

# Respect With Recognition? A Defence of the OCSTA's "Respecting Difference" Policy

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Article abstract

Philosopher Lauren Bialystok argues that some of the ideas within Ontario's Catholic trustees' document entitled 'Respecting Difference' fail to respect homosexual Catholic schoolchildren. I argue that Bialystok's argument is unsuccessful because she begs at least three questions.

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# *Respect With Recognition? A Defence of the OCSTA's "Respecting Difference" Policy*

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M. JORDAN

## **Bialystok's Case**

Philosopher Lauren Bialystok (2014) argues that Catholic trustees failed to respect homosexual students as persons when the trustees proposed the ideas and philosophy within the document entitled *Respecting Difference* (2012) —a policy document by the Ontario Catholic School Trustees' Association (hereafter the OCSTA) aimed at curbing bullying within Ontario's public Catholic schools. Bialystok's argument relies upon a handful of modern philosophers who have spoken about what it means to respect persons. Bialystok states that, while those philosophers disagree on some ideas, there seems to be agreement among them on one issue:

Philosophers are far from any consensus on what makes all people deserving of respect, even though some form of respect is thought to be due to everyone. However, there is notable agreement about what is not the basis for respect. None of the definitions surveyed requires that respect is contingent on moral approval of a person's beliefs or actions. Rather, they show that respect requires the willingness to see another person as an authority on her own identity, someone who is not reducible to my categories and judgments, who exists as more than a mere object of my experience. Respect confirms that the other is her own person. (2014, p. 12)

This conception of what respect for persons involves is allegedly problematic for Catholic leaders because, in a companion document to *Respecting Difference*, they claim that the words "gay" and "lesbian" are not actual descriptive words of persons in the fullest sense, and moreover, they claim that those word meanings are closer to cultural constructions used by people who deem homosexual acts to be morally good (Episcopal Commission for Doctrine of the Canadian Conference of Catholic Bishops, 2011, p. 1). Apparently, for Bialystok, this idea, along with the notion that homosexual persons are "individuals who are dealing with same sex attraction or issues of gender identity" (OCSTA, 2001, p.1), is problematic because, in saying this, the trustees or Catholic leaders do not allow students with same-sex attraction the authority to define their sexual identity without reproach. (Bialystok, 2014, p. 13) This, according to Bialystok, is to fail to afford homosexual students respect as persons. Bialystok states further that "Catholics may personally regard homosexual acts with distaste or disapproval but recognize that sexual identity is not for them to assign to others" (p. 13).

In summary: Bialystok claims that Catholic trustees interfere with a homosexual student's authority in the identification of his sexuality or sexual identity. From this, using a model of respect for persons allegedly championed by some philosophers, Bialystok infers that these trustees and leaders do not respect such students as persons.

## An Evaluation: Questions Begged

In evaluation of her argument, I find that Bialystok begs important questions and hence fails to prove the conclusion of her argument. What follows is a discussion of three questions begged by Bialystok's argument.

### A Contentious and Presumed Definition

Bialystok offers several conceptions of respect for persons, which are arguably inconsistent with the thought in *Respecting Difference*, but she did not try to establish that her elected conception of respect for persons is true. That is problematic, for even if Bialystok were correct about this so-called inconsistency, that would only establish that the ideas within *Respecting Difference* and her proposed conception of respect for persons are not both true; hence, either one is false and the other is true, or else they are both false. Yet, from Bialystok's argument, we did not learn which among them is true, or false. Bialystok's argument gives no reason to think that any idea within *Respecting Difference* is inconsistent with any *true* conception of respect for persons—that argument is not made. Hence, Bialystok begs a question when she treats her elected conception of respect for persons as if it were true or as if it were argued to be true. Bialystok cannot presume any of that which is at stake, particularly not with the authors of *Respecting Difference*.

The important point to grasp here is that Bialystok's argument, at most, only establishes that some of the ideas within *Respecting Difference* are inconsistent with her elected definition of respect for persons. It was not argued that some of the ideas within *Respecting Difference* fail to be consistent with a *true* definition of respect for persons. Thus, by treating her definition of respect for persons as if it were true, or established as true, Bialystok presumes rather than proves ideas controversial to some of her Catholic opponents, and hence she begs a question against those opponents.

Suppose a critic of mine were to reply that Bialystok does not rely on the truth of her definition. Here my critic might say that Bialystok only relies on there being a sort of consensus on the definition of respect for persons. Thence, my critic might say that my argument is misplaced in its reference to truth. In response to my hypothetical critic, I would resist this criticism. I will explain why, but first let me return to what Bialystok says.

In her essay, Bialystok states that the authors of *Respecting Difference* judge that students who have defined themselves as LGBT are incorrect about their identity. Bialystok states that “this type of judgment (even if it were warranted) is inconsistent with respect for persons, giving the lie to the claim that the Catholic religion respects all people” (2014, p. 13). That last clause is important, because it is relevant to the argument I offer now.

If it were true that some of the ideas within *Respecting Difference* were *inconsistent* with her surveyed definition of what respect for persons involves, then, from this, as a matter of logic, it would only follow that not both the definition and those ideas within *Respecting Difference* are true. However, Bialystok's last clause is an inference: she *infers* that the Catholic religion does not respect all people, and infers that from the alleged inconsistency. But that is a formally invalid inference. Bialystok needs to

secure the truth of her definition in order to make her inference valid. Remember: The existence of this so-called inconsistency only tells us that not both the ideas in *Respecting Difference* and her surveyed definition are true—it does not tell us which one is true, or false; this means that Bialystok cannot validly infer the proposition that the Catholic religion does not respect all people, at least not until she secures the truth of her definition. Therefore, seeing that Bialystok makes this inference, we have good reason to think that Bialystok relies on the truth of her definition, not on some consensus, because the validity of her inference depends upon the truth of that definition.<sup>1</sup> A mere consensus does not grant her a valid inference.

Furthermore, even if Bialystok does not present her definition as if it were true, but instead only aims to depict a consensus among a handful of philosophers, then she would still leave us with no good reason to accept that definition.<sup>2</sup> For we would still be left ignorant about whether these philosophers have sufficient reason to accept that definition, and whether all philosophers agree. We also would not know why *we* should agree, nor why *Catholics* should agree. These questions are unanswered; hence, we are presented with no good reason to accept Bialystok's definition. Thus, I reiterate: No argument was made that showed that Bialystok's definition of respect for persons is true, or even just rationally compelling.

Suppose my critic were to argue that Bialystok's argument is just this: "There is an inconsistency between the definition offered by those elected philosophers and the ideas within *Respecting Difference*; hence, if that definition of respect for persons were accepted as true, or if this definition were true, then it would follow that the authors of *Respecting Difference* or the Catholic religion does not respect all persons." How about this argument? Does it succeed in securing Bialystok's position? No, this argument fails, and it fails because there is no offered reason to accept this definition in the first place, so its conclusion is unsubstantial. That argument would just be about what would follow if we were to accept that definition or if it were true—it does not show us that the ideas within *Respecting Difference* or the Catholic religion actually fail to respect all persons. In fact, on this argument, the Catholic trustees or leaders would be free to agree that the ideas within *Respecting Difference* are inconsistent with *that* selected definition of respect for persons and yet also claim that the ideas within *Respecting Difference* are consistent with a different understanding of respect for persons,<sup>3</sup> one such as the Thomist-Kantian understanding developed by John Paul II (for one such account, see Williams, 2005).

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<sup>1</sup> Properly formed, Bialystok's argument is this: (1) My proposed definition of respect for persons is true and (2) the Catholic religion and some of the Catholic ideas within *Respecting Difference* are inconsistent with my proposed definition of respect for persons; hence, (3) it is a lie or false that the Catholic religion and all of the ideas within *Respecting Difference* respect all persons. My objection to this argument is that the first premise is a presumption contentious to some of her Catholic opponents—it was not presented with a defence. Thus, the argument begs a question. Without a defence for the truth of that definition, one might wonder why the authors of *Respecting Difference* could not just reply to Bialystok with the following: If your definition of respect for persons is inconsistent with the Catholic religion and the some of the Catholic ideas within *Respecting Difference*, then so much the worse for your definition.

<sup>2</sup> The lack of given reason to accept the definition as true becomes especially problematic when that definition is later used to claim that the Catholic religion does not, in fact, respect all people. Stigmatizing claims such as that seem to warrant a claim to truth, not just a consensus from a handful of philosophers, none of whom speak from the Catholic personalist tradition.

<sup>3</sup> It is important to understand that the authors of *Respecting Difference* do not need to offer reason to think that their utilized understanding of respect for persons is true. *Respecting Difference* is only a policy document, or perhaps it is a statement of position or action. That is it. *Respecting Difference* is not meant to be a philosophical treatise or

## A Contentious and Presumed Right

In her seventeenth footnote, Bialystok (2014) writes this:

This is not to say that Bill 13 entails no constraints on Catholic educators' freedom. It clearly does. But their right to enforce education protocols that they view as consistent with Catholic teaching is overridden by the more fundamental and universal rights of every Canadian to be respected and protected from violence. This may entail that the existence of a self-governing Catholic school board is in itself unjustified, but I leave that discussion for another time. (p. 16)

However, nowhere in her essay does Bialystok *argue* that there is a right to be respected as she understands the notion of respect. Instead, Bialystok describes some different takes on respect for persons, but nothing amounts to an argument that such a right exists. For instance, on page 12 of her essay, Bialystok speaks about what persons deserve, but she merely extrapolates from some of the philosophers' definitions or models of respect for persons. There is no *argument* that persons really do deserve such things. Bialystok merely presumes that such a right exists; thus, she offers no reason to think we really do have such a right or deserve such a thing.

To be clear: I am not suggesting that persons do not have a right to be treated with respect, in some sense, but I am saying that Bialystok does not try to show that persons have a right to respect as she understands the concept of respect. By presuming that her conception of respect for persons is something to which all people are entitled, Bialystok presumes rather than proves ideas controversial to some of her Catholic opponents; hence Bialystok begs a question against those Catholic opponents.

## A Contentious and Presumed Authority

Consider the quote by Bialystok (2014) cited above wherein she states that "respect requires the willingness to see another person as an authority on her own identity" (p. 12). Nowhere did Bialystok argue that persons have this authority—it seems to be a presumption. What is more, it is unclear which sort of authority they allegedly possess. *Prima facie*, in this case, authority can either be epistemological, ontological or political—I can think of no other sort. Epistemological authority is the licence to promulgate one's (sexual) identity. This authority would oblige other people to accept one's promulgation to be true, all without necessitating that the promulgation is actually true. Ontological authority is the authority to *truly* define one's own (sexual) identity, as if it were by fiat or a matter of one's subjectivity. Political authority can be expressed as a legitimate imperative for everyone else to treat one *as if* his or her promulgations on their self-identity or sexual identity were true, regardless of whether anyone else agreed that these promulgations were true. With each of these authorities, there is a problem: Epistemological, ontological and political authority, in those aforementioned senses, is hostile to Catholic thought or the purpose of Catholic education; hence when Bialystok *presumes* any form of authority in her argument, she begs a question. I argue for this below.

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argument, and therefore it does not need to justify its chosen model of respect as if it were presenting a philosophical argument.

The presumption that a person has the epistemological authority to oblige agreement from other people, even when he is in disagreement with the Church, denies the alleged epistemological authority of the Church, an authority that the Church believes extends from divine privilege and its access to Sacred Scripture, Sacred Tradition, and natural law. This is not to say that an individual person, a schoolchild or otherwise, has no epistemological authority regarding his personal or sexual identity, but just that, from the Catholic perspective, he is not the only authority, and that his opinion, though valuable, can be equaled or trumped by other views, such as the view of the Church. Thus, this epistemological authority of the person, a schoolchild or otherwise, is contrary to Catholic teaching, and so it cannot be presumed without begging a question.

Now consider ontological authority. From the Catholic perspective, the presumption that a person has such an authority usurps the creative role of God, He who is taken to be the creator of every person and of human sexuality. From the Catholic perspective, human beings only recognize His created goods. We are neither the creators nor arbiters of them. Thus, usurping God's role, in full or part, is taken to be self-idolatry, something which the Church resists and rejects, and so this alleged authority cannot be presumed without begging a question either.

Finally, consider political authority. Political authority does not explicitly lead to epistemological or ontological authority, but it does demand that Catholic schools act disingenuously toward schoolchildren, treating them in ways that functionally deny Catholic teaching. When I speak of a functional denial, I mean to say that that this alleged authority would demand that Catholic schools remain silent about the Church's teaching on sexuality, or at least that the schools do not challenge students to reconsider non-Catholic ideas on sexuality. In doing this, the schools would behave as if the Church does not negatively evaluate such LGBT conceptions of sexual identity. The schools would behave as if the Church does not view homosexuality as an objective disorder and the appropriate ordering of human sexuality as heteronormative (Congregation for the Doctrine of the Faith, 1975, 1986; Catholic Church, 1994, para. 2357–2361).<sup>4</sup> This functional denial would create scandal through negligence, since the schools would therefore fail to address student opinions deeply contrary to the Catholic faith, which would then allow Catholic students to fall astray from the teaching of the Catholic faith. Such a proposed authority is surely denied and resisted, particularly within Catholic schools, because these schools are institutions existing, in part, for the purpose of confronting and correcting error identified from the Catholic perspective. Thus, that sort of political authority cannot be presumed without begging a question.

Hence, whichever sense of authority Bialystok means, it is at odds with Catholic thought or the purpose of Catholic education, and so none can be presumed. Bialystok must argue for whichever

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<sup>4</sup>The claim of the Church is not that the homosexual person himself is disordered, evil, sinful, or bad, but only that the orientation or inclination toward homosexual acts is disordered. Likewise, if a person is ill-tempered, then he has a disorder, for he deals with an inclination or an urging directed toward certain improper or bad acts, such as those made in wrath or vengeance. But the personhood of the ill-tempered man is not disordered, nor is he bad, evil or sinful in virtue of being ill tempered. He can still be a morally good man, even a saint. In fact, he might not ever act in wrath or vengeance. The same reasoning holds for persons with same-sex attraction. For the Church, we all have our struggles with temptation, though our personhood is not defined by them.

authority she means, or else she begs a question. Yet Bialystok does not argue for this authority, and so, she begs a question.<sup>5</sup>

Taken together, these begged questions are not fatal to Bialystok's arguments—Bialystok's arguments have not been shown to have false premises or conclusions. Likewise, I have not here argued that Catholic teachings are true, nor do I need to argue that. My point is merely that these three begged questions are sufficient to show that Bialystok has failed to successfully argue that some of the ideas within *Respecting Difference* do not respect homosexual students as persons; hence Bialystok has failed to make her case.

### Another Point of Contention

Bialystok might reply that even if trustees do not need to grant students such an authority as mentioned earlier, the OCSTA still “persistently refuses to recognize sexual identity in terms that make sense to LGBT people themselves, as true respect requires” (Bialystok, 2014, p. 13). If I could make a rejoinder, I would say this: Catholic schools are religious schools. Their point of existence is to preserve and transmit Catholic belief, identity and conception of the good to those students who elect to attend a Catholic school or whose parents or guardians elect for them. In refusing to recognize such student sexual identity, the Catholic trustees fulfill their duty to that student person, or the parent or guardian of that student, offering them the freedom for Catholic excellence. This insistence on Catholic metaphysical and moral ideas is arguably *not* disrespecting persons. In fact, this insistence is seemingly consistent with some models of respect for persons. Consider what philosopher J. Raz (1998) says:

Respecting people as rational self-directing agents does not require desisting from following true beliefs which those people dispute. The suggestion that it does have this implication confuses respect for people, because they have rational powers, with respecting their currently held views. That people have rational powers means that they are not stuck with the views they have at any given time, that they can examine and revise them. We are considering the response to the fact that they have false beliefs. Given that they are rational we expect them to examine and revise such beliefs, and if we have any duties in this matter it is to encourage such reexamination. (p. 43)

That last sentence is important. My point in quoting Raz is to note that not all proposed conceptions of respect for persons seem to require that the OCSTA recognizes sexual identity in ways sensible to LGBT persons themselves. Likewise, not all proposed conceptions of respect for persons seem to require the OCSTA to recognize students as authorities on their sexual identity. On Raz's model, it

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<sup>5</sup> It is important to understand that, for the purposes of my argument, I do not need to argue that students do not have the sort of authority presumed by Bialystok. I also do not need to argue that the denial of such authority within the Catholic schools is appropriate behaviour or grounded in truth. I only need to argue that Bialystok presumes ideas contentious to her opponents within her argument; hence, it follows that Bialystok begs a question. In contrast, as I mentioned earlier, the authors of *Respecting Difference* can afford to initially presume the truth of their ideas, since *Respecting Difference* is only a sort of policy document or a statement—it is not a philosophical argument aimed to show the truth of their positions.

seems that Catholic educators, administrators and trustees *can* challenge student beliefs and encourage reexamination when, from the Catholic perspective, their beliefs are false. We might further add that it is their duty to do so as their Catholic school leaders and teachers. Indeed, as Catholic school leaders and educators, it is their *duty* to instruct and guide such schoolchildren in the Catholic truth, which is the sort of instruction students or their parents or guardians freely elect through enrolment in a Catholic school.<sup>6</sup> Raz's model of respect seems to free the way for such an instruction.

Thus, there seems to be no inconsistency between this understanding of respect for persons and the relevant ideas within *Respecting Difference*, and therefore the OCSTA seems free to claim that the ideas within *Respecting Difference* are consistent with at least some understandings of respect for persons.

## Conclusion

In conclusion, I have explained Bialystok's argument and then argued that Bialystok commits the fallacy of begging the question. From there, I turned my attention toward whether some relevant aspects of respect for persons are consistent with the contentious ideas within *Respecting Difference*, and I have provided some reason to think so. Thus, I have made my case, and I therefore conclude that Bialystok's argument fails.<sup>7</sup> Future discussions might be more appropriately directed at determining which definition or understanding of respect for persons is true, or at least appropriate for a Catholic school, if any at all.

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<sup>6</sup> It is important to understand that the Catholic challenge to those LGBT identities that do not conform to the Catholic faith is not something that violates freedom of conscience and belief. Ultimately, students, *as persons*, are politically free to believe whatever they wish about their identities. Nothing about this admission suggests that Catholic educators cannot challenge such student beliefs about their identities within a Catholic school. Likewise, nothing about this admission suggests that persons, *as Catholics*, are free to promote identities and lifestyles contrary to Catholic teachings and its *ethos* within Catholic schools, or even at all. If a person is a Catholic, then there are certain ideas he is expected to believe and cannot publicly denounce, lest he risks finding himself excommunicated, sanctioned or denied communion. This is not a draconian measure: it is necessary to preserve an intelligible Catholic identity and its claim to truth (Chaput, 2015).

<sup>7</sup> Nothing I have argued for within this paper should suggest I believe that the Gay-Straight Alliances (GSAs) spoken of within Bialystok's essay are inappropriate within Catholic schools—I have remained silent on that matter. I also have not commented on whether GSAs will alleviate or challenge bullying or improve the self-confidence of students who uphold a sort of LGBT identity. These are valid concerns, but they are not concerns addressed within this paper.



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