

PEARLS AND IRRITATIONS

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Bishops' opposition to equal opportunity laws exposes their own teaching

By Michael Leahy

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(Image: Unsplash)

By opposing Victoria's Equal Opportunity Bill, Catholic bishops' demonstrate the tension in their church's teaching on discrimination.

Societies like Victoria's have long histories of discrimination against groups held to be offending against community moral standards. Divorce required the ordeal of proving fault, and invariably attracted a lasting stigma. Women could be denied access to jobs or housing because they were divorced. Homosexuals could even be prosecuted as criminals for indulging in their "perversions". The possibility of sexualities other than those conferred by biology were inconceivable.

Later in the 20th century, however, attitudes to sexuality, divorce and re-marriage changed, and laws were enacted to ease the discriminatory burdens imposed on relevant victims.

In the 21st century, not only were most state laws prohibiting homosexual conduct repealed, but gay marriage was also permitted under the Commonwealth *Marriage Act* (1961, amended 2017).

In short, the community at large rejected the traditional view of homosexuality as a perversion from which society needed protection, and demanded removal of all forms of discrimination against homosexuals. Indeed, the community at large accepted the view that human sexuality was much more diverse and complex than the simple biological binary supposed from ancient times.

Acceptance of change in assessments of such fundamental aspects of human life is, of course, not instant or easy. Attitudinal change can sometimes stem from fads or misguided ideologies. But underpinning these changes was something deeper than fads or ideologies.

The patriarchal family structure was in its death throes, and the dignity of the individual human person was being recognised as demanding respect. Freedom to define one's own sexuality, and to express it in relationships formed and terminated by one's own choice, was one such demand. This elevation of personal dignity above prevailing convention as a criterion for measuring the morality of sexuality, and of its expression, is thus better understood as an evolution of moral consciousness on the part of a community emerging from the tyranny of patriarchy.

Those whose dignity was most seriously impugned by prevailing convention were members of the Rainbow community: homosexual behaviour was not only condemned as perverse but also made criminal. It was no fad or ideology that led to the repeal of laws against such behaviour but developments in the science of psychiatry. In Australia on October 15, 1973, the Australian and New Zealand College of Psychiatrists Federal Council declared that homosexuality was not an illness.

In its 2013 edition, the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM) no longer defined homosexuality as a mental disorder. Recent works in biology such as Bruce Bagemihl's *Biological Exuberance: Animal Homosexuality and Natural Diversity*, (Stonewall Inn Editions, St. Martin's Press, Chicago, 2020), report sexual diversity in the animal as well as the human world.

Society revised its moral assessment of homosexual behaviour not because it caved in to a fad or an ideology, but because it accepted an evolution in the scientific understanding of such behaviour. The prevailing empirical assumptions that human sexuality was binary, and homosexual behaviour a deviation from the norm, became untenable.

The Victorian Equal Opportunity (Religious Exceptions) Amendment Bill 2021 seeks to remove the remnants of past discrimination against members of the abovementioned groups. The Victorian Catholic bishops' protest that the Bill violates Catholics' religious freedom to employ persons who will support their teachings, values and ethos. In so protesting, however, the bishops expose themselves as victims of a tension in the church's own teaching.

The core values underpinning any Catholic ethos are the gospel values of love, justice, mercy, truth. The Second Vatican Council, the highest level of church authority, asserted these values when it condemned all forms of discrimination: "With respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race,

colour, social condition, language, or religion, is to be overcome and eradicated as contrary to God's intent" (Constitution on the Church Today, 29).

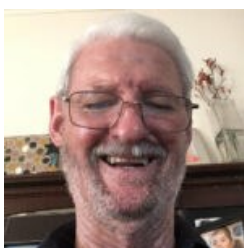
The same document mandated an update of all church teaching in light of the fact that "the human race has passed from a rather static concept of reality to a more dynamic, evolutionary one" (5).

The church itself has failed to fulfil this mandate in relation to homosexuality in particular. Its official teaching, expressed in the Catechism of the Catholic Church (2357), still affirms that "homosexual acts are intrinsically disordered".

By doing so, the global church demonstrates its persistence in the "static" vision of human sexuality. Persistence in this static vision prevents the church from sharing in the evolution in moral consciousness that has enabled societies such as Victoria's to outlaw discrimination in employment practices on grounds of sexuality or marital status.

The consequences of this persistence are serious. The least of them is that local bishops are forced, under pain of dismissal, to uphold the official teaching of the Catholic Catechism despite its inconsistency with the mandate of Vatican II. The most serious is that the cries for care and compassion from some of the most vulnerable members of the community are met with words of lip service, but with employment practices that give the lie to those words.

Passage of this Bill will give these vulnerable people a measure of the protection they should properly be receiving from the church.



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