



# PROPOSED VIRGINIA CONSTITUTIONAL AMENDMENT ON MARRIAGE: QUESTIONS AND ANSWERS

On November 7th, Virginia voters will consider a state constitutional amendment that would affirm marriage as “a union between one man and one woman” and draw a clear distinction between marriage and other voluntary relationships. To highlight the importance of this ballot question from the perspective of Church teaching, Arlington Bishop Paul Loverde and Richmond Bishop Francis DiLorenzo have issued a pastoral letter entitled *The Institution of Marriage and the Common Good*, available in parishes throughout the Commonwealth. The Virginia Catholic Conference, which represents the two Virginia bishops and their dioceses in public-policy matters, has also prepared the following “question and answer” piece to provide additional information. This piece and the bishops’ pastoral letter are both posted on the Conference’s website ([www.vacatholic.org](http://www.vacatholic.org)).

## **1 What does the proposed Virginia marriage-protection amendment say?**

The full text of the proposed amendment to Virginia’s constitution (which will appear as Ballot Question Number 1 on the November 7th ballot) is as follows:

“That only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions.

“This Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage. Nor shall this Commonwealth or its political subdivisions create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage.”

## **2 What is the Virginia bishops’ position on the proposed amendment?**

Bishops DiLorenzo and Loverde support the proposed amendment. In their pastoral letter, *The Institution of Marriage and the Common Good*, the two Virginia bishops explain the Church’s teaching on the nature of marriage, its relationship to the common good, and the responsibility of voters to preserve God’s design for marriage.

## **3 Why should the Church and its members care about the state’s definition of marriage?**

God Himself is the author of marriage. Therefore, marriage had a built-in design and purpose long before any nation, religion, or law was established. The marital union is the human and social institution upon which civilization has always been structured. It is a gift that our Creator bestowed on all of humanity through the first man and the first woman. Governments, therefore, have a duty to

preserve this institution and to pass it on to future generations, rather than allowing it to be redefined arbitrarily.

## **4 Why must marriages be treated differently than other voluntary relationships?**

The marital union between a man and a woman is the building block of the family and of society. Therefore, marriage is singular in its importance as a public institution. No other voluntary relationship can be regarded as the equivalent of marriage, which is unique in its stability, the environment it provides for the development of families, and the protection it accords spouses and children.

## **5 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 sexual difference. If two people of the same sex were permitted to marry, society would be forced to ignore the unique value to children of being raised by both a mother and a father.

## **6 Don’t single parents make a valuable contribution to family life? If so, why shouldn’t same-sex partners be viewed the same way?**

The stable, loving relationship of a mother and father found only in marriage provides the ideal conditions for raising and socializing children. Quite understandably, however, those conditions do not always exist. Many single parents do an exemplary job of raising children and deserve recognition for extraordinary sacrifices they make in their daily lives. Some of these parents encounter especially difficult circumstances in raising children, and society has a special obligation to support these families. But supporting such families, as a just and compassionate society must do, is far different than deliberately creating motherless and fatherless families by establishing same-sex unions.

## **7 But isn’t prohibiting same-sex marriage unjust discrimination?**

No. The Church affirms that homosexual persons “must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided.” *Catechism of the Catholic Church*, no. 2358. The Catholic tradition on social justice affirms that all human beings are equal in their intrinsic dignity. This same teaching also rejects the claim that all voluntary relationships merit equal endorsement as a public institution. In

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other words, it is wrong to discriminate against persons, but it is right and necessary to distinguish between different kinds of relationships. God designed the marital union between man and woman as the building block of the family and the most basic institution of society.

It should also be noted that the state places other restrictions on marriage in ways that are not discriminatory. For example, Virginia law prevents any person from marrying a close family member, someone who is already married to another person, or a child under age sixteen (with some exceptions for pregnancy). Such prohibitions, however, are not viewed as unjust discrimination against relatives, married people, or children.

## **8 Even if it would not unjustly discriminate, would the amendment lead to harmful unintended consequences?**

No. There is an official explanation of the proposed amendment which is being made available to all voters by the Virginia State Board of Elections. This explanation states:

“If approved by the voters, this proposed amendment will become part of the Constitution of Virginia. The proposed amendment adds a definition of marriage as the ‘union between one man and one woman’ to the Constitution’s Bill of Rights and prohibits Virginia and its counties, cities, and towns from creating or recognizing any legal status by any name which is comparable to marriage.

“Marriage in the Commonwealth creates specific legal rights, benefits, and obligations for a man and a woman. There are other legal rights, benefits, and obligations which will continue to be available to unmarried persons, including the naming of an agent to make end-of-life decisions by an Advance Medical Directive (Code of Virginia § 54.1-2981), protections afforded under Domestic Violence laws (Code of Virginia § 18.2-57.2), ownership of real property as joint tenants with or without a right of survivorship (Code of Virginia § 55-20.1), or disposition of property by will (Code of Virginia § 64.1-46).”

The complete informational piece on Ballot Question Number 1 can be found at <http://www.sbe.virginia.gov>.

This official explanation makes it clear that numerous legal rights for unmarried couples would remain intact if the proposed amendment is approved. Furthermore, if any of the concerns raised by opponents of the amendment about contractual rights were valid, numerous problems related to those concerns would have already surfaced based on existing Virginia law, which (1) prohibits marriages and civil unions between persons of the same sex, and (2) does not recognize “common law marriages” between opposite-sex couples who have cohabitated in Virginia or any other jurisdiction that does not permit them. The absence of such problems reinforces the official explanation available from the Board of Elections.

Some of the specific assertions made by amendment opponents are addressed in the questions and answers that follow.

## **9 Would the amendment prevent individuals from bequeathing their property to whomever they wish, or from designating whomever they wish as their agents for financial or health decisions?**

No. The proposed amendment would in no way preclude individuals from being designated in wills, powers of attorney, or advance medical directives.

## **10 Would a constitutional amendment take away the hospital visitation privileges of same-sex partners?**

No. The proposed amendment would not affect hospital visitations.

## **11 Would the amendment take away health benefits being provided to the “domestic partners” of employees at some Virginia companies?**

No. The proposed amendment would not change benefits. Virginia law already permits a corporation’s health insurance to be offered to “[a]ny . . . class of persons as may mutually be agreed upon by the insurer and the group policyholder.” Therefore, a company’s provision of health benefits to non-employees need not be limited to relationships that fit Virginia’s definition of marriage.

Apart from the question of what Virginia law permits, it is also important from the Church’s perspective to recognize a critical distinction between guaranteeing health coverage to individuals and using health benefits as a way to affirm “partnerships” between unmarried couples. Made in God’s image and likeness, all persons have certain basic human rights, including the right to adequate health care. But it is each person’s intrinsic human dignity that confers this right, not one’s status as a “domestic partner”.

## **12 Since Virginia law already prohibits same-sex marriage, is a constitutional amendment necessary?**

Yes. Already, numerous attempts have been made across the country to redefine marriage through judicial proceedings. Therefore, the institution upon which our society has always been based needs the strongest possible protection. Twenty states have already passed marriage-protection amendments, and Virginia joins five other states that are holding referendums this year. It is important for Virginia to join the other states that have protected marriage in their constitutions, to improve the prospect of similar future protection by the U.S. Supreme Court, which sometimes considers state trends when deciding issues of U.S. constitutional law. More importantly, the only way to guarantee that Virginia’s current prohibition against same-sex marriage will not be struck down by a future judicial decision interpreting Virginia law is to adopt a state constitutional amendment.

By deciding to put the marriage issue before our Commonwealth’s citizens, the Virginia General Assembly has rightly shown that it favors giving citizens the opportunity to decide this issue now, rather than waiting for a state or federal judge to intervene.

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