

Homosexuality, Seen in Relation to Ecumenical Dialogue: What Really Matters to the Catholic Church

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In last year's Summer Seminar of the Institute for Ecumenical Research in Strasbourg, I was invited to present what would be considered as Church-dividing by the Catholic Church as far as homosexuality is concerned. The two major questions were same-sex marriage and the service of pastors living in same-sex marriages, both of which are disapproved of by the Catholic magisterial teaching. The challenging aspect of ecumenical dialogue is that you can never take the foundational approach for granted. When you stay in the same circles, some theological habits remain unapparent as you easily anticipate what the debate will focus on. But when you share with theologians and Church leaders who belong to another tradition, you have a higher chance of being surprised. This is a blessing for ethics, the purpose of which is to foster rational arguments in order to "establish shared moral values".¹ However shaped in religious and secular practices, ethical rationality allows the critical evaluation of this formative context. Ecumenical dialogue promotes distancing, but the horizon is constructive. The aim is to better feature what concrete fidelity to Jesus Christ means in today's world. This we do in the Spirit of discernment that he promised to his Church.

There is quite a diversity of assessment and arguments regarding homosexuality within the Catholic Church. I will therefore present what I consider to be the core of official Catholic teaching, but through my own, responsible interpretation as a theologian. In order to adopt a positive approach towards interdenominational dialogue, I will try and develop what really matters to the Catholic tradition. From this, one can easily deduce what could be Church-dividing, if what is meant here about the ethical meaning of Christian faith were to be ignored. In the meantime, I will also try to eliminate what I consider to be a misguided understanding of the Catholic position, either because some commentators do not rightly interpret this position, or because I believe that the arguments referred to are (or have

¹ Lisa Sowle Cahill, *Sex, Gender and Christian Ethics* (Cambridge: Cambridge University Press, 1996), p. 2.

become) secondary in the present teaching of the Catholic Church. In the whole process, I will refer to my own efforts to understand the position of the Church to which I belong and for which I teach, as well as the positions of my fellow theologians and fellow Christians, some of whom are themselves homosexual. What I will try to present is the most common discernment, within the Catholic Church, about what the Christian faith requires us to do as living witnesses of Christ in the world of today, where attitudes towards homosexuality have changed greatly in the last twenty years, at least in western, liberal countries. I do not ignore the large variety of views, not only among theologians² but also among Catholic bishops,³ but I think ecumenical dialogue forces us to identify the mainstream.

Let me start with two biographical elements: for a period of ten years I worked as a youth minister in the suburban diocese of Nanterre near Paris and was also the research assistant to the late Prof. Xavier Thévenot,⁴ who had written his doctoral thesis in theology on male homosexuality.⁵ I remember Thévenot often mentioning that, in any sexual debate, even on political and public matters, everybody is deeply concerned: it has to do with flesh and blood, with life and death, with desire and frustration, with one's relationship to one's parents (real and in fantasy) and to one's history, combined with cultural and religious education. I am aware that we are different in this respect, not only regarding sexual orientation, but also sexual experiences we have had or not had, the pastoral counseling regarding sexuality for which we have been trained or which we regularly practice, etc. Secondly, I am a French citizen, which means I grew up in a context where the conflict between State and Church is always latent. Even if the actual power of the Catholic Church has drastically decreased in my country, there always remains the suspicion or the fear that the Church could try to recover political influence.

² See for instance the recent discussion between Msgr Robert Sokolowski and Stephen Pope in *America*: Robert Sokolowski, 'The Threat of Same-sex Marriage: People who Separate Sexuality from Procreation Live in Illusion', *America* 190/19 (June 7, 2004), p. 12; Stephen J. Pope, 'Same-sex Marriage: Threat or Aspiration?', *America* 191/18 (December 6, 2004), p. 11; Robert Sokolowski, 'The Primacy of Procreation: a Response to Stephen J. Pope', *America* 191/18 (December 6, 2004), p. 14.

³ In the final words of a 1986 document from the Congregation for the Doctrine of the Faith, national bishops' conferences were encouraged to examine the question of civil law in the light of their own cultures: 'Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons', *Origins* 12 (November 13, 1986), pp. 377–382. The issued statements proved to be varied: Stephen J. Pope, 'The Magisterium's Arguments against "Same-sex Marriage": an Ethical Analysis and Critique', *Theological Studies* 65/3 (Sept 2004), pp. 530–565.

⁴ Philippe Bordeyne, 'Xavier Thévenot: la créativité de la théologie au service de la morale', *Esprit et vie* 133 (septembre 2005), pp. 1–7.

⁵ Xavier Thévenot, *Homosexualités masculines et morale chrétienne* (Paris: Éd. du Cerf, 1985).

Educated in this context, the arguments against same-sex marriage that I will develop will therefore be disconnected from the claim that the Church should, as such, take part in the political orientation of the country. My arguments will arise from the biblical and theological tradition, but I will try to prolong them into an acceptable rationale for non-believers who would fully accept the right of their fellow citizens to believe, to practise their religion and to contribute to the debate generated by common, ethical questions. In so doing, I will not only rely on the best of the political tradition of my country, but also on the Christian understanding of the human person as having an inalienable social vocation, which includes the duty of reflecting on the political bearing of personal choices.

1. Proposing ethics to all human beings belongs to the Christian mission

In this first point, I wish to explain why the lack of reference to natural law would not be considered as Church-dividing on the question of homosexuality. I am aware that the Roman Catholic position on homosexuality is often regarded as based on natural law and that the magisterial teaching contains many arguments in terms of natural law. But it would be more correct to say that the tradition of natural law is only the most usual means to express the Roman Catholic position on homosexuality. More important to the Catholic tradition is the belief that it belongs to the mission of the Church, using practical reason with a special attention towards non-believers, to express publicly the anthropological questions and the moral understanding of the human person derived from the Gospel.⁶ Therefore, to renounce this mission, as radical community-oriented ethics does, would be considered as Church-dividing on the Catholic side. On the other hand, public debate and ecumenical dialogue should contribute greatly to enriching the Church's discernment concerning homosexuality and to renewing its way of expressing it.

1.1. New questions about natural law

In the ecumenical debate regarding homosexuality, the Catholic Church is often criticized for referring to natural law. But the argument from natural law tends to be misinterpreted. Mentioning the fact that homosexual conduct is "contrary to nature" or infertile does not mean that acting morally should be understood as simply obeying

⁶ Xavier Thévenot, 'Les homosexualités masculines et leur nouvelle visibilité: Convictions et questions', *Études*, 390/4 (avril 1999), pp. 461–471.

the laws of nature. It means rather that homosexual conduct does not satisfy the whole range of criteria that describe, according to rational judgment, the moral exercise of emotionality and sexuality. Saying “according to natural law” means “according to the correct and virtuous use of practical reason”, which, the Catholic Church believes, leads to interpreting heterosexual marriage as the only moral frame for sexual relations. Theologically speaking, it means that the correct use of reason gives access to God’s intention as regards creation and the moral potential of redeemed human beings. Moral argument does not require the confession of faith. Such a position, that is linked to the traditional, somewhat technical distinction between nature and grace, can provoke objections in certain Protestant Churches. However, the Catholic point is not that the facts of nature, as they may be observed, should be followed as such. Morality derives from the exercise of reason.⁷ As many Catholic philosophers and theologians express it, natural law is “rational law”.⁸ One should add that exerting moral reason without respect to what the facts of nature may teach is regarded as wrong or presumptuous. In that respect, there is a cosmic path into morals in the Catholic tradition.

But what is the role of Revelation in discerning correctly the common good according to reason? The interpretation of the respective role of reason and revelation has changed through the history of theology, especially with the rise of modern natural law theories.⁹ In the 19th century, Catholic thinkers gave the greater role to reason, but there were also atheistic philosophers who firmly believed in the capacity of human reason to establish a cartography of universal moral laws. During the 20th century, there was a move towards the Scriptures in Catholic moral theology.¹⁰ Today, Catholic moral theologians reassess the role of biblical interpretation in medieval theology of natural law.¹¹ In that respect, there could be some new convergence between Churches regarding natural law,¹² given that it can be no longer regarded as a purely rational method of discerning morality. Faith is always at work when Christians discern what is good and what is wrong for them and for the whole human family.

⁷ Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids: Eerdmans, 2005).

⁸ Joseph de Finance, ‘Sur la notion de loi naturelle’, *Doctor Communis* 22 (1969), pp. 201–223.

⁹ Stephen J. Pope, ‘Natural Law in Catholic Social Teachings’, in Kenneth R. Himes, ed., *Modern Catholic Social Teaching: Commentaries and Interpretations* (Washington, D.C.: Georgetown University Press, 2005), pp. 41–71.

¹⁰ Fritz Tillmann, *Handbuch der katholischen Sittenlehre. Bd III: Die Idee der Nachfolge Christi* (Düsseldorf: Patmos-Verlag, 1933).

¹¹ Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics* (Ottawa: Novalis, 1999).

¹² Michael Cromartie, ed., *A Preserving Grace: Protestants, Catholics, and Natural Law* (Washington, D.C.: Ethics and Public Policy Center / Grand Rapids: Eerdmans, 1997).

It is interesting to note that serious doubts were publicly and, I would say, officially raised within the Catholic Church about the relevance of continuing to refer to natural law. In an interesting debate with the German philosopher Jürgen Habermas that took place in January 2004, the former Cardinal Ratzinger — who has since become Pope Benedict XVI — says that nature is probably no longer the right medium to express what was previously aimed at with “natural law”, for it has ceased to be a commonly accepted way of expressing the universal bearing of our particular judgments.¹³ This statement helps us to understand what is really at stake in the Catholic reference to natural law. The concept of nature used to be adequate to address the ethical appeal to all human beings discerned in the living Gospel, even to those who did not embrace the Christian faith. This was the main function of natural law. Given the relative failure of this concept, due to its ambiguity in modern and postmodern times, ecumenical cooperation is highly desirable (1) to clarify the judgment invited by the Gospel on homosexuality issues and (2) to share it, as much as possible, with all people of good will.

1.2. The shift of the Second Vatican Council

The thesis of the decline of natural law can easily be confirmed when related to the Second Vatican Council. Firstly, the Council Fathers dismissed the draft document, which had been prepared by the Vatican theologians and was inspired by the neoscholastic conception of natural law based on creation; secondly, they decided that moral questions would be approached in a text devoted to the relationship of the Church to the modern world.

Natural law was previously viewed as the core of the ethical argument addressed to non-believers. In fact, this understanding was typically the result of the growing difficulties of the Church in managing its relationship with modernity: the autonomy of reason and political will in the 18th century, the discovery of history in the 19th century, the debate with Marxism in the context of industrial Revolution, the legitimacy of democracy, freedom of conscience and of religion, etc. Beginning in the 1930s, there was a deep questioning of natural law among Catholic moral theologians. They measured the impact of the Enlightenment on the cultural approach of reason¹⁴ and massive atheism forced the Church to renew dialogue with the

¹³ Joseph Ratzinger, ‘Démocratie, droit et religion’, *Esprit* (juillet 2004), pp. 19–28.

¹⁴ Josef Fuchs, *Personal Responsibility and Christian Morality* (Washington, D.C.: Georgetown University Press / Dublin: Gill and Macmillan, 1983).

world.¹⁵ Experiencing that non-believers did not accept natural law any more, theologians rediscovered the amount of theological argument, especially christological, that was hidden in it. When the whole society was Christian, everybody could share the same philosophy. But when faith had become a personal choice and philosophy pluralistic, there was a need to reinvestigate the impact of Christian faith on ethical reasoning and to propose the fruit of Christian discernment to all people of good will.

So doing changed radically the way of dealing with morals, since the dynamics of discernment in the midst of Christian faith became part of witnessing to the universality of moral judgment. Although this search for the universality of morals may seem foreign to Protestant ears, its reestablishment in the dynamics of Christian faith has much to do with the ecumenical move of the Second Vatican Council. In the dogmatic constitution *Dei verbum*, the split between Scriptures and Tradition as the two sources of Revelation was transcended through the concept of history of salvation, put in evidence in Luke by the Protestant biblical scholar Oscar Cullmann.¹⁶ On this first move, proposing morals to the world was viewed by the Council fathers as proposing salvation to all (GS 1), which meant that moral discernment could no longer be regarded only as a product of natural reason, but also as a result of salvation in the human heart.¹⁷ Natural law, rarely mentioned in *Gaudium et spes* as such, should be understood as an expression of “the divine vocation of all human beings” (GS 3), in other words as a gracious capacity of exerting reason according to God’s will on human history. But the Council recognized that this divine vocation required, to be fully clarified, a very special contribution of the Church to the moral quest of our contemporaries, which was named: “discerning the signs of the times in the light of the Gospel” (GS 4). These famous words express how much the impact of the Good News on moral judgment was reassessed within the Catholic Church.

1.3. Mission as the basis for ecumenical research in ethics

One cannot escape the ecumenical tension created by the Catholic use of the argument of natural law in the question of homosexuality.

¹⁵ The Belgian Canon Moeller, who was deeply involved in the redaction of *Gaudium et spes*, was a specialist of atheistic existentialism: Charles Moeller, *Littérature du XXe siècle et christianisme*: 4 Volumes (Tournai & Paris: Casterman, 1953–1961). With Mgr Philips, another major Vatican 2 expert, he had been an active promoter of ecumenism: Charles Moeller & Gérard Philips, *Grâce et œcuménisme* (Paris: Éditions de Chevetogne, 1957).

¹⁶ Oscar Cullmann, *Christ and Time: the Primitive Christian Conception of Time and History* [1946] (Philadelphia: Westminster Press, 1964).

¹⁷ Philippe Bordeyne, ‘Vatican II: un Concile dans l’histoire’, *Études* 403/6 (décembre 2005), pp. 51–60.

It is all the more so as it still appears in recent Catholic magisterial documents especially when they deal with the juridical aspects of political debate.¹⁸ However, I want to stress the real shift in the theological reference to natural law, not only in theological literature, but also in a document as authoritative as *Gaudium et spes*. The consequence of this shift is that theological research in ethics should be more deeply rooted in the mission of the Church in today's world: proposing Christ's salvation to all. I consider it to be a new basis for ecumenical dialogue in the field of ethics and as the required horizon of our collaboration. Let us remember that this mission is the major reason given by Jesus for the urge towards unity in the Gospel of John (Jn 17, 20-23).

Fourteen years ago, the Inter Catholic-Protestant Committee of France declared in their text "Ethical Choices and Church Communion" (1992): "We Christians, Catholics and Protestants, together affirm a fundamental conviction: graciously saved by God in Jesus Christ by the means of faith, we are freed to accomplish works that are useful to mankind and agreeable to God. If moral life does not procure salvation, salvation does induce the renewal of moral life. Contrary to common opinion, the primary function of our Churches is neither to define nor to conserve morals. They are, first of all, witnesses of salvation in Jesus-Christ."¹⁹ On this basis, I will now explain how the Catholic moral message on homosexuality proceeds from an interpretation of what should be the witnessing to Christ in the concrete situation of today.

2. Heterosexual marriage as the major institutional witnessing to the divine blessing of sexual difference

The teaching on homosexuality is often regarded as part of the Catholic approach to revealed doctrine. Denying that some teaching of this kind belongs to Christian doctrine — which some Protestants do — would then be considered as Church-dividing. In fact this is not the case. In its brief teaching about homosexuality, the Catechism of the Catholic Church (2000) refers altogether to three instances of interpretation: Sacred Scripture, moral tradition and natural law (§ 2357). The Second Vatican Council subordinated moral doctrine to the pastoral mission of the Church in today's world. This is why the Catechism cannot separate moral judgment on "homosexual acts",

¹⁸ Congregation for the Doctrine of the Faith, 'Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons', 28 March 2003, *Origins* 33 (August 14, 2003), pp. 177–182.

¹⁹ Comité Mixte catholique-protestant en France, *Choix éthiques et communion ecclésiale* (Paris: Éd. du Cerf, 1992), p. 92.

and the general call to “chastity” and to “Christian perfection”²⁰ that apply to all and that the Church must best serve (§ 2359). Expressing the norms of “respect, compassion and sensitivity” towards homosexual persons and the proscription of “unjust discrimination” also belongs to the pastoral mission of the Church (§ 2358). From a theological point of view, moral teaching must be considered as the Church witnessing to God in the history of salvation obtained by Christ. As the Inter Catholic-Protestant Committee of France wrote: “The Catholic members of the Inter Committee think that ethics in their Church would benefit from a more explicit expression of the vocation of all human beings to Christ by means of creation. It would be also fruitful to present ethics as *a message of grace* and not primarily as *a moral doctrine*, so that the Church never places people before another Name other than that of Jesus.”²¹ Catholics are “to remain docile to the magisterial office of the Church, authorized interpreter of this law in the light of the Gospel”, but the most intimate law of morality remains personal conscience, as long as it sincerely intends to “obey the divine law” (GS 50-2). Therefore, the status of official moral teaching is not that of revealed doctrine, but that of authorized discernment that preserves the Church from erring over the course of history.²² The Second Vatican Council permitted a major shift in placing historical discernment at the centre of Church moral judgments. Regarding marriage, the move had been prepared by theologians, who had interpreted historical, Christian practices and teaching on marriage as a development of the history of salvation.²³

2.1. *The fragility of sexual difference as a practical, historical question*

From a theological point of view, the Catholic moral message on homosexuality originates in a discernment of the signs of the times in the light of the Gospel. But this way of discerning, as well as its results, need to be clarified, especially for ecumenical purposes. This has to do with the mission of moral theologians in the Church.

What is really at stake in today’s world is the credibility of the divine blessing on sexual difference (Gen. 1: 26-31), which has become a challenge for the mission of Christian Churches. Our societies experience, in a totally new way, the fragility of sexual difference. I

²⁰ Cf. *Lumen gentium*, n° 11.

²¹ *Choix éthiques et communion ecclésiale*, op. cit., p. 37.

²² Jean-François Chiron, *L’infailibilité et son objet: L’autorité du magistère infailible s’étend-elle sur des vérités non révélées?* (Paris: Éd. du Cerf, 1999).

²³ Edward Schillebeeckx, *Le Mariage: Réalité terrestre et mystère de salut* (Paris: Éd. du Cerf, 1966). Original publication in 1963.

do not simply mention the social emergence of homosexuality as an alternative way of life, but the more general questioning about sexual difference. In the old days, it was taken for granted that men and women had to adopt unquestioned social attitudes, especially concerning sexual encounter. The decline of traditions makes it more difficult for individuals to find their way "between the sexes".²⁴ New problems arise, at personal and social levels: finding a spouse has become more hazardous, as if it was not so easy to meet with somebody of the opposite sex in the absence of social support and imagination²⁵; regulating violence between the sexes remains an unsolved problem on the world level; regarding emotional education, parents have not recovered the authority lost by social institutions in the context of sexual liberation.

In the meantime, the fragility of sexual difference is experienced as a chance to exert human responsibility in a new way. Concepts such as sexual identity, sexual orientation and gender roles, forged by human sciences, also convey the hope that human beings are capable of ethical improvement, in fighting discrimination and sexual violence of any kind. Since patterns are no longer settled, where previously they appeared to be settled, imagining new patterns and endorsing responsibility for that, will nourish the secular hope of modernity, that is to say assuming responsibility for one's future. The question is to what extent inventing new institutional models for sexual intimacy belongs to our responsibility. The Catholic Church does not oppose the principle of change in the understanding of the marital institution. In fact, the Second Vatican Council made two major shifts: the plurality of the ends of marriage instead of the hierarchy in favour of procreation (GS 47-52)²⁶ and responsible parenthood (GS 50, 2). But regarding homosexuality, the position of the Catholic Church is that the move towards marriage originates in false hopes.

The advocates of same-sex marriage hope that it can end discrimination and give some legitimate recognition to the contribution of gay and lesbian couples to the social body through shared affection and mutual support. On the contrary, the Catholic Church believes that same-sex marriage would be harmful to the institutional support that is morally owed to the difference of sexes, the destiny of which has become more hazardous today. The argument from natural law, sometimes used by Catholic teaching, is secondary. What is primary is the moral discernment of the social and political responsibility for

²⁴ Lisa Sowle Cahill, *Between the Sexes: Foundations for a Christian Ethics of Sexuality* (Philadelphia: Fortress Press, 1985).

²⁵ Stanley Cavell, *Pursuits of Happiness: the Hollywood Comedy of Remarriage* (Cambridge: Harvard University Press, 1984).

²⁶ Alain Mattheeuws, *Les "dons" du mariage: recherche de théologie morale et sacramentelle* (Bruxelles: Culture et vérité, 1996), p. 10.

human fragility and sexual difference. The Catholic Church shares with the present time the consciousness of this new responsibility, but interprets it in the light of the deeper responsibility for witnessing to the hope opened by the divine blessing on sexual difference, revealed by the Scriptures. In that respect, sexual difference cannot be exclusively viewed in terms of social structures of sin, as gender criticism tends to portray it. Sexuality is marked by sin but redeemed, so that it can still witness to the goodness of our Creator and Redeemer. In other words, what is revealed is not the morals of homosexuality, but the anthropological insight into sexual difference that leads to responsible, rational discernment in history. The natural law arguments are a way of expressing, even to non-believers, the rationality of a moral judgment that is based on biblical and theological anthropology. But whatever theory supports it, moral judgment is a practical discernment of the norms that are binding on humanity, when faced with the fragility of sexual difference in the present time.

2.2. *Marriage is a social vocation, not a personal right*

Of course, the theological anthropology derived from the Scriptures is subject to discussion. The meaning of sexual difference and its being central to marriage do not only rely on the first Genesis narrative, where man is created male and female (Gen 1: 27), but also on its being taken over by Jesus, related to the second narrative and incorporated in his own teaching about marriage. On several points, Jesus goes further than Gen 1 and 2 in Mk 10: 6-9, especially in addressing sexual difference. He quotes Gen 1: 27 without the command to multiply, which stresses the relationship between male and female, and he interprets Gen 2: 24 for both sexes: women also are called to the mature responsibility of quitting father and mother.²⁷ In that respect, Catholic teaching should not focus so much on the Bible's unanimous disapproval of homosexual acts, the extent of which is difficult to interpret for today's cultures, as on a global approach of the New Testament vision of sexuality and marriage. Some Protestant biblical scholars would share this global approach.²⁸ Regarding sexual difference, Gal 3: 28 must be discussed: "There is no longer Jew or Greek, there is no longer male and female; for you are one in Christ Jesus". In this verse, some read that the distinction between male and female

²⁷ Jean Ansaldi, 'Note sur la bénédiction', *Études Théologiques et Religieuses* 70/1 (1995), pp. 99–103.

²⁸ "The normative canonical picture of marriage provides the positive backdrop against which the Bible's few emphatic negations of homosexuality must be read.": Richard B. Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (New York: HarperCollins, 1996), p. 390.

dissolves, as much as the difference between straight and gay.²⁹ I myself consider that Paul simply rejects any form of opposition that would exclude some people from the dignity of sons and daughters of God or from the gracious access to faith. The literary context forbids concluding that the polarities disappear in Paul's mind. It is the reverse, since Paul firmly insists that the first bond remains after the new one, which means that the male-female couple is no more abolished than the Jew-Greek couple in the present age, even if they are to pass away ultimately.³⁰ I find it more correct, and probably more productive, to conclude that Paul announces an unconditional event, the coming of which "displaces singularities and gives them a new status".³¹

The core of Catholic sexual ethics is that the hope opened by the divine blessing on sexual difference implies institutional responsibility. One of the most significant texts is *Gaudium et spes* 12,4. This is the first reference to marriage in the Council document and it only mentions the sexual difference, like Jesus in Mk 10: 6-9: "God did not create man as a solitary, for from the beginning "male and female he created them" (Gen. 1:27). Their companionship (*consociatio*) produces the primary form of interpersonal communion. For by his innermost nature man is a social being, and unless he relates himself to others he can neither live nor develop his potential." (GS 12, 4) This paragraph is typical of the way the Catholic Church views sexual ethics, in close connection with social ethics. Sexual difference is prior to generational difference, as the silence on procreation suggests, and it is prior in moral significance. This is coherent with Aquinas' view that friendship with God and with neighbour are specifically human, whereas procreation and education of offspring are shared with animals. One could say that the Catholic tradition tends to interpret sexual and gender identity of the neighbour to be morally meaningful for the social bearing of the neighbour's love.³² Mutual love and intimacy between man and woman are so tightly related to the social vocation of humanity that their mutual consent to unite their destiny

²⁹ See Stout following Rogers: Jeffrey Stout, 'How Charity Transcends the Culture Wars: Eugene Rogers and Others on Same-Sex Marriage', *Journal of Religious Ethics* 31/2 (2003), pp. 169–180. Here: p. 176.

³⁰ William Loader, *Sexuality and the Jesus Tradition* (Grand Rapids: Eerdmans, 2005), pp. 196–197.

³¹ Jean-Daniel Causse, 'Homosexualité et éthique de la reconnaissance: un déplacement théologique', in François Dermange, Céline Ehrwein, Denis Müller, eds., *La reconnaissance des couples homosexuels: Enjeux juridiques, sociaux et religieux* (Genève: Labor et Fides, 2000), pp. 93–100. Here: p. 96.

³² This anthropological and moral insight should be further founded on Scripture. The pericope of Lk 10: 25–42 can be helpful. After calling Jesus' disciples to be compassionate without any consideration of sex (the good Samaritan), Luke invites the practice of hospitality through the narrative of Martha and Mary, where the relationship between Mary and Jesus, typically male and female, allows gender critique.

creates an institution (GS 48,1), which is a cell of the social body and contributes to its good. This formulation ensures that the Catholic approach to sexual difference is not purely biological. Nevertheless, biological difference concurs with the rational elaboration of the social status of marriage. The concept *consociatio* is interesting, for it departs from the juridical term *societas* (*domestica societas*) that Pius XI still used in 1930 in *Casti connubii*. It announces the *intima communitas vitae et amoris conjugalis* (GS 48,1), where Roman law remains present (*consortium omnis vitae*),³³ but renewed through personalist philosophy and biblical anthropology. As expressed by Pope Benedict XVI: “The personal and mutual “yes” of man and woman cannot but be also a public, responsible “yes”, in which the spouses accept the public responsibility of fidelity” (7th June 2005).

This focus on the public bearing of personal vocation characterizes the Catholic way through sexual ethics. It explains why the Catholic Church is most reluctant to consider that the human right to get married would imply the right of persons to get the institutional form of marriage adapted to their own desire or spiritual experience: such a move would undermine the very function of institutions that regulate human desire. As far as religious experience is concerned, its institutionalization is what “makes spirituality as a daily experience of participation in a religious tradition possible for the majority of people”.³⁴ Any underestimation of the institutional vocation of sexual intimacy could be considered as Church-dividing,³⁵ all the more so in that there is a long history of the Catholic Church’s institutional implication in the process of marriage: unless the canonical form is respected, two baptized persons cannot be validly married. When sexual difference appears to be weaker than ever, the Catholic Church is inclined not to break with the two recognized, institutional forms for sexual intimacy: heterosexual marriage or celibacy, understood as non-marriage.³⁶ Marriage should then be reserved to heterosexual persons. In the context of the higher desirability of same-sex marriage,

³³ Jean Gaudemet, *Le mariage en Occident: les mœurs et le droit* (Paris: Éd. du Cerf, 1987).

³⁴ Sandra M. Schneiders, *Religion and Spirituality: Strangers, Rivals, or Partners?* (Santa Clara: Santa Clara University, 2000).

³⁵ This is probably the matter on which I had most disagreement with Gene Rogers in the public and fraternal discussion we had in Strasbourg. He assumes that, in refusing the sacrament of marriage to same-sex couples who promise to live faithfully with one another, the Church deprives them of the means of sanctification that would deepen their communion with the Trinitarian God. To my mind, this view underestimates the traditional relationship between spirituality, sanctification and their institutionalization. See: Eugene F. Rogers, Jr., ‘Marriage as an Ascetic Practice’, *INTAMS review: The Journal of the International Academy of Marital Spirituality* 11 (2005), pp. 28–36.

³⁶ Bruce J. Malina, ‘The Meaning(s) of Purposeful Non-Marriage in the New Testament’, in Todd A. Salzman, Thomas M. Kelly & John J. O’Keefe, eds., *Marriage in the Catholic Tradition: Scripture, Tradition, and Experience* (New York: Crossroad, 2004), pp. 30–44.

this leads us to consider that marriage is a social and possibly religious vocation that is not suitable for homosexual persons.

2.3. The criterion of distinctive support for heterosexual marriage

Even more than doctrines, practices can be Church-dividing, for they make differences more concrete and institutionally visualize how far Churches commit themselves in distinctive support to heterosexual marriage. Community practices, decided by local or general synods, in return influence the judgments of the faithful. As far as the unity of Christian Churches is concerned, I will try to express what really matters to the Catholic Church, in a decreasing order of importance.

Accepting the principle of marriage for homosexual couples would be most Church-dividing. This not only concerns the religious blessing of civil unions in the countries where they have been legalized, but also any Church approval of civil laws that would enforce same-sex marriage. In both cases, what is at stake is the Christian duty to witness to the uniqueness of heterosexual marriage, using all means of rational and peaceful arguments, including the fact that marriage is reserved to people who not only desire to have children together, but who can presume to have them because they belong to the other sex.

As far as church blessings of same-sex partnerships are concerned, the Catholic Church would positively consider any effort to distinguish, as clearly as possible, between partnership and marriage. What seems most important is to avoid confusion. If a Christian Church made it very clear that it reserves marriage to heterosexual unions, one could better understand why it is concerned by the Gospel expression of compassion towards persons who have tried to observe abstinence, but have failed. Blessings do not necessarily imply legitimating, but the healing presence of God to all.³⁷ As long as a public blessing is involved, the Catholic Church fears ambiguity with marital blessings. The Church would recommend, in such cases, community prayer rather than a ministerial blessing, as well as the expression of a penitential aspect. A parallel can here be made with the community prayer that is offered to heterosexual couples who remarry civilly after divorce.

Although the Catholic Church has officially required from bishops and Catholic politicians that they publicly oppose the civil recognition of same-sex partnership, I believe that such a move belongs rather to

³⁷ Christoph D. Müller, 'Pour mieux comprendre la bénédiction', in Isabelle Graesslé, Pierre Bühler, Christoph D. Müller, eds., *Qui a peur des homosexuel-les? Évaluation des prises de position des Églises protestantes de Suisse* (Genève: Labor et Fides, 2000), pp. 71–85.

prudential judgment in public matters on a world scale than to official teaching. In fact, there is theological support to suggest that political responsibility can lead to the authorization of same-sex partnerships as a lesser evil, precisely to avoid the legalization of same-sex marriage, and to ensure justice when partners have shared mutual support in the long term.

3. The need for public witnessing to the sanctity of the Church: discerning about Church ministers

The Catholic refusal to accept the ministry of pastors living in same-sex marriage is not only required by the moral discernment about heterosexual marriage, but also by a specific theology of Church ministry. However, I will continue to focus on the ethical part of this complex question, because I want to express something more about moral discernment about homosexuality. Given that marriage is not a vocation for homosexual persons, what can be their vocation regarding sexuality? The official answer is abstinence. But some theologians, even among those who can be regarded as rather conservative because of their normative approach, have tried to develop more concrete and realistic answers to help homosexual persons to grow in sanctity.³⁸ Among those answers is the clarification of ethical criteria for responsibly choosing to form a same-sex couple. I will develop them. And if there are some criteria that can support this personal choice, the question follows: what about priests and ministers, whose sexual orientation happens to be gay? The Catholic understanding of the two institutions of Church and marriage leads to consider that the public service of the Church's sanctity requires from ministers that they do not consider forming a same-sex couple as a responsible choice. Given the involved questions regarding public morals and Church ministry, a different answer would be considered as Church-dividing on the Catholic side.

3.1. Homosexual conduct is never normative, but everybody is called to sanctity

The arguments that I have developed lead me to conclude that homosexual conduct is never normative. But the core of the rationale is not the biblical disapproval of homosexual acts, which cannot, as such, justify that any homosexual relation be reproved. The Catholic

³⁸ Xavier Thévenot, 'Les homosexualités: Éléments de réflexion éthique', *Études* 358/3 (Mars 1983), pp. 339–354.

teaching authority knows that some biblical laws have ceased to bind, or that the theological argument of Paul (Rom 1: 18-32) does not focus so much on the moral qualification of specific acts: it intends rather to illustrate globally that mankind is placed under God's justice. The core of the Catholic judgment on homosexual conduct relies on a comprehensive, rational evaluation of homosexual behaviour in today's societies, which is proposed to the moral reflection of all people.

Despite the apparent severity of this judgment, the Catholic Church insists on teaching that it should not lead to judging persons or to discriminating against them because of their sexual orientation. Refusing them access to marriage is not considered as social discrimination, but as the correct and legitimate exercise of political responsibility. At the same time, the duty of the Church is to witness to Christ, who has not come to judge, but to save (Mat 9: 13). As Thévenot puts it, the core of the Gospel is that "those who are considered atypical in respect of the moral life are called to sanctity and will precede many others on this way". I must admit here that the Catholic insistence, which I share, on requiring a moral answer to divine grace, often makes it difficult to stress, simultaneously, that they who are saved and justified remain sinners. The more recent development, within Catholic moral and sexual teaching, of the law of gradualism,³⁹ legitimately underlines that the good that is aimed at is not reached at once, and that one learns in defeat, and not only in victory.

3.2. *The choice of same-sex couple as a moral commitment to persevere in life*

However, gaps between law and real facts cannot be abandoned to the field of spirituality. Catholic moral teaching reluctantly accepts the defeat of practical reason. In other words, those concrete gaps must stir up moral thinking. As a pastor and a moral theologian, Xavier Thévenot developed three moral criteria that should be considered by a person who responsibly decides to engage in a same-sex couple:

- 1 -With the support of community life, of prayer and sacraments, this person has honestly tried to practise abstinence, which is the most commonly discerned norm within the Catholic tradition for persons who do not live in marriage.
- 2 -The personal difficulties this person has experienced in trying to practise abstinence have proved to be so severe that living with a partner appears to be the only way to remain reasonably happy in

³⁹ John Paul II, *Familiaris consortio*, 1981, n° 34.

life. As far as she or he can tell, this is also the discernment of the partner to be. Partnership is recognized not to be a fully moral way of life and the person would prefer abstinence, but experience has proved that abstinence is out of reach. This person chooses to live rather than die. Following a thomistic approach, this option responds to the aspiration to conserve one's life that is shared by all living creatures. So doing is a necessary and valuable step in pursuing the common good.

- 3 -As a form of respect towards the institution of heterosexual marriage, the couple accepts to renounce the claim of their personal discernment as a public right or a general way of life for homosexual persons. In the present context of many countries, this posture has become so obviously counter-cultural that it usually requires much faithfulness to God and his Church to be adopted. However, the opinion of the Catholic Church is that this whole process of discerning can be achieved through the correct use of reason by any homosexual person committed to virtuous practices, since virtues are interconnected. When this person is Christian and has received baptism, her reasonable discernment is sustained by faith, sacramental grace and community life.

3.3. The required commitment of Church ministers to supporting heterosexual marriage

Since a Christian member of the community can morally decide, under these three conditions, to live in same-sex partnership, why does it appear Church-dividing to the Catholic Church that other Churches accept the service of pastors that live so? Firstly, there is a practical reason: ordained ministers are so much involved in public life that it is quite unrealistic to believe that they could keep their partnership secret, which was the third condition to be honoured.

This leads to a more fundamental argument: if same-sex partnership can be regarded as a specific moment on the way to sanctity when an individual experiences severe hindrances in maintaining him- or herself alive in abstinence, it is hardly the case when this person happens to be a Church minister. Personal and collective commitment in witnessing to the public sanctity of the Church is part of pastoral service, so that the moral decisions of pastors are totally coloured by their Church ministry. Pastors are in the public arena as their communities identify with them and tend to idealize them.⁴⁰ The bishop and his priests are meant to witness to God's blessing on sexual difference and on heterosexual marriage. This would be

⁴⁰ Conseil Permanent Luthéro-Réformé en France, *Église et homosexualité: Document de travail* (Paris: juillet 2002, <http://www.protestants.org/textes/homosexualite/cplr.htm>).

hindered if ordained ministers were openly committed in a same-sex relationship. The formation of priests has to be sound in terms of affective education, so that homosexual candidates can verify their ability to remain celibate and to flourish so.⁴¹ But for homosexual as well as for heterosexual seminarians, the question gets deeper: are they able to develop a mature and rewarding relationship with men and women,⁴² so that they can witness to God's blessing on sexual difference in their preaching and in the everyday practices related to parish ministry?

The argument of communion, often used in Protestant Churches, weighs little here, since the Catholic Church does not take into account the degree of acceptability of a homosexual pastor by the community. The question is not the vision of the community, but the fidelity to truth, as known by the right use of reason and proposed by the Church throughout history after active discernment.

Given the concrete Church orientations that have been voted by some Protestant denominations and are now in force in some countries, some readers will think that I am desperately conservative. Others will think that I must be extremely liberal to develop the kind of rationale I have presented. However, looking at the French ecumenical context, I must admit that the position of the Catholic Church I tried to explain in this paper is not far from that expressed by the Lutheran-Reformed Permanent Council on "Church and Homosexuality" in July 2002: "One must be clear as regards the limit of the reasonable: for instance, a pastor who could not keep his homosexuality private or who would turn to public militancy, would go beyond that limit."⁴³ Some may conclude: either France is a very conservative, Latin country, or it has developed a strong ecumenical consensus on such a matter!

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⁴¹ Donald B. Cozzens, *The Changing Face of the Priesthood: A Reflection on the Priest's Crisis of Soul* (Collegeville: The Order of St. Benedict, 2000).

⁴² Timothy Radcliffe, 'Can gays be priests?', *The Tablet* (26th November 2005).

⁴³ See above, note 40.