

**Opponent Testimony Submitted to the
Ohio Senate Judiciary Committee
House Bill 161
April 23rd 2024 A.D.**

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks Hudson and members of the Ohio Senate Judiciary Committee, I will provide my testimony today. My name is Shawn Weiler and I am a religious scholar. I am testifying in opposition to HB 161.

“Some men think the Earth is round, others think it flat; it is a matter capable of question. But if it is flat, will the king’s command make it round? And if it is round, will the king’s command flatten it?”

Thus are the words spoken by the actor representing St. Thomas More, a canonized saint and martyr in the motion picture *A Man for All Seasons*.

What is this describing? The existence of an objective moral order.

It means that the king does not have the power to impossibly alter reality through his words.

House Bill 161 as an amendment to the Ohio Revised Code is not just, so even if enacted, it will not be law. Technically and according to law, it is an act—a criminal act—of coercion. More specifically, its goal is to achieve what has been called in law a “chilling effect” with regards to marriage and the family. It also will purport to enable a criminal government to literally break up families, greatly assist in disturbing them, and facilitate the opportunities for adultery.

To understand this, it is necessary to understand the natures of law and marriage.

What is law?

St. Thomas Aquinas in his *Summa Theologica* defines law as “an ordinance of reason for the common good, made by him who has care of the community, and promulgated.”

I can pretty much guarantee that no attorney today would publicly point to this definition of law as the correct one. He would be too afraid of losing his license.

I note an extremely important truth which will likely not be noticed by most. The *Summa Theologica* is a work of theology (i.e. the study of God) written by a Catholic priest and a canonized saint.

St. Thomas Aquinas has been given the name “the Angelic Doctor.” In addition to being a saint, he has been given the designation as a Doctor of the Church. During the Council of Trent there were two books set in pride of place while the bishops were deliberating: Holy Scripture and the *Summa Theologica*.

St. Thomas Aquinas makes a number of distinctions when it comes to law. He identifies multiple types of law. There is the eternal law, natural law, ecclesiastical law, and human law.

The eternal law is God’s government concerning the universe.

The natural law is the participation of rational creatures with the eternal law. Rational creatures are human beings and angels.

Ecclesiastical law is the Canon Law of the Catholic Church.

Human law is the sound exposition of natural law or just ordinances not incompatible with the natural or ecclesiastical laws by the temporal power with regards to temporal conditions which may change.

My understanding is that the natural law is a “dead letter” at law schools. I allege that it is seen there as an outdated hangover from an unsophisticated time of primitive peoples. The how and the why of this alleged fact is a history which remains to be fully explored.

What is interesting and instructive about the concept of the natural law is that it did not originate with Christianity.

Here is a quote that truthfully describes it.

“There is a true law, a right reason, conformable to nature, universal, unchangeable, eternal, whose commands urge us to duty, and whose prohibitions restrain us from evil. Whether it enjoins or forbids, the good respect its injunctions, and the wicked treat them with indifference. This law cannot be contradicted by any other law, and is not liable either to derogation or abrogation. Neither the senate nor the people can give us any dispensation for not obeying this universal law of justice. It needs no other expositor and interpreter than our own conscience. It is not one thing at Rome and another at Athens; one thing to-day and another to-morrow; but in all times and nations this universal law must for ever reign, eternal and imperishable. It is the sovereign master and emperor of all beings. God himself is its author,—its promulgator,—its enforcer. He who obeys it not, flies from himself, and does violence to the very nature of man. For his crime he must endure the severest penalties hereafter, even if he avoid the usual misfortunes of the present life.”

This is a translation of Cicero’s writing. Cicero was a Roman lawyer, statesman, and a pagan who died before the birth of Jesus Christ, the Son of God.

However, the natural law does make its appearance in Holy Scripture which is more likely to be recognized as an alternate, accurate term—the Catholic Bible.

“For when the Gentiles, who have not the law, do by nature those things that are of the law; these having not the law are a law to themselves: who shew the work of the law written on their hearts, their conscience bearing witness to them, and their thoughts between themselves, accusing, or also defending one another.”

This is taken from St. Paul’s Letter to the Romans Chapter 2 verses 14-15. Douay-Rheims version.

So here, subject to confirmation by the Catholic Church, Holy Scripture shows that humans have a law that is written on their hearts, and that it comes from their nature.

To further explain the concept of the natural law there is another quotation that is somewhat helpful.

“The origin of the idea of natural law may be ascribed to an old and indefeasible movement of the human mind (we may trace it already in the *Antigone* of Sophocles) which impels it towards the notion of an eternal and immutable justice; a justice which human authority expresses, or ought to express—but does not make; a justice which human authority may fail to express—and must pay the penalty for failing to express by the diminution, or even the forfeiture, of its power to command. This justice is conceived as being the higher or ultimate law, proceeding from the nature of the universe—from the Being of God and the reason of man. It follows that law—in the sense of the law of the last resort—is somehow above law-making. It follows that lawmakers, after all, are somehow under and subject to law.

The movement of the mind of man towards these conceptions and their consequences is already apparent in the *Ethics* and the *Rhetoric* of Aristotle. But it was among the Stoic thinkers of the Hellenistic age that the movement first attained a large and general expression; and that expression ... became a tradition of human civility which runs continuously from the Stoic teachers of the Port to the American Revolution of 1776 and the French Revolution of 1789. Allied to theology for many centuries—adopted by the Catholic Church, and forming part of the general teaching of the Schoolmen and the Canonists—and continued to remain during the seventeenth and the eighteenth, an independent and rationalist system, professed and expounded by the philosophers of the secular school of natural law.’

This is a grandiose picture, but it leaves out many details and raises more questions than it purports to solve. Surely the mere fact that an identical expression recurs in different writers is no proof of the continuity of thought from one to the other. That Cicero and Locke should both have defined natural law in a very similar manner is no evidence of the uninterrupted acceptance of that notion during the eighteen odd centuries which separate them. The philosophers of the “secular school,” to whom Sir Ernest Barker refers, would probably have denied the continuity which he outlines so effectively. They had different views from ours about the losses which the “dark ages” inflicted upon mankind. They would have denounced Schoolmen and Canonists alike for obscuring the true doctrine of natural law which they claimed to restore to its purity. Except for the name, the medieval and the modern nations of natural law have little in common.”

Natural Law: An Introduction to Legal Philosophy by A.P. d’Entreves Published by Hutchinson & Co. Ltd. in 1964 A.D. pp. 8-9.

The contents of the natural law can be found in and be further derived from the Ten Commandments which are found in Holy Scripture.

The infallible explainer of the natural law is the Catholic Church. It is the Catholic Church which infallibly teaches men right from wrong, good from evil.

Marriage is one subject of the natural law. This is shown given that the Sixth Commandment forbids adultery.

It is also a mixed matter. A mixed matter is something which falls under the joint concern—and jurisdiction—of both the Catholic Church, the spiritual power, and the temporal power, the civil authority.

So for the definition of marriage it is necessary to consult what the Catholic Church teaches concerning it.

“According to Catholic teaching, marriage is a lawful contract between a man and a woman by which is given and accepted the exclusive and perpetual right to those mutual bodily functions which are naturally apt to generate offspring. The primary purpose of marriage is the generation and education of offspring. The secondary purpose is mutual help and the allaying of concupiscence. This secondary end flows directly from the primary purpose of marriage.... Marriage between baptized Christians is a sacramental contract. It is the teaching of the Church that Christ raised the natural contract of marriage to the dignity of a sacrament.”

This quote is from *A Guide to Catholic Marriage* by published by in 1955 A.D. p.132. It has the *imprimatur*.

Furthermore:

“The nature and content of the contract are established and ordained by God. Individuals may freely choose to make the contract or not, but they cannot alter its contents, since these are divinely established and hence unchangeable. This point is so important that a full statement of the Church’s stand should be presented here.

‘... let it be repeated as an immutable and inviolable fundamental doctrine that matrimony was not instituted or restored by man but by God; not by man were the laws made to strengthen and confirm and elevate it but by God, the Author of nature, and by Christ Our Lord by Whom nature was redeemed, and hence these laws cannot be subject to any human decrees or to any contrary pact even of the spouses themselves. This is the doctrine of Holy Scripture;[2] this is the constant tradition of the Universal Church; this the solemn definition of the sacred Council of Trent, which declares and establishes from the words of Holy Writ itself that God is the Author of the perpetual stability of the marriage bond, its unity and its firmness.[3]

6. Yet although matrimony is of its very nature of divine institution, the human will, too, enters into it and performs a most noble part. For each individual marriage, inasmuch as it is a conjugal union of a particular man and woman, arises only from the free consent of each of the spouses; and this free act of the will, by which each party hands over and accepts those rights proper to the state of marriage,[4] is so necessary to constitute true marriage that it cannot be supplied by any human power.[5] This freedom, however, regards only the question whether the contracting parties really wish to enter upon matrimony or to marry this particular person; but the nature of matrimony is entirely independent of the free will of man, so that if one has

once contracted matrimony he is thereby subject to its divinely made laws and its essential properties. For the Angelic Doctor, writing on conjugal honor and on the offspring which is the fruit of marriage, says: ‘These things are so contained in matrimony by the marriage pact itself that, if anything to the contrary were expressed in the consent which makes the marriage, it would not be a true marriage.[6]’

{[2]. Gen., 1, 27-28; II, 22-23; Matth., XIX, 3 sqq.; Eph., V, 23 sqq .

[3]. Conc. Trid., Sess. XXIV.

[4]. Cod. iur. can., c. 1081 _ 2.

[5]. Cod. iur. can., c. 1081 _ 1.

[6]. S. Thom Aquin., Summa theol., p. III Supplem 9}}

<https://www.papalencyclicals.net/pius11/p11casti.htm>

The Creator has ordained both the ends of marriage and the laws which are to govern it. Hence the nature of the conjugal society is independent of the free will of the contracting parties and of the culture in which it exists.... The nature of the marital contract depends on the nature of man, and so long as the nature of man remains unchanged there will obviously be no change in the institution.”

Ibid, p. 133 quoting Pope Pius XI’s encyclical *Casti Connubii* On Christian Marriage.

Furthermore,

“To state that marriage has received its law from ‘God, the Author of nature’ means that these laws are dictated by man’s very nature even apart from revelation. In other words, the ends of marriage and its essential laws can be known by studying the nature of man.

Further, the laws governing the institution of marriage, or better, its essential properties, are unity and indissolubility. Since man is subject to the moral order it follows that these laws are unchangeable by human authority and that only God, the Author of nature and of order, can make exceptions to them.

Unity means exclusiveness, that is, marriage must be between one man and one woman. Polygamy, in any form, is contrary to the natural law.

When it is stated that marriage is by nature indissoluble, it is meant that that bond cannot be dissolved by the will of the contracting parties or by the authority of the State. This proposition is based on the following considerations: The breaking of the union between man and woman necessarily inflicts great harm upon the children. The mere possibility of obtaining a divorce places an obstacle in the way of perfect union and the desired to make the necessary adaptations. And finally, the consummation of marriage entails an irreparable consequence for the bride so that the breaking the bond would, in general, put her in an inferior position and be an injustice to her sex.

God alone can make exceptions to the law of indissolubility. Hence in the Old Law divorce was permitted or tolerated by dispensation from the secondary precepts of the natural law, but Christ restored marriage to its pristine form.”

Ibid, p. 134.

“It is basic Catholic teaching on marriage that for baptized persons able to contract marriage the contract is the sacrament, and the contract cannot be separated from the sacrament.”

Ibid, p. 134-135.

“Since marriage is a contract it can be effected in no other way than by the consent of the parties. Hence consent is necessary to marriage according to its very nature; it follows that neither the State nor the Church, nor any human power, can supply it. Every contract transfers some right, and the right which it transfers is called the object of the contract. Matrimonial consent is defined by the Church as an act of the will by which each party gives and accepts a perpetual and exclusive right over the body for acts which are of themselves suitable for the generation of children. Some mutual expression of this consent is required by the very nature of marriage as a contract.

Further, the parties must be capable according to law. The capacity of persons is determined by the natural law, and by canon law for those who are baptized. The state law determines capacity for those who are unbaptized. The obstacles of true consent are: want of the use of reason, defective knowledge, mistaken identity, pretense, duress and fear, and intention contrary to the essence of marriage.”

Ibid, p. 143.

“A contract is dissoluble either intrinsically, that is, by the mutual consent of the parties, or, extrinsically, that is, by authority extrinsic to the parties. It is the teaching of the Church that a marriage that is ratified and consummated cannot be dissolved by a human power nor for any reason except for the death of one of the parties. Theologians appeal to the sacramental character of Christian marriage and to its consummation, both together, as a reason for the indissolubility of such marriages...

However, a Christian marriage that has not been consummated, and a marriage between a person baptized and one not baptized, can be dissolved through a dispensation granted by the Holy See. Consummation as used here is effected by conjugal copula, which has been previously defined. Although such marriages are held to be intrinsically indissoluble, they can be dissolved extrinsically by the Church using the divine authority entrusted to it by Christ.”

Ibid, p. 148.

With regards to the Catholic sacrament of matrimony further clarification will be helpful.

“Since the sacrament is the marriage and the marriage is the sacrament, we can understand why the Church claims the right to regulate the marriage of the faithful. This is all the more important because the Church takes an eminently realistic view of marriage. For the Church, marriage is indeed the union of the sexes, the natural union. The social authority regulates marriage, but does not create it. This realism of the Church is observable in the theory of theologians of former times, according to whom the sacrament was conferred upon the married couple only through consummation of the marriage. Such a view is of course no longer held, but a trace of it remains in the right which the Church claims for itself to dissolve marriages that have been validly contracted but not consummated.”

Marriage and the Family: A Study in Social Philosophy by Jacques Leclercq. Published by Frederick Pustet Co. 1945. A.D. p. 34.

Now I turn to the topic of rape.

The sin of rape is defined by moral theology as taught by the Catholic Church.

“Rape is illicit, consummated carnal knowledge of a woman against her consent.”

Moral Theology by Rev. Heribert Jone and Rev. Urban Adelman. Published by The Mercier Press Limited in 1957 A.D. p. 148. *Impr.*

I offer my explanation of the above definition.

Illicit means that the vaginal intercourse which was naturally completed was between persons not married to each other.

Consummated means that the act was naturally completed (i.e. that pregnancy—given fertility—could naturally occur).

Carnal knowledge is vaginal intercourse.

Consent is concluded either from the fact of marriage between the two participants of what has been termed “the marital act” or evidence proving that one non-married person did not consent to the act.

There is much more concerning the essential concept of consent which needs to be related.

“As social norms natural rights, in contrast with the demands of the natural moral law, have this distinction: they claim to be enforceable, at least in general—that is, whoever has a right with respect to some other person is authorized to employ physical force to secure the fulfillment of this obligation if the other person will not voluntarily fulfill it. The enforceable character of this obligation arises necessarily from the objective of right. This objective is to secure for every member of society the means necessary for his development, and the attainment of this objective is evidently indispensable for social life; but this end would not be sufficiently attained if it were left to each one’s discretion whether he should fulfill his obligations or not. However, if someone were to transgress the command of temperance and by his drunkenness destroy his health, his natural powers, and his fortune, no human power has right to restrain him; he is answerable only to his

conscience and to God. Only when he directly injures or endangers others does the norm of justice intervene to oppose him, and this norm claims authority to employ force to secure its fulfillment, for otherwise it could not effectually protect the social order.”

Quoted from *The Catholic Church and the Modern State: A Study of Their Mutual Juridical Claims* by Rev. Joseph J. Baiarl Published by St. Bernard’s Seminary 1955 A.D. p.50.

There is further information that must be considered with regards to consent as a foundation for marriage. Apparently, there is a false (i.e. erroneous) philosophy at work here, which is not actually derived from the concept of contract.

“There seems to be some exaggeration here. The defense of divorce and free love is based upon something entirely different from a juridical definition. The individualist movement, in the domain of family ethics as in every other, rests upon philosophic notions and moral tendencies. The idea that man cannot alienate his liberty and that, in consequence, he can never and under no condition bind himself for life is independent of the idea of contract. It is founded upon a philosophic conception of man’s nature.²³ Even after one has shown that marriage is an institution established for the good of the family and society, individualists will none the less continue to defend divorce and free love as the only circumstances in which the union of a man and woman is conformable to public order.²⁴

²³ Cf. Leclercq, *Le fondement du droit et de la société*, no. 24, and *L’État ou la politique*, nos. 7, 20, and 21.”

Marriage and the Family: A Study in Social Philosophy by Jacques Leclercq. Published by Frederick Pustet Co. 1945. A.D. p. 32.

What H.B. 161 purports to do is very evil.

It presumes to possess the authority to covertly nullify every single marriage of any person at least temporarily living in the state of Ohio and replace marriage with an unprecedented status temporarily unilaterally revocable—without clear notice to the other spouse—at the will of either the husband or the wife with no need for notice to or confirmation by any external authority. Not only are marriages within its purported jurisdiction purportedly abolished and purportedly replaced according with the preceding, but men with guns are purportedly authorized to arrest the alleged criminal offender, and, possibly indefinitely, deprive him of his liberty. Upon conviction of this “crime,” a person can be indefinitely held in prison.

There are deeper things at work here. It is certain that H.B. 161 is intended as an unjust and direct attack on both marriage and the family. The reason why some people get married is so that that is not necessary to ask to perform the marital act. The marital act is, given a valid marriage, technically the consequence of a mutual acquired natural right to each other’s body with regards to the same.

The previous paragraph in connection with my definition of illicit above in connection with rape leads to a truth forgotten or perhaps unknown to many.

Intercourse—i.e. the marital act—is not something which can morally occur between people not married to each other. There is a mortal sin called fornication. It is voluntary premarital vaginal intercourse. In fact, there is a former criminal statute in this state called “cohabitation in a state of fornication.” It was repealed in 1972 effective in 1974. I doubt that this was a just act.

Not only was there a former statute concerning this matter in this state, but fornication is condemned in Holy Scripture.

“Know you not that the unjust shall not possess the kingdom of God? Do not err: neither fornicators, nor idolaters, nor adulterers, nor the effeminate, nor liars with mankind, nor thieves, nor railers, nor extortioners, shall possess the kingdom of God.”

This is taken from St. Paul’s 1st Letter to the Corinthians Chapter 6 verses 9-10. Douay-Rheims version.

The machinations of powerful people, Satan, or both appear to have been at work here. I shall try to make this evident.

To presume that consensual intercourse is moral—because there is not a statute against it—means that marriage is conceptualized as rather superfluous. It makes marriage out to be the civil/religious acknowledgement—with attendant benefits—of one’s love for a person of the opposite sex.

By getting rid of a just statute which made it clear to anyone who knew about it that there was something essentially special with regards to marriage, the path was opened towards people failing to marry at all. Certainly, the civil authority did not show care about people cohabitating in a state of fornication.

H.B. 161 unlawfully seeks to carry this even further. It denies that marriage is the basis of a mutual conjugal right to perform and demand the performance of that which affects the primary end of marriage—i.e. the procreation of children.

Given that H.B. 161 is an attack on the family, I will provide a statement from the Catholic hierarchy of America from the past concerning the Christian family. Due to a bad binding/printing job it was not possible to read and transpose the entire text.

The Christian Family

Statement of the American Hierarchy, November 21, 1949

The world’s horizons are those of time, not of eternity. Its interests are material, not spiritual. The world acknowledges God with an occasional word of reference, but it is not truly interested in God, His purposes, or His law. It wishes God to stay in His heaven; as occasion permits, it is willing to salute Him there. But it resents intervention of God in affairs on earth.

It is irritated by any assertion of God’s rights here, any demand for service to God, any exaction of reliance upon God’s Providence.

The western world today still proclaims human dignity. But in the main it treats man, physically, as the product of materialistic and mechanical evolution. It tends more and more to treat man, socially, as the creature of the State or of control-groups within the State. Again, the world recognizes a vaguely conceived spiritual institution which it calls the Church. Yet, practically, the Church is treated as a collection of welfare centers, a human thing throughout and not divine, which is to be formed into a unified instrument of social action by general concession and compromise.

The world makes no quest for divinely revealed truth. It seeks no divine guidance, no divine indication of duty and spiritual allegiance. It ignores ultimates, and restricts its vision to the here and now. In all this, there is inversion and disorder. Out of such disorder it is not reasonable to expect the emergency of human security, prosperity and peace.

For God comes first. God has revealed His purposes regarding man not only through the light of natural reason but also through the gift of supernatural revelation, which we accept by faith. Paradoxically, as a brilliant modern writer observes, if you take away the supernatural, you have left, not the natural, but the unnatural.

Perhaps the most evident and devastating effect of the disregard of supernatural faith in human society is to be found in what it has done to family life. The world, which discounts supernatural faith in God's revelation, praises family life, declares its place and function essential to human well-being, and speaks with high sentiment of the sacredness of the home. Yet by countless acts and agencies it moves steadily to disrupt family life and to destroy the home. It approves and facilitates divorce as a cure for domestic ills. It accepts multiple marriages, which usually mean a hopeless entanglement of the infelicities of a plurality of broken homes. It sponsors planned parenthood by the use of unnatural and morally degrading means, thus infusing poison into the heart of family life by destroying in husband and wife the self-respect and mutual reference on which alone are built enduring love and patient fidelity. It is unconcerned for the most part about its manifest duty of removing the great difficulties that lie in the way of those who wish to marry and establish homes. Its social legislation in point of suitable housing, decent material facilities, security in income and prospects, is slow, fumbling and inadequate. An unbelieving world professing recognition of the essential value of family life, actually discounts that value and moves to destroy what it claims to cherish.

WHAT THE FAMILY IS

All this amounts to a calculated attack upon family life. To counteract this attack it is urgent to have the clear knowledge which faith gives of what the family is, and of what it means to the individual man and to human society.

In the view of faith the family is, first of all, a divine institution. A divine institution is not within man's control to abrogate or alter. It is God's own work. Attack upon it is even humanly speaking disastrous. It strikes tragically at the even balance of right human relations, and ends in calamitous disorder.

Faith merely confirms reason in holding that husband and wife constitute conjugal society. When their union is blessed with offspring, this society becomes a family. It is a divinely founded natural society. It is prior, in existence and in its nature, to every other human society, to every state or nation. It is the basic social unit. It has its own native rights which no civil power can take away or unduly limit. To serve and protect the family and its life, states are formed and governments established

Social philosophers, as well as the great mass of mankind schooled [unreadable] in sanity and common human experience, agree upon the importance of the family to individual man. The formative years of life are normally passed in the bosom of the family. Family life encircles the child with no [unreadable] casual set of surroundings. It is a constant school; it is his realm, [unreadable/his?] world. Even though his adolescence returns to it as to the moorings of [unreadable] soul. Family life, far beyond any other[?] external influence, moulds lastingly [unreadable/the] tastes, the temperaments, the [unreadable/attitudes], the personality of the child. No human social influence can compare with the family in power to form and to [unreadable] the individual lives of men.

The importance of family life [unreadable] individuals is discerned in the service it renders to father and mother as [well/unreadable] as to the child. Husband and wife [unreadable] fulfillment in their fruitfulness, and [unreadable] strength and comfort in the home. Family life gives dignity and peace and security to the mother. It exercises ennobling and steadying influences upon the father. It both awakens and develops a sense of responsibility, and fosters their growth in selflessness, sacrifice and patience.

The state measures its true strength by the stability of the family life among [unreadable] citizenry. For the family is the social cell. It is the family that produces the citizen. No nation can be greater than its families. In vain does the world [unreadable] disregards the injunction of God loosen family ties and break up family life and then look to state schools to produce good citizens. At its best the school is only a strong aid to the home. [unreadable] citizens must first be good persons. School courses in civics and political science, and inspirational studies of [unreadable] lives and works of patriotic leaders meet a practical need. But these also never make good citizens. Virtue is best developed in a good home where [unreadable] is held in reverence. And virtue is the basis of good citizenship. The state which weakens the family inflicts deep injury upon itself. Any attack of the state on family life is suicidal.

No less important is the role of the family for the Church. The Son of God, when He walked among men, set up His one Church as a kind of family, and its members call that Church their holy Mother. Only those who know and live the family life of that Church can appreciate the glory and the solace of soul that abides in this early home of the human spirit. The Church, through the Sacrament of Matrimony, constantly channels the essential grace of God to her faithful children in the home. But history proves that it is God's will and providence that the Church should depend for her continuity and growth, as well as for the devotion of the faithful, upon Christian family life.

Since family life is thus essential to the individual, to the State and to the Church, it follows that whatever protects or promotes good family life is to be diligently fostered. It is of paramount concern to all mankind that family life be preserved in full soundness and moral health.

To exist in full effectiveness, the family life must have permanence. This permanence depends chiefly upon the permanence of marriage. Strictly requisite is marriage that is monogamous and indissoluble: the marriage of one man with one woman in divorceless union that is broken only by the death of one of the spouses. Such a marriage is requisite, not for the mere begetting of offspring, but for the rearing and training of children until they come to full maturity. Any marriage which looks to dissolution or divorce, even as a possibility, cannot give to children the security they need; cannot surround children with the enduring atmosphere of home; cannot breathe into children the spirit of true family life. Nor can such a marriage give to husband and wife the complete reliance upon each other which is requisite for their peace and happiness under the exacting conditions of marital duty.

MUST HAVE FREEDOM

Further, family life must have freedom. There must be no undue intervening of the civil power in the domain of husband and wife. This requirement involves two points of obligation. Freedom implies that rights be respected. The state must respect the rights of the family. It must not, therefore, fail to provide opportunities for the adequate housing of families, for the requisite schooling of children, for the use of common benefits supplied through the taxing of citizens. On the other hand, the state must not oppress the family. It must not discount parental authority by invading the home and legislating upon matters which are of strictly domestic concern. It must be neither arbitrary nor tyrannous. It must not usurp the right which belongs to parents of educating their children. On this score, the part of the state is to furnish opportunity for schooling, and to see that parents are not recreant in making use of the opportunity on behalf of their children. The state cannot force a child to attend this school or that; it cannot prescribe course of study that may involve intellectual or moral dangers for pupils. Nor can the state make discrimination among families, distributing common benefits to some and withholding them from others.

To the Church belongs the preeminent right to guide the child's spiritual and moral formation; to the parents belongs the natural right to govern and supervise the child's nurture and general education; in society is vested the right to transmit, generally by means of schools, the cultural heritage of successive generations.

The function of the state is to assist these three agencies to discharge harmoniously their responsibilities in the best interest of the public welfare. The state must ever keep in mind that children belong to their parents before they belong to the state; the resources to develop them into their full stature as human beings destined for eternal union with God are not the property of political government; these constitute the treasury of families and the Church.

Again, the family, to exercise its good influence in full effectiveness, needs a just measure of economic security. When, in a wealthy and prospering nation, diligent and willing parents are forced to live in grinding poverty; when parents have no opportunity of owning their own home;

when the aid of government is extended to those who raise crops or build machines but not to those who rear children, there exists a condition of inequity and even of injustice. Social legislation and social action must concur to improve man's economic opportunity, to enable him to marry early, to free him from the peril of unnaturally limiting his family, and to afford him some certainty of sufficiently gainful employment and some assurance that death or accident will not reduce his dependents to the state of public charges.

Finally, the family needs religion. It requires the high morality and the unvarying standards of duty which only the spirit of religion can supply to family life. It needs the strong quality of staunch loyalty to God and to His commandments, to His Church and to [unreadable] precepts. It needs the filial piety which has its source and support in piety towards God. It needs prayer and [unreadable] example of prayerfulness. We are consoled by the evident growth of piety practices in the home, the enthronement of the Sacred Heart, regular family prayer, and the wide variety of Catholic devotions which have given to Christian homes the character of sacred sanctuaries.

THE HOME A SHRINE

The family needs to gather again around its hearths and rekindle there the fires of religious fervor. The home must again become a shrine of fidelity a place where God is the unseen Head. We commend the program of the Catholic Family Life Conference as [unreadable] means of meeting the evident present need for better and happier homes. Family retreats, Cana conferences, courses on family life in schools and colleges, and study groups concerned with preparation for family life, should be widely encouraged and zealously promoted throughout our country. The press, radio, motion pictures and all agencies of public opinion should give constant aid in emphasizing the ideals of worthy family life. These powerful forces should be an unfailing support for the virtues which safeguard the home and give nobility to the nation.

These, then, are the requisites for family life if it is to produce its wondrous benefits in full measure and effectiveness: it must be permanent in [unreadable] establishment and prospects; it must be free from unwarranted intervention; it must have economic security; it must be religious. Yet even when these requisites are not perfectly realized, family life, though hampered, is productive of incalculable good. In the Providence of God it is the best of existing human agencies for social benefit. There is grave danger, however, that, if a godless philosophy be still permitted to prevail, family life among us will not only be further hampered but ultimately destroyed.

We have, indeed, supernatural knowledge that God's Church will not be destroyed, and while the Church endures family life will still, in some measure, exist and fruitfully function. But viewing our country and the world by and large, and noting the growing tendency to ignore God and His rights in society, the lethal danger to the family is neither chimerical nor remote. It a present danger, more fearsome than the atom bomb.

After thirty-five years of war and its effects, which have wrought incalculable injury to family life, we call for an intensive effort to restore the virtues and practices guaranteeing family stability and peace.

With confidence in the help of God, through Jesus Christ, His Son, and with constant faith in the intercession of His Mother, the Immaculate Mary, we urge all families to strive by their prayers for the restoration of pure family life. Let all recite the family Rosary. Let there be a renewal of devotion, a frequency in the reception of the Sacraments, a rebirth of all those virtues which make family life a mirror of the Holy Family of Nazareth. Joseph, the honest workman, is still the guardian of families. Mary, the Mother of God, is the blessed Mother of every Catholic home. And Jesus, Mary and Joseph, we commit to your hearts, your souls and your homes.

Such is a statement from the bishops of United States of the past.

To shed much needed light, it is possible also to turn to what popes past have said. Before I do this, concepts must be introduced and made clear.

The family is a natural society. It exists logically prior to the civil authority and it must be supported by the same. In fact, civil society, known now as “the state,” is created by the union of families.

An older term that is synonymous with the word “family” is “domestic society.”

Being a natural society there are rights and duties which concern the family and which ought not to be unjustly interfered with by the civil authority.

If a married man and woman are sterile there is a different older term that is used to describe their union—“conjugal society.” A contemporary and little used version of the same is “marital society.”

I will now turn to what some popes have said concerning the family.

Quanta Cura

Condemning Current Errors

Pope Pius IX - 1864

4. And, since where religion has been removed from civil society, and the doctrine and authority of divine revelation repudiated, the genuine notion itself of justice and human right is darkened and lost, and the place of true justice and legitimate right is supplied by material force, thence it appears why it is that some, utterly neglecting and disregarding the surest principles of sound reason, dare to proclaim that “the people’s will, manifested by what is called public opinion or in some other way, constitutes a supreme law, free from all divine and human control; and that in the political order accomplished facts, from the very circumstance that they are accomplished, have the force of right.” But who, does not see and clearly perceive that human society, when set loose from the bonds of religion and true justice, can have, in truth, no other end than the purpose of obtaining and

amassing wealth, and that (society under such circumstances) follows no other law in its actions, except the unchastened desire of ministering to its own pleasure and interests? [...] And (these wretches) also impiously declare that permission should be refused to citizens and to the Church, “whereby they may openly give alms for the sake of Christian charity”; and that the law should be abrogated “whereby on certain fixed days servile works are prohibited because of God’s worship;” and on the most deceptive pretext that the said permission and law are opposed to the principles of the best public economy. Moreover, not content with removing religion from public society, they wish to banish it also from private families. For, teaching and professing the most fatal error of “Communism and Socialism,” they assert that “domestic society or the family derives the whole principle of its existence from the civil law alone; and, consequently, that on civil law alone depend all rights of parents over their children, and especially that of providing for education.” By which impious opinions and machinations these most deceitful men chiefly aim at this result, viz., that the salutary teaching and influence of the Catholic Church may be entirely banished from the instruction and education of youth, and that the tender and flexible minds of young men may be infected and depraved by every most pernicious error and vice. For all who have endeavored to throw into confusion things both sacred and secular, and to subvert the right order of society, and to abolish all rights, human and divine, have always (as we above hinted) devoted all their nefarious schemes, devices and efforts, to deceiving and depraving incautious youth and have placed all their hope in its corruption. For which reason they never cease by every wicked method to assail the clergy, both secular and regular, from whom (as the surest monuments of history conspicuously attest), so many great advantages have abundantly flowed to Christianity, civilization and literature, and to proclaim that “the clergy, as being hostile to the true and beneficial advance of science and civilization, should be removed from the whole charge and duty of instructing and educating youth.”

<https://www.papalencyclicals.net/pius09/p9quanta.htm>

Inscrutabili Dei Consilio

On the Evils of Society

Pope Leo XIII - 1878

15. Then, indeed, will that most desirable result come about, that the character and conduct of individuals also will be reformed; for, just as from a rotten stock are produced healthless branches or worthless fruits, so do the ravages of a pestilence which ruins the household spread wide their cruel infection to the hurt and injury of individual citizens. On the other hand, when domestic society is fashioned in the mold of Christian life, each member will gradually grow accustomed to the love of religion and piety, to the abhorrence of false and harmful teaching, to the pursuit of virtue, to obedience to elders, and to the restraint of the insatiable seeking after self-interest alone, which so spoils and weakens the character of

men. To this end it will certainly help not a little to encourage and promote those pious associations which have been established, in our own times especially, with so great profit to the cause of the Catholic religion.

<https://www.papalencyclicals.net/leo13/113ev1.htm>

Libertas Praestantissimum

On the Nature of Human Liberty

Pope Leo XIII - 1888

13. Moreover, the highest duty is to respect authority, and obediently to submit to just law; and by this the members of a community are effectually protected from the wrong-doing of evil men. Lawful power is from God, “and whosoever resisteth authority resisteth the ordinance of God”;^[6] wherefore, obedience is greatly ennobled when subjected to an authority which is the most just and supreme of all. But where the power to command is wanting, or where a law is enacted contrary to reason, or to the eternal law, or to some ordinance of God, obedience is unlawful, lest, while obeying man, we become disobedient to God. Thus, an effectual barrier being opposed to tyranny, the authority in the State will not have all its own way, but the interests and rights of all will be safeguarded — the rights of individuals, of **domestic society**, and of all the members of the commonwealth; all being free to live according to law and right reason; and in this, as We have shown, true liberty really consists.

<https://www.papalencyclicals.net/leo13/113liber.htm>

Immortale Dei

On the Christian Constitution of States

Pope Leo XIII - 1885

17. In such organization of the State there is nothing that can be thought to infringe upon the dignity of rulers, and nothing unbecoming them; nay, so far from degrading the sovereign power in its due rights, it adds to it permanence and luster. Indeed, when more fully pondered, this mutual coordination has a perfection in which all other forms of government are lacking, and from which excellent results would flow, were the several component parts to keep their place and duly discharge the office and work appointed respectively for each. And, doubtless, in the constitution of the State such as We have described, divine and human things are equitably shared; the rights of citizens assured to them, and fenced round by divine, by natural, and by human law; the duties incumbent on each one being wisely marked out, and their fulfillment fittingly insured. In their uncertain

and toilsome journey to the everlasting city all see that they have safe guides and helpers on their way, and are conscious that others have charge to protect their persons alike and their possessions, and to obtain or preserve for them everything essential for their present life. Furthermore, **domestic society** acquires that firmness and solidity so needful to it from the holiness of marriage, one and indissoluble, wherein the rights and duties of husband and wife are controlled with wise justice and equity; due honor is assured to the woman; the authority of the husband is conformed to the pattern afforded by the authority of God; the power of the father is tempered by a due regard for the dignity of the mother and her offspring; and the best possible provision is made for the guardianship, welfare, and education of the children.

32. So, too, the liberty of thinking, and of publishing, whatsoever each one likes, without any hindrance, is not in itself an advantage over which society can wisely rejoice. On the contrary, it is the fountain-head and origin of many evils. Liberty is a power perfecting man, and hence should have truth and goodness for its object. But the character of goodness and truth cannot be changed at option. These remain ever one and the same, and are no less unchangeable than nature itself. If the mind assents to false opinions, and the will chooses and follows after what is wrong, neither can attain its native fullness, but both must fall from their native dignity into an abyss of corruption. Whatever, therefore, is opposed to virtue and truth may not rightly be brought temptingly before the eye of man, much less sanctioned by the favor and protection of the law. A well-spent life is the only way to heaven, whither all are bound, and on this account the State is acting against the laws and dictates of nature whenever it permits the license of opinion and of action to lead minds astray from truth and souls away from the practice of virtue. To exclude the Church, founded by God Himself, from life, from laws, from the education of youth, from **domestic society** is a grave and fatal error. A State from which religion is banished can never be well regulated; and already perhaps more than is desirable is known of the nature and tendency of the so-called civil philosophy of life and morals. The Church of Christ is the true and sole teacher of virtue and guardian of morals. She it is who preserves in their purity the principles from which duties flow, and, by setting forth most urgent reasons for virtuous life, bids us not only to turn away from wicked deeds, but even to curb all movements of the mind that are opposed to reason, even though they be not carried out in action.

<https://www.papalencyclicals.net/leo13/113sta.htm>

Au Milieu Des Sollicitudes

On the Church and State in France

Pope Leo XIII - 1892

5. First of all, let us take as a starting-point a well-known truth admitted by all men of good sense and loudly proclaimed by the history of all peoples; namely, that religion, and

religion only, can create the social bond; that it alone maintains the peace of a nation on a solid foundation. When different families, without giving up the rights and duties of **domestic society**, unite under the inspiration of nature, in order to constitute themselves members of another larger family circle called civil society, their object is not only to find therein the means of providing for their material welfare, but, above all, to draw thence the boon of moral improvement. Otherwise society would rise but little above the level of an aggregation of beings devoid of reason, and whose whole life would consist in the satisfaction of sensual instincts. Moreover, without this moral improvement it would be difficult to demonstrate that civil society was an advantage rather than a detriment to man, as man.

<https://www.papalencyclicals.net/leo13/113cst.htm>

Studiorum Ducem

On St. Thomas Aquinas

Pope Pius XI - 1923

20. He also composed a substantial moral theology, capable of directing all human acts in accordance with the supernatural last end of man. And as he is, as We have said, the perfect theologian, so he gives infallible rules and precepts of life not only for individuals, but also for civil and **domestic society** which is the object also of moral science, both economic and politic. Hence those superb chapters in the second part of the Summa Theologica on paternal or domestic government, the lawful power of the State or the nation, natural and international law, peace and war, justice and property, laws and the obedience they command, the duty of helping individual citizens in their need and co-operating with all to secure the prosperity of the State, both in the natural and the supernatural order. If these precepts were religiously and inviolably observed in private life and public affairs, and in the duties of mutual obligation between nations, nothing else would be required to secure mankind that “peace of Christ in the Kingdom of Christ” which the world so ardently longs for. It is therefore to be wished that the teachings of Aquinas, more particularly his exposition of international law and the laws governing the mutual relations of peoples, became more and more studied, for it contains the foundations of a genuine “League of Nations.”

<https://www.papalencyclicals.net/pius11/p11studi.htm>

Casti Connubii

On Christian Marriage

1. How great is the dignity of chaste wedlock, Venerable Brethren, may be judged best from this that Christ Our Lord, Son of the Eternal Father, having assumed the nature of fallen man, not only, with His loving desire of compassing the redemption of our race, ordained it in an especial manner as the principle and foundation of **domestic society** and therefore of all human intercourse, but also raised it to the rank of a truly and great sacrament of the New Law, restored it to the original purity of its divine institution, and accordingly entrusted all its discipline and care to His spouse the Church.

26. **Domestic society** being confirmed, therefore, by this bond of love, there should flourish in it that “order of love,” as St. Augustine calls it. This order includes both the primacy of the husband with regard to the wife and children, the ready subjection of the wife and her willing obedience, which the Apostle commends in these words: “Let women be subject to their husbands as to the Lord, because the husband is the head of the wife, and Christ is the head of the Church.”[29]

29. Eph., V, 22-23.

74. The same false teachers who try to dim the luster of conjugal faith and purity do not scruple to do away with the honorable and trusting obedience which the woman owes to the man. Many of them even go further and assert that such a subjection of one party to the other is unworthy of human dignity, that the rights of husband and wife are equal; wherefore, they boldly proclaim the emancipation of women has been or ought to be effected. This emancipation in their ideas must be threefold, in the ruling of the **domestic society**, in the administration of family affairs and in the rearing of the children. It must be social, economic, physiological: — physiological, that is to say, the woman is to be freed at her own good pleasure from the burdensome duties properly belonging to a wife as companion and mother (We have already said that this is not an emancipation but a crime); social, inasmuch as the wife being freed from the cares of children and family, should, to the neglect of these, be able to follow her own bent and devote herself to business and even public affairs; finally economic, whereby the woman even without the knowledge and against the wish of her husband may be at liberty to conduct and administer her own affairs, giving her attention chiefly to these rather than to children, husband and family.

77. As, however, the social and economic conditions of the married woman must in some way be altered on account of the changes in social intercourse, it is part of the office of the public authority to adapt the civil rights of the wife to modern needs and requirements, keeping in view what the natural disposition and temperament of the female sex, good morality, and the welfare of the family demands, and provided always that the essential order of the **domestic society** remain intact, founded as it is on something higher than human authority and wisdom, namely on the authority and wisdom of God, and so not changeable by public laws or at the pleasure of private individuals.

90. To revert again to the expression of Our predecessor, it is hardly necessary to point out

what an amount of good is involved in the absolute indissolubility of wedlock and what a train of evils follows upon divorce. Whenever the marriage bond remains intact, then we find marriages contracted with a sense of safety and security, while, when separations are considered and the dangers of divorce are present, the marriage contract itself becomes insecure, or at least gives ground for anxiety and surprises. On the one hand we see a wonderful strengthening of goodwill and cooperation in the daily life of husband and wife, while, on the other, both of these are miserably weakened by the presence of a facility for divorce. Here we have at a very opportune moment a source of help by which both parties are enabled to preserve their purity and loyalty; there we find harmful inducements to unfaithfulness. On this side we find the birth of children and their tuition and upbringing effectively promoted, many avenues of discord closed amongst families and relations, and the beginnings of rivalry and jealousy easily suppressed; on that, very great obstacles to the birth and rearing of children and their education, and many occasions of quarrels, and seeds of jealousy sown everywhere. Finally, but especially, the dignity and position of women in civil and **domestic society** is reinstated by the former; while by the latter it is shamefully lowered and the danger is incurred “of their being considered outcasts, slaves of the lust of men.”[69]

69. Leo XIII, Encycl. Arcanum divinae sapientiae 10 Febr. 1880.

<https://www.papalencyclicals.net/pius11/p11casti.htm>

The Internal Order Of States And People

[Christmas Message]

Pope Pius XII - 1942

He should favor, by every lawful means, in every sphere of life, social institutions in which a full personal responsibility is assured and guaranteed both in the early and the eternal order of things. He should uphold respect for and the practical realization of the following fundamental personal rights; the right to maintain and develop one’s corporal, intellectual and moral life and especially the right to religious formation and education; the right to worship God in private and public and to carry on religious works of charity; the right to marry and to achieve the aim of married life; the right to conjugal and **domestic society**; the right to work, as the indispensable means towards the maintenance of family life; the right to free choice of state of life, and hence, too, of the priesthood or religious life; the right to the use of material goods; in keeping with his duties and social limitations

<https://www.papalencyclicals.net/pius12/p12ch42.htm>

Such are the teachings of the popes.

In the realm of ideas, it is important to understand what is fundamentally at stake here. What is misunderstood and that which is probably purposefully—and fraudulently—propagated are errors concerning the nature of human liberty.

First, I will turn toward a famous intellectual historian and political philosopher who was not specifically religious.

“We must repeat, then, with reference to our first principles, that rebellion against distinction is an aspect of that world-wide and centuries-long movement against knowledge whose beginning goes back to nominalism. For it requires only a slight transference to say that, if our classifications of the world of physical nature are arbitrary, so, too, are those of human society. In other words, after we grant that those generalizations about the world which we necessarily make—and this is a necessity no one can really deny—do not express an objective order but only afford convenient modes, the same must be granted about society. With this conceded, inherent pattern is gone; nothing is justified that does not serve convenience, and there remains no court of appeal against subversion by pragmatism. Thus, repudiation of knowledge of what is destroys the basis of renewal. It is not fantastic but, rather, realistic to see as an ultimate result of this process the end of civilization.”

Weaver, Richard M.. *Ideas Have Consequences*: Expanded Edition (pp. 43-44). The University of Chicago Press. Kindle Edition.

What Richard Weaver was describing here was the beginning of and destructive application of nominalism. This is the denial that our words and concepts have any necessary relation to reality. It can be analogized to saying that scientific laws can not accurately describe the behavior of the physical world. Any person familiar with natural science would know that this is false.

Furthermore,

“Plato reminded us that at any stage of an inquiry it is important to realize whether we are moving toward, or away from, first principles. The significance of the movement we are here tracing is that the former distrust of specialization has been supplanted by its opposite, a distrust of generalization. Not only has man become a specialist in practice, he is being taught that special facts represent the highest form of knowledge. Mathematical logic, with its attempt to evade universal classification, is an excellent example of the tendency. The extreme of nominalism appears when men fear, as many do today, to make even those general groupings which are requisite to ordinary activities. We are developing a phobia toward simple predication. Sensing that even expository statement is a form of argument and that argument implies the existence of truth, we shrink back by clinging to our affirmation of particulars. They seem innocuous. Any extension beyond, toward center, may involve grave duties.

Since liberalism became a kind of official party line, we have been enjoined against saying things about races, religions, or national groups, for, after all, there is no categorical

statement without its implication of value, and values begin divisions among men. We must not define, subsume, or judge; we must rather rest on the periphery and display ‘sensitivity toward the cultural expression of all lands and peoples.’ This is a process of emasculation.”

Weaver, Richard M.. *Ideas Have Consequences*: Expanded Edition (p. 59). The University of Chicago Press. Kindle Edition.

What Richard Weaver is describing here is a refusal to accurately generalize which is, according to him, the result of liberalism and a cause of nominalism. This is doubtful, but the phenomena and the negative effects are worth noting.

The first quote above from *Ideas Have Consequences* describes the effect of nominalism as a conspiracy against knowledge which amounts to moral relativism which reaches towards a denial of universal, immutable truths with regards to human things. The second quote charges that extreme nominalism comes from liberalism.

I note that nominalism was started by William of Ockham.

Nominalism and those who accepted—and accept it—caused an erroneous divorce in the concept of law.

More specifically with respect to liberty it is important to define what exactly one means by it. While not precise, I will take liberty to be synonymous with freedom.

A great service was performed by Mortimer Adler in his book *The Idea of Freedom*. In it he concluded through a review of philosophers that there were three main types of freedom conceived. There was (1) the circumstantial freedom of self-realization, (2) the natural freedom of self-determination, and (3) the acquired freedom of self-perfection.

The circumstantial freedom of self-realization is the ability to do what you desire. For example, a person in a jail cell is not free to walk out of the cell, and rejoin the world outside of the correctional facility.

The natural freedom of self determination is another word for free will. It is a function of the fact that human beings have both an intellect and a will. Thus, it is possible for humans to act according to a manner that is not constrained by what in irrational animals, for instance, is called instinct.

In humans, reason supplies a motive which instinct does not totally determine. As such, technically, the will is called the rational appetite.

The acquired freedom of self-perfection is holiness or sanctity. It consists in the ability to always choose to do what is right, or, at least, what is not immoral.

It is the third definition of freedom in what true liberty consists of. As such, there is not a freedom in sinning. In other words, no person has a right or duty to do something immoral.

Last year there was a person who is widely identified and personally identifies as a Catholic bishop who spoke at a conference and his speech was—and is—available on YouTube. He noted a difference in conception with regards to the question proposed by St. Thomas Aquinas concerning whether it was possible for God to sin.

A paraphrase of a portion follows.

First this person noted that freedom requires both truth and responsibility. I note that the word duty could be substituted for responsibility.

He noted that Aquinas taught that it was not possible for God to sin. This is because in God His will and His freedom are so ordered to His goodness that His will would never deviate from His goodness. This because God's mind is always ordered to the truth of His own being. God is consistent with Himself. Precisely because He cannot sin, He is truly free.

Now this person described another strain of philosophy. This was a philosophy that stressed God's power. More specifically it stresses God's absolute power. This was the view of William of Ockham. For example, it is because of God's power that He determines that adultery is a sin.

Aquinas taught that God's freedom and goodness coincide. In Ockham's, view God's freedom and His goodness have become divorced.

The person concludes that Aquinas was correct and that this has a lot to do with how we understand freedom today.

I would submit that the above is not easy to understand. With regards to law the consequences can be discerned. Above St. Thomas's definition of law defines law in terms of reason. If you were to accept William of Ockham's error (i.e. false philosophy/teaching), law would be primarily a matter of will.

Colloquially and in reality, there is not any reason that a person must have a good will. A person who abuses his will has a bad will. To act in this way is to sin.

If law is primarily a matter of will, then—theoretically—there is not any way of judging it to be true (i.e. just) or false (i.e. unjust). In the end, it is subtly or virtually concluded that **might makes right**.

Reason says that $2+2=4$. But if law is a matter of will, then it could be determined that $2+2=5$. No person would reasonably accept the latter as true. As such, law is essentially a matter of reason, **not** will.

I will now turn to personal matters concerning H.B. 161.

I have a sister-in-law who has been in a nursing home for more than 14 years with brain damage. She had a potentially fatal heart problem following the birth of her youngest child.

Though the “law” concerning divorce, my brother who is married to her now, technically, lives in adultery in a so-called “second marriage.”

What is worse is that I know of a treatment which would likely cure her, but I am not her husband, and despite my sharing this knowledge, for instance with one of her sons (my nephew), no one else has offered any, probably legal, assistance to help resolve her health issue. I have no reason to hope that human will.

Strictly and morally speaking, given that my sister-in-law is not dead my brother has, despite her disabilities, retained his right to conjugal relations with his wife. He is still married to her. In fact, in the absence of my knowledge he could do not much more for her than to pay for her expenses, (Currently, the federal government has assumed that duty.) except for this one thing.

Even though H.B. 161 could not become law, what could be an effect if my brother decided to comfort her in her suffering, and assert his rights with her?

He could be falsely imprisoned under color of law for at least three years. He could be falsely branded as a felon.

As such, I vehemently and forcefully oppose as unjust, unlawful, and criminally destructive H.B. 161.

For justice,

Shawn Weiler