

Statement

Upon his arrival in Ireland for the World Meeting of Families on 25 August 2018, Pope Francis met at Dublin Castle with representatives of civil, cultural and religious life, including the Taoiseach and members of the Government. Pope Francis said he was visiting Ireland to help families “*reaffirm their commitment to loving fidelity, mutual assistance and reverence for God’s gift of life in all its forms, but also to testify to the unique role played by the family in the education of its members, and the development of sound and flourishing social fabric*”. He added, “*Families are the glue of society, their welfare cannot be taken for granted, but must be promoted and protected by every appropriate means*”.

In this context, we wish to comment on the two important referendums on family and care which are taking place on 8 March 2024.

The Family Amendment – 39th Amendment (amending Article 41)

The Family, based on the exclusive, life-long and life-giving public commitment of Marriage, is the foundational cell of society and essential to the common good. This reality of the Family corresponds to the unchanging plan of God for humanity and the importance of the Family continues to be acknowledged by people of good will, whether they be persons of faith or not.

The family is acknowledged as the place where generosity, tenderness, forgiveness, stability, care, love and truth can best be taught and learned by children. We recognise, of course, that there are families in all our communities which are not founded on marriage. They form part of the reality of family life, which Pope Francis described as “*a challenging mosaic made up of many different realities, with all their joys, hopes and problems*”.

We believe, however, that the commitment of marriage contributes to the common good in a unique way, by bringing stability to the family and to society, and that it consequently deserves the protection of the State, which is currently guaranteed in the *Constitution of Ireland*. The Constitution rightly qualifies the Family as a “*moral institution*” and one that enjoys “*inalienable and imprescriptible rights, antecedent and superior to all positive law*”. We are concerned that the proposed Family amendment to the Constitution diminishes the unique importance of the relationship between marriage and family in the eyes of Society and State and is likely to lead to a weakening of the incentive for young people to marry.

While ‘Marriage’ entails a public and legal commitment, the term ‘durable relationship’ is shrouded in legal uncertainty and is open to wide interpretation. It does not make sense that such an ambiguous reality would be considered ‘antecedent and superior to all positive law’ and acquire the same ‘inalienable and imprescriptible’ rights as those ascribed to the ‘family founded on marriage’. Various commentators have suggested that the term ‘durable relationship’ risks leading to unforeseen and unintended consequences.

The Care Amendment – 40th Amendment (deleting Article 41.2 and inserting a New Article 42B)

In an age when people, and especially women, often emphasise the desirability of balancing work and domestic commitments, it is noteworthy that the Constitution already recognises and seeks to facilitate the choice of mothers who wish especially to care for the needs of the family and the home. Contrary to some recent commentary, the present constitutional provision emphatically does

not state that “a woman’s place is in the home”. Neither does it excuse men of their duties to the home and family.

It is reasonable to ask what benefit is it to Irish society to delete the terms ‘woman’ and ‘mother’ from the *Constitution of Ireland*? People generally recognise the enormous commitment that women in Ireland have given, and continue to give, in relation to care, love and affection in the home. Pope Francis has said “Families and homes go together”(AL44). We therefore have similar concerns about the removal of the term ‘home’ from this article.

In contemporary society there now exists a welcome co-responsibility between women and men for every aspect of domestic life, including the provision of care in the home. We believe that, rather than removing the present acknowledgement of the role of women and the place of the home, it would be preferable and consistent with contemporary social values that the State would recognise the provision of care by women and men alike. Care, both inside and outside the home, is at the core of compassion. Without such care in the family, the common good of society cannot be achieved. The State has to date failed to financially acknowledge the role of women in the home; once again there is no indication that there will be provision for the adequate financial remuneration of carers. The proposed term ‘strive to support’ appears to weaken the State’s constitutional responsibility to materially and legislatively support such care. Indeed, the proposed new Article 42B does not actually confer any enforceable rights for carers or for those being cared for.

It is right to recognise that care within the family and the wider community takes many forms and is provided by a wide variety of people. In the words of Pope Francis speaking at the Festival of Families in Croke Park on 25 August 2018 *“in any family celebration, everyone’s presence is felt: fathers, mothers, grandparents, grandchildren, uncles and aunts, cousins, those who cannot come and those who live too far away”*.

The proposed amendment would have the effect of abolishing all reference to motherhood in the Constitution and leave unacknowledged the particular and incalculable societal contribution that mothers in the home have made and continue to make in Ireland. The present constitutional wording does not in any way inhibit women from working or taking their proper place in social and public life. It does, however, respect the complementary and distinct qualities that arise naturally within the Family. The role of mothers should continue to be cherished in our Constitution.

The importance of voting

Pope Saint John Paul II said in Ireland back in 1979: *“The family is the true measure of the greatness of a nation”*. In a democracy that guarantees the freedom to vote, it is important that citizens cast their ballot on 8 March with matters of such importance at stake. As pastors, concerned for the common good as well as the moral and spiritual well-being of God’s people, we offer these reflections in order to help inform the consciences of Christians and others who are concerned to preserve and foster the dignity and value of family life and motherhood.