Same-Sex Relationships and Issues of Moral Obligation

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Richard Norris set for himself the task of addressing the complex issues surrounding homosexuality and the place of gay men and lesbians in the church. His pursuit of these issues led him to revisit questions of biblical interpretation and authority and to probe moral concepts and patterns of reasoning. The issues he explored are not new to the swirling debates that have gone on in the church and society for almost half a century. Norris's contribution, however, lies in the relentlessness with which he pressed the basic question of how and why these are moral issues. His plan was first to think through for himself any moral grounds for positions on these issues. The single-mindedness of his task brought him to fresh insights and new questions about the role of biblical sources in relation to the issues of homosexuality; they also led him to examine rigorously the reasonableness and moral relevance of claims for what is "natural" and various assessments of the value of "pleasure." Norris's "Notes" make visible his own thought processes, and they constitute a challenge to the rest of us to think through this same central question. If he was on the brink of a breakthrough in his own thinking, so might we come to the brink of new insights of our own.

I join the conversation by taking the same starting point as Norris: that is, by asking how and why the issues surrounding same-sex relations are moral issues. Norris was right to think that this is the heart of the matter. But what makes any issue precisely a "moral" issue? As a preliminary to Norris's analysis (of moral "grounds" for positions on these issues), it may be useful to consider more generally what we mean by an "experience" of moral obligation. Such an experience can be described as having five elements: It is an experience of (1) a claim that is (2) addressed to our freedom, (3) perceived as unconditional, (4) justifiable, and as (5) both liberating and obligating in our own regard. Even if we theorize that there is no such thing as human freedom of choice, we do experience claims that we think we can respond

to or not. If it is a moral claim, it appears to us as unconditional—not a matter of "if I want this or that, I ought to do *x*" but simply, "I ought to do *x*" (although whether I do so remains a matter of my freedom). Such a claim must be at least perceived as legitimate, justifiable. If upon reflection or receiving more information I conclude that the claim is not able to be justified, then it evaporates as a moral claim. It may change into another kind of claim, for example a "pragmatic" conditional claim, such as "If I want to maintain my reputation, then I ought to do this (or not)," or "If I want to avoid loss or punishment, I ought to do this (or not)." Finally, the moral claim is experienced as both a liberating appeal and an obligating demand. It is liberating because, no matter how difficult it seems or how much I would prefer not to respond to it, I understand it to be not an alien imposition, but a way of being "true to myself." The claim, however, is experienced not simply as a desire (although it may accord with my desires); rather, it appears as "larger" than myself or my own desires. It demands something of me—whether because it is lodged in my perception of a command from God, or the worth and needs of another, or the sheer logic of a principle that grasps my assent (although not necessarily my action in response).

Issues surrounding same-sex relationships are issues of moral obligation not only for those who must make decisions regarding their own relationship with a partner of the same sex; they are moral or ethical questions for all of us. They include questions of justice shown and secured for gay and lesbian individuals as they continue their journeys of faith as well as their efforts to live fully in a world that all too often tolerates discrimination and even violence against its gay and lesbian people. They are also questions of church unity. Because they are about real persons—questions of identity, place in community, relationships, and callings—they generate moral claims on all of us, claims regarding attitudes and actions in response to same-sex relationships as they exist among us. This is why Norris is right to press for all of us the moral dimensions of these issues.

To return, then, to the description I have offered above regarding experiences of moral obligation, we can ask, How is it that we experience moral obligations? How is the experience of a moral "ought" generated? How can we know whether it is an "accurate" experience, an experience of a "genuine" moral claim? These are the underlying questions that Norris struggles with regarding homosexuality. Some people experience moral claims at the heart of their relationship to

God, whose will for them and for others sometimes takes the form of laws or commands or directives. The justifiability of these claims depends on God and God's covenant with human persons, but also on our access to knowledge of the claims—whether through Scripture, or immediate faith-filled experience of God, or the mediation of a religious tradition. Other people experience the generation of moral claims from the concrete realities of their own selves and all creation. The "law" of their own being breaks through consciousness and is recognized and experienced as obligation. The intelligibility of all creation is accessed through Scripture, traditions, secular disciplines, and all the ways open to them of "beholding" what persons and other beings can legitimately require from them. Still other people find their experiences of moral obligation in their grasp of the meaning of principles that cannot be ignored or denied, principles that express recognizable duties, that articulate what the will must will if it is not to contradict itself. In all of these ways, people experience moral claims because we are moral beings—with a deep-seated capability to see and hear these kinds of claims.

Of course, we may get it wrong. We make mistakes in our moral discernment; we have more or less well developed moral capabilities; we are even subject to "false consciences." We are also quite capable either of "averting our eyes" from moral obligations, or of obstinately holding on to unreflective interpretations of moral claims that may have long since lost their rationale or their applicability. Especially in the sexual sphere, we are likely to be satisfied with a taboo morality, which by definition is unreflective; or we deny the moral dimension of any claims on us, haplessly assuming that "anything goes." Alternatively, sometimes our fear of sanctions and desire for rewards prevent us from hearing claims at a genuinely moral level.

It is perhaps all of these vulnerabilities, limitations, and forms of bad faith that made Norris ask again and again: What are the moral "grounds" of anyone's views on homosexuality? How shall these grounds be tested, if they are not articulated? And above all, are there better grounds for some positions than others? Is it possible that the grounds, the justifications, for some views are no longer tenable, and that therefore "scales drop from eyes" and experiences of moral obligation can change?

Norris moves meticulously through arguments, grounded in biblical appeals and/or in Aristotelian/Thomistic theories of natural law, that same-sex activities and relationships are wrong. "Bare texts"

require interpretation, says Norris, and interpretations have historical-cultural underpinnings that accrue through the centuries in questionable ways. Moreover, multiple biblical laws or commandments have been relativized in the Christian tradition so that it is difficult to see on what internal grounds a biblical prohibition of same-sex relationships can be maintained as absolute. Medieval arguments that homosexuality is "against nature" are equally problematic for Norris (although he seems reluctant to let them go). Less ambiguous, they are also less convincing in an era when major changes have occurred in Christian understandings of sexuality, its aims, and its meanings. Without the pessimism and suspicion that characterized the majority of Christian valuations of sex until the twentieth century, it seems odd to limit the meanings of gender differentiation and sexual activity to physiological functions aimed at preserving the human species. Norris appeals to the fact that Christianity has always allowed sex in marriage even when procreation is known to be impossible; and he points also to the new possibilities for reproduction that are completely separate from ordinary sexual intercourse. Layer after layer of sedimented opposition to same-sex relations and activity are pulled off as Norris moves through his analyses, although he does not yet draw final conclusions.

When Norris turns to a "modern" way of discerning moral obligation, he moves beyond the specific content of traditional prohibitions of same-sex relations and into Kant's formal construals of duty. Norris's "Notes" unfortunately remain incomplete in this regard, although we have a clue to where he wanted to go when, in the end, he highlights the version of Kant's categorical imperative that requires treating persons as ends-in-themselves. This fits well with Norris's prior assertion that for homosexuality to be morally good, it must contribute in some way to human flourishing. It fits well, too, with his observation that when people engage in sex for reasons other than procreation, they do so because of the moral value of human "relation."

It is difficult to assess fully an author's work when it was impossible for him to complete it, for who knows what revisions he might have made in the text as we have it, as well as what conclusions he might finally have drawn. What seems clear to me, however, is that Norris was driving almost ineluctably to the conclusion that same-sex relations and activities can be justified, and that gays and lesbians ought to have a positive place in the church. His scholarly honesty makes him extremely cautious about coming to such a conclusion prematurely. Yet

step by step he finds himself deconstructing biblical claims and natural law claims that support a prohibition of same-sex activities or relationships. He appeals to a Kantian framework both over against these moral traditions and as a complement to what can be retrieved from them that is positive. His somewhat unsatisfying side trips into questions of the moral status of pleasure and the significance of "given" or chosen sexual "proclivities" seem (however unsuccessful they appear, at least to me) finally to be part of his irreversible movement toward an affirmation of the moral goodness of homosexuality, or better, its potential moral goodness if and when it can be shown to contribute to human flourishing. I am quite convinced that his next step would have been to try to show exactly this.

Since Norris's efforts remain unfortunately incomplete, others can be forgiven for attempting to continue them to a fuller conclusion. My own proposal in this regard would go something like this[1]: First, it is indeed necessary to do as Norris has done—that is, return to the sources for Christian moral discernment, both secular and sacred. These sources are generally recognized as Scripture, tradition (including church teachings, practice, the history of theology, and so on), secular disciplines (such as psychology, biology, sociology, philosophy), and contemporary experience (individual and communal). Norris's critique of previously held convictions regarding homosexuality based on "bare texts," or on limited philosophical and theological views of human nature, serve to loosen the hold of prohibitions against same-sex relations. Similar criticisms can be raised against other traditional sources, even the best science of the times. Contemporary experience, especially that which is available to us in the testimony of women and men whose experience is with others of the same sex, thus becomes an extremely important source. By itself, however, experience also does not provide an incontestable, foundational deposit of insight, but for some ethical questions it is a primary source, able to be "tested" in significant ways (for example, in terms of the integrity of those whose experiences are being shared). Finally, though, what emerges from attention to traditional sources is that none of them provides grounds for an absolute, incontestable condemnation of same-sex relations; neither do they provide grounds for an absolute blessing.

[1] Here I draw on the framework for Christian sexual ethics that I developed in *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2006), especially chaps. 6–7.

But if this "modest conclusion" holds at all (for both same-sex and heterosexual relations, one might add), then our central question becomes no longer *whether* same-sex relations and activities can be justified and good, but *when*, under what conditions, and according to what criteria they are so.

I have maintained for many years that the norms for human relationships in the sexual sphere are more like than unlike the norms for human relationships in other spheres, such as the social, economic, or political. The norms are norms of justice, norms that make love and action "true and just" in taking account of the "concrete reality" of human persons—their complex structure as persons, their historical and cultural contexts, their capacity for self-determination and relationships with God and one another. This is a long task for discernment, and it is impossible to enter it here. But what I have argued elsewhere is that the norms for sexual activity and relationship turn out to be the same whether for heterosexual or for same-sex activities and relationships.[2] In short, these norms include at least: do no unjust harm, free consent, mutuality, equality, commitment, fruitfulness, and social justice.

In response to Norris's concern that homosexuality contribute to human flourishing, I would argue that when it is characterized by these norms it does precisely this. Based in respect for persons (oneself and one's partner), each of the norms protects intimate and social vulnerabilities and prevents potential harms such as sexual manipulation, exploitation, violence, betrayal, and harassment. Same-sex relations and activities (like heterosexual sex and relationships) shaped by these moral criteria can also enhance capacities for self-determination, support and enrich the human capacity for relationality, give to interpersonal love a history and a future, and produce forms of fruitfulness that include but are not limited to the procreation of biological children.

The norm of social justice places moral claims on families, societies, and churches. Gay as well as straight women and men have legitimate claims to respect from the Christian community as well as wider society. These are claims not only to freedom from unjust harm, equal protection under the law, and freedom of choice in their sexual lives—within the limits of not harming or infringing on the just claims

[2] *Just Love*, chaps. 5–6.

of the concrete realities of others. They are also claims to basic well-being, psychic security, and incorporation into community.

Norris's final concern was for the "place in the church" that gay men and women need and deserve. Coherent with the direction I believe Norris himself was taking in his pursuit of moral grounds in affirmation of same-sex relations, and in continuity with what I have argued thus far, at the very least churches ought to support same-sex identified persons no less than heterosexual-identified persons—support their faith, their commitments, and the holiness of their vocations within the Christian community and beyond. It is in the nature of the church both to need its gay and lesbian members within the very heart of its sacramental life, and to offer lesbian and gay members the sources of life that they seek. To say this, of course, is to end with what calls for a new beginning.