

A CASE AGAINST HETEROSEXISM

The argument that Ralph F. Smith and I developed in *Heterosexism: An Ethical Challenge* can be divided into two parts.¹ In the first half we made a case against heterosexism. In the second half we delineated some of the implications of that argument for pastoral care, Church discipline, sacramental practice, and ethical reflection. Whether the Church should or should not confront, dismantle, and move beyond the various practices addressed in the second half of our book hinges decisively on whether heterosexism as a matter of policy can be justified. Therefore I will focus on the case we constructed against heterosexism.

Two dimensions of that argument may prove to be noteworthy. First, those familiar with moral argument know the redefinition of the problem from homosexuality to heterosexism to be no small move. Our rationale for this move may be of interest. Second, attention to the biblical witness on this matter highlighted the significance of nonbiblical presuppositions in the interpretative process. Special attention will be given to questions in fundamental morals which surfaced at these junctures.

DEFINING HETEROSEXISM

Let me briefly introduce the general subject of the book by defining heterosexism. It is a cognitive system of differential treatment based on sexual orientation. Heterosexism can take a variety of forms. Within some, just, faithful, and loving homosexual unions could be justified at least on a case by case basis. But central even to these versions of heterosexism is the conviction that heterosexuality is the moral ideal or only normative form of human sexuality. Put negatively, this is the belief that there is something wrong with—that is, either imperfect, diseased, or evil about—being homosexual, transsexual, or bisexual. As such, heterocentrism reinforces the preferential treatment of straight people and the prejudicial treatment of gay and lesbian people.²

¹This essay highlights and augments an argument originally developed in *Heterosexism: An Ethical Challenge*, by Patricia Beattie Jung and Ralph F. Smith (New York: SUNY Press, 1993).

²Affective and visceral responses to differences in sexual orientation—such as homophobia—certainly need thorough study, but our focus was on the system of thought and social distribution that often accompanies but is not logically linked to these hatreds and fears.

RELOCATING THE PROBLEM

Much was at stake in the arguments that justified our redescription of the problem. Not only the burden of proof but the ethical landscape shifts when heterosexism (rather than homosexuality) is seen as the ethical challenge. We justified that move on two interrelated grounds.

Human Equality

First, we took it to be axiomatic to presume that all people are made in the image of God, and have a dignity and worth as children of God that establishes a fundamental equality among them. Of course we understood that this does not mean that people should be treated identically; communities ought to differentiate among persons on several different grounds (need, merit, handicaps, etc.). *Unequal* treatment (whether preferential or prejudicial) is often precisely what justice demands. But our common status before God clearly establishes that those who would differentiate among human beings bear the burden of proof. The question under examination in the first half of our book was precisely whether differential treatment on the basis of sexual orientation could be justified.

Faithfulness to Tradition

This brings us to the second step in our rationale for the redefinition of the problem. Christian tradition appears to provide precisely the proof needed to sanctify such differential treatment. Official moral teachings and traditional liturgical practices appear to legitimate heterosexism.

Faithful Christians everywhere are biased in favor of these traditions as received and inclined against their reformation. Of course the object and precise nature of that bias has been one point of historic divergence between Protestant and Roman Catholic Christians. Our book was born of an ecumenical as well as cross-disciplinary collaboration. Ralph Smith—who was an ordained ELCA pastor and professor of liturgics—and I struggled to discern and forge a language for an approach to official moral teachings with which we could both work.

Typically Lutherans are enjoined to “give social statements serious consideration as they form their own judgments,” but beyond that consideration of them in the formation of their conscience, Lutherans understand such church teachings to be authoritative only insofar as they are persuasive.³ These statements do not carry the presumption of truth. This was not a stance out of which I could work.

³ELCA, “Social Statements in the ELCA: Policies and Procedures” (Minneapolis: ELCA Distribution Service, 1989) 6.

Most Catholic moral theologians do not associate official moral teachings with the hierarchical magisterium's infallible teaching competence.⁴ Nevertheless such Church teachings typically enjoy (as Richard A. McCormick, S.J. has most aptly put it) the presumption of truth.⁵ There is some division among Catholic moral theologians as to whether faithfulness to these teachings mandates quiet (if not altogether silent) obedience, or whether faithfulness can include respectful, public dissent as well.⁶ But many parties to this debate agree that official Church

⁴Two notable exceptions would be John C. Ford, S.J. and Germain Grisez. For more details about this debate see the "Quaestio Disputata" in *Theological Studies* 55/4 (1994) 720-38.

⁵Richard A. McCormick, S.J., "The Search for Truth in the Catholic Context," *America* 155/13 (8 November 1986) 276-81.

⁶In the "Dogmatic Constitution on the Church," Catholics are instructed by the Second Vatican Council to respond to these authoritative teachings with *obsequium religiosum* (no. 25). This phrase has been variously translated. The difference in nuance between "obedience" and "respect" tells much of the story about this debate among North American theologians.

In "The Splendor of Truth" Pope John Paul II has instructed bishops to suppress the dissent of moral theologians through "recourse to appropriate measures" (no. 116). Apparently his aim is to protect the faithful from overhearing a conversation or debate that could prove to be a scandalous source of moral confusion and error for them. The encyclical is clear about the parameters within which moral theologians should function. Clearly problematic from the papal point of view are expressions of dissent which could be aptly described as "carefully orchestrated protests and polemics carried on in the media" (no. 113). In contrast the pope applauds moral theologians who "set forth the Church's teaching and (to) give, in the exercise of their ministry, the example of a loyal assent, both internal and external, to the magisterium's teaching" (no. 110). Whether any or all of what lies between these two boundaries—including highly nuanced and complex expressions of dissent published in scholarly journals and academic textbooks—should be tolerated or permitted is left unspecified. (For a far more detailed analysis of the letter to which this note is deeply indebted see "Some Early Reactions to *Veritatis Splendor* by Richard A. McCormick, S.J., in *Theological Studies* 55 [1994] 481-506.)

The most serious problem with this instruction is that it reinforces theological and ethical processes whereby the formation of Church teaching is cut off from the spiritual and moral experience of all the People of God. That ordinary Christian people have experiences which can be a source of wisdom (*locus theologicus*) for the renewal of moral theology was recognized by the Second Vatican Council in its "Declaration on Religious Liberty." There the laity were found to have a certain significant expertise with the realities of religious persecution which proved to be an important factor in the (re)formation of the Church's teaching on this matter.

This makes sense since it is lay people who must prudentially negotiate the interface between faith and life in the world on a daily basis. It can be argued analogously that lay people have important sexual, marital and parental experiences to which they have given much thought and prayer. These need to be taken seriously and evaluated critically in the (re)formation of Church teaching about sexual matters. Faithful theologians like Charles E. Curran who give voice to these insights in dissenting arguments do so out of a deep trust that the Holy Spirit dwells among and inspires *all* the People of God.

These experiences need to be interpreted and articulated "out loud" in a responsible manner because it is in the light of day and subject to vigorous Church-wide scrutiny that

teachings are authoritative in the sense that those who would dissent *always* carry the burden of proof. This was not a stance out of which Ralph Smith could work.

Among some Catholic moral theologians (myself included) there is discussion about whether the *presumption* of truth ascribed to the authoritative teachings of the ordinary hierarchical magisterium remains simply that—a *presumption*. It was here that Smith and I found methodological common ground on which to collaborate.

Since the truth of the moral teachings of the ordinary hierarchical magisterium is a matter of presumption, then it is both reasonable and faithful to test the credibility of any particular moral teaching. And it follows that if the presumption of truth ascribed to a particular instruction proves weak, then loyalty to the living tradition requires that this portion of it be studied further—perhaps even be examined out of a hermeneutic of suspicion.⁷

There are at least two warrants for ascribing to the moral teachings of the ordinary hierarchical magisterium only the *presumption* of truth. First, given the highly complex nature of concrete moral questions and the limitations inherent to the practical reason we bring to them, it is epistemologically inappropriate to attribute more than the presumption of truth to them.⁸ Second, that the truth of particular moral teachings of the ordinary hierarchical magisterium should not be

these can best receive the critical evaluation they need. Experience can yield insight only when put into a public conversation with other sources of moral wisdom within which it can be properly evaluated.

⁷This has in recent years characterized the work of some moral theologians in regard to gender issues. As I interpret our conversations over the years regarding heterosexism/homosexuality it is this conclusion that I believe has proven most disturbing to my respected colleague and respondent, James P. Hanigan.

⁸Charles E. Curran has pointed out that this is reflected in the fact that at any given time one may find around the globe a plurality of episcopal views expressed within the ordinary hierarchical magisterium. On the level of specific moral rules, e.g., the U.S. bishops absolutely condemned the first use of nuclear weapons, whereas in their pastorals on war and peace the French and German bishops did not. Even on the level of more general values, the U.S. and West German bishops disagreed about the moral significance of the principle of noncombatant immunity.

Curran argues as well that Church teachings themselves speak against "creeping infallibilism." In its "Decree on Ecumenism" (no. 11) the Second Vatican Council teaches there is a "hierarchy of truths." Some matters are central to our faith (such as belief in a triune God); other matters are peripheral to our faith. Highly specific ethical judgments are clearly removed from the general moral principles and values at the core of a life of faith. This is why for example most ecumenical discussions have not treated the Church's official teaching regarding artificial contraception as crucial to ecumenical rapprochement.

Lutheran social teachings reflect a self-understanding similar to what is established by this notion of a "hierarchy of truths." *Status confessionis* is rarely ascribed to their social statements; even when this does occur, such a teaching (like that which condemned apartheid) is not understood to be infallible.

more than presumed is supported by the history of moral theology as well.⁹ Any review of the development of Catholic teaching reveals that there have been points both of continuity and discontinuity in the history of those moral instructions. In light of this reality, at any given historical juncture moral theologians are called upon to critically evaluate as well as defend, expound upon, and creatively apply official Church teachings.¹⁰

HETEROSEXISM IS NONCREDIBLE

In our book, four criteria were specified in light of which to assess whether or not reason and a broad range of experience had been adequately tapped in the formation of traditional Church teachings about homosexuality.¹¹ Their credibility for us hinged on (1) their internal consistency, (2) their comprehension of the full range of sexual experience, (3) their external coherence with other widely accepted theological convictions and scientific theories about human sexuality, and (4) their fruitfulness, especially though not exclusively, in terms of the practical consequences for the communities that preserve heterosexist traditions as received. The moral teachings that undergird heterosexism proved to be non-credible on two of these grounds.¹²

⁹The history of Christian ethics reveals that the Church's moral teachings have sometimes changed. John T. Noonan has pointed out that at one time the hierarchical magisterium taught that slavery was permissible, but now it is judged unlawful. Similarly the persecution of heretics was once required by official Church teaching, but now it is forbidden; and usury which was for centuries forbidden is now lawful. Even though Rome had clearly spoken, the matter was often not closed. For more details see John T. Noonan, "Development in Moral Doctrine," *Theological Studies* 54 (1993) 662-77.

¹⁰In a Catholic context theologians ideally work both in cooperation with and independently of the hierarchical magisterium. Theological ethics naturally focuses on official Church teachings, but this is not its only task. Because they have different charisma, moral theologians reflect on the entire tradition, researching new fields (such as the ethical issues in genetic research) and developing important new distinctions through their conversation with other sources of moral wisdom. This wider agenda establishes an interpretative framework within which the exposition of official Church teaching is sometimes creative and sometimes critical.

Whether this review yields expressions of dissent which are widespread and extensive (rather than "limited and occasional") depends first upon the judgment made about the credibility of the teaching, and then if warranted, on the outcome of its further study and evaluation. The presumption of *truth* ascribed to official moral teachings certainly limits both the scope and frequency of dissent, but it proves no certain defense against dissenting ethical arguments with more "systematic" implications. (This state of affairs is lamented by Pope John Paul II in "The Splendor of Truth.")

¹¹Ultimately the credibility of any moral teaching rests on the degree and extent to which all relevant sources of moral wisdom (reason and experience as well as Scripture and Tradition) have been explored in its formation.

¹²In contrast we found that heterosexism (at least in the versions that dominate most

Not Consistent

On the level of theory Catholic teaching regarding procreation has been more consistent than that of Protestants. But the conviction that there is an essential link between the erotic, unitive, and procreative purposes of sexuality runs deep throughout all Christianity, and invariably surfaces in discussions of homosexuality.¹³ On the level of practice however neither contemporary Protestants nor Catholics refrain with much consistency from sexual unions or activities in which lovemaking is disassociated from baby making.¹⁴

Lutheran social statements about human sexuality endorse theories of gender complementarity more consistently than do Catholic teachings. Yet in both communions such arguments emerge in reference to homosexual lifestyles. Protestants and Catholics alike argue that a gay lifestyle cannot be sexually normative because it does not foster human completion through gender complementarity. Yet the Catholic affirmation of a religious vocation in which some men and women live in same-sex communities seems to contradict this theory. Christian teaching about adults called to a single life and about married couples striving to avoid the psychic underdevelopment and codependency (as well as injustice) fostered by compliance to most rules of gender complementarity is also inconsistent with this theory.

Lutheran and Catholic discussions) to be coherent with emerging scientific data about the origins and unchangeability of human sexual orientation. (Nonheterosexist normative accounts of human sexuality cohere with this data as well.)

We found correlations (though not clearly of a cause and effect type) between heterosexism and suicidal depression among gay adolescents, homelessness among gay teens, the inhibition of expressions of male to male affection (among straight as well as gay men), rigid gender role expectations, the dichotomization of self-love and other-love, and many unfounded myths about homosexuality and the agenda of the gay community. Whether one views these consequences as part of the tragic price one must pay for speaking truthfully, even whether one views some of these consequences as negative, hinges decisively on whether heterosexism itself is viewed as edifying or not. Love of self and neighbor is often "tough love."

¹³Christine E. Gudorf notes as well that coitus is assumed to be *the* sexual act by Protestants and Catholics alike because it is sometimes reproductive. See Gudorf's *Body, Sex, and Pleasure* (Cleveland, Ohio: The Pilgrim Press, 1994).

¹⁴This inconsistency on the level of practice—and the breakdown of moral consensus regarding traditional teachings about procreation on the level of theory—could be interpreted as a sign of moral corruption. It is foolish to underestimate the power of sin. (Such an interpretative framework is most certainly suggested in "The Splendor of Truth.") However this inconsistency could also be interpreted as a sign of the weakness in (and possible need to reform) the traditional teaching itself. The credibility of teachings about procreativity and gender complementarity could be judged tenuous in part because of their abysmal failure to prove consistently compelling.

Not Comprehensive

These inconsistencies reflect the inability of traditional Church teachings about homosexuality to take adequate account of (1) female sexual physiology and (2) the homosexual experience of "two in one" flesh unions.¹⁵

Specifically, traditional moral teachings about the relationship of procreativity to human sexuality do not adequately account for the points of discontinuity between reproductive processes and erotic response in human females.¹⁶ Traditional teachings about the sexual significance of procreativity rest on the androcentric equation of human sexual experience with male sexual experience.

Heterosexist teachings also rest on interrelated assumptions about the nature and anatomical incorrectness of homosexual behaviors. These teachings either ignore or beg the question posed by the claim to physiological complementarity made by gay and lesbian couples.¹⁷ Within a heterosexist interpretative framework oral sex and mutual masturbation (along with anal sex) are presumed to be sorry substitutes for penile-vaginal intercourse, because coitus *alone* is assumed to be the real (presumably because it is the only potentially reproductive) thing.

¹⁵I am aware of the difficulties from some feminist perspectives of all "two in one flesh" talk, since historically this rhetoric was used to reinforce the collapse of the identity and legal rights of the wife in marriage. However unless one concludes that all heterosexual unions are inescapably patriarchal, then with the rejection of this terminology we risk "throwing the baby out with the bath water." "Two in one flesh" talk illumines well the essentially boundary blurring character of all sexual activity. It expresses why (say in comparison to property crimes) survivors of sexual misconduct and sexual violence are so personally devastated. Such nuances are themselves important to maintain from a feminist perspective.

¹⁶As noted by Christine E. Gudorf now five years ago at the annual meeting of this society in San Francisco (CTSA, 1990), there is among human mammals a shift away from the links typical of estrus. The clitoris serves no direct reproductive purpose. The link between orgasm and ovulation is completely capricious. The link (such as it is) between a woman's sexual desire and her fecundity is at best periodic and is present at all only during her childbearing years. It is particular to male sexual experience that orgasm and ejaculation are bound together in each and every sexual act.

In her recent book *Body, Sex, and Pleasure*, Gudorf adds that vaginal-penile intercourse (the only form of sexual activity which is potentially reproductive) is obviously not the only, or for most women even an effective, avenue to erotic satisfaction. Fifty-six to seventy percent of all women cannot reach orgasm without direct clitoral stimulation either through cunnilingus or manual manipulation. Neither of these activities is directly procreative. See Gudorf, *Body, Sex, and Pleasure*: 31.

¹⁷Again, Gudorf's analysis reinforces our claim. She notes that heterosexist emphases foster the misconception that anal intercourse is the primary form of sexual activity among gay men (whereas in actuality it is a distant third after fellatio and mutual masturbation) and that lesbian sex centers around dildos (in fact an even rarer practice.) Gudorf, *Ibid.* 30.

Since this is precisely the claim under examination, it cannot simply be asserted or taken to be axiomatic.

Conclusion

When a teaching which enjoys the *presumption* of truth is found to be non-credible, it can be tempting to jump to premature conclusions. However, the judgment that such a teaching is noncredible is not identical to establishing that it is erroneous. It is reasonable to question this teaching further, but because it enjoys the presumption of *truth* it should not be dismissed out of hand. It would be unreasonable to favor the retention of heterosexism (or to press for its abolition) without further serious study. However if additional sources of moral wisdom do not yield compelling arguments in support of it, then dissent from heterosexism and arguments that call forth and trace the implications of its reform are appropriate.

BIBLICAL RENEWAL OF MORAL THEOLOGY: A DIALOGICAL PROCESS

A turn to the biblical testimony usually associated with heterosexism is supported by the fact that the Bible is recognized ecumenically as one of at least three possible foundations for the retention or reform of traditional moral teachings. We found that faithful attention to the Scriptures commended the careful reexamination of heterosexism for two reasons. First, at certain junctures this traditional teaching hinders the Bible from speaking clearly by obscuring rather than illuminating many passages. Second, when properly interpreted, scriptural passages key to heterosexism are seen as theologically problematic and morally suspect. Their reinterpretation invites the reform (rather than the endorsement) of traditional Church teachings.

Heterosexism and the Shrouding of Scripture

Biblically based moral arguments often hinge on the adjudication of conflicting interpretations of texts. These interpretations are rooted in differing traditions. This is the hermeneutical circle. Scripture cannot be understood apart from tradition; and the discernment of what is the living heart of tradition requires Scripture.

Therefore all who come to the Bible bring with them an interpretative framework. The interpretative lens through which the Bible has traditionally been read is heterosexist. Biblical texts have often been clustered as either texts "against homosexuality" or texts "for heterocentrism," and then cited together in support of heterosexism.

However, given the noncredibility of heterosexism, it is appropriate to be suspicious of this traditional pattern of clustering, translating, and interpreting biblical passages. The reexamination of these texts through a hermeneutic of sus-

picion verified that heterosexism has in fact distorted our understanding of portions of the biblical witness.

For example, when not obscured by a heterosexist framework the story of Sodom and Gomorrah (Gen 19:1-29) testifies to the immorality of the same-sex gang rape of males. When clustered with its most appropriate parallel from a literary point of view—with the story of other-sex gang rape told in Judges 19:16-29—the focus of the story of Sodom and Gomorrah is revealed to be sexual violence, not same-sex behavior. Given its focus on gang rape, this passage contributes little to our deliberations about the morality of just, faithful, and loving homosexual unions.

Similarly, the Yahwist creation account (Gen 2:18-25) clearly affirms heterosexual relationships marked by mutuality and equality. But when unwrapped from its traditional heterosexist framework it does *not* reveal the design of creation to be exclusively heterosexual. Were that the case, then the text would need to reveal sexual differentiation to be *both* the cause of *and* the solution for Adam's problem.

However, according to the text, Adam's problem is that other animals are not companions fit for partnership. The passage as a whole emphasizes the similarities of the human partners, not their differences. Adam and Eve are fit for each other because they are alike—"bone of my bones." Persons of a different sex can be suitable partners even in light of—not because of—their difference. The passage is silent about the purpose of sexual differentiation and about whether homosexual persons can experience in their unions the equality, mutuality, and companionship for which sexuality was created.

Theologically Problematic and Morally Suspect Texts

Key to the biblical witness traditionally associated with heterosexism is Paul's sweeping condemnation of both male and female same-sex passions in Romans 1:18-32. Many modern interpreters operate with presuppositions about sexual orientation that differ from those that informed Paul's judgment. Few believe all homosexual persons are idol worshippers, or that they exchange other-sex for same-sex desires. Nevertheless contemporary presuppositions about the origin and stability of orientation may be shown to corroborate or challenge Paul's axioms. In either case, those faithful to the text must wrestle with how precisely, if at all, to connect this ancient text to our debate about the just, loving, and faithful unions of homosexual persons because the passage does not focus on that question.

In this process two additional premises about human sexuality surfaced for us. These ultimately proved decisive in our treatment of the Romans passage. First, we presumed that a person's sexual orientation (like a person's gender)

pervades and is central to their sexuality. Second, we presumed that sexual identity pervades and is at the core of personhood.¹⁸

When combined with Paul's condemnation of same-sex desires these axioms generated a set of theologically problematic conclusions. For example, if homosexual persons are "disoriented" sexually, then there is no sense (given the *pervasiveness* of this "disorientation") in which sexuality can be experienced as created good and gracious or as already (though not yet fully) redeemed by non-heterosexual persons. Furthermore if one contends that what is at the *core* of a person is "disoriented," then it is not a giant step (especially given the reality of homophobia) to the conclusion that the very existence of gay persons is abhorrent to God.

To note that all persons enjoy less than ideal sexual relationships does not solve the problem. Gay and lesbian Christians know they are sinners like everyone else. The problem with heterosexism is that it teaches that gay people are sinners in a way that differs from everyone else. Given the unchangeable nature of sexual orientation, heterosexism presses upon gay people the conclusion that they have been abandoned by God at the core of their being.

These conclusions are not compatible with the general thrust of Paul's letter to the community at Rome or with the Pauline corpus overall. When evaluated in light of the biblical witness as a whole, they appear both theologically problematic and morally suspect. Such a text should not prove decisive in the contemporary debate about the morality of the just, faithful, and loving homosexual unions.

CONCLUSION

The Bible provides no compelling argument *for* the retention or *against* the abolition of heterosexism. It is silent about the morality of just, faithful, and loving homosexual unions. Since heterosexism lacks the proof it requires, it ought to be dismantled.

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¹⁸We took it to be nonsense to talk about persons as if they were disembodied or asexual (though of course a person's identity is more than sexual or corporeal.) Even if human sexuality is profoundly a consequence of historical construction, people are incarnate, and as such gendered and sexually oriented.

Nevertheless it is also clear that our case against heterosexism will be strengthened when these premises are articulated in more detail, and the scientific and theological foundation for them is elaborated.