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To whom it may concern,

The Catholic Archdiocese of Hobart welcomes the opportunity to provide a submission to the Tasmanian Law Reform Institute's (TLRI) Inquiry into Sexual Orientation and Gender Identity Conversion Practices.

The Archdiocese makes a very significant contribution to the provision of pastoral care, education and social services in Tasmania.

The Church is against any coercive practice that forces people to unwillingly undergo therapy. The Church believes that Tasmania's Criminal Code adequately protects individuals from such practices. The Church is concerned about any law the impacts on the freedom of the Church, families or individuals from pursuing a life that is in harmony with the Church's vision for the human person, human sexuality, marriage and the family.

This submission responds to the TLRI Issues paper and provides some context for Church's views on this topic.

Kind regards,

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Archbishop of Hobart

Catholic Archdiocese of Hobart Response to the TLRI Inquiry into Sexual Orientation and Gender Identity Conversion Practices

1. Introduction

The Tasmanian Law Reform Institute's (TLRI) Inquiry into Sexual Orientation and Gender Identity Conversion Practices was initiated by a community reference from bodies representing various LGBTQA+ organisations which was adopted by the TLRI Board in 2018. The purpose of the Inquiry is for the TLRI to undertake research and consultation as to whether and how Tasmanian Law should be reformed in response to contemporary evidence of the harm caused by what is referred to as 'Sexual Orientation and Gender Identity Conversion Practices.

The Catholic Archdiocese of Hobart is grateful for the opportunity to respond to the TLRI Issues Paper 31 on this issue.

The Catholic Church is concerned to defend the dignity of the human person and assist them in achieving their final end, which we believe is relationship with God in Heaven. It proposes a way of life it believes is true and if followed will lead to human flourishing.

This submission provides a response to the TLRI Issues Paper. It then details the Church's vision in terms of the human person, human sexuality, marriage and the family. The submission also covers the issue of the freedom of the Church, of families and of individuals in relation to teaching and practices connected to human sexuality.

2. Response to TLRI Issues Paper

In this submission we seek to make the following key points:

- 1) The Catholic Church is opposed to anyone being forced to undergo any kind of procedure, whether medical, psychological, spiritual or otherwise, against their will.
- 2) The Catholic Church believes that there are sufficient legal protections and punishments in the Tasmanian Criminal Code for those who would seek to force individuals to undergo any kind of procedure, whether medical, psychological, spiritual or otherwise, against their will.

- 3) Evidence shows that some individuals who experience same-sex attraction at one point in their life can go on to develop an attraction to someone of the opposite sex and vice versa.¹ As to the cause of these changes Lisa Diamond has concluded that: “*The question of why such changes occur and why they appear to occur more commonly in women than men remains an active and unresolved topic of debate,*”.²
- 4) As the causes of sexual attraction re-orientation are unresolved, it is premature for the law to preclude the development of forms of therapy that could help people who would like to seek help in shaping their sexual desires.
- 5) There have been studies published in peer reviewed journals in the last decade that have shown that therapy has helped a number of people in re-orienting their sexual desire. These studies have also found that there were no obvious signs of psychological harm caused by the therapy.^{3,4}
- 6) Evidence shows that those experiencing gender dysphoria can either with or without the intervention of particular practices undergo a change so that they either no longer experience such dysphoria or such dysphoria does not cause any distress in living in accordance and being identified in terms of their biological sex. This shows that such interventions or practices seeking to help the person live according to their biological sex are not in themselves inherently harmful.
- 7) Individuals should have the option of seeking assistance to address issues relating to the nature of their sexual attraction or gender identity when undertaken with their full knowledge of the potential benefits and negative side effects of this assistance and full consent. The role of government, as it does with a range of activities, is to ensure that the principles of informed consent guide any access to therapy. This is the case with medication, surgical procedures and psychological treatment.
- 8) The government should not seek, and we would argue does not have the authority, to place restrictions on speech or practices which are based on deeply held beliefs about the nature of the human person and which by their stated aim do not intend to inflict harm or suffering on others.

¹ Lisa M. Diamond & Clifford J. Rosky, “Scrutinizing Immutability: Research on Sexual Orientation and U.S. Legal Advocacy for Sexual Minorities”, *THE JOURNAL OF SEX RESEARCH*, 53(4-5), 363–391, 2016.

² Diamond et al, *Scrutinizing Immutability: Research on Sexual Orientation and U.S. Legal Advocacy for Sexual Minorities*.

³ Elan Y. Karten & Jay C. Wade, “Sexual Orientation Change Efforts in Men: A Client Perspective,” *The Journal of Men’s Studies* 18:1 (2010): 84-102.

⁴Stanton L. Jones & Mark A. Yarhouse, “A Longitudinal Study of Attempted Religiously Mediated Sexual Orientation Change,” *Journal of Sex and Marital Therapy* 37:5 (2011).

3. The Catholic Perspective on the Human Person, Human Sexuality, Marriage and the Family

The Dignity of the Human Person

- The Catechism teaches: “Being in the image and likeness of God the human person possesses the dignity of a person, who is not just something, but someone. He is capable of self-knowledge, of self-possession and of freely giving himself and entering into community with other persons. And he is called by grace to a covenant with his Creator, to offer him a response of faith and love that no other creature can give in his stead.” (CCC #357) This principle means that the work of the Catholic Church in Tasmania and its agencies always seek to serve the good of the person and deeply respect the dignity of each person no matter what their circumstances.
- **The Human Person: Male and Female He Created Them:** In the context of the discussion about sex and gender in our society, the Church holds a vision of the human person that “sees sexuality as a fundamental component of one’s personhood.”⁵ Hence while men and women as individuals both share an equal dignity before God, they are fundamentally different expressions of the human person. The sexual differences between men and women does not stem from purely biological differences but also exist at a psychological and spiritual level.⁶ This sexual difference “is not meant to stand in opposition, or to subordinate, but is for the sake of communion and generation.”⁷ This difference is ontological at the level of personhood over and above biology but is made visible through a sexually differentiated body.⁸
- Additionally, a complementary relationship exists between men and women. God made Adam and Eve not for solitude but for each other.⁹ When a man and woman are united through marriage, their union creates a whole that is greater than the sum of the parts.
- Recent changes in legislation and new political ideologies have emerged to challenge the Church’s understanding of sex and gender. ¹⁰ Gender ideology is based on the idea that “denies the difference and reciprocity in nature of a man and a woman and envisages a society without sexual differences.”¹¹ As a result the sex and gender of a person become radically separated and their gender becomes a fluid reality. In contrast, the Church acknowledges that sex and gender can be distinguished but not be separated.¹²

⁵ *Male and Female He Created Them Towards a Path of Dialogue on the question of Gender Theory in Education Vatican City 2019, n. 4*, http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20190202_maschio-e-femmina_en.pdf

⁶ Congregation For The Doctrine Of The Faith, *Persona Humana, Declaration on Certain Questions Concerning Sexual Ethics*, 29 December 1975, 1. https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19751229_persona-humana_en.html

⁷ Pope Francis, General Audience, 15 April 2015, http://www.vatican.va/content/francesco/en/audiences/2015/documents/papa-francesco_20150415_udienza-generale.html

⁸ Pope John Paul II, General Audience, 14 November 1979, http://www.vatican.va/content/john-paul-ii/en/audiences/1979/documents/hf_jp-ii_aud_19791114.html

⁹ Genesis 2:20-25

¹⁰ *Amoris Laetitia*, no 56, http://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia.html

¹¹ Ibid.

¹² Ibid.

A Vision for Human Flourishing

- **Family as the basic cell of human life:** The Church defends the natural family as the vital unit of human life: “The family is the original cell of social life. It is the natural society in which husband and wife are called to give themselves in love and in the gift of life. Authority, stability, and a life of relationships within the family constitute the foundations for freedom, security, and fraternity within society. The family is the community in which from childhood, one can learn moral values, begin to honour God, and make good use of freedom. Family life is an initiation into life in society.” (CCC #2207) It is for this reason that the Church teaches that marriage should be between a man and a woman. It supports the complementarity of husband and wife, father and mother.
- **The Sacrament of Matrimony:** The sacrament of matrimony is one of the Catholic Church’s seven sacraments. This sacrament creates a conjugal bond between a husband and wife and also with Jesus Christ, who acts to enrich the human love of the spouses with Divine grace. The Church teaches that marriage is “*the intimate community of life and love which constitutes the married state has been established by the Creator and endowed by him with its own proper laws.... God himself is the author of marriage.*”¹³
- **The importance of the virtue of chastity:** The Church teaches that the virtue of chastity is an important virtue not just for married people but also for lay people who are not married as well as for people who have taken a formal vow of chastity as part of their ordination to the priesthood or consecration to religious life. Young people who might be preparing for married or religious life benefit from growing in this virtue. Those who are not planning on entering religious life or the sacrament of marriage also benefit from the growth of the virtue of chastity as well as other virtues. This development of virtues helps their growth as a human person.
- **Sexual activity outside the context of marriage:** The sixth commandment is not only part of the Jewish tradition but also in the Christian tradition. Consequently, sexual acts outside the context of marriage are considered sinful and not in harmony with human flourishing.

Pastoral Response for those who experience same-sex attraction

- The Catholic Church teaches that:

*“The number of men and women who have deep-seated homosexual tendencies is not negligible. This inclination, which is objectively disordered, constitutes for most of them a trial. They must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided. These persons are called to fulfill God's will in their lives and, if they are Christians, to unite to the sacrifice of the Lord's Cross the difficulties they may encounter from their condition.”*¹⁴

¹³ *Gaudium et Spes*, no 48, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html

¹⁴ Catechism of the Catholic Church, no 2358, https://www.vatican.va/archive/ENG0015/_INDEX.HTM

- The Church has taught that it is necessary for all Christians to behave in such a way that “no one should suffer bullying, violence, insults or unjust discrimination based on their specific characteristics,”¹⁵.

4. Freedom and the Limits of Laws

Freedom of the Church

- The Catholic Church following the teaching of Jesus on the relationship between the Church and government, in particular the command to ‘Render unto to Caesar what is Caesar’s and God what is God’s’ (Matt 22:21), established the principle referred to as the ‘Freedom of the Church’. Jesus’ teaching asserted that while Catholics should obey the just laws and commands of their civil rulers their first and highest allegiance is always to God and his Commandments. This means that the government has no authority to interfere with the preaching, teaching and sanctifying mission of the Church. As the Second Vatican Council Declaration on Religious Freedom, *Dignitatis Humanae* teaches, this principle holds that “the Church should enjoy that full measure of freedom which her care for the salvation of men requires”.¹⁶ Catholic teaching therefore does not recognise government as having the authority to:
 - limit, prevent or penalise the Catholic Church or any other Church from/for teaching its theological and moral vision for human sexuality, relationships, marriage and the family in its parishes and agencies (social services and education).
 - limit, prevent or penalise the Catholic Church or any of its agencies from/for supporting a student who is experiencing gender dysphoria by supporting the watchful waiting approach without any chemical intervention.
 - limit, prevent or penalise the Catholic Church in providing spiritual direction to people within or outside the context of the Sacrament of Reconciliation.
 - limit, prevent or penalise the Catholic Church from/for running pastoral programs that provide support to people who are seeking to grow in the virtue of chastity.

Freedom of the Family

- The Church also maintains that parents have a particular responsibility in the formation of their children for which they are answerable to God alone. This also means that the government does not have any authority to prevent or penalise parents in/for forming their children in matters of human sexuality, relationships, marriage and the family according to true understanding of human flourishing.¹⁷

¹⁵ *Male and Female He Created Them*, 16.

¹⁶ *Dignitatis Humanae*, no 13, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html

¹⁷ Compendium of the Social Doctrine of the Catholic Church, no 239,

http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html

Freedom of Individuals

- Finally, the Church also holds that government does not have the authority to limit, prevent or penalise an individual from/for seeking help from their GP, mental professionals, counsellors or spiritual guidance from members of their faith community to assist them in their quest to flourish as a human person. As *Dignitatis Humanae* asserts the human person has both an obligation and right to pursue the truth, this includes the truth about the human person, and once known to live according to the truth.¹⁸

5. Conclusion

The Catholic Church in Tasmania is against the use of any coercion to force people to undergo any kind of therapy. The current form of the Tasmanian Criminal Code has laws that provide adequate protection to prevent any coercive practices.

There is evidence to show that the orientation of a person's sexual attraction and/or the gender that they identify as can change over a period of time with or without therapy.

No law should seek to limit the freedom of the Church, the family or the individual from teaching the Church's vision of the human person, human sexuality, marriage and the family or from providing any pastoral practice that assists members of the Church from living a life in harmony with this vision.

¹⁸ *Dignitatis Humanae*, no 1.