

THE OPEN DEBATE: MORAL THEOLOGY AND THE LIVES OF GAY AND LESBIAN PERSONS

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[In this final section of the Notes on Moral Theology the author explores the extensive work of Catholic moral theologians reflecting on morality and the lives of gay and lesbian persons. He demonstrates that moral theologians not only critically engage a variety of statements by the different offices of the magisterium, but also investigate the topic by using the resources of the tradition: Scripture, the natural law, theological writings, and human experience. The result is a highly responsible open theological debate that studies not only the lives of some believers but the Church itself.]

AS I WRITE THIS NOTE during the fall of 2002, I am aware of the effect that the sexual abuse crisis has had on our churches. I believe that now more than ever we must have in the Church the space to discuss respectfully and without fear of reprisal the nature of our magisterial teachings and theological opinions on sexuality in general and homosexuality in particular.¹

MAGISTERIAL TEACHING ON HOMOSEXUALITY

In his scholarly investigation of church teaching on homosexuality from the tenth to the twentieth century, Mark Jordan makes the case that magisterial teaching on the topic is not only inconsistent but actually incoherent because “from the beginning, ‘sodomy’ has meant whatever anyone wanted

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¹ To narrow the scope of this bibliographic overview, I have focused on the work of Catholic moral theologians or those contributing to Catholic moral discourse. On a few occasions I refer to the work of other Christian ethicists.

it to mean.”² In recent years, however, the teaching on gay and lesbian persons by Vatican congregations and the hierarchy has been rather consistent. In his study of debates on homosexuality, Carlos Domínguez Moran notes that in comparison to the other Christian churches, the Vatican’s position has changed only a little, even though a lively debate exists within the Church at every other level.³ The Vatican’s teaching remains so because its contemporary exponents privilege as a condition of truthfulness a teaching’s unchanged status.⁴ Thus, those who explain and defend contemporary magisterial teachings, like the magisterial teachers themselves, do not countenance debate, innovation, or investigative discourse.⁵ Nonetheless, even these writings generate debate.⁶ J. Giles Milhaven explains that this is because “the Vatican teaches and commands the opposite of what a large portion of pastors encourage, theologians teach, and ordinary Catholics in good conscience do.”⁷ Thus, the late Javier Gafo declared the debate over homosexuality as unavoidably an open one.⁸

A variety of approaches to this debate can be used. In order to facilitate this bibliographical overview, I propose three divisions: critical reaction, specific moral theological investigations, and power, language, and expe-

² Mark D. Jordan, *The Invention of Sodomy in Christian Theology* (Chicago: University of Chicago, 1997) 163; also his *The Silence of Sodom: Homosexuality in Modern Catholicism* (Chicago: University of Chicago, 2000). See also John Boswell, *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century*. (Chicago: University of Chicago, 1981).

³ Carlos Domínguez Moran, “La homosexualidad en el sacerdocio y en la vida consagrada,” *Sal terrae* 90 (2002) 129–40, at 134. See his extended study, “El debate psicológico sobre la homosexualidad,” in *La homosexualidad: un debate abierto*, ed. Javier Gafo (Bilbao: Desclée de Brouwer, 1997) 13–95.

⁴ See Peter Black and James F. Keenan, “The Evolving Self-understanding of the Moral Theologian: 1900–2000,” *Studia Moralia* 39 (2001) 291–327.

⁵ Ronald Lawler, O.F.M. Cap., Joseph Boyle, Jr., and William E. May, *Catholic Sexual Ethics: A Summary, Explanation, and Defense*, second edition (Huntington, Ind.: Our Sunday Visitor, 1998) 185–93, 201–5; John Harvey, O.S.F.S., *The Truth about Homosexuality: The Cry of the Faithful* (San Francisco: Ignatius, 1996.). For a comprehensive survey, see Thomas Thurston, *Homosexuality and Roman Catholic Ethics* (San Francisco: International Scholars Publications, 1996).

⁶ Gerald Coleman reviewed Harvey’s book in *Theological Studies* 58 (1997) 398–99. Subsequently May critiqued Coleman who in turn responded: “*Quaestio Disputata: Harvey’s The Truth about Homosexuality*,” *TS* 58 (1997) 718–22.

⁷ J. Giles Milhaven, “How Can the Church Learn from Gay and Lesbian Experience,” in *The Vatican and Homosexuality: Reactions to the “Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons,”* ed. Jeannine Gramick and Pat Furey (New York: Crossroad, 1988) 216–23 (hereafter, *The Vatican and Homosexuality*).

⁸ *La homosexualidad*, ed. J. Gafo (see above n. 3).

rience. These could be called phases in the development of the debate, but only loosely so.

Critical Reaction

In its “Letter to Bishops on the Pastoral Care of Homosexual Persons” (1986), the Congregation for the Doctrine of the Faith stipulated its position on homosexuality: “Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered toward an intrinsic moral evil; and thus the inclination itself must be seen as an objective disorder.”⁹ The Congregation added “only in the marital relationship that the use of the sexual faculty can be morally good. A person engaging in homosexual behavior therefore acts immorally.” “To choose someone of the same sex for one’s sexual activity is to annul the rich symbolism and meaning, not to mention the goals, of the Creator’s sexual design. Homosexual activity is not a complementary union, able to transmit life; and so it thwarts the call to a life of that form of self-giving which the Gospel says is the essence of Christian living. This does not mean that homosexual persons are not often generous and giving of themselves; but when they engage in homosexual activity they confirm within themselves a disordered sexual inclination which is essentially self-indulgent.”¹⁰ Finally, regarding the use of Scripture, the Congregation warned: “It is likewise essential to recognize that the Scriptures are not properly understood when they are interpreted in a way which contradicts the Church’s living Tradition. To be correct, the interpretation of Scripture must be in substantial accord with that Tradition.”¹¹

The Congregation’s Letter generated extensive critical reaction. Four

⁹ Congregation for the Doctrine of the Faith, “Letter to Bishops on the Pastoral Care of Homosexual Persons,” [dated October 1, 1986] *Acta apostolicae sedis* 79 (1987) 543–54; *Origins* 16 (November 13, 1986) 377, 379–82 (para. 3). For an attempt at mediating the concerns of the Congregation with the experience of gays and lesbians, see Archbishop John R. Quinn, “Toward an Understanding of the Letter ‘On the Pastoral Care of Homosexual Persons,’” in *The Vatican and Homosexuality* 13–19. Later, Cardinal Basil Hume attempted a similar approach, “Note on Church Teaching Concerning Homosexual People,” *Origins* 24 (April 27, 1995) 765, 767–69. For statements prior to this letter, see *Homosexuality and the Magisterium: Documents from the Vatican and the U.S. Bishops 1975–1985*, ed. John Gallagher (Mt. Rainier, Md.: New Ways Ministries, 1986). On the question of disorder, see Jack A. Bonsor, “Homosexual Orientation and Anthropology: Reflections on the Category ‘Objective Disorder.’” *TS* 59 (1998) 60–83.

¹⁰ Congregation for the Doctrine of the Faith, “Letter” para 7.

¹¹ *Ibid.*, para. 5. On the other hand, *Dei Verbum* no. 10 notes that the “magisterium is not superior to the Word of God, but is its servant.” See André Guindon, “Homosexual Acts or Gay Speech?” in *The Vatican and Homosexuality* 208–15. The classic critique of the magisterium’s use of biblical writings on homosexuality

very different responses help to highlight the diverse concerns that were named then and continue today.¹² First, John Coleman noted the lack of regard for the personal rights of gay and lesbian persons. He held that the Letter maintained the older view that “error has no rights” and failed to take into account the insight from *Dignitatis humanae* that adds “but persons . . . retain their full range of human and civil rights because of their inherent dignity as human persons.”¹³

Second, Mary Segers argued that the Letter “succumbs to the tendency to focus on homosexuality as a male phenomenon and to ignore completely the experience of lesbian women.” By ignoring women’s experiences, the Letter overlooks “the many diverse forms of human friendship and affection which bind people together in relationships and communities.” These many forms of friendship mirror the claim by many professionals today that sexuality “is a continuum or spectrum of ways of relating.” The Letter avoids the broad spectrum of sexuality, the many types of friendship, and the experiences of women so as to promote “a rigid, stereotypical categorization of people according to sexual expression.”¹⁴ Segers’s complaint regarding the Congregation’s highly reductive understanding of gay and lesbian persons is frequently reiterated.¹⁵ For instance, Spain’s José Luis Trechera Herreros turns to his own interviews of gay and lesbian persons to find that to some extent lesbians and gays understand themselves differently from one another and from heterosexuals.¹⁶ In both cases, however, the interviewees resist the type of narrow classifications made by the Congregation.

Third, J. Giles Milhaven asked whether the Church listens and under-

remains John McNeill, *The Church and the Homosexual*, 4th ed. (Boston: Beacon, 1993).

¹² Two helpful and comprehensive responses were Bruce Williams, “Homosexuality: The New Vatican Statement,” *TS* 48 (1987) 259–77; Gerald D. Coleman, “The Vatican Statement on Homosexuality,” *TS* 48 (1987) 727–34.

¹³ John Coleman, “Two Unanswered Questions,” *The Vatican and Homosexuality* 59–65, at 62. See also, Carolyn Osiek, “Rights, Responsibilities, and Homosexuality,” *ibid.* 126–32.

¹⁴ Mary C. Segers, “Morality and the Law: A Feminist Critique of the Vatican Letter,” *ibid.* 81–89, at 85, 86, 87 respectively.

¹⁵ Jeannine Gramick, “Rome Speaks, the Church Responds,” *ibid.* 93–104; Sarah Sherman, “Lesbianism and the Vatican: Free to be Ministers of the Gospel?” *ibid.* 157–62. On lesbian theology and friendship, see Mary E. Hunt, *Fierce Tenderness: A Feminist Theology of Friendship* (New York: Crossroad, 1991); Elizabeth Stuart, *Just Good Friends: Towards a Lesbian and Gay Theology of Relationships* (London: Mowbray, 1995). See also Episcopalian ethicist, Carter Heyward, *Touching Our Strength: The Erotic as Power and the Love of God* (San Francisco: Harper and Row, 1989).

¹⁶ José Luis Trechera Herreros, “Aproximación a la realidad homosexual,” *Sal terrae* 90 (2002) 101–14. A more extensive report appears in “Los homosexuales

stands the experiences of loving people who, regardless of orientation, hold sex as important. "Catholic theologians are only beginning to recognize that there is a number of different kinds of couples who out of their personal lives make the point to the teaching Church. They say to the Church: sex is important for the two of us. You do not take its importance into account in your teaching. You must not know it."¹⁷ His general concerns about sexuality are also addressed by Lisa Sowle Cahill, Christine Gudorf, Philip Keane, and Anthony Kosnick.¹⁸ Milhaven's specific call to listen to the experience of gay and lesbian persons has become an important summons for moral theologians.

Finally, André Guindon applied to the lives of gay and lesbian persons his proposal that sexual activity should be understood as language.¹⁹ He explained briefly and clearly his thesis. "Sex among human beings is a human gesture. A human gesture is a bodily movement whereby an addressor expresses herself and communicates meaning to an addressee. . . . Human sex expresses and communicates emotions and meanings."²⁰ "The creative possibilities of each person wishing to express and to communicate himself to another are real since nobody else has ever lived and expressed this situation before. Each person does not need to reinvent the language. . . . Nevertheless, each person will say something new when he uses the language of the community."²¹ Guindon prompted moral theologians to listen not only to the experience of gay and lesbian persons, but also to their language.²² Together Milhaven and Guindon's complaints to the magisterium are heard instead by moral theologians, as we shall see in part III.

The first of these four concerns, tolerance and human rights, became more urgent eight years later when the Congregation's "Response to Legislative Proposals on Discrimination Against Homosexuals"²³ prompted an

vistos por sí mismos: Datos y conclusiones de una muestra española," *La homosexualidad* 223–63.

¹⁷ Milhaven, "How Can the Church Learn" 220–21 (see n. 7 above).

¹⁸ Lisa Sowle Cahill, *Sex, Gender, and Christian Ethics* (New York: Cambridge University, 1996); Christine E. Gudorf, *Body, Sex, and Pleasure: Reconstructing Christian Sexual Ethics* (Cleveland: Pilgrim, 1994); Philip S. Keane, *Sexual Morality: A Catholic Perspective* (New York: Paulist, 1977); Anthony Kosnick, *Human Sexuality: New Directions in American Catholic Thought* (New York: Paulist, 1977).

¹⁹ André Guindon, *The Sexual Language: An Essay in Moral Theology* (Ottawa: University of Ottawa, 1976).

²⁰ André Guindon, "Homosexual Acts or Gay Speech?," *The Vatican and Homosexuality* 208–15, at 209.

²¹ *Ibid.* 211.

²² Guindon's fellow Canadian Gregory Baum earlier raised a similar call to elicit the voices of gay and lesbian persons, "Catholic Homosexuals," *Commonweal* 99 (February 15, 1974) 479–82.

²³ Congregation for the Doctrine of the Faith, "Responding to Legislative Pro-

extensive discussion about the rights of gay and lesbian persons.²⁴ Richard Peddicord, O.P., gave the most sustained defense of gay and lesbian human rights from a theological perspective by arguing that these rights had to be seen through the tradition of social justice as opposed to sexual ethics. Using the writings of John Courtney Murray, Peddicord argued that justice as a univocal term needed to be invoked for all persons, both gay and straight. He specifically criticized those members of the United States' hierarchy who claim to uphold "justice for gay people and then attempt to block the legislation which would serve to ensure this justice."²⁵

Five years later, a committee of the National Conference of Catholic

posals on Discrimination Against Homosexuals," *Origins* 22 (August 6, 1992) 173, 175–77.

²⁴ The most compelling article is John Tuohey, "The Principle of Toleration and the Civil Rights of Gay and Lesbian Persons," *New Theology Review* 7 (1994) 35–46. See also Raphael Gallagher, C.Ss.R. "Homosexuality, Discrimination and a Vatican Document," *Doctrine and Life* 42 (1992) 435–40; Robert Nugent, "The Civil Rights of Homosexual People: Vatican Perspectives," *New Theology Review* 7 (November 1994) 72–86; Nugent, "Homosexual Rights and the Catholic Community," *Doctrine and Life* 44 (1994) 165–73; John F. Tuohey, "The C.D.F. and Homosexuals: Rewriting the Moral Tradition," *America* 167 (September 12, 1992) 136–38. On the other hand, see the concerns of David Carlin, "Abortion, Gay Rights and The Social Contract," *America* 168 (February 27, 1993) 6–10. On gay and lesbian unions, see Hans Rotter, "Zur rechtlichen Anerkennung homosexueller Partnerschaften," *Stimmen der Zeit* 8 (2001) 533–40; also the articles by Charles Curran, Margaret Farley, and James Hannigan, in *Sexual Orientation and Human Rights in American Religious Discourse*, ed. Saul Olyan and Martha Nussbaum (New York: Oxford University, 1998) 57–109.

²⁵ Richard Peddicord, O.P., *Gay and Lesbian Rights: A Question: Sexual Ethics or Social Justice?* (Kansas City: Sheed and Ward, 1996) 185. For a consideration of Pope John Paul II's appropriation and interpretation of *Dignitatis humanae*, see Hermínio Rico, *John Paul II and the Legacy of Dignitatis Humanae* (Washington: Georgetown University, 2002). In 1994, the European Parliament voted to remove the exclusion of gays and lesbians from the right to marry and adopt. See Pope John Paul II, "Homosexualité: une résolution 'moralement inadmissible' du Parlement européen," *La documentation catholique* 94 (April 3 1994) 307–8. For similar opposition to the resolution, see Luigi Lorenzetti, "Parlamento europeo e persone omosessuali," *Rivista di teologia morale* 26 (1994) 261–64. Several years later *La Civiltà Cattolica* published a long editorial ("I cattolici nell'attuale congiuntura politica italiana," no. 3624 [June 16, 2001] 531–41) that without giving any approbation to homosexual unions and gay adoptions, suggested the legal need to institute some form of regulatory guidelines for these unregulated practices. To their surprise, the editorial was hailed as an opening to gay unions. The journal responded [Giuseppe de Rosa, "La Civiltà Cattolica 'apre' agli omosessuali?" *La Civiltà Cattolica* no. 3631 (October 6, 2001) 57–61] saying that they wanted to see the door to gay unions closed, but, inasmuch as they existed, the practices needed to be regulated.

Bishops issued a letter to the parents of gay and lesbian children.²⁶ Though not addressed to gay or lesbian persons, it marked nonetheless a more positive approach to their presence in the Roman Catholic community. Still, like the entries in the *Catechism of the Catholic Church* that addressed the same issue, revisions were made in both so as to avoid anything but a tutioristic interpretation of these positions.²⁷

The pastoral position of the bishops' committee was completely overshadowed, however, by a notification from Cardinal Ratzinger permanently prohibiting Sister Jeannine Gramick and Father Robert Nugent from any pastoral work involving homosexual persons.²⁸ The cardinal took the action because they presented the magisterium's teaching "as one possible option among others and as open to fundamental change."²⁹ Gordon Urquhart described the action as "torpedoing bridge building," while Gerald Coleman defended the decision.³⁰ Lisa Sowle Cahill was far more

²⁶ National Conference of Catholic Bishops' Committee on Marriage and Family, "Always Our Children: To the Parents of Homosexual Children," *Origins* 27 (October 9, 1997) 287–89. For articles on gay and lesbian persons as participants in their communities of faith, see Bruce Williams, "Gay Catholics and Eucharistic Communion," in *A Challenge to Love: Gay and Lesbian Catholics in the Church*, ed. Robert Nugent (New York: Crossroad, 1989) 205–16; Charles Pinches, "Debating Homosexuality," in *Practice What You Preach: Virtues, Ethics, and Power in the Lives of Pastoral Ministers and Their Congregations*, ed. James F. Keenan and Joseph Kotva, Jr. (Franklin, Wisc.: Sheed and Ward, 1999) 239–51. Recently, the bishops of Switzerland stated that "A homosexual predisposition lived in continence does not exclude one from ecclesial ministry." "The Blessing of the Church of Homosexual Couples and the Church's Engagement of Person's Living in Homosexual Partnerships," *Catholic News Service*, October 3, 2002.

²⁷ Peter Black, "Revisions of Homosexuality: The Catechism and 'Always Our Children,'" *Louvain Studies* 25 (2000) 72–81. On the Catechism, see Joseph Selling, "Homosexuality and Chastity: An Alternative Moral Criterion," *New Theology Review* 11 (1998) 63–75.

²⁸ Congregation for the Doctrine of the Faith, "Notification Regarding Sister Gramick and Father Nugent," *Origins* 29 (July 29, 1999) 133, 135–36, at 136. The action dramatically affected their religious communities as well: "Sister Gramick and Father Nugent Called to Rome," *Origins* 30 (June 8, 2000) 62–64. On the vulnerability of religious orders to disciplinary actions by CDF, see James Keenan, "Practice What You Preach: The Need For Ethics in Church Leadership," *Annual Jesuit Lecture in Human Values*, Center for Ethics Studies: Marquette University 2000. Similarly, on the treatment of John McNeill by the CDF and the Jesuits, see Daniel Berrigan, "The Leveling of John McNeill," *Commonweal* 104 (1977) 778–83; "McNeill leaves Jesuits," *The Christian Century* 103 (November 19, 1986) 1025; John McNeill, *Both Feet Firmly Planted in Midair: My Spiritual Journey* (Louisville: Westminster John Knox, 1998).

²⁹ CDF, "Notification" at 135. Besides their other writings cited above, their major collaborative work is *Building Bridges: Gay and Lesbian Reality and the Catholic Church* (Mystic, Conn.: Twenty-Third Publications, 1992).

³⁰ Gordon Urquhart, "Crushing the Pastors," *The Tablet* 253 (July 24, 1999) 1010; Gerald Coleman, "Ministry to Homosexuals Must Use Authentic Church Teach-

concerned with “a novel turn,” a “new maximalist criterion of conformity” by which “people are being silenced not for contradicting any doctrine, and not even for contradicting any ‘noninfallible teaching,’ but for staying within church teaching while not equally emphasizing or including other points.”³¹ If any “development” was coming from the Vatican, it was the claim that the Church’s teaching on homosexuality not only could not be critiqued, but it could become a matter requiring “internal assent.”³²

Behind these many magisterial statements and critical reactions are entrenched divisions accompanied by powerful, emotional convictions. None are more emblematic of the divide than the pope’s words about the gay pride meetings in Rome during the Jubilee: “In the name of the Church of Rome, I can only express bitterness for the affront to the Great Jubilee Year 2000 and for the offense to the Christian values of a city so dear to the hearts of Catholics throughout the world.” When Italian journalists reported their own dismay at the pope’s words, *La Civiltà Cattolica* responded arguing that the organizers themselves were responsible for the reaction.³³

Moral Investigations

Thirty years ago, in these Notes on Moral Theology, Richard McCormick asked why the moral theologian needed to reflect on the question of homosexuality. Responding to an editorial in the *Christian Century* that called for “complete acceptance” of homosexuals,³⁴ McCormick acknowledged that acceptance implied that the condition was “good and normal.” He wrote:

Whether a condition (and the acts consequent upon it) is “good and normal”—and hence promotive of an individual’s good and growth—is subject to a close double scrutiny: clinical and moral. . . . For if the condition is good and normal, impartial enquiry will establish this and help to blast the stereotypes so oppressive to homo-

ing,” *America* 181 (August 14, 1999) 12–14; see also his *Homosexuality* (New York: Paulist, 1995).

³¹ Lisa Sowle Cahill, “Silencing Nugent, Gramick Sets a Novel Standard of Orthodoxy,” *America* 181 (August 14, 1999) 6–10, at 10.

³² See Gramick and Nugent’s testimony in Paul Collins, *The Modern Inquisition* (New York: Overlook, 2002) 109–63; Joseph Fiorenza, “Statement Regarding Vatican Notification of Sister Gramick and Father Nugent,” *Origins* 29 (December 9, 1999) 417, 419–20.

³³ “Il ‘World Gay Pride’ e la Chiesa,” *La Civiltà Cattolica* no. 3601 (July 1, 2000) 3–9.

³⁴ “To Accept Homosexuals,” *Christian Century* 88 (1971) 275.

sexuals. If it is not “good and normal,” then to call it such would be to imprison the homosexual in a reverse sort of sexism and make any true liberation impossible.³⁵

Here, then, McCormick summoned moral theologians to investigate the question of whether it is “good and normal” to live as gay and lesbian persons.

Interestingly, McCormick’s own position came under considerable critique. McCormick presented several contemporary positions including those of Cahill and Charles Curran. Cahill argued that the “heterosexual marriage is the normative context for sexual acts” but saw the “exception situation, including that of the confirmed homosexual” wherein it would be possible to judge sexual acts as “non-normative but objectively justifiable.” She described homosexual acts as pre-morally wrong, that is, generally speaking they should be avoided. But in the case of the homosexual, this sexual activity would not be objectively wrong were there sufficient reason. This position, McCormick correctly noted, was not different from Phillip Keane’s.³⁶

Curran’s position was slightly different. In an earlier article, Curran examined the pastoral solution proposed by some that though homosexual activity was objectively wrong, it may not be considered subjectively sinful. Curran noted that this solution did not go “quite far enough” and proposed instead a theory of compromise. This view acknowledged on the one hand that heterosexual marital relations remain the ideal, but on the other hand that homosexual activity and unions are often the only morally viable solution for gay and lesbian persons.³⁷ McCormick reviewed a later work of Curran’s in which Curran added that these actions were morally right.³⁸

Without noting Curran’s earlier article, McCormick used the distinction between moral norm and pastoral adaptation and remarked that heterosexual intercourse was normative and that homogenital acts “always depart from the ideal or the normative.”³⁹ McCormick offered then a “modest

³⁵ Richard McCormick, “Notes in Moral Theology: 1965 through 1980” (Washington: University Press of America, 1981) 393–94.

³⁶ Lisa Sowle Cahill, “Moral Methodology: A Case Study,” *Chicago Studies* 19 (1980) 171–87, at 186. Like Cahill, Philip Keane wrote that “a priority or normativity to heterosexual acts and relationships . . . cannot be dismissed in any theology of homosexuality” (*Sexual Morality* 71–91, at 87).

³⁷ Charles Curran, “Dialogue with the Homophile Movement,” *Catholic Moral Theology in Dialogue* (Notre Dame: University of Notre Dame, 1976) 184–219.

³⁸ Charles Curran, *Critical Consensus in Moral Theology* (Notre Dame: University of Notre Dame, 1984) 93.

³⁹ Richard McCormick, “Homosexuality as a Moral and Pastoral Problem,” *The Critical Calling* (Washington: Georgetown University, 1989) 289–314, at 312. On the disconnect between the two, Jorge Humberto Peláez, “Reflexiones teológico-pastorales en torno a la homosexualidad,” *Theologica Xaveriana* 35 (1985) 187–210.

proposal” for one who is “irreversibly” homosexual and not called to celibacy, (the judgments about both conditions being the “responsibility of the individual before God”) to make a decision about how to live before God. He insisted that this individual decision be respected by all. He fortified this position with a distinction of his own, between specific and individual rectitude, where the former is a general assessment and the latter considers the agent’s own personal circumstances. In clarifying his position, however, McCormick made it more problematic: he specifically added that this approach would not put these homosexual acts “on a par with heterosexual acts” nor would it “give legitimacy to those actions.”⁴⁰

McCormick’s proposal begged the question: if homosexual actions “always depart” from the normative, why counsel to pursue the non-normative?⁴¹ Without an assertion regarding normativity, McCormick left the gay or lesbian person with an individual judgment that was pastorally permitted, but not morally acceptable.⁴²

William George, and later, Cristina Traina criticized McCormick on this and on a more important issue. George asked why the judgment of individual rectitude never prompts in turn a reconsideration of the specific norm. He wrote that: “a hesitancy to revise the starting norm in light of the judgments reached by individuals leaves the unhappy impression that individual rectitude . . . will inevitably be *less* than that to which the human species as a whole is invited. Gays and lesbians will, at best, be regarded as trying to approximate the morality of the species.”⁴³ Cristina Traina suggested: “The roots of this ambivalence may well be political . . . Aware that most members of the Roman Catholic church hierarchy hold many traditional moral norms to be unalterable, he has adopted the strategy of pledging allegiance to these norms but . . . arguing painstakingly for the acceptability in particular circumstances of many acts the norms had been assumed to proscribe.”⁴⁴

⁴⁰ McCormick, “Homosexuality” 309.

⁴¹ Similarly, Cahill’s proposal of a non-normative but objectively justifiable exception is also a problem. Paul Ramsey called into question an exception without any normative guidance. Paul Ramsey, “The Case of Curious Exception,” in *Norm and Context in Christian Ethics*, ed. Gene H. Outka and Paul Ramsey (New York: Scribner’s, 1968) 67–135.

⁴² McCormick was not the only one to construct this self-contradicting barrier. See Jan Visser’s solution in Coleman, “Two Unanswered Questions” 60; Elio Sgreccia, *Manuale di bioetica* (Milano: Vita e Pensiero, 1991) 141; José Vico Peinado, “Misericordia en los juicios,” *Sal terrae* 115–28.

⁴³ William George, “Moral Statement and Pastoral Adaptation: A Problematic Distinction in McCormick’s Theological Ethics,” *The Annual of the Society of Christian Ethics* (Boston: Society of Christian Ethics, 1992) 135–56, 142–43.

⁴⁴ Cristina Traina, *Feminist Ethics and Natural Law* (Washington: Georgetown University, 1999) 217.

The moralist's responsibility to consider whether we should accept gays and lesbians as "good and normal" meant an examination not only of their lives, but also of our norms. Thus, against McCormick's pastoral adaptation, George offered the virtue of prudence to formulate individual judgments and, in light of those, to examine the enduring validity of the Church's specific norms and, if necessary, to articulate more correct expressions of them.⁴⁵

Since McCormick's first comments, many moral theologians have accepted the responsibility to examine the morality of the lives of gay and lesbian persons and have used one of three traditional resources: biblical theology, natural law, and theological anthropology.

Regarding biblical theology, we should note that Protestant exegetes and biblical theologians have had an ever growing debate over the meaning of certain biblical texts. Robert A. Gagnon provides the most comprehensive, up-to-date treatment of the biblical texts generally associated with homosexual practice.⁴⁶ He contends that the Bible unequivocally defines same-sex intercourse as sin and that there are no valid hermeneutical arguments to interpret the texts otherwise.⁴⁷ However, inasmuch as generally speaking Protestants derive their theology solely from their reading(s) of the Bible, how can there be theological interpretation of the Bible when all one's theology is theoretically biblical? As a result, the question of homosexuality has become deeply tied to the question of biblical interpretation and has had a distinctive impact on Protestant communities.⁴⁸ The result is another open, lively debate.

For instance, to "illustrate that all appeals to 'what the Bible says' are

⁴⁵ More than 20 years ago, Edward Vacek proposed an "ethic of proportionality" to provide gay and lesbian persons to morally guide their lives in his much cited, "A Christian Homosexuality?" *Commonweal* 107 (December 3, 1980) 681–84.

⁴⁶ Robert A. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon, 2001).

⁴⁷ For how biblical theologians are hankering for ethical debate and looking for the rules of ethical discourse in debate, see the argument between Gagnon and Walter Wink, Wink, "To Hell with Gays?," *Christian Century* 119 (June 5–12, 2002) 32–34; Gagnon, "Gays and the Bible," *Christian Century* 119 (August 14–27, 2002) 40–43; Wink, "A Reply by Wink," *ibid.* 43–44.

⁴⁸ Thus, Marion Soards: "We cannot fault Paul's appraisal of homosexual behavior without denying the theological vision that informs his understanding of God and humanity" (*Scripture and Homosexuality* [Louisville: Westminster John Knox, 1995] 26). The Presbyterian debate about ordaining "practicing homosexuals" has generated considerable literature: *Homosexuality, Science, and the "Plain Sense" of Scripture*, ed. David Balch (Grand Rapids: Eerdmans, 2000); *Biblical Ethics and Homosexuality*, ed. Robert Brawley (Louisville: Westminster John Knox, 1996); *Homosexuality and Christian Community*, ed. Choon-Leong Seow (Louisville: Westminster John Knox, 1996).

ideological and problematic,” Dale Martin explored the terms *arsenokoitês* and *malakos* (from 1 Corinthians 6:9 and 1 Timothy 1:10) to make the case that the former is rooted in concerns for exploitative issues and the latter is raised in a heterosexism which is deeply sexist. Any “femininity” in a male could warrant the description of *malakos*.⁴⁹

Richard Hays acknowledged that there is no bias-free interpretation of the Scriptures, but wanted to move from biblical texts to making normative ethical judgments. He proposed the gathering of all the biblical texts pertinent to the theme so as to allow the texts to speak in their own voice(s). Then, filtering the texts through three major biblical images (community, cross, and new creation), one can offer a biblical judgment. On the topic of homosexuality, Hays’s conclusion is not unlike Gagnon’s.⁵⁰

Turning to Catholic theologians and ethicists, we find, for instance, Patricia Beattie Jung contesting the belief of Hays and others that biblical texts can speak on their own. That is, while Hays believes that no “interpretation” is bias free, Jung adds that there is no exegesis that is bias-free either. Using slavery as an example, she illustrates how often we can be misled into thinking that we adequately understand God’s revelation. To become a deliberating community about the Scriptures in general and about gay and lesbian persons specifically, she proposes as a corrective the need to listen to other voices.⁵¹ Similarly, Mary E. Hunt and Mary Rose D’Angelo propose a preferential option for lesbian (and gay) voices that have been marginalized so as to better embrace our understanding of the Scriptures.⁵²

Much of the biblical debate (both Protestant and Roman Catholic) focuses on Romans 1: 26–27.⁵³ While many recognize that Paul would not have known about constitutive sexual orientation (whether gay or straight), Catholic ethicists are more interested in examining Paul’s logic. They argue that his position is not based on an ontological connection between homo-

⁴⁹ Dale Martin, “*Arsenokoitês* and *Malakos*: Meanings and Consequences,” in *Biblical Ethics and Homosexuality* 117–36, at 131.

⁵⁰ Richard B. Hays, *The Moral Vision of the New Testament: Community, Cross, New Creations: A Contemporary Introduction to New Testament Ethics* (San Francisco: HarperSanFrancisco, 1996).

⁵¹ Patricia Beattie Jung, “The Promise of Postmodern Hermeneutics for the Biblical Renewal of Moral Theology,” in *Sexual Diversity and Catholicism: Toward the Development of Moral Theology*, ed. Patricia Beattie Jung with Joseph Andrew Coray (Collegeville: Liturgical, 2001) 77–107.

⁵² Mary Rose D’Angelo, “Perfect Fear Casteth Out Love: Reading, Citing, and Rape,” in *Sexual Diversity and Catholicism* 175–99; Mary E. Hunt, “Catholic Lesbian Feminist Theology,” *ibid.* 289–304.

⁵³ See the discussion in Daniel Harrington and James Keenan, *Jesus and Virtue Ethics: Building Bridges Between New Testament Studies and Moral Theology* (Franklin, Wisc.: Sheed and Ward, 2002) 135–48.

sexuality and idolatry: there is no necessary, intrinsic connection between the two.⁵⁴ Paul's example is based on what he considers a self-evident presumption that anyone who commits homosexual acts worships a false God. This, they argue, is more presumed than proven.

Bernadette Brooten argues differently. Rather than contesting Paul's logic, she provides a long prolegomenon to and commentary on Paul's condemnation of female homosexual activity in the hope that the Church will progress beyond gender asymmetry based on female subordination.⁵⁵ Her position is in some ways akin to the problems of heterosexism that Dale Martin named and described.

While many Catholic ethicists are not convinced of Hays' specific judgment on homosexuality, they do adapt his proposal regarding interpretative lens or themes to their own set of interpretative values. Lisa Sowle Cahill develops a Christian feminist biblical perspective on sexual ethics that would give a central place to the values of community, solidarity, inclusiveness, and compassion as exhibited, symbolized, and realized through concrete social relationships and the behavior expected of "disciples."⁵⁶ These are extraordinarily helpful in providing a positive context for developing an ethical way of life for all Christians. Her feminist biblical values are countered, however, by the magisterium's own interpretative values. Susan Ross demonstrates, for instance, how contemporary magisterial teachings filter biblical texts through the pope's own "nuptial metaphor" thus privileging gender complementarity and providing grounds for excluding the moral validity of expressed same-sex love.⁵⁷

In a noteworthy work, Kevin Kelly asks whether in fact the Good News is properly preached to women and gays when the filter for that communication privileges the much debated "ontological complementarity" of gender.⁵⁸ Like Cahill, Peddicord, and others, Kelly argues that justice and equal dignity are the guaranteeing values for promoting a biblically informed sexual ethics for all, especially for those previously excluded.

⁵⁴ Patricia Beattie Jung and Ralph Smith, *Heterosexism: An Ethical Challenge* (Albany: State University of New York, 1993) 61–88; Michael Hartwig, *The Poetics of Intimacy and the Problem of Sexual Abstinence* (New York: Peter Lang, 2000) 221–33.

⁵⁵ Bernadette J. Brooten, *Love Between Women: Early Christian Responses to Female Homoeroticism* (Chicago: University of Chicago, 1996).

⁵⁶ Lisa Sowle Cahill, "Sexual Ethics. A Feminist Biblical Perspective," *Interpretation* 49 (1995) 5–16, at 10.

⁵⁷ Susan Ross, "The Bridegroom and the Bride: The Theological Anthropology of John Paul II and Its Relation to the Bible and Homosexuality," in *Sexual Diversity and Catholicism* 39–59. On the other hand, see James Hanigan, "Unitive and Procreative Meaning: The Inseparable Link," *ibid.* 22–38.

⁵⁸ Kevin T. Kelly, *New Directions in Sexual Ethics: Moral Theology and the Challenge of AIDS* (Washington: Chapman, 1998).

In turning to natural law, moral theologians do not abandon Scripture but rather look for overlapping insights. Stephen Pope studies the claims both of scientists who argue that homosexuality is constitutively natural, and of those who subordinate the claims of science to those of revelation.⁵⁹ Regarding the first,⁶⁰ Pope argues that Aquinas uses the word “natural” not in a biological sense but rather in a teleological and therefore normative sense. That is, the natural is not primarily what we are given, but rather what we are called to become. Pope turns to the second group and argues that its major shortcoming “is its strong resistance to the critical power of science to challenge the understanding of human behavior that undergirds its moral doctrine, thus rendering itself effectively immune from this potentially valuable source of self-correction and development.”⁶¹

According to Pope, the context for considering “naturalness” is overlooked by both sides: “moral assessment of any pattern of human conduct turns not on its naturalness but on its relation to human flourishing. This is the most important point of this essay.”⁶² Human flourishing is precisely the context in which the natural law and the virtuous life serve one another. Pope comments: “The central moral issue, then, is not genetic or statistical

⁵⁹ He calls this the “revealed natural law perspective” because it “properly catches” its “two defining characteristics”: “first, the grounding of the normative structure of ethics in a descriptive account of human nature and, second, the belief that knowledge of the normative structure of human nature is disclosed in revelation and in its proper interpretation.” He identifies this position as that belonging to the current Roman Catholic magisterium on the topic. Stephen J. Pope, “Scientific and Natural Law Analyses of Homosexuality: A Methodological Study,” *Journal of Religious Ethics* 25 (1997) 89–126, at 104.

⁶⁰ Pope responds to Michael Ruse’s argument that since homosexuality is not biologically unnatural, it cannot be condemned as normatively unnatural. Ruse, “Evolutionary Theory and Christian Ethics: Are They in Harmony?” *Zygon: Journal of Religion and Science* 29 (1994) 10–11; Ruse, *Homosexuality: A Philosophical Inquiry* (New York: Oxford University, 1988). On the scientific foundations for the biological “naturalness” of homosexuality, Simon LeVay, *Sexual Brain* (Cambridge, Mass.: MIT, 1993); Simon LeVay and Dean Hamer “Evidence for a Biological Influence in Male Homosexuality,” *Scientific American* 270 (1994) 33–49. See also, Donald Symons, *The Evolution of Human Sexuality* (New York: Oxford University, 1979). On the “natural promiscuity of males,” see David Buss, *The Evolution of Desire: Strategies of Human Mating* (New York: Basic Books, 1994). On the childlessness of gays, see David McWhirter and Andrew Mattison, *The Male Couple: How Relationships Develop* (New York: Prentice Hall, 1984) 205–29.

⁶¹ Pope, “Scientific and Natural Law Analyses of Homosexuality” 110. On this point, see Isaiah Crawford and Brian Zambian, “Informing the Debate on Homosexuality: The Behavioral Sciences and the Church,” in *Sexual Diversity and Catholicism* 216–51. For an opposing point of view, see “Homosexuality and Hope: The Statement of the Catholic Medical Association,” *Linacre Quarterly* (May 2001) 131–41. For a review of predominantly Protestant arguments of much the same type, see Pim Pronk, *Against Nature? Types of Moral Argumentation Regarding Homosexuality*, trans. Hendrik Hart (Grand Rapids: Eerdmans, 1993.)

⁶² Pope, “Scientific and Natural Law Analyses of Homosexuality” 110–11.

naturalness but rather whether homosexuals can respond (at least, that is, as well as heterosexuals) to the universal challenge to train and habituate their sexual passions—naturally oriented to various goods but existentially disordered by concupiscence—in a way that contributes to their flourishing. This, of course, is precisely the point that revealed natural law theorists would dispute, for in condemning homosexual activity as against the norm of nature, they mean to condemn it as a form of activity that cannot assume a virtuous rather than an always vicious form.”⁶³

Following Margaret Farley, Pope makes the case for virtuous gay and lesbian living with an appeal to experience,⁶⁴ that is, to “the particular stories of those who live integrated, virtuous and flourishing lives as covenanted homosexuals.”⁶⁵ Pope’s appeal to experience is not without irony, since magisterial teaching specifically condemns the sexual activity of gays and lesbian persons. From the magisterium’s point of view, it is an *a priori* that the sexual experience of gays and lesbian would be an inadmissible factor in determining moral guidelines for gay and lesbian persons. Nonetheless, most moral theologians writing on the topic think otherwise and see the exclusion of experience as inconsistent with other magisterial utterances.

Cristina Traina reflects on Karol Wojtyła’s forty-year-old treatise on sexuality⁶⁶ which opens with the words, “This work is open to every echo of experience.” She remarks, “Forty years later, experience is perhaps both the most-cited factor and wildest variable in debates over methods and questions in ethics.”⁶⁷ In light of her and others’ marital experiences, she finds that these experiences challenge the claims of the magisterium and wonders whether the “norms limiting sex to marriage may be informed by a doctrine of procreative complementarity that reflects incomplete, immature experience.”⁶⁸

In a lengthy investigation, Michael Hartwig argues that church teachings are positively harmful when they institutionally mandate sexual abstinence

⁶³ Ibid. 115.

⁶⁴ Margaret Farley, “An Ethic for Same-Sex Relations,” in *A Challenge to Love: Gay and Lesbian Catholics in the Church*, ed. Robert Nugent (New York: Crossroad, 1983) 93–106. Pope also turns to experience in Pamela Hall, *Narrative and the Natural Law: An Interpretation of Thomistic Ethics* (Notre Dame: University of Notre Dame, 1994); George Schner, “The Appeal to Experience,” *Theological Studies* 53 (1992) 40–59.

⁶⁵ Pope, “Scientific and Natural Law Analyses of Homosexuality” 112.

⁶⁶ Karol Wojtyła, *Love and Responsibility* (New York: Farrar, Straus, and Giroux, 1981) 10.

⁶⁷ Cristina Traina, “Papal Ideals, Marital Realities: One View from the Ground,” in *Sexual Diversity and Catholicism* 269–88, at 270.

⁶⁸ Ibid. 284.

for anyone who is not in a heterosexual marriage.⁶⁹ Elsewhere he too cites Pope John Paul II on whether experience and research have a role in moral determinations. Regarding the Galileo affair, the pope argued that “the central error of theologians was the failure to distinguish the meaning of Scripture from the meaning given to it by interpreters. If there seems to be a contradiction between Scripture and the discoveries of ‘clear and certain reasoning,’ the interpreter of Scripture ‘does not understand it correctly.’”⁷⁰ Hartwig leaves the reader with the magisterium’s apparent inconsistent appeal to scriptural interpretation, experience, and scientific data.

In the context of her research into natural law, Jean Porter analyses the topic of homosexuality. Like Pope, she argues against the use of statistical frequency of natural dispositions to homosexuality as the automatic grounds for the moral liceity (or not) of homosexual activity. Porter turns to Andrew Sullivan’s argument that one’s sexual orientation so profoundly touches a person’s identity that were one denied the ability to union in faithful and self-giving love, one would be denied “what the Church holds to be intrinsic to the notion of human flourishing in the vast majority of human lives.”⁷¹

Porter notes Sullivan’s position that a homosexual union does not “deny heterosexual primacy, but rather honors it by its rare and distinct otherness.”⁷² Porter comments: “what we see here is an argument for the naturalness of homosexuality precisely in terms of its intelligible purpose.”⁷³ After looking at permanent unions, Porter examines the ways some other gays privilege both the erotic and sexual freedom over fidelity and procreation. She calls those ways problematic not because they are an evil or unnatural way of life, but because “they represent an alternative construal of human nature that has its own value and integrity but that is in tension with fundamental Christian commitments.”⁷⁴

Porter’s position highlights the locus where many moral theologians writing on the topic are presently engaging the debate: not on whether gay and lesbian persons may engage in sexual relations, but on what norms, values, and virtues justify calling those ways of relating “moral” according to the Catholic tradition. Here, too, we find a variety of European writers

⁶⁹ Hartwig, *The Poetics of Intimacy* (see n. 54 above).

⁷⁰ Michael J. Hartwig, “Galileo, Gene Researchers and the Ethics of Homosexuality,” *Theology and Sexuality* 1 (1994) 106–11, at 107.

⁷¹ Andrew Sullivan, *Virtually Normal: An Argument about Homosexuality*, 2nd ed. (New York: Alfred A. Knopf, 1996) 44–45.

⁷² *Ibid.* 47.

⁷³ Jean Porter, *Natural and Divine Law* (Grand Rapids: Eerdmans, 1999) 228–34, at 231.

⁷⁴ *Ibid.* 232.

entering into the discussion for they are greatly interested in how a theological anthropology affects all our moral reflections.

With a classic appreciation for the moderate viewpoint which has always rejected rigidity and laxity, the senior Spanish moral theologian Eduardo López Azpitarte promotes a balanced perspective in human moral development. He parallels homosexual conduct with similar issues that face heterosexual persons who, as they mature, are better able to live as responsible, faithful sexual human beings.⁷⁵ Likewise, Leandro Rossi reflects on the virtue of chastity for gays and lesbians but not primarily to promote abstinence, but rather to urge them to pursue a love that is both true to their consciences and animated by the Spirit.⁷⁶ Giannino Piana recognizes the rapport between a man and a woman as basic, but as also incapable of exhausting the possible expressive modalities of relationality. The issue for Piana, then, is whether there is a respect of the other in the gift of one's self.⁷⁷

Piana's phrasing is helpful. He focuses not on heterosexual relations, but rather on human relationality in general. Interestingly, many moral theologians are divided here. Some prefer to use human sexual relations as the ground for deriving norms and guidelines for right homosexual conduct, while others are more interested in broadening the discussion to human relationality in general.

In the former category there seems to be yet again two different, though related approaches. Either moral theologians consider the terms of gender complementarity and procreativity as adequate⁷⁸ and then ask how and whether homosexual relations approximate those evidently heterosexual values or they invoke generic phrases like "alterity" and "generativity" as providing the grounds for moral guidance.⁷⁹ But others reject either approach and opt to derive norms from more general relational contexts. As Harald Schützeichel notes, society frequently reduces homosexuals to their sexuality.⁸⁰ Thus, rather than endorsing the heterosexual mimetic of alterity, William McDonough proposes virtues that could empower human flourishing in same sex relationships. In this way he takes Pope and

⁷⁵ Eduardo López Azpitarte, "La homosexualidad," *Sal terrae* (2002) 141–56; *Simbolismo de la sexualidad humana* (Santander: Sal Terrae, 2001).

⁷⁶ Leandro Rossi, "Quale castità per le persone omosessuali?" in *Il Posto dell'altro* (Molfetta: Edizioni la Meridiana, 2000) 18–31.

⁷⁷ Giannino Piana, "La condizione omosessuale in una prospettiva teologica," *ibid.* 13–17.

⁷⁸ For example David McCarthy Matzko's fine argument, not unlike Andrew Sullivan's, "Homosexuality and the Practices of Marriage," *Modern Theology* 13 (July 1997) 371–97.

⁷⁹ See Frans Vosman, "Kirche und Homosexualität: Eine Lackmusprobe für den Glauben," *Internationale Kirchliche Zeitschrift* 91 (2001) 289–304.

⁸⁰ Harald Schützeichel, "Homosexualität: Ein Diskussionsbeitrag," *Stimmen der*

Porter's original investigations further. Turning to Alasdair MacIntyre,⁸¹ he applies two virtues: elementary truth telling with its three qualities (allowing the other to learn, allowing myself to learn, and not withdrawing in irony) and just generosity and its three patterns (affective relationship, hospitality, and openness to urgent need). McDonough provides us with sustained material with which to think outside of the box of chastity, gender complementarity, and procreative potential as the overarching normative values for measuring the morality of same-sex relations.⁸²

Finally, Eugene Rogers takes all these previous themes and examines Aquinas's treatment of homosexuality in his *Commentary on Romans*. Rogers notes how Aquinas's judgments inevitably demonstrate an interdependence of natural law, scriptural commentary, theological anthropology, and human experience. The question then is not to privilege one over the other, but to ask about the cohesion of the argument itself. Rogers probes whether there is an unraveling of the assumed correspondences by suggesting that homosexual couples in marriage-like relationships do not seem to be delivered up to all vice nor do they count themselves among the Gentile idolaters.⁸³

Rogers's move to investigate the "unraveling" is indebted to a movement known as queer theology. As opposed to gay and lesbian theology, "queer theology" does not believe that sexual identity serves as a stable foundation for any theology. Based on the writings of Michel Foucault and Judith Butler, queer theory holds that identity, including sexual identity, is not stable or "essential," but rather a social construct, constantly redefined by those dominant groups that have power.⁸⁴ Elizabeth Stuart, editor of *Theology and Sexuality*, argues that "queer theology" is only just beginning to emerge in Roman Catholic moral and theological reflections. Rather than focus on a person's sexual identity, Stuart and others argue that the only stable identity for theology is that of being baptized. Gender is, then, "radically decentralized" and the moral norms for sexual conduct are derived from the self-understanding of the baptized as belonging to a Church

Zeit 119 (July 1994) 489–97, at 493; "Homosexuality: a Discussion," *Theology Digest* 42 (Spring 1995) 47–51.

⁸¹ Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 1999).

⁸² William McDonough, "Alasdair MacIntyre as Help for Rethinking Catholic Natural Law Estimates of Same-Sex Life Partnerships," *The Annual of the Society of Christian Ethics* 21 (2001) 191–214.

⁸³ Eugene F. Rogers Jr., "Aquinas on Natural Law and the Virtues in Biblical Context," *The Journal of Religious Ethics* 27 (1999) 29–56.

⁸⁴ Michel Foucault, *The History of Sexuality*, vol. 1: *An Introduction* (New York: Pantheon Books, 1978); Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).

that is one, holy, catholic and apostolic.⁸⁵ These features provide the stability for building an ethics out of queer theology.⁸⁶ More recently, Stuart has argued that “sexual identities have no theological status” and has declared: “The vocation of the lesbian and gay Christian is not primarily the attainment of gay ecclesial and civil ‘rights’ but the deconstruction of modern categories of sexual identity (of which the struggle for gay rights may be a part), the rethinking of relational paradigms and the search for the theological meaning of sex (if it has one).”⁸⁷

There is something deeply antithetical about “queer theology.” Laurel Schneider notes “disruptions of identity . . . are the hallmark of queer theory.” For this reason she wonders about the role of queer theology for the lives of gay and lesbian persons. As if responding to Stuart, she writes, “Homosexuals engaged in religious communities are warring over a place at the table and so cannot devote much energy to anything beyond the polarizations and solidifications of identity that come in times of war.” Thus she counsels that queer theology needs “both the critical edge that queer theory offers and the prophetic inclusions that liberationists demand.” But she warns, “In the end full inclusion may mean that neither homosexuality nor the heterosexual norm will be left intact.”⁸⁸

Just as specific norms for gay and lesbian persons inevitably lead us to reexamine our general norms regarding sexuality and moral living, simi-

⁸⁵ Elizabeth Stuart, “Christianity is a Queer Thing: The Development of Queer Theology,” *The Way* 39 (1999) 371–381, at 377. See also Stuart, *Religion is a Queer Thing: A Guide to the Christian Faith for Lesbian, Gay, Bisexual, and Transgendered People* (Washington: Cassell, 1997).

⁸⁶ Elizabeth Stuart, “Sexuality: The View from the Font (the Body and the Ecclesial Self),” *Theology and Sexuality* 11 (1999) 7–18. Similarly, from a Protestant perspective, Kathy Rudy argues “the church is best served not by persons of particular sexual or gender identities, but by those committed to Christ. It asks us to categorize people not by their sexual object choice or even the genitalia with which they are born, but rather by their participation in the life of the church.” Kathy Rudy, “The Social Construction of Sexual Identity and the Ordination of Practicing Homosexuals,” *Journal of Religious Ethics* 25 (1997) 127–46, at 127. See also Kathy Rudy, *Sex and the Church: Gender, Homosexuality, and the Transformation of Christian Ethics* (Boston: Beacon, 1997); “‘Where Two or More are Gathered,’: Using Gay Communities as a Model for Christian Sexual Ethics,” *Theology and Sexuality* 4 (1996) 81–99.

⁸⁷ Elizabeth Stuart, “Exploding Mystery: Lesbian and Gay Theology and the Recovery of Tradition,” *The Alan Bray Memorial Lecture*, October 12, 2002.

⁸⁸ Laurel Schneider, “Homosexuality, Queer Theory and Christian Theology,” *Religious Studies Review* 26 (2000) 3–12, at 6, 11 respectively. Surprisingly few Roman Catholic writers investigate the relationship between homosexuality and liberation theology; see Bernardino Leers, “Homossexuais e Ética da Libertação: Uma Caminhada,” *Perspectiva Teológica* [Belo Horizonte] 20 (1988) 293–316. For an Anglican, womanist point of view, see Kelly Brown Douglas, *Sexuality and the Black Church* (Maryknoll, N.Y.: Orbis, 1999).

larly moral theologians who investigate the moral lives of gay and lesbian persons inevitably need to return to the life of the Church. Certainly our Church is affected by the “open debate” that is prompted by those theologians writing from the perspective of Scripture, “natural law,” “theological anthropology,” or even “queer theology.” The Church is also affected by the way individuals and communities live their lives, and by the way church leaders and members communicate with one another. For this reason, any discussion on homosexuality requires us to see how we all are presently and concretely living in the Church as the debate proceeds.

POWER, LANGUAGE, AND EXPERIENCE

Recently Margaret Farley noted: “The maintenance of a strong negative evaluation of homosexual activities and relationships constitutes in itself a social and political force.”⁸⁹ This use of power on the debate is important. Mark Jordan, for instance, proposes an examination not of what the Church has taught, but of how the Church teaches. That is, he studies the relation of power to teaching, and more specifically, to the rhetorical exercises of bureaucratic morals. Revealing the devices of “tedium” and “flattening,” he illustrates the prevailing “rhetoric of moral management” as contrasted with an ethical “rhetoric of rich moral description or sustained moral education.”⁹⁰ This rhetoric of moral management is especially adept at exclusion, and is particularly prominent in inhibiting gay and lesbian Catholics from disclosing their sexual orientation.

In this rhetorical climate, gathering the testimony of gays and lesbians is not an easy matter. For instance, invoking the research of James Whitehead and Evelyn Eaton Whitehead, Gerald Coleman warned against a Catholic school teacher “coming out” as being always “misguided” and “pedagogically and psychologically flawed.” The Whiteheads responded very differently, commenting that “the apparent absence of gays and lesbians among the Catholic leadership plays some part in the continuing prejudice against homosexual persons” and that “closeted lives, however holy, provide no wider lessons in religious maturing.”⁹¹

The Whiteheads’ use of “apparent” is important. Inasmuch as few homosexual clergy are “out,” it is hard to call them “gay.” But that there are homosexual clergy has been the subject of considered reflection.⁹² Donald

⁸⁹ Margaret A. Farley, “Response to James Hanigan and Charles Curran,” *Sexual Orientation and Human Rights* 101–9.

⁹⁰ Mark Jordan, *The Silence of Sodom* 74 (see n. 2 above).

⁹¹ Gerald Coleman, “‘Coming Out’ as a Catholic School Teacher,” *America* 184 (March 19, 2001) 11–13; James Whitehead and Evelyn Eaton Whitehead, “‘Three Passages of Maturity’ Revisited,” *America* 184 (April 23–30, 2001) 18–19.

⁹² Jeannine Gramick, ed., *Homosexuality in the Priesthood and the Religious Life* (New York: Crossroad, 1989). More recently, James Martin, “The Church and the

Cozzens, for instance, has raised the need for the Church to recognize the homosexuality of many of the clergy.⁹³ Though his particular assessment of this reality has been questioned,⁹⁴ his fundamental claim regarding the reality itself has not been.

While calling the closet “a very old ecclesiastical dwelling place,”⁹⁵ Jordan reminds us that the clergy have always had a considerable number of homosexual members in their ranks. But Jordan insists that both the presence of homosexuals in the clergy and the silence around this reality are together key to understanding the problematic of the so-called open debate: “You will not understand modern homosexuality unless you understand Catholic homosexuality, and you cannot understand Catholic homosexuality unless you begin with the clergy.”⁹⁶ He notes the “hysteria” surrounding statistics regarding homosexual clergy and the practices of social control designed to reinforce the hysteria.⁹⁷ He also acknowledges the conflicted clerical conformity of one sort or another, while noting that the most closeted are also among the most vociferous proponents of the Church’s homophobic stances. On this latter point, Carlos Dominquez Moran notes in his study of homosexuals in the clergy the problem of conflicted clergy.

Recently we have seen attempts to blame the homosexuality of priests as the source of the crisis concerning the abuse of children.⁹⁸ This has led in turn to the question of whether homosexual men can be admitted to the seminary or holy orders.⁹⁹ As Vatican congregations and national hierarchies wrestle with the question, some indicate that a man might be admit-

Homosexual Priest,” *America* 183 (November 4, 2000) 11–15; James O’Keefe, “Sexuality in the Seminary,” *The Tablet* 255 (May 12, 2001) 676–77.

⁹³ Donald Cozzens, *The Changing Face of the Priesthood: A Reflection on the Priest’s Crisis of Soul* (Collegeville: Liturgical, 2000); and his *Sacred Silence: Denial and the Crisis in the Church* (Collegeville: Liturgical, 2002).

⁹⁴ Christopher Renz provides a remarkable look at formation in religious communities to counter what he perceives as Cozzens’s presumption: “an irreconcilable disunity between” gay and straight seminarians, in “Learning a Foreign Language: Continuing the Dialogue on Homosexuality,” *Review for Religious* 60 (July–August 2001) 377–86, at 383.

⁹⁵ Jordan, *Invention of Sodomy* 165.

⁹⁶ Jordan, *The Silence of Sodom* 8.

⁹⁷ Rosemary Radford Ruether agrees: “Homosexuality is the scare issue in the Christian churches today.” (“Homophobia, Heterosexism, and Pastoral Practice,” in *Homosexuality in the Priesthood* 21–35, at 21).

⁹⁸ These claims have been rebuffed. See James Keenan, “Sex Abuse, Power Abuse,” *The Tablet* 256 (May 11, 2002) 9–10; Desmond O’Donnell, “The Paedophile Personality,” *The Tablet* 256 (October 26, 2002) 15–16.

⁹⁹ Andrew Baker, “Ordination and Same Sex Attraction,” *America* 187 (September 30, 2002) 7–9; Thomas Gumbleton, “Yes, Gay Men Should Be Ordained,” *ibid.* 10–13; Editorial, “Ordaining Gay Men,” *America* 187 (November 11, 2002) 3;

ted to the seminary as long as he does not “espouse a gay identity,” recognizes celibacy as “the renouncing of wife and children,” and is “willing to give internal consent to the Church’s teaching” on homosexuality.¹⁰⁰ In these fundamentally secretive discussions, the silence of the clergy and the teaching on homosexuality appear continuously linked, and the notion of “internal assent” indicates a “new maximalist criterion of conformity” intended to further solidify that connection and to radically censure the open debate.

That silence then perpetuates the habit of leaving others to write about homosexuals without recognizing the need to grasp their actual experiences.¹⁰¹ Moreover, it has had considerable effect on the ability of Catholics to address questions of HIV/AIDS prevention to gay Catholics at risk.¹⁰²

For these reasons, the need to develop a “rhetoric of rich moral description” is more urgent than ever. Two recent works highlight how power and language emerging from the experience of lesbian and gay Christians become living concepts not only for these persons but also for the Church.¹⁰³ Xavier Seubert acknowledges that “[h]omosexuality has consistently been judged by the measure and requirements for authenticity not its own,” and proposes homosexuality as a “salvific metaphor.”¹⁰⁴ Through the lens of a relational-progressive theology, he claims that “the most thoroughgoing

Jon Fuller, “On ‘Straightening Out’ Catholic Seminaries,” *America* 187 (December 16, 2002) 7–9; Edward Vacek, “‘Acting More Humanely’: Accepting Gays in the Priesthood,” *ibid.* 10–14.

¹⁰⁰ “Sign of the Times,” *America* 187 (October 28, 2002) 4–5.

¹⁰¹ See, for instance, Xavier Thévenot’s *Homosexualités masculines et morale chrétienne* (Paris: Cerf, 1985) and the ringing critical review by André Guindon, “Homosexualités et méthodologie éthique,” *Église et théologie* 17 (1986) 57–84. On Thévenot’s view of homosexuals as compulsive, see “Les homosexualités,” *Études* 358 (1983) 339–54. Elsewhere, Manuel Cuyás describes homosexuality as a handicap, “Omosessuali: comprensione e verità,” *Rassegna di teologia* 31 (1990) 502–9. On the benefits of the “open debate,” Eileen Flynn, “Responding to the ‘Gay Agenda,’” *America* 183 (September 30, 2000) 15–17.

¹⁰² Richard Smith, *AIDS, Gays, and the American Catholic Church*. (Cleveland: Pilgrim, 1994); Jon Fuller, “Priests with AIDS,” *America* 182 (March 18, 2000) 7–9. See the essays by Peter Black, Jorge Peláez, and John Tuohey in *Catholic Ethicists on HIV/AIDS Prevention*, ed. James Keenan (New York: Continuum, 2000).

¹⁰³ See Mary E. Hunt, “Too Sexy for Words: The Changing Vocabulary of Religious Ethics,” Kathleen M. Sands, ed., *God Forbid: Religion and Sex in American Public Life* (New York: Oxford University, 2000) 155–66.

¹⁰⁴ Xavier Seubert, “‘But Do Not Use the Rotted Names’: Theological Adequacy and Homosexuality,” *Heythrop Journal* 40 (1999) 60–75, at 72 and 68 respectively. See also See Ludger Viefhues, S.J., “‘On My Bed at Night I Sought Him Whom My Heart Loves’: Reflections on Trust, Horror, G*D, and the Queer Body in Vowed Religious Life,” *Modern Theology* 17 (2001) 413–25.

perceptions which gays and lesbians have of themselves . . . is the feeling of being marginalized; it is lived bodily experience.” Explaining that “marginality can be positive” and that “the margin means to be at the outer boundaries of a group,” he contends that “one has the freedom to be involved in dynamics and patterns of life which stand outside the dynamics and patterns of the principle cultural metaphor. Being pushed to the margin can mean being at a threshold of possibilities and having the freedom to engage those possibilities. In this sense the homosexual body is a threshold reality.”¹⁰⁵ Because this body has not been a participant in the principal metaphor, “it must initially appear threatening and disruptive.”¹⁰⁶ As opposed to that initial impression, Seubert hopes that “homosexuality can be a new name for its own embodying manifestation of Godlife.”¹⁰⁷

Finally, James Alison’s brilliant work sets a new course for the open debate. Here he describes his own conversion of being first like Jonah convinced of his own marginalized righteousness and then “spluttering” forth from the belly of the whale his own experience of deliverance. Alison tells the story of having been “caught and held through the depths in which the utterly terrifying and yet completely gentle, unambiguous ‘yes’ of God to suggest into being the consciousness of a son, to bring forth the terrifying novelty of an unbound conscience.”¹⁰⁸ Freed, Alison enters deeply into Scripture. Being gay and having been defined as an outsider for the sake of those inside the Church, he sees in the healing of the man born blind Jesus’ own command never to marginalize another so as to define oneself. Here is the victor who offers an embrace and a kiss instead of rejection and denial. Turning away from the variety of devices with which we empower ourselves at the cost of others, Alison turns to the birth of the Christian conscience that finds consolation in God’s revolutionary movements of inverting all things. This refreshing, prayerful glimpse of the depths of one’s faith helps readers to recognize that invariably the entire open debate is about ourselves and how we treat one another in the new dispensation.

¹⁰⁵ Gudorf makes the interesting observation that “homosexual couples, both gay and lesbian, are generally agreed to have been more successful than heterosexual couples in constructing egalitarian couples, as well as egalitarian groups and sub-groups” (*Body, Sexual Pleasure* 148).

¹⁰⁶ Seubert, “But Do Not Use” 69–70.

¹⁰⁷ *Ibid.* 72. Hartwig proposes a heuristic guideline for the development of a positive, developmentally oriented, virtue-based sexual ethics based on a notion of the poetics of intimacy in his *The Poetics*.

¹⁰⁸ James Alison, *Faith Beyond Resentment: Fragments Catholic and Gay* (New York: Crossroad, 2001) 95.

CONCLUSION

The open debate is an extensive one, occurring throughout the Catholic world. As they engage in this debate, moral theologians do not superficially validate personal lifestyles but rather propose a variety of criteria for assessing the morality of the way ordinary gay and lesbian persons live their lives. The debate helps us to see, then, that the Catholic tradition is rich, human, and capable of being relevant to help gay and lesbian persons find moral ways of living out their lives and the ways they are called to love. Gay and lesbian persons respond offering, from their experience, a variety of ways of imagining not only their own self-understanding, but the way we are called to be Church. Like other groups of people who have been oppressed by, among others, the Church, they help us to see that by silencing and marginalizing them, we do harm to them, ourselves, the Church, and the gospel.¹⁰⁹

¹⁰⁹ I thank Elizabeth Stuart for her insights, Jon Fuller and Paul Crowley for their many helpful observations, James Bretzke, Daniel Harrington, Bryan Massingale, and Marciano Vidal for their bibliographical resources.