

**Homily for Fortnight for Freedom Mass
13th Sunday in Ordinary Time – Year B**

Cathedral of the Immaculate Conception

June 28, 2015

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My dear brothers and sisters in Christ:

In his classic book, *Decline and Fall of the Roman Empire*, eighteenth century historian Edward Gibbon wrote about the waning days of the empire during the fifth century in these words: “The Roman government appeared less and less formidable to its enemies, more odious and oppressive to its subjects. . . . They abjured and abhorred the name of Roman citizens, which had formerly excited the ambition of mankind. If all the barbarian conquerors had been annihilated at the same hour, their total destruction would not have restored the empire of the West; and if Rome still survived, she survived the loss of freedom, of virtue and of honor.”¹

Our nation has suffered a loss of virtue and honor that threatens our freedom with the decision of the United States Supreme Court this past Friday attempting to redefine marriage to include same-sex relationships. It was an “attempt” because the State has no moral authority to change what

God has created. The government certainly has the legal power in civil law to coerce its definition, but that does not make it morally valid in the higher realm of supernatural realities. The tragic decision of the Supreme Court mocks the true meaning of marriage and thereby makes a mockery of itself.

The harshest criticisms of this decision come from the four justices of the Supreme Court who dissented from the other five justices' majority opinion. In his dissent, the Chief Justice of the United States, John Roberts, wrote, "Many people will rejoice at this decision, and I begrudge none their celebration. But for those who believe in a government of laws, not of men, the majority's approach is deeply disheartening. . . . The majority's decision is an act of will, not legal judgment. The right it announces has no basis in the Constitution or this Court's precedent."²

The Chief Justice goes on to explain how this decision will harm public respect for the legitimacy of the Court, saying, "The legitimacy of this Court ultimately rests 'upon the respect accorded to its judgments.' . . . That respect flows from the perception—and reality—that we exercise humility and restraint in deciding cases according to the Constitution and law. The role of the Court envisioned by the majority today, however, is

anything but humble or restrained. Over and over, the majority exalts the role of the judiciary in delivering social change.”³

As usual, the sharpest and cleverest critique comes from Justice Antonin Scalia, who put this witticism in a footnote: “The Supreme Court of the United States has descended from the disciplined legal reasoning of John Marshall and Joseph Story to the mystical aphorisms of the fortune cookie.”⁴

In his dissent, Justice Samuel Alito wrote, “To prevent five unelected Justices from imposing their personal vision of liberty upon the American people, the Court has held that ‘liberty’ under the Due Process Clause should be understood to protect only those rights that are ‘deeply rooted in this Nation’s history and tradition.’ And it is beyond dispute that the right to same-sex marriage is not among those rights.”⁵

Most ominously, Justice Alito warns, “Today’s decision usurps the constitutional right of the people to decide whether to keep or alter the traditional understanding of marriage. The decision will also have other important consequences. It will be used to vilify Americans who are unwilling to assent to the new orthodoxy. In the course of its opinion, the majority compares traditional marriage laws to laws that denied equal

treatment for African-Americans and women. The implications of this analogy will be exploited by those who are determined to stamp out every vestige of dissent. . . . I assume that those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools.”⁶

Justice Clarence Thomas warns of a further negative consequence, saying, “The Court’s decision today is at odds not only with the Constitution, but with the principles upon which our Nation was built.⁷ . . . Aside from undermining the political processes that protect our liberty, the majority’s decision threatens the religious liberty our Nation has long sought to protect.⁸ . . . In our society, marriage is not simply a governmental institution; it is a religious institution as well. Today’s decision might change the former, but it cannot change the latter. It appears all but inevitable that the two will come into conflict, particularly as individuals and churches are confronted with demands to participate in and endorse civil marriages between same-sex couples. The majority appears unmoved by that inevitability. It makes only a weak gesture toward religious liberty in a single paragraph. And even that gesture

indicates a misunderstanding of religious liberty in our Nation's tradition. Religious liberty is about more than just the protection for 'religious organizations and persons . . . as they seek to teach the principles that are so fulfilling and so central to their lives and faiths.' Religious liberty is about freedom of action in matters of religion generally, and the scope of that liberty is directly correlated to the civil restraints placed upon religious practice."⁹

Chief Justice Roberts wrote more specifically about the threats to religious liberty saying, "Hard questions arise when people of faith exercise religion in ways that may be seen to conflict with the new right to same-sex marriage—when, for example, a religious college provides married student housing only to opposite-sex married couples, or a religious adoption agency declines to place children with same-sex married couples. Indeed, the Solicitor General candidly acknowledged that the tax exemptions of some religious institutions would be in question if they opposed same-sex marriage. There is little doubt that these and similar questions will soon be before this Court. Unfortunately, people of faith can take no comfort in the treatment they receive from the majority today."¹⁰

It is very timely therefore that we are in the midst of the annual observance established by the Catholic Bishops of the United States called the “Fortnight for Freedom.” This year’s Fortnight began this past Sunday on June 21st and continues until July 4th, when we celebrate our nation’s “Independence Day.” This two-week period is a time when our liturgical calendar celebrates a series of great martyrs who remained faithful in the face of persecution by political power—St. Thomas More and St. John Fisher, St. John the Baptist, SS. Peter and Paul, and the First Martyrs of the Church of Rome. St. Thomas More and St. John Fisher were beheaded by order of King Henry VIII because they refused to recognize his Act of Supremacy naming himself head of the Church of England so he could overrule the Pope and divorce his Queen.

Last month on June 3, the Church observed the feast day of Saint Charles Lwanga and companions, who were Christian page boys in the royal court put to death by the King of Uganda for refusing his sexual demands. Saints such as John the Baptist, Thomas More, John Fisher and Charles Lwanga died as martyrs because of their belief in the true meaning of marriage and human sexuality. We should draw strength from their example. We also draw strength from Pope St. Leo the Great, whose image

can be seen in the third stained-glass window on the north wall of our Cathedral. Pope Leo was the Roman Pontiff during the fifth century when the Roman Empire was in its decline. He is depicted in our window persuading Attila the Hun not to attack Rome. For his strong leadership in the face of barbarian attacks, he was the first Pope to be called “the Great.”

We might ask: why has God allowed these attacks on our faith and our Church to happen? Why did He not answer our prayers for the protection of the true meaning of marriage in our country? The answer, I believe, is that we are being called to put God above all else, even above our nation and our country’s laws. Jesus Christ is our Sovereign King to whom we owe all of our love, fidelity and allegiance. We are called to love others, not by condoning their sins, but by helping them to lead virtuous lives and remain faithful to the commandments, for Jesus promises that it is the pure in heart who will see God (Matthew 5:8). We are called to let the “bright light of truth” shine forth to overcome the “darkness of error.”¹¹ In short, God gives us these challenges as a test of our faith, our hope and our love.

In this regard, Archbishop Joseph E. Kurtz of Louisville, Kentucky, president of the U.S. Conference of Catholic Bishops, issued a statement

this past Friday about how we should respond to the Supreme Court's decision, saying, "I encourage Catholics to move forward with faith, hope, and love: *faith* in the unchanging truth about marriage, rooted in the immutable nature of the human person and confirmed by divine revelation; *hope* that these truths will once again prevail in our society, not only by their logic, but by their great beauty and manifest service to the common good; and *love* for all our neighbors, even those who hate us or would punish us for our faith and moral convictions. Lastly, I call upon all people of good will to join us in proclaiming the goodness, truth, and beauty of marriage as rightly understood for millennia, and I ask all in positions of power and authority to respect the God-given freedom to seek, live by, and bear witness to the truth."¹²

May God give us this grace. Amen.

¹ *Gibbon's Decline and Fall of the Roman Empire: A Modern Abridgement by Moses Hadad*, ed. Moses Hadad (New York: Fawcett Primer, 1962), p. 199.

² *Obergefell v. Hodges*, 576 U. S. ____ (slip op. at 2-3, Roberts, C.J., dissenting, 2015).

³ *Obergefell v. Hodges*, 576 U. S. ____ (slip op. at 24, Roberts, C.J., dissenting, 2015).

⁴ *Obergefell v. Hodges*, 576 U. S. ____ (slip op. at 8, Scalia, J., dissenting, 2015).

⁵ *Obergefell v. Hodges*, 576 U. S. ____ (slip op. at 2, Alito, J., dissenting, 2015).

⁶ *Obergefell v. Hodges*, 576 U. S. ____ (slip op. at 6-7, Alito, J., dissenting, 2015).

⁷ *Obergefell v. Hodges*, 576 U. S. ____ (slip op. at 1, Thomas, J., dissenting, 2015).

⁸ *Obergefell v. Hodges*, 576 U. S. ____ (slip op. at 14, Thomas, J., dissenting, 2015).

⁹ *Obergefell v. Hodges*, 576 U. S. ____ (slip op. at 15-16, Thomas, J., dissenting, 2015).

¹⁰ *Obergefell v. Hodges*, 576 U. S. ____ (slip op. at 28, Roberts, C.J., dissenting, 2015).

¹¹ Cf. Collect for the Thirteenth Sunday of Ordinary Time, *The Roman Missal*, 3rd edition.

¹² <http://www.usccb.org/news/2015/15-103.cfm>.