

Conference of Catholic Bishops of India

The Position of the Catholic Church on **Same-Sex Marriages** In the Light of the on-going Supreme Court Hearings

1. This note is written in two parts. In the first part the Church's teaching on Homosexuality is discussed. It is beyond the scope of this note to discuss the current state of knowledge on the biological basis of homosexuality. This, therefore, will not be examined in this document. The second part of this document addresses the ethical evaluation of recognition of same-sex partnerships as marriages in the light of Catholic Church teaching. This paper will not discuss the ethical evaluation on adoption of children.

Church's Teaching on Homosexuality

2. The Church does not accept that the fundamental identity of a person is grounded on the person's sexual orientation as 'homosexual' or 'heterosexual'.¹ The words 'gay' and 'lesbian' are not used to define persons who experience same-sex attractions, in the Church's official teaching. Every human person, regardless of his or her sexual preferences, is a unique and irreplaceable gift of God; having an indispensable and fundamental identity of being created in the image and likeness of God.

3. The Church has endorsed a pastoral approach acknowledging that there are some persons whose homosexual tendencies are due to innate instinct, or a psychological constitution which is of a permanent nature.² The Catechism of the Catholic Church has acknowledged that the number of persons who have deep-seated homosexual tendencies is not negligible.³ Furthermore, the Catechism clearly indicates, "They must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided."⁴ There are many in the Church who

¹ 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) *Acta Apostolicae Sedis* 79 (1987): 16.

² Congregation for the Doctrine of the Faith, *Persona Humana Declaration on Certain Questions concerning Sexual Ethics*, part VIII.

³ *Catechism of the Catholic Church*, (London: Geoffrey Chapman, 1994), n. 2358.

⁴ *Ibid.*

believe that Pope Francis has softened the approach to the LGBTQIA+ community with the comment, "If a person is gay and seeks God and has good will, who am I to judge?"

4. Hence, it is encouraged that bishops, priests, deacons, religious men, and women undertake the task of fostering a culture that is free from homophobia. By doing so, they can work towards transforming the Christian community into one that is compassionate and understanding towards the needs of those who might be grappling with their sexual orientation. The Church is even aware of people who "conclude that their tendency is so natural that it justifies in their case homosexual relations with sincere communion of life and love; analogous to marriage, insofar as such homosexuals feel incapable of enduring a solitary life."⁵ This acknowledgement is in itself significant, although the Church offers disinterested friendship and celibacy as an ethical response.

5. Notwithstanding such an acknowledgement, the Church has cautioned that **no pastoral approach should include moral justification of the homosexual act**. The ethical approach to homosexuality is vexatious and has often caused polarisation of theological positions. The Holy See has acknowledged the same in a letter to the bishops of the Catholic Church.⁶ In addition, the Holy See concedes that there are a number of people, even within the Church, who bring enormous pressure on the Church to accept the homosexual condition as a normal variant of human sexuality and to condone homosexual acts.⁷ However, the Church has clearly espoused the inadmissibility of homosexual acts as morally acceptable. The moral teaching of the Church calls for a differentiation between homosexual acts and homosexual tendencies or orientation. There is nothing sinful in a person whose sexual preference is for the same sex, although such preference is described as disordered. A considerable number of people who experience same sex attraction experience it as an inclination that they did not choose. This raises the question of whether or not a homosexual inclination can be changed with the help of some kind of therapeutic intervention. There is currently no scientific consensus on the cause of the homosexual inclination nor is there any consensus on therapy. Catholics who experience homosexual tendencies and who wish to explore therapy should seek assistance of a

⁵ Ibid.

⁶ Congregation for the Doctrine of the Faith, *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*, no 1.

⁷ Cf Ibid., 8.

qualified professional who has training and competence in psychological counselling, and who understands and supports the Church's teaching on homosexuality.⁸

6. The Church does not accept that the genesis of homosexuality is clearly understood or explained; neither does the Church accept that a homosexual person lacks freedom of choice.⁹ Beyond the application of laws and principles, Pope Francis has called on members of the Church not to become "harsh judges" but "to offer everyone the life of Christ.". He clearly warns Christians not to be concerned with being at the centre and "caught up in a web of obsessions and procedures." He cautions the Church that our consciences ought to be disturbed by the fact that so many of our fellow human beings are "living without the strength, light and consolation born of friendship with Jesus Christ, without a community of faith to support them, without meaning and a goal in life."¹⁰ More than by fear of going astray, my hope is that we will be moved by the fear of remaining shut up within structures which give us a false sense of security, within rules which make us harsh judges, within habits which make us feel safe, while at our door people are starving and Jesus does not tire of saying to us: "Give them something to eat."¹¹ This pastoral approach does not exclude persons with homosexual orientation. Pope Francis reiterates that the "missionary impulse" of the Church should exclude no one. In fact this "missionary impulse" is to reach first of all those "who are usually despised and overlooked".¹²

Ethical evaluation of recognition of same-sex partnerships as marriages.

7. Following the decriminalization of homosexuality in India, proponents of LGBTQIA+ issues have now petitioned the Supreme Court for civil recognition of same-sex partnerships, and the right to marry and adopt children. Pope Francis has clearly enunciated in his teaching and in that of the Synod of Bishops on Family that, "as for proposals to place unions between homosexual persons on the same level as marriage, there are absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God's plan for marriage and family."¹³

⁸ *Ministry to Persons with a Homosexual Inclination: Guidelines for Pastoral Care* Issued by USCCB, November 14, 2006. United States Conference of Catholic Bishops.

⁹ 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) *Acta Apostolicae Sedis* 79 (1987): 11.

¹⁰ Francis, *Evangelii Gaudium: On the Proclamation of the Gospel in Today's World*. Apostolic Exhortation (24 November 2013) *Acta Apostolicae Sedis* 12 (2013): 49.

¹¹ *Ibid.*

¹² *Ibid.*, 48.

¹³ Pope Francis, *Amoris Letitia*, n. 250, 251 AAS 108 (2016) 412-413.

8. The essential principles of marriage, as depicted in the biblical stories of creation, embody the inherent truth and wisdom of human nature. These accounts reveal three key elements that constitute the Creator's design for marriage, as outlined in the Book of Genesis:¹⁴

i. Human beings are created in the image and likeness of God as male and female [Gen 1:27]. Men and women are equal as persons and complementary as male and female. Sexuality is something that pertains to the physical-biological realm and has also been raised to a new level – the personal level – where nature and spirit are united.

ii. Marriage is instituted by the Creator as a form of life in which a communion of persons is realized involving the use of the sexual faculty, "That is why a man leaves his father and mother and clings to his wife and they become one flesh" [Gen 2:24].

iii. The union of man and woman in marriage have a special participation in the work of creation. "Be fruitful and multiply" [Gen 1:28]. Homosexual acts are contrary to natural moral order because these acts foreclose the sexual act to the gift of new life. They do not proceed from a genuine affective and sexual complementarity.

9. Any tendency toward sexual pleasure that is not subordinated to the greater goods of love and marriage is disordered, in that it inclines a person towards a use of sexuality that does not accord with the divine plan for creation. This is the reason why the moral theological tradition of the Church holds that homosexual acts are "intrinsically disordered." Sacred Scripture explicitly condemns homosexual relationships. [cf Rom 1:24-27; 1Cor 6:10; 1Tim 1:10]. The early Christian writers have also held the same teaching.¹⁵ This does not mean that homosexuals are completely disordered: "It is crucially important to understand that saying a person has a particular inclination that is disordered is not to say that the person as a whole is disordered. Nor does it mean that one has been rejected by God or the Church. Because of this, acting in accord with such an inclination simply cannot contribute to the true good of the human person. Nevertheless, while the particular inclination to homosexual acts is disordered, the person retains his or her intrinsic human dignity and value. Furthermore, it is not only sexual inclinations that can be disordered within a human person. Other inclinations can likewise be disordered, such as those that lead to envy, malice, or greed. We are

¹⁴ Congregation for the Doctrine of the Faith, *Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons*: no 2.

¹⁵ Cf St. Polycarp, *Letter to the Philippians*, V, 3; St. Justin Martyr, *First Apology*, 27, 1-4; Athenagoras, *Supplication for the Christians*, 34.

all damaged by the effects of sin, which causes desires to become disordered. Simply possessing such inclinations does not constitute a sin, at least to the extent that they are beyond one's control. Acting on such inclinations, however, is always wrong."¹⁶

10. Marriage and family, from a biological and anthropological perspective, involve elements that are not present in homosexual unions. These elements form the basis, on a rational level, for granting legal recognition to marriages and families. The primary purpose of such unions is to contribute to the procreation and survival of the human race. Homosexual unions, by their nature, cannot fulfill procreation in a proper manner. Even the possibility of utilizing artificial reproduction methods, which may lack respect for human dignity, does not change this fundamental inadequacy.

11. Sexual complementarity of masculine and feminine is the natural order in which the normal development of children takes place in the family. The upbringing of children in a same-sex context would result in these children being denied of the experience of a father or mother. The best interest of the child may be compromised as the impact of same-sex childrearing is unclear. Furthermore, it is important to acknowledge that the institution of family pre-dates society itself, and society relies on the family for its continued existence. The recognition of homosexual unions as legally equivalent to marriage would inevitably lead to a redefinition of marriage, removing its essential connection to factors such as heterosexuality, procreation, and child-rearing.

12. Granting homosexual unions the same legal status as marriage and the family would be an arbitrary action by the State, contradicting its obligations and responsibilities. It is crucial to recognize the unique role and purpose of marriage in society and refrain from arbitrarily altering its meaning and significance.

13. The principles of respect and non-discrimination cannot be invoked as grounds for granting recognition to homosexual unions as marriage. The denial of social and legal status to forms of cohabitation that do not meet the criteria for marriage is not a violation of justice; in fact, justice could necessitate such differentiation; as a just discrimination.

¹⁶ *Ministry to Persons with a Homosexual Inclination: Guidelines for Pastoral Care* Issued by USCCB, November 14, 2006. United States Conference of Catholic Bishops.

14. Similarly, the principle of individual autonomy cannot reasonably be used to support the redefinition of marriage. It is one thing to acknowledge the freedom of individuals to pursue their own interests within the bounds of civil rights, but it is entirely different to argue for specific legal recognition of activities that may be detrimental to the proper advancement of human society, especially if their impact were to increase.

15. Married couples, by virtue of their role in ensuring the continuity of generations, are of significant public interest and therefore receive institutional recognition and protection in society under civil law. Furthermore, the argument that legal recognition of homosexual unions is necessary to protect rights for cohabiting homosexual individuals, is not valid. Existing legal provisions provide means to protect mutual rights in matters of shared interest. Sacrificing the common good and just laws pertaining to the family to protect personal interests would be a grave injustice.

16. In a documentary, Pope Francis expressed his belief that same-sex couples should be allowed to have "civil unions" for legal purposes such as inheritance of properties and decision-making in medical interventions. However, it is important to note that Pope Francis also approved a press release by the Congregation for the Doctrine of the Faith (CDF), stating that the Catholic Church cannot bless same-sex marriages. The press release emphasizes the Church's sincere desire to welcome and accompany homosexual individuals and provide them with support and guidance in understanding and following God's will in their lives. The CDF's response makes a clear distinction between the individuals involved and the concept of a union. The negative response to blessing a union should not be interpreted as a judgement on the individuals themselves.

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