Polarising Doctrinal Division in the Catholic Church: A Proposal

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Abstract: There are deep divisions and polarization in the Church today among cardinals, bishops, theologians, and the faithful, especially on sexual ethical issues. In this essay, we examine specifically traditionalist and revisionist theological approaches to Church sexual teaching and the implications of each. This essay is inspired by the words of both Popes John Paul II and Francis on the need and legitimacy of ongoing dialogue in charity, especially in a synodal Church. Pope Francis explains in *Amoris laetitia* that in dialogue we are to 'Keep an open mind. Don't get bogged down in your own limited ideas and opinions but be prepared to change and expand them.' His conclusion might well be directed specifically to traditionalist and revisionist Catholic theological ethicists with their two different ways of thinking about sexual ethics. We explore these two different ways and attempt to promote dialogue in charity in our analysis and evaluation.

Keywords: Dialogue • Experience • Homosexual Acts/Orientation • Revisionists • *Sensus fidelium* • Synodality • Traditionalists

Introduction

Sharp doctrinal division between what we shall call traditionalist and revisionist theologians is now a sad, and damaging, fact in the Catholic Church. We understand a traditionalist to be a Catholic believer who supports and defends Church teaching as absolute; we understand a revisionist to be a Catholic believer who accepts Church teachings as non-absolute and proposes that, when necessary, they should be developed. In this essay, we examine specifically traditionalist and revisionist theological approaches to Church sexual teaching and the implications of each. The essay is inspired by the words of both Popes John Paul II and Francis on the need and legitimacy of ongoing dialogue in

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the Church. In his encyclical, *Ut unum sint*, John Paul speaks of the purpose of dialogue as truth, "sought after in a manner proper to the dignity of the human person," free inquiry in which "people explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth."[1] Francis explains in his post-synodal Apostolic Exhortation, *Amoris laetitia,* that in dialogue we are to "Keep an open mind. Don't get bogged down in your own limited ideas and opinions but be prepared to change and expand them." His conclusion is directed to every participant in every dialogue, but it might well be directed specifically to traditionalist and revisionist Catholic theological ethicists with their two different ways of thinking about sexual ethics: "The unity we seek is not uniformity, but a unity in diversity,"[2] Powerful words that we keep in mind throughout this essay, and we invite our readers also to keep them in mind.

Catholic Sexual Ethics in History

The Second Vatican Council (1962-1965), we contend, initiated a development in traditional Catholic sexual ethics, and we shall establish this contention as the essay unfolds. Questions about sexual ethics were submitted to the Council's Preparatory Theological Commission presided over by Cardinal Ottaviani, then Prefect of the Holy Office, now the Congregation for the Doctrine of the Faith (CDF).[3] Ottaviani interpreted the questions submitted to the Commission as a call to expound the Catholic doctrines on chastity, continence, and the ends of marriage and appointed the Roman moral theologian,

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[1] John Paul II, *Ut unum sint*, 18.

[2] Francis, *Amoris laetitia*, 139.

[3] *Acta et Documenta Concilio Oecumenico Vaticano II. Series Prima (Antopraeparatoria)*, III, 15. Hereafter ADP.

Ermenegildo Lio, to prepare a text *De ordine morali individuali*. By May of 1961 Lio, later a close confidante of Pope Paul VI and the reputed author of his encyclical *Humanae vitae*, had completed a text of eleven chapters vehemently directed against "the errors of the day." It extolled the goodness of chastity and sexuality in marriage, and forbade the separation of sex from marriage, false personalism in sexual matters, artificial contraception, artificial insemination, sterilization, and any transsexuality. The text was transmitted by Ottaviani to the Commission for a discussion that turned out to be heated, particularly on the ends of marriage. With little emendation it was passed on to the Central Preparatory Commission under the title *De castitate, virginitate, matrimonio, familia,* where it was rejected as too negative.

The direction of Lio's argument is established from the beginning of his text. "Although human sex has other qualities, it is primarily ordered to marriage, as sacred scripture teaches."[4] The connection of sex and marriage is solidified in the discussion of the ends of marriage: "Marriage has in itself, independent of the intention of the spouses, its divinely established objective ends. Among which, by divine institution, nature, and the teaching of the Church, the sole primary end is the procreation and education of offspring, even in the case of a marriage that is not fertile." There are other "objective but secondary" ends, such as the mutual help of the spouses and the remedy of concupiscence, and these "are not to be spurned but suitably promoted in charity."[5] The document rejects contemporary theological theories that proclaim that the primary end of marriage is the personal love of the spouses. In support of his positions, Lio offers recent magisterial teachings,

[4] ADP, III, 894.
[5] ADP, III, 909.

particularly Pope Pius XI's *Casti connubii* and Pope Pius XII's talks to Italian midwives.[6] In those talks, Pius XII set out the Catholic position beyond doubt: "Marriage, as a natural institution in virtue of the will of the Creator, does not have as a primary and intimate end the personal perfection of the spouses, but the procreation and nurture of new life. The other ends, in as much as they are intended by nature, are not on the same level as the primary end, and still less are they superior to it, but they are essentially subordinate to it."[7]

The rejection of the personal love of the spouses as the primary end of marriage was directed against those European theologians who had recently been making that proposal. Pius XI's *Casti connubii* (1930) had retrieved and given prime place to an ancient essence of marriage found as far back as Paul's Letter to the Ephesians (5:2, 25-33) and as recently as the Council of Trent,[8] namely, the mutual love of wife and husband. This spousal love, Pius taught, "must have as its primary purpose that man and wife help each other day by day in forming and perfecting themselves in the interior life, so that through their partnership in life they may advance ever more in virtue, and above all that they may grow in true love toward God and their neighbor [especially each other]." So important is this mutual interior formation of the spouses that "it can, in a very real sense, as the Roman Catechism teaches, be said to be *the chief reason and purpose of matrimony*, if matrimony be looked at not in the restricted sense as instituted for the proper education of the child, but more widely as the blending of [spousal] life as a whole and the mutual interchange and

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[6] ADP, III, 911-918.

[7] Pius XII, Address to midwives on the nature of their profession (1951).

[8] Denzinger-Schönmetzer, *Enchiridion Symbolorum* (Rome: Herder, 1965), 1799.

sharing thereof."[9] In the years immediately prior to Vatican II, two German theologians, Dietrich von Hildebrand and Heribert Doms were making the same point.

"Our epoch," von Hildbrand wrote (think of Germany under Hitler), "is characterized by a terrible anti-personalism, a progressive blindness toward the nature and dignity of the spiritual person." In our epoch, "human life is considered exclusively from a biological point of view and biological principles are the measure by which all human activities are judged."[10] The traditional Catholic theological approach to marriage, rooted in the Council of Trent's doctrine and in Thomas Aquinas' argument that the primary end of human marriage is the procreation of children, an end rooted in the human's *animal nature*.[11] In distinction to this animal, biological approach, von Hildebrand argues that the ultimate end[12] and primary meaning[13] of marriage is the mutual love of the spouses. Doms agreed: "the *immediate* purpose of marriage is the realization of its meaning, the conjugal two-in-oneness."[14]

The church's reaction to these new ideas was a blanket condemnation with no effort to sift wheat from chaff. Already condemned by Ottaviani's Holy Office in 1944,[15] it was predictable that these ideas would be resisted in a Vatican Council in 1961, and they were strenuously resisted. Ottaviani and his supporters,

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[9] Pius XI, *Casti connubii*, in Gerald C. Treacy, ed., *Five Great Encyclicals* (New York: Paulist, 1939), 83-84, emphasis added.

[10] Dietrich von Hildebrand, *Marriage* (London: Longman's Green, 1942), v.

[11] Thomas Aquinas, *Summa Theologiae*, III (Suppl), 65 1.

[12] Von Hildebrand, *Marriage*, vi.

[13] Von Hildebrand, *Marriage*, 4.

[14] Heribert Doms, *The Meaning of Marriage* (London: Sheed and Ward, 1939), 94-5, emphasis in original.

[15] See Holy Office, *Acta Apostolicae Sedis* 36 (1944), 103.

however, would lose this battle, in the Preparatory Commission that rejected his *De Castitate* and again in the Council itself in the great debate over Schema XIII that became *Gaudium et spes*. Yves Congar comments in his journal about this great debate. "Franic [a leading ally of Ottaviani and Lio] opposed Häring, who seemed to want to have the Council canonize his position, according to which love is the essential element of marriage…This is the great concerted offensive: Franic, Lio, Tromp – in short, the Holy Office."[16]

When the debate at the Council opened, the Italian cardinals Ottaviani and Ruffini argued in the traditionalist mode that all the Council needed to do was repeat the teachings of Pius XI and Pius XII. Bishop Rudolf Staverman of Djajapura and Cardinal Bernard Alfrink responded in the revisionist mode that marriage, like all human realities, evolves and the church should not be content simply to repeat its past teachings. To do so, Staverman argued, was to allow the Church to lose its ethical voice, something that was already happening. It is time, he added, to listen to lay experts who understood marriage better than any cleric. "Conjugal love is an element of marriage itself and not just a result of marriage…Conjugal love belongs to marriage."[17] Alfrink, a biblical scholar, pointed out that the Hebrew word *dabaq* suggests bodily, sexual union, but that it suggests above all spiritual union which exists in conjugal love."[18] This, he added, is the way modern women and men think, more humanly, more spiritually, and indeed more biblically and theologically. The battle lines were clearly drawn and debated: either Lio's and Ottaviani's traditionalist biological approach to marriage or Alfrink's

[16] Yves Congar, *My Journal of the Council* (Collegeville, MN: Liturgical Press, 2012), 552.

[17] ADA, III, 961.

[18] ADA, III, 961.

and Staverman's revisionist interpersonal approach in which conjugal love is of the very essence of marriage. The latter approach began to win in the Preparatory Commission[19] and won, finally, in the Council itself.

Gaudium et spes,[20] into the preliminary stage of which there was inserted a section on marriage, describes marriage as a "communion of love" (GS 47), an "intimate partnership of conjugal life and love" (GS 48). In the face of demands to relegate the mutual love of the spouses to its traditionalist secondary place in marriage, the Council Fathers declared that love to be the very essence of marriage. They asserted that "by its very nature the institution of marriage and married love is ordered to the procreation and education of children, and it is in them that it finds its crowning glory" (GS 48). Once procreation has been mentioned, we might expect a recitation of the traditionalist hierarchical ends of marriage but, again in spite of insistent Roman voices to the contrary, the Council Fathers rejected any primary end-secondary end dichotomy. To ensure that rejection was clear and could not be fudged, the Preparatory Commission explained that the text just cited "does not suggest [a hierarchy of ends] in any way."[21] Marriage and sexual love "are by their very nature ordained to the generation and education of children," but that "does not make the other ends of marriage of less account," and marriage "is not instituted solely for procreation" (GS 50).

Any doubt about the contemporary Catholic approach to marriage was removed by the publication in 1983 of a revised *Code of Canon Law*, often called the last Council

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[19] See the Commission's votes in ADA, 971-985.

[20] *Gaudium et spes* (1965 c), https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html (hereafter, GS).

[21] See Bernard Häring, *Commentary on the Documents of Vatican II* (New York: Herder, 1969), 5:234.

document. "The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life, is by its nature ordered toward the good of the spouses and the procreation and education of offspring" (Can 1055, 1). Three things are asserted in this Canon. First, it is the matrimonial covenant between the spouses and not Pope Paul VI's "each and every act of sexual intercourse"[22] that is ordered to procreation. Second, there is no specification of either procreation or the partnership of the whole of life being a primary or secondary end of the matrimonial covenant. Third, the interpersonal good of the spouses in marriage is listed prior to the biological good of the procreation of children, which is not to be interpreted as suggesting it is the primary good of marriage, but neither is it to be interpreted as suggesting it is secondary. The Catholic Church revised its Canon Law to bring it into line with its revised, conciliar theology of marriage and sexuality, moving beyond a narrow biological essence of marriage to embrace mutual spousal love and communion in its very essence.

Contemporary Catholic Sexual Ethics

Three methodological shifts were approved by large majorities at Vatican II and thus became official Catholic teaching. The first shift is from a classical to an historically conscious perspective. The second shift is from a sexual anthropology that sees procreation and education of children as the primary end of marriage and sexual intercourse to a sexual anthropology that sees them as equal ends. The third shift is from a focus on sexual *acts* to a focus on "the nature of the human *person* and his acts" (GS 51). All three shifts were hotly debated

[22] Paul VI, *Humanae vitae*, 11.

at the Council, all had passionate supporters and rejectors, and all continue to be sources of serious theological ethical division in the contemporary church.

A classical perspective views human reality as necessary, immutable, universal, and static. The theological method followed, the anthropology formulated, and the ethical norms taught within this perspective are believed to be timeless, universal, and immutable. A historical conscious perspective views human reality as contingent, particular, and changing. The theological method followed, the anthropology formulated, and the ethical norms taught within this perspective are contingent, changeable, and particular, and the acts condemned by these norms are ethically evaluated in terms of a dynamic, changing human understanding. We offer examples of these two perspectives and explain how they continue to influence Catholic theological and sexual ethics today.

In its Constitution on Divine Revelation, Vatican II endorsed historical consciousness and the historical-critical method for reading and interpreting scripture in the "literary forms" of the writer's "time and culture."[23] In spite of this conciliar embrace of historical consciousness and of how scriptural texts are to be read and interpreted, official church teaching continues to use sacred scripture to proof-text and to justify absolute norms condemning particular sexual acts. This reflects the classical consciousness method of the nineteenth-century *Manuals* rather than the twentieth-century historical consciousness of Vatican II. The *Catechism of the Catholic Church* (CCC), for instance, interprets the story of Sodom in Genesis 19:1-29 as a scriptural foundation for the absolute prohibition of homosexual acts. Revisionist theologians, on the contrary, interpret it

[23] *Dei verbum*, 12. See also Pope Pius XII, *Divino afflante spiritu*.

to be about the Torah law of hospitality, that is violated by the homosexual *rape* intended by the heterosexual men of Sodom, with no suggestion that it is violated also by the loving sexual acts of women and men with a homosexual orientation.[24]

Same-sex activity, such as that intended by the men of Sodom, was well-known in the ancient world, but it was the same-sex activity of men assumed to be heterosexual. The terms *homosexuality* and *sexual orientation* as understood in the modern world were entirely unknown. They were introduced only in 1886 by the German psychiatrist, Richard von Krafft-Ebbing.[25] In its discussion of the "problem of homosexuality," the CDF turns to the scripture and asserts that there is "a clear consistency within the sacred scriptures for judging the moral issue of homosexual behavior." The church's teaching on this issue, it continues, is based "on the solid foundation of a constant biblical testimony."[26] Revisionists respond that the Catholic tradition about the morality of homosexual acts is based, not on a solid foundation but on complex historical literary forms that raise questions in informed and enquiring Catholic minds and demand, not assertion, but careful historical analysis.

The church also continues to offer Chapter One of Paul's Letter to the Romans in support of its condemnation of homosexual acts, while historically-conscious revisionists argue that it is Gentile idolatry and the perverted sexual acts of heterosexuals to which

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[24] See Todd A. Salzman and Michael G. Lawler, *The Sexual Person: Toward a Renewed Catholic Anthropology* (Georgetown: Georgetown University Press, 2008), 214-235.

[25] Richard von Krafft-Ebbing, *Psychopathia Sexualis: eine Klinische- Forenische Studie* (1886).

[26] CDF, *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*, in *Acta Apostolicae Sedis* 79 (1987), 545.

it is assumed to lead that are condemned, not the loving acts of women and men with a homosexual orientation.[27] The church officially espouses both the historical-critical method for interpreting scripture and contemporary science to help in the formulation of its teachings (GS 62), but it fails to integrate the implications of those methodological developments into its teaching, and especially into its sexual norms. It continues to cite certain scriptural texts to condemn specific sexual acts, while its own approved hermeneutical method indicates that those texts are not relevant to the sexual acts it is condemning. The emphasis in church sexual teaching continues to be on individual sexual *acts* rather than on human *persons* and their *relationships* that give meaning to those sexual acts.[28]

Two doctrines have controlled the church's approach to sexual ethics since Vatican II. Pope Paul VI taught in his 1968 encyclical, *Humanae vitae*, that "each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life,"[29] and in 1976 the CDF decreed that that to be ethical "every genital act must be within the framework of marriage."[30] The outcome of these teachings, Michel Foucault accurately judges, is that "the conjugal family took custody of [sexuality] and absorbed it into the serious

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[27] See Dale B. Martin, "Heterosexism and the Interpretation of Romans 1:18-31," in *Biblical Interpretation* 3 (1995), 322-355. For a contrary, traditionalist reading, see Richard B. Hays, *The Moral Vision of the New Testament: Community, Cross, New Creation: A Contemporary Introduction to the New Testament* (San Francisco: Harper, 1996), Chapter 6.

[28] For a discussion of the methodological differences between focusing on acts and focusing on relationships, see Salzman and Lawler, *The Sexual Person*, 95-97.

[29] *Humanae vitae*, 11.

[30] CDF, *Persona humana*, VII.

function of procreation."[31] Catholic revisionist theologians have consistently challenged that Catholic teaching over the years since its establishment, and some have suffered serious consequences.

We note the action taken against Father Charles Curran of the Catholic University of America, and other revisionist theologians following the publication in 1968 of the encyclical *Humanae vitae*. Curran authored a statement dissenting from the encyclical's central claim that "each and every marriage act must remain open to the gift of life" (HV VIII). Curran's dissent was later sustained by the Papal Birth Control Commission set up by Pope John XXIII and later enlarged by Pope Paul VI that taught that "human intervention in the process of the marriage act *for reasons drawn from the end of marriage itself* should not always be excluded, provided the criteria of morality are always safeguarded"[32] This position was widely supported by revisionist ethicists, arguing from the perspective of the human person rather than from his acts. We note here for clarity that there have been many books and articles about marital and sexual ethics written by women from a revisionist feminist perspective,[33] some of which have drawn rebuke from the magisterium. There have also been many books

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[31] Michel Foucault, *History of Sexuality: An Introduction,* vol. I (New York: Pantheon Books, 1976), 3.

[32] Cited in Clifford Longley, *The Worlock Archive* (London: Chapman, 2000), 233, emphasis added.

[33] Christine Gudorf, *Body, Sex, and Pleasure: Reconstructing Christian Sexual Ethics* (Pilgrim Press: Cleveland, 1995); Lisa Sowle Cahill, *Sex, Gender, and Christian Ethics* (New York: Cambridge University Press, 1996); Patricia Beattie Jung and Shannon Jung, *God, Science, Sex, and Gender: An Interdisciplinary Approach to Christian Ethics* (Champaign. IL: University of Illinois Press, 2010); Margaret A. Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2006). Again without dialogue the "errors" in this latter book were pointed out.

and articles from a traditionalist perspective in support of Catholic sexual teaching.[34]

Dialogue

Sixty years on from Vatican II, the theological ethical divisions revealed at the Council between traditionalist and revisionist theologians continue to divide the Church, as was most recently revealed at the Synod on the Family. With respect to those divisions, we recall a distinction drawn by Aquinas between *magisterium cathedrae pontificalis*, the pontifical chair, and *magisterium cathedrae magistralis*, the master's chair. From sacramental ordination, the former receives authority to govern; from professional expertise, the latter receives authority to teach. There is, however, no subordination of the one to the other, for "teachers of sacred scripture adhere to the ministry of the word, as do also prelates."[35]

Two extremes are to be avoided, we submit, in the relationship between these two magisteria. On the one hand, there should be no rigid imperialism on the part of the *cathedra pontificalis*, treating theological masters as merely passive mouthpieces for its hierarchical teaching. On the other hand, there should be no claim from the *cathedra magistralis* to absolute autonomy and freedom

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[34] Germain Grisez, *The Way of the Lord Jesus, Vol. 1: Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983); *The Way of the Lord Jesus*, Vol. 2: *Living a Christian Life* (Franciscan Herald Press, 1993); John Finnis, *Moral Absolutes: Tradition, Revision, and Truth* (Washington, DC: Catholic University of America Press, 1991); Robert George, *Natural Law Theories: Contemporary Essays* (New York: Clarendon Press, 1992); Martin Rhonheimer, *Ethics of Procreation and the Defense of Human Life: Contraception, Artificial Insemination, and Abortion* (Washington, DC: Catholic University of America Press, 2010).

[35] Thomas Aquinas, *Quodlibetales*, III, 9.

from accountability.[36] There should be rather, the kind of dialogue recommended by Pope John Paul II in his encyclical, *Ut unum sint*: truth, "sought after in a manner proper to the dignity of the human person," free theological inquiry in the course of which "people explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth."[37] This papal statement is taken from Vatican II's Declaration on Religious Freedom,[38] where it is immediately followed by the Council's momentous teaching on the freedom of individual conscience.

"In all his activity, a man [and a woman] is bound to follow his [and her] conscience faithfully in order that he may come to God for whom he was created. It follows that he is not to be forced to act contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience, *especially in matters religious*." This freedom of conscience is critical, the Declaration goes on to explain, because "the exercise of religion consists before all else in those internal, voluntary, and free acts whereby man sets the course of his life toward God."[39] When differences arise about sexual teachings, which in the Catholic tradition are believed to be fallible teachings, there should be an open "dialogue in charity," not mutual condemnation, between the *cathedra pontificalis* and the *cathedra magistralis*. There should be a mutual appreciation of their complementary charisms.[40]

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[36] Joseph Cardinal Bernardin, "Magisterium and Theologians: Steps Toward Dialogue," *Chicago Studies* 17 (1978), 151-158.

[37] John Paul II, *Ut unum sint*, 18.

[38] *Dignitatis humanae*, 3, emphasis added.

[39] *Dignitatis humanae*, 3.

[40] See International Theological Commission, "The Ecclesiastical Magisterium and Theology," (1976), https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_1975_magist

Webster's Unabridged Dictionary defines dialogue as "interchange and discussion of ideas, especially when open and frank, as in seeking mutual understanding and harmony." That definition is behind Pope John Paul II's claim that dialogue "is rooted in the nature and dignity of the human person" and is "an indispensable step along the path toward human self-realization."[41] Webster's definition is acceptable and instructive as far as it goes, but it is not the definition of dialogue we advance in this essay. The dialogue we advance is specifically the Christian "dialogue in charity" recommended by Popes John Paul[42] and Francis.[43] This dialogue is not to be confused with debate. Participants in a debate seek to *defend* their version of truth and to convert their opponents to their truth. Participants in a dialogue of charity seek to *explain* "to one another the truth they have discovered, or think they have discovered, in order to assist one another in the quest for truth."[44] Both traditionalist and revisionist theologians should listen carefully to this instruction from Pope John Paul and to that which followed from Pope Francis: "Keep an open mind. Don't get bogged down in your own limited ideas and opinions but be prepared to change and expand them." Francis sees no problem in plural partial truths, judging that "the combination of two different ways of thinking can lead to a synthesis that enriches both." His conclusion is directed to every participant in every dialogue, but it might well be directed specifically to traditionalist and revisionist Catholic theological

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ero-teologia_en.html; Michael G. Lawler and Todd A. Salzman, "Theologians and the Magisterium: A Proposal for a Complementarity of Charisms in Dialogue," *Horizons* 36 (2009), 7-31.

[41] John Paul II, *Ut Unum sint*, 28.

[42] John Paul II, *Ut unum sint*, 17, 51, 60.

[43] Francis, *Amoris Laetitia*, 305.

[44] John Paul II, *Ut unum sint*, 18.

ethicists with their two different ways of thinking about sexual ethics. "The unity we seek," Francis explains, "is not uniformity, but a unity in diversity,"[45] powered by irrevocably free, informed consciences.

The demand for dialogue insisted on by John Paul II and Francis follows the demand made by Vatican II's *Decree on Ecumenism* on "all the Catholic faithful to recognize the signs of the times and to participate skillfully in the work of ecumenism." It goes on to say that in the "dialogue between competent experts from different Churches and Communities…each explains the teaching of his Communion in greater depth and brings out clearly its distinctive features. Through such dialogue, everyone gains a greater knowledge and more just appreciation of the religious life of both Communions."[46] The Council was speaking of ecumenical dialogue between religious Communions, but it is not difficult to transpose its words to dialogue between traditionalist and revisionist theologians in the Catholic Church. Any possible doubt about the importance and legitimacy of respectful theological dissent, and therefore of the need for dialogue between theologians and the magisterium, was removed in 1983 by the Council's so-called "last document," the revised *Code of Canon Law*. The *Code* clearly states that "in accord with the knowledge, competence and preeminence which they possess, [the Christian faithful] have the right and even at times a duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church" (Can 212,3). In particular, "those who are engaged in the sacred disciplines [of theology and ethics] enjoy a lawful freedom of inquiry and of prudently expressing their opinions on matters in which they have expertise, while observing a due respect for the

[45] Francis, *Amoris Laetitia*, 139.
[46] Vatican II, *Decree on Ecumenism*, 4.

magisterium of the Church" (Can 218). It is not exaggerating, we submit, to suggest that dialogue is of the essence of the Catholic Church.

Though we are speaking here specifically of the dialogue in charity between traditionalist and revisionist theologians, Canon 212 §2 insinuates that dialogue is to be extended to include the entire body of the faithful. That body, "anointed as they are by the Holy One, cannot err in matters of belief. Thanks to a supernatural sense of the faith which characterizes the People as a whole, it manifests this unerring quality when, from the bishops down to the last member of the laity, it shows universal agreement in matters of faith and morals."[47] That conciliar doctrine of the infallibility of the entire People of God in matters of faith and morals lies behind all talk of legitimate dialogue in the Church, and supports Pope Francis' insistence on the importance of synodality to the entire People in matters of sexual ethics.

The English word synod is a composite of two Greek words, *syn,* meaning together, and *hodos*, meaning journey or way. *Hodos* is the Greek word used in Jesus' claim to be "the way [*hodos*], the truth, and the life; no one come to the Father but by me" (John 14:6). A Christian synod, therefore, is being on the way with Jesus and with one another, of journeying together, acting together, discerning together. In a synodal Church, the International Theological Commission (ITC) explains, "the whole community, in the free and rich diversity of its members, is called together to pray, listen, analyze, dialogue, discern, and offer advice on taking pastoral decisions which correspond as closely as possible to God's will."[48] A synodal Church, it adds, "is a Church

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[47] *Lumen gentium*, 12.

[48] ITC, "Synodality in the Life and Mission of the Church," March, 2018, n. 68 https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html.

of participation and co-responsibility…based on the fact that all the faithful are qualified and are called to serve one another through the gifts they have all received from the Holy Spirit."[49] Synodality involves the whole Church-People of God. It is no more than the practical application of the ancient axiom: "what affects everyone must be discussed and approved by everyone." Pope Francis has no hesitation in affirming that a "synodal Church is a Church that *listens*."[50] We equally have no hesitation in affirming that this listening is not simply unconsciously hearing what someone is saying but a face-to-face conscious hearing, pondering, and discerning of different truths in a dialogue of charity.

There are four universally acknowledged sources of theological and ethical knowledge, the so-called Wesleyan Quadrilateral, scripture, tradition, science, and human experience. All of these contribute meanings to Catholic sexual ethics and all of them need to be carefully listened to in any dialogue of charity about Catholic sexual ethics to discern the truth in those ethics and whether it might need to be revised. Joseph Selling emphasizes the need to complement tradition, the source prioritized by traditionalist theologians, with the other three sources, and further emphasizes that human experience shows that human sexuality is not reducible to an exclusively biological meaning. Human meaning, he argues, "is the result of personal-social construction that is attributed to experience uniquely by human beings."[51] He cites with approval *Persona humana's* assertion on

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[49] ITC, "Synodality in the Life of the Church," n. 67.

[50] Pope Francis, Speech at the Commemoration of the Fiftieth Anniversary of the Institution of the Synod of Bishops, https/www.vatican.va/content/francesco/en/speeches/2015/October/documents/papa_francesco_20151017_50-anniversario-sinodo.html. Emphasis added.

[51] Joseph A. Selling, "The 'Meanings' of Human Sexuality," *Louvain Studies* 23 (1998), 32.

the findings of the sciences with respect to human sexuality: "According to contemporary scientific research, the human person is so profoundly affected by sexuality that it must be considered as one of the factors which give to each individual's life the principle traits that distinguish it,…make that person a man or a woman, and thereby condition his or her progress toward maturity and insertion into society.[52]

Reviewing the scientific meanings of human sexuality uncovered by modern psychiatrists, psychologists, sociologists, and sexologists, Selling concludes that it necessarily includes, among other dimensions, "not only intimacy ('unitive') and fertility ('procreative') but also pleasure, recreation (play), relief, affirmation, receptivity, self-acceptance, forgiveness, reconciliation, gratitude, and, of course, respect."[53] Discerning all those meaning, we point out, is always a historical and contextual task to be carried out by all the competent members of the church.

The anthropologies of revisionist theologians have differing priorities and nuances, but they share five things in common.[54] First, they judge the biological-procreative definition of human sexual dignity primarily offered by traditionalist theologians as overly reductionist. Second, they fully accept John Paul II's invitation to theologians and scientists to search for truth through "critical openness and interchange,"[55] and additionally accept that this process of open dialogue may yield positions that challenge traditionalist definitions of

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[52] *Persona humana*, 1.

[53] Selling, "The 'Meanings' of Human Sexuality," 35.

[54] This paragraph is adapted from Todd A. Salzman and Michael G. Lawler, *Virtue and Theological Ethics* (Maryknoll, NY: Orbis, 2018), 160-161.

[55] John Paul II, "The Relationship of Science and Theology: A Letter to Jesuit Father George Coyne," *Origins* 18 (November 1988), 376.

human sexual dignity and the sexual norms deduced from them. Third, they urge more than traditionalist theologians ongoing discernment of the four theological sources, scripture, tradition, science, and experience, and of any selection, interpretation, prioritization, and integration of them into any definition of human and sexual dignity. Fourth, they assign more weight to all of the sources of ethical knowledge than do traditionalist theologians, who assign priority to tradition-as-magisterial-teaching. Fifth, they manifest a greater degree of tentativeness toward the conclusions of both theologians and scientists about human sexual dignity. Sixth, this tentativeness demands that all theological and scientific judgments about human sexual dignity be subjected to confirmation or disconfirmation by the human experience and *sensus fidelium* of the entire body of the faithful.[56]

The Ethical Sense of the Christian People and Homosexual Acts

The third foundation on which the CDF grounds its judgment on the immorality of homosexual acts is "the moral sense of the people." Contemporary data from social scientific research demonstrate that foundation is now open to serious critique. In a 1997 study, James Davidson and his associates describe "how American Catholics approach faith and morals."[57] They found in 1997 that 41% of parishioners agree with the church that homosexual acts are always wrong and that 49% believe that, at least in certain circumstances, the decision to

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[56] See Ted Peters, *Science and Theology: The New Consonance* (Boulder, CO: Westview, 1999).

[57] James D. Davidson, *et al.*, *The Search for Common Ground: What Unites and Divides Catholic Americans* (Huntington, IN: Our Sunday Visitor, 1997), 11.

engage in such acts is up to the individual.[58] A 2001 study replicated that figure of 49%, believing the decision to engage in homosexual acts belongs to the individual; only 20% believed it had anything to do with the Magisterium.[59] The authors comment that their data "depicts a trend away from conformity and toward personal autonomy" with respect to sexual issues.[60] That trend was most marked in "Post-Vatican II Catholics," those aged thirty-eight and younger.[61] A study in 2003 by Catholic University's Dean Hoge and his associates documents that this trend away from authority to personal conscience in matters of morality had intensified. He found that 73% of Latino Catholics and 71% of non-Latino Catholics judged that, in ethical matters, the final authority is the individual's *informed conscience*.[62] We underscore *informed* in the previous sentence to underscore that not just any decision of conscience enjoys freedom but only the decision of conscience that is informed by the teaching of the church, the teaching of its theologians, and the teaching of the *sensus fidei* of statistically all Christian believers. The same trend toward the authority of informed individual conscience is well documented in other western countries.[63] A reasonable theological question then

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[58] Davidson, *The Search for Common Ground,* 47.

[59] William V. D'Antonio, *et al*., *American Catholics: Gender, Generation, and Commitment* (Lanham, MD: Altamira Press, 2001), 76.

[60] D'Antonio, *American Catholics*, 85.

[61] D'Antonio, *American Catholics*, 84.

[62] Dean R. Hoge, *et al*., *Young Adult Catholics: Religion in the Culture of Choice* (Notre Dame: University of Notre Dame Press, 2001), 59-60.

[63] See Michael Hornsby-Smith, *Roman Catholicism in England: Customary Catholicism and Transformation of Religious Authority* (Cambridge: Cambridge University Press, 1991); Timothy J. Buckley, *What Binds Marriage?: Roman Catholic Theology in Practice* (London: Chapman, 1997); John Fulton, ed., *Young Catholics at the New*

arises: does sociological data of this sort tell us anything about magisterial teaching and the faith of the church?

An immediate and crucial answer is that sociological data is not an expression of the belief of the Catholic Church. Nor does it tell us what the church ought to believe and teach, for 50%, and even 100%, of Catholics could be wrong. The empirical data reported above, however, does two important things. It tells us what the beliefs of Catholics actually are with respect to the ethics of homosexual acts and it demonstrates that these beliefs are at serious variance with the beliefs proposed by their church. This data may not tell us anything about the truth of magisterial teaching with respect to the morality of homosexual acts, but it does tell us something about its relevance to the life of the contemporary church. It ought to be neither accepted uncritically nor dismissed out of hand as if it had no relevance to the life of the church. Pope John Paul II teaches that "the church values sociological and statistical research," but immediately adds the proviso that "such research is not to be considered in itself an expression of the *sensus fidei*."[64] The Pope is correct. Empirical research neither expresses nor creates the faith of the church, but it does tell us what Catholic believers actually believe and do not believe, and that experiential reality is a basis for critical reflection on any claim about what the concrete church believes. It is that critical reflection, always required of the church's theologians,[65] we undertake in this essay.

Theologian and sociologist Robin Gill complains that Christian ethicists have been "reluctant to admit that sociology has any constructive role to play in their

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Millennium: The Religion and Morality of Young Adults in Western Countries (Dublin: University College Press, 2000).

[64] *Familiaris consortio*, 5.

[65] See International Theological Commission, "The Ecclesiastical Magisterium and Theology," Thesis 8, 6.

discipline. It is rare to find a Christian ethicist prepared to examine data about the moral effects of Church-going. Instead, Christian communities have become *far too idealized*."[66] "Christian communities" may be a euphemism for Catholic Magisterium, which tends to talk of the belief of the Church as it has been rather than as it contemporarily is. If, as the Second Vatican Council clearly taught, "the body of the faithful as a whole cannot err in matters of belief,"[67] then their infallibility rests in what they *actually* believe. It is that actual belief that is uncovered by sociological research. Avery Dulles argues that, to determine *sensus fidei*, which has important relevance in this discussion, "we must look not so much at the statistics, as at the quality of the witnesses and the motivation for their assent."[68] We agree. *Sensus fidelium*, believers' connatural capacity to discern the truth into which the Spirit of God is leading the church, must be carefully discerned by all who are competent. John Paul II is correct: a simple head count does not necessarily express the faith of the church. A head count, however, which would include virtually all the faithful, especially virtually all the competent theological faithful, would most certainly manifest the actual faith of the virtually whole Church. All we claim here about the sociological data with respect to the belief of the church about the ethics of homosexual acts is that it may manifest a development which church theologians and magisterium ought to examine carefully.

What is clear from the above investigation of biblical and magisterial teaching on homosexual acts and homosexual relationships is the importance of experience

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[66] Robin Gill, *Churchgoing and Christian Ethics* (Cambridge: Cambridge University Press, 1999), 1, emphasis added.

[67] *Lumen gentium*, 12.

[68] Avery Dulles, "*Sensus Fidelium*," *America* (November 1, 1986), 242.

as a source of ethical knowledge. In the dialectic between the four theological sources of ethical knowledge and the ethical assessment of sexual acts and relationships, human experience is foundational, even primary. We concur with Margaret Farley who notes that experience "is an important part of the content of each of the other sources, and it is always a factor in interpreting the others."[69] It provides a socio-historical context for interpreting the other sources of ethical knowledge, and illuminates if, and to what extent, the sources taken individually and as a whole and the normative conclusions that they reach "make sense" and "ring true" in terms of "our deepest capacity for truth and goodness."[70] Furthermore, "given the arguable inconclusiveness of scripture, tradition, and secular disciplines" on the ethics of sexual relationships, "concrete experience becomes a determining source on this issue."[71] Relying upon the historical critical method espoused by Vatican II, we have demonstrated that traditional interpretations of scripture condemning homosexual acts lack conclusive legitimacy. There seems to be a disconnect between the evolving tradition and its use of scripture to condemn the sexual acts of genuine homosexuals on the one hand, and its relatively recent espousal of the historical critical method for interpreting scripture on the other hand. The historical critical method does not support traditional normative conclusions deduced from sacred scripture on this issue. This same historical critical method, when applied to recent magisterial teaching on homosexual acts, reveals another disconnect between what empirical studies convey regarding the experiences of homosexual couples and parents and unsubstantiated magisterial claims to

[69] Farley, *Just Love*, 190.
[70] Farley, *Just Love*, 195-6.
[71] Farley, *Just* Love, 287.

the contrary. Given the entrenched, discriminatory, and hurtful magisterial rhetoric addressing the issue of homosexual and other sexual acts,[72] openness to a revised hermeneutic of the sources of ethical knowledge that might allow for and point toward a revision of magisterial teaching on all sexual acts, we submit, is open for an ongoing and serious dialogue of charity.

Conclusion

On October 7, 1979, we attended a convocation for Catholic theologians at the Catholic University of America. In his speech at that convocation, Pope John Paul II declared that "the church needs her theologians, particularly in this time and age…We desire to listen to you and we are eager to receive the valued assistance of your responsible scholarship…We will never tire of insisting on the eminent role of the university…a place of scientific research in freedom of investigation."[73] Those words of Pope John Paul are the inspiration for the investigation in this essay of the theological and ethical polarization presently so polarizing the Catholic Church and damaging its mission. To heal that polarization, we grant the last words in this essay, as we granted the first words, to Popes John Paul II and Francis. John Paul recommends an open dialogue in which "people explain to one another the truth they have discovered, or think they have discovered, in order thus to assist one another in the quest for truth."[74] "Don't get bogged down in your

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[72] Mark D. Jordan, *The Silence of Sodom: Homosexuality in Modern Catholicism* (Chicago: University of Chicago Press, 2000), 46.

[73] John Paul II, Address to Catholic Theologians and Scholars at the Catholic University of America, October 7, 1979, https://www.vatican.va/content/john-paul-II/en/speeches/1979/october/documents/hf_jp-II_sp.

[74] John Paul II, *Ut unum sint*, 18.

own limited ideas and opinions," Francis advises, "but be prepared to change and expand them," for "the unity we seek is not uniformity, but a unity in diversity."[75]

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[75] Francis, *Amoris laetitia*, 139.

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