

**The Call to Justice:
The Legacy of *Gaudium et spes* Forty Years Later**

The Family in the Social Order

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Greetings to all, I am very sorry I can't be with you today, but in the spirit of 20 years of marriage, I couldn't leave my husband who was taken very ill Wednesday morning. I thank the Conference organizers for allowing me to be part of this gathering nonetheless by having my paper presented to you.

I was delighted to be asked to address a subject as dear to my heart as the cause of the Family. It is the cause for which I entered academic life, and the Church is a source of continual inspiration in my work. It had become too clear to me over the years that the abortion issues I had worked on for a decade were quite dependent upon the state of the family. What I hope to accomplish with this presentation is to show forth the wisdom of *Gaudium et spes*' "reading" of the state and importance of the family in the modern world. I will proceed by offering two preliminary and global observations on the very existence of so sustained a treatment of the family in a document of the universal Church. Following this, I will identify themes and concerns sounded in *Gaudium et spes* which, in retrospect, have proved quite prophetic. Here, I will note how, in some cases, what has happened to the family has been even more perverse than what was anticipated by *Gaudium et spes*, but for reasons stemming from the same violations of freedom so well described in that document.

A first observation concerns the Church's decision to become a champion of marriage and family life. *Gaudium et spes* and later documents on the family, particularly those issued by Our Holy Father Pope John Paul II, exude directly AND between the lines, confidence in the Church's expertise to speak on this subject, and in a way readily appealing around the world. In the spirit of both St. Thomas Aquinas and St. Augustine, *Gaudium et spes* clearly believed that Church's teaching on the family would be even more clearly understood and supported by vigorous and sophisticated empirical research.

A common, though uninformed, popular reaction to such confidence is surprise that a Church whose visible leaders eschew marriage and children should speak with such authority on the subject. Others find themselves surprised that no extremely visible lay movement or even political party has really assumed the role of the champion of the family. There are a variety of responses to this. Some concern the Church's vast

experience; others concern the abdication of leadership by otherwise logical parties. There is the fact, for example, of the Church's centuries of experience with canonical, civil and pastoral aspects of marriage and family life, and its regular and frequent interaction with couples of every race and nation who approach the Church seeking Holy Matrimony. But there is also the Church's unique understanding of the meaning, the vocation of marriage and family life. That is: the ability of these institutions to communicate to others in word and deed: "*This* is what God's love looks like." It is permanent and unconditional. It is a love that is about "choosing" TO love those who are given to you, NOT choosing WHETHER and WHO to love. The Church understands how the experience of full communion between a man and a woman, and between parents and children, is the basis for all other communities. To the world, marriage is increasingly understood as a purely personal affair. It is increasingly asserted that there is little to nothing normative or universal about marriage and family ... that it is rather a subjectively determined entity, and nearly infinitely elastic with respect to shape, membership and even functions. But the Church knows that the "personal" is also always communal, even ecclesiological, where the family is concerned. As will be discussed a little bit later, the Church has proved empirically correct in this.

It is also the case that those who could or should have assisted marriage and family life in recent decades have largely abdicated their role. Family law, sociology and psychology faculties, as well as scholarly journals, once devoted to assisting the family, have ceased to be so. Sociologists seem quite reluctant to acknowledge the "ought" implied in the "is" that they discover. Political parties and courts often bow not to the common and long-held moral sense of the grass roots citizenry, but to the leadership of skilled interest groups whose agenda reflect the emptiest possible understanding of "freedom" for adults. Their "freedom" is all too often what *Gaudium et spes* denounced as the "leave to do anything they like, even when it is evil." Or as John Paul II characterized such "freedom" in *Evangelium Vitae*, it is the freedom of the "strong against the weak, who have no choice but to submit."

And so, in a search for a coherent, empirically sound, body of thought about marriage and the family – compassionate to the weaker and demanding of the strong – one will find it today, more than anywhere else, in the Church, in documents such as *Gaudium et spes* and many that followed it.

This alone would be a sufficiently eminent legacy for a document – but *Gaudium et spes* offers far more. **A second global observation concerns this:** that *Gaudium et spes* describes the problems confronting the family as flowing from misguided understandings of "freedom" as described above. And it turned out that it was precisely in the name of such misguided "freedom" that the disfiguring of the family proceeded in the decades following this document. And it proceeded and proceeded....

- Unilateral no-fault divorce was touted as "freeing" couples from the hypocrisy of the scripted fault divorce, freeing children of bickering parents, and freeing women especially from an institution then being described as inherently sexist and destructive

- Freedom of contract was invoked to begin recognizing premarital and cohabitation agreements.
- Abortion was promoted as women's ticket to equal entrance into the public square and to greater sexual freedom
- The new reproductive technologies were to free parents from the limits imposed by nature on their desire for children.

Yet if this was freedom – this exercise of subjectively discerned, individually focused “choices,” accountable to no one and no external standards – the results were unaccountable: the continuing misery of many children of divorce, the high rate of correlation between cohabitation and divorce, the genetic disorders associated with lab-created children, and the tendency of so many post-aborted women to suffer emotionally and spiritually following abortion and even to seek another baby as a “replacement” for the one that was lost.

Freedom as understood by *Gaudium et spes* however – incorporating respect for the vulnerable, especially children, AND deference to the true nature of marriage and human sexuality – could so account. In fact today, with the real flourishing of social science research concerning marriage and the family, and several decades' perspective on the fallout of disruption to the organic family, many are coming to SEE what *Gaudium et spes* SAW 40 years ago.

I turn now to some of the particular themes and concerns about the family sounded in *Gaudium et spes*, noting where apt, how the modern tendency to confound authentic freedom in the family has led in some cases to results even more perverse than *Gaudium et spes* predicted.

First, *Gaudium et spes* clearly understood the family as a fundamentally important social institution, important to the happiness and well-being of individuals AND to the community and the nation. *Gaudium et spes* understood how this small, often idiosyncratic, day-in-day-out group was a lightning rod and bell-weather of the trajectory of modern life. The family is listed FIRST among “urgent” concerns facing the modern world, appearing even prior to world peace. And surely enough, today many are engaged in a frantic effort to reassemble the family – sometimes using blatantly utilitarian reasoning – as a means for curing a host of social ills: divorce and its effects on children, single parenting, crime, drug use, adolescent sexual activity, and poverty. Studies have shown that family form and function are related to all of these.

A modern “twist” on the relation between family well-being and this host of social ills has occurred, however. It turns out that “alternative” family forms – cohabitation, single parenting, divorce and remarriage – were first championed as paths to freedom by the mostly wealthy and avant garde. Over the years, however, these same classes began to abandon such alternative lifestyles and pursue the lifestyle associated more with personal happiness and child well-being: marriage and marital parenting. But the poor and minority groups have reaped the whirlwind, and with far fewer resources to recover from their choices. In the United States, for example, the poor and members of minority groups, divorce more, marry later or not at all more often, cohabit more, and have more

children out of wedlock. Unwilling to speak against such choices in principle, and unwilling to step in with the educational or other social aid these groups need to turn their lives around, the elite have left a terrible family legacy for the poor to suffer disproportionately.

A second theme in *Gaudium et spes* concerns the demand that the traditional or organic family of married parents and their children justify their existence as against a host of newer family forms: cohabitants, single parents, divorced households and even same sex-relationships. This is a reversal of the usual burdens of proof, especially when the effects of experimentation are most likely visited on vulnerable children. The impetus for this reversal is not some dramatic new evidence that alternative groupings are a boon to children or society, but rather only the demands of a relatively few adults that the state benefit THEIR choice of partnerships, or be labeled unjustly discriminatory.

Despite the increasing evidence that children are disadvantaged not only in single parent or divorced homes, but in homes where their parents cohabit, or even in married step-parent homes, this demand to place the burden on the traditional family continues. **It has been joined by a modern, and in my view, most perverse phenomenon:** the unabashed use of children as a wedge to gain benefits for nonmarital households similar to those given to traditional marital households. Lawyers pursuing same sex marriage, for example, carefully choose same-sex –couple- plaintiffs with children, and then DARE courts to “hurt” such children by denying them the indirect benefits of conferring marital benefits upon their parents. Without considering children’s long-term needs, or the well-being of ALL children in the jurisdiction, courts have been giving in to such demands. This cynical use of children shows no signs of abating.

A third theme in *Gaudium et spes* is the still unresolved story that is the entry of mothers into the workplace. *Gaudium et spes* was one of the first sources to demand that societies allow women to do justice both to their responsibilities at home and their work outside the home, while unequivocally ranking the woman’s contribution to the home as the “irreplaceable” one. *Gaudium et spes* also dared to indicate that women WOULD NEED what women are NOW DEMANDING, albeit often with too little success: work schedules and benefits that allow them to take proper care of their families. It turns out that mothers understood THIS RESULT to be necessary for freedom, as did *Gaudium et spes*.

A fourth theme in *Gaudium et spes* concerns the different but sometimes overlapping spheres of law and religion as concerns marriage and family life. *Gaudium et spes* was written at a time of an expanding sense of the power of the law to bring about civil rights and even personal freedom in democratic nations. While welcoming this generally, *Gaudium et spes* cautioned that the law could not alone safeguard human dignity and freedom, as compared with the message of the Gospel. It welcomed law confirming and strengthening the essential, given truth about marriage and the family, but warned against tendency toward laws violating this given truth. Today, there is a curious confluence of reactions to the mixed civil/religious character of marriage. There is on the one hand reaction against the Church’s daring to speak on marriage – especially by proponents of

same sex marriage. “Covenant marriage” laws passed in a few states in the United States and based on overlapping biblical and secular conceptions of “covenant,” have taken root but not wings, as few couples have chosen to enter into such marriages. On the other hand, however, in the United States we see significant government funds being poured into marriage preparation and strengthening activities, among the poor AND other groups. Recognizing that people of faith tend to have more stable marriages, some of this money is flowing to faith-based groups. There is a general hope that churches will work their magic, with marriage and especially among the poor, but this coexists with a demand that churches refrain from presuming to be able to speak to citizens generally on matters such as divorce or same-sex marriage. While it seems a shame that it took poverty statistics and the same-sex marriage debate to generate significant public and in some case religious attention to marriage generally, it is good that we are at last giving the subject the sustained attention it deserves. The Church has paid attention all along and promises to be among the most reasoned and most active participants in the current marriage debates.

In conclusion, one can see the legacy to the family of *Gaudium et spes* in the continued relevance of its concerns and the continuing usefulness of the categories it used to analyze the state of the family. Looking at the state of marriage and family life today, we are somewhat in the position of the forensic pathologist, called to the scene of the crime – a scene full of evidence – and asked to explain what happened. *Gaudium et spes* knew the extent to which the loss of the daily practices common to families would lead to social upheaval, and NOT to authentic freedom. Modern families and modern societies, if they are to be honest with themselves, must acknowledge that it is in the family that the human person is presented with the most constant, even relentless, opportunities to learn selfless love, to make peace, to live in harmony with diverse opinions and conditions. They must acknowledge that it is families which present us with the opportunities to live in solidarity with the other, NOT because we “CHOOSE” them, but because they have been CHOSEN for us, as our nearest neighbors. Christians understand that families are a unique means too, of learning what God’s love is like, and learning how to show it in our communities and our nations too. If not in the family, where else?

Gaudium et spes was perhaps the first modern document to delineate the threats to the modern family. Its’ themes have been extended to the present brilliantly by another expert in the family, Pope John Paul II. In the end, we are left with this imperative: that the Church must continue, often through the laity, to be a “master teacher” on the family. Its role has become irreplaceable, and ever more urgent.