

COMMUNICATIONS OFFICE

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27th August, 2009

91/2009

NO BENEFIT FROM DIVORCE

PROGETTIMPENN'S REACTION TO MR. MARTIN SCICLUNA RESPONSE

1. In the opening paragraph of the Response there is a ray of hope. Mr. Scicluna acknowledges that our Document makes "an attempt to engage in serious debate". However the remainder of the Reaction is a long litany of insults and insinuations addressed to the Church. The least we can say, is that for reasons which are not clear, Mr Scicluna does not reciprocate our attempt to debate seriously.
2. He insinuates that our Document is "inevitably selective and self-serving". This is merely his perception. In no way are we trying to serve anyone, but we attempt to present a wider picture through research and experiences of other countries. Neither are we selective. We quote studies which Mr Scicluna himself cites in his bibliography, but which he stops short from informing his readers about the outcome of these studies (see paragraphs 3.10, 5.5, 8.4 and 8.6). We also quote, at some length, studies that do not really support our thesis (see paragraphs 5.1, 5.3, 5.4, 5.7, 5.8 and 8.5). A bit further on, Mr Scicluna feels disappointed because we base our "main arguments on false foundations". He boasts that he has "examined some 25 major studies" (page 7). What kept him from making specific references to these studies that contradict ours? In this case, silence does not serve as an adequate reply.
3. In this Response, the author persistently repeats that divorce does not cause marriage breakdown and attributes to the Church the statement that divorce causes marriage breakdown. More than once, he refers to this issue as "a mistaken proposition" (page 8). We would like to remind Mr Scicluna that it is neither the Church nor our Document that reached this conclusion. Rather, this conclusion was drawn from a number of studies, some of which are mentioned in our Document. While still on the subject, Scicluna's document also lists in the bibliography another study, in which it was concluded that divorce causes

marriage breakdown. This study was carried out by two secular universities across 18 European countries. Why attack the Church on this?

4. The Response, similar to the original Report, does not differentiate between separation, declaration of nullity and divorce. As if this was not enough, the author also introduces adultery in the same mix. He addresses a question to the Church to which the answer is very simple: No, the Church does not prefer adultery to “formalised and respected relationship.” After all is not the first marriage a “formalised and respected relationship”? Is not adultery one of the main causes of marital breakdown?
5. It is a mistaken judgement on the part of the author that we assume “that there is no real problem with the state of marriage in Malta requiring any change from the *status quo*”. In the Executive Summary (and par. 9.4) we honestly acknowledge that “there are a number of negative social situations in our society”, but we also say that “the situation is not as bad as that presented by TPPI”. In other words, we are saying that in fact, the situation is bad. We also state that “none of these social ills may be healed, nor are their effects diminished, by divorce.” Besides, we go a step further and make positive recommendations to Government to try and change the *status quo* for the better.
6. Mr Scicluna accuses the Church of “refusing to recognise the human suffering and difficulty caused by broken marriage.” The Church’s track record of positive action in favour of families and families in difficulty makes this very hard to believe. For the Church, every single person counts. But studies and analysis need to be carried out in percentages and categories. Besides the Church, who else has a history of over 50 years of professional marriage preparation courses, marriage counselling, marriage spirituality courses, support groups, residential care to victims of domestic violence and other initiatives in our islands? Besides all this help given by institutions, hundreds of families find help when approaching individual priests daily. Mr Scicluna acknowledges all this, however brushes it aside. Moreover, who more than the Church, through its dedicated members in residential homes, stands by the children affected by marriage breakdown? Local research also manifests the unmitigated trust that people have in the Church when seeking help for their marriage problems. We can also challenge the author whether he is refusing to recognise the human suffering and difficulty which children experience as a consequence of marriage breakdown, as well as a result of the second relationship?
7. The author repeats several times that our position is dictated by “doctrinal reasons (and) religious ... held view-point.” We refuted this position in Section 9 of our Critical Reading of the original Report. We repeat “divorce undermines the family and marriage and not the Catholic view of them” (par. 9.2). We believe

that Catholic doctrine on family and marriage is valid but we also value sociological and statistical research, as extensively presented in our Document. In sincere dialogue we expect that our conclusions are challenged not on doctrinal grounds (which are very important and valid for believers) but on the value of the research mentioned.

8. He also advised “catholic believers (that they) have the right to abstain from practices they consider wrong, but have no right of veto over others.” Who is using veto? We have expressed a studied scientific position about what the Universal Declaration of Human Rights defines as “the natural and fundamental group unit of society” (art. 16.3), the family. Our conclusions drawn from this scientific approach are solidly in harmony with Catholic doctrine. Is our contribution contrary to “secular democracy”, whatever that means? In actual fact we are speaking about two different forms of society, from which to choose. One is marked by divorce and one is committed on strengthening marriage and family life.
9. Mr Scicluna is of the opinion that there is no causal link between increase in number of cohabitating couples and divorce. He attributes this statement to “the Maltese Church” and blames the “Maltese Church” for that. At no point in our Document do we state that there is a causal link. We simply cite sample statistical data from Australia, Ireland and Britain that wherever divorce was introduced, marriage rate decreased and cohabitation increased (Section 7). We state quite plainly that even if there is no such causal link, divorce legislation does not solve the problems which cohabitation creates in society.
10. Half-way through the Response, Mr Scicluna states that he finds himself “compelled to set out in detail the statistical evidence adduced in my report.” That announcement is another ray of hope, because we have lavishly pointed out that the original Report lacks this statistical evidence. However, our hopes as yet have not materialised.
- 10.1 Percentage increase in marriage breakdown 1995-2005: The original Report speaks of 160 per cent increase. In his Response, the author states that marriage breakdown has risen from three per cent to seven per cent. This brings the percentage increase to 133 per cent not 160. That is exactly what we said in our Document (par. 3.2).
- 10.2 Forecast for 2015: Mr Scicluna reveals that this is forecasted by Discern, the Institute for Research on the Signs of the Times. This is new, even though, once again he does not explain where one can find this study. As a matter of fact, we have not contradicted this forecast. Our only request was to be provided with the workings (par. 3.6) which have not yet been forthcoming.

10.3 Declarations of Nullity from the Ecclesiastical Tribunal: Mr Scicluna ignores our explanation and simply reproduces what he wrote in the original Report: that he was provided with the following statistics by the Curia, namely 173 (2006), 162 (2007) and 131 (2008). As we explained in our Document, the number of second positive sentences (declarations of nullity) which are given in the Second Instance correspond with those mentioned in our Document, that is 39, 57 and 85 for 2006, 2007 and 2008 respectively.

10.4 Separations and Annulments in the Civil Court: Without putting the blame on Mr Scicluna, we must admit that we cannot understand the statistics he produces for legal separations in the Civil Court. The statistics given by the Hon. Minister of Justice and Internal Affairs, Dr Carm Mifsud Bonnici, and which we have produced in our Document are very different from the ones cited by Mr Scicluna. Moreover the National Statistics Office on July 14, 2009 published this information, which tallies more with our data than that provided by Mr Scicluna:

“During 2008, a total of 519 separations were filed, a drop of 18.5 per cent over 2007. Of these, 464 (89 per cent) involved couples where both spouses were Maltese citizens. There were also 188 registered annulments (35 religious and 153 civil) compared to 167 in 2007.... Last year there were 31 divorces obtained abroad and recognized by the Maltese authorities, down by 4 over the previous year” (News Release, 10 July 2009, 122/2009).

This in no way proves what Mr Scicluna calls “the accelerating number of broken marriages” (page 6) and because of which, he accuses the Church of “complacency, driven by prejudice, rather than rationality.”

10.5 Stock Number: In his Response, the author took exception to our phrase “stock number” and also qualified as “disparagingly” our phrase. We cannot understand why. The term is technical and used in statistics. It means that when one says that in 2005 there were 13,354 separated persons, this does not refer to the number of persons who separated in 2005 but it accumulated throughout the years and in 2005 the figure stands at that. NSO has also used the same term (stock position) when it issued a clarification to the statistics produced by the original TPPI Report (The Malta Independent p. 7, 20 May, 2009).

11 Mr Scicluna states that he has taken the Irish model where divorce legislation is 12 years old. He says that “Divorce and family breakdown flood-gates have not been open in Ireland” (page 7). We beg to disagree and ask him to find a better model to suit his cause. In our Document (par. 7.4) we have pointed out that in Ireland there has been a 56 per cent increase in cohabiting couples in the last four years. In 1996 (just a year prior to divorce coming into effect) the marital breakdown was seven per cent, while in 2006, it was 13 per cent, which amounts to an increase of 46 per cent (See Iona Institute, Domestic Partnership, Dublin 2007, p.16).

12. We would also like to remind Mr Scicluna and the general public, that he chooses not to reply to other issues that we have raised in our original Document. These are: the position of the other members of the Think Tank with regards to the original document; lack of references; partiality; happiness as compared between married and cohabiting couples and the negative effects on children of divorced parents who enter into another relationship.
13. We agree with the statement found in this Response “The State through its legislation must decide what is best for the whole of society” (page 8). This is known as the common good. It is our opinion that our original Document amply proves that the introduction of a divorce legislation is not in the best interest of the whole of society. What has happened in other countries is a clear proof of this.
14. We reiterate our commitment towards healthy marriage. We strongly believe that families do not benefit either from the introduction of divorce legislation or from sheer complacency. It is the joint effort of all stakeholders - families, voluntary organisations, media, Church, State, Trade Unions and others - all according to their respective nature and role, that will make a significant improvement for the better.

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