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CONGREGATION FOR THE DOCTRINE OF THE FAITH

CONSIDERATIONS REGARDING PROPOSALS TO GIVE LEGAL RECOGNITION TO UNIONS BETWEEN HOMOSEXUAL PERSONS

INTRODUCTION

1. In recent years, various questions relating to homosexuality have been addressed with some frequency by Pope John Paul II and by the relevant Dicasteries of the Holy See.(1) Homosexuality is a troubling moral and social phenomenon, even in those countries where it does not present significant legal issues. It gives rise to greater concern in those countries that have granted or intend to grant – legal recognition to homosexual unions, which may include the possibility of adopting children. The present Considerations do not contain new doctrinal elements; they seek rather to reiterate the essential points on this question and provide arguments drawn from reason which could be used by Bishops in preparing more specific interventions, appropriate to the different situations throughout the world, aimed at protecting and promoting the dignity of marriage, the foundation of the family, and the stability of society, of which this institution is a constitutive element. The present Considerations are also intended to give direction to Catholic politicians by indicating the approaches to proposed legislation in this area which would be consistent with Christian conscience.(2) Since this question relates to the natural moral law, the arguments that follow are addressed not only to those who believe in Christ, but to all persons committed to promoting and defending the common good of society.

I. THE NATURE OF MARRIAGE AND ITS INALIENABLE CHARACTERISTICS

2. The Church's teaching on marriage and on the complementarity of the sexes reiterates a truth that is evident to right reason and recognized as such by all the major cultures of the world. Marriage is not just any relationship between human beings. It was established by the Creator with its own nature, essential properties and purpose.(3) No ideology can erase from the human spirit the certainty that marriage exists solely between a man and a woman, who by mutual personal gift, proper and exclusive to themselves, tend toward the communion of their persons. In this way, they mutually perfect each other, in order to cooperate with God in the procreation and upbringing of new human lives.

3. The natural truth about marriage was confirmed by the Revelation contained in the biblical accounts of creation, an expression also of the original human wisdom, in which the voice of nature itself is heard. There are three fundamental elements of the Creator's plan for marriage, as narrated in the Book of Genesis.

In the first place, man, the image of God, was created "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.

nature of these unions; reminding the government of the need to contain the phenomenon within certain limits so as to safeguard public morality and, above all, to avoid exposing young people to erroneous ideas about sexuality and marriage that would deprive them of their necessary defences and contribute to the spread of the phenomenon. Those who would move from tolerance to the legitimization of specific rights for cohabiting homosexual persons need to be reminded that the approval or legalization of evil is something far different from the toleration of evil.

In those situations where homosexual unions have been legally recognized or have been given the legal status and rights belonging to marriage, clear and emphatic opposition is a duty. One must refrain from any kind of formal cooperation in the enactment or application of such gravely unjust laws and, as far as possible, from material cooperation on the level of their application. In this area, everyone can exercise the right to conscientious objection.

III. ARGUMENTS FROM REASON AGAINST LEGAL RECOGNITION OF HOMOSEXUAL UNIONS

6. To understand why it is necessary to oppose legal recognition of homosexual unions, ethical considerations of different orders need to be taken into consideration.

From the order of right reason

The scope of the civil law is certainly more limited than that of the moral law,(11) but civil law cannot contradict right reason without losing its binding force on conscience.(12) Every humanly-created law is legitimate insofar as it is consistent with the natural moral law, recognized by right reason, and insofar as it respects the inalienable rights of every person.(13) Laws in favour of homosexual unions are contrary to right reason because they confer legal guarantees, analogous to those granted to marriage, to unions between persons of the same sex. Given the values at stake in this question, the State could not grant legal standing to such unions without failing in its duty to promote and defend marriage as an institution essential to the common good.

It might be asked how a law can be contrary to the common good if it does not impose any particular kind of behaviour, but simply gives legal recognition to a *de facto* reality which does not seem to cause injustice to anyone. In this area, one needs first to reflect on the difference between homosexual behaviour as a private phenomenon and the same behaviour as a relationship in society, foreseen and approved by the law, to the point where it becomes one of the institutions in the legal structure. This second phenomenon is not only more serious, but also assumes a more wide-reaching and profound influence, and would result in changes to the entire organization of society, contrary to the common good. Civil laws are structuring principles of man's life in society, for good or for ill. They "play a very important and sometimes decisive role in influencing patterns of thought and behaviour".(14) Lifestyles and the underlying presuppositions these express not only externally shape the life of society, but also tend to modify the younger generation's perception and evaluation of forms of behaviour. Legal recognition of homosexual unions would obscure certain basic moral values and cause a devaluation of the institution of marriage.

From the biological and anthropological order

not need specific attention from the legal standpoint since they do not exercise this function for the common good.

Nor is the argument valid according to which legal recognition of homosexual unions is necessary to avoid situations in which cohabiting homosexual persons, simply because they live together, might be deprived of real recognition of their rights as persons and citizens. In reality, they can always make use of the provisions of law – like all citizens from the standpoint of their private autonomy – to protect their rights in matters of common interest. It would be gravely unjust to sacrifice the common good and just laws on the family in order to protect personal goods that can and must be guaranteed in ways that do not harm the body of society.(17)

IV. POSITIONS OF CATHOLIC POLITICIANS WITH REGARD TO LEGISLATION IN FAVOUR OF HOMOSEXUAL UNIONS

10. If it is true that all Catholics are obliged to oppose the legal recognition of homosexual unions, Catholic politicians are obliged to do so in a particular way, in keeping with their responsibility as politicians. Faced with legislative proposals in favour of homosexual unions, Catholic politicians are to take account of the following ethical indications.

When legislation in favour of the recognition of homosexual unions is proposed for the first time in a legislative assembly, the Catholic law-maker has a moral duty to express his opposition clearly and publicly and to vote against it. To vote in favour of a law so harmful to the common good is gravely immoral.

When legislation in favour of the recognition of homosexual unions is already in force, the Catholic politician must oppose it in the ways that are possible for him and make his opposition known; it is his duty to witness to the truth. If it is not possible to repeal such a law completely, the Catholic politician, recalling the indications contained in the Encyclical Letter *Evangelium vitae*, "could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality", on condition that his "absolute personal opposition" to such laws was clear and well known and that the danger of scandal was avoided.(18) This does not mean that a more restrictive law in this area could be considered just or even acceptable; rather, it is a question of the legitimate and dutiful attempt to obtain at least the partial repeal of an unjust law when its total abrogation is not possible at the moment.

CONCLUSION

11. The Church teaches that respect for homosexual persons cannot lead in any way to approval of homosexual behaviour or to legal recognition of homosexual unions. The common good requires that laws recognize, promote and protect marriage as the basis of the family, the primary unit of society. Legal recognition of homosexual unions or placing them on the same level as marriage would mean not only the approval of deviant behaviour, with the consequence of making it a model in present-day society, but would also obscure basic values which belong to the common inheritance of humanity. The Church cannot fail to defend these values, for the good of men and women and for the good of society itself.

(11) Cf. John Paul II, Encyclical Letter *Evangelium vitae* (March 25, 1995), 71.

(12) Cf. *ibid.*, 72.

(13) Cf. St. Thomas Aquinas, *Summa Theologiae,* I-II, q. 95, a. 2.

(14) John Paul II, Encyclical Letter *Evangelium vitae* (March 25, 1995), 90.

(15) Cf. Congregation for the Doctrine of the Faith, Instruction *Donum vitae* (February 22, 1987), II. A. 1-3.

(16) Cf. St. Thomas Aquinas, *Summa Theologiae,* II-II, q. 63, a.1, c.

(17) It should not be forgotten that there is always "a danger that legislation which would make homosexuality a basis for entitlements could actually encourage a person with a homosexual orientation to declare his homosexuality or even to seek a partner in order to exploit the provisions of the law" (Congregation for the Doctrine of the Faith, *Some considerations concerning the response to legislative proposals on the non-discrimination of homosexual persons* [July 24, 1992], 14).

(18) John Paul II, Encyclical Letter *Evangelium vitae* (March 25, 1995), 73.