

Revelation, Natural Law, and Homosexual Unions

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I. Introduction

AT A RECENT CONFERENCE celebrating the twenty-fifth anniversary of the Holy Father's pontificate, Cardinal Ratzinger recalled the aim of *Veritatis Splendor* to help moral theologians bring together the metaphysical and biblical sources of moral theology.¹ Both are necessary. A pure biblicism set free from the appreciation of the natural law founded in creation cannot address contemporary questions, while confining the Bible to providing inspiration to do good and avoid evil empties Christian morality of its specific ethos. On the other hand, inattention to creation means inattention to the creation that the Lord God found good and even very good. We end with a rationalism that, divorced from both the Bible and the order of creation, can do nothing but calculate the consequences of acts.

It is easy to see that limiting the Bible in the way Cardinal Ratzinger laments means limiting Christ himself, who is the fullness of revelation and the only adequate referent of the Scripture, to the role of a moral motivator or cheerleader. Truly to found moral theology in the Bible would be, contrariwise, to take Christ as the one who in the concreteness of his life, death, and resurrection conveys to us the content of the moral law.²

¹ Intervention by Cardinal Joseph Ratzinger at the Symposium of the Pontifical Lateran University on the 25th anniversary of the Pontificate of His Holiness John Paul II (May 9, 2003). For the full text of Ratzinger's remarks, see: www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030509_ratzinger-simpolio_laterano_ge.html

² *Veritatis Splendor*, no. 15: "Jesus himself is the 'fulfillment' of the Law inasmuch as he fulfills its authentic meaning by the total gift of himself: he himself becomes a living and personal Law, who invites people to follow him; through the Spirit, he gives the grace to share his own life and love. . . ." For a particularly vigorous

It must be said, unfortunately, that the call of *Veritatis Splendor* has not been entirely met. If there has been positive reception of the encyclical, there has also been non-reception. An especially good instance of its non-reception, we think, is to be found in Professor Stephen Pope's recent treatment of homosexuality. It is a good instance, not only because Dr. Pope seems content with the consequentialism the Holy Father reproves, but also because, although he seems to see what *Veritatis Splendor* is offering by way of a properly Christian apprehension of the natural law, where nature is illumined by revelation, he rejects it. It is this second issue we would like to take up. We would like to show both the unsatisfactory character of Dr. Pope's approach and as well indicate what the road not traveled might look like. In other words, we want to show how the revelation of Christ—Christ himself—provides the “content” of the moral law relative to sexuality and marriage.³

II. Stephen Pope on Natural Law on Homosexual Unions

Dr. Pope characterizes the Magisterium's rejection of same-sex relations as a position based on what he calls “‘revealed’ natural law.”⁴ The seemingly contradictory nature of this name is calculated and is meant to indicate that the position holds not only that grace is necessary to keep the law but also that revelation—supernatural revelation—is necessary even to know the law. This is to say that *supernatural* revelation teaches and is required for us to know the *natural* law. *Veritatis Splendor* is an expression of this, according to Dr. Pope, and we may well agree.⁵ Dr. Pope seems at one point to recognize that this position has the support of St. Thomas.⁶ Subsequently, however, he wants to distinguish it from St. Thomas's position, and he criticizes the idea that we need revelation to know the natural law on the ground that it is not the position of St. Thomas.⁷ So to speak, the difference between Dr. Pope and us is wholly and entirely over this name—

statement of this view, see Hans Urs von Balthasar, “Nine Theses in Christian Ethics,” in *International Theological Commission: Texts and Documents 1969–1985*, ed. Michael Sharkey (San Francisco: Ignatius, 1989), 105–20. The theses first appeared in 1974.

³ For an overview of the problem of Christocentrism and moral theology as well as a summary of moralists who approach Christ as a motivator, see Livio Melina, “Christ and the Dynamism of Action: Outlook and Overview of Christocentrism in Moral Theology,” *Communio* 28, 1(2001): 112–39.

⁴ Stephen J. Pope, “Scientific and Natural Law Analyses of Homosexuality,” *Journal of Religious Ethics* 29(2001): 89–126.

⁵ *Ibid.*, 104.

⁶ *Ibid.*, 105.

⁷ *Ibid.*, 108.

“revealed natural law.” For Dr. Pope, the paradox invites dismissal. For us, the paradox leads to some important truths.

Dr. Pope thinks the Magisterium’s rejection of same-sex relations is not really a rejection based on the natural law, but a rejection based on revelation. He thinks that when the Magisterium takes the procreative finality of sexual relations to be evident and evidently constitutive of such relations, such that it is immoral to take steps to thwart this finality, that this is based on a “certain interpretation” of such passages as Genesis 1:27–18 and not also a straightforwardly factual claim. He thinks the Magisterium’s rejection relies too much on such passages as Leviticus 18:22, 20:13, and Romans 1:26, and is therefore unsuccessful, since the meaning of such passages is controversial.⁸ Further, Dr. Pope considers that the “revealed natural law” position “attends too narrowly to the ultimate [supernatural] end [of man] and does not give sufficient attention to the inclusive end of human desire, encompassing body as well as soul.”⁹ Allied with this, the position too much “isolates” the theological understanding of man from modern empirical scientific interpretations of man.¹⁰

In the absence of a natural law argument against same-sex unions, and on the supposition that biblical revelation does not speak clearly on the issue, Dr. Pope wants to listen to the experience of homosexual couples. If they report happiness and fulfillment and flourishing within the context of such unions, then this should count heavily for their moral legitimacy. The happiness of stable gay unions is an empirical question,¹¹ and we will find out whether such unions contribute to the human flourishing of couples and communities by both psychological and sociological investigation.¹² Dr. Pope seems to recognize that the sciences cannot determine issues of virtue and vice;¹³ still, if human flourishing is an empirical question, and is to be settled by psychological and sociological survey, it is hard to see that this will entail anything much more sophisticated than asking couples whether they are “happy,” and neighbors whether such couples keep their lawns mowed and sort their recyclables.¹⁴ It is this approach,

⁸ Ibid., 107, n. 13.

⁹ Ibid., 109. How it is that risen life in Christ is not sufficiently “inclusive” is not explained.

¹⁰ Ibid.

¹¹ Ibid., 118.

¹² Ibid., 120.

¹³ Ibid., 119.

¹⁴ Ibid., 112. Exactly what Dr. Pope thinks science contributes to ethics is in fact hard to say, nor does it seem any clearer in his *The Evolution of Altruism and the Ordering of Love* (Washington, DC: Georgetown University Press, 1994), where an elaborate

moreover, that Dr. Pope thinks congruent with St. Thomas's way to the discovery of ethical principles.¹⁵

Dr. Pope's position is in fact hard to summarize. Whatever he seems to give with one hand he takes away with the other. So, St. Thomas agrees with "revealed natural law" on what it takes to know the natural law easily and accurately, and he does not; the question of the morality of sexual unions cannot be settled by science, and then it can be so settled; appeals to lived experience in settling matters moral are inadequate and treacherous,¹⁶ and on the other hand reports of such experience are a font of theology.¹⁷ He is apparently evenhanded in criticism of both the "revealed natural law" and "revisionist" positions. But this a mere appearance. The only thing he brings to the revisionist discussion is a call for more "science," which quickly devolves into a call to listen to the experience of homosexuals as reported by homosexuals.

III. Initial Criticism of Stephen Pope's Position

1. *A First Criticism*

In the first place, it has to be said that the natural law argument for the immorality of same-sex relations has been made several times and that, in its own order, it is very strong. We return to the qualifying phrase shortly. The argument has been made by the Congregation for the Doctrine of the Faith in 1975 and again in 1986.¹⁸ As Dr. Pope recognizes in a note, John Finnis has addressed the natural law argument that same-sex relations are immoral at length.¹⁹ Martin Rhonheimer is alert to the natural law's declaration of the "truth" of the sexual inclination in stable and

deployment of sociobiological machinery somehow gives intelligibility to the ethical obligation of parents to love their own children more than other children.

¹⁵ Ibid.

¹⁶ Ibid., 116.

¹⁷ Ibid., 111–12.

¹⁸ *Declaration on Certain Questions Concerning Sexual Ethics*, 1975, no. 8; *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*, 1986, no. 7.

¹⁹ John Finnis, "Natural Law and Unnatural Acts," *Heythrop Journal* 11 (1970): 365–87. In this article, Finnis is especially aware of the relation of the natural law to revelation in the area of sexual morality. Finnis returns to the topic of same-sex relations in "Law, Morality, and 'Sexual Orientation,'" *Notre Dame Law Review* 69 (1994): 1049–76, and "The Good of Marriage and the Morality of Sexual Relations: Some Philosophical and Historical Observations," *The American Journal of Jurisprudence* 42 (1997): 97–134.

permanent marriage ordered to procreation.²⁰ The natural law argument for the immorality of same-sex unions is already made in principle by *Humanae Vitae* and its many able apologists.²¹ Among these should be mentioned John Paul II in *Familiaris Consortio*.²² It should be clear that the natural law exclusion of contraception found there is equally exclusive of homosexual acts, and this is indicated briefly in *Veritatis Splendor*, where it restates the principle of *Humanae Vitae*.²³

One will think the argument has not been made only if one is persuaded that natural law arguments, if made, must be found persuasive by any man of good sense, whatever his religious persuasions or lack thereof. Russell Hittinger charts the course by which it came to be supposed that the truth of a natural law argument can be “measured by its success in garnering assent” and that appeal to the natural law is an appeal to “what every agent is supposed to know according to what is first in cognition.”²⁴ If this is erroneous, it should not surprise us that what Hittinger characterizes as “the thin strands of argument about natural functions” in *Humanae Vitae* did not carry the Western world.²⁵

Three reasons especially may be given why the argument against same-sex relations and same-sex unions is unconvincing to modern men. First, there is no argument from a natural finality or the procreative meaning embedded in human persons and their sexually differentiated bodies to a moral obligation of law unless one thinks nature, including human nature, is created, and its finalities capable of speaking the mind of a Lawgiver.²⁶ Apart from creation, we may speak of natural right but

²⁰ Martin Rhonheimer, “Excursus: The Natural Law and Contraception,” 109–38, in his *Natural Law and Practical Reason: A Thomist View of Moral Autonomy* (New York: Fordham University Press, 2000).

²¹ One can start with Janet E. Smith, *Humanae Vitae: A Generation Later* (Washington, DC: Catholic University of America Press, 1991).

²² Apostolic Exhortation on the Role of the Christian Family in the Modern World (1981), *Familiaris Consortio*, no. 32.

²³ Read no. 47 and no. 50 together.

²⁴ Russell Hittinger, “*Veritatis Splendor* and the Theology of the Natural Law,” in *Veritatis Splendor and the Renewal of Moral Theology*, ed. J. A. Di Noia, OP, and Romanus Cessario, OP (Princeton, NJ: Scepter Publishers, 1999), 108, 111. A fuller statement of this material can be found in chapters 1 and 2 of Hittinger’s *The First Grace: Rediscovering the Natural Law in a Post-Christian World* (Wilmington, DE: ISI Books, 2003).

²⁵ *Ibid.*, 107.

²⁶ Lawrence Dewan, OP, “St. Thomas, Our Natural Lights, and the Moral Order,” *Angelicum* 67 (1990): 297–98.

not of natural law.²⁷ But non-existent babies have no rights, and the rights of spouses can easily be supposed freely and morally renunci-able.

Second, and even granted that all natural finalities are created, such finalities may, but again may not, bespeak a moral obligation. The natural finality of the hair follicles on masculine faces does not forbid shaving. The natural finality of sex to procreation forbids contraception and homosexual acts. For in the first place, this finality is not realized apart from an exercise of the properly human agency, informed by thought and presupposing freedom (even where freedom is pressured by passion), of a man and a woman. In the second place, this finality terminates in the instantiation of another agent similarly endowed with intelligence and freedom—a person. Part of our appreciation of the difference between the finalities of hair follicles and of sex, in both the realization of the finality and its term, therefore, will be a function of apprehending human persons as the only personal reality within a material world created by a transcendent personal agency.²⁸ Our ability to respond to the good of persons, in other words, is conditioned according as we think them the product of the chances of evolution, or the product of the choice of a transcendent Person.²⁹ Where there is nothing above it, the universe itself and everything in it too easily gets flattened out, and in a time when all our bodily functions are increasingly under technological control, it can be hard to see why any finality should escape our own direction of it by our own choice to good ends, even where such direction is contrary to what is given prior to our choice.

A third reason the natural law argument seems weak, a reason with ties to the first, is that even supposing one has the greatest respect for the procreative meaning of sex, and wants children, it can still be hard to see why every single act of sexual intercourse must be open to procreation. Why must union and fecundity go together in every act? Even if they do so “naturally,” in a sexual practice unconditioned by interventions ranging from *coitus interruptus* to the use of condoms to an orally ingested contraceptive, why must they? It is not that there is no good natural law

²⁷ Ernest Fortin, “Natural Law,” in *Human Rights, Virtue, and the Common Good: Untimely Meditations on Religion and Politics*, ed. Brian J. Benestad (New York: Rowman & Littlefield, 1996), 160.

²⁸ See John Paul II, *Evangelium Vitae* (1995), no. 83.

²⁹ See Robert Sokolowski, *Eucharistic Presence: A Study in the Theology of Disclosure* (Washington, DC: The Catholic University of America Press, 1994), Chapter 10, “The Christian Understanding of the Person.” The New Testament brings a further light, according as our personal agency is now to be a participation in the personal agency of Christ.

argument here, but only, we are saying, that at this point especially, an unreligious man of good will will most easily fail to be moved.

Even so, there is one thing in the argument of *Humanae Vitae*, as well as in the argument against same-sex unions, that really should be taken as obvious, and that is the procreative finality of sexual acts. If this is obvious, *and* if we see the rightness of never impeding this finality because of the dignity and fundamentality of the good it is ordered to, *and* if we take the world as created, then the moral obligations themselves become “obvious” as a matter of “natural law.” What, however, of the first and foundational obviousness? Is not such a characterization of the procreative finality or meaning of sexual acts as “obvious” a polemical one and, as well, something that begs the question Dr. Pope addresses?³⁰ Kevin Flannery nicely expresses the way in which such a thing may be said to be obvious.

Consider the type of acts characteristic of homosexual activity: acts in which one of the partners penetrates the body of the other or somehow simulates such penetration (as even a masturbator can do). If one is to give a complete account of such acts, one must acknowledge that they belong properly to heterosexuality. Why this desire to *penetrate*? And why penetration with that organ from which is discharged semen? Homosexual advocates prefer to look away from these facts and limit their account of what homosexuals do to talk about providing pleasure or intimacy or about giving expression to their true selves.³¹

This account is noteworthy for its calm insistence, first, that the heterosexual and therefore procreative finality of sexual acts is nothing except the intelligibility of facts (penetration, discharge of seed) universally available to every human being.³² Moreover, if the intelligibility of a fact is part of the fact, then the procreative finality of sexual acts is also a

³⁰ See “Scientific and Natural Law Analyses,” 99, for dutiful reportage of the sociobiological assessment that homosexual behavior is “normal,” “beneficent,” and related to altruism.

³¹ Kevin L. Flannery, SJ, “Homosexuality and Types of Dualism: A Platonic-Aristotelian Approach,” *Gregorianum* 81(2000), 363–64. Is this physicalism? Then so is the recognition of the eye as the organ of sight.

³² See St. Augustine, *The City of God*, Book 14, c. 22: *sicut evidentissime apparet in diversi sexus corporibus, masculum et feminam ita creatos, ut prolem generando crescerent et multiplicarentur et implerent terram, magnae absurditatis est reluctari*. “As appears most evidently in bodies of diverse sex that masculine and feminine were so created that they might increase and multiply by generating offspring and fill the earth, it is a great absurdity to deny it.”

“fact.”³³ Second, the sort of fact or insight that is determinative of the issue of the morality of sexual acts is something available to common experience. It is not something for which one needs the refined, specialized experience of the modern empirical sciences.³⁴ It is not something for which we need modern chemistry, biology, or psychology. Third, the heterosexual and procreative meaning of sexual acts is nonetheless something that one can ignore. One turns away from such givens as the desire to penetrate, and the capacity of semen, and changes the subject. To say that something is “obvious” does not mean one does not have to look. The “obvious,” therefore, is not the “undeniable.” It might also therefore be the case that we need help to see the obvious.

To conclude this first criticism. If deliberately to destroy the procreative meaning of heterosexual acts is immoral, if it is to act against the truth of the language of the body, in John Paul II’s way of putting things, then it must be likewise so for homosexual acts.³⁵ Even though intended to signify a sincere gift of the self, the homosexual act cannot of itself bear that meaning, because the meaning of the body that is part of one’s “self” has been ignored.³⁶ The “proper and primordial nature” of man, “which is the person himself in the unity of soul and body, in the unity of his spiritual and biological inclinations,” has been ignored.³⁷

2. A Second Criticism

There is a second initial criticism of Dr. Pope to be made. The kind of grounds upon which he thinks same-sex unions could be seen to be legitimate would also legitimate polygamy. There are men and women in polygamist families in Utah and Arizona, so-called “fundamentalist Mormons,” that will readily assert that their form of marriage is an active ingredient in their human flourishing and felt satisfaction.³⁸ The reports of the lived experience of such families, the narrative of their own lives

³³ See Bernard J. F. Lonergan’s discussion of “data” and “facts” in *Method in Theology* (New York: Herder and Herder, 1972), 201–3.

³⁴ For the notion of “common experience,” see Henry B. Veatch, “Some Suggestions on the Respective Spheres of Science and Philosophy,” *The Thomist* 3 (1941): 177–216.

³⁵ See John Paul II, General audience of August 22, 1984, in *The Theology of the Body: Human Love in the Divine Plan* (Boston: Pauline Books & Media, 1997), 398.

³⁶ See John Paul II, *Familiaris Consortio*, no. 32.

³⁷ *Veritatis Splendor*, no. 50.

³⁸ For an instance with regard to the experience of women see Janet Bennion, *Women of Principle: Female Networking in Contemporary Mormon Polygyny* (New York: Oxford University Press, 1998).

such as they can give them, will be filled with accounts of the warmth of the affective exchanges and loyalties such families foster among the adults, man and women, and of the advantages for the children of many caregivers, and all this quite independently of the special satisfaction such families take in living according to the will of God as they hold is revealed to them by the teaching and example of Joseph Smith.

IV. That We Need Revelation Even for What We Can Know by the Natural Light

The above criticisms are easily made. What is more vexing about Dr. Pope's essay is its failure to understand the relation between reason and revelation, nature and grace, in the Church's apprehension of the immorality of same-sex relations and unions. In the first place, this is indeed a matter of seeing in general that we need revelation to strengthen our grasp of the natural law. In the second place, it is a matter of beholding the quite explicit light that revelation sheds on the immorality of same-sex relations and unions. This is in fact what *Veritatis Splendor* invites us to do.

Our ordinary apprehension of the natural law needs to be strengthened by the light of revelation. Dr. Pope's rejection of previous natural law arguments concluding that same-sex relations are immoral is itself a kind of proof of this. The inability of people to see the immorality of such relations on natural grounds is not extraordinary or remarkable and is not evidence that the argument has not been made.

1. St. Thomas, Revelation, and Natural Law

First, just what is St. Thomas's position as to whether we need revelation to strengthen our grip on the natural law? Denis J.M. Bradley has recently addressed this question. After noting that the love of neighbor is a primary and self-evident principle of the natural law for St. Thomas, he reports his position on how evident the Ten Commandments are.

It should be . . . apparent that killing, committing adultery, bearing false witness, and stealing are not beneficent acts to one's neighbor. These acts clearly violate the first-order principle that one should not harm or do evil to any person. Yet ordinary men, because of passions and evil habits, can ignore what is obviously just and what is obviously unjust.³⁹

³⁹ Denis J.M. Bradley, *Aquinas on the Twofold Human Good: Reason and Human Happiness in Aquinas's Moral Science* (Washington, DC: The Catholic University of America Press, 1997), 321.

This is an accurate summary. Can the natural law be removed from the heart of man according to St. Thomas? In the abstract, the first principles of the natural law cannot not be known; they cannot be expunged from the human heart, St. Thomas says.⁴⁰ Concretely, even they can, as it were, be suspended by passion. As for the secondary principles, such as are to be found in the Decalogue, they are even more fragile. St. Thomas says:

as to the secondary precepts, the natural law can be blotted from the human heart, either by evil persuasions, just as in speculative matters errors occur in respect to necessary conclusions; or by vicious customs and corrupt habits, as among some men, theft, and even unnatural vices, as the Apostle states, were not esteemed sinful.⁴¹

Therefore, St. Thomas expressly remarks the “fittingness” of the assistance provided by revelation for our apprehension of the secondary principles of the natural law, conclusions from the first principles. Reason can err, and sinful habits corrupt our purchase on these principles. Therefore, he concludes, “there was need for the authority of the divine law to rescue man from both these defects.”⁴² There is a lapidary summary of St. Thomas’s thought in his late conferences on the Ten Commandments:

Because the law of nature had been destroyed by the law of concupiscence it was necessary that man be brought back to the works of virtue and withdrawn from vice: for which needful things there was the law of Scripture.⁴³

Man still desires the good, but “the law of concupiscence frequently corrupts the law of nature and the order of reason.”⁴⁴

⁴⁰ *Summa theologiae* I-II, q. 94, a. 6.

⁴¹ *Ibid.*

⁴² *ST* I-II, q. 99, a. 2, ad 2. See q. 100, a. 5, ad 1. See for the same position St. Augustine, *The City of God*, Book 18, c. 41 and Book 22, c. 22. On the problem of the naturally unknowable character of the natural law, see Ernest Fortin, “Augustine, Thomas Aquinas, and the Problem of the Natural Law,” *Ernest Fortin: Collected Essays, II: Classical Christianity and the Political Order*, ed. J. Brian Benestad (New York: Rowman & Littlefield, 1996), 199–222, for an examination of the role of revelation in knowing natural law.

⁴³ *Expositio in duo praecepta caritatis et in decem legis praecepta*, in *Opuscula Theologica II* (Rome: Marietti, 1954), Prologus I, no. 1131. Or see the new edition by Jean-Pierre Torrell, *Collationes in Decem Preceptis*, I, line 27, in *Revue des sciences philosophiques et théologiques* 69(1985): 5–40, 227–63.

⁴⁴ *Ibid.*, no. 1130. See the discussion in Hittinger, “*Veritatis Splendor* and the Theology of the Natural Law,” 102–4.

Dr. Pope does not accurately reflect this teaching when he says that for St. Thomas “human reason is more or less adequate for understanding the natural law *per se*,” and that the competence of reason is “unnecessarily diminished in revealed natural law” as measured by the teaching of St. Thomas.⁴⁵ It is not quite clear what the “*per se*” is doing here. But, yes, St. Thomas’s position is that human reason is “more or less adequate,” that is, in itself or “*per se*” competent to understand the natural law since the natural law means especially the first principles of practical reason. These principles of the law, such things as that life is to be preserved, remain always in the habit of *synderesis*, which can be styled a natural habit, which is to say a natural faculty of the intellect whereby we understand and assent to the truth of these principles.⁴⁶ Since the first principles are correlative to the fundamental inclinations of human nature, and human nature is wounded but not destroyed by sin, they must always be able to be formulated.⁴⁷ These are but seeds, however; to get a crop requires more.⁴⁸ The first principles must grow into prudence and the moral virtues, and are themselves as little sufficient for human action as is seed just broadcast in the field for a harvest. Moreover, human reason does not exist in itself, abstractly, and it does not operate unconditioned by history, culture, sin, grace. Especially as to those last, reason operates conditioned by either sin or grace or both. Dr. Pope makes St. Thomas out to be some Enlightenment *philosophe* for whom “reason” is ever the same, has always the same prospects, sees always clearly and distinctly.⁴⁹

2. Revelation and the Knowledge of God

Further, our cognitive situation relative to the natural law is not unique. It is very like our cognitive situation relative to the knowledge of God. God is naturally knowable, and knowable as creator. But as St. Thomas notes, the natural knowledge of God is difficult, is restricted to those fortunate enough to have the leisure required for the philosophic life, and is commonly mixed with error.⁵⁰ Chapter 2 of *Dei Filius* follows St. Thomas

⁴⁵ Pope, “Scientific and Natural Law Analyses”, 108.

⁴⁶ See the detailed treatment in Bradley, *Aquinas on the Twofold Human Good*, 296–313.

⁴⁷ *ST* I–II, q. 94, a. 1 and q. 109, a. 2.

⁴⁸ See *ST* I–II, q. 61, a. 1 for naturally known first principles of both knowledge and action, first principles that are seeds (*seminalia*) of both intellectual and moral virtue.

⁴⁹ See the discussion of what is called “Encyclopaedia” in Alasdair MacIntyre’s *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition* (Notre Dame, IN: University of Notre Dame Press, 1990).

⁵⁰ *ST* I, q. 1, a. 1; cf. Aristotle, *Metaphysics* I, 1, 981b19–22.

here.⁵¹ So also does *Fides et Ratio*, expressly attributing our difficulty in coming to know God by the natural light to sin.⁵² *Veritatis Splendor* recognizes an analogous cognitive situation in the moral order.⁵³

The supposition that since something is contained in or follows strictly from the natural law, it ought therefore to be acknowledged by all men is reminiscent of the naïve supposition that since St. Paul says truly that God can be known from the things that have been made and the First Vatican Council repeats him, therefore his existence and the character of his transcendence are generally acknowledged by all men in every state and condition. But these implications by no means follow. If there is a nation that does not know God, the teaching of St. Paul is not falsified, and if there is a nation that does not recognize the immorality of contraception, the claim that contraception is contrary to the natural law is not invalidated. For our ignorance of first things, whether they be metaphysical or moral, the Catholic tradition has always supposed, with St. Augustine, that the condition and orientation of our will affects what we can see. And for the deformation of our appetite and the wounding of our will itself, we know of the presence of sin, both original and actual, and of the absence of original justice. Apart from grace, we will not keep the moral law; not keeping the moral law, we shall soon be unable to see it.

Now, just as Christ is the author of grace, so is he the fullness of revelation who perfects it in both word and deed, in the personal history that leads from cradle to cross and from death to risen life. Just as we should not expect to keep the moral law apart from his grace, so we should not expect to know it in any detail apart from his light.

What most of all one misses in Dr. Pope's article, therefore, is any awareness of the context, cognitive and affective, in which we both act morally and think about our moral action. It is awareness of this context, however, the context of sin and grace, that in part constitutes Catholic moral theology as Catholic.

3. Revelation and the Knowledge of the Nature and Properties of Marriage

In the third place, our cognitive situation relative to same-sex relations and unions is not unique even within our knowledge of the nature and properties of marriage.

⁵¹ DS 3005. See *Decrees of the Ecumenical Councils*, ed. Norman Tanner (Washington, DC: Georgetown University Press, 1990), II, 806.

⁵² *Fides et Ratio*, nos. 21–23.

⁵³ *Veritatis Splendor*, no. 12.

There is a natural law argument for the unity and indissolubility of marriage, as required for the successful prosecution of the ends of marriage. One would never learn from Dr. Pope that it is just as strong, or for him, just as weak a position as the natural law argument against same-sex unions, for both depend on the procreative meaning of sexual relations.

But revelation, in providing further grounds for the unity and indissolubility of marriage also enables that natural law grounding to be more easily and confidently seen. It is admitted by theologians that otherwise this grounding is difficult to perceive. After all, for hardness of heart Moses permitted divorce even though from the beginning and by the nature of marriage as fashioned by the Creator's hand it was not so. Michael Schmaus, who can stand for the traditional theological sensibility here, readily acknowledges this.

As the history of marriage shows, not only has it been difficult for man, in the course of his development, to preserve the unity and indissolubility of marriage; *it has been difficult for him even to recognize it.*⁵⁴

If there were no natural grounding for the unity and indissolubility of marriage, then a revealed requirement of these things would be a deformation of marriage, a deformation of something natural or at best a burden imposed on marriage extrinsic to its nature. What revelation provides is rather, as John Finnis puts it, a more "intense grasp" of the basic value of life, since human life is now ordered to share in the divine life.⁵⁵ But it is the same value, life, that is grasped both naturally and supernaturally.

V. Revelation on Same-Sex Unions

*1. The Exemplarity of the Moral Agency of Christ*⁵⁶

It is usually taken for granted that the revelation of the immorality of same-sex relations is confined to a few pieces of Old Testament legislation or New Testament condemnation. In fact, it is much more massive and, one can even say, central to revelation as a whole and especially as completed by Christ. Also, this revelation is such as to bring out the natural law prohibition itself more plainly, and make it easier for us to see it.

⁵⁴ Michael Schmaus, *Dogma*, Vol. V: *The Church as Sacrament* (London: Sheed and Ward, 1975), 289, emphasis added.

⁵⁵ Finnis, "Natural Law," 384.

⁵⁶ In what follows, we will take St. Thomas as a guide; for a brief exposition of St. Bonaventure on this theme, see Livio Melina, *Sharing in Christ's Virtues: For a Renewal of Moral Theology in the Light of Veritatis Splendor*, trans. William E. May (Washington, DC: Catholic University of America Press, 2001), 128–34.

Veritatis Splendor invites us to see this more massive witness of the New Testament to the immorality of same-sex unions where, in affirming the immutability of the natural law, it remarks that according to St. Thomas moral norms maintain a “determinate content” in the New Law because of “the assumption of human nature by the Word.”⁵⁷ The encyclical directs us to the *Prima secundae* of the *Summa*, q. 108, the first article, on whether the New Law ought to proscribe or prohibit any exterior acts. The question arises because, according to q. 106, article 1, on whether the New Law, the law of the New Testament, is a written law, we learn that “the New Law is chiefly the grace of the Holy Spirit.” And in the reply to the first objection, we read that “the gospel writings contain only such things as pertain to the grace of the Holy Spirit, either by disposing us to it, or by directing us to its use.” They dispose us, for example, by manifesting the divinity of Christ and so inviting us to faith, whereby we receive grace. As to directing the use of grace, “this consists in works of virtue to which the writings of the New Testament exhort men in various ways.” And in q. 107, article 1, the New Law is again first of all grace poured into our hearts. However, as the reply to the third objection has it, the New Law of which Christ is the author “consists secondarily in certain moral and sacramental acts.” So, regarding these acts, are new or different exterior acts prescribed? That is the question of q. 108, article 1.

In addressing the question whether the New Law prescribes external acts, article 1 of q. 108 determines the basis upon which it does so. The New Law is grace; but grace is from the incarnate Word, whose humanity grace filled first. Hence, it is fitting that the grace that comes from the incarnate Word “should be given to us by means of certain external sensible objects,” “and that from this inward grace, whereby the flesh [our flesh] is subjected to the Spirit, certain external works should follow.”

The external sensible objects are the sacraments; the external works concern acts that are necessarily either in keeping with or opposed to internal grace: so, for example, the confession of faith is prescribed, and the public denial of faith is forbidden. Above, in article 1 of q. 106, however, the external acts are acts of the virtues.

This last point finds more complete expression in article 2 of q. 108, on whether the New Law made sufficient ordination about external acts. “The New Law had to make such prescriptions or prohibitions alone as

⁵⁷ *Veritatis Splendor*, no. 53, fn. 98. Nor, as the letter tells us, at no. 37, n63, is this a question touching theological opinion alone, since the Council of Trent reproves those who deny a moral teaching to the New Testament and see Christ only as redeemer and not also as law-giver; see the Sixth Session, canons 19–21 of the Decree on Justification. For these canons see *Decrees of the Ecumenical Councils* II, 680.

are essential for the reception or right use of grace.” So, Christ instituted the sacraments, and they are for the reception of grace; but, the article continues, “the right use of grace is by means of works of charity,” and these “insofar as they are essential to virtue, pertain to the moral precepts, which also formed part of the Old Law. Hence, in this respect, the New Law had nothing to add as regards external action.”⁵⁸ “Accordingly, the New Law had no other external works to determine, by prescribing or forbidding, except the sacraments, and those moral precepts which have a necessary connection with virtue, for instance, that one must not kill, or steal, and so forth.”⁵⁹

Now, although St. Thomas does not belabor the idea here, we perceive that just as the sensible and bodily incarnation makes it fitting that grace be given through sensible and bodily sacramental forms, so the exercise of grace in Christ himself is according to the moral precepts of the New Law, which repeat the Decalogue. The giver of the Law on Sinai gives it again, and—mystery of condescension—obeys it perfectly as a man.⁶⁰

He gives it again in giving the New Law, most obviously in his teaching, preeminently the Sermon on the Mount. St. Thomas has it in q. 107, article 2, that “Christ fulfilled the precepts of the Old Law both in His works and in his doctrine,” where by works is meant the ceremonial precepts and by doctrine the moral precepts. Christ fulfills the sense of the moral precepts by teaching that the true sense of the Law regards not just the exterior act of the moral precepts but the interior act as well.⁶¹ The New Law adds to the Old Law the interior disposition of charity.

He obeys the Law as a man, both Old and New. For in addition to Christ’s role as teacher, there is his example. In q. 108, article 1, St. Thomas does not dwell on the point that the incarnate Word not only institutes the sacraments but himself also exercises the very external acts we are called upon to exercise, and with the right interior disposition.

⁵⁸ See *ST* I–II, q. 108, a. 3, ad 3: “the moral precepts necessarily retained their force under the New Law, because they are of themselves essential to virtue.”

⁵⁹ *ST* I–II, q. 108, 2.

⁶⁰ Recall the Great Antiphon for the Magnificat of December 18: *O Adonai, et Dux domus Israel, qui Moysi in igne flammae rubi apparuisti, et ei in Sina legem dedisti: veni ad redimendum nos in brachio extento*. “O Adonai and Leader of the house of Israel, who appeared to Moses in the fire of the burning bush and who gave him the Law on Sinai, come to redeem us with your powerful arm.” His redemption of us includes keeping the Law he gave to Moses.

⁶¹ For an extended treatment of Christ’s fulfillment of the Law according to St. Thomas, see Matthew Levering, *Christ’s Fulfillment of Torah and Temple: Salvation according to Thomas Aquinas* (Notre Dame, IN: University of Notre Dame Press, 2002), 15–30, 51–79.

Elsewhere, however, he takes it up quite explicitly. So, in the *Tertia pars* of the *Summa*, q. 7, article 2, he asks whether Christ possessed the virtues. The answer is yes, that all the virtues were in Christ. As powers flow from the essence of the soul, so virtues from grace.⁶² Here, evidently, it is a question of the infused supernatural moral virtues.⁶³ In fact, Christ possessed them “most perfectly” and “surpassing the common mode.”⁶⁴ So, as Michele Schumacher says: “Christ, the new Moses, giver of the New Law, is the first to obey its precepts and, in so doing, he sets the standard of its perfection.”⁶⁵

Further, the exercise of the virtues depends on knowledge, practical knowledge, which must be the case in Christ, too, a man like us in all things but sin. St. Thomas recognizes such knowledge in Christ in two places. First, presenting the reasons for acknowledging created knowledge in the soul of Christ, he gives as the third reason the existence of a knowledge natural to man: “[S]ome created knowledge pertains to the nature of the human soul, namely, that whereby we naturally know first principles.”⁶⁶ Therefore, we must acknowledge the naturally known first principles of practical reason in Christ, too, which are first principles of the natural law, the habit of which is synderesis. Second, St. Thomas acknowledges in Christ the virtue of practical wisdom itself, prudence: “[S]ince Christ had the fullness of prudence by the gift of counsel, he consequently knew all singular things—present, past, and future.”⁶⁷

Beholding Christ, we see that human nature, its exercise within a human history, is the fitting and adequate expression of a divine person, a divine identity, that of the Son. This means also that the humanly natural knowledge of the natural law, and the virtue of prudence, which knows what is right in the sensibly perceived here and now, and the moral virtues properly so called—it means that all these things are fit instruments of the expression of the moral agency of the Son of God within the economy of salvation. By the incarnation, there is therefore a sort of seal stamped on the moral principles with which we are endowed by nature, as well as their

⁶² The same argument appears in *In III Sent.*, d. 13, q. 1, a. 1, and a. 2, q. 1a 1.

⁶³ Though different in species from the acquired moral virtues, since they enable acts that move us to our final and supernatural end, the infused virtues perfect action with regard to the same matter as the acquired virtues; see *ST I–II*, q. 63, a. 4 and ad 2. Infused temperance does not, for instance, permit the agent any indulgence forbidden by the standard of acquired temperance.

⁶⁴ *ST III*, q. 7, a. 2, ad 2. Christ possesses the gifts, too: q. 7, a. 5.

⁶⁵ Michele M. Schumacher, “An Inseparable Connection: The Fruitfulness of Conjugal Love and the Divine Norm,” *Nova et Vetera* 1(2003), 389–90.

⁶⁶ *ST III*, q. 9, a. 1.

⁶⁷ *ST III*, q. 11, a. 1, ad 3.

development in prudence, and of the virtues that we know by the natural light are the excellences of man. What were once the instruments of the expression and a part of the expression in time of the moral agency of a divine and eternal Person remain for all time models for the moral agency of us who are created in the image of that eternal Person. Christ is the incarnate Word in whom and according to whom all things, including our freedom and its exercise were created. His moral agency must be the expression of the norm of our own.⁶⁸ Furthermore, we see in Christ's agency not only the beginning and pattern but also the end of our own. We can say that his agency is the norm of our own because our very "person" is now to be included in his person; we are to have the same mind as was in Christ Jesus (Phil 2:5), and our mission is an extension of his mission.⁶⁹ Because we act in the power of the grace of Christ, moreover, we can say with Livio Melina that the moral acts of a Christian are "a participation in the action of Christ," and for that reason are they beatifying and a foretaste of beatitude.⁷⁰

It is by both grace and revelation, therefore, that Christ conforms us to the moral law in conforming us to himself. We find inspiration in his example; also, he inspires the Holy Spirit in us. Nor is it the case that his exemplarity is merely illustrative of a moral knowledge we already possess. Yes, the seeds of virtue remain in us, but by them and by the first precepts of the natural law we recognize only that the supernaturally graced moral agent is in continuity with, builds on, and perfects the naturally constituted moral agent. This continuity is presupposed in beholding Christ as the standard of human moral agency than whom no greater could be conceived. But the content of that agency, beyond the fulfillment of the rudiments of the natural law, is difficult for us to see in our post-lapsarian condition, and impossible for us to anticipate insofar as it bespeaks action inspired by charity. So, without his example, we could not really see, clearly and effectively, what human life should look like. As the Holy Father puts it: "The crucified Christ reveals the authentic meaning of freedom; he lives it fully in the total gift of himself and calls his disciples to share in his freedom."⁷¹

To ask WWJD? ("What would Jesus do?") is therefore an entirely appropriate question, a necessary question, for a morally earnest Christian. One of the motives of the incarnation is to promote us in the good,

⁶⁸ See Livio Melina, "Christ and the Dynamism of Action," 126.

⁶⁹ See here Hans Urs von Balthasar, *Theo-Drama III. Dramatis Personae: Persons in Christ*, trans. Graham Harrison (San Francisco: Ignatius Press, 1992), 263ff.

⁷⁰ Livio Melina, "Christ and the Dynamism of Action," 138.

⁷¹ *Veritatis Splendor* no. 85.

and in particular, “with regard to well-doing, in which he set us an example.”⁷² It is therefore wholly right and just to ask what a divine person operating through human senses, mind, synderesis, prudence, and moral virtues would do. Just so, St. Paul tells the Corinthians, “Be imitators of me, as *I am of Christ*” (1 Cor 11:1).

2. The Exemplarity of the Chastity of Christ

If we say with q. 108, articles 1 and 2, that by his incarnation Christ confirms the material content of the natural law, he must do this also relative to the sixth and ninth commandments. Again, if we say that Christ had all the virtues, then he had also the virtue of chastity, and his chastity is an example and norm for ours.⁷³

The vice opposed to chastity is lust, a species of which is “unnatural vice.” When St. Thomas discusses it in due course, he purports to show the immorality of same-sex relations by saying simply enough that they are pursued for erotic pleasure but without being able to be procreative.⁷⁴ This, it will be said, is a mere statement of the natural law exclusion of such relations; it does not add anything to what we know from the natural law or strengthen it by an appeal to the example of the chastity of Christ. Where is that given to us?

The example and manner of Christ’s chastity is communicated to us in what the New Testament says about Christ and the Church. Commenting on chapter 5 of the Letter to the Ephesians, St. Thomas notes that the chastity of the husband is a matter of both the precept of Genesis (2:24) and of the example of Christ.⁷⁵ It is in contemplating this example that we can perceive a revealed judgment of the immorality of same-sex unions. St. Paul, it will be remembered, says that he betrothed the Corinthians as a chaste bride to Christ (2 Cor 11:2). The Lord styles himself a bridegroom in Mark (2:19), something said also by the Baptist in the Gospel according to John (3:29). Ephesians (5:25, 28–32), however, is the great text.⁷⁶

⁷² ST III, q. 1, a. 2.

⁷³ This is not to say that Christ’s is the only chastity the New Testament presents to us as an example. See John Paul II, “Letter to Families,” no. 20, on Mary and the Holy Family.

⁷⁴ ST II–II, q. 154, a. 11.

⁷⁵ *Lectura super epistolam ad Ephesios*, V, lectio 8, no. 321.

⁷⁶ See Mt 22:1–14, the parable of the wedding feast, and Mt 25:1–13, the parable of the wise and foolish virgins, and the characterizations of Christ and the Church in Rev 19: 7, 9, and 21:2.

Husbands, love your wives, as Christ loved the church and gave himself up for her. . . . Even so husbands should love their wives as their own bodies. He who loves his wife loves himself. For no man ever hates his own flesh, but nourishes and cherishes it, as Christ does the church, because we are members of his body. "For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh." This mystery is a profound one, and I am saying that it refers to Christ and the church.

The teaching about Christ's relation to the Church in Ephesians calls on our acquaintance with marriage. Also, it reveals something about marriage, and speaks normatively about marriage.⁷⁷ We would not know of the extent to which a husband is to love his wife by looking to our already known and measured human experience of marriage; we know of it by looking to Christ. Of course, there is a circle, and Ephesians presupposes a prior acquaintance with marriage just as did Isaiah before him speaking of the relation of Israel to God. The point is that we can and ought to argue from the Christological–ecclesiological reality to the nature and structure of marriage. This is completely classical. So for instance Michael Schmaus says that husband and wife "re-enact" the relation of Christ and the Church.⁷⁸ "Husband and wife play the roles of Christ and the Church."⁷⁹ Christ is the perfect revelation of the man who abandons all to cling to his wife, and so gives Christological concreteness to Genesis 2:24, "therefore a man leaves his father and his mother and cleaves to his wife."⁸⁰ The same mutual illumination of marriage and the relation of Christ and the Church is pursued by the Holy Father.⁸¹

Others, however, are wary of such argument. Elizabeth J. Picken, for instance, warns us against making too much for sacramental theology of the nuptial imagery the Bible uses in speaking of the relation of God to Israel, of Christ to the Church. "A metaphor is a metaphor. God is not married to Israel any more than God is a shepherd of sheep."⁸² The appeal to the relation of Christ to the Church, however, is not an invocation of a purely symbolic reality. Truly, the Old Testament characterization of the relation between God and Israel in nuptial terms can be called figurative. However,

⁷⁷ Rudolf Schnackenburg, *The Epistle to the Ephesians: A Commentary*, trans. Helen Heron (Edinburgh: T. & T. Clark, 1991), 241, 154, 257.

⁷⁸ Schmaus, *Dogma*, 269.

⁷⁹ *Ibid.*, 272.

⁸⁰ *Ibid.*, 270.

⁸¹ John Paul II, *The Theology of the Body*, 304ff.

⁸² Elizabeth J. Picken, "If Christ is Bridegroom, The Priest Must be Male?" *Worship* 67 (1993): 274.

as Louis Ligier says, the New Testament is “the passing from figures to the time of reality.”⁸³ The incarnation makes of the Word a quite concrete and historically apprehensible man of the male sex. “For this reason,” Ligier says, “his nuptial relations with his people take on a sacramental value which goes beyond that of the symbols of the first covenant.”⁸⁴ The surplus sacramental value he alludes to is spelled out by Michele Schumacher, who points out that the relation signified by marriage, that of Christ and the Church, is also shared in and fostered by marriage: The grace of the sacrament is a participation in the life-giving grace Christ gives to the Church as a whole in sanctifying each of her members.⁸⁵ Therefore we may expect that the resources for thinking about the sacrament of marriage offered by the nuptial characterization of Christ and the Church are a little richer than Picken allows. Especially, to characterize Christ, a man like us in all things but sin, as “spouse” of the Church is to direct us to the determinate moral character of a quite concrete human being. If we then say that Christ is “personally” chaste, therefore, we are saying that it is the chastity of the Son of God displayed, as chastity perforce must be, since it is a virtue whose formality presupposes both the body and sexual differentiation, in the flesh and blood, the passions and prudence and practical wisdom that are part of the perfection of the assumed humanity of Christ.

It may be rejoined that, although Christ is not figuratively a man, but concretely and literally so, the Church remains figuratively a bride just as much as Israel in the Old Testament. Does not the symbolic character of the Church as bride destroy the inference from the theological to the anthropological level? No, it does not. First, it is enough that one pole of the relation be concretized and take historical form. We see that the chastity of Christ, which is a determination of reason in his passional nature, and that the self-gift he makes of his entire being are both turned to and specified by a femininely characterized personal subject, and this is enough to indicate what must be true when both poles are concrete, historical individuals.⁸⁶ Moreover and second, the contours of the nuptial chastity of the Church are concretized for the Christian, as is the very person of the Church herself, in Mary.⁸⁷ Third, the extreme density of

⁸³ Louis Ligier, “Women and the Ministerial Priesthood,” *Origins* 44.7 (April 20, 1978), 698.

⁸⁴ *Ibid.*

⁸⁵ Michele M. Schumacher, “An Inseparable Connection,” 385, 387–88.

⁸⁶ *Ibid.* For the same teaching, see *Gaudium et Spes*, no. 49.

⁸⁷ See, for instance, among many, many things, Hans Urs von Balthasar, “Who Is the Church?” 112–65 in *Church and World* (New York: Herder, 1967), or “The Marian Principle,” *Communio* 15 (1988): 122–30.

the symbolic value of the nuptial imagery follows from the Eucharist. The relation of Christ and the Church is not indeed sexual, but it is consummated in a “one flesh” union, really and not figuratively, in virtue of the Eucharist.⁸⁸

To repeat, it is not, then, as if Christian spouses are told to imitate some purely figuratively indicated heavenly or theological reality when we read Ephesians. The heavenly and theological has become the earthly and anthropological. That is the point of the incarnation. Here, we have the chaste Jesus who takes the Church for his spouse, a Church styled as Bride, and this shows us something about chastity. Moreover, if the relation of Christ to the Church is normative for marriage, what Christ’s chastity shows us is something normative for the virtue of chastity that marriage, every marriage, calls on. Furthermore, if every sacrament depends on a natural sign, then we can deduce what the parameters of the sign are from the nuptial relation of Christ and the Church. To quote Ligier again, “the sacraments are not only instruments of a purely spiritual grace; they are also natural signs of it because they symbolize it in their natural structure.”⁸⁹ Symbolizing grace in its natural structure, the sacrament of marriage as kept in the Church, and even more the great sacrament of Christ and the Church, both declare what the “natural structure” of marriage is and that it is constituted by sexual distinction. If in a period of cultural and moral confusion, we have forgotten this, revelation comes to the aid of what we should see, and used to see more readily, by the natural light.

3. The Content of the Exemplary Chastity of Christ

The Chastity of Christ and the Chastity of Christians

What then does the chastity of Christ, as displayed relative to the Church, his Bride, teach us about sexual morals and marriage?

The relation of Christ and the Church implies the duty of faithfulness. Christ is faithful to the Church unto his death, giving himself up for her (Eph 5:25). It implies exclusivity or “unity,” for the Bride is the Body, and there is only one body of Christ just as there is only one Christ (Eph 4:4).

⁸⁸ Michele M. Schumacher, “An Inseparable Connection,” 396. Earlier, see Yves Congar, *Lay People in the Church*, trans. Donald Attwater (Westminster, MD: Newman Press, 1967), 128: “[T]he body God has fashioned [Heb 10:5] is at the same time Christ’s personal body, his fellowship body—the body of which we are the members—and, making a living bond between these two, his sacramental body.” Congar appeals to St. Augustine for this point.

⁸⁹ Ligier, “Women and the Ministerial Priesthood,” 698–99.

The relation of Christ and the Church implies indissolubility. For again, the Bride is the Body, and the members of the Body are one person in Christ. Further, as the Church is the fullness of Christ (Eph 1:23), so a man comes to the fullness of his personal reality when he makes the gift of himself as husband. It is therefore well said in Ephesians that “he who loves his wife loves himself” (Eph 5:28).⁹⁰ Last, the relation implies fruitfulness. The bridal bath in which Christ washes the Church is the bath at once of his passion and of baptism, in which we are made to die to self and live in Christ.⁹¹ The laver is the womb of the Church, and makes it be that Christ is the first born among many brethren.⁹²

So, the relation of Christ to the Church teaches us that marriage excludes adultery, polygamy and polyandry, divorce, and the separation of the marital act from its reproductive possibilities, which separation would be like celebrating baptism without the baptized, keeping the bath water without the baby.

But does the relation of Christ to the Church also imply that marriage must be between a man and a woman, and so exclude same-sex unions? Most obviously and certainly, for how can the couple be a sign of the relation of Christ to the Church if in the absence of their sexual distinction they would more naturally be taken to be an image of the relation of Christ to Christ or Church to Church?

As was said above, the distinction between Christ and the Church is more than “symbolized” by styling Christ as the husband and the Church as wife. Christ really is male. The differences between male and female here help to show the identities of the differentiated. We come to know Christ and Church across the distinction. So also, and in the same way, we come to know man and woman, which is to say man and woman come to know themselves as male and female, and in those ways human, across and through the distinction. Man as such is shown in the distinction of male and female, and male and female themselves only appear within their distinction from one another, a distinction that allows for marital union and that marital union is uniquely privileged to bring to light. “The encounter of man and woman presupposes their diversity,” Schmaus says, commenting on Genesis 2.⁹³ Moreover, “the fullness of being-human, according to the testimony of Genesis, is achieved only in the encounter of man and woman.”⁹⁴ As the Holy

⁹⁰ Schnackenburg, *Ephesians*, 257.

⁹¹ *Ibid.*, 249–51.

⁹² See here John Paul II, “Letter to Families,” no. 19.2.

⁹³ Schmaus, *Dogma*, 265.

⁹⁴ *Ibid.*

Father says, commenting on the expostulation “bone of my bones and flesh of my flesh”:

The man uttered these words, as if it were only at the sight of the woman that he was able to identify and call by name what makes them visibly similar to each other, and at the same time what manifests humanity.⁹⁵

Writing in 1952, Schmaus says that the diversity of the partners of the marital encounter is “not only external” but determines the whole reality of the spouses.⁹⁶ Writing today, one supposes, he might be tempted to reverse the emphasis and say that the diversity of the spouses is not only “internal,” a matter of the mind and freedom of the person, but also somatic and “external.” The Holy Father asserts both kinds of diversity, both kinds of complementarity.

These are, as it were, two “incarnations” of the same metaphysical solitude before God and the world. They are two ways of “being a body” and at the same time a man, which complete each other. They are two complementary dimensions of self-consciousness and self-determination and, at the same time, two complementary ways of being conscious of the meaning of the body.⁹⁷

It might be objected that the symbolic structure of marriage is in fact more complicated than has been represented above. Each spouse, after all, is conformed to Christ.⁹⁸ Both spouses together form a domestic church that images the great Church.⁹⁹ While the latter may be granted, it should be recalled that the conformation to Christ that the grace of the sacrament works is interior, a conformation in charity. The sexual difference of the spouses, on the other hand, both bodily and personal, belongs to the exterior, sensible, and natural sign the sacrament presupposes. Within and on basis of imaging Christ and the Church visibly and publicly, each is interiorly conformed to Christ by grace, both image the Church publicly.

Each sacrament is built on a natural sign. The signification of grace in marriage is built on the difference of man and woman, which recalls the

⁹⁵ John Paul II, *Theology of the Body*, 47.

⁹⁶ Michael Schmaus, *Katholische Dogmatik, IV/1: Die Lehre von den Sakramenten* (Munich: Max Hueber, 1952), 609: “Die Bestimmtheit als Frau bzw. als Mann haftet dem Menschen nicht nur äußerlich an, sondern prägt ihn vom Innesten her. Der Mensch ist ganz Mann oder ganz Frau.” This is repeated in *Dogma*, 265.

⁹⁷ John Paul II, *The Theology of the Body*, 48. See the whole of the 8th, 9th and 10th catecheses in “Original Unity of Man and Woman,” 42–51.

⁹⁸ Schmaus, *Dogma*, 282.

⁹⁹ *Ibid.*, 283.

relation of Christ and the Church, wherein Christ purifies and sanctifies the Church. Marriage is like the sacrament of orders in that both require sexually determinate subjects: male and female for marriage, male for priestly orders. It is no accident that those who do not see the relevance of maleness for priestly orders do not see the relevance of sexual diversity for marriage. A reading of Ephesians that suppresses its implied rejection of homosexual unions was first produced by those who wished to suppress its implication for orders.

Objection: An Alternative Reading of Ephesians

Ephesians 5, in helping us see the content of Christ's exemplary chastity, is directing us at the same time to what Catholic tradition has always said the natural law also teaches us. Those who do not see what is inscribed in the relation of Christ and the Church for our moral instruction predictably do not perceive the law that is written on our heart and vice versa. Just as predictably, failure to hear the word about orders spoken by the relation of Christ and the Church silences it for marriage as well.

Elizabeth Picken is concerned not to restrict priestly orders to men. She sees no grounds for such restriction in the nuptial imagery of the Bible. She wishes to reduce the content of the Bible's nuptial imagery to fidelity. For Picken, "sexuality and marriage are not the model on which Christ fashions his relationship to the Church," and marriage does not tell us anything about this relationship.¹⁰⁰ This relationship rather tells us of something about marriage, but what it tells us is only that spouses should be faithful to one another. "What is the point of the comparison?" she asks. "Is it not the loving fidelity of the covenant relationship . . . ?"¹⁰¹

In this reductive reading of the data of revelation, Picken is preceded by David Power and Carroll Stuhlmueller and followed by Susan Ross. So Power, also writing about the ordination of women, reduces the meaning of the nuptial symbolism to unity.

It is doubtful that prevailing importance needs to be given to the sexual side of this imagery in configuring the Christ-Church or Christ-humanity relationship. Indeed, that would risk undermining the unity that has been established between Christ and the Church through the work of reconciliation.¹⁰²

¹⁰⁰ Picken, "If Christ is Bridegroom," 276.

¹⁰¹ *Ibid.*, 276–77.

¹⁰² David N. Power, "Representing Christ in Community and Sacrament," in *Being a Priest Today*, ed. Donald J. Goergen (Collegeville, MN: The Liturgical Press, 1992), 120.

In other words, the imagery cannot be used to argue that the distinction of the male Christ from the femininely figured Church is significant, and calls for male priests. StuhlmueLLer concludes his study of the image with the judgment that “the Yahweh-Spouse or Jesus-Bridegroom image does not stress sexual differences but intimate, joyful and fruitful union of all persons.”¹⁰³

Susan Ross’s immediate concern is likewise ordination. She does not see quite the same thing in the “spousal/nuptial imagery” that Picken does. Where Picken sees fidelity, Ross sees what she thinks is the same thing, namely “intimacy,” “the close relationship between God and Israel, and between priest and faithful, as it is also found in the relationship between husband and wife.”¹⁰⁴ Ross sees something Power and Picken do not, however, and that is the extension of the implication of this reductive reading of Ephesians to the question of same-sex relations. She reproves the Magisterium for adverting to the differentiation of Christ and Church as inscribed in the difference of man and woman, husband and wife, and alleges the deleterious consequences of such a focus on differences, not only for women within marriage, and not only for the prospect of the ordination of women, but also for same-sex relations. The implications of “Vatican theology,” she says “for men and women in same-sex relations are at least as severe as they are for women in heterosexual relationships.”¹⁰⁵

What shall we make of these other ways of reading the nuptial theme of revelation whose climax is found in Ephesians? In the first place, the unity that Power rightly sees established between Christ and the Church and that is enacted in the Eucharist does not mean the Church is absorbed into Christ. The Mass is indeed the sacrifice of Christ himself, as Congar observes, but it is also the Church’s sacrifice, first, “in as much as Christ’s sacrifice is offered by the Church,” and second “in as much as the Church offers her own sacrifice in and through Christ’s.”¹⁰⁶ Thus it makes sense for Congar to say:

The worship of the Church as such, considered not simply as Christ’s worship sacramentally celebrated but as her own worship, is worship as

¹⁰³ Carroll StuhlmueLLer, “Bridegroom: A Biblical Symbol of Union, not Separation,” in *Women Priests*, ed. Leonard Swidler and Arlene Swidler (New York: Paulist Press, 1977), 283.

¹⁰⁴ Susan A. Ross, *Extravagant Affections: A Feminist Sacramental Theology* (New York: Continuum, 1998), 114–15. She makes no distinction between her “intimacy” and Power’s “unity.”

¹⁰⁵ *Ibid.*, 115, n 67.

¹⁰⁶ Congar, *Lay People*, 216.

bride, and in this respect a theology of liturgy must learn from an ecclesiology of the Church as bride.¹⁰⁷

In the second place, let us note that Ross, with her “intimacy,” sees even less there than Picken’s fidelity. There can be plenty of intimacy, sexual and personal, without fidelity. Can that really be the only thing that Scripture has to say to married people? In order for women to be ordained, and in order for same-sex marriage to be blessed, the word of God is prevented from speaking to genuinely married couples about anything except “intimacy.” But of course, we do not need the Scripture to speak to us about intimacy. That is one of the watchwords of the modern de-sacralized world. Sexual intimacy and sexual self-definition together make one of the chief things modernity recognizes as sacred, and worthy of worship and sacrifice.¹⁰⁸ We can learn about intimacy from watching *Friends*. There really is a slippery slope. Get rid of the procreative meaning of sexual relations, and the whole ensemble of the properties of marriage dissolves. In the third place, the reductive readings, as a group, seem not to reckon with the overwhelming testimony of the Bible to the Lord God’s interest in life and in fostering life. He is the God not of the dead, but of the living (Mt 22:32); he is the God of life, who gives life—and this is arguably the most characteristic description of God in the Old Testament.¹⁰⁹ Does this interest in life and the production of life turn up expressly every time the nuptial imagery is used? No, just enough to see that it is most certainly co-intended whenever the symbolism is used, something that therefore can go without saying. Particularly fine and express, on the other hand, is Isaiah 54:1.

Sing, O barren one, who did not bear;
break forth into singing and cry aloud,
you who have not been in travail!

¹⁰⁷ Ibid., 209.

¹⁰⁸ See Jacques Ellul, *The New Demons*, trans. C. Edward Hopkin (New York: The Seabury Press, 1975), 70–80. Ellul also points out the convergence of technology, another object of modern absolute reverence, with sex. This book is too early for an appreciation of “deep ecology,” but we see how things shape up: the nature that man is not is the nature that is to be preserved pure and inviolate from technological alteration and manipulation; the nature that man is is open to every such possible manipulation. This is because, really, modern man no longer has a nature, but is only a locus of rights and the freedom to exercise them; see Pierre Manent, *The City of Man*, trans. Marc A. LePain (Princeton, NJ: Princeton University Press, 1998), 133–55.

¹⁰⁹ Cf. Alfons Deissler, “Gottes Selbstoffenbarung in Alten Testament,” in *Mysterium Salutis*, ed. J. Feiner and M. Löhrer (Einsiedeln: Benziger, 1965) II, 238–39.

For the children of the desolate one will be more
than the children of her that is married, says the Lord.

And with regard to Ephesians itself, it is an uncontroversial exegesis to see the bridal bath as also the laver of baptism, the teeming womb of the Church. What this Great Mystery tells us of marriage, then, beyond “intimacy” and even beyond fidelity, is that marriage is to be fruitful, for which procreative end there is required the congress of two distinct but complementary principles of sexual fecundity.

A same-sex union, on the other hand, can neither look back to the origins of Genesis nor forward eschatologically to the Bride and the Lamb of Revelation. Marriage passes away, according to that saying whereby there is no marriage or giving in marriage in heaven (Mk 12:25), but what it figures and in what it finds its norm does not. In that respect, therefore, it is not just an “earthly” reality, but “an element” of the Kingdom, in Schmaus’s words, and this is shown by the very fact that Jesus spoke of it in the first place.¹¹⁰ The Holy Father says the same when he speaks of the nuptial meaning of the body finding its fulfillment in heaven.¹¹¹

The Fundamentality of Fecundity

We said that orders and marriage are alike in depending on sexual distinction. They are alike in this, too, that as marriage passes away into eschatological fulfillment, so also an ordained priest’s priesthood passes, in the sense that it is no longer exercised in the eschaton, because in heaven everyone has immediate access to what the ministerial priesthood imitates and is a participation of, Christ the High Priest. Both in their various ways are signs of the eschatological goods of the last age.

Priestly orders and marriage are alike in a third way, too. Both are ordered to fecundity. Priestly evangelization and catechesis should be fruitful in drawing new Christians from the laver of baptism. As was briefly noted above for marriage, the unity and indissolubility of marriage were classically seen to follow from its procreative end. The friendship enacted within marriage is also served by exclusivity and permanence.¹¹² It is the good of children, however, that demands a stable and permanent union of man and wife so that a child can have both a father and a mother available. Finnis puts it this way:

¹¹⁰ Schmaus, *Dogma*, 268.

¹¹¹ John Paul II, the catecheses entitled “The Resurrection of the Body,” in *The Theology of the Body*, 233–61, especially 243–45.

¹¹² See *Gaudium et Spes*, no. 50.

... what, in the last analysis, makes sense of the conditions of the marital enterprise, its stability and exclusiveness, is not the worthy and delightful sentiments of love and affection which invite one to marry, but the desire for and demands of a procreative community, a family.¹¹³

That the procreative good of marriage calls for stability and permanence is a matter of justice rendered to children.¹¹⁴ Of course, pursuing this procreative good, remaining open to it, is a matter of justice to one's spouse as well. It is a matter of the justice of spousal love, in that one does not render the complete gift of oneself to one's spouse if one withholds one's fecundity, nor does one receive the complete gift of one's spouse if one refuses to receive his or her fecundity. Nor is justice rendered to the sacrament, to the Great Mystery of which the sacrament is a sign, if the procreative meaning of marriage is abrogated. Certain it is that the *bonum prolis* is not the only good of marriage. But it is foundational. Getting in its way wrecks all the other goods of both nature and grace in Christian marriage.¹¹⁵

This priority of fecundity, this foundational role that fecundity plays in the natural law intelligibility of the traditional form of marriage, is true also for the relation of Christ and the Church, which in turn enables us to discern the natural order more clearly. That is to say, the unity and indissolubility of the relation of Christ to the Church in the supernatural order is a function of the good of the life, but here, the supernatural life, of the children of this union, the members of the Church, Christians. They need the constant availability of both the Church and her head, and so the promise of Christ to be Spouse must be unbreakable, and the Church's cleaving to Christ indefectible.

The Inseparability of Procreative and Unitive Meanings

There is, finally, the issue of the inseparability of the procreative and unitive meanings of sex for each sexual act. Does the symbolic force with which the Church is Bride, and the denial that the relation is, in fact, sexual, mean that revelation finally deserts us, and has nothing to say here in order to strengthen the natural law assertion of this inseparability? Michele Schumacher offers two resources here.

Because . . . the conjugal act is considered . . . as an act of love, it is necessarily governed by the love of Christ. Thus the same logic applies: because

¹¹³ Finnis, "Natural Law," 383.

¹¹⁴ See, for instance, John Paul II, "Letter to Families," no. 10.

¹¹⁵ See Bernard J. F. Lonergan, "Finality, Love, Marriage" in *Collection*, ed. F. E. Crowe (New York: Herder and Herder, 1967), 22, 49: While the supernatural goods of marriage are more excellent, children are the more essential good of marriage.

the divine love is so fully generous not merely in itself (as a mutual gift of Persons, bearing fruit in a third, divine Person) but also in the economy of creation and redemption . . . the spousal love of Christians, and more specifically the conjugal act itself, ought to be generous.¹¹⁶

But then, second, there is also the Trinitarian gift of Persons that is fecund. While marriage finds its exemplar, a exemplar in which it participates, in the Christ-Church relation, that relation itself is a sign and a function of a yet higher relation, that of Father and Son in the Trinity. Here, union and fecundity coincide.¹¹⁷ That the three Persons are one eternal God means, Schumacher says, that “neither the ‘union’ nor the ‘fruit’ is subsequent to the real distinction of Persons within the Trinity.”¹¹⁸

Both as to the kinds of goods and the ordering of these goods in marriage, revelation gives us to see in the relation of Christ and the Church the natural order writ more clearly, more largely. Just as one cannot look at the nuptial relation of Christ and the Church and ask whether there could be such a thing as Christian polyandry, or a sacramental marriage that was “open” and “non-exclusive,” so little can one look at the Great Mystery and ask whether same-sex unions could be blessed in the Church. But, and this is the point, in showing us these holy things, the Great Mystery also and at the same time shows us the natural things of marriage, the structure and requirements of marriage such as can in principle, “per se,” be made evident to us by the natural light.

VI. Conclusion

That we should expect not to need revelation in order to know the natural law with the completeness required to direct our action betrays a twofold forgetfulness, dogmatic and historical. First, we are forgetting the ignorance that is a result of original sin and the enfeeblement of our sight by passion and vice. Second, we forget how much of the intellectual effort of modernity is devoted systematically to obscure the very idea that man has a nature. If Pierre Manent is correct in this characterization of the modern project, then there can be no argument for modernity from the nature of sexuality as concerned with the good of new human life to such things as the immorality of contraception and homosexual unions.¹¹⁹

¹¹⁶ Schumacher, “An Inseparable Connection,” 399.

¹¹⁷ *Ibid.*, 399–402.

¹¹⁸ *Ibid.*, 391. And again, 391, the Trinity means that “God is ‘always-already’ fruitful.”

¹¹⁹ For a brief expression of Manent’s view, see his “Christianity and Democracy: Some Remarks on the Political History of Religion, or, on the Religious History of Modern Politics,” 97–115, in *Modern Liberty and Its Discontents*, ed. and trans. Daniel J. Mahoney and Paul Senton (New York: Rowman & Littlefield, 1998).

There can be no invocations of bodily distinction as by nature fitted to signify the alterity of persons in marriage, or as expressing anything about the person except what the person says it expresses. Neither can there be any argument from the nature of child-rearing to a requirement of permanence and promise. All there can be are persons—not necessarily inclined to respect the antecedent givenness of their bodies—who are subjects of rights. Then we shall very easily construct the sexual culture and mores of modern America. But this is not to say it will have anything to do with the civilization of love, or the culture of life.

Understanding Stephen Pope's article as an instance of the non-reception of *Veritatis Splendor* shows some important things. It lays bare the possibilities: either a Christ that speaks to the moral life as empowering us to enter into him and the moral pattern that he lived and that he revealed to us as the full revelation of man's true identity, or a Christ understood as one who inspires us to do the good, whatever that is, and avoid evil, however we may make it out by our own lights—a Christ who can be the truth and the life, but who cannot be the way. Such a view of Christ is far from the view of St. Thomas and, indeed, from the experience of the Church.