

# STATEMENT ON HOMOSEXUALITY

August 2000

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## Part I - Homosexual Persons

In our pastoral letter, *Dignity, Love, Life* (1986), the Catholic Bishops of New Zealand taught that

Homosexual persons have the same basic human rights as any other persons, including the right to respect, friendship and justice. Proper regard for their rights must be reflected in personal attitudes and in society's social, economic and legal dispositions.

We also drew attention to

.... a necessary distinction between "unjust" discrimination and the necessary limitations which are placed on the exercise of **anyone's** actions whenever these would interfere with the rights of others or the common good. All persons, whether heterosexual or homosexual, must sometimes accept the personal inconvenience, pain and challenge of being limited in the exercise of their freedom in favour of the good of society as a whole.

We emphasised that

Clear teaching that homosexual activity is morally wrong must be accompanied by the kind of experience that enables homosexual persons to know they are not being rejected or put down....

The Church's expressed disapproval of sin always needs to be in the context of its acceptance of the persons concerned.

And we repeated the Church's teaching that homosexual behaviour is morally wrong.

## Part II - Homosexual Behaviour

### 1. Why it is wrong

In the natural law tradition, sexual morality is determined by the *meaning* of our actions – the meaning of the actions themselves, not just what we "mean" by our intentions.

A very different view measures sexual morality only by reference to the perceived *consequences* of particular actions.

The *meaning* of sexual expression is found in the love of a husband and wife for each other. Married love is the objective measure over against which other forms of sexual activity are found wanting.

When marriage itself is devalued, it becomes harder for people to see what is wrong with sexual activities that are unrelated to marriage.

Actions that run counter to the meaning of sexual expression are not true to the nature, dignity and calling of human persons. Ultimately, the trivialisation, commercialisation and exploitation of sex are really just sex removed from its meaning.

Homosexual behaviour runs counter to the meaning of sexuality because *sexual differentiation enters into the very meaning and purpose of sexuality*. This is not a judgement on the intentions of homosexual persons, but on the meaning of their actions.

It is sometimes claimed that homosexual behaviour is not wrong because it follows the natural inclination of homosexual persons. However, in an ethical sense, “natural” refers to meaning – is this action true to the meaning of sexuality? “Natural” does not refer merely to an inclination. After all, inclinations to fornication and adultery are also “natural” in a merely instinctive sense.

Inclinations, whether of a heterosexual or homosexual kind, are not themselves sinful. Sin involves a choice or decision that one freely makes. Inclinations, on the other hand, *precede* our decisions. Nevertheless, inclinations that run counter to the meaning of sexuality are for that reason “disordered”, and we are challenged to rise above them.

## **2. False Propaganda**

The claim that homosexual persons cannot help their behaviour, that they have no other choice, is demeaning. Apart from cases of truly compulsive behaviour, everyone is responsible for their actions even if they are not responsible for the inclinations that precede them.

Even worse is the deceit that leads young people to believe that because they experience an attraction to others of the same gender, or because they have had a few homosexual experiences, they are therefore “homosexuals” and have no alternative than to resign to their “natural” condition.

To experience an attraction to others of one’s own gender is a phase of development for some people. This does not prevent their heterosexual development through appropriate socialisation, and through avoiding homosexual activities that reinforce the homosexual inclination.

We take very seriously those homosexual persons who tell us they wish their earlier choices and practices had been different.

## **3. Chastity**

By the choices we make, we can increase our freedom and self-control, or we can diminish our freedom and self-control. Chastity is a habit; it develops from the

**practice** of making choices that respect the meaning of sexuality. It needs to start when character is being formed.

Self-indulgence, on the other hand, can result in a loss of self-respect, respect for others, and self-restraint. Losing those qualities is not good preparation for later life which requires sensitivity towards others and self-control.

## **Part III - Homosexual Persons' Rights**

### **1. Recent Statements**

Recent statements by the Catholic bishops have been in response to initiatives to give legal protection to certain rights of homosexual persons.

In responding to a Justice Department discussion paper, we stood against any attempt to regard same-sex relationship as a kind of marriage. We opposed the proposition that people in same-sex relationships could become (through adopting or through reproductive technology) “parents”.

But we supported *“the concept of a process of registration as a means for same-sex couples to gain access to certain legal rights and benefits which are available to married partners”*. We said this referred to *“proprietary and civic rights only”*. Unfortunately, however, the comparison with married partners did lead to some misunderstanding.

In a letter to the Attorney General, we emphasised that *“the clear distinction between the marriage relationship and other relationships must not be blurred”*, and we *“opposed legislation that could confer on de facto and same-sex relationships even the appearance of equal status and validity as marriage.”*

In a submission to the Justice and Electoral Parliamentary Committee, we said that the property rights of *“people living in what constitutes a ‘domestic relationship’ other than marriage... should be protected”* in legislation that remains *“separate from the Matrimonial Property Act for the protection of the rights of husband and wife.”*

In the same submission we emphasised that no government has the right to *“change the accepted meaning of marriage”*. And we repeated that *“we do not approve the choices of those who enter de facto and same-gender relationships”*.

We believe that most New Zealanders will have recognised our two-fold concern: to uphold the essential difference between marriage and every other kind of relationship, and to uphold equity in law for all citizens.

Our task might have been easier if it had concerned only those whose actions we can condone. But sometimes we have to talk about the rights and responsibilities of those who are doing wrong. To uphold the virtues of justice and equity is not to condone such people's sexual relationships.

## 2. Further clarifications

It seems that even comparisons with marriage made only for the purpose of civil effects carry at least a perception of ambiguity. And so the following clarifications seem desirable:

- (a) In legislation of this kind, the first duty of society and its government is to promote the unique status of marriage and the well-being of family life. This is a basic requirement of the common good, and cannot be construed as constituting “unjust discrimination” against those who make other choices.
- (b) We do not propose that same-sex relationships as such constitute a basis for entitlements in law. Rather, it is the rights of people as individuals, based on their dignity as persons and their rights to equity, that is the basis for their entitlements in law.

Insofar as their living together affects their individual rights, including their proprietary rights, we see the need for some legally enforceable method of upholding those rights. No doubt this is what gave rise to the Justice Department’s reference to “registration”. If registration were the *only* way of protecting important individual rights, some would then see it as a necessary and legitimate way of protecting those rights.

- (c) If, however, there is some legal device *other than registration* that would enable the Courts to uphold the rights of individuals in same-sex and de facto relationships, that other device would have to be preferred in order to prevent the negative effects of legislating for registration. We share the view that a nation’s laws shape and influence a people’s thinking. The higher obligation to uphold the uniqueness of marriage makes it necessary to avoid creating a culture in which people more easily slip into thinking of same-sex and de facto relationships as being equivalent to marriage.

It was for this reason that we opposed legislation that could confer on those relationships “*even the appearance of equal status and validity as marriage*” and opposed the words “*of the nature of marriage*”.

Our position comes down to this: we support legislation that protects the actual rights of people in homosexual relationships; we do not support legislation that would make their homosexual relationship the *basis* of their rights. In this respect, their relationship is different from marriage.

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