

QUAESTIO DISPUTATA
**CATHOLIC SEXUAL ETHICS: COMPLEMENTARITY AND
THE TRULY HUMAN**

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This disputatio is an inquiry into the nature of the truly human sexual act. The authors first present and critique the types of complementarity—heterogenital, reproductive, communion, affective, and parental—that the magisterium finds in a truly human sexual act. They then suggest that heterosexual or homosexual orientation as part of a person's sexual constitution requires adding orientation complementarity to the equation. This addition yields the conclusion that holistic complementarity—an integration of orientation, personal, and biological complementarities—is a more adequate sine qua non of truly human sexual acts.

AN IMPORTANT ARTICLE recently appeared in this journal analyzing and critiquing the magisterium's argument against same-sex marriages.¹ This *disputatio* continues the discussion begun in that article by focusing on two important and related terms, "truly human" and "complementarity," that have recently been introduced into the discussion of sexual morality in the Catholic tradition. Vatican II's *Gaudium et spes*, which Joseph Selling

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¹ Stephen J. Pope, "The Magisterium's Argument against 'Same-Sex' Marriages: An Ethical Analysis and Critique," *Theological Studies* 65 (2004) 530–65.

describes as “a manifesto for contemporary moral theology,”² declared that the sexual intercourse in and through which spouses symbolize their mutual gift to one another is to be *humano modo*, “in a manner which is [truly] human.”³

Unfortunately, the council offered no definition of what it meant by “truly human” and, when the phrase was introduced into the specification of marital consummation in the revised Code of Canon Law in 1983, it was again added without definition. Ten years before the revision of the code, in 1973, the subcommission that drafted the revision of the canons on marriage recognized the difficulty of including *humano modo* in law without definition and noted the lack of a verifiable criterion “to prove that a consummating act has not been done in a human manner.” Given that lack, the commission unanimously recommended that the words *humano modo* be included in the text within parentheses “so that their doubts on the matter may be on record.”⁴ This recommendation was ignored, and the revised code decrees that a marriage is “ratified and consummated if the spouses have *humano modo* engaged together in a conjugal act in itself apt for the generation of offspring.”⁵ The problem noted by the subcommission, the lack of a verifiable criterion for nonconsummation, remains unresolved today, leaving legislators with no sure criterion for verifying that a marriage has been truly humanly consummated and is, therefore, indissoluble.

Efforts have been made to provide a canonical description of intercourse *humano modo*, but they have been minimalist. John Beal suggests the act of intercourse must be “a natural and voluntary act”;⁶ Thomas Doyle argues that intercourse must be engaged in “willingly and lovingly on the part of each party.”⁷ Beal’s concluding comment, however, remains true. “The precise determination of what constitutes sexual relations in a human fashion will have to be determined gradually in the jurisprudence of the Con-

² Joseph A. Selling, “*Gaudium et Spes*, A Manifesto for Contemporary Moral Theology,” in *Vatican II and Its Legacy*, ed. M. Lamberigts and L. Kenis (Leuven: Leuven University, 2002) 145–62.

³ *Gaudium et spes* no. 49 (emphasis added). “*Humano modo*” is frequently translated in magisterial documents and canon law as “truly human,” but its more literal translation is simply “in a human manner.”

⁴ Commissio Pontificia Codici Iuris Canonici Recognoscendo, “De Matrimonio,” *Communicationes* 5 (1973) 79.

⁵ Canon 1061, 1.

⁶ John P. Beal, “Title VII: Marriage,” in *New Commentary on the Code of Canon Law*, ed. John P. Beal, James A. Coriden, and Thomas J. Green (New York: Paulist, 2000) 1234–60, at 1258.

⁷ Thomas P. Doyle, “Title VII: Marriage,” in *The Code of Canon Law: A Text and Commentary*, ed. James A. Coriden, Thomas J. Green, and Donald E. Heintschel (New York: Paulist, 1985) 737–833, at 745.

gregation for the Sacraments.”⁸ This judgment remains especially true for any *theological* reflection on *humano modo*, and this article seeks to contribute to that reflection.

Before proceeding, however, we offer a word about the nature and importance of the word *disputatio* that precedes the title of this essay. The Scholastic Master had three tasks: *lectio* or commentary on the Bible; *disputatio* or teaching by objection and response to a theme; *praedicatio* or theology and pastoral application.⁹ Peter Cantor speaks for all Scholastics when he declares that “it is after the *lectio* of scripture and after the examination of the doubtful points, thanks to the *disputatio*, and not before, that we must preach.”¹⁰ This essay intends a *disputatio* that seeks to uncover and elucidate the Catholic truth that necessarily precedes *theologia* or *praedicatio* about moral sexual activity.

PRELIMINARY REMARKS: MAGISTERIUM AND THE MEANINGS OF COMPLEMENTARITY

The idea of complementarity, if not the term itself, is used throughout magisterial documents and applies to eschatological,¹¹ ecclesiological,¹² vocational,¹³ and anthropological realities. Basically, complementarity intends that certain realities belong together and produce a whole that neither produces alone. While space does not permit an exploration of how complementarity is applied to all these realities, we can note the following characteristics of its use. First, complementarity is nearly always classified along masculine and feminine lines,¹⁴ and this classification is used metaphorically, biologically, or in combination of both. Second, it is often formulated as a “nuptial hermeneutics,” in terms of bridegroom and bride.¹⁵

⁸ Beal *et al.*, *New Commentary on the Code* 1364.

⁹ See Jean-Pierre Torrell, *Saint Thomas Aquinas*, vol. 1, *The Person and His Work*, trans. Robert Royal (Washington: Catholic University of America, 1996) 54–74.

¹⁰ Peter Cantor, *Verbum abbreviatum* 1, *PL* 205, 25 (emphasis added).

¹¹ John Paul II, *Redemptoris mater*, *Acta Apostolicae Sedis* 79 (1987) nos. 20, 23.

¹² John Paul II, *Mulieris dignitatem* nos. 26, 27, *Origins* 18 (1988) 278–80.

¹³ John Paul II, *Familiaris consortio* no. 11 (hereafter *FC*), in *The Post-Synodal Apostolic Exhortations of John Paul II*, ed. J. Michael Miller (Huntington, Ind.: Our Sunday Visitor, 1998) 148–233; and *Mulieris dignitatem*, nos. 17, 21.

¹⁴ It is important to note that the distinction between biological sex (male/female) and socially conditioned gender (masculine/feminine) is frequently absent in magisterial discussions of complementarity (see Susan A. 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: Toward the Development of Moral Theology*, ed. Patricia Beattie Jung with Joseph Andrew Coray [Collegeville: Liturgical, 2001] 39–59, at 56 n. 5).

¹⁵ Ross, “Bridegroom and the Bride”; and David Matzko McCarthy, “The Relationship of Bodies: A Nuptial Hermeneutics of Same-sex Unions,” in *Theology*

So, God, Jesus, and husband are masculine and bridegroom; and creation, church, and wife are feminine and bride. Third, in its theological anthropology, the magisterium posits an “ontological complementarity” whereby men and women, though fundamentally equal and complete in themselves,¹⁶ are incomplete as a couple.¹⁷ Sexual complementarity completes the couple in marriage and sexual acts by bringing the masculine and feminine biological and psychological elements together in a unified whole.

While complementarity serves as a foundational sexual ethical concept in Pope John Paul II’s theology of the body¹⁸ and in magisterial pronouncements on human sexuality,¹⁹ there are difficulties in discerning the specific meaning of the term in these writings, and concerns arise regarding its plausibility as a foundational sexual principle. First, there are various *types* of complementarity depending on the context; complementarity is used, often without distinction, to refer to marriage, the sexual act, and parenthood. It is not clear, for example, how or if complementarity in parenthood differs from complementarity in the sexual act. Second, many authors have argued that the magisterium’s conceptualization of complementarity cannot adequately consider the human sexual person, serve as a foundational sexual ethical principle, or define a truly human sexual act.²⁰ We believe,

and Sexuality: Classic and Contemporary Readings, ed. Eugene F. Rogers, Jr. (Oxford: Blackwell, 2002) 200–16, at 206–10.

¹⁶ John Paul II, Authentic Concept of Conjugal Love, *Origins* 28 (1999) 654–56, at 655.

¹⁷ John Paul II, Letter to Women no. 7, *Origins* 25 (1995) 137–43, at 141.

¹⁸ See John Paul II, *The Theology of the Body: Human Love in the Divine Plan*, foreword by John S. Grabowski (Boston: Pauline, 1997) 48–49, 58, 69–70, 276–78, 298–99, 368–70.

¹⁹ See, for example, John Paul II, *FC*; Letter to Women; Authentic Concept of Conjugal Love 654–56; *Catechism of the Catholic Church* (Vatican City: Libreria Editrice Vaticana, 2000; Washington: distributed by United States Catholic Conference); CDF, *Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons*, *Acta Apostolicae Sedis* 96 (2004) 41–49 (hereafter, *CRP*); United States Conference of Catholic Bishops (hereafter USCCB), *Between Man and Woman: Questions and Answers about Marriage and Same-Sex Unions*, *Origins* 33 (2003) 257, 259.

²⁰ See, for example, Charles E. Curran, *The Moral Theology of Pope John Paul II* (Washington: Georgetown University, 2005) 190–93; Cristina L. H. Traina, *Feminist Ethics and Natural Law: The End of the Anathemas* (Washington: Georgetown University, 1999), 1–2, 9, 31, 311–12; Traina, “Papal Ideals, Marital Realities: One View from the Ground,” in *Sexual Diversity and Catholicism* 269–88, at 280–82; Ross, “Bridegroom and the Bride” 39–59; Edward Collins Vacek, “Feminism and the Vatican,” *Theological Studies* 66 (2005) 159–77, at 173–76; Gareth Moore, *The Body in Context: Sex and Catholicism*, *Contemporary Christian Insights* (New York: Continuum, 2001) 117–39, 203–8; and Christine E. Gudorf, “Encountering the Other: The Modern Papacy on Women,” in *Feminist Ethics and the Catholic*

however, that a “reconstructed complementarity”²¹ can serve as a foundational sexual ethical principle. This article will first explain and critique the various types of sexual complementarity used in magisterial writings and then propose revised types of complementarity and demonstrate their implications for a truly human sexual act.

SEXUAL COMPLEMENTARITY

The Congregation for the Doctrine of the Faith (CDF), in its Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons (CRP), has recently sought to clarify the meaning of truly human sexual acts. It first states that homosexual unions lack “the conjugal dimension which represents the human and ordered form of sexuality,” and then articulates the principle that “sexual relations are human when and insofar as they express and promote the mutual assistance of the sexes in marriage and are open to the transmission of new life.”²² This is the standard unitive-procreative principle that, in the 20th century, became the foundational principle for all Catholic sexual teaching. According to this principle, truly human sexual acts are acts within marriage that are simultaneously unitive of the spouses and open to procreation, and only such acts are judged to be “truly human.”²³ CRP uses the term *sexual complementarity* in relation to this principle, which includes parenting or the education of children and, on this foundation, defends heterosexual marriage and condemns homosexual unions. The term *complementarity* has appeared only relatively recently in magisterial sexual teaching, in Pope John Paul II’s *Familiaris consortio* (1981),²⁴ and its types and implications for defining truly human sexual acts have yet to be fully explored. In the next section we investigate and critique several types of complementarity to advance the understanding of both it and its implications for the “truly human” sexual act.

BIOLOGICAL AND PERSONAL COMPLEMENTARITY

There are two general types of sexual complementarity in the CDF’s document, biological and personal, with subtypes within each (Table 1). The definition of what constitutes truly human sexual acts depends on how

Moral Tradition, Readings in Moral Theology 9, ed. Charles E. Curran, Margaret A. Farley, and Richard A. McCormick (New York: Paulist, 1996) 66–89, at 74–79.

²¹ Ross, “Bridegroom and the Bride” 53, 59 n. 37.

²² CDF, CRP no. 7.

²³ Ibid.; John Paul II, FC no. 11.

²⁴ Ibid. no. 19. The pope speaks of a “natural complementarity.”

TABLE 1
Types of Sexual Complementarity in Magisterial Teaching

I. Biological Complementarity	
Title	Definition
Heterogenital complementarity	The physically functioning male and female sexual organs (penis and vagina)
Reproductive complementarity	The physically functioning male and female reproductive organs used in sexual acts to biologically reproduce
II. Personal Complementarity	
Title	Definition
Communion complementarity	The two-in-oneness within a heterogenital complementary marital relationship that is created and sustained by truly human sexual acts
Affective complementarity	The integrated psycho-affective, social, relational, and spiritual elements of the human person grounded in heterogenital complementarity.
Parental complementarity	Heterogenitally complementary parents who fulfill the second dimension of reproductive complementarity, namely, the education of children.

biological and personal complementarity are defined in themselves and in relation to one another. We will consider each definition in turn.

Biological Complementarity: Heterogenital and Reproductive

Biological complementarity is divided into what we label *heterogenital* and *reproductive complementarity*. The CDF describes heterogenital complementarity this way: “Men and women are equal as persons and complementary as male and female. Sexuality is something that pertains to the physical-biological realm.”²⁵

Heterogenital complementarity pertains to the biological, genital distinction between male and female. The mere possession of male or female genitals, however, is insufficient to constitute heterogenital complementarity; genitals must also function properly. If they cannot function complementarily, neither heterogenital nor reproductive complementarity is possible, and in that case canon law prescribes that a valid marriage and sacrament are also not possible. “Antecedent and perpetual impotence to have intercourse, whether on the part of the man or of the woman, which is either absolute or relative, of its very nature invalidates marriage.”²⁶

Heterogenital complementarity is the foundation for reproductive complementarity and “therefore, in the Creator’s plan, sexual complemen-

²⁵ CRP no. 3.

²⁶ Canon 1084, 1.

tarity and fruitfulness belong to the very nature of marriage.”²⁷ Heterogenital and reproductive complementarity, however, are to be carefully distinguished for, while the magisterium teaches that a couple must complement each other heterogenitally, it also teaches that, “for serious reasons and observing moral precepts,” it is not necessary that they biologically reproduce.²⁸ Infertile couples and couples who choose for serious reasons not to reproduce for the duration of the marriage can still enter into a valid marital and sacramental relationship. In light of this teaching, Pope Paul VI’s statement that “each and every marriage act must remain open to the transmission of life”²⁹ is *morally* ambiguous in the cases of infertile couples, couples in which the wife is postmenopausal, and couples who practice permitted natural family planning with the specific intention of avoiding the transmission of life. We may reasonably ask in what way are sexual acts between such couples “open to the transmission of life”?

Biological Openness to the Transmission of Life

First, magisterial teaching, following Thomas Aquinas, distinguishes between reproductive acts that are essentially (*per se*) closed to reproduction and reproductive acts that are accidentally (*per accidens*) nonreproductive.³⁰ Contraceptive (including natural family planning with a contraceptive will), nonreproductive heterosexual (oral sex, for example), and homosexual sexual acts are types of sexual acts that are essentially closed to reproduction. Sterile, either permanently or temporarily during the infertile period of a woman’s cycle, and postmenopausal sexual acts are accidentally nonreproductive and belong to the same type of reproductive acts. Accidentally nonreproductive sexual acts are essentially of the same type as reproductive sexual acts and thus fulfill sexual complementarity, the unitive and procreative meanings of the sexual act. We ask, however, is it really the case that all such sexual acts are essentially the same type of act?

Gareth Moore notes that whether or not two acts are of the same type depends on how we classify acts according to our interest. The interest here is reproduction (“open to the transmission of life”). We call vaginal intercourse and not anal intercourse a reproductive type of act because we know that, under the right conditions, pregnancy can result in the former case and can never result in the latter case. Science and knowing the biological facts of reproduction enable us to classify certain sexual acts as

²⁷ CRP no. 3.

²⁸ Pope Paul VI, *Humanae vitae* no. 10; see also Pope Pius XII, “The Apostolate of the Midwife,” in *The Major Addresses of Pope Pius XII*, vol. 1, *Selected Addresses*, ed. Vincent A. Yzermans (St. Paul, Minn.: North Central Publishing, 1961) 160–176, at 169.

²⁹ Paul VI, *Humanae vitae* no. 11.

³⁰ Aquinas, *Summa contra gentiles* 3, chap. 122.

reproductive types of acts and other sexual acts as nonreproductive types of acts. If science is relevant in distinguishing between vaginal intercourse that is open to reproduction and anal intercourse that is not open to reproduction, it would seem that this consideration would apply equally to the distinction between potentially fertile and permanently or temporarily sterile reproductive acts. As Moore correctly notes, “vaginal intercourse which we know to be sterile is a different type of act from vaginal intercourse which, as far as we know, might result in conception.”³¹

If potentially fertile reproductive acts and permanently or temporarily nonreproductive acts are essentially of a different type in terms of the “openness to the transmission of life,” then we must ask what distinguishes infertile heterosexual acts from homosexual acts. The answer seems to reside in heterogenital complementarity. That is, leaving aside personal complementarity for the moment, heterogenital complementarity, not reproductive complementarity, seems to serve as an essential categorization for potentially reproductive and permanently or temporarily sterile nonreproductive heterosexual acts.

Grounding the essential act-type of heterosexual potentially reproductive and permanently or temporarily nonreproductive sexual acts in heterogenital, rather than reproductive, complementarity raises two sets of questions. First, it raises questions about the morality of other types of nonreproductive heterosexual acts, such as oral sex, which are permanently nonreproductive though heterogenital complementarity is present. Second, the magisterium’s claim that homosexual acts are intrinsically disordered because they are closed to the transmission of life can be challenged. Permanently infertile reproductive acts are as biologically closed to the transmission of life as are homosexual acts. From the point of view of reproduction, nonreproductive heterosexual acts *may* have more in common with homosexual acts in terms of personal complementarity and relationality than with infertile reproductive sexual acts in terms of reproductive complementarity. While homosexual acts do not exhibit heterogenital or reproductive complementarity, it remains to be seen whether or not they exhibit personal complementarity.

Metaphorical Openness to the Transmission of Life

Second, rather than arguing biologically and scientifically for an essential type classification of reproductive acts that are open to the transmission of life, one can argue metaphorically for this openness. James Hanigan, for instance, argues for this metaphorical openness in terms of an “iconic significance of one’s sexuality,” whereby “one’s maleness or femaleness in

³¹ Moore, *The Body in Context* 162.

all its embodied reality must be taken with full seriousness.”³² Male and female sexuality are created to be spousal in that they are ordered towards interpersonal union. Furthermore, male sexuality is “paternal in its ordination to the maternal, to the female, and to the raising up of new life.” Similarly, female sexuality is “maternal in its ordination to the paternal, the male, and to the birthing and nurturing of new life.”³³ In their genital maleness and femaleness, their paternity and maternity, postmenopausal and other infertile heterosexual couples represent this openness to the transmission of life to the community in the very reality of their relationship, and this representation has moral significance. Hanigan’s claim has moral credibility by interpreting “openness to the transmission of life” in a metaphorical rather than a biological sense.

A question to be posed to Hanigan, however, is this: In what way is an infertile heterosexual couple’s sexuality iconically significant in a way that a homosexual couple’s sexuality is not? The most obvious answer is that a homosexual couple does not have the heterogenital complementarity necessary to reproduce. Aside from heterogenital complementarity and potential biological reproduction, however, it is not clear that a homosexual couple’s sexuality cannot be iconically significant. Referring to Paul VI, Hanigan himself notes that marriage is “*one* way God has of realizing in human history the divine plan of love.” And while there may be other ways to achieve this plan, “conjugal union is the way that *fully* enacts human sexuality.”³⁴

One response to Hanigan’s claim of iconic significance of male and female sexuality is that, while we may agree that conjugal acts of a reproductive kind fully enact human sexuality, it does not follow that acts that fall short of that full enactment, such as nonreproductive heterosexual or homosexual acts, are immoral and, therefore, impermissible. To say that an act is inferior is not to say that it is immoral.³⁵ One must demonstrate this immorality in terms of personal complementarity and the affective, relational, and spiritual dimensions of the human sexual person. Many would deny that nonreproductive heterosexual or homosexual acts violate personal complementarity and are, therefore, immoral.

Such an interpersonal response in the case of homosexual acts, however, too easily concedes heterogenital complementarity as normative, and bypasses the moral significance of bodiliness to argue on the interpersonal significance of homosexual acts within a homosexual relationship. David McCarthy takes a different approach, arguing theologically for a nuptial metaphor of *both* homosexual *and* heterosexual unions grounded in the

³² James P. Hanigan, “Unitive and Procreative Meaning: The Inseparable Link,” in *Sexual Diversity and Catholicism* 22–38, at 33.

³³ *Ibid.* 35.

³⁴ *Ibid.* 30 (emphasis added).

³⁵ Moore, *The Body in Context* 200–201.

human body. He does so in four steps. First, the beginning of all theological reflection is “God’s reconciliation with the world, which, in the gathering of the Church, constitutes a body.”³⁶ Second, the Church or Body of Christ generates a relationship of bodies to create a network of communion or common life. Within this network there is a “desire of the body” to enter into permanent unions, “which is drawn to God’s faithfulness and patterned in mimesis of God’s enduring love.” Third, this desire is “matched by a thoroughgoing hermeneutics of the body” whereby, “through marriage, the body is given an identity that does not merely bring its agency to fulfillment but also locates the communicative acts of the body at the axis of a community’s whole life.”³⁷ Up to this point, McCarthy and Hanigan would agree.

Fourth, McCarthy argues that, although the hermeneutics of the body and the nuptial metaphor it justifies is limited to heterosexual marriage in the Catholic tradition, as it is in Hanigan, it can be extended to homosexual unions as well. It can be so extended by integrating an adequate definition of sexual orientation into a theology of the body to develop a “nuptial hermeneutics of same-sex unions.”³⁸ The magisterium defines heterosexual orientation as normative, the “natural” explanation of the nuptial metaphor, and defines homosexual orientation as objectively disordered. Homosexual orientation is objectively disordered in the *desire* for a person of the same sex (“A homosexual orientation produces a stronger emotional and sexual attraction toward individuals of the same sex, rather than toward those of the opposite sex”³⁹), and because it creates a “strong tendency” towards homosexual *acts* that are intrinsically evil.⁴⁰ This emphasis on desire and act highlights the underlying disparity in magisterial teaching in the term “orientation” when it comes to heterosexual or homosexual orientation. Whereas heterosexual orientation focuses on the affective complementarity of two embodied persons, biologically, psycho-affectively, socially, and spiritually,⁴¹ homosexual orientation focuses on desire and acts.

McCarthy, however, provides a definition of homosexual orientation,

³⁶ McCarthy, “Relationship of Bodies” 201.

³⁷ *Ibid.* 210.

³⁸ *Ibid.* 212.

³⁹ USCCB, *Always Our Children* (Washington: USCCB, 1997) 4–5; CDF, *Persona humana: Declaration on Certain Questions concerning Sexual Ethics* no. 8, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19751229_persona-humana_en.html (accessed May 24, 2006).

⁴⁰ CDF, Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons no. 3, *Origins* 16 (1986) 377–82, at 379; CDF, “Vatican List of Catechism Changes,” *Origins* 27(1997) 251–62, at 257.

⁴¹ Congregation for Catholic Education (hereafter CCE), *Educational Guidance in Human Love: Outlines for Sex Education* (hereafter *EGHL*) no. 35 (Rome: Typis Polyglottis Vaticanis, 1983) 13.

which, aside from heterogenital complementarity, is consistent with the magisterium's understanding of heterosexual orientation. "Gay men and lesbians are persons who encounter the other (and thus discover themselves) in relation to persons of the same sex. This same-sex orientation is a given of their coming to be, that is, *the nuptial meaning of human life emerges* for a gay man in relation to other men and a woman when face to face with other women."⁴² In a steadfast interpersonal union, then, homosexual couples give their bodies to one another and are "theologically communicative," that is, they are witnesses to the community of God's "constancy and steadfast fidelity."⁴³ In their witness, homosexual couples have "iconic significance" in their sexuality through embodied interpersonal union, just as heterosexual couples, both fertile and infertile, have "iconic significance" in their sexuality in their embodied interpersonal union. Heterogenital complementarity is not a determining factor. Rather, two genitally embodied persons, heterosexual or homosexual, in permanent interpersonal union, who reflect God's constant love and steadfast fidelity are the determining factor.⁴⁴ In the case of fertile heterosexual couples, embodied interpersonal union is potentially procreative; in the case of infertile heterosexual and homosexual couples, embodied interpersonal union is not potentially procreative. Embodiment and the nuptial metaphor, however, are essential to all three interpersonal unions.

To summarize: if one explores "openness to the transmission of life" in biological terms, then potentially reproductive and permanently or temporarily nonreproductive heterosexual acts are essentially different types of acts, and heterogenital complementarity becomes the essential difference that distinguishes nonreproductive heterosexual acts from homosexual acts. If one explores "openness to the transmission of life" in metaphorical terms, following McCarthy, both homosexual and heterosexual couples can exhibit "iconic significance" in their embodied interpersonal unions and sexual acts. For Hanigan, heterogenital complementarity becomes the essential difference that distinguishes "iconic significance" in heterosexual and homosexual interpersonal unions, allowing "iconic significance" to be morally determinative in the sexual act for heterosexual unions, but not for homosexual unions.

It is to be noted that, although reproductive complementarity always entails heterogenital complementarity, heterogenital complementarity does not always entail reproductive complementarity. Heterogenital complementarity is distinct from and can stand alone from reproductive complementarity in the service of personal complementarity. Reproductive

⁴² McCarthy, "Relationship of Bodies" 212–13 (emphasis added).

⁴³ Ibid. 213.

⁴⁴ We will address "orientation complementarity" in more detail below.

complementarity can also stand alone from parental complementarity, for a couple may choose to adopt rather than to reproduce offspring.

PERSONAL COMPLEMENTARITY

Communion Complementarity

The CDF also refers to sexuality on the “personal level—where nature and spirit are united.” We refer to the personal level of sexuality as personal complementarity, which can be divided into several subcategories. First, there is *communion complementarity* in the marital relationship, “a communion of persons is realized involving the use of the sexual faculty.”⁴⁵ The male and female genitals, the penis and vagina, contribute to the realization of a communion of persons in marriage expressed in truly human sexual acts. Without heterogenital complementarity, communion complementarity is not possible, a point implied by the CDF’s statement on the morality of homosexual unions. “There are absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God’s plan for marriage and family. Marriage is holy, while homosexual acts go against the natural moral law. Homosexual acts ‘close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved.’”⁴⁶

Affective Complementarity

Second, there is “natural,”⁴⁷ “ontological,”⁴⁸ or *affective complementarity*. This type of complementarity is at the crux of magisterial teaching on sexual complementarity because it intrinsically links biological and personal complementarity. Citing the *Catechism of the Catholic Church*, the CDF notes that affective complementarity is lacking in homosexual acts and, therefore, these acts can never be approved. It does not clarify here what it means by affective complementarity, but we can glean some insight from other magisterial sources. The Congregation for Catholic Education (CCE) teaches that, “in the Christian anthropological perspective, affective-sex education must consider the totality of the person and insist therefore on the integration of the biological, psycho-affective, social and spiritual elements.”⁴⁹ Since affective sex education seeks to integrate the bio-

⁴⁵ CDF, *CRP* no. 3.

⁴⁶ *Ibid.* no. 4; *Catechism of the Catholic Church* no. 2357.

⁴⁷ John Paul II, *FC* no. 19.

⁴⁸ John Paul II, Letter to Women no. 7.

⁴⁹ CCE, *EGHL* no. 35.

logical, psycho-affective, social, and spiritual elements of the human person, affective complementarity must similarly integrate these elements in a truly human sexual act. Important questions for magisterial understanding of affective complementarity are how it understands these elements in the individual person, in the person in relationship, and in a truly human sexual act.

First, John Paul II claims that “even though man and woman are made for each other, this does not mean that God created them incomplete.”⁵⁰ Each individual has the potential to be complete by integrating the biological, psycho-affective, social, and spiritual elements of affective complementarity. Claiming that men and women are complete in themselves seems to respond to the concerns expressed by some theologians that the idea of complementarity implies that celibate religious or single people are somehow not complete and lack something in their humanity.⁵¹ Second, when he moves from individual to couple, even though man and woman are “complete” in themselves, the pope argues that “for forming a couple they are incomplete.”⁵² He further notes that “woman complements man, just as man complements woman. . . . Womanhood expresses the ‘human’ as much as manhood does, but in a different and complementary way.”⁵³ We may reasonably ask, however, where the incompleteness and the need for complementarity reside in an individual who is complete in himself or herself, but is incomplete for forming a couple? Where in the human person does this incompleteness exist that needs complementing by the opposite sex in order to complete it? John Paul II responds that “Womanhood and manhood are complementary *not only from the physical and psychological points of view*, but also from the *ontological*. It is only through the duality of the ‘masculine’ and the ‘feminine’ that the ‘human’ finds full realization.”⁵⁴ Kevin Kelly accurately notes that “ontological complementarity maintains that the distinction between men and women has been so designed by God that they complement each other, not just in their genital sexual faculties but also in their minds and hearts and in the particular qualities and skills they bring to life, and specifically to family life.”⁵⁵ The masculine and feminine complement each other to create a

⁵⁰ John Paul II, *Women: Teachers of Peace* no. 3, Message of His Holiness Pope John Paul II for the XXVIII World Day of Peace (January 1, 1995), http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121994_xxviii-world-day-for-peace_en.html (accessed May 20, 2006).

⁵¹ Gudorf, “Encountering the Other” 75; and Curran, *Moral Theology* 192–93.

⁵² Vacek, “Feminism and the Vatican” 173–74, referring to John Paul II, “Authentic Concept of Conjugal Love” 655.

⁵³ John Paul II, “Letter to Women” no. 7, at 141.

⁵⁴ *Ibid.* (emphasis original); *FC* no. 19.

⁵⁵ Kevin Kelly, *New Directions in Sexual Ethics* (London: Cassell, 1999) 51. He

“unity of the two,”⁵⁶ a “psychophysical completion,”⁵⁷ not only in sexual acts but also in marital life. Finally, beyond heterogenital complementarity for the purpose of reproduction, John Paul’s claim of affective complementarity leaves ambiguous and undeveloped *how* these elements are integrated in a truly human sexual act.

To summarize magisterial teaching on affective complementarity: the affective (biological, psycho-affective, social, and spiritual) elements are strictly divided according to gender and comprise essential male and female human natures; only when they are brought together in marriage and sexual acts is the human couple complete.

There are two important points to note in John Paul’s explanation of affective complementarity. First, there is an intrinsic relationship between heterogenital and personal complementarity, between body and person (heart, intelligence, will, soul).⁵⁸ Second, given the magisterium’s teaching on the immorality of homosexual acts, it is clear it regards heterogenital complementarity as a *sine qua non* for personal complementarity in truly human sexual acts. Without heterogenital complementarity, the other elements of affective complementarity in the sexual act cannot be realized.

Several points need to be made regarding the claims that God created individuals complete in themselves but are incomplete when they come to form a couple and that this incompleteness is made complete through the (biological, psycho-affective, social, and spiritual) affective complementarity of male and female. First, to claim that a person is complete in him- or herself indicates that the person is complete biologically, psycho-affectively, socially, and spiritually, at least when the person is in relationship with God and neighbor. Second, while it is clear that male and female complete one another biologically in terms of genitalia for reproduction, it is not clear how they are incomplete and complete each other psycho-affectively, socially, and spiritually. John Paul II claims that “It is only in the union of two sexually different persons that the individual can achieve perfection in a synthesis of unity and mutual psychophysical completion.”⁵⁹ Biological and psycho-affective, social, and spiritual elements of the human person are ontologically divided along masculine and feminine lines, however, without justification, save that these are God-given from the very beginning.⁶⁰ It is reasonable to question, however, whether the psycho-

goes on to critique ontological complementarity as ultimately “oppressive and deterministic” (52).

⁵⁶ John Paul II, Letter to Women no. 8; *Mulieris dignitatem* no. 6.

⁵⁷ John Paul II, Authentic Concept of Conjugal Love no. 5.

⁵⁸ John Paul II, *FC* no. 19.

⁵⁹ John Paul II, Authentic Concept of Conjugal Love no. 5.

⁶⁰ John Paul II, Letter to Women nos. 7–8.

affective, social, and spiritual elements are intrinsically divided along masculine and feminine lines and find completion only in male-female unity.⁶¹ Besides genitalia, what are the “feminine” affective elements a man lacks and what are the “masculine” affective elements a woman lacks?

One finds certain gender stereotypes in magisterial documents where femaleness is defined primarily in terms of motherhood, receptivity, and nurturing, and maleness is defined primarily in terms of fatherhood, initiation, and activity.⁶² With the exception of biological motherhood and fatherhood, the ontological claim of gendered psychological traits does not seem to recognize the culturally conditioned and defined nature of gender, and does not adequately reflect the complexity of the human person and relationships. Within individuals and relationships psycho-affective, social, and spiritual elements are not “natural” to either gender as such, but may be found in either gender, may vary within a relationship, and may express themselves differently depending on the relational contexts.⁶³ Psycho-affective, social, and spiritual traits are variously distributed among males and females and are not intrinsic to either nature. For instance, some males are more nurturing and some females more dominant and analytical. These traits also vary within relationships in which there may be two dominant people or two nurturing people. In these cases, do we want to claim that these two people do not complement each other? The “masculinity” and “femininity” of the nonbiological elements are largely conditioned and defined by culture,⁶⁴ and are not “essential” components of masculine and feminine human nature mysteriously creating a “unity of the two.”

All that can be claimed with certainty in the magisterium’s version of affective complementarity is that heterogenital complementarity is necessary for reproduction. Even heterogenital complementarity is of only relative importance, however, for infertile couples where reproduction is physically impossible, and may become increasingly insignificant as a fertile couple matures.⁶⁵ The further claim that there is an intrinsic difference between male and female whereby the male and female find psycho-affective, social, and spiritual completion in one another only in marriage is unsubstantiated.

Since there are reasonable grounds for questioning the magisterium’s claim that affective complementarity entails certain psycho-affective, social, and spiritual elements intrinsic to the male and female and strictly

⁶¹ Moore, *Body in Context* 121–27.

⁶² See John Paul II, *FC* no. 23; Letter to Women no. 9; *Mulieris dignitatem* no. 18; and Women: Teachers of Peace.

⁶³ Traina, “Papal Ideals” 280–82.

⁶⁴ See Elaine L. Graham, *Making the Difference: Gender, Personhood, and Theology* (Minneapolis: Fortress, 1996).

⁶⁵ See Traina, “Papal Ideals” 281.

divided on gender lines and, further, that these can be realized only in heterosexual marriage and heterosexual acts, the absolute claim prohibiting homosexual acts because they lack affective complementarity is substantially weakened. While homosexual persons cannot realize the biological element of affective complementarity (heterogenital and reproductive complementarity), it remains a question whether or not they can realize its personal elements.

Granted that there is an important sense in which affective complementarity integrates the biological and personal elements in a truly human sexual act, we believe that the magisterium's account relies primarily on heterogenital complementarity, entails an incomplete, if not distorted, vision of gender, and neglects an adequate consideration of the experiential and relational dimensions of human sexuality.⁶⁶

Parental Complementarity

Third, the CDF refers to *parental complementarity*. It argues against same-sex unions based on the claim that, "as experience has shown, the absence of sexual complementarity in these unions creates obstacles in the normal development of children who would be placed in the care of such persons. . . . Allowing children to be adopted by persons living in such unions would actually mean doing violence to these children."⁶⁷ The congregation, however, provides no scientific evidence, here or elsewhere, to substantiate its claim that homosexual union is an obstacle to the normal development of children. There is, however, abundant evidence to the contrary.

While acknowledging that research on gay and lesbian parents is still evolving, especially with respect to gay fathers, Charlotte Patterson summarizes the evidence available from 20 years of studies. "There is no evidence to suggest that lesbians and gay men are unfit to be parents or that psychosocial [including sexual] development among children of gay men or lesbians is compromised in any respect relative to that among offspring of heterosexual parents. *Not a single study* has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to children of heterosexual parents."⁶⁸ In her overview of the research, Joan Laird goes further to suggest that the scientific data indicate that homosexual parents are somewhat more nurturing and tolerant than heterosex-

⁶⁶ Ibid. 282.

⁶⁷ CDF, *CRP* no. 7.

⁶⁸ Charlotte J. Patterson, "Lesbian and Gay Parenting" (APA, 1995) <http://www.apa.org/pi/parent.html>, para. D (accessed May 20, 2006; emphasis added); see also Marybeth J. Mattingly and Robert N. Bozick, "Children Raised by Same-Sex Couples: Much Ado about Nothing," paper given at the Conference of the Southern Sociological Society, 2001.

ual parents, and their children are, in turn, more tolerant and empathetic.⁶⁹ This preponderance of evidence led the American Psychological Association (APA) to approve and disseminate an important resolution. Since “lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for their children . . . [and since] research has shown that the adjustment, development, and psychological well-being of children is unrelated to parental sexual orientation and that the children of lesbian and gay parents are as likely as those of heterosexual parents to flourish,” the APA opposes any discrimination based on sexual orientation.⁷⁰

The important and thoroughly child-centered Child Welfare League of America (CWLA) is also convinced by the data that there are no significant differences between the parental attitudes and skills of heterosexual, gay, and lesbian parents.⁷¹ In 1994, the league’s policy statement recommends that “Gay/lesbian adoptive applicants should be assessed the same as any other adoptive applicant. It should be recognized that sexual orientation and the capacity to nurture a child are separate issues.” The league further recommends that factual information about gays and lesbians should be provided “to dispel common myths about gays and lesbians.”⁷² It is not the sexual orientation of gay and lesbian parents that produce negative outcomes in their children but the social discrimination towards them generated by myths propagated against them.

The Second Vatican Council praises the advances of the social sciences that bring the human community “improved self-knowledge” and “influence on the life of social groups.”⁷³ Pope John Paul II teaches that “the Church values sociological and statistical research when it proves helpful in understanding the historical context in which pastoral action has to be developed and when it leads to a better understanding of the truth.”⁷⁴ The present question, namely, the effect of homosexual parents on their children, is a classic case in which the social sciences have clearly led to a better understanding of the truth. Given that the CDF’s premise is manifestly false, the question whether parental complementarity is as intrinsically

⁶⁹ Joan Laird, “Lesbian and Gay Families,” in *Normal Family Processes*, ed. Froma Walsh (New York: Guilford, 1993) 316–17.

⁷⁰ APA, “Resolution on Sexual Orientation and Marriage” (2004) http://www.apa.org/releases/gaymarriage_reso.pdf.

⁷¹ Ann Sullivan, ed., *Issues in Gay and Lesbian Adoption: Proceedings of the Fourth Annual Peirce-Warwick Adoption Symposium* (Washington: Child Welfare League of America, 1995) 24–28.

⁷² Sullivan, *Issues in Gay and Lesbian Adoption* 41.

⁷³ *Gaudium et spes* no. 5.

⁷⁴ John Paul II, *FC* no. 5.

linked to heterogenital complementarity as the CDF claims is unavoidable. Parental complementarity, however, does serve to remind us that truly human sexual acts have implications beyond the couple's act of sexual intercourse, and that intercourse that leads to conception demands long-term caring, nurturing, and authentic familial relationships. There is abundant social scientific data to support the claim that communion and affective complementarity between the parents greatly facilitate both parental complementarity and the positive nurture of children.⁷⁵

Interrelationship between Heterogenital and Personal Complementarity

Heterogenital complementarity alone is insufficient to justify truly human sexual acts. Heterosexual rape and incest take place in a heterogenitally complementary way, but no one would claim they are also personally complementary. Truly human complementarity is not either/or—either heterogenital complementarity alone or personal complementarity alone—but both/and, heterogenital and personal complementarity together. The magisterium posits an intrinsic relationship between biological (heterogenital and possibly reproductive) and personal (communion, affective, and parental) complementarity, but there is a misplaced prioritization of heterogenital over personal complementarity.

For the magisterium, male and female genitals and their “natural” functioning are always the point of departure for personal complementarity in truly human sexual acts. Heterogenital complementarity, of course, must always be situated within the appropriate marital, interpersonal, and relational context, but if heterogenital complementarity is not present, as it is not present in homosexual acts, the act is by definition “intrinsically disordered.”⁷⁶ There is no possibility of personal complementarity in sexual acts that do not exhibit heterogenital complementarity.

An important question for the theological understanding of truly human sexual acts is whether or not there can be such acts without heterogenital complementarity. Is heterogenital complementarity the primary, foundational, and *sine qua non* component of truly human sexual acts, or must

⁷⁵ For a review of these data, see Osnat Erel and Bonnie Burman, “Interrelatedness of Marital Relations and Parent-Child Relations: A Meta-Analytic Review,” *Psychological Bulletin* 118 (1995) 108–32; Paul R. Amato and Alan Booth, *A Generation at Risk: Growing Up in an Era of Family Upheaval* (Cambridge, Mass.: Harvard University, 1997) 67–83; Stacy J. Rogers and Lynn K. White, “Satisfaction with Parenting: The Role of Marital Happiness, Family Structure, and Parents’ Gender,” *Journal of Marriage and Family* 60 (1998) 293–316; David H. Demo and Martha J. Cox, “Families With Young Children: A Review of the Research in the 1990s,” *Journal of Marriage and Family* 62 (2000) 876–900.

⁷⁶ *Catechism of the Catholic Church* no. 2357.

genital and personal complementarity be more thoroughly integrated to found a truly human sexual act? If the latter is the case, then might a loving homosexual act fulfill the criteria for a truly human sexual act? We approach this question via what we call *sexual orientation complementarity*.

SEXUAL ORIENTATION COMPLEMENTARITY AND TRULY HUMAN SEXUAL ACTS: A RECONSTRUCTED COMPLEMENTARITY

An important psycho-social dimension of the human person, and therefore of the sexual human person, is the person's integrated relationship to self. To be truly human, a sexual act must be integrated with the whole self. The Congregation for Catholic Education asserts what is widely taken for granted today, namely, that sexuality "is a fundamental component of personality, one of its modes of being, of manifestation, of communicating with others, of feeling, of expressing and of living human love. Therefore it is an integral part of the development of the personality and of its educative process."⁷⁷ The congregation goes on to cite the CDF's *Persona humana* and its teaching that it is "from sex that the human person receives the characteristics which, on the biological, psychological, and spiritual levels, make that person a man or a woman, and thereby *largely condition his or her progress towards maturity and insertion into society*."⁷⁸ If it is true that a person's sexuality and sexual characteristics largely condition her or his insertion into society, and we agree that it is true, then the question naturally arises about the nature and meaning of what is called today sexual orientation, that dimension of human sexuality that directs a person's sexual desires and energies and draws him or her into deeper and more sexually intimate human relationships. To define "truly human" sexual acts, we must first understand sexual orientation.

The meaning of the phrase "sexual orientation" is complex and not universally agreed upon, but the magisterium offers a description. It distinguishes between "a homosexual 'tendency,' which proves to be 'transitory,' and 'homosexuals who are definitively such because of some kind of innate instinct.'" It goes on to declare that "it seems appropriate to understand sexual orientation as a *deep-seated* dimension of one's personality and to recognize its *relative stability* in a person. A homosexual orientation produces a stronger emotional and sexual attraction toward individuals of the same sex, rather than toward those of the opposite sex."⁷⁹ Following Robert Nugent, we define sexual orientation as a "psychosexual attraction

⁷⁷ CCE, *EGHL* 4.

⁷⁸ CDF, *Persona humana* no. 1 (emphasis added).

⁷⁹ USCCB, *Always Our Children* (Washington: USCCB, 1997) 4-5; CDF, *Persona humana* no. 8.

(erotic, emotional, and affective) toward particular individual *persons*⁸⁰ of the opposite or same sex, depending on whether the orientation is heterosexual or homosexual. Sexual orientation is produced by a mix of genetic, hormonal, psychological, and social “loading.”⁸¹

Concerning the genesis of homosexual and heterosexual orientations, the bishops note what is agreed on in the scientific community, namely, that there is as yet no single isolated cause of a homosexual orientation. The experts point to a variety of loading factors—genetic, hormonal, psychological, and social—from which the orientation may derive and develop. There is a growing agreement also in the scientific community that sexual orientation, heterosexual or homosexual, is a psychosexual attraction that the person does not choose and that she or he cannot change.⁸² In addition, since homosexual orientation is experienced as a given and not as something freely chosen, it cannot be considered sinful, for morality presumes the freedom to choose. This judgment is not to be understood as a claim that, according to the magisterium, a homosexual orientation is morally good or even that it is morally neutral, for elsewhere it teaches that “this inclination . . . is objectively disordered,” and homosexual acts that flow from the orientation are intrinsically disordered.⁸³ Homosexual acts are intrinsically disordered because “they are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity.”⁸⁴ Heterosexuality is the norm against which all sexual acts are judged.

The magisterium condemns homosexual acts because they do not exhibit heterogenital and reproductive complementarities and, because they do

⁸⁰ Robert Nugent, “Sexual Orientation in Vatican Thinking,” 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) 48–58, at 55.

⁸¹ This terminology has been borrowed from John E. Perito, *Contemporary Catholic Sexuality: What Is Taught and What Is Practiced* (New York: Crossroad, 2003) 96.

⁸² See William Paul et al., ed. *Homosexuality: Social, Psychological, and Biological Issues* (Beverly Hills: Sage, 1982); Pim Pronk, *Against Nature? Types of Moral Argumentation Regarding Homosexuality* (Grand Rapids, Mich.: Eerdmans, 1993); Richard C. Pillard and J. Michael Bailey, “A Biological Perspective on Sexual Orientation,” *Clinical Sexuality* 18 (1995) 1–14; Lee Ellis and Linda Ebertz, *Sexual Orientation: Toward Biological Understanding* (Westport, Conn.: Praeger, 1997); Richard C. Friedman and Jennifer I. Downey, *Sexual Orientation and Psychoanalysis: Sexual Science and Clinical Practice* (New York: Columbia, 2002). For a contrary perspective see Robert L. Spitzer, “Can Some Gay Men and Lesbians Change Their Sexual Orientation? 200 Participants Reporting a Change from Homosexual to Heterosexual Orientation,” *Archives of Sexual Behavior* 32 (2003) 403–17.

⁸³ CDF, “Vatican List of Catechism Changes” 257.

⁸⁴ *Catechism of the Catholic Church* no. 2357; CDF, *CRP* no. 4.

not exhibit these biological complementarities, they are ontologically incapable of realizing personal complementarity, regardless of the meaning of the act for a homosexual couple. Since the sexual act is frequently closed to reproductive complementarity, sometimes essentially and sometimes accidentally even for fertile heterosexual couples, as we have already explained, heterogenital complementarity is established as *the* litmus test for determining whether or not a sexual act can fulfill personal complementarity, and thus be “truly human.” There is no doubt that truly human sexual acts necessarily include personal complementarity but, for the magisterium, personal complementarity is not sufficient for a truly human sexual act. Heterogenital complementarity is the primary, foundational, *sine qua non* condition for what defines a truly human sexual act. Since homosexual acts lack heterogenital complementarity, they can never be truly human.

While the magisterium consistently condemns homosexual acts on the grounds that they violate heterogenital and reproductive complementarity (that is the so-called “natural law” argument), it does not explain why they also violate personal complementarity other than to assert that homosexual acts “do not proceed from a genuine affective and sexual complementarity.”⁸⁵ This statement, however, begs the question whether or not such acts can ever be truly human on the level of sexual and personal complementarity. Though the magisterium has not confronted this question, monogamous, loving, committed, homosexual couples have confronted it experientially and testify that they do experience affective and communion complementarity in and through their homosexual acts, a claim amply supported by scientific research.⁸⁶ They add that these acts also facilitate the integration of their human sexuality and bring them closer to self, to neighbor, and to God.

We suggest that the needed complementarity for a truly human sexual act is *holistic* complementarity that unites people bodily, affectively, spiri-

⁸⁵ Ibid.

⁸⁶ Lawrence A. Kurdek, “Differences between Partners from Heterosexual, Gay, and Lesbian Cohabiting Couples,” *Journal of Marriage and Family* 68 (May 2006) 509–28; “What Do We Know about Gay and Lesbian Couples?” *Current Directions in Psychological Science* 14 (2005) 251–54; “Lesbian and Gay Couples,” in *Lesbian, Gay, and Bisexual Identities over the Lifespan*, ed. Anthony R. D’Augelli and Charlotte J. Patterson (New York: Oxford University, 1995) 243–61; “Are Gay and Lesbian Cohabiting Couples Really Different From Heterosexual Married Couples?” *Journal of Marriage and Family* 66 (2004) 880–900; Ritch C. Savin-Williams and Kristin G. Esterberg, “Lesbian, Gay, and Bisexual Families,” in *Handbook of Family Diversity*, ed. David H. Demo, Katherine R. Allen, and Mark A. Fine (New York: Oxford University, 2000) 207–12; and Philip Blumstein and Pepper Schwartz, *American Couples: Money, Work, Sex* (New York: Morrow, 1983).

tually, and personally in light of a person's sexual orientation. Heterogenital complementarity is needed for reproduction, but it is not needed for the sexual, affective, spiritual, and personal connection between two people that the recent Catholic tradition acknowledges as an end of marriage equal to procreation.⁸⁷ Though they cannot exhibit genital complementarity, homosexual individuals can exhibit this holistic complementarity.

Some 20 years ago, while acknowledging that the question of same-sex relations is a question of dispute, Margaret Farley noted this homosexual experience from anecdotal sources and commented that we "have some clear and profound testimonies to the life-enhancing possibilities of same-sex relations and the integrating possibilities of sexual activity within these relations. We have the witness that homosexuality can be a way of embodying responsible love and sustaining human friendship." She concludes, logically, that "this witness alone is enough to demand of the Christian community that it reflect anew on the norms for homosexual love."⁸⁸ Her judgment is in line with John Courtney Murray's principle that practical, as distinct from theoretical, intelligence is preserved from ideology by having "a close relation to concrete experience."⁸⁹ As we saw above regarding the scientific studies of children being raised by gay and lesbian parents, magisterial positions on gays and lesbians tend to be theoretical hypotheses unsubstantiated by the practical experience of those gays and lesbians.

As we have already noted, the relationship between biological and personal complementarity is both/and. Truly human sexual acts require human genitals. In couples of heterosexual orientation, personal complementarity is embodied, manifested, nurtured, and strengthened through the use of their genitals; in couples of homosexual orientation, it is equally embodied, manifested, nurtured, and strengthened through the use of their genitals. Orientation complementarity integrates genital complementarity into personal complementarity.

Orientation complementarity reconstructs the magisterium's definitions of affective complementarity and genital complementarity. First, orientation complementarity cannot espouse the magisterium's heterogenital point of departure for affective complementarity. As we have seen, for the magisterium the point of departure for affective complementarity is an ontological unity between the biological (heterogenital) and the personal

⁸⁷ See *Gaudium et spes* nos. 48–50; *Code of Canon Law*, canon 1055, 1; Michael G. Lawler, *Marriage in the Catholic Church: Disputed Questions* (Collegeville: Liturgical, 2002) 27–42.

⁸⁸ Margaret A. 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, at 99–100.

⁸⁹ John Courtney Murray, *We Hold These Truths: Catholic Reflections on the American Experience* (New York: Sheed & Ward, 1960) 106.

that can find completion only in heterosexual marriage and conjugal acts. The definition of affective complementarity is the “unity of the two” where the masculine and feminine affective elements (biological, psycho-affective, social, and spiritual), which for forming a couple are incomplete, find completion in heterogenitally complementary sexual acts. In our model, the point of departure for affective complementarity is not the genital but the sexual human person of either a homosexual or heterosexual orientation. The definition of affective complementarity in truly human sexual acts is the “unity of the two” where the affective elements (biological, psycho-affective, social, and spiritual), complement one another.⁹⁰ In the case of persons with a homosexual orientation, these acts will be genitally male-male or female-female; in the case of persons with a heterosexual orientation, these acts will be genitally male-female; in the case of persons with a bi-sexual orientation, these acts may be genitally male-male, female-female, or male-female.⁹¹

Orientation complementarity also requires us to redefine heterogenital complementarity in relation to affective complementarity. Severing the male-female ontological complementarity of the affective elements includes the genitals. No longer is heterogenital complementarity the foundational, *sine qua non* for personal complementarity. Genital complementarity, indeed, can be determined only in light of orientation complementarity. In a truly human sexual act, the genitals are at the service of personal complementarity, and they may be male-male, female-female, or male-female, depending on whether the individual person’s orientation is homosexual or heterosexual. Our principle of sexual orientation complementarity embraces the entirety and complexity of the human person, and reconstructs genital complementarity to be in dialogue with, and totally at the service of, personal and orientation complementarity. The genitals may be said to be complementary when they are used in a truly human sexual act that realizes the psycho-affective, social, and spiritual elements of affective complementarity.

Truly human sexual acts can be morally evaluated, not simply as isolated acts, but only in the context of this complex orientation, personal, and genital interrelationship. When we shift the foundation for a truly human sexual act from heterogenital complementarity to an integrated orientation, personal, and genital complementarity, the principle for what constitutes a truly human sexual act can be formulated as follows.

⁹⁰ Though it is beyond the scope of this paper, as in the magisterium’s model, *how* these elements complement one another in a “truly human sexual act,” heterosexual or homosexual, needs to be more fully developed.

⁹¹ While we recognize the reality of bisexual persons, space does not allow us to address this orientation in detail.

A truly human sexual act is an *actus humanus* in accord with a person's sexual orientation that facilitates a deeper appreciation, integration, and sharing of a person's embodied self with another embodied self. Genital complementarity is always a dimension of the truly human sexual act, and reproductive complementarity may be a part of it in the case of fertile, heterosexual couples who choose to reproduce. Reproductive complementarity will not be a possibility in the case of homosexual couples (or infertile heterosexual couples), but genital complementarity, understood in an integrated, embodied, personal, orientation sense, and not just in a biological, physical sense, will be. This personalist interpretation of genital complementarity, which sees the physical genitals as organs of the whole person, allows us to expand the definition of a "truly human" sexual act to apply to both heterosexuals and homosexuals.

The foundation for this definition and its moral evaluation rest not primarily on heterogenital complementarity but on the integrated relationship between orientation, personal, and genital complementarity. Given that complex dialogical relationship, it remains to ask whether or not a particular sexual act facilitates or frustrates the partners' human flourishing, their becoming more affectively and interpersonally human and Christian. We agree with Stephen Pope. "Interpersonal love is here the locus of human flourishing,"⁹² especially that love which fulfills the three requirements of the great commandment: love God, love neighbor, and love self (Mk 12: 31).

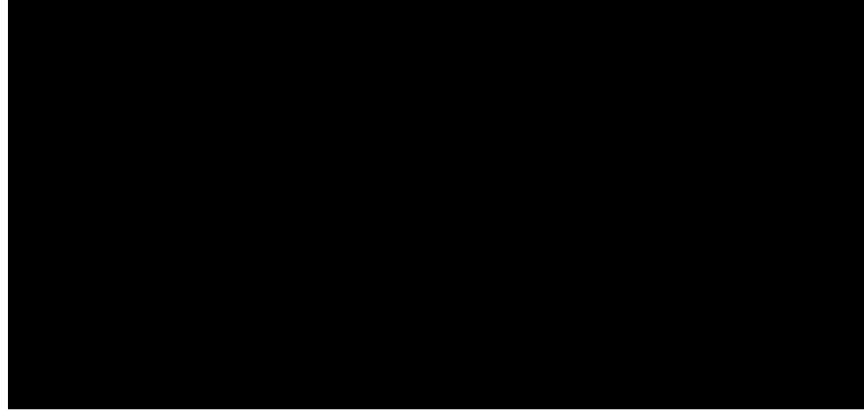
Holistic Complementarity, Sexual Moral Norms, and the Truly Human

In light of the various types of complementarity explored in the foregoing, a truly human sexual act must be an authentic integration and expression of holistic complementarity as set forth in the following diagram.

Holistic complementarity includes orientation, personal, and biological complementarity, and the integration and manifestation of all three in honest, loving, committed sexual acts that facilitate a person's ability to love God, neighbor, and self in a more profound and holy way.

Two immediate implications for Catholic sexual ethics follow if we espouse holistic complementarity as our foundational principle for truly human sexual acts. The first is that the magisterium's absolute moral norm prohibiting all homosexual acts must, at least, be reexamined. Without a prior consideration of one's sexual orientation, a sexual act that violates heterogenital complementarity can no longer be considered *ipso facto* in-

⁹² Stephen J. Pope, "Scientific and Natural Law Analyses of Homosexuality: A Methodological Study," *Journal of Religious Ethics* 25 (1997) 89–126, at 111.



trinsically or objectively disordered. Genital complementarity is relevant in determining the morality of truly human sexual acts, but it is not the primary factor. The morality of the use of the genitals in sexual acts must be determined primarily in light of orientation and personal complementarity.

The second implication for Catholic sexual ethics follows from the first, the foundation for sexual moral norms may need to be redefined. Current magisterial teaching posits, for both homosexuals and heterosexuals, an intrinsic relationship between biological and personal complementarity in which heterogenital complementarity is primary and foundational. On this foundation, certain sexual acts are *ipso facto* immoral because they violate heterogenital complementarity, regardless of sexual orientation and the relational meaning of the act for personal complementarity. In holistic complementarity, there is an integrated relationship between orientation, personal, and biological complementarity that serves as the foundation for sexual norms. In this relationship, for both heterosexuals and homosexuals, orientation and personal complementarity are primary, and they determine what constitutes authentic genital complementarity in a particular sexual act. If orientation complementarity indicates that a person is of heterosexual orientation, then personal complementarity would indicate that authentic genital complementarity would be male-female. If orientation complementarity indicates that a person is of homosexual orientation, then personal complementarity would indicate that authentic genital complementarity would be male-male or female-female. In current magisterial teaching, heterogenital complementarity is the primary foundational dimension for the essential relationship between biological and personal complementarity. In our holistic complementarity model, orientation and personal complementarity are the foundational dimensions for the inte-

grated relationship between orientation, personal, and biological complementarity.

In light of these two considerations, we advance the following with regard to sexual moral norms and truly human sexual acts. Sexual moral norms must be formulated and truly human sexual acts must be defined in light of a revised theological anthropology grounded in holistic, not heterogenital, complementarity. A person's sexual orientation is a fundamental dimension of the concretely and normatively human, and sexual norms that prescribe or proscribe specific sexual acts must be formulated and applied in light of that orientation. Sexual moral norms must seek to facilitate the integration of holistic complementarity—that is, the integration of orientation, personal, and biological complementarities. This integration does not allow for the absolute condemnation of particular sexual acts without due consideration of a person's sexual orientation and the meaning of this sexual act for persons in relationship—that is, in personal complementarity—which is expressed in and through genital complementarity. Whereas the magisterium's model posits the absolute norm forbidding homosexual acts for all people, our model cannot justify this absolute norm for people with a homosexual orientation. It does, however, posit a formally absolute norm in relation to truly human sexual acts.

Formal absolutes are norms that emphasize character and/or virtue in relation to acts. A formal absolute norm, for instance, might state the following: a not-truly-human, abusive, dishonest, uncommitted, unloving sexual act, heterosexual or homosexual, is morally wrong; a truly human, caring, honest, committed, loving, sexual act, heterosexual or homosexual, is morally right.⁹³ The integration of holistic complementarity, that is, the integration of orientation, personal, and biological complementarity, determines whether or not a sexual act is moral or immoral. In the case of a person with a homosexual orientation, a truly human, caring, honest, committed, loving, sexual act will be expressed with male-male or female-female genitalia. In the case of a person with a heterosexual orientation, a truly human, caring, honest, committed, loving, sexual act will be expressed with male-female genitalia. Some theorists have proposed this shift to formal absolutes in terms of a virtue-based sexual ethic in which the cardinal virtues of prudence, justice, fortitude, and temperance, always allied with the theological virtues of faith, hope, and charity, would be the guiding "norms" for what constitute truly human sexual acts.⁹⁴

⁹³ The formal criteria listed for what constitutes a morally right or wrong truly human sexual act, though not the specific acts themselves, are common in magisterial and moral theological discourse.

⁹⁴ See Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame, 1981); Martha Nussbaum, *The Fragility of Goodness*:

The challenge presented by this shift from predominantly act-centered norms to formal, holistic relation-centered norms is that the latter may not always be as clear as we would like. They may not always give clear guidelines for what we may or may not do. Especially when it comes to morality, humans often desire clear, simple, and unambiguous answers to complex questions. Unambiguous answers, unfortunately, sometimes oversimplify complex human relationships and the questions they raise. They may also be achieved at the expense of preempting the responsible discernment required for every *actus humanus*, every truly human moral act. It is, in fact, that responsible discernment in the area of sexual activity, and not the naked fact of “nature,” that makes possible the mature integration of a person’s sexuality, heterosexual or homosexual, and the living out of that sexuality in a manner that facilitates a truly human flourishing in relationship with those we love, including the God who created all people sexual in the first place.

CONCLUSION

This *disputatio* is an inquiry into the nature of the truly human sexual act. We inquired, first, into the types of complementarity—heterogenital, reproductive, communion, affective, and parental—that the magisterium finds in a truly human sexual act and challenged the primacy granted to heterogenital complementarity as the *sine qua non* of such a truly human sexual act. We suggested that the scientific evidence for the genetic, physiological, psychological, and social loading that creates either heterosexual or homosexual orientation as part of a person’s sexual constitution requires the addition of orientation complementarity to the equation. This addition yielded our conclusion that an integrated orientation, personal, and biological complementarity is a more adequate *sine qua non* of truly human sexual acts. The truly human sexual act is doubly defined, therefore, as an act that is in accord with a person’s sexual orientation *and* leads to the human flourishing of both partners. If accepted, that definition will lead to the abandonment of the absolute norm prohibiting homosexual acts for persons with a homosexual orientation. We repeat, the integration and expression of holistic complementarity, that is, the integration of orienta-

Luck and Ethics in Greek Tragedy and Philosophy (New York: Cambridge University, 1988); Nussbaum, “Non-Relative Virtues: An Aristotelian Approach,” in *Ethical Theory: Character and Virtue*, ed. Peter A. French, Theodore E. Uehling, Jr., and Howard K. Wettstein (Notre Dame: University of Notre Dame, 1988) 32–53; James F. Keenan, “Proposing Cardinal Virtues,” *Theological Studies* 56 (1995) 709–29; Keenan, *Virtues for Ordinary Christians* (Kansas City: Sheed & Ward, 1996); and Keenan, “Virtue Ethics and Sexual Ethics,” *Louvain Studies* 34 (2006) (forthcoming).

tion with personal and biological complementarity determines whether or not a sexual act is moral or immoral.

We offer a final word about the theologian's task. It is not for theologians to establish the doctrine or the practice of their church. That is a task for the communion-church as a whole. The theologian's task is different, but critical in every sense of that word. It is the task of "interpreting the documents of the past and present magisterium, of putting them in the context of the whole of revealed truth, and of finding a better understanding of them by the use of hermeneutics," and it "brings with it a somewhat critical function which obviously should be exercised positively rather than destructively."⁹⁵ It is that hermeneutical task we seek to fulfill critically, but positively and not destructively, in this *disputatio*. We expect and invite criticism in the same vein so that an important discussion may move forward.

⁹⁵ International Theological Commission, *Theses on the Relationship between the Ecclesiastical Magisterium and Theology* (Washington: USCCB, 1977), thesis 8, at 6.