

Study Guide



Made For Freedom

A CATECHETICAL AND EDUCATIONAL AID
ON MARRIAGE AND RELIGIOUS FREEDOM



MARRIAGE
Unique for a Reason



ABOUT THE ART

Saints Joachim and Anne are the father and mother of the Blessed Virgin Mary. Mary is the fruit of their marriage. By a singular grace of God in view of the merits of Jesus, she was preserved from all stain of Original Sin from the moment of her conception. Thus it is in the context of married life and conjugal love that Mary is prepared to receive the Divine Logos, the Word made flesh, Jesus Christ our Lord. Jesus is the Logos, the "Reason" at the heart of all reason and truth, including the truth of marriage. The marriage between Joachim and Anne is a significant witness to why marriage is "unique for a reason."

The Subcommittee for the Promotion and Defense of Marriage is grateful to the artist Rev. Marko Rupnik for the use of this image.

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MARRIAGE

Unique for a Reason



United States Conference of Catholic Bishops

MARRIAGE: UNIQUE FOR A REASON

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Msgr. J. Brian Bransfield
General Secretary, USCCB

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Introduction

*“If our obligations and duties to God are impeded,
or even worse, contradicted by the government,
then we can no longer claim to be a land of the free,
and a beacon of hope for the world.”*

- Archbishop Joseph E. Kurtz,
President of the United States Conference of Catholic Bishops¹

The new religious freedom conflict in America is over the institution of marriage. The Supreme Court decision in *Obergefell v. Hodges* means that the American legal system no longer recognizes the natural reality of marriage, and this has opened the door to a variety of challenges to religious freedom.

Human beings did not create either marriage or religious freedom; they both belong to the nature of man as he was created by God at the beginning. Society, at its best, recognizes and honors them; at its worst, it rejects them or pretends that society itself is their origin. The United States of America has been, in many ways, a model of a society built in part on the principle of religious freedom. As Pope Francis noted in his speech at Independence Hall

in Philadelphia, “The Declaration of Independence stated that all men and women are created equal, that they are endowed by their Creator with certain inalienable rights, and that governments exist to protect and defend those rights.”² If the origin of inalienable rights is the Creator, then it follows that these rights must be in line with his will.

This study guide accompanies the video entitled *Made for Freedom*, the third video in the *Marriage: Unique for a Reason* series. The first video, *Made for Each Other*, examined the meaning of sexual difference between man and woman, and why this difference is essential to marriage. The second video, *Made for Life*, explored another essential aspect of marriage: openness to the gift of a child. This aspect rests on the sexual difference, and also presumes the indispensable place of mothers and fathers for children. In *Made for Freedom*, the integral relationship between marriage and religious freedom is explored, particularly in light of the legal redefinition of marriage which occurred on the national scale on June 26, 2015 with the U.S. Supreme Court decision in *Obergefell v. Hodges*.

In this guide, we will look at some of the questions brought up in *Made for Freedom*, and other related questions, such as: What does religious freedom mean in the context of Catholicism and America? What does the legal redefinition of marriage mean for the religious freedom of the Church as an institution? What does it mean for individual believers? What does redefining marriage mean for children? What does it mean for the workplace? This study guide is intended to assist and facilitate discussion of the concepts introduced in *Made for Freedom*.

For more information and further resources, including access to other videos in the series, go to www.marriageuniqueforareason.org.

STUDY GUIDE

Marriage is a Natural and Supernatural Reality

The previous two videos in the *Marriage: Unique for a Reason* series, *Made for Each Other* and *Made for Life*, focused on two natural goods of marriage (unity and the procreation and education of children). This video focuses on the connection between marriage and religious freedom. In order to understand this connection, it is important first to reiterate the importance of marriage itself.

Everyone comes from the union of a mother and father, even when conception occurs through technological means. This is a fundamental truth about the human person. As we grow up, we watch, observe, and internalize this reality: that there are two different kinds of persons in the world, and that one of each was involved in making us. We look to them as models. This is not a human construct or invention, rather a natural reality.

Marriage is natural; it arises from who man and woman are, and how children come to be. One need not believe in God to see the importance of marriage and how it has served to stabilize relationships and pass down history and traditions. An honest and unbiased look at the environment in which children thrive shows that a mother and father matter.³ The reality that every child comes from a mother and a father precedes (and ideally helps form) any state “institution” of marriage.

Through Scripture, we know that marriage is both a created natural reality and a supernatural one. It was ordained by God in creation, to give Adam a true partner in love and for the couple to “be fruitful and multiply” (Gn 1:28). In the New Testament, Christ raises marriage to be a sacrament, a living sign of the bond between Christ and his Church. Marriage is made holy, a source of grace, and becomes a participation in the mystery of Christ and the Church. “This is a great mystery,” St. Paul tells us (Eph 5:32). Marriage has an enduring value for all.

Discussion Questions:

1. *Why is marriage important?*
2. *Is having children an essential part of marriage? Why or why not? Can you explain why a married couple who experiences infertility is different, in an essential way, from a same-sex couple?*
3. *What qualities of marriage are based on what a child needs? Why is fidelity, for example, expected or required?*

What is Freedom?

Everyone wants to be free! No one likes to be constrained or held back from making decisions or choosing his (or her) own path in life. Freedom has the connotation, at least in America, of being able to “do whatever you want,” but when we give that a little thought, we know that it is never that simple. Most often, in fact, we accept limits precisely in order to enjoy our freedom. For example: a girl on the soccer field is truly free when she plays the game as it is meant to be played. She’s not free to pick up the ball and dribble it in her hands like a basketball, but neither does she want to, because that is not how the game is played. It would ruin the game, and her own enjoyment of it, if she decided to play soccer like basketball. Similarly, there are “rules” to the “game” of life, and freedom has the purpose of helping us lead a full and meaningful one.

The Dominican moral theologian, Servais Pinckaers (1925-2008), identified two concepts of freedom that are in contrast to one another: freedom of indifference and freedom for excellence.

“Freedom of indifference” means seeing freedom as open and neutral toward all the available options. Every choice, in so far as it is a choice, is equally free. It is the freedom to *not be forced* to do anything (“freedom from coercion”). If freedom is really unconnected to any other aspect of the person or objective truth, then choosing to murder another person is just as “free” a decision as choosing to buy a meal for a homeless person. Of course, anyone would say that the person helping out another person is “using” their freedom better than the murderer, but is that saying enough? Is it just a question of using our freedom well or badly? Freedom of indifference says yes, those two people are equally free to choose good or evil.

In contrast, if you understand freedom as the “freedom for excellence”, you would say that the murderer is actually *less free* than the charitable giver. In doing something that is *wrong*, in acting against the true, objective order of

things, the person choosing evil is actually diminishing or losing his (or her) freedom. It is in fact an abuse of freedom.⁴ It will not bring him (or her) happiness. Therefore, it is not a truly free choice. The freedom for excellence is the freedom to do good: the freedom to become who you are meant to be.

Here is another example. A pianist practices many hours a day in order to become skilled. After this difficult and painstaking work, excellence for him becomes almost effortless, at which point he is truly free. The same concept applies in the moral realm; practicing virtue precedes the effortless choice of the good.

In contrast, think of someone who is addicted to something, be it drugs, pornography, or even just caffeine. That person is technically free to choose to use his drug of choice or not, and yet once addicted, the addict will often admit that he is not free to say no; he has become enslaved.

Scripture confirms that sin is the opposite of true freedom. In the Gospel of John, we read, “Jesus answered them, ‘Amen, amen, I say to you, everyone who commits sin is a slave of sin. A slave does not remain in a household forever, but a son always remains. So if a son frees you, then you will truly be free’” (Jn 8:34-36). St. Paul says, “Now the Lord is the Spirit, and where the Spirit of the Lord is, there is freedom” (2 Cor 3:17) and, “For freedom Christ set us free; so stand firm and do not submit again to the yoke of slavery” (Gal 5:1). We are truly free, then, when we live as children of God. We are free to love as God loves; that is the purpose of freedom.

True freedom then is the capacity to love in truth and to choose the good. This echoes the words of the *Catechism*: “The more one does what is good, the freer one becomes,” and “true freedom” comes “in the service of what is good and just.”⁵

All of these reflections have a bearing on how we think about religious freedom in our current situation. Pope Benedict XVI reflected on it this way: “Religious freedom should be understood, then, not merely as immunity from coercion, but even more fundamentally as an ability to order one’s own

choices in accordance with truth.”⁶ Pope Francis reiterated this idea: “The more men and women are at the service of others, the greater their freedom!”⁷ Such freedom corresponds to what a person is called to be: a gift for others.

Discussion Questions:

1. *What is the difference between freedom of indifference and freedom for excellence?*
2. *How does freedom for excellence correspond better to a Christian vision of the human person than freedom of indifference?*
3. *Can you think of other examples from Sacred Scripture where it becomes clear that sin does not make a person free but rather a slave?*

Our First Freedom

There is a rich history of religious freedom in the United States. Even before being enshrined in the First Amendment to the Constitution, religious freedom played a part in the founding of the United States. The Declaration of Independence called upon rights endowed by the *Creator* as justification for the rejection of British rule: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”⁸ Many of the first pilgrims arrived on these shores to escape religious persecution. When the ships the *Ark* and the *Dove* arrived in Maryland, the settlers disembarked on a Marian feast day and celebrated Mass in order to give thanks for a safe journey.⁹

The right of every person to live according to the dictates of his own conscience has been considered fundamental from the beginning of our country. The right of religious freedom has been considered broadly here, encompassing not only the right to worship in a set-apart church space, but also the right to speak and act publicly in accordance with religious beliefs. In this environment of tolerance, the Catholic Church has been able to establish schools, hospitals, and countless other charitable organizations.

“Building a future of freedom requires love of the common good and cooperation in a spirit of subsidiarity and solidarity,”¹⁰ Pope Francis said to Congress on his trip to the United States. If America wants to be a “land of the free,” then it must uphold religious freedom as fundamental for all other freedoms. The fruits of genuine religious freedom are peace and justice. Therefore, we are called to defend it. At his address at Independence Hall in Philadelphia, Pope Francis encouraged Americans to do so, saying, “[May] you defend these rights, especially your religious freedom, for it has been given to you by God himself.”¹¹ While the Founding Fathers highly valued religious freedom and established it as foundational to the United States, its

origin is not the state. It is a natural right, given by God to every human being, and must be respected.

Discussion Questions:

1. *Why do you think that freedom of religion was included in the First Amendment? What are the other freedoms listed there? How are they related to each other?*
2. *What are the “values” that are being placed in opposition to religious faith in the public sphere?*
3. *What is a just way of discerning when a religious belief should give way to a public good? What is not?*

Religious Freedom in the Catholic Tradition

The Catholic Church reflected on religious freedom during the Second Vatican Council. The document that emerged, *Dignitatis Humanae*, focuses on religious freedom in the context of human dignity and the right and duty of the human person to seek truth.

Dignitatis Humanae declares that, “The right to religious freedom has its foundation in the very dignity of the human person.”¹² In light of who man is – made in the image and likeness of God and called to communion with him – religious freedom is a necessity. The *Catechism* reads, quoting *Dignitatis Humanae*, “Nobody may be forced to act against his convictions, nor is anyone to be restrained from acting in accordance with his conscience in religious matters in private or in public, alone or in association with others, within due limits.”¹³ God does not force his creatures to love or serve him. The love that is due in justice to God is not demanded or coerced. How much less, then, does any state have the right to dictate to a person’s conscience or demand his obedience to man-made laws over the law of God as the person understands it?

Pope Benedict XVI, in a World Day of Peace message, reiterated that religious freedom is an aspect of the dignity of the human person. He said, “Religious freedom expresses what is unique about the human person, for it allows us to direct our personal and social life to God, in whose light the identity, meaning and purpose of the person are fully understood.”¹⁴ We are made to know God and to love him: this distinguishes us from all the rest of creation. We cannot do this if we are not free to seek the meaning of our existence.

The Church upholds the right of religious freedom for all people and urges that it be honored by all civil governments. Turning to *Dignitatis Humanae* again, the Church notes, “Government is also to help create conditions favorable to the fostering of religious life, in order that the people

may be truly enabled to exercise their religious rights and to fulfill their religious duties, and also in order that society itself may profit by the moral qualities of justice and peace which have their origin in men's faithfulness to God and to His holy will.”¹⁵ In a religious freedom case at the Supreme Court regarding a Muslim inmate's right to grow a beard in accordance with his faith, the USCCB filed an *amicus curiae* brief stating, “Of course, religious liberty for prisoners is more than just good public policy, it is a fundamental right. The freedom to practice and profess one's religious beliefs is a basic human right that the framers sought to protect.”¹⁶

For Christians, today's challenges to religious freedom in America center largely around the Church's teachings on sexual morality. But it is important to recognize that religious freedom, broadly speaking, is an international concern. Christians are being exiled, persecuted, and killed for their faith even today.¹⁷ While the challenges to religious liberty in America are subtle, and certainly less violent than those experienced by the faithful around the world, those persecuted Christians are witnesses to us that religious freedom must be defended. We must protect religious freedom at home in order to be a beacon of hope and a model of tolerance in the world.

Discussion Questions:

1. *What is the connection between religious freedom and human dignity?*
2. *How can a government “create conditions favorable to the fostering of religious life”?*
3. *Do you think there was a time and/or a place where respect for religious freedom was exemplified? When and/or where? What are some ways you can defend religious freedom?*

Freedom to Live Our Faith Every Day

Religious freedom is both the highest and most basic freedom that belongs to the human person. It is the highest freedom because it has to do with man's ultimate eternal destiny. It is the most basic because a society is not properly called "free" without it. Pope Benedict XVI said, "Religious freedom is the pinnacle of all other freedoms. It is a sacred and inalienable right. It includes on the individual and collective levels the freedom to follow one's conscience in religious matters and, at the same time, freedom of worship."¹⁸

The freedom of worship is extremely important and perhaps taken for granted in America. It is wonderful that people can attend a church, synagogue, mosque, or a simple auditorium to worship God as they see fit, without fear of violence or destruction.¹⁹ Consider how particularly disturbing acts of violence are when they are directed at places of worship. But as Pope Benedict XVI noted above, religious freedom *includes* the freedom of worship, but it cannot be *confined* to it.

Religious freedom in America ought to continue to be robust: the freedom to live out our faith in everyday activities, from work and school to community organizations and charitable works. When he visited Independence Hall in Philadelphia, Pope Francis said, "Religious freedom certainly means the right to worship God, individually and in community, as our consciences dictate. But religious liberty, by its nature, transcends places of worship and the private sphere of individuals and families. Because religion itself, the religious dimension, is not a subculture; it is part of the culture of every people and every nation."²⁰ Every human person is created by God and meant to live forever; there is no people or nation that is unaffected by the "religious dimension" of life. The strength of a culture can be found in whether its people recognize that they have an eternal destiny and whether they respect each other's search for it.

This mystery of our eternal destiny is operative at all times, not just on Sunday mornings. “So whether you eat or drink, or whatever you do, do everything for the glory of God” (1 Cor 10:31). For example, a family making the Sign of the Cross and saying grace together at a restaurant is a powerful witness. A group praying the Rosary at the March for Life or in front of an abortion clinic speaks more eloquently than many political actions. The refusal of an organization to pay for abortifacients (abortion-causing drugs or devices) for their employees, or the refusal of a wedding vendor to take part in a same-sex ceremony, is a witness that a person’s relationship with God may be part of all of his decisions. Respect for a person’s conscience should outweigh many other considerations.

“Religious freedom is not only that of private thought or worship. It is the liberty to live, both privately and publicly, according to the ethical principles resulting from found truth.” ²¹ Pope Francis reiterated with these words the broader conception of religious freedom that the Church is defending today.

Discussion Questions:

1. *How is the freedom of religion more than just freedom to worship?*
2. *How important do you think religious freedom is?*
3. *We often fail to appreciate rights that we do not exercise. Have you exercised the right to religious freedom in a robust sense in the last year? How? How might you be called to do so in the future?*

Freedom to Serve

Religious organizations have served the poor and needy in this country since its beginnings. Religious women in particular stand out for their heroic witnesses of charity in the eighteenth and nineteenth centuries. St. Frances Xavier Cabrini, St. Elizabeth Ann Seton, and St. Katharine Drexel are examples of women who gave witness to Christ in America through service.

Pope St. John Paul II wrote in his first encyclical: “Christ teaches us that the best use of freedom is charity, which takes concrete form in self-giving and in service.”²² As discussed previously, true freedom is not without aim or purpose; rather, it is meant for love and service. Charity through service is the height of freedom, and it is out of the desire to serve that the Church is concerned for her religious freedom in America today.

In some states today, if a woman desires to go through the adoption process for her child, she cannot go to a Catholic or Christian agency committed to placing that child in the home of a married husband and wife. This is because the government has essentially driven those agencies to close, rather than allow them to place the child in a home according to where the agency believes the child is most likely to flourish. The government also seeks to force religious institutions, such as the Little Sisters of the Poor, to provide health insurance coverage for contraception, including abortifacients. If they want to continue to provide care to the poor elderly who live in their homes, the Little Sisters must violate their consciences and facilitate provision of these drugs to their employees. A powerful segment of our society appears to value sexual expression above all else, seeking to exclude people of faith from participating in the public square unless they conform. They accuse anyone who follows Christian moral teaching of being judgmental; in other words, they judge Christians because they believe that they are being judged by them. This is not tolerance. As Pope Benedict XVI put it, “In the name of tolerance, tolerance is being abolished.”²³

The Church is not asking for any special privileges when she upholds religious freedom. In fact, the Church is seeking to be allowed to continue to serve all people. For example, the Catholic bishops in the United States support legislation called the Child Welfare Provider Inclusion Act, which would uphold the right of adoption agencies to place children in homes that accord with their convictions about the nature of marriage.²⁴ The Church hopes by this that she will not be prevented from providing an important service to children and families in our country. Our faith calls us to serve the marginalized; we cannot do so unless the government respects our convictions.

At a homily during the *Fortnight for Freedom* closing Mass in 2015, Archbishop Joseph Kurtz noted, “There are a number of threats to religious freedom in our nation deserving our attention . . . We are obliged by our faith to protect the precious gift of marriage as the permanent, faithful, fruitful union of one man and one woman . . . We are also obliged by our faith to reach out to welcome, respect, and serve immigrant children and families in our nation. And so again, we must remain free to serve these most vulnerable of our sisters and brothers, without risk of government sanction. Both are examples in which we have risen, and will continue to rise, to preserve religious freedom.”²⁵ The bishops invite all Catholics to join together to support the Church’s right to serve.

Discussion Questions:

1. How is the freedom to serve a key component of the idea of “freedom for excellence,” which was referenced earlier?
2. Can you give a good argument for why adoption agencies should have the right to place children in homes according to their convictions about marriage?
3. What are practical ways that you can support the right to serve?

The Redefinition of Marriage Poses Threats to Religious Freedom

Changing the definition of marriage in the law changed not one law but hundreds of laws at once. The Supreme Court's decision in *Obergefell* cut short the debate over what the truth about marriage is and paved the way to cast those who disagree with its redefinition as bigots. The advocates of the redefinition of marriage in the law appear not to be content until everyone in society celebrates it. To this end, a number of people have filed lawsuits against individuals or groups who refuse to be part of that celebration, whether by contributing their artistic gifts or gathering spaces to a reception, or by issuing a same-sex marriage license. There is a broad range of negative social and legal consequences for those who disagree with the Supreme Court's affirmation of same-sex sexual relationships, such as informal silencing at work, losing one's job or business,²⁶ losing the ability to receive government grants or licenses, and being forced out of a public service.²⁷

There is a false narrative that objecting to same-sex "marriage" is tantamount to objecting to interracial marriage. But one redefines marriage, while the other does not. The state bans on interracial marriage acknowledged that a marriage could exist between a man and a woman of different races but objected to it based on irrational prejudice. In fact, it was precisely the fact that a man and a woman can procreate that offended the sensibilities of racists. In terms of the *essential* elements of marriage,²⁸ there is absolutely no reason that two persons of different races cannot marry.

Marriage redefinition is completely different. A definition of legal marriage as a relationship between any two adults who desire it, regardless of sex, lacks two of the essentials of marriage as it has perennially been understood: sexual difference and procreation. When marriage is redefined in this way, it is no longer the natural environment for the birth and growth of children, eliminating the principal reason why the law has required sexual

fidelity in marriage. Other practical consequences of natural marriage, long enshrined in law, are similarly rendered incoherent by eliminating the defining element of gender. As of this writing, for example, same-sex “spouses” are demanding that both of their names be placed on a child’s birth certificate, despite the reality that conception requires a man and a woman. Marriage redefinition means confusion over what children deserve in terms of parenting, particularly if their family of origin breaks down and they are in the care of the state. It also means an increased demand for third-party reproduction.

Religious freedom gives citizens the space to tell the truth about marriage in respectful ways. The *Obergefell* decision must not end public discourse on marriage. People should always retain the freedom to speak out. A state that punishes this would be radically overstepping its bounds. Pope Francis wrote, “A healthy pluralism, one which genuinely respects differences and values them as such, does not entail privatizing religions in an attempt to reduce them to the quiet obscurity of the individual’s conscience or to relegate them to the enclosed precincts of churches, synagogues or mosques. This would represent, in effect, a new form of discrimination and authoritarianism.”²⁹ Keeping religious people out of the public square is not a demonstration of fairness or equality, but rather the opposite. When the only virtue is tolerance, and this virtue is misunderstood, anyone who is perceived as intolerant is shut out from the conversation.³⁰

Discussion Questions:

1. *Have you ever been confronted with the comparison of interracial marriage to “gay marriage”? How did you respond?*
2. *How do you think that people who are committed to authentic marriage can unite in a way similar to the pro-life movement?*
3. *What is true pluralism, according to Pope Francis? What does it look like?*

What is Discrimination?

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The word “discrimination” is most often used to speak of the *unjust treatment* of persons based on race, sex, age, or disability. Indeed, that has become the first definition of the word today, according to the *Merriam-Webster Collegiate Dictionary* (and others). We are taught from a young age that it is wrong to discriminate and that we should always seek to be inclusive and aware of our biases or prejudices. While unjust discrimination is still a serious problem in the United States, the question of redefining marriage is unrelated to it.

Like most words, discrimination has multiple meanings. Marriage law always contains a certain type of discrimination, in the more limited sense that it makes certain distinctions. On this second meaning, discrimination is defined as “the ability to understand that one thing is different from another thing.”³¹ This kind of “discrimination” is not a bad thing at all, and it is what we do when we distinguish between marriage and any other type of sexual relationship. There is a real and practical difference between these relationships, and so it is just for everyone, including the government, to recognize that difference. Acknowledging it is not “discriminatory” in the more common sense of the term.

It is not “discriminatory” if a person who cannot swim is rejected for a position as a lifeguard or swim instructor. It is not “discriminatory” when a man who cannot lift twenty-five pounds is not hired as a piano mover. And it is not “discriminatory” when a man is not permitted to play in a women’s tennis tournament. In the same way, noting that two men or two women cannot be the *procreative, complementary union* that marriage is, is not “discriminatory.”

Only a man and a woman are capable of sexual activity that may yield children. The government has a strong interest in protecting the right of those children to a mother and a father and in reducing the likelihood that

those children will become wards of the state. The civil law of marriage (until recently) served both these interests by legally bonding adult couples to any children they may create, and to each other. The question is: does society need an institution that connects husbands and wives to each other and to any children who come from their union, or not? If so, then that institution is marriage (i.e., between a man and a woman). There is no other institution that does that.³²

On the other hand, the sexual activity of two persons of the same sex never yields children, so the government does not have that same, compelling interest in getting involved. The government does not care who your best friend is; you don't need a license for friendship or cohabitation. It would be eminently reasonable, and in no way unjust, for law to distinguish between same-sex and opposite-sex relationships. Treating different things differently is not discriminatory.

Likewise, it is reasonable that a professional serving a customer can distinguish between activities that express approval for same-sex sexual behavior and those that do not. The cases discussed in the next section deal with people who happily served each of their customers, with no thought to the customers' "private" lives, until they were asked to do something directly celebrating their sexual relationships. These people simply declined to celebrate what they consider to be immoral behavior.

Discussion Questions:

1. *Can you explain the two definitions of discrimination?*
2. *How is discrimination related to the redefinition of marriage?*
3. *How would you explain to someone that the definition of marriage as a relationship between one man and one woman is not discrimination?*

Stories of Religious Freedom Violations

Due to the Supreme Court's decision in *Obergefell*, the laws of America are now officially “blind” to the sex of the two persons who create a marriage contract. Everyone is expected — and often required by law — to treat same-sex relationships as equivalent to marriage and, in turn, celebrated as equally good for society. People of faith who work in the wedding industry are particularly vulnerable to accusations of discrimination if they decline to participate in a celebration of conduct they believe to be immoral. The argument has been that the “right” of those in same-sex relationships to a cake, flowers, photographs, or reception site for their ceremony should trump the right of vendors to decline serving at a particular event that goes against their religious beliefs or moral convictions about sexual relationships.

The courts have (as of this writing) largely favored same-sex couple petitioners over religious freedom claims: in Washington State, Barronelle Stutzman, a florist, was ordered to pay a number of penalties and attorneys' fees and commit to not “discriminating” in the future.³³ In Oregon, a judge ordered a local bakery (Sweetcakes by Melissa) to pay \$135,000 in damages to two women who demanded a wedding cake for their ceremony and were declined.³⁴ In Colorado, another bakery (Masterpiece Cakeshop, Inc.) was targeted as “discriminatory” for not baking a wedding cake for two men, and the baker was ordered to undergo training and to file quarterly compliance reports.³⁵ In that case, the appellate court likened the action to refusing service because of race. Other controversies have surrounded venues and even ministers.³⁶

American law is also increasingly and correspondingly “blind” to the sex of two persons who plan to adopt or “make” (via third-party reproduction) children. Just as marriage licenses had to change from “husband and wife” to “spouse one and spouse two,” there is a movement to change birth

certificates to assume the “parentage” of a person’s same-sex “spouse” when a child is brought into the relationship.³⁷ Regarding adoption, the Catholic Church believes that when it is not possible for the child to stay with her biological parents, she should be given that which she is missing: a mother and a father, together, whenever possible. Catholic social service agencies should have the freedom to continue operating according to this eminently reasonable conviction. Catholic Charities has been driven out of providing adoption services for children in need in Boston (2006), San Francisco (2006), the District of Columbia (2010), and Illinois (2011), because of its faith-based commitments. Is the government promoting authentic diversity when it effectively shuts down service agencies that do not align with the particular views of certain government leaders?

Pope Benedict XVI responded to this trend in 2008, saying to the United Nations: “It is inconceivable that believers should have to suppress a part of themselves—their faith—in order to be active citizens. It should never be necessary to deny God in order to enjoy one’s rights.”³⁸

Discussion Questions:

1. *What do you think about the stories about people being sued for not being willing to participate in celebrations of same-sex relationships?*
2. *What is an alternative to forcing wedding professionals to participate in same-sex “weddings” in the future?*
3. *How can third-party reproduction be seen as both a “cause” and an “effect” of marriage redefinition?*
4. *Have you ever felt that you had to suppress your beliefs in the workplace? Give an example.*

NOTES

1. Archbishop Joseph E. Kurtz, “2014 Fortnight for Freedom Closing Homily,” *United States Conference of Catholic Bishops*, July 4, 2014, <http://www.usccb.org/issues-and-action/religious-liberty/fortnight-for-freedom/2014-fortnight-for-freedom-closing-homily-archbishop-joseph-kurtz.cfm> (accessed January 20, 2016).
2. Pope Francis, “Address at the Meeting for Religious Liberty with the Hispanic Community and Other Immigrants,” *Vatican*, September 26, 2015, http://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco_20150926_usa-liberta-religiosa.html (accessed January 20, 2016).
3. See, for example, W. Bradford Wilcox, “Children Are Better Off With a Father Than Without One,” *New York Times*, December 16, 2013, <http://www.nytimes.com/roomfordebate/2013/06/03/what-are-fathers-for/children-are-better-off-with-a-father-than-without-one> (accessed January 27, 2016) and Ashley McGuire, “Millennial Madness—Kids Without Marriage,” *New York Post*, November 8, 2014, <http://nypost.com/2014/11/08/millennial-madness-kids-without-marriage/> (accessed January 27, 2016).
4. See *Catechism of the Catholic Church* (CCC), 2nd ed. (Washington, DC: Libreria Editrice Vaticana—United States Conference of Catholic Bishops, 2000), no. 1733.
5. CCC, no. 1733.
6. Pope Benedict XVI, “Message for the World Day of Peace 2011,” *Vatican*, December 8, 2010, http://w2.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf_ben-xvi_mes_20101208_xliv-world-day-peace.html (accessed January 20, 2016).
7. Pope Francis, “Address during Meeting with the Leaders of Other Religions and Other Christian Denominations, Pastoral Visit to Tirana [Albania],” *Vatican*, September 21, 2014, https://w2.vatican.va/content/francesco/en/speeches/2014/september/documents/papa-francesco_20140921_albania-leaders-altre-religioni.html (accessed January 20, 2016).
8. *The Declaration of Independence*, National Archives, July 4, 1776, http://www.archives.gov/exhibits/charters/declaration_transcript.html (accessed January 27, 2016).
9. The settlers on the *Ark* and the *Dove* disembarked on the Feast of the Annunciation, March 25, 1634. See “A Brief Relation of the Voyage unto Maryland” by Father Andrew White, 1634.
10. Pope Francis, “Address at the Joint Session of the United States Congress,” September 24, 2015, *Vatican*, https://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco_20150924_usa-us-congress.html (accessed January 20, 2016).
11. Pope Francis, “Address at the Meeting for Religious Liberty with the Hispanic Community and Other Immigrants,” September 26, 2015.
12. Pope Paul VI, *Dignitatis Humanae*, December 7, 1965, *Vatican*, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html (accessed January 20, 2016), no. 2.

13. CCC, no. 2106.
14. Pope Benedict XVI, "Message for the World Day of Peace 2011."
15. Pope Paul VI, *Dignitatis Humanae*, no. 5.
16. USCCB amicus brief in *Holt v. Hobbs*, <http://www.usccb.org/about/general-counsel/amicus-briefs/upload/Holt-v-Hobb-Arkansas-Dept-of-Correction.pdf> (accessed February 1, 2016).
17. See USCCB Backgrounder on Religious Persecution, <http://www.usccb.org/issues-and-action/religious-liberty/backgrounder-on-religious-persecution-and-discrimination-2016-01.cfm> (accessed January 27, 2016).
18. Pope Benedict XVI, *Ecclesia in Medio Oriente, Vatican*, September 14, 2012, http://w2.vatican.va/content/benedict-xvi/en/apost_exhortations/documents/hf_ben-xvi_exh_20120914_ecclesia-in-medio-oriente.html (accessed January 20, 2016), no. 26.
19. Notable exceptions to this have occurred through acts of terrorism particularly aimed at historically African American churches, such as a shooting in Charleston, SC in June of 2015. The point being made in this passage is that there are not government-sanctioned attacks on churches.
20. Pope Francis, "Address at the Meeting for Religious Liberty with the Hispanic Community and Other Immigrants," September 26, 2015.
21. Pope Francis, "Address to Participants in the Conference on 'International Religious Freedom and the Global Clash of Values,'" *Vatican*, June 20, 2014, https://w2.vatican.va/content/francesco/en/speeches/2014/june/documents/papa-francesco_20140620_liberta-religiosa.html (accessed January 20, 2016).
22. Pope John Paul II, *Redemptor Hominis, Vatican*, March 4, 1979, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_04031979_redemptor-hominis.html (accessed January 20, 2016), no. 21.
23. Pope Benedict XVI, *Light of the World* (San Francisco, CA: Ignatius Press, 2010), 53.
24. See USCCB Backgrounder on the Child Welfare Provider Inclusion Act, <http://www.usccb.org/issues-and-action/marriage-and-family/marriage/promotion-and-defense-of-marriage/upload/Backgrounder-Inclusion-Act-2015.pdf> (accessed January 27, 2016).
25. Archbishop Joseph E. Kurtz, "2014 Fortnight for Freedom Closing Homily," *United States Conference of Catholic Bishops*, July 4, 2014, <http://www.usccb.org/issues-and-action/religious-liberty/fortnight-for-freedom/2014-fortnight-for-freedom-closing-homily-archbishop-joseph-kurtz.cfm> (accessed January 20, 2016).
26. As just one of many examples, Brendon Eich was forced out of the company he co-founded (Mozilla) when it was discovered that he had made a modest donation to the Proposition 8 campaign in California, which was a ballot measure to establish an amendment in the California constitution reaffirming the definition of marriage as between one man and one woman.
27. Catholic Charities in the District of Columbia, for example, was told by the District government that it was no longer an eligible foster care and adoption partner because of the agency's convictions about marriage.

MARRIAGE: UNIQUE FOR A REASON

28. Please see the previous two videos and viewer's guides in the Marriage: Unique for a Reason series, "Made for Each Other" and "Made for Life," for elaboration on the essential elements of marriage.
29. Pope Francis, *Evangelii Gaudium*, Vatican, November 24, 2013, http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html (accessed January 20, 2016), no. 255.
30. The virtue of tolerance is the virtue that is operative when we must "put up with" one another. It is a true virtue, if not the highest (which is charity). Pope Benedict XVI pointed out in the book *Light of the World* (San Francisco, CA: Ignatius Press, 2010) that "in the name of tolerance, tolerance is being abolished," because "certain forms of behavior and thinking are being presented as the only reasonable ones and, therefore, as the only appropriately human ones" (53). In many cases, it is the Christian ethos that is not being tolerated.
31. "Discrimination." *Merriam-Webster Dictionary*. <http://www.merriam-webster.com/dictionary/discrimination> (accessed February 3, 2016).
32. For elaboration on this point, see William B. May, *Getting the Marriage Conversation Right: A Guide for Effective Dialogue* (Steubenville, OH: Emmaus Road Publishing, 2012).
33. See *State of Washington v. Arlene's Flowers*, <http://www.adfmedia.org/News/PRDetail/8608>.
34. See *In re Klein*, <http://www.oregon.gov/boli/SiteAssets/pages/press/Sweet%20Cakes%20FO.pdf>.
35. See *Masterpiece Cakeshop v. Craig*, <http://www.adfmedia.org/News/PRDetail/8700>.
36. Catholic owners of a bed and breakfast in Vermont were forced to pay heavy penalties and had to stop hosting wedding receptions because they would not host one for a same-sex couple. See <http://www.adfmedia.org/News/PRDetail/7601>. In the City of Coeur D'Alene, Idaho, Christian ministers Donald and Evelyn Knapp were threatened with arrest or fines in 2014 if they did not perform same-sex "weddings" at a wedding chapel they own. See *Knapp v. City of Coeur D'Alene*, <http://www.adfmedia.org/News/PRDetail/9366>. For a regularly updated list of religious freedom concerns with regard to marriage, visit <http://www.usccb.org/issues-and-action/religious-liberty/religious-freedom-and-marriage.cfm>.
37. Camilla Taylor and Kyle Palazzolo. "It's not marriage equality until same-sex parents both appear on birth certificates," *The Guardian* (October 26, 2015).
38. Pope Benedict XVI, "Address to the General Assembly of the United Nations," Vatican, April 18, 2008, http://w2.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit.html (accessed January 20, 2016).

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