

THE BETRAYAL OF MARRIAGE BY AUSTRALIA'S CATHOLIC BISHOPS & MR TURNBULL'S PLEBISCITE

"If the preacher of truth is really not deceiving us when he says that all who want to live godly lives in Christ will suffer persecution, then no one, I think, is exempted from this general rule. If he is, it is because he neglects or does not know how to live a sober, upright and religious life in this present age. I should hope that you would not be counted among their number. Their homes are peaceful and complacent. They live in security and never feel the touch of the Lord's rod. They pass their days in plenty and in the end go straight to hell..."

St Raymond of Peñafort
Mon OP Hist 6, 2 ; pp. 84-5 ; (*Office of Readings*, 7th January)

Some years ago, in the course of a discussion I was having with a parish priest in a diocese where the problems were legion and the replacement of its bishop imminent, he addressed the burdens that would face his successor with the comment, "Where would you start ?" When evils have been permitted to flourish for decades, as they had in that diocese, the task of addressing them executively and prudentially is an immense one. A similar dilemma confronts us in Australia over the issue of the moment—"gay marriage" and its proposed "legalisation"—because of the systematic failure to uphold the rational teaching on marriage by Australia's Catholic bishops over more than fifty years.

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Before ever government appeared on the face of the earth, men and women married. They did so because the power to marry does not derive from posited law but from nature. *Whether* a man or a woman marry is of will—they can choose, or choose not, to do so. But what marriage is, *its essence*, the permanent commitment of each to the other for the good of their offspring and each other, is of nature not of will. The power to marry is an incident of their being, given by God not by men, and certainly not by government which has no power over marriage save to regulate it, to ensure the rational demands of that state (full knowledge and consent, an absence of impediments, and so on) are met.

Australia's Catholic bishops—

- by their studied silence over the ineptness of the powers given the Commonwealth Parliament by section 51 *placitum* (xxii) of the *Commonwealth Constitution*, ("with respect to... divorce and matrimonial causes"), and the limitations implicit in the only rational view of the power given by *placitum* (xxi) ;
- by their active connivance in discounting the Church's rooted objections to the engagement of Catholic lawyers in the evils of divorce ;
- by their silence in the face of public rejection by notable Catholics of the Church's position on marriage; and,
- by their connivance at a greater facility for "annulment" of valid marriages in Catholic marriage tribunals—

have encouraged acceptance of the Protestant, and secular, attitude that it is reasonable to hold that

man has the power to determine what is, and what is not, a marriage.

Those originally responsible for this syndrome of neglect and irresponsibility are the bishops' predecessors in office, but the current crop have shown themselves true successors. They have taken the baton of irresponsibility and run with it.

In March 2012, as members of the Australian Catholic Bishops Conference, they lodged a submission with a House of Representatives Standing Committee considering amendments to Commonwealth marriage legislation which purported to defend the Catholic position. Their argument is encapsulated in the Summary set forth in the Appendix to this paper. (The full submission may be viewed at <https://www.catholic.org.au/acbc-media/downloads/public-policy/1302-acbc-submission-marriage-equality-and-marriage-bills-march-2012-1/file>) It was not so much a statement of Catholic principle as of episcopal incompetence.

Its chief, and fundamental, defect was the adoption of a nominalist and subjectivist mode of reasoning which, ignoring rational principle, implied that the essence of marriage turned on human opinion. This is manifest in its expressed concern over the altering of marriage's legal "definition" by the legislator instead of a vehement insistence that this is beyond human power. The bishops embraced the terminology of compromise, repeatedly using the expression "same sex marriage" as if it represented a reality when it is nothing more than an invention of the ideologically committed.

The institution of marriage is not something at which men arrive, or contrive, among themselves but an immutable reality instituted by the Author of nature to complement His creature, man. This is spelled out specifically by Christ Our Lord (cf. *Matthew* 19 : 3-9). The essence of marriage is beyond man's power to alter, and no human lawmaker can change it. Even less can men hope to alter its reality by popular vote.

One would think a bishop, sworn to uphold Christ's reign on earth as in heaven, would ground any public statement he made on the topic of marriage with what God himself has revealed. One will look in vain in the bishops' submission for any mention of Christ, Truth himself, or any mention of His authorship of creation, or indeed of anything that He had to say on marriage.

The bishops' submission spoke of love, but with banality. It did not advert to the Divinely revealed principle that all creation was made in love by the God of love, that each of His creatures reflects that love, particularly man whom He made in His own image and likeness. It neglected to show how marriage was instituted by God as the perfection of human love, or to detail God's revelation—so highly does He value marriage—that it serves as a metaphor for the love He bears for men, and of the love Christ bears for His Church.

Marriage is not a union "that might produce children", as the bishops asserted deprecatingly. It is the one institution on earth whose end, whose whole reason for existence, is the reproduction, nurturing, development and education of children. At the heart of the bishops' attritional approach is a false understanding of the primary end of marriage, a consequence of fifty years of deference to Protestant compromise. Moreover, the Church's position on marriage is not founded "on human ecology", as the bishops asserted, but on her right understanding of human nature, something of which they seem as

ignorant as they are of the nature of marriage.

The submission addressed the disorders that can occur in human loves but neglected to advert to the reason underlying the disordering tendency, original sin, the one element of Catholic doctrine, as G K Chesterton remarked, which is experimentally verifiable. The bishops omitted the opportunity to spell out the essential disorder in the homosexual inclination, destructive of the good of individuals who embrace it as of any society in which it flourishes, no matter what its members might think to the contrary, and no matter either that those engaged in a homosexual relationship might seem to manifest “a genuine loving relationship”. Truth is measured by reality, not by opinion, no matter how sincerely the opinion may be held, and no matter how many may hold the opinion, a point that ought to have been at the heart of the submission.

The bishops further betrayed rational principle by implying that government enjoys an autonomy which takes precedence over the rights of its citizens. In the order of reality government does not precede, it follows, man the individual, the family and society. The only justification for existence of government is that it may do those things which individual members of society cannot do for themselves, such as administering public goods, ensuring the common good of all by laying down laws that reflect the moral law, and by seeing that justice is enforced. Insofar as government neglects the right ordering of family life—in which the true understanding of marriage is essential—it fails in its mandate.

This, and the truth that any “law” that would seek to alter the nature of marriage would be utterly ineffectual as regards reality but cause extensive harm through the abuse that would follow of the teaching function of legislation, ought to have been a primary focus.

The submission was defensive and apologetic, using weak and secondary arguments in lieu of ones that addressed the essential issues. Its failure to appeal to objective truth exposed the Catholic Church's position as just one more opinion to be weighed, instead of insisting, with appropriate reasons, that it is the only understanding of the issues which reflects reality.

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The root of the bishops' problem is philosophical incompetence. Even those such as the Archbishop of Sydney, Anthony Fisher OP, who have had a nominally sound formation, seem incapable of clear understanding of the issues. As a Dominican Fisher ought to be familiar with the distinction between *the natural* and *the voluntary*. Yet where is the record of him having elaborated it for the consideration of the Australian people ?

There is one other issue, a most serious one, which has two aspects.

The first is that bishops are sworn to exercise their office for the salvation of all men—not just Catholics—including *those of homosexual inclination*. That is, their obligation is to work, not for what they perceive as the present comfort and well-being of men, but for their eternal good. It is a work of mercy to tell the sinner to his face that he is doomed if he does not change his ways. This they have failed to do.

The second is the issue of sin. Mortal sin involves grave matter committed with full knowledge and deliberate consent. (CCC n. 1857) It includes formal cooperation in the mortal sin of another. Homosexual behaviour is *eo ipso* mortally sinful. A vote which assists in legitimizing the behaviour of practising homosexuals involves formal cooperation in its sinfulness. Therefore, a vote in favour of the legalisation of “gay marriage” involves, objectively, the commission of a mortal sin.

Recent comments of Archbishops Costelloe of Perth and Wilson of Adelaide have served to encourage Catholics to commit that sin—Wilson on the basis that such conduct involves “a deep sense of reverence and respect for every person in the nation, and for the choices they are free to make...”, and Costelloe on the basis that “as the archbishop I have no right to tell anyone how to vote.” The two are quite unconscious of their confusion of moral freedom with absolute freedom, of their failure to concern themselves with the eternal destiny of those under their care, or of the scandal for which they are responsible.

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So, what are faithful Catholics to do when they, and the rest of the populace of the country, have been, *and continue to be*, betrayed by those appointed to be their shepherds and guides in moral matters? We must have recourse to God Himself Who will not leave us unsupported as we resist the great evil that confronts us in this attack on the institution that He established for the welfare of the human race and the peopling of heaven.

Among our prayers, let us give priority to beseeching the Almighty to send us a bishop, just one bishop, who will publicly reject the platform of episcopal irresponsibility, separate himself from the quasi-Masonic coterie of the Australian Catholic Bishops Conference, and provide fitting moral leadership for the Catholics and non-Catholics of this country.

Michael Baker

14th September 2017—*Exaltation of the Holy Cross*

Appendix

Submission

to the House of Representatives Standing Committee
on Social Policy and Legal Affairs inquiry into
the Marriage Equality Amendment Bill 2012 and the Marriage Amendment Bill 2012

Summary

The Catholic Church (the Church) is concerned with all that impacts on human wellbeing.

The Church makes this submission to support continuing to define marriage as the exclusive and

permanent union of a woman and a man. It strongly opposes changing the definition to include same sex marriages.

Gay people should be treated with respect and compassion, but that is not the same as allowing the institution of marriage to be changed. Changing the meaning of marriage to something which it is not discriminates against all those who have entered into marriages and are faithful to that commitment, whether for one, ten, thirty or fifty years.

The Church recognises that people of the same sex can have deep and loving friendships, but the Church strongly holds that these friendships cannot lead to marriage because of the particular nature and role of marriage.

The reason governments have an interest in marriage is because it is a union that might produce children. Governments promote stable marriages because they are important to the welfare of children and because marriages and families are key to the future of the community.

Families are small communities in themselves on which the wider community is built and they are the main place in which children are socialised to take their place in the wider community.

The Church recognises that women and men are equal in dignity but different, not only in their physical attributes but also spiritually and psychologically. Though different, there is a complementarity between men and women that allows a sexual union.

Not all genital acts between a woman and a man are procreative but all imply the possibility of procreation.

While a same sex couple might have a genuinely loving relationship, the ability of marriage between a man and a woman to lead naturally to children, prompting the state's interest in the welfare of children resulting from those unions, cannot be found in same sex marriages.

The Church agrees there should not be unjust discrimination against same sex attracted people. But it is not unjust to point out the special nature of marriage, that Submission 013 3 same sex marriages would be quite different and to argue that given the two relationships are quite different, they therefore should not be called the same thing.

It is important that children have access to both a mother and a father, and while many families struggle to do their very best with a single parent, governments should not decide as a matter of policy that this should be a new norm.
