

Irish Episcopal Conference Message regarding the Referendums on March 8th

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 the 8th of 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. The Constitution of Ireland 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 Irish Constitution already recognises and