

## **Statement by the Catholic Bishops of New Jersey**

January 20, 2012

Marriage as a union of a man and a woman has its roots in natural law. Throughout all of human history marriage has been held to be a union of man and woman. Marriage as a union of man and woman existed long before any nation, religion, or law was established. Marriage which unites mothers and fathers in the work of childrearing is the foundation of the family and the family is the basic unit of society.

Sadly, the institution of marriage is being challenged by a society so concerned with individual freedom that some view marriage as a temporary or disposable convenience. Now, there is even an attempt in the New Jersey legislature to pass a law that would change the very definition of marriage as a union of one man and one woman.

As citizens, we must protect marriage as the union of one man and one woman. Same sex unions may represent a new and a different type of institution — but it is not marriage and should not be treated as marriage.

### **What can you do to help protect marriage?**

Today, we ask all people of good will to do three simple things. First, pray for all married couples and all families. Second, reflect on this important question, “How can I help my family and the families I touch to grow in hope, love, peace and joy.” Third, we ask everyone to reach out to your neighbors, your legislators and the Governor with a simple message: “Preserve the definition of marriage as a union of one man and one woman.”

To help everyone understand why marriage can only be a union between one man and one woman, we offer the following facts:

### **Why should citizens care about the state’s definition of marriage?**

Citizens must care about the government’s treatment of marriage because civil authorities are charged with protecting children and the common good, and marriage is indispensable to both purposes. Citizens have the right and the responsibility to hold civil authorities accountable for their stewardship of the institution of marriage. Citizens also have the responsibility to oppose laws and policies that unjustly target people as bigots or that subject people to charges of unlawful discrimination simply because they believe and teach that marriage is the union of man and a woman.

**Why should two individuals of the same sex be treated any differently than married couples who cannot conceive children?**

Marriage benefits society by bringing men and women — the two complementary “halves” of the human race — together. Regardless of whether they can conceive children, a man and a woman united in marriage reinforce the importance of this ideal. By contrast, if the government insists that same-sex unions are “equal” to unions of a man and a woman, the government will be teaching not only that mothers and fathers are no longer necessary for children, but also that uniting the sexes is no longer an important ideal. Persons of same-sex orientation have the right to live as they choose but they do not have the right to redefine marriage for everyone by altering the civil law.

**Don't single parents make a valuable contribution to family life? If so, why should same-sex partners not be viewed the same way?**

The stable lifelong loving relationship of a mother and father, found only in marriage, provides the ideal conditions for raising and socializing children. Marriage represents the way we teach and reinforce this ideal.

Of course, some children are raised in situations other than the traditional two-parent family, and responsible loving single parents and other family members make important and valuable contributions to the welfare of these children. But supporting single-parent families, as a just and compassionate society must do, is far different than deliberately creating motherless and fatherless families and holding them out to be the same as marriages.

**Is same sex “marriage” a civil right?**

Same-sex “marriage” is not a civil right. A strong desire does not make a civil right. Every man and every woman has a right to enter into marriage, but marriage as an institution can only be between a man and a woman. Governments do not have the power to define marriage otherwise, because it is a permanent human institution that does not owe its existence to governments.

In addition, same-sex “marriage” is not a civil right because same-sex couples cannot fulfill the core public purpose of marriage: bringing men and women into the only kind of union that can make new life and give children mothers and fathers.

Would maintaining the definition of marriage as a union solely of one man and one woman deny hospital visitation privileges to civil union partners? Would defining marriage as a union of one man and one woman take away any benefits currently provided to civil union partners by employers?

No. In New Jersey, the Civil Union Act already provides practical rights, benefits, and protections for persons who choose to establish non-marital unions. As clearly stated in the Act: Civil union couples shall have all of the same benefits, protections and responsibilities under law, whether they derive from statute, administrative or court rule, public policy, common law or any other source of civil law, as are granted to spouses in a marriage. [N.J. Statutes 37:1-31(a)]

The Act also provides that civil union couples are entitled to the benefits and protections of “laws relating to insurance, health and pension benefits.” [N.J. Statutes 37:1-32(e)] In addition, the Act prohibits an array of unlawful employment practices by employers who do not fully implement the Act.

The Physician Orders for Life-Sustaining Treatment (POLST) Act, signed into law by Governor Christie in December 2011 guarantees by law that all adult patients have the right to designate a representative of their choice with the power to convey specifically how the patient would like to be treated including in the event the patient loses the capacity to express their preferences regarding life-sustaining treatments. The POLST Act even allows for a patient to authorize the patient’s representative to revoke or modify the patient’s decisions if the patient loses decision-making capacity.

Further, many organizations have approved Advanced Directives for Health Care that allow individuals to designate anyone they wish as a health care decision maker.

In short, there is no evidence for the claims that in New Jersey same sex couples are not able to assist in making health care decisions together with or for each other. That right is guaranteed by law.

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