

The Truth about Homosexuality: A Reply to Gareth Moore OP

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Abstract: Gareth Moore has recently challenged the magisterium's position on homosexuality and its acts. He is not persuaded by the arguments from specific scriptural texts, from symbolism or from new natural law theory of the unacceptability, from a Catholic standpoint of same-sex unions. Moore can be answered from the Catholic (moral) tradition of the human person as a creature of giving and receiving. This human identity finds concrete meaning in the complementarity and procreativity of human sexuality. Homosexual acts fail to contribute to the goals of this tradition.

Key Words: homosexuality; sexual ethics; *Homosexualitatis Problema*; moral tradition; sexuality as giving and receiving; complementarity; procreation; Gareth Moore

MOORE'S ARGUMENT

In his recent book Gareth Moore challenges the arguments that have been invoked to support the Catholic Church's official position on the immorality of homosexual acts.¹ His conclusion is sweeping: "there are no good arguments, from either Scripture or natural law, against what have come to be known as homosexual relationships. The arguments put forward to show that such relationships are immoral are bad."² He believes, moreover, that no cogent argument in favour of the official teaching will be found.³

Moore's case invites criticism, but in this article I will not pursue this and will take up the challenge of providing other arguments in support of the traditional position. These will be framed, not as a refurbishing of the theses that homosexual acts are prohibited by scriptural texts interpreted as divine positive law, or by natural law understood as a divinely sanctioned design embedded in biology. Rather, I will seek to show why such acts may not be accepted into the Church's tradition. Broadly, the answer will be that the Church has seen that certain kinds of sexual comportment foster the goals of the tradition while others do not, and has accepted the former but not the latter.

The Vatican document *Homosexualitatis Problema* is the main object of Moore's critique.⁴ The document states the reasons for its rejection of homosexual acts as follow:

¹ Gareth Moore OP, *A Question of Truth: Christianity and Homosexuality* (London: Continuum, 2003).

² Moore, *A Question*, x.

³ Moore, *A Question*, 281.

⁴ Congregation for the Doctrine of the Faith, *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*, 1986. Henceforth referred to as *Pastoral Care*.

To choose someone of the same sex for one's sexual activity is to annul the rich symbolism and meaning, not to mention the goals, of the Creator's sexual design. Homosexual activity is not a complementary union, able to transmit life; and so it thwarts the call to a life of that form of self-giving which the Gospel says is the essence of Christian living.⁵

The document shows an awareness of the need to avoid older, quasi-juridic proof-text methods.⁶ Considerations based on symbolism and meaning are introduced. The second argument from the creator's design, refers no doubt to the plan of God manifested in Gen. 1:27-28 and 2:24, and the natural law argument from the teleology of human sexuality. The third statement links the Gospel call for self-giving to the form of self-giving expressed in complementary intercourse capable of procreation. This line of thinking introduces the theme of gift, which will be developed further in this essay. In seeking to respond to Moore's challenge to construct other arguments, there are at least four avenues we might follow.

Alternative Interpretations of Scripture

The texts in question, which are interpreted as forbidding homosexual acts, are: Genesis 19:1-11; Leviticus 18:22 and 20:13; Romans 1:24-7; 1 Corinthians 6:9-10; 1 Timothy 1:10. Two further texts, Gen 1:27-28 and 2:24 are understood as expressing God's design for human sexuality of which the essence is male-female complementarity and openness to procreation. Moore rejects these interpretations. We might reply by invoking the testimony of other scripture scholars whose interpretations differ from those cited by Moore and support the official teaching condemning such acts.⁷ However, it would seem that it is not possible to answer Moore's critique simply by collecting the opinions of 'expert witnesses' for the other side of the debate. Dr. Rowan Williams has written that such questions as the admissibility of homosexual partnerships, are 'not likely to be settled' in the foreseeable future, certainly not by appeal to what is commonly taken to be the 'literal sense of scripture' (i.e. particular clusters of quotations).⁸

The problem is not only with that texts are interpreted diversely by different authors,⁹ but that there is lacking agreement on what Oliver O'Donovan has called the 'doctrinal base' within which the texts are to be interpreted.¹⁰ Within the Roman Catholic tradition, moral theology adopted a legal framework of 'divine positive law,' and within this scriptural passages were cited as quasi-legal 'proofs.'¹¹ As I have noted, the framework of law, and in particular 'divine positive law' seems to have been abandoned in official

⁵ *Pastoral Care*, n. 7.

⁶ *Pastoral Care*, n. 5. "What should be noticed is that, in the presence of such remarkable diversity, there is nevertheless a clear consistency within the Scriptures themselves on the moral issue of homosexual behaviour. The Church's doctrine regarding this issue is thus based, not on isolated phrases for facile theological argument, but on the solid foundation of a constant Biblical testimony..."

⁷ Cf. Lynne C. Boughton, 'Biblical Texts and Homosexuality: A Response to John Boswell,' *Irish Theological Quarterly* 58 (1992): 141-153.

⁸ Rowan Williams, *On Christian Theology* (Malden, MA; London: Blackwell Publishing, 2000), 57.

⁹ See, for example, Victor Paul Furnish, *The Moral Teaching of Paul: Selected Issues*, 2nd ed. (Nashville: Abingdon Press, 1985), 78.

¹⁰ Oliver O'Donovan, 'Homosexuality in the Church: Can there be a Fruitful Theological Debate,' in Eugene F. Rogers, ed., *Theology and Sexuality; Classic and Contemporary Reading* (Oxford: Blackwell, 2002), 380.

¹¹ E.g., *Universae Theologiae Moralis, Compendium Salmanticense*, ed., R. P. Antonio A. S. Joseph, T. I, 7th ed. (Barcelona: 1817), 411-412. Cf. Art. Homosexualité in *Catholicisme*, ed., G. Jacquemet (Paris: Letouzey et Ane' 1963), 898.

texts in favour of 'symbol,' while the doctrinal basis is the divine design for human sexuality found in 1:27-28 and 2:24.

Moore's critique presumes that some kind of legal framework is operating in the interpretations he challenges. This framework determines the kind of questions that are to be asked of the texts, namely: does the Bible provide support for a prohibition of a certain kind of behaviour? This opens the way to Moore's objections that the texts in question do not designate what we call homosexual acts, but some other kind of behaviour,¹² or that what they express is not the prohibition of a sin but the disapproval of the shameful.¹³ Some might argue, against Moore, that the texts do indeed prohibit homosexual activity. But such a reply is still within the legal framework, and that is precisely the problem. We need a framework other than law, and a doctrinal basis which can show the links between the teaching on sexuality and marriage and fundamental Christian beliefs.

Arguments from Symbol

The Vatican document includes an alternative to the legal approach, namely arguments from symbolism.¹⁴ In this way of thinking, certain human relationships are proposed as symbols of the divine. For example, those relationships of male-female complementarity in which couples collaborate in the procreation of new life are said to be images of the divine creative love. In explanations of this kind of thinking, it has been proposed that because they are images of the divine, these human relationships have objective meanings which are inherent in the physical acts by which those relationships are expressed.¹⁵ Since homosexual acts do not have these meanings, to choose such acts is to choose against the symbolic order which links the divinity and humankind. This is what seems to be meant by saying that such acts 'annul' the divine symbolism.

Moore's critique of such arguments is that the doctrine of complementary has weak scriptural support.¹⁶ However, there is another basic problem. The style of exposition employed in the symbolic discourse could be described as 'aesthetic,'¹⁷ which is to say that it presumes the Scripture, tradition and official doctrine are a coherent whole, and seeks to show that particular teachings, for example on homosexuality, are coherent with that whole and so share in its capacity to attract assent and obedience. Whereas the older arguments, both from Scripture and from natural law, made certain forms of human relationship (male-female intercourse open to procreation) normative by invoking the divine will,¹⁸ symbolic arguments attribute a normative status to these relationships by interpreting them as symbolic of the divine. Thus, acts which do not bear this symbolism, such as homosexual acts, are incoherent with the total symbolic vision.

Do these symbolic meanings 'call' us to realize certain values simply because God wills that they do? This is the way Moore interprets the 'call.'¹⁹ This would, of course, take

¹² Moore, *A Question*, 70.

¹³ Moore, *A Question*, 92.

¹⁴ *Pastoral Care*, n. 7.

¹⁵ Moore, *A Question*, 249. He cites an article by Livio Melina, *L'Osservatore Romano, English Edition*, 12 March 1997.

¹⁶ Moore, *A Question*, 252.

¹⁷ Cf. Eugene F. Rogers, Jr. 'Sanctification, Homosexuality, and God's Triune Life,' in Rogers, *Theology and Sexuality*, 219. The author refers to expository style of Karl Barth.

¹⁸ See Servais Pinckaers OP, *Ce qu'on ne peut jamais faire: La question des actes intrinsèquement mauvais: Histoire et discussion* (Fribourg, Éditions Universitaires, 1986), 53-54.

¹⁹ Moore, *A Question*, 248.

us back to the old juridic style of theology, where the divine will was required to make the dispositions of nature morally obligatory. Moore is still thinking in terms of the legal framework and fails to appreciate the shift towards aesthetic discourse, which relies on the attraction inherent in a cohesive vision rather than on obligation imposed by law. Nevertheless, there would seem to be a place for some further argument to explain the basis for this 'call,' and so explain why homosexual acts are morally wrong. A theologian has been able to adopt this kind of symbolic argument regarding sexuality and the human body and use it to construct an argument for coming out, and for same-sex as well as heterosexual unions.²⁰ Symbolic reflections, without further argument, do not sufficiently clarify the moral significance of choices. It needs to be explained why it is wrong to 'annul' symbolism.

New Arguments from Natural Law

If we are to challenge Moore's claim that there are no good arguments available, one possible response would be to develop new natural law arguments. Moore critiques some of these proposals, in particular that of Germain Grisez.²¹ He takes Grisez's proposal to be a natural law argument in the sense that it is 'more or less independent of Scripture and of other Christian authorities.'²² However, Grisez takes as his starting point the teaching of the Second Vatican Council and Pope John Paul II on marriage. It is therefore not a self-standing argument from natural law, but rather an endeavour to support Church teaching by a particular kind of philosophical argument. Grisez transposes the authoritative teaching on marriage into the key notion of his moral philosophy, namely 'basic human goods.'²³ Moore misunderstands Grisez's theory, and treats it as if it were that kind of natural law theory which claims to draw moral norms from non-moral knowledge about nature. This is not Grisez's theory.²⁴ The "goods" for Grisez are derived not from biological "facts," but are "self-evident" to practical reason, bearing on human possibilities. The problem then is relating the concepts, the "intelligible goods" of practical reason, to the goods as realities. A key feature of his argument is the notion of "one flesh union." Because homosexuals cannot form a one flesh union, in the sense defined by Grisez, they cannot bring about that empirical, physical reality in which the particular goods at stake, namely communion and personal integrity are to be embodied.²⁵

But is this unity a notion of practical reason or a biological reality? If it is the latter, how can Grisez consistently draw norms from it? If it is the former, we have a concept which, as it were, carries the tag "to be done," and includes a "reason" namely because this fulfills. But we are fulfilled not by having such a concept requiring action, but by actually acting. The transition between thought and reality does not seem to be adequately explained. Moore seeks to show that the idea itself is incoherent, with some success, but does not advert to the basic theoretical problem.

²⁰ David Matzko McCarthy, 'The Relationship of Bodies: A Nuptial Hermeneutics of Same-Sex Unions,' in Rogers, *Theology and Sexuality*, 208, 211.

²¹ Germain Grisez, *The Way of the Lord Jesus*, vol. 2, *Living a Christian Life* (Quincy, Ill: Franciscan Press, 1993), 653; Moore, *A Question*, 263.

²² Moore, *A Question*, 253.

²³ Grisez, *The Way of the Lord Jesus*, 2:568.

²⁴ Germain Grisez, *The Way of the Lord Jesus Christ*, vol. 1, *Christian Moral Principles*, (Chicago: Franciscan Herald Press, 1983), 195.

²⁵ Grisez, *The Way of the Lord Jesus*, 2:654.

Basic to Grisez's theory is the claim that it is self-evident that certain goods are to be done and pursued. The proposition that personal communion is to be pursued, may be self-evident, but this tells me why I should accept the proposition into my conceptual scheme, it does not inform me why I should embody such communion in real action, or move me to such action.

AN ARGUMENT FROM TRADITION

Up to this point, three arguments have been proposed: homosexual acts are excluded because: they are forbidden by divine positive law; they are incoherent with a symbolic vision, they do not constitute a genuine communion of persons. Here it will be suggested that such acts cannot be positively accepted by the Christian tradition, and are not acceptable, because they do not promote the goals of that tradition. In this proposal 'tradition,' rather than law, provides the framework for interpretation. Tradition, furthermore, is broad enough to include 'symbol' and provides an explanation of the moral bases which symbolic arguments, taken in isolation, appear to lack.

Moore himself acknowledges the normative role of tradition. Indeed his argument is that homosexual acts should be accepted as morally legitimate by the tradition. He questions, however, whether the way in which tradition has been interpreted, in respect to homosexual acts, at least, is true.²⁶ How then are we to discern where truth is to be found in tradition? Moore suggests that we take as our bases 'parts of the tradition which are central.' Having identified these, we may be able to show that 'less central' parts of the tradition are 'organically related to and consistent with more central elements.'²⁷ But how do we know which elements qualify as central, and why should a central part, or coherence with a central part, provide a criterion of truth? None of these questions receive an answer in Moore's book.

Therefore, even for the sake of completing Moore's own argument, it would be necessary to explain the tradition, determine what is central to it, show how the other elements relate to that, and how truth may be discerned in that tradition. But this requires at least an outline of the meaning of tradition and its basic structures. Tradition, as understood in Catholic theology, can be defined as the 'transmission in the church of beliefs, doctrines, rituals and entities such as the scriptures.'²⁸ Tradition, understood as what is transmitted can mean a collection of documents which are accorded a special authority. In this sense an 'argument from tradition' with respect to homosexuality would mean a compilation of texts from the earlier Christian writers,²⁹ decrees of Councils, for example that of the Third Lateran Council,³⁰ and papal and other statements by Church authority. However, such a notion is too narrowly juridic and a-historical. While not rejecting the authority of these documents, a broader concept of tradition is needed, which would include an account of the source of moral authority it enjoys.

²⁶ Moore, *A Question*, 25.

²⁷ Moore, *A Question*, 27.

²⁸ *The New Dictionary of Theology*, eds., Joseph A. Komonchak, Mary Collins, Dermot A. Lane (Dublin: Gill and Macmillan, 1987), s.v. 'tradition.' by George Tavard.

²⁹ For example, St. Polycarp, *Letter to the Philippians*, V, 3; St. Justin Martyr, *First Apology*, 27, 1-4; Athenagoras, *Supplication for the Christians*, 34, cited in, Congregation for the Doctrine of the Faith, *Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons* (June 3, 2003), n. 6.

³⁰ Third Lateran Council 1179, Canon 11, in *Decrees of the Ecumenical Councils*, ed. Norman P. Tanner, S. J. (London and Washington: Sheed and Ward and Georgetown University Press, 1990), 217.

A tradition, as Edward Shils described it in his “classic” work on the subject, is in the most elementary sense “anything which is transmitted or handed down from the past to the present.”³¹ Shils gives a special place to what he calls “substantive traditions which are conducive to an ordered life... a good which is part of the good life.”³² These, he believes have been badly damaged, and need to be recovered. Tradition includes processes which enable a community to survive and flourish. Thus, I suggest that we think of a tradition as a teleological or goal-oriented process aimed at fostering what is perceived to be a good life in community.

Alasdair MacIntyre has proposed that ‘A living tradition then is an historically extended, socially embodied argument, and an argument precisely in part about the goods which constitute the tradition.’³³ However, we need to connect this general notion of historical tradition with those historical movements which shaped the tradition of the Church and which bear upon the kind of ethical issues which are the concern of this article. Harold J. Berman’s *Law and Revolution: The Formation of the Western Legal Tradition*,³⁴ provides an account of tradition as embodied in a particular historical tradition, namely the legal tradition of the West. Describing the structures of tradition, he distinguishes a visible side; institutions, monuments, documents etc. and an invisible side; beliefs, desires, fears, depressions and dreams.³⁵ The visible elements are very similar to those listed by Yves Congar in his theological account of the sources of tradition in the Catholic church.³⁶ Moreover, at least since Möhler’s *Die Einheit der Kirche*, there has been a growing awareness of the ‘invisible,’ subjective elements of the Catholic tradition.³⁷

Among the invisible elements in tradition we would need to include desires and fears, in part ordered by virtue and the structures of the tradition. Virtues are necessary to sustain the tradition.³⁸ We would also need to include elements, which, while not exactly invisible, do not emerge into the visible, clearly and explicitly. These are what Cardinal Newman called ‘previous notices, prepossessions, and (in a good sense of the word) prejudices.’³⁹ These are not expressible as are the ‘conclusions’ which appear among the visible elements of tradition, but establish the ‘antecedent’ probabilities on which those conclusions rest. According to Joseph Dunne, it is this good sense of the word prejudice that Gadamer sought to vindicate.⁴⁰ Prejudice might be better expressed as pre-judgment, by which we reasonably assent to the witness of those who authoritatively shaped the direction of the tradition, a tradition to which we have reasonably committed ourselves.⁴¹ Prejudice, in the positive sense, is an inherent element of tradition.

³¹ Cf. Edward Shils, *Tradition* (Chicago: The University of Chicago Press, 1981), 12.

³² Shils, *Tradition*, 326.

³³ Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, Ind.: University of Notre Dame Press, 1984), 222.

³⁴ Cambridge, MA: Harvard University Press, 1983.

³⁵ Berman, *Law and Revolution*, 558.

³⁶ Yves Congar, *La Tradition et les traditions: II Essai théologique* (Paris: Fayard, 1963), 57.

³⁷ Johann Adam Möhler, *Die Einheit in der Kirche oder das Prinzip des Katholizismus*, ed. J. R. Geiselman, (Cologne and Olten: Jakob Hegner 1956), 251.

³⁸ MacIntyre, *After Virtue*, 223.

³⁹ ‘Faith and Reason Contrasted as Habits of Mind,’ *University Sermons*, p. 187. Cited in Joseph Dunne, *Back to the Rough Ground: Phronesis and Techne in Modern Philosophy and in Aristotle* (Notre Dame: University of Notre Dame Press, 1993), 39. *Sermon Universitaires*, trans. Paul Renaudin (Brouges: Desclée de Brouwer, 1955), 221.

⁴⁰ Dunne, *Back to the Rough Ground*, 39; Hans-Georg Gadamer, *Truth and Method*, 2nd ed. (New York: Continuum, 1994), 277.

⁴¹ Cf. Dunne, *Back to the Rough Ground*, 112.

For example, we might say that the Catholic tradition carries within it a 'prejudice' in this sense, against homosexual acts, and that this has been expressed in the authoritative texts on homosexuality. Of course, it cannot be excluded *a-priori* that elements of prejudice in the bad sense may have had some influence. But it may not be simply asserted, that the traditional view and official position of the Catholic Church is simply a 'product of prejudice of bygone ages.'⁴² What we need, then, is what Walter Kasper has called a 'critical' theory of tradition,⁴³ which would enable us to distinguish good from bad prejudice. In due course, I will suggest how this might be constructed.

Moral Tradition

In a sense, all tradition is moral tradition, because the very existence of a tradition supposes a commitment to it and to its goals, on the part of persons in a community. (Without such a commitment we could have a collection of texts, but not a tradition.) A tradition is an historical process which has a teleological structure, its purpose is to communicate. But what it communicates is not only propositions about acting, but ways of living. To be committed to the tradition means to accept the way of life that the tradition commends (not uncritically, as has been indicated) and to be willing to communicate it to others. A moral tradition is a much broader and more complex than a legal tradition, understood as a systematized body of decrees and decisions and ways of interpreting them. A moral tradition must instruct and form its participants in the capacities and skills (virtues) to live the good life promoted by that tradition, and to communicate that tradition to others.⁴⁴

In the analysis of certain forms of argument, those from symbol and new versions of natural law, I drew attention to the problem that they did not provide a basis for a moral call or obligation. In the account which I am proposing here, symbolic arguments are a way of articulating the attraction and coherence of the goals of the tradition to which the participants are committed. Arguments from the natural law as arguments from reason, articulate the rationality of the tradition, so that this can be appropriated, and were necessary, corrected. As arguments from 'nature,' they can determine, for example, the biological structures which must be respected if an action is to count as a genuine giving and receiving of a 'gift,' and so embody the goals of the tradition. The members of the community must be committed to the goals of a tradition; one who is not, simply puts himself outside the moral community altogether; he has not received a way of life, has not committed himself to such a way, and has no way of life to communicate to others.

Given that commitment, it may be asked whether a certain particular act instantiates and so promotes the goals of the tradition. For an act to be such, the particular engagement of the will, or intention, of the one engaging in this act, will need to be coherent with his or her commitment to the tradition and so with the goals of that tradition. Furthermore, the act itself will need to be such that it can instantiate the way of life, the promotion of which is the goal of the tradition. A particular act which fulfils these requirements may be recognized as a participation in those goals, and thus as an instance of the good way of life. On the other hand, an act which is not recognizable in this way, cannot be acknowledged as such an instance, and so cannot be accepted in the tradition. It

⁴² Moore, *A Question*, 2.

⁴³ Walter Kasper, *Tradition als theologisches Erkenntnisprinzip*, in W. Löser, K. Lehmann, M. Lutzbachmann, eds., *Dogmengeschichte und katholische Theologie* (Würzburg: Echter, 1985), 385.

⁴⁴ Cf. Stanley Hauerwas, 'Gay Friendship: A Thought Experiment in Catholic Moral Theology,' in Rogers, *Theology and Sexuality*, 301.

is now necessary to specify more particularly the goals of the tradition, or what makes the good life a *good* life.

Giving and Receiving

It will be argued here that what is central to tradition is the giving and receiving of the gift. A tradition itself entails both content, what is given, the 'gift,' and the process, that is giving and receiving. Giving and receiving are the most fundamental structures of tradition. For those who believe in God's creation of the world, the basic metaphysical structures of reality are constituted by the gratuitous giving and receiving of being as gift.⁴⁵ God, as understood by Christians, is characteristically the One who gives, not only being, but God's self, both in the inner life of the Trinity, and in the missions of the persons to humanity. Thus the God who is love is the centre and source of reality. The constitutive self-giving which is the source of the community of the Trinity itself is the gift which is the Spirit.⁴⁶ The transcendent act of self-giving is that by which the Son of God incarnate gives himself gratuitously for humankind, and this is expressed in the real, historical, moral act of his self-offering in Gethsemane and on the cross, which is *the* ideal moral act which founds the Christian moral tradition. The self-giving is consummated in the resurrection, by which Jesus becomes fully united with the divine self-giving. The ultimate reality is the self-giving God: the ultimate, ideal moral act is self-giving, first on the part of Jesus himself, and then on the part of all Christians.

Some contemporary philosophers, in particular Jacques Derrida and Jean Luc Marion have made the 'gift' the focal issue of their reflections.⁴⁷ Derrida, in particular, has adumbrated some of the ethical implications of this notion; for example, he proposes that the ideal ethical act is totally gratuitous giving of what we hold most dear.⁴⁸ However, for Derrida, the gift is 'impossible' since, once acknowledged, it requires some return, and so ceases to be a gratuitous gift. Christian believers, however, know that such utterly gratuitous giving is possible, since this is the meaning of what they call divine 'grace.' Further, they believe that such gratuitous giving has been embodied in an historical, human act by Jesus himself. The impossible becomes possible in actuality by the self-giving of God in an actual human act. The insight of faith, then confirms that the gift of self is possible, because it has been done. Self-giving, known in faith to be possible, constitutes the goal, the teleological orientation, of the lived tradition, which accordingly seeks to promote such giving in the natural human community and in the community of the tradition, that is the Church, which becomes the 'sacrament' of the divine self-gift.

The Christian community, having discovered that such giving and receiving is the constitutive element of the genuinely good life, believed it was impelled by the Spirit to communicate that way of life to all. Thus the universal character of the tradition's norms, deriving from the 'natural' goodness of giving and receiving, are given a dimension which transcends and confirms that natural universality, and derives from the divine giving and receiving revealed in the self-giving of God in Jesus. The 'revealed' giving and receiving, however, while it transcends the natural, does not supplant or negate it, but confirms it as

⁴⁵ Oliver Davies, *A Theology of Compassion* (London: SCM Press, 2001), 50; cf. Rowan Williams, *On Christian Theology* (Malden: Blackwells, 2003), 67.

⁴⁶ Thomas Aquinas, *S. Th.* I, q. 38, aa. 1 and 2.

⁴⁷ Cf. Robyn Horner, *Rethinking God as Gift: Marion, Derrida, and the Limits of Phenomenology* (New York: Fordham University Press, 2001).

⁴⁸ Jacques Derrida, 'Donner la mort,' in Jean-Michel Rabaté and Michael Wetzel, eds., *L'éthique du don: Jacques Derrida et la pensée du don* (Paris: Métailie-Transition, 1992), 45; Horner, *Rethinking God*, 217.

a true way of living. In principle, this truth is available to 'natural' reason as distinct from revelation. But then, of course, we come to the question: What is truth in tradition?

Truth in Tradition

We can discover the truth in tradition by seeking to understand the historical workings of that tradition.⁴⁹ The historical consciousness which we bring to an interpretation of the tradition is already structured by the history of that tradition; we can seek to bring that consciousness to a fuller awareness and so uncover the inner logic, or form of the tradition. This does not entail imposing alien categories on tradition or the texts within it, but elucidating structures which are already present and operative in that tradition. It is being argued here that giving and receiving is not an extrinsic framework being imposed on tradition, but that it belongs to the inner logic of tradition.

If we were to adopt the ontology of gift as has been suggested here, truth will be found in the historical realization of the goals of the tradition, in practice. A true practice will be one which freely gives to another something the other can freely receive, such that she or he may become a freer giver and receiver of this and further gifts in the process of promoting the goals of the tradition. To appreciate such truth, a person would need to have the kind of virtues which attune desire and so moral vision towards the promotion of those goals. A (moral) proposition can be said to be true when it can be freely and responsibly communicated (given) to another, so that it can be received freely by that other as a genuine gift, which will enable that other who receives it, to become a responsible communicator in turn to others within the tradition. This is not merely a procedural theory of truth, since the process of communicating must itself be an instantiation of the ontology of gift, that is, being as giving and receiving. Truth is not merely a correspondence affirmed in judgment, but a correspondence between giver and receiver, brought about by the communication of a gift which is 'truly' a gift, that is, which fulfils the receiver in enabling that receiver to become, in turn, a giver, a communicator, of that truth. This notion of truth enables us to distinguish genuine pre-judgments from bad prejudice.

To discover truth in tradition we begin with the question: what can be given as a true gift? We then explore the resources available in the tradition, as this is made available to us by historical investigation. The process of discernment requires that we examine not only the 'visible' sources, official documents etc. but also that we articulate the prejudices and assess them in view of the central notion of the tradition, namely gift. The assessment will take the form of considering certain positions which have been adopted in the historical tradition and examining whether they can be shown to be reasonably coherent with the ontology of gift, and so with the goals of the tradition. Positions once considered coherent may later be abandoned. For example, it was once held that the divine positive law required that homosexuals ought be executed and burnt,⁵⁰ a literalism probably supported by 'bad' prejudice.

In terms of these basic structures, we can examine the Catholic moral tradition in respect to marriage and sexuality. This I suggest, may help us to make sense of why the Christian community maintained the link between that form of self-giving which is expressed in male-female intercourse and procreation. This tradition sees an act of sexual

⁴⁹ Cf. Gadamer, *Truth and Method*, 300.

⁵⁰ Alfonsus de Liguorio, *Theologia Moralit*, ed. Gaudé, (Rome: Vaticana, 1925) Lib. III, t. iv, cap. ii, 470, p. 694. [Originally published 1785]. He cites, *Universae Theologiae Moralit, Compendium Salmanticense*, ed. R. P. Antonio A. S. Joseph, T. I, ed. vii (Barcelona: 1817) 411-412.

intercourse between two persons of the opposite sex, committed in marriage, as a genuine gift, that is to say, as expressing and promoting the purposes of the tradition. On this basis, it also judges that an act of sexual intercourse between two persons of the same sex cannot be accepted as a genuine gift, because it does not foster those goals. Are these reasonably defensible judgments or manifestations of prejudice in the bad sense?

Complementarity and Procreation

In considering the historical tradition, it would seem that there are three features which call for particular attention. The first is, of course, the orientation of the tradition to its goals; the second is the historical instantiation of those goals in ways of acting; the third is the continuation of the tradition itself as a publicly manifested system of ideas, symbols, narrative etc. linked by a coherent inner logic.

Thus when we ask whether certain ways of living may be accepted by the tradition, the answer will depend on whether they: promote the goals of the tradition, instantiate those goals in actions as true forms of giving and receiving, and function so as to continue the tradition by giving public witness to its content and logic. Within this framework, we can consider first the meaning of the relationships between woman and man, and their connection with procreation.

The tradition has a fundamental interest in communicating those patterns of life which propagate and sustain the community and its traditions across generations. It is this capacity which enables the community to continue to foster the community of giving and receiving through time. Thus, just as a human community will have an interest in the self-giving between man and woman, and the procreation which may follow, in order to carry on its tradition, so too the Christian community will also have a special interest in that form of mutual self-giving which can generate new life, new givers and receivers, who may carry on the community and its tradition across time. One cannot give to another, or receive from that other, unless that other exists; thus the bringing into being of the other, procreation, is an historical condition of possibility for giving and receiving.

The natural imperative emerging from the requirements of the tradition of the human community, namely to preserve and continue the human species, takes on a further dimension within the Christian tradition, which seeks to continue those processes of giving and receiving flowing from the gift of grace. The new born become receivers not only of biological life, but of a share in divine life. Thus, the generation of children attains a plus-value since it is the generation of children of God and sustains not only a human community, but that community which, for believers, is the historical symbol of the transcendent community of giving and receiving which is the Kingdom of God.

However, the argument so far could seem to be in danger of making the Christian community an ethnic or tribal community, which it clearly is not. So, further qualification is needed. 'Natural' giving is always ambiguous; it can easily be perverted into a form of domination and control. It is because it carries within it the text-embedded memory of the totally gratuitous self-gift of Jesus, that the Christian tradition is able to subvert all such forms of domination and sustain genuinely free giving. Indeed it is precisely this configuration, that freedom becomes a good of the tradition: freedom means, not a vacuous capacity to do what we want, but the freedom to give and receive gifts.

The purposes of the Christian moral tradition are the fostering of self-giving, the promotion of the community in which such giving is sustained, the continuous existence of that community over time, and the generation of new givers for their own sake and for the common good of the tradition. It is in view of these purposes that we can understand the

reason why the tradition maintained the link between sexual-self-giving and procreation. The tradition accepts and commends self-giving expressed in intercourse open to procreation, because this is the necessary, historical condition for the generation of new givers and receivers, and so promotes the goals of the tradition.

However, the argument so far could give the impression the self-giving of the couple in marriage and the procreation of a child are being considered merely as 'instrumental' goods which serve the greater good of the continuation of the tradition. Obviously, this will not do. The mutual self-giving of the couple, as a gratuitous self-gift, is an instantiation of the good of the tradition, not simply a means to a further good. Similarly, the gift of life to a child, as a gratuitous gift, embodies the good of the tradition. Only if the gift of life is given to the child gratuitously, is it a genuine gift. If the child were sought only as a means to some end, such as keeping the family going, or even keeping the tradition going, this would not be a gratuitous giving and thus not fully in accord with the logic of the tradition. The tradition, as it has been understood here, will accept and commend procreation only when it is gratuitous; that is, acting so as to make possible the gift of life to another who is loved for her or his own sake.

The foregoing considerations sought to show how the link between heterosexual, complementary intercourse and procreation makes sense within the logic of the tradition. Thus, we can explain why this kind of inter-sexual relationship, open to procreation, has been accepted into the tradition as coherent with the goals of the tradition.

But what of the case of heterosexual relationships without procreation? The Catholic tradition does not accept a sexual exchange where procreation is excluded by a choice embodied in a contraceptive act. The reason, according to the theory being proposed here, is that such exclusion renders the sexual exchange incapable of promoting the goals of the tradition. Further, the social manifestation of those forms of relationship which exclude a connection with procreation will be seen as rejecting the tradition. This rejection becomes a social 'reality' and undermines the capacity of the tradition to support persons in their choosing and living in a way that is coherent with the goals of the tradition. This provides a further reason why the tradition cannot, coherently, accept such choices and their corresponding action.

But what of those form of heterosexual relationship where openness to procreation is not excluded by an act of the will, but is simply a given reality, either in certain periods or permanently.

Periodic Abstinence

A couple may judge that the gratuitous giving of the gift of life to a new being, in the full sense of the gift of life, is not responsible for them in their present circumstances, because, while they may be physically able to bring about a new life, they are not capable in these present circumstances of nurturing, sustaining and educating the child who could be born. They may then responsibly choose not to procreate. But their concern here is the recipient of the possible gift, the child who might be born. Their intention is to avoid putting that child in a position where it could not be a recipient, in the full sense required, of the gift. This is not a self-serving intention, and therefore does not contradict the logic of gift.

They may then choose to express their self-giving to each other in other ways while refraining from intercourse itself. Or, they may judge that, in their circumstances, to refrain from intercourse altogether would not be a gift to the other, and would in fact, jeopardize their relationship of giving and receiving. They then choose to have intercourse only when conception is not physically possible. Since they choose to engage in

intercourse, but do not choose by a positive act to eliminate the link with procreation, such a choice includes sufficient elements of the bodily and intentional element of giving and receiving to be accepted as a symbolic confirmation of the logic of the tradition. This confirmation is brought about both in the act itself, and in the 'witness' to the tradition which such an act gives. To exclude procreation by chemical or mechanical means is a form of domination over the body, and so is not coherent with the freedom required by the logic of gift. But, in the situation being discussed, the couple choose to allow the body to 'decide' and so domination does not enter into the relationship. By refraining from a deliberate exclusion of procreation, by positive act, from the act of intercourse, the couple implicitly affirm the connection between the two elements and so uphold the logic of the tradition.

Sterility

The (Catholic) tradition has accepted certain forms of marital sexual relationship, even when the manner in which the goals of the tradition are realizable does not include actually achievable procreation. Consider the case of couples who are sterile, that is, persons who are capable of intercourse but not of procreation. Even where the physical condition of the givers and receivers is such that procreation is not possible, the relationships have been recognized as maintaining the essential features of true giving and receiving, according to the purposes of the tradition, and so the marriage of such persons has been accepted. Where the physical and psychological expression of self-giving is still expressible in intercourse, and procreation is not excluded by an act of the will embodied in action to prevent this form of giving, living such a relationship represents a symbolic witness which is a reinforcement of the tradition and its goals. (On the other hand, if a sterile couple positively excluded the act of intercourse in their covenant-contract, then this would not be recognized, in the Catholic tradition, as a valid marriage.) The argument here is not that symbolism alone constitutes a reason for acceptance; symbols alone do not work well alone in moral argument. Rather the point is that the life situation and behaviour of the sterile couple, when publicly affirmed, reinforces the cognitive structures of the tradition, and by so doing supports those others who seek to shape their lives according to that tradition, and can do so by procreating.⁵¹

Homosexual Acts

How would this interpretation of the tradition relate to the question of homosexuality? What is central to the tradition, as that is understood in this article, is giving and receiving. Indeed, if we accord giving and receiving an ontological primacy, we could say that to be a person is to be one who gives and receives. Homosexuals are, of course, persons in this sense. The personal relationships of affective union between homosexual persons would be recognized as valid forms of giving and receiving, which could express the kind of gratuitous self-giving which promotes the community of givers and receivers, just as well as can the friendships of heterosexuals.

Authors who argue in favour of accepting homosexual acts, as well as the marriage of homosexuals, often make the case that homosexuals contribute positively to the community and the Church. In the language being used here that would be to say that homosexuals can promote the goals of the tradition. For example, it may be the case that

⁵¹ Cf. Andrew Sullivan, 'Alone, Again, Naturally,' in Rogers, *Theology and Sexuality*, 285. Sullivan does not take account of the link between symbol and the tradition.

persons who are homosexuals have, as Oliver O'Donovan has suggested, 'a special gift for affective friendship' which could enrich the Church.⁵² But while such an argument would support the acceptance by the tradition of homosexual friendship, it offers no reason why homosexual acts themselves should be accepted by that tradition.

Others have argued that it is by their constancy or fidelity that homosexual relationships contribute to the life of the Church.⁵³ But it is not sufficient to base claims to acceptance on these factors. Those who want homosexual acts to be accepted by the tradition must show that physical homosexual acts themselves, and not only affective friendships, positively promote the good of the Church or the goals of the tradition. Even if we grant that such physical relationships might be experienced as "moments of grace"⁵⁴ it has not been shown that the physical expression itself might positively contribute to the tradition. Indeed such arguments, separating the psychological elements from the bodily, seem to present a strangely disembodied, indeed a-sexual, notion of homosexuality.⁵⁵

Finally, on the basis of the theory proposed here, I would suggest an answer to Moore's critique of the argument from the 'natural finality' of the act of intercourse. He states: "So the fact that our sexual organs have a reproductive function has no tendency to show that non-reproductive, including homosexual uses of those organs, is in any way illegitimate."⁵⁶ This conclusion would follow if we were working with a juridic framework and were concerned only with negative prohibitions. From the proposition "Human sexual organs are procreative," it does not follow that "non-procreative use of these sexual organs is illegitimate." But, according to the argument developed here, such "other" uses of the sexual organs, in order to be accepted by the tradition, must be such as to positively promote the goals of the tradition. I have argued that physical, homosexual intercourse has not been demonstrated to have such a capacity. For this reason, it is not acceptable by the tradition.

Finally it is important to note what this article claims to prove and what it does not. It has not been claimed that the moments of "grace," of which Dr. Williams writes, can never occur, nor that the experience of love is not possible for persons who are homosexual. Neither is it necessary for the argument outlined here, to prove that homosexual acts are actually harmful to the persons involved. It has been argued only that, for a community which is committed to the goals of the tradition, as explained here, homosexual intercourse cannot be coherently accepted as promoting those goals.

Furthermore, even for a Church which does not require a link between intercourse and procreation, it does not follow that, 'the absolute condemnation of same-sex relations of intimacy, must rely either on an abstract fundamentalist deployment of a number of very ambiguous texts, or on a problematic and non-scriptural theory about natural complementarity, applied narrowly and crudely to physical differentiation without regard to psychological structures.'⁵⁷ If same sex intercourse is to be accepted into the tradition it must also be shown positively that it can make a contribution to promoting the goals of the tradition. This has not been proved.

⁵² O'Donovan, 'Homosexuality in the Church,' 385.

⁵³ David Matzko McCarthy, 'The Relationship of Bodies, A Nuptial Hermeneutics of Same-sex Unions,' in Rogers, *Theology and Spirituality*, 202.

⁵⁴ Williams, 'The Body's Grace,' 319.

⁵⁵ Cf. McCarthy, 'The Relationships of Bodies,' 201.

⁵⁶ Moore, *A Question*, 224.

⁵⁷ Williams, 'The Body's Grace,' 320.

Finally, what of the Scriptural texts? While it is a mistake to force them into a legal framework, a Christian theologian cannot responsibly set them aside. The question which this article sought to answer was whether homosexual acts could be accepted by the tradition. The answer was no. At least we can say that the scriptural texts cited offer no support for a different conclusion.

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