

# The Civil Union Bill?

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It wasn't as if we didn't know the risks. Taking the position we took ran the risk of seeming not to support the rights of homosexuals; (we do support them, but neither their civil rights nor their human required the CU legislation.) We ran the risk of bringing ridicule on the Church for not approving of homosexuality, abortion and everything else on the liberal agenda, (which did happen). We also ran the risk of embarrassing some Catholics. And we exposed ourselves to the predictable allegation that we have more to say about sex than about other justice issues (even though our statements show that the opposite is true). So, why did we take all these risks?

To have said nothing would have been a simpler option, and in fact a very tempting option. There are certainly bigger issues. So why not just 'live and let live'? This attitude comes out of the culture in which we all live and think. Living out of the gospel, however, sometimes requires us to be *counter-cultural*. But to those who think only *within* the culture (see below), that appears 'conservative', 'intolerant' and 'prejudiced'.

Society already shows tolerance of de facto and homosexual relationships by not legislating *against* them. But the liberal agenda goes beyond this: it aims to make these relationships *morally acceptable* to society. And this further step is made to look like a requirement of tolerance and of human rights. They fail to see that society's tolerance does not include a right to society's approval.

In the past, the NZ Bishops have emphasised that our love for homosexual persons must be *unconditional* - i.e. homosexuals are entitled to be loved and respected as much as any other human being, despite their circumstances. Our culture goes beyond that, however, by claiming that we are not accepting homosexual persons unless we also accept their actions, or 'not judge' their actions as wrong. Some people even attribute this attitude to Jesus. Jesus accepted *every* person, including 'sinners'. But he also told them not to sin again. People say that Jesus calls us to be 'all encompassing'. Do they mean accepting every person unconditionally, or do they mean accepting their behaviour as well? Jesus didn't do that!

This time the bishops were not speaking about the morality of homosexuality, and were not even commenting on homosexual relationships as such. We were focusing only on the agenda of those who want to make these relationships in some way *equivalent* to marriage. Faced with this ideologically driven agenda, we were obliged to take a stand in support of the distinctiveness and special position of marriage, and the rights of children. We make no apology for doing that.

The ability of politicians to distort and misrepresent what we were saying was extraordinary. We were not saying that the legalisation of de facto and homosexual relationships would impinge on other people's marriages. We were saying that the distinctiveness and specialness of marriage is being denied if it is reduced to being only one of several options of *equivalent significance*. What is special about marriage if we saying that it is socially and legally no different from these other relationships? Soon we will be told that school text books have to teach about all these options so as to be inclusive. (Those churches which said they didn't have a position on the CU Bill now have to decide whether they still teach that marriage has a special place in God's plan, or whether to single it out like this is to discriminate against the other options.)

We were also saying (in anticipation of what will happen next) that however much some of the children brought up by homosexual couples might be loved and well-adjusted, no one has the right to deprive children of either father-love or mother-love, which psychiatrists have been saying are *different* and both important to children (see Appendix). Obviously, the rights of children don't count for much with adults whose focus is on their own 'right to choose'. And how can anyone complain about the 'absent father' syndrome if they approve liaisons that of their nature *exclude* a father?

Protecting the unique status of marriage, and protecting the rights of children, are justice issues, and the stakes are high. That is why there was a strong reaction from the Church.

Some of the statements by politicians have been simplistic. Some said they supported the Bill because they support 'loving relationships' - no questions asked about any other aspect of those loving relationships, because that wouldn't be 'inclusive'. On that simplistic criterion adultery and incest would also have to be condoned because they too can be 'loving relationships' involving the 'mutual commitment of two persons'.

Some Catholics, and others, felt that the CU legislation would at least promote stability in relationships over against promiscuity. Whatever the merits of that claim, there is more to all this. Marriage, and the meaning of sexuality are being gradually re-defined. This is happening world-wide. In Canada, marriage is now defined as the legally recognised relationship of 'two persons'. NZ is nearly there. This *re-defining* of marriage and sexuality is based on the idea that what anything means is whatever the individual wants it to mean. Incredibly, this understanding of individual freedom was given legal sanction by the US Supreme Court in 1992 when it ruled that

*At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life.*

This understanding of freedom goes back to another key characteristic of post-modernity, namely the assumption that all meaning is a human construct. None of it is God-given, and so it is up to us to determine the meaning of everything, which is what the US Supreme Court was saying. And so the meaning of sexuality and marriage can be defined and re-defined to suit individual choice. Starting from these assumptions, the CU Bill made complete sense.

Those who stand back from those assumptions are on the back foot. How does one question the CU Bill with people who see no need to question its underlying assumptions? How does one discuss philosophy with people whose concerns are only political and pragmatic? How does one discuss ethics based on meaning if meaning is whatever the individual chooses?

Comments by supporters of the Bill about 'embracing diversity' remind me of an item that appeared in Tui Motu. If I remember rightly, the author was defending the ordination of people in homosexual relationships, and arguing that since they are capable of a loving ministry to others, God can't have any problem with their homosexual behaviour. The author obviously had not thought about this very deeply, because it implies that God works through people only if their actions are right. This type of thinking has its roots in the Old Testament and lives on in the Protestant work ethic. In the Catholic tradition, following the gospel, God's love for us is not conditional upon one's actions being right. They could be wrong!

It should also be noted that the bishops were being consistent. When the *economy* was being re-constructed in the 1980's & 90's in the name of individual choice and less government regulation, the bishops spoke up in the name of social responsibility and the common good. Now, when the *social order* is being re-constructed in the name of individual choice, again we have spoken up in the name of social responsibility and the common good. When economic restructuring or social engineering are based on an understanding of individual freedom and personal 'rights' that benefits the strong and makes the weak more vulnerable, we speak up. (The comparison goes further: the advocates of the economic reforms boasted that NZ was at the 'cutting edge' of experiments that had not been tried elsewhere! And now, as recently as last month, NZ declined to join the other 132 countries which adopted the UN General Assembly declaration agreeing to 'uphold, preserve and defend the institution of marriage'). Experimenting with people's lives continues - and so will the opposition of the Church.

Finally, we should thank all those - Catholics and others - who wrote to thank us for our stand.

## **Appendix**

### **Consequences for Children (Notes)**

1. Some of the research that has been designed to compare the development of children being brought up by de facto and same sex partners with the development of children

growing up within marriage concludes that there are no *significant differences*. However, the validity of some of this research has been seriously contested, both on the basis of how participants have been selected, and on the basis of how the control groups, with whom the comparisons were made, have been selected. In many cases, both the researchers and the participants have had a bias towards 'proving' that homosexual parenting was as good as heterosexual parenting.

2. Even Charlotte Patterson, who reports much of that research, admits that because some aspects of personal development only become manifest in later years, it remains to be seen whether the findings of research done on adolescents will be valid in the long-term. (*Family Relationships of Lesbians and Gay Men*, in *Journal of Marriage and the Family*, Nov. 2000, P. 1060).
3. Research into the damage done to 'fatherless' children may be more useful. Why would there be a strong movement calling fathers to accept their parenting responsibilities if it really makes 'no significant difference'?
4. For over 40 years, there has been research into the effects of maternal deprivation. More recent research has begun to show that paternal deprivation is linked to the greater statistical likelihood of difficulties for children (both girls and boys), including emotional and behavioural problems requiring psychiatric intervention, as well as sex role and gender identity, school performance, social skills, personal maturity and the control of aggression. Moreover, these children's own ability to be good parents is also at greater risk (cf Clare, Anthony *On Man, Masculinity in Crisis*, London, 2000, ch 7).
5. Some aspects of children's personal development outside of marriage has not yet been adequately researched:  
Very little research has been published regarding the experiences of children brought up by gay men. To date there have not been sufficient studies to effectively evaluate the impact of male homosexual parenting on adopted children. (Law Commission Report, para. 353).
6. At the same time, research is not everything; let us not fall into the trap of regarding as important only those things that can be quantified. There is wisdom that regards the loss of a child's parent, precisely as father or as mother, as a loss to that child's development and well-being. There is also a wisdom born of experience that leads placement agencies to prefer to give a child the experience of having both a father and a mother.