

THE CATHOLIC CHURCH, MARRIAGE & SAME-SEX ATTRACTION

FREQUENTLY ASKED QUESTIONS

The Australian Catholic Marriage and Family Council has prepared this Question and Answer Booklet for the Bishops Commission for Pastoral Life of the Australian Catholic Bishops Conference.

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THE RELIGIOUS AND PHILOSOPHICAL FOUNDATION OF THIS DOCUMENT

This document has been prepared by the Australian Catholic Marriage and Family Council for the Australian Catholic Bishops Conference, which is the national body of the Catholic Bishops of Australia. It is issued with the authority of the Catholic Bishops of Australia.

The purpose of the document is to present and explain the teaching of the Catholic Church on marriage and, in particular, that marriage is and should only mean “the union of a man and a woman to the exclusion of all others, voluntarily entered into for life”¹.

Obviously, Catholic teaching is directly relevant only to those 26% of the population who hold and profess the Catholic faith. Catholics, however, as citizens of a pluralist democratic society have the same right as all other citizens to present their views on proposed changes to laws which affect social or moral issues. This document, then, is also addressed to all Australian citizens to explain the rationale for the Catholic stance in relation to proposed changes to the Marriage Act which would redefine marriage to encompass both heterosexual and same-sex couples.

Further, it is also part of the Church’s mission to pass moral judgements even in matters related to politics, whenever the fundamental rights of human beings or the salvation of souls requires it. The Church has a duty to shed the light of the Gospel on human beings and society.²

In this context, the Church is indeed expressing its support for the current law of the land, as embodied in Section 5 of the Commonwealth of Australia, Marriage Act 1961 and is seeking to show why that law should remain in its current form, affirming that marriage is “the union of a man and a woman to the exclusion of all others, voluntarily entered into for life”

THE CATHOLIC UNDERSTANDING OF MARRIAGE

1. WHAT IS THE CATHOLIC UNDERSTANDING OF MARRIAGE

The Catholic Church sees marriage as a covenant by which a man and a woman establish between themselves a partnership of the whole of life which, by its very nature, is for the good of the spouses and for their having children and educating them.³

The intimate community of life and love which constitutes the married state has been established by God. Marriage derives not just from social conventions but from the very nature of man and woman as they came from the hand of the Creator. God’s plan, from the beginning of creation, was that man and woman

¹ Commonwealth of Australia, Marriage Act 1961, Section 5.

² CCC 2246, 2257

³ CCC 1601.

become “one flesh” as a sign of communion between two persons.⁴ The sexual union of husband and wife seals and celebrates their marriage promises and their willingness to welcome new human life.

Marriage is also the natural basis of the family and thus of the care of children and the continuation of human society. Properly understood, marital love “demands indissolubility and faithfulness in definitive mutual giving”.⁵

Humankind, man and woman, are created in the image and likeness of the Trinitarian (three persons) God who is love. Since God created humankind man and woman, their mutual love becomes an image of the absolute and unfailing love with which God loves all humans. This love which God blesses is intended to be fruitful and to be realized in the common work of watching over creation: "and God blessed them, and God said to them: 'Be fruitful and multiply, and fill the earth and subdue it.'"⁶

When a man and a woman marry they commit themselves to each other for the rest of their lives. This unique promise embodies the deepest longing of the human heart – to give oneself in total, mutual and faithful love to another. On the basis of this promise, lifelong marriage is able to bring forth the very best in human beings because it is the source of so much hope and joy, and the context in which many people must also respond to the challenges and suffering of the human condition. For this reason the Second Vatican Council described marriage as “an intimate partnership of life and love” which was “established by the Creator and endowed by him with its own proper laws”.⁷

Holy Scripture affirms that man and woman were created for one another: "It is not good that the man should be alone."⁸ The woman, "flesh of his flesh," i.e., his counterpart, his equal, his nearest in all things, is given to him by God as a "helpmate"; she thus represents God from whom comes our help.⁹ "Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh."¹⁰ The Lord himself shows that this signifies an unbreakable union of their two lives by recalling what the plan of the Creator had been "in the beginning": "So they are no longer two, but one flesh."¹¹

For the Catholic and Orthodox Churches, and for many in the Anglican Church, marriage is also a Sacrament – an effective, visible sign of God’s grace – which tells of God’s faithful and creative love and helps to make it real in that couple’s lives.

4 Gen 2:24.

5 FC 13.

6 CCC. 1604

7 GS 48.

8 Gen 2:18.

9 C.f., Gen 2:18-25.

10 Gen 2:24.

11 Mt 19:6.

In summary, the Catholic Church understands that marriage is more than a purely human institution that has been present in all recorded societies in history. It has a spiritual dimension which deals with love and therefore with the deepest yearnings of human experience. Although the dignity of this institution is not transparent everywhere with the same clarity, some sense of the greatness of the matrimonial union exists in all cultures. The well-being of the individual person and of both human and Christian society is closely bound up with the healthy state of conjugal and family life.¹²

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2. DO OTHER CHRISTIAN CHURCHES SHARE THE CATHOLIC UNDERSTANDING OF MARRIAGE?

As at Dec 2012, most Christian Churches in Australia (and, indeed, around the world) broadly share the Catholic understanding that marriage relates only to the union of a man and a woman. This is despite the differences among the Christian denominations on the theological and sacramental understanding of marriage.

On 24 August 2011, 50 national and state leaders of the Catholic, Anglican, Reformed, Lutheran, Orthodox, Presbyterian, Pentecostal Churches, the Salvation Army and the Seventh Day Adventist Church signed a comprehensive statement "*Revising Marriage? Why Marriage is the Union of a Man and a Woman*".¹³

On 2 December 2011, on the eve of the Australian Labor Party's Federal Conference vote on marriage, 19 Australian church leaders issued a joint statement on the meaning of marriage and urged the federal government to protect the existing definition of marriage in Australian law and to not change the meaning of marriage by adding to it different kinds of relationships.¹⁴

In addition, many churches and church leaders made formal submissions to the 2012 Senate Standing Committee on Legal and Constitutional Affairs inquiry into the *Marriage Equality Amendment Bill 2010*, supporting the traditional man-woman definition of marriage. These included the Catholic, Anglican, Orthodox, Presbyterian, Uniting, Lutheran, Reformed, Wesleyan-Methodist Churches and the Salvation Army.¹⁵

12 Catechism of the Catholic Church, 1603.

13 Australian Marriage Forum. Retrieved 4/6/2015.
<https://www.melbourneanglican.org.au/ServingCommunity/src/Documents/Revising-marriage-for-pastors-May-2011.pdf>

14 Australian Christian Lobby media release 2/12/2011. Retrieved 22/4/2012.
<http://www.aph.gov.au/DocumentStore.ashx?id=c96fe7b5-b6a1-4978-80da-c1a6ca27696f>

15 Senate Standing Committee on Legal and Constitutional Affairs. Retrieved 4/6/2015.
http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/marriageequality2012/submissions.

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3. DO OTHER RELIGIONS SHARE THE CATHOLIC UNDERSTANDING OF MARRIAGE?

The Organisation of Rabbis of Australasia, which represents the religious leadership of 90% of Australian Jewry, stated that Judaism recognizes marriage as a fundamental human institution, and affirms marriage only between a man and woman. The Rabbinical Council of NSW similarly affirmed that the definition of marriage as stipulated in the Marriage Legislation Amendment Act 2004, namely that “marriage means the union of one man and one woman to the exclusion of all others”, is consistent with the traditional definition of marriage expressed in sacred Jewish texts and accepted throughout the ages by the other major world faiths.¹⁶

Islam, the Bahá'í Faith and Sikhism also strongly affirm that marriage is the union of man and woman. Among Buddhists and Hindus, a plurality of views exists.

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THE MEANING OF MARRIAGE & SEXUAL DIFFERENCE

4. ISN'T MARRIAGE JUST A SOCIAL CONSTRUCT?

Can a man marry a man? Can a woman marry a woman? Can a man simultaneously marry several women, or a woman several men? Can a man simultaneously marry several men, or a woman several women? Can a man marry his sister, his mother or his daughter, his brother or his father? Can a woman marry her brother or father or son, her sister or mother?

All of these questions are now on the table in our culture as a result of the militant worldwide activism by advocates of same-sex ‘marriage’. These questions cannot properly be answered unless we know what marriage is. The Catholic Church has a rich body of teaching to draw from in order to understand the meaning and purpose of marriage.

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5. WHAT IS MARRIAGE – THE CATHOLIC UNDERSTANDING?

In the Catholic understanding, marriage is the lifelong partnership of mutual and exclusive faithfulness between a man and a woman which by its very nature is for the good of the spouses and for the bearing and education of their children.¹⁷ The bond of marriage is unbreakable – that is, it lasts “until death do us part.” At the

16 Senate Standing Committee on Legal and Constitutional Affairs. Retrieved 4/6/2015.
http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/marriageequality2012/submissions.

17 CCC 1601; CIC 1055.1; GS 48.

heart of married love is the total gift of self that husband and wife freely offer to each other. Because of their sexual difference, husband and wife can truly become “one flesh” and can give to each other “the reality of children, who are a living reflection of their love”¹⁸.

In Catholic theology, when the man and the woman are baptized, that is, committed to Christ, their marriage is also a *sacrament*. This means that the unconditional giving of self between husband and wife is a visible sign of the unconditional giving of Christ’s self for his Church. Of its nature, this sacramental lifestyle, which has its origins in a God of love, brings the couple gifts or graces that they need to love each other generously, in good times and in bad, in sickness and in health, in imitation of Christ.

As a sacrament of the Church, “holy matrimony” consecrates human love, sexuality and procreation to a higher purpose. It unites the couple to God and makes them a sign of his covenant with his people. It identifies the couple with Christ who has made their marriage a sign of his faithful and unbreakable love for his Church. It makes their family a “domestic church”.

Catholic theology, therefore, sees sexuality within marriage as having a threefold purpose or meaning:

- Sex is unitive – the total self-gift between a man and woman, based on their sexual difference, allow them to become the “one flesh” of a communion of persons.
- Sex is procreative – this bodily act of mutual self-giving and acceptance is ordered to a further good which transcends both spouses: the good of that new life which can be born from their union.
- Sex is parental – this new life calls the spouses to a further dimension and transcendence, an outward looking love, without which the sexual act risks turning in on itself, by concentrating on the search for pleasure alone.

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6. WHY DOES THE CATHOLIC CHURCH CARE SO MUCH ABOUT MARRIAGE?

The Catholic Church cares about marriage because it is a fundamental good in itself. Therefore, in a sense, it could be seen as one of the major social justice issues of our time. This is at two levels, individual and public.

At a personal level, marriage is based on the nature of the human person and on what provides each person with a fulfilling existence. Following the example of Jesus, the Church cares about the whole person, and about each person. The Church is concerned because people all over the world are suffering from of the breakdown of the family – divorce, out-of-wedlock childbearing, and so on.

18 FC 14.

However, marriage is never just a private issue; it has public significance and public consequences. In addition, the proposal to redefine marriage to include two men or two women is really a proposal to redefine the human person, causing a forgetfulness of what it means to be a man or a woman. This is a basic injustice to men and women, children, and fathers and mothers. Marriage is truly one of the most important social justice issues of our time.

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7. MARRIAGE: WHAT'S A GOOD STARTING POINT?

To understand what marriage is, the best place to start is with the human person. We must ask, "What does it mean to be a human person, as a man or as a woman?" First, men and women are created in the image of God.¹⁹ This means that they have great dignity and worth. Also, since "God is love"²⁰, each person – created in God's image – finds his or her fulfillment by loving others. Second, men and women are body-persons. The body – male or female – is an essential part of being human. Gender is not an afterthought or a mere social construct. The body shapes what it means to love as a human person. At a fundamental natural level, the male and female genitalia are complementary – human persons, male and female, have evolved as sexual beings whereby the male genitalia, the penis, is fitting for the female genitalia, the vagina. Human persons have evolved such that male-female genital sexual intercourse can, at given times in the female ovulatory cycle, result in the generation of new life. Male-male or female-female sexual interaction is, by nature, sterile – it is alien to evolution and contrary to nature.

To sum up, when we think about marriage, we must think about who the human person is – created with great dignity, and called to love as a body-person, male or female.

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8. WHERE DOES MARRIAGE COME FROM?

Marriage is inherently present in humanity. It is not something thought up by any human society or by any religion – rather, it springs from who the human person is, as male and female. Society and religion affirm and reinforce this self-evident reality. The truth of marriage is therefore something that can be understood by everyone, regardless of whether or not they hold religious beliefs. Both faith and reason speak to the true meaning of marriage.

In the Catholic understanding, marriage, the free, faithful, permanent and fruitful sexual bonding of a man and a woman, is an icon of the Trinitarian God²¹. "God himself is the author of marriage"²². When God created human persons in God's

19 Gen 1:27.

20 1 Jn 4:8

21 Eph 5 31-33.

22 GS 48.

own image, as male and female, God placed in their hearts the desire to love – to give themselves totally to another person.

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9. WHY CAN'T MARRIAGE BE REDEFINED TO INCLUDE TWO MEN OR TWO WOMEN?

The word marriage isn't simply a label that can be attached to different types of relationships. Instead, marriage reflects a deep reality – the reality of the unique, fruitful union, potentially able to generate a new life, which is only possible between a man and a woman. It is impossible for two persons of the same sex through their sexual activity to generate new life. The attempt to redefine marriage to include two persons of the same sex denies the reality of what marriage is. A circle can never be a square. Calling a circle a square does not make it a square. It just creates confusion.

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10. WHAT IS GENDER DIFFERENCE?

Gender difference is the difference of man to woman and woman to man. It affects a person at every level of his or her existence: genetically, biologically, emotionally, psychologically, and socially. It is a difference written indelibly in a person's genetic make-up. There are many characteristics of each human person that are genetically determined and which lead to inherent differences from others, such as the colour of eyes. However, gender difference is more than inherent. It is also the only difference that allows for the total personal union between husband and wife that is at the heart of marriage and which has the potential to generate new life. The difference between men and women is for the sake of their union with each other and for the possibility of procreation. It is what makes spousal union possible.

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11. ISN'T MARRIAGE JUST ABOUT LOVE AND COMMITMENT BETWEEN TWO PEOPLE?

Of course love and commitment are important for marriage – as they are for many relationships. However, marriage is unique because the love and commitment of the married relationship has a physical expression from which can come a third, the child – a new life to be welcomed and raised in love. No same-sex relationship, no matter how loving or committed, can have this unique form of fruitful communion that exists in marriage between a husband and a wife.

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12. WHY DOES A PERSON'S GENDER MATTER FOR MARRIAGE?

Gender matters for marriage because the body matters for love. My body is not simply the shape of my skin. Instead, my identity as a person (my "I") is inseparable from the reality of my body – I am a *body-person*. As Pope John Paul II said, the

body *reveals* the person. It is a deeply *personal* reality, not just a biological fact.²³ The body is taken up into every human action, including the most important task of all: loving. Loving *as a human person* means loving *as a man or as a woman*. Marriage, the primary form of human love²⁴, necessarily involves the reality of men and women as body-persons. Marriage is intrinsically opposite-sex. To write off the body, and gender, as unimportant to marriage means treating the body as inconsequential or, at best, as an object or tool to be used according to one's pleasure, instead of as an essential and beautiful aspect of being human and loving as a human person. Such a write-off would ignore the very essence of what the human person is.

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13. HOW IS THE LOVE BETWEEN A HUSBAND AND WIFE UNIQUE?

The love between a husband and a wife involves a mutual gift of self that is free, total and faithful. This gift of self and the acceptance of the other are real, because they are based on the recognition of the complementary otherness and on the totality of the act which expresses them. The gift of the body is a real sign of self-giving at the level of the persons. It not only expresses love, but also opens the spouses to receive the gift of a child. No other human interaction on earth is like this. This is why sexual intimacy should be reserved for married love – marriage is the only context wherein sex between a man and a woman can speak the true language of self-gift ... total self-donation that is potentially fertile, potentially life-generating.

On the other hand, sexual behaviour between two men or two women can never arrive at the fertile oneness experienced between husband and wife, nor can these acts be life-giving. In fact, it is impossible for two persons of the same sex to make such a total fruitful gift of self to each other as a husband and a wife do, bodily and personally. No relationship between two persons of the same sex can ever be held up as equal or analogous to the relationship between husband and wife.

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14. WHAT IS COMPLEMENTARITY BETWEEN THE SEXES?

Complementarity refers to the unique - and fruitful - relationship between men and women. Both men and women are created in the image of God. Both have great dignity and worth. But equality does not mean sameness: a man is not a woman, and a woman is not a man. Instead, "male and female are distinct bodily ways of being human, of being open to God and to one another"²⁵. Because men and women are complementary, they bring different gifts to a relationship. In marriage, the complementarity of husband and wife is expressed very clearly in the act of

23 ToB 9.4.

24 GS 12.

25 LL 10.

conjugal love, having children, and fathering and mothering –actions that call for the collaboration – and unique gifts – of husband and wife.

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THE GIFT OF CHILDREN

15. WHY DOES THE CHURCH EMPHASISE CHILDREN IN RELATION TO MARRIAGE?

Children are at the very heart of marriage. The supreme gift of marriage, a child, comes precisely *through* the mutual, loving self-gift exchanged between husband and wife.²⁶ It is only because of their sexual difference that spouses are able to cooperate with God in the awesome adventure of procreating a new life and welcoming a child into the world. Marriage is not just about satisfying adult desires, but is fundamentally a pro-child institution.

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16. IF A CENTRAL PURPOSE OF MARRIAGE IS PROCREATION, WHAT ABOUT INFERTILE COUPLES?

Human beings have evolved such that, through male-female sexual intercourse, children may be conceived, enabling the propagation of the species. Marriage, as a social and religious institution, seeks to protect the couple relationship and nurture the development of the child. The fact that some married couples do not have children either because of infertility or personal decision does not determine the purpose of marriage. Nor does the fact that many men and women have sex outside of marriage invalidate the social and religious importance of marriage. The inherent biological fact remains that marriage between a man and a woman will usually result in one or more children.

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17. HAVEN'T THE PURPOSES OF MARRIAGE EVOLVED OVER THE YEARS?

In addition to the sacred and sacramental aspects of marriage as understood by the Catholic Church, marriage historically has been a complex institution containing at least five dimensions:

- Natural: Marriage as 'pre-political', a primary cell of society
- Religious: Marriage as sacred
- Economic: Marriage being about 'household', property and wealth creation
- Social: Marriage being about inheritance, stability and permanence
- Legal: Marriage being about protection of spouses and children

The role of marriage in providing a socially sanctioned framework for the procreation, nurturing and education of children, has not changed over the centuries. Changes within the other dimensions have been changes **within** the

26 GS 50.

structure of marriage. These have been developments to enhance, not to redefine marriage. Even though marriage has evolved over the years, it has always been in continuity with its essential nature as a child-focussed institution.

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18. DOES THE CHURCH THINK THAT THE PURPOSE OF MARRIAGE IS ONLY FOR HAVING CHILDREN?

Certainly not. The Church teaches that sexual love has two meanings or purposes – the unitive and the procreative. In other words, the bonding and mutual care that spouses give each other is as important as the procreation, nurturing and education of children. The spouses should never *use* each other in order to have a child, and marriages not blessed with children can be fruitful through other expressions of loving service to others. A child is neither a product nor a trophy, but a *gift* - a human person with great dignity and worth. Spouses are not the ultimate source of their children, but are called to receive them lovingly from God by exercising responsible parenthood (which can mean welcoming children as well as postponing pregnancy for important reasons).

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19. WHAT'S THE DIFFERENCE BETWEEN A HUSBAND AND WIFE WHO CAN'T HAVE CHILDREN, AND TWO PERSONS OF THE SAME SEX, WHO CAN'T HAVE CHILDREN?

Only a man and a woman, as husband and wife, can enter into the two-in-one-flesh communion of persons first described in the Bible in Genesis 2:24. Only a man and a woman are able to conceive a child *through each other*. Even when a husband and wife do not *in fact* conceive a child (due to infertility or age, for example), their sexual acts are still the *kind of acts* by which children are naturally conceived. In contrast, two persons of the same sex may be perfectly healthy, but will *never* be able to enter a one-flesh communion and thus unite in such a way that a child is conceived.

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20. WHY CANNOT 'TWO MOTHERS' OR 'TWO FATHERS' BE EQUIVALENT TO A 'MOTHER AND FATHER'?

The fact is that every child, without exception, does have a mother and a father. Sexual difference between a man and woman is necessary to conceive a child. But its importance does not end there. Men and women bring unique gifts to the shared task of parenting, that is, of fathering and mothering. Only a woman can be a mother. Only a man can be a father. Each contributes in a distinct and unique way to the formation of children, helping them to understand their identity as male or female. Respecting a child's dignity means affirming his or her need for – and right to – a mother and a father.

The recent recognition of the tragedy of “stolen generations”, aboriginal children removed from their natural parents and babies of single mothers forcibly adopted shows the importance of natural parents in the lives of children. Recent moves to

allow children of IVF procedures to find their sperm donor 'father' further highlight the yearning of children to know their biological parents. Children in same-sex families, whether adopted or conceived through a donor parent, despite all good intentions, could become another *stolen generation*.

Research findings strongly indicate that children from intact heterosexual families are significantly better off across a range of psychological and social criteria than children reared in single parent or same sex households.²⁷

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21. WHAT ABOUT SINGLE PARENTS? THESE FAMILIES LACK A FATHER OR A MOTHER, JUST LIKE HOUSEHOLDS HEADED BY TWO MEN OR TWO WOMEN.

A child is meant to be raised by his or her own, married father and mother. But there are times when, due to family tragedies, this ideal cannot be realized. The Church acknowledges the difficulties faced by single parents and seeks to support them in their often heroic response to meet the needs of their children. There is a big difference, however, between dealing with the unintended reality of single parenthood and approving the formation of alternative families that deliberately deprive a child of a father or a mother, such as arrangements headed by two men or two women. Undesired single parenthood still witnesses to the importance of gendered parenting by acknowledging the challenges faced by single parents and their children due to the lack of a father or mother. In contrast, arrangements of two men or two women present motherhood and fatherhood as disposable. Children deserve to have their need for a father and a mother respected and protected in law.

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22. AREN'T CHILDREN ADAPTABLE TO MANY DIFFERENT FAMILY FORMS?

Children can be strong and resilient. However, no one believes that they are unaffected by their family's structure. Diverse studies have demonstrated that children suffer from divorce and from the absence of a father or a mother. The push for new family arrangements overlooks or denies the child's fundamental need for both a mother and a father. Mums and dads matter, and the needs of children must not take a backseat to the satisfaction of adult desires.

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27 Regnerus, M. "How different are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study," *Social Science Research* Vol 41, Issue 4 (July 2012), pp. 752-770

23. DON'T STUDIES SHOW THAT CHILDREN DO FINE WITH TWO MOTHERS OR TWO FATHERS?

The authoritative study by Regnerus strongly indicates that children from intact heterosexual families are significantly better off across a range of psychological and social criteria than children reared in same sex households.²⁸

Many other studies that look at children raised by two men or two women suffer from various flaws, for example, small sample sizes, or they view traits such as flexible gender identity of the children as positive.

Research on child development shows unequivocally that a child benefits from having both a mother and father:

- During childhood, the mother is crucial.
- During adolescence, the father is crucial.
- Coming out of childhood the task is twofold: separation and formation of identity.

The *father* is critical for both of these psychological and cultural challenges. The father helps the girl separate from her mother (the girl's greatest challenge). The father helps the boy develop his masculine identity (the boy's greatest challenge). Large amounts of research in the last thirty years have shown that the origins of male same-sex attraction are due to a break down in the task of masculine identity formation due to poor fathering. (Female same-sex attraction has other origins.)

At the end of the day, society should not ignore the needs of children for appropriate mothering and fathering.

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24. WHAT IS THE PROBLEM WITH ADOPTION BY SAME-SEX COUPLES?

Adoption is a generous response to a child who is in need or abandoned. Mothers and fathers who adopt children witness to the truth that every child is a gift. However, keep in mind that adoption, guardianship, and foster care take their form from natural generation (a father and a mother conceiving, giving birth to, and raising a child) and should never contradict the natural reality of marriage. In other words, fathers and mothers matter to adopted kids, too. Placing a child in the care of two men or two women may be well-intentioned, but ultimately deprives the child of that which best serves his or her interests – a mother and a father.

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25. NEW TECHNOLOGY LIKE IN VITRO FERTILIZATION (IVF) CAN ENABLE TWO MEN OR TWO WOMEN TO HAVE A CHILD. WHY DOES THE CHURCH TEACH THAT THIS IS UNACCEPTABLE?

No matter how powerful reproductive technology becomes, the fact will always remain that two men or two women can never become parents *through each other*.

28 Regnerus, 2012, Op. Cit.

They will always depend on the donation of someone else’s sperm or egg in order to bring about the birth of a child. Children conceived in this way are thus always and intentionally separated from either their father or their mother – sometimes even both. Furthermore, using technologies such as IVF means that conception does not take place within the loving embrace of husband and wife, but instead is an artificial act of *production*, a brilliant but technological putting together of the parents’ genetic material. No child should be treated as a product. A child deserves to be created through an act of love, the fruit of his or her parents’ mutual, loving self-gift.²⁹

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THE COMMON GOOD & HUMAN DIGNITY

26. WHAT DOES “INTRINSIC DIGNITY OF THE HUMAN PERSON” MEAN?

The Church teaches that each and every human being is a unique and irreplaceable person, created in the image of God (see Gen 1:27). Because of this, every man, woman, and child has great dignity and worth, a dignity that can never be taken away (i.e., it is intrinsic and inviolable). Respecting a person’s dignity means treating them justly. It also means helping them to flourish as a human being. The intrinsic dignity of the human person should be the starting point for all moral principles.

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27. WHAT DOES MARRIAGE HAVE TO DO WITH HUMAN DIGNITY?

Marriage protects and promotes the dignity of men and women, the dignity of children, and the dignity of all persons in society. First, the lifelong partnership of marriage is the only place where men and women can truly “speak” the language of sexual love – total, faithful, forever, and open to children. Only within marriage can sexual relations mean what they are supposed to mean as an expression of self-giving love between a man and a woman and not the selfish use of each other’s body. The promises of a husband and a wife speak a high level of mutual trust and invite the confidence that sex will not be exploitative but will manifest true union and life-giving love. Second, marriage provides a context within which the rights of children to a mother and a father are legally protected. Marriage also helps assure that children will be welcomed as gifts; apart from the life-long commitment of marriage, children are likely to be viewed as threats or acquired as products. Finally, the family, founded on marriage, is a place where a person can exist for his or her own sake (see LF, no. 11). Marriages teach society not to value persons only for their usefulness.

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28. DOES THE CHURCH BELIEVE THAT PEOPLE WHO EXPERIENCE SAME-SEX ATTRACTION HAVE EQUAL DIGNITY WITH HETEROSEXUAL PERSONS?

Of course! Every single human person has inviolable dignity and worth, including those who experience same-sex attraction. All persons should be treated with respect, sensitivity, and love. The Church calls *everyone* to a life of holiness and chastity, and to live in accord with God's will for their lives.³⁰

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29. WHAT DOES "THE COMMON GOOD" MEAN?

Quoting Pope Benedict XVI, the common good is "the good of all of us", the good of every member of society. A society focused on the common good upholds the fundamental dignity of each person, and progresses "from less human conditions to those which are more human." In short, the common good is "the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully and more easily" (GS 26).

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30. ISN'T MARRIAGE A PRIVATE RELATIONSHIP? WHAT DOES IT HAVE TO DO WITH THE COMMON GOOD?

Marriage is a *personal* relationship, but not a *private* one. In fact, marriages play a crucial role in society. By publicly joining hands in marriage, husband and wife enter into a unique communion and sharing of their whole lives that not only joins their distinct families into one, fostering greater connections between people, but also provides the essential context for welcoming new human life. By being open to children, each marriage is the foundation of a new family, rightly called the "key cell" of society (CCC 2207-2213). In fact, because of its procreative aspect, marriage can be said to be the very *source* of society (CSDC 214), the "cradle of life and love" (CSDC 209). Furthermore, both the irrevocable bond that unites husband and wife in marriage, as well as the sacrificial love that fathers and mothers show their children, create a "dynamic of love" that makes the family the "first and irreplaceable school of social life" (CSDC 221). By practicing loving interdependence, husband and wife teach society to reject individualism and seek the common good for all. In modelling love and communion by welcoming and raising new human life and by taking care of the weak, sick and old, marriages and families provide social stability and thus foster the principles of solidarity and subsidiarity.

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31. ISN'T MARRIAGE JUST ABOUT LOVE AND COMMITMENT?

We need to stop pretending that marriage doesn't involve children. Marriage is the platform that helps to enable children to have a stable home life with their own

30 Congregation for the Doctrine of the Faith, Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons. Vatican, 1/10/1986.

biological mother and father. Pretending that changing marriage won't have a massive impact on children is irresponsible. Same-sex "marriage" means that some children won't grow up with their biological parents and that the government supports this unjust arrangement. That's the opposite of what most Australians think children are entitled to.

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32. ISN'T MARRIAGE JUST A RELIGIOUS ISSUE THAT THE GOVERNMENT SHOULD STAY OUT OF?

No. The social value of marriage is great and is apparent even to those who do not share the Catholic understanding of its religious meaning. Marriage as a lifelong, faithful, and fruitful union between husband and wife serves the good of all – it serves the good of the spouses, the good of the children who may issue from their marital union, and the good of society in assuring that reproduction happens in a socially responsible way.

To be sure, these goods are affirmed and reinforced by most religions. But they do not rely on any religious premises; they are based instead on the nature of the human person. The government has the responsibility of promoting the common good and the best interests of all people, especially the most vulnerable, and upholding authentic marriage does precisely that. The fact that the responsibility of government to promote and protect marriage coincides with widely held religious convictions is not a reason for government to abdicate that responsibility.

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RIGHTS OF ANY COUPLE TO MARRY

33. WHAT ARE BASIC HUMAN RIGHTS?

Basic human rights flow from the nature and dignity of the human person. To know what counts as a "right", we must know what it means to flourish as a human person, as a man or a woman. According to the Second Vatican Council, basic human rights include "everything necessary for leading a life truly human, such as food, clothing, and shelter" as well as education, a fair wage, and so on (GS 26). Rights are inseparable from duties and responsibilities. Since genuine rights promote the good of the whole human person, and all people, they should never be in competition with each other.

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34. IS MARRIAGE A BASIC HUMAN RIGHT?

The Church does speak of a right to marriage: "No human law can abolish the natural and primitive right of marriage, or in any way limit the chief and principal purpose of marriage... 'Increase and multiply'" (RN 9). But having the right to marry does not mean having the right to enter into a relationship that is *not* marriage, and then to force others by civil law to treat it as marriage. All persons have the right to marry, but not the right to redefine marriage. Relationships between two persons

of the same sex are not, and can never be, marriages, because two people of the same sex fail to meet a basic defining element for a married couple (sexual difference); they are not denied the right to marry any more than different-sex couples that fail to meet the other basic defining elements of marriage (e.g., age, not a close relative). Thus, the right to marry does not include the right to a so-called same-sex marriage.

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35. WHAT'S THE HARM OF SAME-SEX "MARRIAGE"?

Marriage has great public significance. And laws always promote a vision of "the good life." Because of this, redefining civil marriage to include two persons of the same sex would have far-reaching consequences in society. Law is a teacher, and such a law would teach many bad lessons, backed by the moral authority, financial resources, and coercive power of the state, such as the following:

- that marriage is only about the romantic fulfillment of adults and has nothing to do with legally attaching parents to the children they procreate, so that each child may have his or her right to a mother and father safeguarded, and his or her development and well-being served to the greatest extent possible;
- that mothers and fathers are wholly interchangeable and, in turn, that gender is inconsequential, both to the development of children and more broadly;
- that same-sex sexual conduct is not merely morally permissible, but a positive good equal in moral value to marital sex, and so worthy of the same protection and support of society by law;
- that people who adhere to the perennial and universal definition of marriage are bigots, whose beliefs can only be explained by hatred for persons with a same-sex inclination, and whom, in turn, the state has a duty to punish and marginalize for persisting in those beliefs.

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36. HOW WOULD GRANTING SAME-SEX COUPLES THE LEGAL CAPACITY TO MARRY AFFECT MARRIAGE?

Marriage is both a personal and a social commitment. What is legally and socially recognized is not only the personal commitment but also a social commitment to contribute to the future of society by having and raising children. While not all married couples have children, the relationship between a man and a woman has the inherent potential to create children.

Allowing same-sex partners to marry would change the definition of marriage so that it would no longer be marriage. Procreation is not the only purpose of marriage but it is essential to the institution. Moreover, the complementarity and richness of sexual difference is essential to the effective parenting of children.

Laws must be examined not only for their impact on individuals but also for their impact on the social fabric. It is important for the stability of the family, and ultimately society, to strengthen the institution of marriage. Mr Justice Pitfield in a decision of the Supreme Court of British Columbia in October 2001 expressed the social dimension of marriage in this way: “The state has a demonstrably genuine justification in affording recognition, preference, and precedence to the nature and character of the core social and legal arrangement by which society endures.”

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37. ISN'T REFUSING SAME-SEX COUPLES THE RIGHT TO MARRY SIMILAR TO THE DISCRIMINATORY LAWS WHICH, IN SOME COUNTRIES, USED TO PREVENT MARRIAGE BETWEEN DIFFERENT RACES?

There is no valid analogy between the goal of redefining marriage to include persons of the same sex, and the historical movement to allow interracial couples to marry.

The sexual relations between a man and a woman are simply *not the same* as the sexual relations between two men or between two women, regardless of their ethnicity. The intimate acts of husband and wife are able to unite them fully and to enable them to welcome children. Sexual difference is an **essential** characteristic of marriage; ethnic sameness or difference is not.

Marriage is rooted in nature: two people of the same sex are no more being denied the right to marry than a man is denied the right to become pregnant, give birth to and nurse a baby. Authentic human rights flow from the nature and the dignity of the human person, a nature that includes sexual difference.

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38. ISN'T IT UNJUST DISCRIMINATION NOT TO ALLOW TWO MEN OR TWO WOMEN TO MARRY?

Treating *different* things *differently* is not unjust discrimination. Marriage can only be between a man and a woman. There's nothing else like it. Only a man and a woman are capable of sexual union that may yield children. The government has a very strong interest in protecting the right of those children to a mother and a father, and in reducing the likelihood that those children will become wards of the state. The civil law of marriage serves both these interests by legally bonding adult couples to any children they may create, and to each other. The sexual interaction of two persons of the same-sex never yields children, so the government's interest in bonding same-sex couples is unnecessary, just as it is unnecessary for government to regulate adult friendships and other relationships. Government is thus eminently reasonable, and in no way unjust, in distinguishing between two persons of the same sex and a different-sex couple in conferring the rights and duties of legal marriage.

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39. DON'T AUSTRALIAN LAWS STILL DISCRIMINATE AGAINST PEOPLE IN SAME-SEX RELATIONSHIPS?

No. Changes to Commonwealth laws such as the Same-Sex Relationships (Equal Treatment in Commonwealth Laws — General Law Reform) Act 2008 and the Same-Sex Relationships (Equal Treatment in Commonwealth Laws — Superannuation) Act 2008 give formal recognition to same-sex relationships in Commonwealth legislation, and will give people in same-sex relationships the same access to government entitlements and superannuation benefits as people in heterosexual relationships.

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40. ISN'T SAME-SEX "MARRIAGE" ABOUT EQUALITY AND FAIRNESS?

All persons deserve fair and equal treatment, in recognition of their great dignity. But protecting and promoting marriage as the union of one man and one woman is not denying equality or being unfair. Every person has the right to marry, but those who seek to enter same-sex unions seek something other than to marry; instead, they seek to have the civil law force others to treat their non-marital relationships as if they were marriage. But the relationships are not the same, either functionally or morally. Defending marriage is not unfair, it's just respecting reality -- the reality of marriage as the total, fruitful union of man and woman. Real fairness, real equality, depends on truth.

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41. DON'T THE OPINION POLLS SHOW OVERWHELMING PUBLIC SUPPORT FOR SAME-SEX 'MARRIAGE'?

How one phrases opinion poll questions can skew the response. A telephone survey of a nationally representative sample of 1204 Australian adults on the topic of same-sex marriage was conducted in the month of September 2011. The poll was commissioned by the Ambrose Centre for Religious Liberty and conducted by The Sexton Marketing Group, a specialist market research company.

Questions framed around 'rights' to marry typically showed support around 60%. However, more focussed questions, especially those that feature the rights of children, showed a different picture. In these polls, around two-thirds of people indicated their desire to maintain the definition of marriage.³¹

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RIGHTS OF CHILDREN

42. WHY IS MARRIAGE ABOUT THE RIGHTS OF THE CHILDREN?

A child's relationship to both mother and father is inherent to marriage. Children conceived by other means may find themselves with people in parental roles who are in a same-sex relationship, but such relationships are not the origin of the child.

31 http://www.sydneycatholic.org/news/latest_news/2011/20111124_367.shtml

It is likely for children to be loved and nurtured in such a household, but however good that nurturing, it will not provide the biological link and security of identity and relationship that marriage naturally demands and confirms.

The bodily union of mutual love that is integral to marriage helps to create stable and harmonious conditions suitable for children, and the children can look back to an origin in the love of their parents.

If marriage were redefined, the law would teach that marriage is fundamentally about adults' emotional unions, about romance only, not complementary bodily union or generating and nurturing children.

What is at stake is an ideal that seeks to ensure that a child has both a mother and a father. That the ideal sometimes breaks down or that there are exceptions to it does not make marriage any less ideal.

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43. HOW DO WE PROTECT CHILDREN WITH SAME-SEX PARENTS FROM THE HARM OF SOCIAL STIGMA

It is argued that the lack of legal recognition of and support for same-sex families translates, in practice, to some people regarding such families as deficient, and problematic. Laws that don't recognise such arrangements as families make it harder or more awkward for others to include them or interact with them and their children.'

The fact is that children are living in a variety of households these days: blended families, extended families, single-parent families, families where there has been the death of a parent, poor families, rich families. Over the centuries marriage has been about promoting the relationship of the couple and the continuation of society. It has not been primarily about affirming the choice of one's partner in life.

Concerning social stigma, it is important to reinforce the Church's teaching that all human beings have the same human dignity and are worthy of the same respect because they are created in the image of God; this is true whether or not certain sexual behaviour is accepted by the Church.

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44. ON OCCASIONS, CATHOLIC SCHOOLS HAVE REJECTED THE ENROLMENTS OF CHILDREN OF SAME-SEX COUPLES. ISN'T THIS STIGMATISING THE CHILDREN?

Children are the true innocents in these matters and every attempt should be made by both parents and the community to protect them from harm due to any stigma of their family situation.

Catholic schools have clear enrolment policies which typically state:

- the school community is based on gospel values and is guided by Church teachings

- children from Catholic and other faith traditions will be accepted for enrolment where their families demonstrate that they share the expressed values of the school.

Every Catholic school has a responsibility to faithfully represent the teachings of the Catholic Church to its students and their families. All families seeking a Catholic education for their children are assumed to be committed to raising their children in the Catholic faith or, at a minimum, to have their children raised in a Catholic atmosphere and be taught authentic Catholic values. All parents of children enrolled in Catholic schools have a rightful expectation that the school will do this.

In some cases, same-sex parents have chosen to make a political statement by provoking a Catholic school into refusing enrolment for their child. If any family, whether or not headed by same-sex parents, publically and militantly rejects important Catholic values, it is unjust to their child, to the school community as a whole, and counter to the mission of the Catholic school to enrol their child.

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WHAT'S IN A NAME – A ROSE BY ANY OTHER NAME WILL SMELL THE SAME

45. SAME-SEX PARTNERS NOW HAVE ALMOST ALL OF THE SAME SOCIAL BENEFITS OF MARRIED COUPLES; SO AREN'T PEOPLE REALLY JUST FIGHTING OVER A WORD? WHAT IS SO IMPORTANT ABOUT THE WORD, "MARRIAGE"?

Words are important. For example, our personal names, our family names are “just words”. Words signify who and what we are and the meaning of institutions. Marriage has enormous significance because it has existed across all cultures, faiths, and political systems since recorded history. Marriage is a word that is full of history, meaning and symbolism, and one which should be kept for this unique reality.

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46. WOULD ALLOWING SAME-SEX PARTNERS TO MARRY DEVALUE MARRIAGE?

Granting same-sex partners the legal right to marry would change the definition of marriage so it would no longer be marriage. In essence, it would demean, in societal terms, the relationship of all heterosexual marriages, the 99% of marriages. The 99% of heterosexual married couples could no longer state their married identity with a single word “married”, but would have to include the qualifier “married to a man/woman”.

This is not about making judgments about the worth and value of individuals in different types of relationships. All human beings have inherent human dignity because they come from God and are loved by God. It is appropriate to make distinctions between marriage and other relationships because for centuries it has been and continues to be the framework through which society perpetuates itself.

Statistics prove overwhelmingly that marriage is the best environment in which to raise children. As Mr Justice Pitfield said in a decision of the Supreme Court of British Columbia in October 2001, “The only issue is whether marriage must be made something it is not in order to embrace other relationships.”

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47. IF SOME ASPECTS OF MARRIAGE RESEMBLE OTHER RELATIONSHIPS, DOES THAT MEAN THAT MARRIAGE IS NOT DISTINCT FROM OTHER RELATIONSHIPS?

It is true that some common-law relationships produce children, some marriages break up, and some same-sex partners have children either from previous relationships or with the assistance of new technologies. What is important is not to fragment marriage into different components but to look at its larger purpose which is deeply rooted in our history, culture and religious traditions.

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48. WHAT ABOUT CIVIL UNIONS FOR SAME-SEX PARTNERS?

There are other relationships between adults that involve commitment, caring and emotional and financial interdependence, whether or not these may involve a sexual component. Should the government see fit to address their concerns through civil unions or registered partnerships, it should be done in a way that does not radically redefine marriage. Marriage must be maintained as an opposite-sex institution.

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49. SAME-SEX PARTNERS TAKE THE POSITION THAT CREATING CIVIL UNIONS FOR THEM WOULD BE TREATING THEM AS SECOND-CLASS CITIZENS. WOULD THAT BE SO?

Treating marriage differently is not a judgment on the worth or human dignity of individuals in different types of relationships. The distinction is made because of the generally different role that marriage has played in the perpetuation and stability of society.

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RELIGIOUS LIBERTY

50. WHAT IS RELIGIOUS LIBERTY?

Religious liberty is the right to live in the truth of one’s faith and in conformity with one’s transcendent dignity as a person.

Article 18 of the United Nations Declaration of Human Rights states that “Everyone has the right to freedom of thought, conscience and religion; this right includes ... freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

Article 19 goes on to express that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference.”

Catholic teaching also states: “Nobody may be forced to act against his convictions, nor is anyone to be restrained from acting in accordance with his conscience in religious matters in private or in public, alone or in association with others, within due limits”.³²

Religious liberty is so important that John Paul II called it the “source and synthesis” of rights considered basic to every human person.

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51. HOW COULD CHANGING THE LEGAL DEFINITION OF MARRIAGE HAVE ANY EFFECT ON RELIGIOUS LIBERTY?

Changing the legal term “marriage” is not one change in the law, but rather amounts to thousands of changes at once. The term “marriage” can be found in family law, employment law, trusts and estates, healthcare law, tax law, property law, and many others. These laws affect and pervasively regulate religious institutions, such as churches, religiously-affiliated schools, hospitals, and families. When Church and State agree on what the legal term “marriage” means (the union of one man and one woman), there is harmony between the law and religious institutions. When Church and State disagree on what the term “marriage” means (e.g., if the State redefines marriage in order to recognize so-called same-sex marriage), conflict results on a massive scale between the law and religious institutions and families, as the State will apply various sanctions against the Church for its refusal to comply with the State’s definition. Religious liberty is then threatened, not only for the religious institutions, but also for individual citizens who wish to live and operate their businesses according to their religious beliefs.

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52. BUT WOULD MINISTERS REALLY BE FORCED TO OFFICIATE AT THE “WEDDING” OF A SAME-SEX COUPLE?

This question is a red herring. In other words, it is a false caricature of the real concerns about religious liberty, and is actually used to distract from the real concerns. It is unlikely in the extreme that the State will force ministers and churches to officiate same-sex “marriage” ceremonies, although it is easily foreseeable that many church ministers and communities could be sued in court over this question. There are, however, other more probable and pervasive concerns.

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32 CCC 2106.

53. WHAT'S THE REAL THREAT TO RELIGIOUS LIBERTY POSED BY SAME-SEX "MARRIAGE"?

The legal redefinition of marriage can threaten the religious liberty of religious institutions and individuals in potentially numerous ways, involving various forms of government sanction, ranging from court orders compelling action against conscience, to awards of money damages and other financial penalties, to marginalization in public life:

- a) **Compelled Association:** the government forces religious institutions to retain as leaders, employees, or members those who obtain legalized same-sex "marriage"; or obligates wedding-related businesses (cake decorators, photographers etc.) to provide services for same-sex couples.
- b) **Compelled Provision of Services:** the government forces religious institutions to extend any services they afford to genuine marriage (e.g., use of church halls or buildings) to same-sex "marriage" as well.
- c) **Punishment for Speech:** preaching, teaching, political action, or conversation reflecting moral opposition to same-sex "marriage" represents actionable "harassment" or "discrimination," or forbidden "hate speech".
- d) **Exclusion from Accreditation and Licensure:** those who adhere to the definition of marriage are excluded from participation in highly regulated professions and quasi-governmental functions, as licences are revoked and religious institutions lose accredited status.
- e) **Exclusion from Government Funding, Religious Accommodations, and Other Benefits:** those who adhere to the definition of marriage are excluded from receiving government grants and contracts to provide secular social services, and from various tax exemptions.

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54. HAVE ANY OF THESE THREATS TO RELIGIOUS LIBERTY COME TO PASS?

There are numerous such examples from Europe and the United States, which are a warning for Australia. Examples include, but are not limited to, the following:

- The Parliament of Denmark voted to force churches in the established Evangelical Lutheran Church to perform same-sex "marriage" ceremonies inside their sanctuaries;³³
- The city of Hutchinson, Kansas USA, adopted a "non-discrimination statute" requiring houses of worship that rent their facilities to the public to allow same-sex "marriages" on the premises;³⁴

33 SBS World News 8/6/2012:
<http://www.sbs.com.au/news/article/1656987/Denmark-approves-gay-weddings-in-church>

- A New Jersey USA judge ruled against a United Methodist Church retreat house that refused to allow a same-sex civil union ceremony to be conducted on its premises;³⁵ Court in the Canadian province of Saskatchewan ruled that a marriage commissioner had no right to refuse to perform a same-sex marriage on grounds of conscience, and fined him for “violating” the human rights of the couple.³⁶
- The USA New Mexico Court of Appeals upheld a New Mexico Human Rights Commission verdict which found a photographer guilty of unlawful discrimination and fined her \$6000 because she declined to photograph a “commitment ceremony” for two women.³⁷
- In Massachusetts, USA, parents are unable to remove their children from sex education classes that teach views on sexuality that differ from their own.³⁸
- Boston teachers were sent a memo from the Superintendent of Schools threatening them with disciplinary action if they did not present same-sex marriage to their classes in a positive light.³⁹
- On March 10, 2006, Catholic Charities of Boston, one of the nation's oldest adoption agencies, announced that it would no longer function as an adoption agency because Massachusetts Department of Social Services required them to place children into same-sex households.⁴⁰

These threats, new examples of which are surfacing over time, have been manifest in other countries as well, often to an even more persistent and invasive extent.

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34 <http://www.lifesitenews.com/images/pdfs/HutchinsonKansasLGBTOrdinance.pdf>

35 LifeSiteNews, 13/1/2012. <http://www.lifesitenews.com/news/judge-rules-christian-facility-cannot-ban-same-sex-civil-union-ceremony-on>

36 CBC News, 23/7/2009: <http://www.cbc.ca/news/canada/saskatchewan/story/2009/07/23/marriage-ruling.html>

37 http://www.huffingtonpost.com/2013/08/22/elane-photography-v-vanessa-willock_n_3798948.html

38 <http://www.scribd.com/doc/100622285/Same-Sex-Marriage-Impact-in-Massachusetts>

39 Ibid.

40 *Boston Globe*, March 10, 2006

55. AUSTRALIA IS DIFFERENT. SURELY THERE IS NO LIKELIHOOD THAT SUCH THREATS TO RELIGIOUS LIBERTY COULD OCCUR IN AUSTRALIA?

In their submissions to the 2012 Senate Standing Committee on Social Policy and Legal Affairs concerning the Marriage Amendment Bill 2012 and the Marriage Equality Amendment Bill 2012, a number of pro same-sex “marriage” groups argued for such restrictions on religious liberty.⁴¹

A submission from the Discrimination Law Experts’ Group said: “We believe that the religious exceptions should be removed because we do not accept that religious rights should prevail over the rights of individuals to be treated in a non-discriminatory way in public sphere activities.”

In like vein, the Equality Rights Alliance recommended that exceptions “... for religious organisations which would enable them to discriminate on the basis of sexual orientation or gender identity should not be included in the consolidated [anti-discrimination] Act.”

The Human Rights Law Centre was particularly harsh on religious exemptions. It acknowledged: “with disappointment... the Government’s pre-determined position on the maintenance of permanent exemptions for religious bodies” and said such exemptions are “manifestly inappropriate and inconsistent with Australia’s human rights obligations and international best-practice”.

In the light of events overseas, such militant views do not auger well for religious liberty in Australia.

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56. DOESN’T A RELIGIOUS EXEMPTION PROTECT INSTITUTIONS AND INDIVIDUALS IF THEY BELIEVE THAT MARRIAGE CAN ONLY BE BETWEEN A MAN AND A WOMAN?

A religious exemption may provide protections, but so far those protections have been drawn very narrowly and fail to cover known risks. More broadly, because “marriage” so pervades the law, it is difficult to foresee all circumstances where religious freedom conflicts may arise. Moreover, once a law is passed, these exemptions can be easily challenged, as witnessed by the experience in Europe, Canada and the United States. But even further, no religious exemption—no matter how broadly worded—can justify a supportive or neutral position on the redefinition of marriage (see CDF, 1992, 16). Such redefinition is always fundamentally unjust, and indeed, religious exemptions may even facilitate the passage of such unjust laws. *Protecting marriage protects religious liberty; the two are inseparable.*

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http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=spla/bill%20marriage/responses.htm

BACKGROUND INFORMATION - CATHOLIC CHURCH TEACHING ON HOMOSEXUALITY

57. THE CATHOLIC CHURCH UNDERSTANDING OF SAME SEX ATTRACTION & HOMOSEXUAL BEHAVIOUR

In talking about same-sex attraction, the Church carefully distinguishes between:

- The person who has homosexual desires or tendencies;
- An inclination or tendency to perform homosexual acts; and
- A homosexual act.

The Church “refuses to consider the person as a ‘heterosexual’ or a ‘homosexual’ and insists that every person has a (more) fundamental identity: a creature of God and, by grace, his child and heir to eternal life.”⁴² Every person is created in the image and likeness of God, redeemed in Christ, invited to grace in this life and glory in the life to come. No person is ‘intrinsically disordered’.

When it comes to sexual ‘inclinations’, Jesus made it clear that every person, married or unmarried, is called by God to have complete and unwavering mastery over every desire for sexual contact or enjoyment outside of marriage (Matt. 5: 27). In reality, all of us are damaged by original sin and have desires that are disordered in various ways. Such disordered desires are not sinful. Only when we act out that desire, freely and with deliberation, do we sin.

Finally, basing itself on Sacred Scripture which presents homosexual acts as sinful [Cf. Gen 19:1-29; Rom 1:24-27; 1 Cor 6:10; 1 Tim 1:10], the Catholic Church has always declared that homosexual acts are “intrinsically disordered”⁴³. That is, homosexual acts undertaken with free will and deliberation, are sinful and fracture one’s relationship with God.

In its official doctrinal documents, the Church uses technical theological language because it is addressing Catholics of many different linguistic and cultural backgrounds and over the centuries. In this it is akin to the technical legal language of Acts of Parliament, which similarly must be precise and which differs from common daily speech. In the theological terminology used in the Catechism of the Catholic Church, homosexual acts are called “intrinsically disordered”. In the theological language of the Church, all sinful **acts** are “intrinsically disordered”.⁴⁴ As noted above, persons are never “intrinsically disordered”, only sinful actions.

The Church recognises that some men and women have deep-seated homosexual tendencies. They did not choose those strong tendencies. The Church teaches that such people “must be accepted with respect, compassion, and sensitivity. Every sign

42 Congregation for the Doctrine of the Faith, Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons, 1 October 1986, sec. 16.

43 CCC 2357; CDF 1986.

44 CCC 1750-1754.

of unjust discrimination in their regard should be avoided.”⁴⁵ In this vein, Pope Francis has spoken of the need not to judge persons with same sex attraction who genuinely seek the Lord and possess a good will⁴⁶ and that the whole person needs to be looked at and not simply their sexual orientation.⁴⁷ The Church emphasis mercy and healing of our sexuality

The Church rejects the two false alternatives that men and women with same-sex attraction are presented with: either radical isolation or entrance into the gay lifestyle and embracing that ‘so-called’ gay identity. These are false choices that do not do justice to the dignity and potential of the person.

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58. 'WHAT IS POPE FRANCIS SAYING ABOUT THE PASTORAL RESPONSE TO PEOPLE LIVING WITH SAME-SEX ATTRACTION?'

In 2013 Pope Francis made comments about homosexuality in two separate interviews which received significant world-wide media attention. The first was an informal interview to journalists on his return flight after World Youth Day in which he said: “A gay person who is seeking God, who is of good will—well, who am I to judge him?”⁴⁸ He went on to say that homosexuals are “our brothers and sisters” who “should not be marginalized.” These informal comments reflect and present in a very personal way the Church’s official teaching contained in the Catechism of the Catholic Church: “They [homosexuals] must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided. These persons are called to fulfil God’s will in their lives and, if they are Christians, to unite to the sacrifice of the Lord’s Cross the difficulties they may encounter from their condition.”⁴⁹

The second interview was given by Pope Francis to Fr Antonio Spadaro, S.J., editor in chief of *La Civiltà Cattolica*, the Italian Jesuit journal, and published simultaneously in Jesuit journals around the world in 12 different languages.⁵⁰ Many media outlets simply, and somewhat inaccurately, reported that Pope Francis had said that the Church should not be “obsessed” with issues like abortion, gay marriage, and contraception. In fact, he said something far more profound and helpful. When speaking of homosexuals and the Church he began with their own experience and with his as a pastor: “In Buenos Aires I used to receive letters from homosexual persons who are ‘socially wounded’ because they tell me that they feel like the

45 CCC 2358.

46 Pope Francis, *Press Conference during return flight from WYD in Rio*, 28 July 2013

47 A Spadaro SJ “A Big Heart Open to God” *America*, 30 September 2013
<http://americamagazine.org/pope-interview>

48 ["Pope Francis: Who am I to judge gay people?". BBC News. 29 July 2013. Retrieved 27 August 2013.](#)

49 CCC 2358

50 http://www.thinkingfaith.org/articles/20130919_1.htm

church has always condemned them. But the church does not want to do this.” Instead, he explained that the Church, like God, wants to love them: “Tell me: when God looks at a gay person, does he endorse the existence of this person with love, or reject and condemn this person?’ We must always consider the person. Here we enter into the mystery of the human being. In life, God accompanies persons, and we must accompany them, starting from their situation. It is necessary to accompany them with mercy.”

Pope Francis described himself in the interview as a “son of the Church” and clarified that he is not seeking to change the Church’s teaching on these matters which he says are “clear”. Rather, he is seeking to guide the Church in its *pastoral* response to people who are suffering. In these circumstances, he says, the Church needs to do two things: proclaim the salvation that comes from Jesus Christ and heal the wounds of all who suffer: “The most important thing is the first proclamation: Jesus Christ has saved you.” “I see clearly,” the pope continues, “that the thing the church needs most today is the ability to heal wounds and to warm the hearts of the faithful; it needs nearness, proximity You have to heal his wounds. Then we can talk about everything else. Heal the wounds, heal the wounds.... And you have to start from the ground up.”

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59. WHERE CAN I FIND MORE ABOUT THE FORMAL CATHOLIC TEACHING ON HOMOSEXUALITY AND ON SAME-SEX ATTRACTION & MARRIAGE

The official (Magisterial) teaching of the Catholic Church on Homosexuality and Marriage is found in the *Catechism of the Catholic Church* (1993)⁵¹, and in three documents of the Vatican’s Congregation for the Doctrine of the Faith:

- Declaration on Certain Questions of Sexual Ethics 1975 (Latin title: *Persona Humana*)⁵²;
- Letter to the Bishops of the Catholic Church on the Pastoral Care of the Homosexual Person (1986)⁵³;
- Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons (2003)⁵⁴.

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51 <http://www.vatican.va/archive/ENG0015/ INDEX.HTM>

52 http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19751229_persona-humana_en.html

53 http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19861001_homosexual-persons_en.html

54 http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030731_homosexual-unions_en.html

LIST OF ABBREVIATIONS

CA – Pope John Paul II, Encyclical [*Centesimus Annus*](#) (1991)

CCC – *Catechism of the Catholic Church, 2nd ed. (2000)*

CDF 1986 - Congregation for the Doctrine of the Faith, Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual persons (1986)

CDF 1992 – Congregation for the Doctrine of the Faith, *Some Considerations Concerning the Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons* (1992)

CV – Pope Benedict XVI, Encyclical *Caritas in Veritate* (2009)

CSDC – Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (2004)

DH – Second Vatican Council, Declaration *Dignitatis Humanae* (1965)

FC – Pope John Paul II, Apostolic Exhortation *Familiaris Consortio* (1982)

GS – Second Vatican Council, Pastoral Constitution *Gaudium et Spes* (1965)

LF – Pope John Paul II, *Letter to Families* (1994)

LL – USCCB, Pastoral Letter *Marriage: Love and Life in the Divine Plan* (2009)

PP – Pope Paul VI, Encyclical *Populorum Progressio* (1967)

RN – Pope Leo XIII, Encyclical *Rerum Novarum* (1891)

TOB – Pope John Paul II, *Man and Woman He Created Them: A Theology of the Body*, trans. Michael Waldstein (Boston: Pauline Books & Media, 2006). The “Theology of the Body” comprises 129 catecheses on human love in the divine plan, delivered by Pope John Paul II at his weekly General Audiences, over the period September 1979 to November 1984. English translations of each of the 129 talks are available online at the EWTN website, <http://www.ewtn.com.au/library/PAPALDOC/JP2TBIND.HTM> .

CATHOLIC CHURCH MARRIAGE & SAME SEX ATTRACTION KEY REFERENCES

THE OFFICIAL TEACHING OF THE CATHOLIC CHURCH ON HOMOSEXUALITY AND MARRIAGE

The official (Magisterial) teaching of the Catholic Church on Homosexuality and Marriage is found in the Catechism of the Catholic Church (1993) , and in three documents of the Vatican's Congregation for the Doctrine of the Faith:

Catechism of the Catholic Church (CCC):

The Sacrament of Matrimony

Download from link: [CCC – The Sacrament of Matrimony](#)

The Sixth Commandment (Especially Paragraphs 2357-2359)

Download from link: [CCC – The Sixth Commandment](#)

Declaration on Certain Questions of Sexual Ethics

(Latin title: Persona Humana) : CDF, 1975

Download from link: [Declaration on Sexual Ethics](#)

Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons (Congregation for the Doctrine of the Faith, 1986):

Download from link: [Pastoral Care of Homosexual persons](#)

Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons (Congregation for the Doctrine of the Faith, 2003)

Download from link: [Legal Recognition of Homosexual Unions](#)

SUBMISSIONS BY THE AUSTRALIAN CATHOLIC CHURCH TO THE SENATE INQUIRY INTO MARRIAGE EQUALITY

The following submissions by the Catholic Church in Australia to the Senate Legal and Constitutional Affairs Committee's Inquiry into the Marriage Equality Amendment Bill 2010 also elaborate on Catholic Church teaching on marriage and same-sex attraction.

Submission 113: His Eminence Cardinal George Pell AC, Archbishop of Sydney

Download from link: [\(PDF 4791KB\)](#)

Submission 5: Opening Statement tabled by the Australian Catholic Bishops Conference at public hearing on Thursday 3 May 2012

Download from link: [\(PDF 1073KB\)](#)

Submission 234: Australian Catholic Bishops Conference

Download from link: [\(PDF 113KB\)](#)

SUMMARY OF CATHOLIC TEACHING ON MARRIAGE

Catholic Teaching on Marriage is summarised in the following “frequently Asked Questions” Booklet.

Marriage in the Catholic Church: Frequently Asked Questions. (Bishops Commission for Pastoral Life, 2006)

Download from link: [Marriage in the Catholic Church](#)

OTHER NON CATHOLIC CHURCH REFERENCES

Regnerus, Mark: How different are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study. Social Science Research 41 (2012) 752-770.