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SAME-SEX MARRIAGE AND THE CATHOLIC CHURCH IN EUROPE. ANY CHANCE FOR UNDERSTANDING?

Abstract. There is room for everyone in the Catholic Church, but there is no consent for same-sex marriage in that Church as marriage only between a baptized man and a woman is a sacrament. Same-sex marriage is inconsistent with the Holy Scripture where marriage is based on God's natural law. This official Scripture's interpretation results in lack of possibility to reconcile the official teaching of the Church with the recognition of same-sex marriage. The world is moving forward and so are the opinions of Christians and their growing support for same-sex marriage. Such marriage is recognized in thirty states worldwide, including states with dominant Catholic religion. Regardless the official teaching, the Catholic Church's position is not uniform. The paper discusses the official interpretation of the Scripture concerning homosexuals, analyses the position of the Catholic Church toward same-sex marriage and indicates differences in Christians' attitudes with respect to same-sex couples in Western and Eastern Europe.

Keywords: Catholic Church, homosexuality, same-sex marriage, recognition, law.

Introduction

Over the past few years, important changes have taken place with regard to the recognition of rights of homosexual persons and same-sex marriage across Europe. At the same time, Europe has experienced many instances of increased hostility towards homosexuals (Leimgruber, 2020: 3), including maltreatment. Sexual diversity issue has become a key factor in 'culture wars' under the auspices of religion. Therefore, it is impor-

tant to discuss the position of the Catholic Church in Europe in terms of its openness to homosexual persons and same-sex marriage. Controversies surrounding the recognition of same-sex marriage stem from prejudices, a lack of reliable knowledge about individuals' sexual identity, the teaching of the Catholic Church, and the continuing influence of the Church on public debate and legislation (Warner, 2000). Until recently, homosexuality was considered a mental disorder. In 1973, the American Psychiatric Association removed homosexuality from the list of mental disorders (Drescher, 2015: 565–567), and in 1990 the World Health Organization removed the same from the International Classification of Diseases and Related Health Problems (WHO ICD).

Multidimensional arguments against recognition of same-sex marriage refer to theological, legal and social issues. Opposition to homosexuals often originates from stereotypes: homosexuals are sex-addicted and emotionally unstable, with paedophilic tendencies. In the Central and Eastern Europe states, right-wing parties are particularly reluctant to, if not openly intolerant of, the idea of same-sex marriage. For church going Christians homosexual relations are against nature and natural law (Ozzano, 2015). Today, traditional social and gender roles have evolved, and therefore one's own sexual and gender identity is perceived differently. The concept of marriage is also culture- and philosophy-specific. For centuries, marriage has been a recognised relationship between a male and a female. This is now changing. Partnerships lead to the weakening of traditional marriage. The permanence of marriage is socially significant and the special positive quality of marriage is seen as a social institution (Pope, 2004: 539). The trend toward growth of same-sex partnerships is irreversible, stemming from a transformation in the understanding of privacy and the ways in which it is manifested, secularization, or the globalization of societies. Not surprisingly, these phenomena find their articulation in the postulation of recognition of same-sex unions.

The aim of the paper is to discuss the stance of the Catholic Church on homosexuality and same-sex marriage, and to present states that allow one to marry a person of the same sex and those that recognise such marriage. The paper is composed of four sections. Section 1 starts with a short introduction of the position of the Catholic Church toward homosexual persons. Section 2 discusses the social teachings that the Church offers on homosexual marriage. Section 3 is devoted to the Christian identity and recognition of same-sex marriage. Finally, Section 4 draws some conclusions that arise from the considerations inherent in the previous sections of this paper.

1. The position of the Catholic Church toward homosexual persons

Christians believe in God, who is Love and the Life-Giver. From the beginning, such a life is marked by sexual differentiation: “male and female he created them” (Gen. 1:27), which is one of the benefits of the work of creation (Gen. 1:31) and which serves the transmission of human life. For Christians, marriage is a sacrament, and it is the simplest and most effective way to raise children. It is analytically imprecise or inadequate to assert that the Holy Scriptures also contain some homophobic elements (Allen, 2014: 132; Gnuse, 2015). As for the Scripture, humans put their convictions into the text and write in a specific historical context. If we search for the basis of Catholic thinking about homosexuality, these are not the passages in which such acts are condemned. The key to reading anthropology in its Christian variation is the Book of Genesis, in which the story of the creation of humankind is told.

Homophobic fragments are also present in the Pauline epistles. Paul writes that men sleeping with other men will not inherit the Kingdom of God, and those thieves, slanderers and completely ordinary adulterers are included in this category of persons. St. Paul is not saying that these persons cannot be saved, but rather that the only source of salvation is by grace alone, not as a result of acts (Podgórska, 2020).

In the Scriptures, homosexual intercourse was condemned as moral depravity and referred to as “sodomy” (Gen. 1:24–27; Corinthians 6: 10; Timothy 1: 10; Kasprzyk, 2008: 244–245). Sexual activity between persons of the same sex is considered a sin (Polish, 2020).

The concept of homosexuality first appeared in Catholic Church documents in *Persona Humana*: Declaration on Certain Questions Concerning Sexual Ethics, a document approved of and promulgated in 1975 by Pope Paul VI. The Congregation for the Doctrine of the Faith also tackled the topic of homosexual relations (which proves the importance of the problem for the Holy See) and it encouraged Catholics to be respectful of and open towards homosexual persons. Ten years later it unequivocally condemned all kinds of violence and homophobic attitudes towards non-heteronormative persons. Men and women with homosexual inclinations should be treated with dignity and compassion, and any signs of unjust discrimination against them should be avoided (Congregation, 1986; John Paul II, 1995).

In the past, persons with homosexual inclinations were condemned, discriminated against and rejected by society. At present, the official position of the Catholic Church on such relationships strongly forbids all forms of

intolerance and refrains from inciting hatred of other sexual orientations. The New Catechism of the Catholic Church (in its discussion of the sixth commandment of the Decalogue) defines homosexuality as a psychological-moral phenomenon and emphasizes that homosexual inclinations themselves are not sinful. They are a kind of challenge and trial with which the homosexual must struggle, just as every human being must struggle every day against the evil predispositions, he discovers in himself. Morality does not depend on human whims or passing fashions, but rests on the unchanging foundation of natural law, and according to the objective moral order homosexual relations are devoid of the necessary essential order (*Declaration*, 1975). Bearing in mind that the family is based on marriage between a man and a woman, the scenario that the LGBT movements are trying to create for the contemporary world is one of gradual self-destruction of Christian Europe. Therefore, the primary task of the Church is to promote healthy morality and the traditional family.

2. The Church's social teaching on same-sex marriage

The Church's acceptance of homosexual persons does not mean that they have approved such relationships in their formalised, or institutionalised, forms of life. The Church denies non-heterosexual persons' demand for the right to marry, which is perceived as the next stage in the democratic struggle against both injustice and discrimination, and for human rights, which – according to the Church – were written down in the Ten Commandments (Benedict XVI, 2013: 29–30). However, it should be emphasised that the Church's position is not monolithic. There are some who support changing the Church's teaching on the indissolubility of marriage, or on the acceptance of homosexual relationships, and this underlines the need to open up to new pastoral opportunities and not to exclude anyone from the Church (Kard. Marx, 2020).

The Catholic Church has led a defense of the legal and moral standpoint which upholds the unitive and procreative purpose of sexuality. The Catholic hierarchy started to use the term 'gender ideology' in order to counter influence of homosexual movements (Vaggione, 2020: 253). The Catholic Church holds that secular law includes and recognizes the natural law as a 'necessary basis'. The defense of 'humanly created law' based on universal sexual morality is a political priority for the Catholic Church, for whom legal order is endangered by sexual rights. For the Catholic Church law allowing same-sex marriage is not only immoral but also illegal (Vaggione, 2020: 263). For

this reason, there is no blessing on relationships, or partnerships, that involve sexual activity outside of marriage as is the case of the unions between persons of the same sex (Catechism). Since blessings on persons are in relationship with the sacraments, the blessing of homosexual unions cannot be considered licit. This is because they would constitute a certain imitation or analogue of the nuptial blessing (Gen 1:28, Gen 2:18–24) invoked on the man and woman united in the sacrament of Matrimony. Same-sex unions cannot be coordinated with marriage as they cannot ensure the future of society (*Amoris Laetitia*, 41–42).

The declaration of the unlawfulness of blessings of unions between persons of the same sex is not therefore, and is not intended to be, a form of unjust discrimination, but rather a reminder of the truth of the liturgical rite and of the very nature of the sacramentals, as the Church understands them (*Responsum*, 2021).

National churches, each with their own history, structures and interests, may differ in their doctrinal interpretation. Such is the case with the Reformed Catholic Church of Poland. It is the only Christian community in Poland recognised by the state, which blesses same-sex marriage. It is the first-registered Polish Christian community in which same-sex marriage can be contractually fulfilled (*Polish News*, 2020).

The Catholic Church took an unequivocal position on the recognition of same-sex marriage, presented in both the Catechism of the Catholic Church, promulgated in 1992 (nos. 2357–2359), and a document entitled “Remarks concerning legal recognition of partnerships between homosexual persons”, issued in 2003 by the Congregation for the Doctrine of Faith. It was emphasised that respect for homosexuals could by no means lead to endorsement for the recognition of same-sex relationships. The legal norms in force in the respective countries are designed to support and protect heterosexual marriage, because the equation of homosexual and heterosexual unions would lead to a loss of basic values that belong to the common heritage of humanity, and the Catholic Church usurps the right to protect these values for the good of humankind.

The Congregation for the Doctrine of the Faith directly addressed politicians and parliamentarians who were aware of their causal role in the decision-making and law-making processes. Catholic politicians are obliged, in a specific way, to oppose the institutionalisation of relationships among non-heteronormative persons, and the Catholic parliamentarian is obliged to express their objection clearly and publicly. Voting in favour of allowing the recognition of homosexual relationships is an immoral and scandalous

act (Congregation for the Doctrine of the Faith, 2003). Lobbying by international organisations that offer financial aid to support developing countries under the condition that the legislation permitting same-sex marriage be introduced, is seen as a threat by the Church (Relacja i orędzie, 2020). The two-pronged rhetoric of the Church indicated due respect for homosexual persons on the one hand, but on the other hand, relationships between homosexuals are considered to be internally disordered (Congregation for the Doctrine of Faith, 1992).

During the Third Extraordinary General Assembly of the Synod of Bishops (5–19 October 2014), devoted to the family, the extensive position of the contemporary Church on homosexual marriage was elaborated. When announcing the convocation of the Synod in October 2013, Pope Francis ordered the preparation of the *Instrumentum laboris*, i.e. a document containing the general consensus of the bishops on the basis of questionnaires previously sent to the respective episcopates (*È arrivato il momento di discutere*). The *Instrumentum laboris* presented in June 2014 clearly denied the possibility of redefining the concept of “marriage” by introducing legislation permitting a union between two persons of the same sex (Bujak, 2014: 75–76).

Consternation in the Catholic Church has been caused by Pope Francis’ surprising endorsement of same-sex civil unions and has reverberated throughout the Roman Catholic world. The Pope’s statement granting homosexuals the right to be part of the family and indicating the need for legal norms governing the institution of civil unions clearly contradicted previous official Vatican doctrine (*Pope calls*, 2020). According to the hierarchy, the Church cannot support the acceptance of objectively immoral unions, and the definition of marriage as a union between a man and a woman remains intact regardless of the Pope’s comments on same-sex unions (*Statement of Bishop*, 2020). The Pope’s words, on one hand, aroused widespread criticism, but on the other hand, they also found support. Clergy of the Church in Germany and Belgium began to give their blessing to civil unions of non-heteronormative persons as a way of acknowledging the reality of life, but thereby going against the Catechism. To precise the Pope’s words, same-sex marriage cannot be accepted by the Catholic Church as marriage is a sacrament between a man and a woman. Nothing prevents from passing civil laws allowing homosexual couples to have inheritance rights and health care coverage (*Pope: No Same-Sex*, 2021).

The Catholic Church teaches that respect for homosexuals must under no circumstances lead to the approval of homosexual behaviour or to the recognition of homosexual relationships (Position of the Polish Episcopal

Conference). No ideology can deprive the human spirit of the certainty that marriage exists between two persons of different sexes, for there is no basis for comparing, or making an analogy, even a distant one, between homosexual unions and God's plan for marriage and family. Marriage is sacred, while homosexual relationships run contrary to the moral principle of natural law (Congregation for the Doctrine of Faith, 2003). In 1991, Kenya's Roman Catholic bishops prepared guidelines pertaining to same-sex marriage, according to which women involved in such relationships should be refused sacraments (Newton, 2010: 82).

The claim of the Church is that legalising homosexual relationships would result in the negation of fundamental moral values and in the devaluation of the institution of marriage (Kościół o związkach homoseksualnych, 2020). Only heterosexual marriage encompasses the ability to procreate naturally, and this ability forms the limit of individual freedom and the free will of individuals. Omitting the key aspect of having offspring from the sacrament of marriage would reduce it to a certificate of recognition of the will of two persons to live together. Marriage has always performed important social functions, also in legal areas, and it has also functioned on anthropological grounds (Bujak, 2014: 84–86).

Extending recognition of civil marriage to homosexual persons negates the social significance of the family and introduces the individualistic concept of marriage, considered only from the point of view of prohibiting discrimination. The relationship between marriage and procreation is also important for recognising gender equality, both of which are necessary for the transmission of life. The Catholic Church also invokes the UN Convention on the Rights of the Child, which states the child's right to know their parents and to be brought up by them (Convention on the Rights of the Child, 1989), an issue on which those agitating for the recognition of same-sex marriage remains silent. Without depriving homosexuals of their ability to love a child, the Church hierarchs emphasise the multidimensionality of the parent-child relationship, which consists not only of mutual demonstration of feelings, but also – if not above all – of psychological development and the discovery of the child's identity through confrontation and differentiation (Bernheim, 2012). The essence of marriage is sex, i.e. the biological and anthropological difference between a man and a woman, not gender identity (John Paul II, 1981). The cultural value of the durability of monogamous relationships is thus not a sufficient justification for the recognition of same-sex marriage. The Church undoubtedly separates the public and social character of marriage from the private sphere in which homosexual behaviour is to belong (Pontifical Council for the Family, 2000).

3. Christian identity and overview of same-sex marriage recognition

In religious countries it is imperative for the institution of marriage to take place only between a man and a woman, who are bound together to form a family based on both religious and national laws. However, in those countries that have a rather liberal view on religion, religious law does not play any significant role in determining the specificity of a marriage (Yuningsih et al., 2018: 1). Nevertheless, the Church has always believed that it is obliged to assist Catholics in living a moral life. The Church supports the valid autonomy of the temporal order, but it argues that this rightful autonomy does not mean that the temporal order is independent of morality. In particular, the Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life discusses Catholic politicians' duty to oppose the civil laws that contradict fundamental moral absolutes, such as those that pertain to marriage and the family (Paprocki, 2007: 263).

The institutionalisation of same-sex marriage was initiated in many European states via social and legal processes, as a result of which same-sex relationships, as well as their decriminalisation and non-discrimination, gained wide acceptance (Waaldijk, 2001: 439–440). The first states to recognise marriages of a non-heterosexual nature were those that were culturally, socially and religiously diverse, with a well-established separation of authorities from the bodies of the Catholic Church (Haynes, 2010).

As early as 2012 the French Episcopate argued that the dominant position in social discourse defended the legitimacy of recognising same-sex marriage on the basis of the principles of non-discrimination and the protection of personal rights. However, honest public debate and political dialogue are guaranteed only by recognition of the conflict between the meaning of heterosexual marriage and the experience of homosexuality. The free expression of its arguments and beliefs by the Church cannot be called “homophobia” (Elargir le mariage aux personnes de même sexe, 2020).

Not only does marriage form an important ethical commitment – it also guarantees a range of economic and social rights that the majority of civil partnerships do not fully provide for in many states (Colletaz, 2013: 70). Therefore, recognition of same-sex marriage is a key issue for homosexual persons.

As early as in 1989, Denmark was the first country in the world to recognise the registering of civil partnerships for homosexual couples (Waaldijk, 2020: 3). Currently, (only) 30 states worldwide¹ (including those with dominant Catholic religion) recognise same-sex marriage.

In some of them the people decided on same-sex marriage in a referendum (Kuzelewska, 2019; Kraśnicka 2019; Kuzelewska 2015; Kuzelewska 2018a; Kuzelewska 2018b). Europe unquestionably leads, as the first states to recognise same-sex marriage were the Netherlands (in 2001) and Belgium (in 2003) (Scali and D'Amore, 2015: 84). Southern European Catholic-majority states started to recognise same-sex couples in the 2000s and 2010s. As for the Netherlands, it was not only the first state that granted legal recognition to same-sex marriages, but it was also the country that offered the longest period during which the impact of this law on society could be examined. Moreover, prior to legalising same-sex marriage, in 1998 the Dutch legislature formalised the legal concept of a registered partnership, an institution that is identical to marriage in almost every respect, except for the name and tradition (Trandafir, 2009: 1–2).

Despite changing attitudes towards homosexuality and same-sex marriage, the policy change has sparked a continuing heated debate over recognition of same-sex marriage, in which Catholic values and religion predominate. While the Church has not revised its condemnation of same-sex relations, the justifications it offers for this negative judgement have shifted essentially, and they have moved – especially recently – in a direction that brings us closer to acceptance of same-sex relations. Catholic bishops are obliged to properly instruct the faithful about moral issues. As for the Christian identity, the Pew Research Center study shows that Christian identity remains a meaningful marker in Western Europe, even among those who seldom go to church. It is not just a “nominal” identity devoid of practical importance (*Being Christian*, 2018). The vast majority of non-practicing Christians favour same-sex marriage. Church-attending Christians seem to be more conservative on this issue, though even among churchgoing Christians, there is significant support – and in several countries, majority support – for same-sex marriage. In turn, 53% of US Catholics feel that their religious beliefs and homosexuality are in some conflict (Pew Research Center, 2015). More, according to Gallup Institute, in 2013 almost 50% of Americans opposed to same-sex marriage (Saad, 2013) and two-fifths thought that homosexual sex is wrong (Koppelman, 2014: 432). However, American public attitudes toward same-sex marriage have evolved and in 2020 67% (in 2021 70%) say marriages between same-sex couples should be legally valid (McCarthy, 2020, 2021).

Catholic conservatives in Western Europe have understood that sexual freedom is out of dispute and recognition of same-sex marriages is a sign of respect for equal rights. In Western Europe the predominant view is that religion should be kept separate from government policies. In turn, according

to conservatives from the post-communist states, marriage establishes the moral core of the family, and the moral baseline and standards for society. Undoing the definition of marriage as the union of a man and a woman would go against natural law and also against the position of the Church. Opinions about homosexuality in Western and Eastern Europe seem affected by developments in religiosity. The trends in Western and Eastern Europe appear rather different as Eastern Europeans are far more conservative (Halman and van Ingen, 2015).

Religion became a more significant political factor immediately after most post-communist countries declared their independence, but the developments that have since been promoted can be better characterised as gradual changes. Policy preferences are one of the main factors explaining the policy change that relates to the current moral and social controversial issues. Secularisation is seen as yet another factor that permits the introduction of same-sex marriage. The changing public opinion is presently rejecting the official Church teachings on same-sex marriage, which is also a key factor in favour of adopting such rights for same-sex couples. In Eastern Europe younger persons are – in comparison with elders – less opposed to homosexuality and more willing to favor legal same-sex marriage. Still, the prevailing view is that homosexuality is morally wrong, and relatively few young adults (except in the Czech Republic) favor same-sex marriage (Pew Research Center, 2017).

4. Conclusion

For the Catholic Church marriage only between a baptised man and a woman is a sacrament. Therefore, there is no chance to recognise same-sex marriage by the Church. Definition and the meaning of the marriage is written in the Holy Scripture. There is room for everyone in the Church, but there is no consent for same-sex marriage. Same-sex marriage is inconsistent with the Holy Scripture as marriage is based on God's natural law. The natural law cannot be changed by the human unlike church law. For this reason there is no chance for recognition of same-sex marriage by the Catholic Church. However, the world is moving forward and so are the interpretations of what is acceptable by the Church. The social teaching of the Church shifts focus, reinterprets problems of today's world. The official interpretation of Scripture, provided by the Magisterium of the Church, is binding for all Catholics who are supposed to listen to this teaching. It is difficult to reconcile the official teaching of the Church with the recognition

of same-sex marriage. Secular law should take precedence over natural law as not everyone belongs to a religious community.

N O T E

¹ Netherlands, Belgium, Canada, Spain, South Africa, Norway, Sweden, Argentina, Iceland, Portugal, Mexico City, Denmark, Brazil, France, Uruguay, New Zealand, England, Scotland, Wales, Finland, Greenland, Luxembourg, Ireland, United States of America Colombia, Estonia, Gibraltar, Australia, Germany, Malta, Faroe Islands, Austria, Ecuador, Northern Ireland, Taiwan, Costa Rica, Switzerland.

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