, families and the community are on the increase. Even within marriage, a couple does not always accept their responsibility to serve life by being open to children. For some, children are seen no longer as integral to a marriage but merely as an option, that is, a choice to accept or reject. This lack of understanding fails to recognize the purposes of marriage as being both unitive and procreative.<sup>8</sup> There is a loss of belief in the value of those purposes when couples readily treat as separate choices the decisions to get married and to have children. This indicates the fairly prevalent view that children are seen not as integral to a marriage but as optional. When children are viewed in this way, there can be damaging consequences not only for them but also for the marriage itself. Continually, we hear it said that marriage is basically a private matter with little relation to the common good, relegated mostly to achieving personal satisfaction and fulfillment.<sup>9</sup>

Finally, in response to continued public discussion and activity both here in Maine and in other states, I feel compelled to teach and speak about marriage in the fullness of truth and in all charity. It is clear that there is another attempt underway in Maine to redefine marriage so that it would no longer be exclusively the union of a man and a woman as God established and blessed it in the created order of nature.

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<sup>7</sup> Maine ranks #2 behind Nevada, as having the largest percentage of divorces nationally. According to the Pew Research Center, 15 percent of women in Maine are currently divorced, compared to the national average of 12 percent, and 12 percent of men in Maine are currently divorced, compared to 9 percent nationally.

<sup>8</sup> The Church teaches that marriage is both unitive and procreative. The unitive purpose of marriage strengthens and sustains the good of the spouses as they experience in their union a partnership of the whole of their lives. The procreative purpose of marriage—to transmit new life specifically by giving birth to children—reflects the nature of love to always have an effect beyond the husband and wife who grow in love. The unitive and procreative purposes of marriage are connected and inseparable. As Pope Paul VI observed in his encyclical letter *Humanae vitae*, 9: “this love... is not exhausted by the communion between husband and wife, but is destined to continue, raising up new lives.”

<sup>9</sup> Marriage: Life and Love in the Divine Plan, pp. 3–4.

Before I speak more from the two sources which inform what we know about marriage—divine revelation (sacred Scripture and sacred Tradition) and natural law—it should be of interest for all the citizens of our state to read how marriage is described in Maine law:

The union of one man and one woman joined in traditional monogamous marriage is of inestimable value to society; the State has a compelling interest to nurture and promote the unique institution of traditional monogamous marriage in the support of harmonious families and the physical and mental health of children; and that the State has the compelling interest in promoting the moral values inherent in traditional monogamous marriage.

And then, the State of Maine states the purpose for its legal understanding of marriage in these words:

to encourage the traditional monogamous family unit as the basic building block of our society, the foundation of harmonious and enriching family life...

The state further explains the purpose for its current legal definition of marriage:

to nurture, sustain and protect the traditional monogamous family unit in Maine society, its moral imperatives, its economic function and its unique contribution to the rearing of healthy children.<sup>10</sup>

Public policy and law are meant to serve and protect the truth of marriage.<sup>11</sup> We can be proud that the State of Maine, in its current law, protects the common good, which includes the truth of marriage and the right of children to have a mother and father. Human society is vitally dependent on marriage as we know it and as it was intended by God from the very beginning.

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<sup>10</sup> Maine Revised Statute Title 19-A, Chapter 23: MARRIAGE, Part 2, Subchapter 1. General Provisions, Section 650. Findings and Purposes (1997).

<sup>11</sup> CCC, #2207 – 2213.

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## 2. What is Marriage?

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The meaning of marriage is both timely and timeless. Marriage is the lifelong, exclusive union of one man and one woman—a font of unitive life and love as well as the foundation of a stable family and society. Marriage is a fundamental institution, but as we know, various challenges and questions are raised today about the meaning of marriage. The most pointed of these questions arises in the context of the contemporary proposal to redefine marriage to include two persons of the same sex. This proposal involves many issues which deserve careful attention.<sup>12</sup> Respect for the inviolable and inherent dignity of every human person, including persons who experience same-sex attraction, is essential when approaching this topic.<sup>13</sup> It is a discussion which we all know can be emotional and difficult, but at the heart of it is a radical question about the creation of man and woman and of marriage—the most basic and original of all institutions.

In Maine, this land of exquisite natural beauty, we are fortunate to have a profound respect for creation, and among persons of faith, a deep honoring of God as Creator. Still, with many other brothers and sisters in Christ who perhaps are not as privileged to live as we do in truly beautiful surroundings, we, too, stand in need of a more effective teaching on creation, especially what it means to be created a human person, a man or woman, and all the

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<sup>12</sup> *Made for Each Other: A Catechetical and Educational Aid on Sexual Difference and Complementarity*, United States Conference of Catholic Bishops (Washington, D.C. 2010), *Resource Booklet*, p. 1.

<sup>13</sup> The Catechism of the Catholic Church (CCC) in #1934 offers this explanation as to the origin of our inherent human dignity: “Created in the image of the one God and equally endowed with rational souls, all men have the same nature and the same origin. Redeemed by the sacrifice of Christ, all are called to participate in the same divine beatitude: all therefore enjoy an equal dignity.”



natural stages of development that help us to grow into who we are intended to become.

Historically, the State of Maine has been the home to many artists. I am thinking here especially of potters who, working with an abundance and variety of native clay and porcelain, fashion works of handsome distinction. Sacred Scripture portrays our Divine Creator as the potter who has formed the human person from the dust of the earth:

The Lord God formed man out of the dust of the ground and blew into his nostrils the breath of life, and the man became a living being (Genesis 2:7).

Indeed, like clay in the hand of the potter, so are you in my hand, house of Israel (Jeremiah 18:6).

The image of the potter also speaks of the care and dignity with which the human person is created. Tertullian, an early Christian theologian of the second and third centuries, speaks of the image of the Divine Potter and of how even Christ was foreseen at the original moment, so dignified was our creation:

A great thing was being done when God constructed [man] from matter [i.e., clay]. It was honored as often as it experienced the hand of God, when he touched it, when he pulled at it, when he formed and shaped it. Reflect on God, totally occupied and given over to it, with his hand, his senses, his work, his counsel and wisdom, his providence, and especially his affection, which guided its features. For, whatever was expressed in clay, it was Christ, the future Man, that was thought of, for he, the Word made Flesh, was then clay and earth.<sup>14</sup>

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<sup>14</sup> Tertullian, *De resurrectione mortuorum*, VIII, 2; CCSL, 2, p. 928 quoted in James T. O'Connor, *The Hidden Manna: A Theology of the Eucharist*, (San Francisco: Ignatius Press, 1988), pp. 269 – 270.

Among the many blessings that God would shower upon us in Christ is the blessing of marriage, a gift bestowed by the Creator from the creation of the human race. His hand has inscribed the vocation to marriage in the very nature of man and woman.<sup>15</sup>

God created mankind in his image; in the image of God he created them; male and female he created them (Genesis 1:27).

So the Lord God cast a deep sleep on the man, and while he was asleep, he took out one of his ribs and closed up its place with flesh. The Lord God then built the rib that he had taken from the man into a woman. When he brought her to the man, the man said: “This one, at last, is bone of my bones and flesh of my flesh; This one shall be called ‘woman,’ for out of ‘her man’ this one has been taken.” That is why a man leaves his father and mother and clings to his wife, and the two of them become one body (Genesis 2:21-24).

God Himself is the author of marriage. God created marriage in the very same breath as He created the human person. It is God who brings man and woman together, forming, molding and assisting them in their bond of marriage. In the potter image, the different elements of clay and water represent the distinct “elements” of every marriage, one man and one woman, who always stand in need of the Lord’s care and assistance. Just as the finished piece of pottery symbolizes the unique and exclusive bond that arises from the exchange of marriage vows, so it also signifies the new reality that comes about from different and complementary elements.

Men and women are made for each other physically and sexually, as well as spiritually, emotionally and psychologically. Marriage depends upon sexual difference. Marriage, entered into by the vows, necessarily depends on the coming together of one man and one woman.

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<sup>15</sup> Marriage: Life and Love in the Divine Plan, p. 2.

It is true that people can unite with one another in many ways. We speak of hearts joining in affection and friendship. Human beings join with one another in projects great and small—as parishioners, fellow citizens, neighbors, or colleagues. Every human heart longs for communion with others. But at the heart of marriage is this mystery of communion in a very specific sense: a man and woman truly become one. In the exclusive and permanent promise of husband and wife, they share a life together which is totally unique. This connection of husband and wife—a communion that arises from their promises of fidelity, indissolubility, and openness to life “in good times and in bad, in sickness and in health”—necessarily calls forth the gift of a whole person to another. The vows speak of this wholeness.<sup>16</sup> In other words, two men or two women cannot achieve the essence of what we all know marriage has been from the very beginning—the fact and the reality is that in their sameness, they can never fully come together to achieve either the unitive or procreative bond as can a man and a woman precisely because of their difference.

In informal conversation among friends, people often speak of the differences between men and women. Popular literature and the entertainment media often highlight the differences between men and women much to our enjoyment. And we frequently find truth in the irony! But our sexual differences, in truth, do not compete; they complement in a manner that is intrinsic to marriage. Marriage is ordered toward the authentic union of spouses and the generation of new life. These are the unitive and procreative purposes of marriage.

Parenting, that is, fathering and mothering, is uniquely tied to sexual difference. For example, the importance of the father is shown to us when we see the spouses’ mutual relationship with their child, the fruit of their union. The mother is entrusted from the beginning with the child’s presence, which

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<sup>16</sup> Ibid., p. 7.

accompanies her during the time of pregnancy; the father, for his part, remains initially “at a distance.” In this way, the mother represents the initial embrace that receives the child into existence, giving him or her the affirmation of love he or she needs. What is the role of the father?<sup>17</sup> He lovingly affirms and identifies the distinctiveness of the child within the embrace of the mother—giving to the child a sense of independence. Thus, the mother and the father, each in her/his own way, provide a loving space for the child, one by accenting union, the other by accenting distinction.<sup>18</sup>

Children are meant to be the gift of the permanent and exclusive union of a husband and a wife and are seen as the crown of marriage:<sup>19</sup> “God blessed them, saying, ‘Be fertile and multiply; fill the earth and subdue it’” (Genesis 1:28). A child is meant to have a mother and a father. Children long for this and it is their right.<sup>20</sup> The true nature of marriage, a husband and wife living in openness to life, is a witness to the precious gift of the child and to the unique roles of a mother and a father. It is here that the unitive and procreative purposes of marriage for the couple come together, not confined wholly to the loving intimacy of husband and wife but striving in generosity to go beyond this to bring new life into being.<sup>21</sup>

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<sup>17</sup> Many answers to this question can be found in the following publication: Jeffrey Rosenberg and W. Bradford Wilcox, The Importance of Fathers in the Healthy Development of Children, Child Abuse and Neglect User Manual Series, (Washington, D.C., United States Department of Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Children’s Bureau, Office on Child Abuse and Neglect, 2006), pp. 11 – 13, 19 – 24.

<sup>18</sup> Made for Each Other, *Resource Booklet*, pp. 7 and 9.

<sup>19</sup> *Gaudium et spes*, (GS) #48” In The Documents of Vatican II, ed. Walter M. Abbott, S.J. and trans. By Very Rev. Msgr. Joseph Gallagher (Piscataway, N.J.: Association Press/New Century Publishers, 1966), p.250.

<sup>20</sup> The United Nations Convention on the Rights of a Child (1990) states: Article 7:1 – “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.”

<sup>21</sup> We should further note that advances in biomedical technology which have made it possible to procreate apart from sexual relations through artificial insemination, in vitro fertilization (even when these cells are taken from a husband and wife), or embryonic transfer do not honor the unitive and procreative purposes of marriage and the conjugal act. Consequently, these procedures are never morally permissible.

The procreative meaning of marriage involves not only the conception of children but also their upbringing and education, including spiritual formation in the life of love. This formation can take place only within a human community formed in love. The loving communion of marital spouses is the primary context in which children are both conceived and brought up in love.<sup>22</sup>

The child has the right to be conceived, carried in the womb, brought into the world and brought up within marriage: it is through the secure and recognized relationship to his own parents that the child can discover his own identity and achieve his own proper human development.<sup>23</sup>

Marriage is not an easy undertaking for anyone, especially younger couples who struggle with our current economy, manage the demands of home and work, and have to attend to extended family and many other obligations. As Blessed John Paul II observed, any couple who tries to live out this openness to procreation will find that it requires a sacrificial love. At certain difficult times in life, the procreative meaning of marriage may seem to be at odds with the unitive meaning. Though this can in fact never be the case, preserving unity may in some cases require a considerable sacrifice by couples. They should take heart from St. Paul's assurance that God will not test us beyond what we can endure: "God is faithful and will not let you be tried beyond your strength; but with the trial he will also provide a way out, so that you may be able to bear it" (1 Corinthians 10:13).<sup>24</sup>

Children are a gift in a myriad of ways. They bring joy even in the midst of heartache. They give added direction to the lives of their parents. Children, who are the fruit of love and meaningful commitment, are a cause of love and meaning.<sup>25</sup>

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<sup>22</sup> Marriage: Love and Life in the Divine Plan, p. 16.

<sup>23</sup> *Donum vitae*, IIA, 1.

<sup>24</sup> Marriage: Love and Life in the Divine Plan, p. 21. See also *Familiaris consortio*, #3.

<sup>25</sup> *Ibid.*, p. 14.



It is true that some marriages will not result in procreation due to infertility, even though the couple is capable of the natural act by which procreation takes place. Indeed, this situation often comes as a surprise and can be a source of deep disappointment, anxiety, and even great suffering for a husband and wife.<sup>26</sup> When such tragedy affects a marriage, a couple may be tempted to think that their union is not complete or truly blessed. This is not true. The marital union of a man and a woman is a distinctive and complementary communion of persons. An infertile couple continues to manifest this attribute.<sup>27</sup>

While the desire for a child is natural as it expresses the vocation to fatherhood and motherhood inscribed in the conjugal love of a husband and wife, marriage does not confer upon spouses an actual right to have a child, however strong this desire may be. *A child is a gift!* It is the child who has the right to be the fruit of a specific act of the conjugal love of his or her parents; he or she also has the right to be respected as a human being from the moment of conception,<sup>28</sup> and he or she has a right to be raised by both a mother and a father. Both married couples who are able to have children and those who cannot may dedicate themselves to further serving our youngest members of society by adopting a child, working or volunteering in schools or youth activities, assisting needy families, or through other forms of service to children who are disadvantaged or living with disabilities. All of these are other ways of expressing the procreative dimension of marriage.

Even when their child-bearing years have passed, our senior couples often continue to be life affirming. They do this by staying involved in the lives of

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<sup>26</sup> Much is being done by medical professionals and researchers in addressing infertility. While fully respecting the dignity of human procreation, some have achieved results which seemed previously unattainable. Training in and the practice of Natural Family Planning by spouses who are experiencing infertility can help medical professionals to diagnose its cause and to propose a remedy so that the couple will be able to conceive with full respect to their personal and marital dignity and that of the child to be conceived. See also *Donum vitae*, IIB, 8.

<sup>27</sup> Marriage: Love and Life in the Divine Plan, pp. 14 – 15.

<sup>28</sup> *Donum vitae*, IIB, 8.

young people, especially their grandchildren, as spiritual mentors, teachers, and wisdom figures. They also continue to be nurturing through the exercise of care for those who are needy, disabled, or pushed to the margins of society, and by their support for or participation in works of charity and justice.<sup>29</sup>

### 3. Marriage and the Natural Law

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We have just stated some of what we know about marriage from the perspective of Christian faith. However, even the Church's teaching about marriage is rooted in something far older and more fundamental than religious doctrine: it is the law of nature which furthers the order of creation and establishes the activities of all creatures. According to St. Thomas Aquinas, the natural law is "nothing else than the rational creature's participation in the eternal law."<sup>30</sup> When God willed to give existence to creatures, He willed to direct them to a goal and purpose. In the case of any of the non-rational creatures, this divine direction is provided for in the nature which God has given to each of them.

In natural law, however, men and women are distinct creatures. Like all the rest of creation, men and women are destined by God to a goal and purpose, and they receive from Him a direction towards this goal. But women and men are different. They have a character in harmony with their free, intelligent nature. By virtue of their intelligence and free will, men or women determine their own conduct. Unlike non-rational creatures, they can choose their action, act, or abstain from action as they please. Yet men and women are not lawless beings. They live according to a law laid down for them, reflecting that order and direction of all things which is the eternal law. This rule, which God has prescribed for our conduct, is found in our nature itself. Actions which conform to the tendencies of our human nature and

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<sup>29</sup> Marriage: Love and Life in the Divine Plan, p. 15.

<sup>30</sup> *Summa theologiae*, I-II q. 94.

which lead to our ultimate goal are thereby constituted right and morally good; those at variance with our nature are wrong and immoral.

Hearing the voice of a properly formed and true conscience, we can evaluate and make correct moral judgments upon many basic human activities because the natural law is universal, that is to say, it applies to all humanity and is in itself the same for everyone. All persons are bound by natural law, if they choose to conform to the universal order willed by God. Men and women must live in accord with their own rational human nature and be guided by reason with regard to universal truths about them.

The natural law is immutable. It is enduring and unchangeable, either as to how it is understood in itself over time or by others—by its interpretation and understanding by judges, by governments, or even by the Church. We cannot change it.<sup>31</sup> Since it is founded in the very nature of the human person and the innate call to do good and to avoid evil—the first precept of the natural law—it follows that as long as men and women shall live, this law cannot cease to exist.<sup>32</sup> The common principles of natural law are universal and timeless; they command and forbid certain acts in the same manner everywhere and always.<sup>33</sup>

Nor can natural law be changed by abrogating or abolishing it or by dispensing from it; there can be no question of this being done by any authority except by God Himself. However, it is inconceivable that even God could exercise such power because, inasmuch as He wills men and women to exist, He wills them necessarily to live in conformity to the eternal law, by observing in their conduct the law of reason. God, then, cannot be conceived as willing natural law and simultaneously willing something that contradicts natural law: that men and women should be set free from the demands of natural law either by its abolition or partially by dispensation from it.<sup>34</sup>

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<sup>31</sup> CCC, #1958 and #1979.

<sup>32</sup> CCC, #1955.

<sup>33</sup> CCC, #1957.

<sup>34</sup> CCC, #1956.

Natural law is the source from which both civil law and Church law emerge.<sup>35</sup> Natural law is the foundation of all human law inasmuch as it ordains that men and women shall live in society, for according to their nature, both men and women are created to be in relationship to others. In part, men and women are destined to live in a society which, by necessity, requires the existence of an established authority that is able to give order to the community and its members and so direct them to the common good.

I have always had great respect for the educational function of our laws, both civil law and canon (Church) law. Law can tell us not only what we are to do and what actions we are to avoid, but also the people we are called to be as a Church, as a nation, as citizens of a state or city. The recognition of our responsibility to the common good of all is an important lesson that we can learn from our laws, including the laws that govern marriage, both within the Church and in society at large.

We live in a world where many institutions possess authority in service to the common good of society and of the various communities which are a part of the greater whole. Our national and state governments, universities and schools, and healthcare institutions (to name but a few) all have their own authority within society. Each of these institutions acts according to specific laws, policies, and defined guidelines. Human laws gain their validity and are equitable only insofar as they correspond with and enforce or supplement the natural law.

Canon (Church) law, as it helps to order and guide the actions and the life of the Church, also finds its source in natural law and divine revelation. As an institution within the nation, state, and society, the Church is also subject to civil law. It is from this experience of being a visible institution in society with a long history of dedication and service to the common good and of upholding human dignity that the Church can function as a prophet of the law. The Church is an advocate for many when it speaks before public institutions, such as the civil government, about laws which ensure the

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<sup>35</sup> *Summa Theologiae* I-11, q. 93, a. 3. Here, Saint Thomas Aquinas quotes from Cicero and Saint Augustine.

common good. The Church can be universally prophetic in this regard because it speaks from natural law and to human reason. In an address of September 22, 2011, delivered to the German parliament, Pope Benedict XVI stated:

Unlike other great religions, Christianity has never proposed a revealed law to the state and to society, that is to say, a juridical order derived from revelation. Instead, it has pointed to nature and reason as the true sources of law—and to the harmony of objective and subjective reason, which naturally presupposes that both spheres are rooted in the creative reason of God.<sup>36</sup>

The Church's effort to promote and protect marriage in the public square is not a matter of forcing faith on anyone. We share in the civic responsibility of every citizen to uphold the perennial truths of reason based in the natural law which is the foundation of all law. These truths establish the foundation of any society respectful of human dignity and the common good. These are truths knowable to men and women of any faith or of none.

In a concise manner, the Code of Canon Law reflects how marriage is established and defined by natural law and how it is essentially lived within our Christian faith as a sacrament. It is an articulation of marriage as being one in life and one in law:

Marriage is a covenant by which a man and a woman establish between themselves a partnership of the whole of life, which, by its very nature, is ordered toward the good of the spouses and toward the procreation and education of offspring, and which, between the

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<sup>36</sup> Pope Benedict XVI. Germany Visit “Address to German Parliament” (September 22, 2011) in *Origins*, Vol. 41, Issue 18, October 6, 2011, p. 280.



baptized, has been raised by Christ the Lord to the dignity of sacrament.<sup>37</sup>

Pope Benedict XVI in his recent annual addresses to the Roman Rota (a Vatican court of Church law) reminds us of the important service that marriage, one in life and one in law, gives to wider society, and how a man and a woman in the full matrimonial partnership of their life and love serve their own good and ultimately that of their potential children:

...the [C]hurch's tradition clearly affirms the natural juridical character of marriage, that is, the fact that it belongs by nature to the context of justice in interpersonal relations. In this perspective, the law is truly interwoven with life and love as one of the intrinsic obligations of its existence<sup>38</sup>

Thus, there is no such thing as one [kind of] marriage according to life and another according to law: marriage is one thing alone; it constitutes a real legal bond between the man and the woman, a bond which sustains the authentic conjugal dynamic of life and love.<sup>39</sup>

This is marriage as we know it, esteem it, and seek to support it as Church and as a public community of citizens. Marriage, precisely because it is foundational to society and is a bond which fosters an authentic dynamic of life and love, is reflected in and defined by natural law as belonging to a man and a woman. Natural law, predating government and even organized religion, recognizes the unique physical, as well as the fuller and enduring social, relational, and psychological capacity of marriage between a man and a woman to give birth to a child. Natural law envisions the stability and permanence of parental commitment within marriage, which down through

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<sup>37</sup> Code of Canon Law, #1055, Article 1. Note that this canon finds its source in the writings of the third-century jurist of the Roman Empire, Modestinus, who captured the common understanding of marriage with the following definition: "Marriage is the union of a man and a woman, a consortium for the whole of life involving the communication of divine and human rights."

<sup>38</sup> Pope Benedict XVI. Roman Rota Speech: "Marriage's Juridical Dimension" (January 27, 2007) in *Origins*, Vol. 36, No. 36, February 22, 2007, p. 578.

<sup>39</sup> Pope Benedict XVI. "Address to Roman Rota" (January 22, 2011) in *Origins*, Vol. 40, No. 36, February 17, 2011, p. 597.

the ages has proven to be the best, if not the only, atmosphere for educating, nurturing, and raising children. Natural law, in forming the basis for both our civil law and Church law, guides all law toward a fundamental orientation and purpose to respect the common good of all people—a good to which marriage between a man and woman makes an irreplaceable, unique, and singular contribution. On this basis, marriage as defined in natural law deserves the distinct support and protection of our civil law, the esteem of society, and the continuous faithful teaching and lived witness of the people of God.

## 4. Marriage: A Unique Relationship

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Marriage is a unique union, a relationship different from all others. It is the permanent bond between one man and one woman whose two-in-one-flesh communion of persons is an indispensable good at the heart of every family and every society. No other relationship is capable of realizing this specific communion of persons. Therefore, attempting to redefine marriage to include any other kind of relationship empties the term of its meaning, for it excludes the essential complementarity between man and woman, treating sexual difference as if it were irrelevant to what marriage is. Male-female complementarity is intrinsic to marriage.

Marriage is also ordered toward authentic union and the generation of new life. Children are meant to be the gift of the permanent and exclusive union of a husband and a wife. The stable, lifelong, loving relationship of a man and a woman, when legally recognized as a marriage, provides the ideal

conditions for raising and socializing children.<sup>40</sup> Marriage is the way by which we model this wisdom to future generations and give witness to this ideal. Any other relationship—even the relationship of adoptive or foster parents and the children held in their generous, praiseworthy, and loving care—is not the same as the bond between parents and the children born of their union. Consequently, to make any of these the equivalent of marriage disregards the very nature of marriage.<sup>41</sup>

Marriage is not merely the appearance of a union. It is not a temporary joining of the affections that can be withdrawn, a partial commitment. Nor is it simply friendship, as great a good as healthy and holy friendships are.<sup>42</sup> Friendship cannot be confused with marriage. While friendships are the union of hearts and minds, marriage, by its nature, unites hearts, minds and bodies. While friendships come in different degrees and levels of commitment, marriage calls for a permanent and exclusive commitment as well as sexual complementarity. The absence of sexual complementarity makes the marriage of two people of the same sex impossible: they cannot realize the procreative sort of union, including the bodily union, distinctive of marriage.

The debate about redefining marriage often refers to a “right to marriage” and an opposition to this “right.” But something as unique as marriage is only possible for those open to complete fulfillment of its purposes; it is not a “right” that can be given or denied.

Moreover, no one has a right to have the law or the institutions of the state call “marriage” something other than what it is. Truth demands that we recognize as marriages only those unions that truly are marriages. We acknowledge that people come together for many different reasons, and on

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<sup>40</sup> Rosenberg and Wilcox in “The Importance of Fathers in the Healthy Development of Children” (United States Department of Health and Human Services, 2006), p. 17, make the following observation: “One cannot equate a household headed by a married mother and father with a household headed by parents who are cohabitating. There is something about the legal and social commitments of marriage that strengthens the positive impacts of fathering—it may simply be that being married strengthens the commitment of a father to his family.”

<sup>41</sup> Marriage: Love and Life in the Divine Plan, p. 22.

<sup>42</sup> Made for Each Other, *Resource Guide*, p. 13.

occasion, their associations require legal access to certain benefits, privileges, or rights of ownership. If two friends, two relatives, or any two persons want to have the state grant them access to benefits, medical visits, or property ownership, the state may grant that request by any number of legal provisions that do not obscure the truth and purpose of marriage. The state has various legal means at its disposal to facilitate people's ability to care for and support each other. We do not need to redefine marriage to accomplish this.<sup>43</sup>

Those who would attempt to redefine marriage to include or be made analogous with any other kind of human relationship are suggesting that the permanent union of husband and wife, the unique pattern of spousal and familial love, and the generation of new life are now only of relative importance rather than being fundamental to the existence and well-being of society as a whole.<sup>44</sup>

In society, both men and women are joined and engage in a variety of relationships that contribute to the well-being and flourishing of all. When men and women are able to serve the common good and engage in activities that fulfill the true good of the human person, conforming to the good promised by God and upheld by a properly formed moral conscience, these relationships deserve our respect.<sup>45</sup> But it is only that unique relationship between a man and a woman that can be called a marriage or recognized as a marriage in law and in fact. Marriage as it is currently recognized in Maine law is more than just a loving relationship, more than just a committed relationship, more than just about access to certain state-sponsored benefits.

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<sup>43</sup> Gregory J. Mansour and Robert P. George, "Marriage or Friendship?" *Touchstone* (January-February 2012): 13 – 14.

For example, a commonly cited concern is the denial of hospital visitation rights to non-family members. It must be said that any person can be designated as an agent for another person under a power of attorney for health care and would have the ability to make medical decisions, receive medical information and visit the other person in a hospital. Clearly, benefits of this type have been granted through legislative or administrative action without concern for sexual behavior or marital status. This workable approach should continue in areas where legitimate needs are identified. (Catholic Conference of Illinois, 2009).

<sup>44</sup> Marriage: *Love and Life in the Divine Plan*, p. 23.

<sup>45</sup> CCC, #1700.

Marriage is about “[t]he union of one man and one woman joined in traditional monogamous marriage....”<sup>46</sup>

All of us are sensitive to what are clearly discriminatory acts or speech, or even appearances of being unfair or unkind. Today, the cause for the legal recognition of various human relationships is often equated with non-discrimination, fairness, equality, and civil rights. But when we say that these relationships cannot be called marriage by legal definition, we are not discriminating, but rather, we are marking the obvious and essential difference between marriage and every other form of relationship.

Nor are we being unjust in making this distinction. “The denial of the social and legal status of marriage to forms of cohabitation that are not and cannot be a marriage is not opposed to justice; on the contrary, justice requires it.”<sup>47</sup> To promote and protect marriage as the union of one man and one woman is itself a matter of justice. In fact, it would be a grave injustice if the state ignored the unique and proper recognition of husbands and wives, the place of mothers and fathers, and especially the rights of children, who deserve from society clear guidance as they grow to sexual maturity. Indeed, without this protection the state would, in effect, *intentionally* deprive children of the right to a mother and father.<sup>48</sup>

## 5. Marriage and the Good of Society

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The common good of all society is vitally dependent on marriage as we know it and as it has been intended by God from the very beginning. Marriage has something truly and profoundly valuable to offer society. It is the foundation of the family. A family, headed by a husband and a wife, is

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<sup>46</sup> Maine Revised Statute Title 19-A, Chapter 23: MARRIAGE, Part 2, Subchapter 1. General Provisions, Section 650. Findings and Purposes (1997).

<sup>47</sup> Congregation for the Doctrine of the Faith, *Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons* (2003), no. 8.

<sup>48</sup> Marriage: Love and Life in the Divine Plan, p. 23.



the best place for children to be loved, cared for, educated, and taught to be productive, creative, upright, and responsible citizens in society. When we recognize true marriage and support it, we ensure that as many children as possible know and are known by, love and are loved by, the mother and father in the exclusive marital embrace. By the grace of God, they were brought into being, and in their parents' permanent marital love these children find their greatest security.<sup>49</sup> Our laws on marriage protect the rights of husbands and wives with respect to the life-giving nature of the love that they share. As mothers and fathers, they guide and form our children to become responsible citizens of the nation and of the world.

Consider this: the laws of many nations recognize the special importance of marriage and family through tax and other economic and social benefits because the dependence of society upon marriage and the family is so clearly evident. Even as we speak, some European nations are providing direct financial incentives for couples to have children. Other countries are considering the same. Many of these countries, with a precipitous decline in their population of young people, are now struggling to preserve national retirement benefits or healthcare programs because of a lack of sufficient young, vigorous, working citizens to contribute to society.

One must wonder if we are not placing our own state and nation at the same risk if same-sex unions were to be given legal recognition. Could various healthcare programs, necessary government and public services, the reward of a decent and deserved retirement be jeopardized in part because the laws of society do not properly recognize the importance of marriage? The fact is everyone has a stake in a stable, flourishing, and loving society created and sustained in no small part by marriage between a man and a woman.

Pope Benedict XVI emphasizes the centrality and importance of marriage to society in *Caritas in veritate*, his most recent encyclical:

It is thus becoming a social and even economic necessity once more to hold up to future generations the beauty of marriage and the family, and the fact that these institutions correspond to the deepest needs and dignity of the person. In view of this, States are called to enact policies

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<sup>49</sup> Mansour and George, p. 14.

promoting the centrality and the integrity of the family founded on marriage between a man and woman, the primary vital cell of society, and to assume responsibility for its economic and fiscal needs, while respecting its essentially relational character.<sup>50</sup>

## A Final Word

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Dear brothers and sisters,

This document articulates the unchanged and unchangeable truth about marriage, which is the same "yesterday, today and always." Marriage, in its essence, is a permanent and exclusive union of one man and one woman whose complementarity alone can achieve the fullness of that which is both unitive ("one flesh") and procreative ("new life").

I acknowledge that this immutable truth, as revealed in the order of creation and in the word of God, is the ideal, which both society and the Church have upheld and which couples have lived for millennia. In doing so, I have also acknowledged not only the heroic example of many faithful couples but also the perennial difficulties that they all face to varying degrees. Likewise, I addressed the direct and pervasive challenges presented by the culture to the institution of marriage itself and to children, including divorce, cohabitation, and of increasingly imminent concern, the recent attempts to redefine marriage.

As your bishop, whose primary responsibility is that of teacher, it is my hope that this document will challenge everyone who reads it to embrace anew the truth, beauty and goodness of marriage as it has always been and always will be.

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<sup>50</sup> *Caritas in veritate*, #44.

Please pray for all married couples, that their love and fidelity grow ever deeper as a witness to the ideal and truth of marriage. Pray also that our society may come to embrace the fullness of the gift that marriage is in its essence: the union of one man and one woman who are open to the gift of new life.

Given on the twelfth day of February, World Marriage Day, in the year of our Lord, two-thousand and twelve, the eighth of my episcopate.

Yours sincerely,

*+ Richard J. Malone*

Most Reverend Richard J. Malone, Th.D., S.T.L.  
Eleventh Bishop of Portland





