

## Some Notes on the Current Debate Regarding Homosexuality and the Place of Homosexuals in the Church

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### A *An Issue Neglected*

A.1 “We have a lot of gays in our parish, and most of them are nice people. They are still living in sin.” This statement was attributed by *The New York Times* (7. viii. 03, p. A20) to one Dorothy Spaulding of Virginia. There are two thoughts that this honest—and, I think, revealing—statement evokes in me.

A.1.1 First of all, it has a message for the so-called “liberals.” Such types would no doubt agree that most gays and lesbians are, or can be, “nice people”; but for just this reason they would probably consider the second clause of Ms. Spaulding’s statement to be a blatant non sequitur. The reason for this reaction is not hard to identify. Liberals seem to think that the issues in the current debate concern society’s refusal to accord to one set of people a right it accords to (almost) everyone else, namely the right to “do their thing” as long as they do no one any harm. The liberal definition of the question thus assumes that the sexual habits of lesbians and gays are in themselves unobjectionable (or perhaps it does not matter whether they are or not). In making this assumption, however, liberals misunderstand, or perhaps willfully ignore, the main thrust of the position taken by their opponents. As the latter see it, the issue has nothing (immediately) to do with “rights” under civil law, but with a more basic sort of right and wrong. Theirs is, by intent, an objection to homosexual acts which takes them to be wrong in and of themselves and so morally impermissible. For that reason, demands for “openness” or “inclusivity” and appeals to “diversity”—all of which take for granted that

homosexual persons are sufferers from mere prejudice<sup>1</sup>—simply ignore that primary objection.

Somewhere, then, lying a bit out of focus in the background of this debate, there lurks a question about the grounds on which liberals think that there are forms of homosexual behavior which are morally and socially permissible and in that sense “all right”—the same judgment which they presumably make regarding heterosexual behavior.<sup>2</sup> Liberals however seem seldom to address this question directly, or else they address it only vaguely. In short, they largely decline to explain why they think certain forms of homosexual behavior are all right and not all wrong.

A.1.2 In the second place, however, Ms. Spaulding’s statement also seems to me to say something about the position taken by these so-called “conservatives.” Say what you will about the obtuseness of liberals, it does seem odd, if not positively oxymoronic, to say at one and the same time, “X is a nice person” and “X is living in sin.” Would Ms. Spaulding say, “We have six or seven rapists in our parish, and they are nice people, but . . .”? How is “living in sin”—as distinct, say, from being a perfectly ordinary sinner—compatible with “being a nice person”? (Or does “nice” just mean “polite and amusing on social occasions”?) Here again, though in a different way, it seems to me the “why?” of the judgment being passed on homosexuality goes unstated. Conservatives in fact behave as though everyone, even their most vocal opponents, acknowledge secretly, if not openly, that homosexual behavior is wrong (or perhaps *tabu* or “dirty”), and that those who defend it are merely begging for toleration for something whose essential intolerability is universally conceded and therefore need not be further argued. Conservatives apparently cannot imagine that someone might believe that certain forms of homosexual behavior are, under certain circumstances, not merely permissible but a good thing. Like their “liberal” opponents, then, they too have declined on the whole to give

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<sup>1</sup> This language is by no means to imply that they are *not* sufferers from prejudice—and in some cases a fanatical prejudice at that.

<sup>2</sup> It should be said, and said emphatically (since the point is almost always passed over), that neither the defenders of homosexual behavior nor those who insist that only heterosexual engagements are morally permissible are maintaining that *any* and *all* sexually motivated activity—even of the brand they defend—is morally correct.

an account of their judgment—to specify what it is that makes homosexual intercourse, considered simply as such, impermissible.

A.1.3 Maybe it is time then—and this is the conclusion to which Ms. Spaulding’s remark has led me—for “conservatives” and “liberals” alike to explain publicly, to themselves and to each other, why and how they conclude that homosexual behavior, whether in some or all of its forms, is wrong on the one hand or permissible on the other. Their reasons for making these judgments are not, I think, perfectly apparent to anyone—theirself, perhaps, least of all. Yet until this is done the issue between them must remain unclear, and to that extent unsettled. If, moreover, the issue really is unsettled, as seems to be the case now, it might be the part of wisdom to turn the efforts of church people toward clarifying the issues and reaching for a solution rather than, on either side, indulging feelings of outrage or frustration in acts or talk of schism.

A.1.4 But a person who comes to this conclusion is bound, it seems to me, to take the next step and set about indicating what she or he takes the issues to be, and in what direction she or he takes the solution to lie. Needless to say, this task is not an easy one; but Ms. Spaulding and others like her have, whether deliberately or not, pressed it upon us; and having pondered her words, I have decided to try to argue my way through the issues as I discern them, in order to see what I think about the questions her words raise. What I produce cannot hope to be original. But I, at least, will know, with a fair degree of clarity, what I—speaking simply as a Christian (who happens to be a historian)—think about these matters.

I am bound in the first place to say—as my use above of words like “right” and “wrong” might indicate—that the problem as I see it is one that turns on a question of ethics. It is a “moral” question. This way of seeing this issue, however, merely complicates matters, and for at least two reasons. In the first place people are not, on the whole, in the habit of giving thought to questions of morality, since where such issues are concerned everyone already knows the correct answers ahead of time. Thus a proposal to resort to reasoned argument will most likely evoke reactions of scorn, not to say scepticism. Much of the opposition to homosexuality grows, after all, out of what Augustine and Pelagius alike called *consuetudo*—social custom—or out of a perception that it is simply *tabu*, or out of fear and contempt directed toward a phenomenon that comes across as shockingly unfamiliar and

“abnormal.”<sup>3</sup> What is more, much of the popular defense of it amounts to little more than militant assertion of a vague “right” to be whatever one is. To the extent that this is the case, however, moral considerations and arguments, of whatever sort, are bound to seem irrelevant, laborious, and superfluous. In practice, the way to settle things—or so everyone seems to agree—is by the recitation of engaging and convincing catch phrases, and by the intermittent adoption of uncompromising poses. But then in the second place, as everyone knows, different people—including different Christians—often operate with different notions of what it is that makes something morally right or wrong, and so of what it is that grounds ethical judgments—and hence, though this circumstance is seldom noticed, of *what makes a question a moral question*. Thus one of the matters that most needs clarification and discussion has to do with the moral “philosophy” that implicitly or explicitly informs people’s judgment in this regard—a matter to which I will perforce turn, but in the most gingerly fashion, and only after trying to tease out the issues as they have been, and commonly are, perceived.

## B *The Bible & Moral Debate*

B.1 It must be conceded to begin with that in this ongoing debate, certainly in the Episcopal Church and other Christian denominations in North America, there is at least one ground of judgment that can be, and almost invariably is, alleged for the view that homosexual behavior is morally wrong. Like a mantra, people repeat the refrain, “The Bible condemns homosexuality,” with the result that this *appears*—I stress the word—to be their sole or principal ground for condemnation of homosexual concourse. So then: *What is one to make of this appeal? Does it or does it not settle the issue?*

B.2 In response to these questions, the first thing I want to say is that such a naked, unadorned, and unelucidated appeal to scriptural authority supplies, if only by example, one possible answer to our query about the ground or grounds of moral judgment, and hence about the

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<sup>3</sup> One of the commonplace errors that haunts discussions of homosexuality is the all-but-universal tendency to let the mind slip from “normal” to “natural,” i.e., from “currently normative” or “how things are with us” to “what the unchanging order of things has ordained.”

nature of moral issues. As commonly stated, this appeal presumes that “wrong” and “right” *mean*, simply and exclusively, whatever is forbidden or imposed in any text of the Scriptures whatever. Further, it takes for granted that whatever is in this way forbidden or imposed is forbidden or imposed by God, and therefore (?) universally and for all eternity. In the case of homosexuality, then—and for that matter in all other cases—decisions about what constitutes right and wrong can be, and ought to be, settled by consulting God’s will as that is conveyed in the Scriptures in the form of direct *commands* or *prohibitions*—that is, by consulting that positive law that is thought to be divinely revealed.

B.2.1 Now this approach to moral questions obviously makes some assumptions, the first and perhaps the most crucial of which is that any and every scriptural command or prohibition can be sufficiently well understood by the average intelligent reader to be honestly and authentically obeyed without resort to other authorities or types of evidence, i.e., without any form of inquiry directed to the question of exactly what a particular instruction intends; of the principle that governs the instruction (i.e., *why* or *on what ground* a certain behavior is being commended or forbidden); and finally of its agreement or disagreement with other principles or instructions upon which one habitually acts. Against this assumption, however, there stands the undoubted—but invariably unacknowledged—fact that people have regularly differed—honestly, knowledgeably, and frequently—about scriptural counsels or injunctions, just as they have about the meaning of civil or constitutional laws; and when disagreement occurs, the matter is unlikely to be settled by appeal to the *prima facie* meaning of the bare text. Nevertheless, the kind of appeal to scriptural authority that is in question here, which in practice relies on scriptural texts taken in their apparent meaning,<sup>4</sup> leads to a disavowal of two conditions that are surely bound to obtain whenever there is a debate about “what the Bible says.” The first of these disavowals, as we have just noticed, takes the form of reluctance, or even refusal, to acknowledge that a

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<sup>4</sup> By “apparent meaning” here, I mean the sense that a scriptural statement or expression is likely to bear as read in modern translation by a normal reader of the modern language in question. It is hardly necessary to say that if a text was written, say, three thousand years ago, the meaning that is “apparent” to a twenty-first-century reader is in many, and perhaps in most, cases unlikely to coincide with its original meaning.

scriptural text can be open to more than one reasonable interpretation. The second disavowal consists in refusal, for all practical purposes, to allow interpretative probing that reaches beyond what the text says in its “apparent sense”—whether “beyond” here signifies references to historical and philological evidence, to bodies of theological and moral reflection, or even to the intra-biblical development of a theme sounded in the text under consideration.

B.2.1.1 One might adduce here for the sake of illustration the case of a mother who is overheard saying to a small boy, “Do not eat that hamburger!” It would be easy for a person who heard this prohibition, spoken firmly and even passionately, to infer that the mother forbids *all* her children—and in principle all other children—to eat hamburger under any circumstances whatever (perhaps because she is a vegetarian). On the other hand, the prohibition may have a narrower range of application. It may have been inspired (a) by the fact that this particular piece of hamburger was uncooked and had just been recovered from a rather dirty floor, and so might reasonably be taken to be dangerous to the child’s health; or (b) by the child’s allergy to beef generally; or (c) by the fact that the child in question was about to be given a proper lunch, and the mother, in the inevitable way of mothers, did not want the child to “spoil” its meal; or finally (d) because the child has been engaged in drinking milk with a piece of cake as a snack, and Moses forbids the consumption of milk and meat at the same meal. The point of the prohibition is not so easily determined as one might think at first; and the same might be the case with scriptural sentences that are alleged to forbid “homosexuality.”

B.2.1.1.1 For a biblical parallel to this situation consider Leviticus 18:22, the language of which is repeated at 20:13. In each of these cases it is forbidden to “lie with a male as with a woman,” and in the second passage the penalty assigned for such a deed is death. Now it is said by “conservative” exegetes that this prohibition simply condemns “homosexuality” as such (male homosexuality, presumably, and not female). Yet the text does not, at least at first glance, appear to say anything so all-inclusive as that. The condemnation seems, on the contrary, to be directed at a particular category of homosexual acts: one in which a male lies with another male “as with a woman”—i.e., treats a male as one would a female. If, on the other hand, an interpreter is confident that this condemnation is as a matter of fact intended to include any and all homosexual acts, it would then follow that the phrase

“as with a woman” should be taken to specify not the *kind* of homosexual act that is being forbidden, but the reason why *all* such acts are forbidden—namely because all cases of male homosexual intercourse are instances of treating a male like a female. No matter which of these alternatives is correct, however, there is a plain and reasonable doubt as to the intent of the prohibition; needless to say, there is further doubt as to the sense of the words “as with a woman.” There is therefore no reason to suppose that Leviticus 18:22 and 20:13, taken simply in themselves, settle much of anything apart from appeal to other texts or sources of insight: their meaning is *uncertain*, and that very circumstance makes it impossible to rest a case upon them.

B.2.2 The assumption undergirding this approach to Scripture represents a tacit or explicit answer of a general sort to the question of how people come to know the difference between right and wrong. Since this *modus operandi* treats biblical statements in their apparent meaning as “trumps” in the game of moral argument, it tacitly denies that there is any other reliable source of moral guidance, and thus presupposes that people know the difference between right and wrong, either immediately or derivatively but in any case exclusively, by reference to a written divine revelation. Obviously, though, this contention is questionable to say the least. Clearly there are many people who never consult the Jewish and Christian Scriptures, or for that matter the Koran, and probably would not even do so if given the chance, but who seem to know something about the difference between right and wrong (Rom. 2:25!). By the same token, it is clear that people who do consult the Scriptures and attach some authority to them also draw on other sources for their moral beliefs and judgments. The “package” of moral beliefs that a child of present-day Christian parents inherits is an amalgam of what is understood to be scriptural teaching with that of a local cultural tradition, and that culture, whatever it is, influences—and indeed preconsciously selects and interprets—what is noticed in and gathered from Scriptures.<sup>5</sup>

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<sup>5</sup> Thus defenders of scriptural authority often appeal to another standard or standards to confirm a scriptural judgment. They are not unwilling to accept the support, e.g., of “what everyone knows” or the judgment of “the majority of Americans,” and to treat such values as useful and independent confirmation of what the Bible says—or to treat scriptural attitudes as supplying useful and independent confirmation of such cultural norms.

B.2.3 Before any such bare appeal to authority can be accepted then, it must be examined and justified; and no sooner does one set about this enterprise than numbers of questions stick their hands up and wave them about to attract attention—questions that can guide further inquiry.

B.3 First of all, though, one must be perfectly clear what the claim that “the Bible condemns homosexuality” concretely amounts to. The writings that compose the small library called “the Bible” or, more accurately perhaps, “the Scriptures,”<sup>6</sup> are not preoccupied with questions raised by the phenomenon of homosexuality, and, taken overall, have relatively little to say on the subject—a good deal less, for example, that on the subject of eating meat with the blood still in it. Indeed, what they do say sometimes seems, at least from the point of view of present-day questions, almost inadvertent; and in any case they do not appear to have a synonym for the word “homosexuality” as that term is currently employed, any more than they have one for “religion.” The topic, then, does not rank among the recurring themes or principal issues with which the Scriptures habitually concern themselves—nor, for that matter, does it seem to have acquired a wider metaphorical connotation, of the sort, for example, that came to be assigned to adultery (cf. Hos. 3:1). Nevertheless, these writings contain—at most<sup>7</sup>—five condemnations of one or another sort of sexual engagement between two males (two in Leviticus [18:22; 20:13]; and in the Pauline corpus, one that seems quite explicit [Rom. 1:26–27] and two [1 Cor. 6:9; 1 Tim. 1:10] that use vaguer language and are to that extent less certain), as well as one explicit condemnation of “unnatural” sexual engagement on the part of females (Rom. 1:26), which can be construed to refer to same-sex activity. Let us say, then, in the first instance, that “The Bible condemns homosexuality” means concretely, *“There are five statements in the writings of the Old and New Testaments that have commonly been taken to express a condemnation, on*

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<sup>6</sup> We are talking, after all, not of one book but of either sixty-six or seventy-nine books, depending on whether one accepts the post- or pre-Reformation Christian canon.

<sup>7</sup> The story of Lot and his angelic visitors in Sodom (Gen. 19:1–24) certainly suggests that homosexual rape is a matter for serious disapproval; but it says nothing about more ordinary, i.e., consensual, forms of homosexual behavior, and in any case the tradition, as well as most scholarship, take the fundamental sin of Sodom to have been the violation of the laws of hospitality.

*one ground or another, of sexual relations of some sort between persons of the same sex.”*

B.4 The question under debate here is not, however, whether this is the case, but whether and how this circumstance settles the contemporary issue. And before airing that question one must first of all indicate why it arises; namely, because some believers, as I have indicated above, are sure that what the Bible says settles—or ought to settle—any and all questions. This is not, I think, the context in which it is relevant to raise abstract philosophical questions about the basis on which it is supposed that the Scriptures are (a) uniformly and (b) exclusively revelatory of God’s will. Nevertheless it is reasonable to suggest that the Scriptures are being misused or misunderstood when they are thought to contain ready-made and universally applicable prescriptions or regulations for handling any problem that might arise about what to do. The reason for asserting this, moreover, has nothing to do with philosophical difficulties about scriptural authority. The reason is that the historical practice and experience of the church in interpreting the Scriptures is not consonant with such a belief.

B.4.1 There have been times in the history of the Christian movement when a burning issue could be settled only by a practical acknowledgment that different passages in the Scriptures can and do conflict with each other—in short, that the Scriptures can, in the face of particular questions, be ambiguous.<sup>8</sup>

According to Acts, “the apostles and elders” of the so-called Council of Jerusalem found themselves compelled to deal with the problem of table fellowship between Jewish and Gentile Christians at Antioch. To resolve it they took two steps. First they repudiated the established interpretation of scriptural regulations which decreed that it was “unlawful . . . for a Jew to associate with . . . any one of another nation” (Acts 10:28). Then second, they argued that Gentiles had accepted Christ and received the Spirit and therefore whatever the law—i.e., in the context of our present argument, “the Bible”—and its established interpreters might say, such persons had to be accepted as full members of the end-time Israel of God (cf. Acts 15:7–11).

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<sup>8</sup> See Prov. 26:4–5; and consider William Blake’s happy rhyme: “Both read the Bible day & night; / But thou readest black where I read white.” Cited by Judith Kovacs and Christopher Rowland, *Revelation: The Apocalypse of Jesus Christ* (Malden, Mass.: Blackwell Publishing, 2004), 7.

Moreover, they supported this argument by appealing to the authority of other scriptural passages—to prophecies which had proclaimed that even Gentiles would one day receive God's Spirit.<sup>9</sup> Thus they relativized—and I use this word deliberately—the scriptural laws in question, and also, of course, the customary interpretation of them; and further, they tacitly appealed to their own reason and experience against the normal understanding of certain scriptural prescriptions.

Similarly, St. Paul in Galatians (cf. Gal. 3:10–11) opposes Deuteronomy 20:26 to Habakkuk 2:4 (not to mention Genesis 15:6). That is, he opposed the demand for perfect obedience to “all things written in the book of the law” (RSV) to acceptance of God's promise by faith; and he finds the resolution of this opposition in the cross of Christ, where, he suggests, Christ outstayed and neutralized the law's curse.

In neither of these cases is the Scripture treated as necessarily self-consistent in all respects and so as “all of one piece,” and yet both arguments take the final authority of Scripture for granted.

B.4.2.1 For a long time churches have taught, or at least commended, the Augustinian principle that Christians may participate in a “just war”; and they have thus conveyed, by reasonable inference, that believers ought not to participate in one that is unjust. This maxim may not have been taken very seriously over the centuries and the criteria for its application in particular circumstances may never have been perfectly clear; but lip-service was certainly paid to it, and many have appealed to it against what they have taken to be intolerable warmongering. Yet this prescription possesses a very uncertain and ambiguous scriptural base: indeed, the Scriptures of the Mosaic covenant are full of divine commands that have struck ancient and modern readers alike not merely as warmongering but as positively genocidal—an acknowledgment that surfaces plainly and emphatically at least as early as Origen's *Homilies on Joshua*. Thus the principle St. Augustine evolved seemed to contravene values stated or implied by many scriptural passages. In any case, he could not, in formulating the “just war” principle, appeal to scriptural texts that explicitly indicated the circumstances under which war-making is permissible or impermissible. Originating, it seems, in a criticism of

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<sup>9</sup> See Acts 10:45–47; 15:14–21.

Cicero's definition of a just war, Augustine's teaching was developed partly on the basis of what he would have called natural law, and partly on the basis of his sense of what the message of the gospel ultimately implied about right relations between individuals and between states.

B.4.2.2 Much of the same sort of observation might be made about the controversy among Christians over slavery. St. Gregory of Nyssa announced in no uncertain terms that the manumission of slaves is a deed expressive of the inherent meaning of the celebration of Easter; and St. Augustine taught that slavery is a social sin of domination reflective of the corrupt state of humanity after the fall. Both writers thus evinced, in different ways, the profound distaste and uneasiness that thoughtful Christians over the centuries have experienced in the face of the institution of chattel slavery. Yet that institution was long defended (or taken for granted, as by both of the above writers), and not without *prima facie* justification, as consonant with, and perhaps even imposed by, Scripture. The eventual conclusion that the "drift" of the Scriptures told against slavery—drawn and pressed home by William Wilberforce and other evangelical Christians in England and by American evangelicals as early as the Quaker John Woodman—may have been quite correct, but it was not a conclusion the Scriptures explicitly imposed.

B.4.3 The situation of those folk as they reflected on questions about the inclusion of Gentiles in the people of God, the conditions of Christian participation in war, or the institution of slavery, is not without further parallels. In the contemporary world, indeed, problems of this sort are reproduced in a growing series of moral—and legal—conundrums generated by the new techniques that have emerged out of recent work in the biological sciences, and in particular out of genetic research. This is not even to mention the problems of another, perhaps even more fundamental sort—those created by the social and economic pressures and dislocations that accompany the worldwide range of "the market" or by the so-called "information revolution." The Scriptures do not even contemplate circumstances of this sort, any more than they contemplate the phenomena referred to as "global warming" or the ecological issues raised by its progress. They reflect, in short, a world in which such phenomena, the conditions or circumstances that give rise to them, and the questions they generate were unimaginable. Moreover, the kinds of social institutions and social organization contemplated by the books of the Bible (see, e.g., Exod.

22:16–17; 23:10–11) are on the whole not consistent with contemporary conditions, and offer no practical solution to the problems reflected, for example, in contemporary despair over “family values.” The traditional family (whatever may be meant here by “traditional”: the wife, concubine, offspring, servants, and domestic animals of someone like Abraham; the *familia* of the feudal landholder, the renaissance merchant, or the Mafia don; the “nuclear”—or perhaps better, the dispersed—family of contemporary America) will perforce undergo yet further, no doubt disturbing, transformation and evolution; and scriptural pictures of the family offer no immediate relevant models for the direction such a process might take. The question is, then, not what the Scriptures prescribe, for they prescribe little, and that little as often as not presupposes different circumstances than those which obtain in contemporary post-industrial cultures.

The question is rather what sort of principles the Scriptures provide for the fruitful and humane guidance of a process of moral inquiry—guidance presumably governed by, and productive of, love of God and neighbor, and it is highly unlikely that that question can be answered on the basis of the modern, whether “liberal” or “conservative,” picture of how the Scriptures “work.”

B.4.3.1 This sort of situation is, moreover, illustrated by the very debate in which we are presently engaged—the debate about what is now called “homosexuality.” That word is a modern one, coined to refer to a condition or disposition, and not primarily to the actions to which it typically gives rise. (Thus one can do things that homosexuals are prone to do without being counted a homosexual, and the sexual engagements that notoriously occur in prisons whose inmates are deprived of the company of women do not qualify as cases of homosexuality—though, for all we know, they may represent just the sort of engagement that certain scriptural prohibitions have in mind.) The word did not exist in the era when the Authorized Version of the Bible was being produced, nor did a Hebrew or Greek equivalent of it exist in the still earlier eras when the books of the Bible were being written. The “problem” it designates was, therefore, no conscious problem then, and there is no word in Hebrew or Greek that it translates.<sup>10</sup> Hence it is wrong-headed, to say the least, to assume that

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<sup>10</sup> On this score see the discussion of Gareth Moore, O.P., *A Question of Truth: Christianity and Homosexuality* (London & New York: Continuum, 2003), 66–67.

biblical references to same-sex intercourse are contemplating the same issues that nowadays cluster under the umbrella we call “homosexuality.” But in that case one must ask what issues they did contemplate and hence too what presuppositions shaped their questions about human sexual behavior.

B.4.4 Further, traditional Christian practice seems to have operated on the assumption that there are different levels or forms of authority that attach to different categories of scriptural laws. It notoriously saw a difference between most of the regulative injunctions of the Mosaic covenant and the guiding principles of the life “in Christ.” St. Paul mounted a polemic against the principle that obedience to the Mosaic law is the basis of salvation for those who are “in Christ.” Instead, he portrayed the law, under the figure of a *paidagōgos*, as a preliminary and instrumental preparation for the life “in the Spirit,” and further, as we have seen, insisted that it had long stood in tension with the—equally scriptural—Abrahamic principle of faith.

B.4.4.1 This difference had of course to be defined cautiously and narrowly, since otherwise the churches would have found themselves following in the footsteps of Marcion. The latter saw this tension as a straightforward and thoroughgoing opposition between Moses and Christ, and somewhat simplistically failed to grasp Paul’s implicit point that the tension existed *within* the law and the prophets. Marcion thus insisted that the two ways of life are contraries in the strict sense, i.e., mutually exclusive—and so thoroughly inconsistent that it was impossible to believe that one and the same God could be the source of both. Nevertheless, St. Paul’s solution to this tension seems to have prevailed: the history of God with his people moves in stages (so that the law means differently in different contexts), and Christ crucified is the end (*telos*) and resolution to which the Mosaic covenant points. This stance is anything but a rejection of the law and the prophets. Paul could insist that “the righteousness of God has been manifested apart from the law”; but then he instantly adds that “the law and the prophets bear witness” to this divine act in Christ (Rom. 3:21). When he alleges, then, that the law is “spiritual,” what this means for him is that Torah is to be read in the light of and because of the fact that it naturally “leads to” what Paul sees as the “new creation” constituted by the Spirit’s enabling people to live “in Christ.”

B.4.5 This “theory,” as I have called it, naturally had—and has—consequences for any Christian reading of the Old Testament. For

one thing, it clearly implies a hermeneutic for understanding the law and the prophets. They were to be read in the light of the gospel of Christ and for their relevance to it: the key to interpretation of the Mosaic covenant was to be the church's baptismal faith together with the double love commandment (cf. Deut 6:5; Lev. 19:18) into which Christ, following a certain rabbinical tradition, had boiled down the moral teaching of the Old Testament (cf. Matt. 22:37–39 and parallels; with John 13:34–35; Rom. 13:8–10; 1 Cor. 13:13; Gal. 5:14; Eph. 5:2, etc.)—the commandment which he illustrated and established by the manner of his death. The Mosaic covenant was thus seen to stand in continuity with that whose written form eventually emerged in the collection of books titled *The New Testament*. The two covenants, one might perhaps say, were understood to be formally the same, but materially different.

B.4.6 Given these age-old, and surely not yet finally resolved, problems of interpretation, it is not surprising that many plain scriptural injunctions have been—and are—ignored by Christians, including “conservative” Christians. That point scarcely needs lengthy illustration: many or most Christians do not keep the Sabbath holy (Exod. 20:8–11); or treat divorce as impermissible save on grounds of *porneia* (Matt. 5:32); or regard marriage as an inferior but permissible alternative to celibacy (1 Cor. 7:9); or think that they ought personally not merely to assist but to support one's fellow citizen who has fallen into poverty (Lev. 25:35); or avoid the construction of graven images (Lev. 26:1); or refuse to eat shellfish (Lev. 11:10); or decline to sue a fellow Christian in a court presided over by non-believers (1 Cor. 6:1–6). Some Old Testament rulings have traditionally been downgraded as merely “ceremonial” rather than moral—i.e., it has been systematically denied that all God's commandments fall into the category of judgments that are properly “ethical”;<sup>11</sup> but this distinction is a difficult one to apply in some borderline cases, and in any case it does not correspond exactly either with the strictures of Jesus on the tradition of the elders (cf. Mark 7:5, 12, 14–23), or, in some respects, with the Pauline assessment of the historical role of Torah. Others—e.g., condemnation of the practice of taking interest on money (Exod. 22:25;

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<sup>11</sup> The classical Christian view was that such “ceremonial” commandments were to be treated as “types,” as appointed by God to refer forward to—prefigure—the Christian dispensation.

Deut. 23:19; Neh. 5:7; Ps. 15:5); or passages assuming or asserting the rightfulness of chattel slavery (Exod. 21:20f); or commands that require putting to death persons guilty of adultery (Lev. 20:10), mediums (Lev. 20:27), blasphemers of God's name (Lev. 24:16), non-priests who approach the sanctuary and the altar too closely (Num 1:51, 18:7), and individuals who gather sticks on the Sabbath (Num. 15:35)—have simply been ignored, even though all of them have the same claim to obedience as the prohibitions of one or another sort of homosexual behavior—and in some cases maybe even a better claim. Again, there are apostolic rules—for example, the prohibition of eating meat with the blood still in it (Acts 15; cf., *inter alia*, Lev. 19:26)—that Christians now tend to treat as trivial, though clearly they were not considered trivial at the time of their formation. On what ground, then, are some laws or approved species of action ignored? For often they *are* ignored.

B.4.7 “The Bible” then (a) does not contain precise answers to all concrete moral problems; and more than that, (b) many of its injunctions, behavioral and ritual, have been, or have come to be, disregarded by the churches, largely on the (often unspoken) ground that they do not and cannot apply in current circumstances (whatever time and place “current” refers to in a given instance). Hence persons who raise questions about biblical prohibitions of certain species of sexual behavior between individuals of the same gender may be “revisionists”; but they are no more so than many of the prophets—or Jesus, or Paul, or certain of the saints of later times (Athanasius, e.g., or Martin Luther, or the Wesleys, or Wilberforce, or F. D. Maurice, or Martin Luther King, Jr.). In Christian circles, revisionism is traditional, even if, like its contrary, it has sometimes been wrong-headed. The churches have not seldom judged that certain biblical instructions or prohibitions are trivial or pointless in new sets of circumstances (for “circumstances” do “alter cases,” as the old maxim insists),<sup>12</sup> or that the

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<sup>12</sup> Thus in the case of the two prohibitions in Leviticus, one is bound to ask to *whom* the condemnation is directed, and as suggested above, *what* is implied by lying “with a man as with a woman.” These commands contained in the Holiness Code (Lev. 17–26) are addressed explicitly (a) to Israelites (and not to “the nations”); (b) to those Israelites who lived within “the land”; and, (c) in a few cases, to strangers who lived within the land. In other words, these prohibitions, literally understood, did not apply universally, but only to the Lord's people living within the Lord's territory and, where certain (but not all) of the regulations were concerned, to non-Israelites who

principle which governs a particular requirement might not be better maintained by a revision of the law in question; and that some of them may seem, to us at any rate, to bear on matters of ritual purity, and not morality at all. One is bound, therefore, to conclude what has already been asserted above (see B.2.1): that scriptural commands or prohibitions cannot, in doubtful cases, be sufficiently well understood to be authentically obeyed without some form of further inquiry: inquiry as to exactly what a particular instruction intends; as to the principle that governs the instruction; and as to its agreement or disagreement with other principles or instructions upon which one habitually acts. And clearly there may well be circumstances in which such inquiry produces a verdict that a particular injunction has either ceased to apply or is inconsistent with other, more authoritative instructions.

Nor indeed is this a conclusion that is historically confined to Christians of the modern era. It is often forgotten that in the ancient church, the Jewish Scriptures were defended from the attacks of gnostics, of Marcion, and, later, of Mani and his followers, precisely by a policy of “relativizing” forms of behavior and divine commands or mandates that were inconsistent with the moral sensibilities of Christians. Thus Augustine records that there were those in his day who asked on what grounds any persons—and in particular the patriarchs of the Genesis narratives—who “had several wives at the same time and killed people and offered animals in sacrifice” could be reckoned as righteous (*Conf.* 3.7.12). He was compelled, therefore, like Irenaeus before him, to defend the morals of the patriarchs and their descendants; and his defense took the form of a distinction (*Conf.* 3.8.15) between “wrongful actions that are contrary to nature” (*flagitia, quae sunt contra naturam*) and “wrongful actions that are contrary to human customs” (*quae . . . contra mores hominum flagitia*). In the latter category fall rules established by the custom (*consuetudo*) or laws peculiar to a particular city or nation; and these are normally to be obeyed in their native time and place, on the ground of their “congruence” with the social whole in which they function. Such

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lived there. Further, it is not clear what qualification is intended by appending to the condemnation of a man’s “lying with a male” the expression rendered by the words “as with a woman” (Lev. 18:22). It may suggest that the sin of homosexual intercourse consists in treating a male as one treats as female (as I have assumed above), i.e., as a so-called “passive” or submissive partner; or the Hebrew may require a different interpretation.

congruence, however, does not entail that they are inviolable or universal in their scope or in their authority: God can—and, Augustine thinks, clearly does from time to time—command their contraries. Although Augustine plainly classifies homosexual behavior as a violation of natural law, then, he also insists that what was right for the patriarchs may in some cases be wrong for Christians.

B.4.8 All the more reason, then, for wondering whether all particular scriptural prohibitions and injunctions are uniformly and universally applicable, and for recognizing that one cannot treat the Scriptures as offering specific regulations for all the normal occasions of human life in all times and places. Scriptural injunctions respond to questions or issues that arise, or have arisen, or once arose, in consequence of the circumstances of the people who formulated them. Such circumstances, which constitute the framework within which the biblical injunction makes sense, can be more or less universal, i.e., they may be circumstances common to humanity in all, or most, times and places, or they may be circumstances peculiar to a particular time and place. This difference has nothing to say about the seriousness of the issue in question or, for that matter, about the seriousness of the “law” that responds to it. It does, however, have something to say about the range of the law’s applicability. People in one time and place come to the Scriptures with questions or problems that are characteristic of that time and place. Some of these are doubtless all but universal, and others of them are, as one might say, narrowly “specialized.” The question then is whether the Scriptures—created as a library through which the Spirit has spoken, and even now speaks, to reveal and illuminate the multifaceted relationship of humanity to God in Christ and to engage people in that relationship—can, through a weighing and marshaling of the letter and spirit of their instructions, laws, and recommendations, be made to address new, or relatively specialized, circumstances together with the questions such circumstances elicit. If so, they can, as indeed they have many times before, become the source of moral directives that can be appropriated fruitfully to produce fresh individual and social incarnations of the Spirit of Christ.

B.5 Further, however, where the question of the moral legitimacy of homosexual activity is concerned, Christian tradition—and that tradition includes, nowadays, both opponents and supporters of the “regularization” of homosexual behavior—*has as a matter of fact, not confined itself, at least in practice, to the scriptural witness as the basis*

for its assessment of homosexual behavior. It has regularly employed other sorts of arguments, legitimate and illegitimate, in which it adduces, in support of its conviction, premises that are logically independent of the scriptural witness.

B.5.1 One such alternative form of argument—and a very widespread form at that—seeks to render homosexuality morally abhorrent by associating it with forms of behavior that are commonly accepted as wrong or *tabu*. This tactic of denigration can take an indirect form in certain television or film—or for that matter literary or conversational—representations of gay men in which they are portrayed in accordance with accepted stereotypes as marvelously effeminate, chronically “maladjusted,” or, say, cowardly; and lesbian women of course turn out to be “bull-dykes.” More straightforward are characterizations of homosexuals that describe them as “by nature” given to sexual promiscuity, or as habitual abusers of children, and the like. From the point of view of the debate over the morality of homosexuality, such tactics are best dismissed *a priori* as evincing a failure to address the issue at stake. Psychological maladjustment, moral and physical cowardice, sexual promiscuity, and paedophilia are as commonplace among heterosexuals as they are among homosexuals—and, for all anyone knows, more so; yet they are not perceived as characteristics which render heterosexual behavior undesirable or immoral. Nevertheless, one would suppose that what is sauce for the homosexual gander would be equally appropriate for the heterosexual goose; and if it is not, then one can only conclude that in both cases such characteristics must count—to use Aristotle’s language—as “accidental,” i.e., as having nothing whatsoever to do with what it means to be heterosexual or homosexual, and as embodying therefore the logical error our ancestors called *ignoratio elenchi*—not knowing what is being argued about.

B.5.2 Another form of argument consists in an appeal to the likely consequence of an action—in the case at hand, of the regularization of homosexual behavior. There are apparently some folk who believe that homosexual activity is uniquely characterized by its tendency to spread disease (presumably AIDS) and count this as a reason for forbidding it; or that homosexuals, when not abusing children, busy themselves with efforts to “convert” them to a “homosexual lifestyle.” By the same token, it is argued that “permissiveness” with regard to homosexual behavior will lead to contempt for, and destruction of, the

family, or of “family values.” Others of course will argue, on the contrary, that such “permissiveness,” to the extent that it issues in regularization of homosexual behavior, will enrich and broaden the bases of human community. Whether any of these beliefs is justified, the persons who allege them, in appealing to possible consequences of a course of action, are surely employing a legitimate form of argument, even if it does not involve an appeal to the Bible. Assessing what one takes to be the likely results of a course of action is a necessary part of practical wisdom; and, of course, if the assessment leads to a judgment that the action in question—taking a certain medication, for example—will likely have undesirable consequences, that is a ground for thinking the action unwise. To be sure, such a conclusion does not invariably entail absolute refusal or repudiation of the action or behavior being contemplated. One might, for example, tolerate homosexual behavior to the extent that it takes a form that tends to enhance “family values,” or (say) to minimize the likelihood of HIV infections. The possible bad consequences of a particular form of activity are often avoidable—just as possible good consequences may be unusually difficult to bring about.

B.5.3 Even more serious account must be taken of positions or arguments which, like Augustine’s, appeal to “nature” or to “natural law.” This form of argument is, of course, not necessarily divorced from appeals to the Scriptures, and especially in the case of appeals to possible biblical assumptions about an eternal unchanging sexual “order of nature,”<sup>13</sup> or to the Ten Commandments and other injunctions found in the books of Moses, some of which have, since early on in Christian history, been taken as statements, or perhaps reiterations, of the “law(s) of nature” or (what is understood to come to the same thing) of “reason.” St. Paul employs a turn of phrase that belonged to the vocabulary of natural law theory (in its popular Stoic form) when he uses the expression *para physin* (RSV “unnatural”); and traditional moral theology, no doubt in imitation of Paul, has often—more often than not—explicated scriptural statements about homosexual practice in terms proper to one or another form of natural law theory. This appeal, then, entails the belief that there exists another source of positive

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<sup>13</sup> On this score, see R. E. Whitaker, “Creation and Human Sexuality,” in Choon-Leong Seow, ed., *Homosexuality and Christian Community* (Louisville, Ky.: Westminster John Knox, 1996); and below (C.3–3.6).

moral guidance alongside the Scriptures—though, as we shall see, expressions like “unnatural” or “natural law” are capable of more than one connotation, and the word “nature” itself is equivocal to say the least.

B.5.4 What cannot function directly in this role are the sets of cultural attitudes and values—mores, if you like—whose clash is the most obvious source of the present debate; for to allow one of them to function in this way—i.e., as an immediate and authoritative source of moral judgment—is simply to beg the question.

B.5.4.1 There is, as we have just seen, a long tradition in Christian culture that repudiates homosexual practice as “unnatural”<sup>14</sup> (*para physin*), presumably in the proper and classical sense that it is inconsistent with the fulfillment, the ultimate “well-faring” of the human person. This moral judgment, however, has also, for accidental reasons, been closely involved with a further judgment of a somewhat different character: the stereotyping of homosexual men and women as non-“normal”—“perverse” or “queer.” Furthermore, this judgment—a blend, one suspects, of suspicion, contempt, and anxiety in about equal proportions—is better seen nowadays, at least in North America, as a cultural phenomenon that can flourish quite without religious legitimation, whether Christian or other. Its roots lie, perhaps, in an established abhorrence of males who are not “real men” and of females who do not behave as women are expected to behave, i.e., by centering their lives solely and entirely upon their men.

B.5.4.2 Corresponding to this cultural formation and opposed to it is another which is, fairly clearly, one source of the position taken by

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<sup>14</sup> *Tēn para physin chrēsin*: see Rom. 1:26–27, and the discussion below. This terminology derives not from Jewish tradition, and least of all from the Bible, but from the Stoics, for whom “nature” is a word interchangeable at once with “God,” with “fate,” and with “reason,” all of which are names for *the active, formative principle inherent in matter* (Diogenes Laertius, *Lives of the Philosophers* VII.134). Sexual vice, then, is what is contrary to reason-and-nature—contrary in the sense that it is an expression of a “passion,” an impulse or an appetite that has got “out of hand,” gone beyond reasonable limits (*hormē pleonazousa* or *ekpheromenē*). See the treatment of this point below. How Paul understood “nature” is more difficult to determine: compare the use of *para physin* at Rom. 11:24 (the engrafting of the Gentiles onto the “cultivated olive tree” of Israel is “unnatural”) with that at Rom. 1:26–27 or 1 Cor. 11:14 (it is “unnatural” for men to have long hair, but not for women).

the defenders of the “regularization” of homosexual behaviors—one that is rooted in liberal values that have to do with the maximizing of choice and freedom, and that accordingly generate the “permissiveness” whose motto seems to be “Anything goes.” This outlook strikes its opponents as morally frivolous.

B.5.4.3 These sets of cultural attitudes—by one or both of which all of us are shaped to one degree or another—have a way of obscuring the moral issues that underlie their conflict. The first of them has, needless to say, encouraged the treatment of homosexuality as something unmentionable, fearsome, and abhorrent, to be ignored as far as possible or, at best, whispered about—and thus to be suppressed or quarantined, both in ordinary talk and in the actual persons who suffer from “it.” Homosexuality becomes the social equivalent of the worm that lurks beneath the handsome, if cracked and pitted, flagstone of “normal” sexual practice. The hope is that it will never reveal itself, but if it does, it is to be treated, with eye averted and head elevated, as though it were absent—or else be ruthlessly rendered absent. On the other hand, the “liberal” counterpart of the outlook often gives the impression that there are no questions of right or wrong involved in the expression of sexual desires, and that any attempt to provide for a set of constructive, socially sustained sexual institutions and values amounts to nothing more than a form of oppression. In the face of attitudes of these sorts, rational moral argument of any kind seems almost an irrelevance, and an ecclesiastical judgment regarding homosexual practice, whether based on “the Bible” or not, whether favorable or unfavorable to homosexuality, is rather like the tinkle of a clavichord bravely accompanying the blast of a brass band.

B.5.5 It must therefore be asserted and grasped firmly that such cultural attitudes, whether they reinforce a given judgment on homosexual behavior or call it into question, do not represent, and cannot function as, relevant grounds for argument in the current dispute. They are manifestations of particular attitudes and values that already prevail in a society or in some corner or level of it—and also of the universal human tendency to experience deep suspicion in the face of the unfamiliar (and it is not “conservatives” alone who have experience of the unfamiliar and dislike it). In addition, to be sure, they represent occasions and stimuli for reflection and debate. The church’s business with them is, in the first instance, neither to dismiss nor to affirm them, but to test them; and that, in the end, can only be accompanied

by reasoned and critical interpretation and assessment of the scriptural and non-scriptural traditions out of which serious moral arguments have been generated.

B.6 It is reasonable, then, to doubt whether an appeal to the Scriptures alone can settle the issues in this debate. Indeed, by now it ought to be clear that such an appeal does *not* settle them, just as it ought to be clear that the Scriptures are not the dominant source either of opposition to or of support for “gay liberation,” whether among Christians or among non-Christians. Appeal to the Scriptures either functions—to speak charitably—as confirmation of already established attitudes; or else it functions—to speak uncharitably—as a rhetorical ploy that is intended less to persuade or enlighten than (a) to discredit the opposition as despisers of “the Bible,” and (b) to break off rational argument. Such being the case, it cannot be illegitimate or unreasonable for participants in the debate about the regularization of homosexual behavior to employ arguments in support of their positions that draw on other than scriptural sources, e.g., on the traditions of moral philosophy native to all forms of western culture, traditions that derive ultimately from Athens (not to mention eighteenth century Königsburg) as well as from Jerusalem.

### C *The Moral Argument*

C.1 In the mind of Christian tradition, then, what has been taken to be wrong about homosexuality?

It is hardly necessary to say that many honest people perceive homosexual behavior as manifestly wrong. It is only occasionally, however—as I have suggested above—that someone takes it in hand to explain what exactly it is about homosexual behavior that renders it morally “impermissible.”<sup>15</sup> One such—and a very influential one—is St. Thomas Aquinas. He gave thought to the issue of homosexual behavior, judged it wrong, and explained this judgment with his customary precision. His statement of the case is worth examining, therefore;

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<sup>15</sup> It is not, as we have indicated above, an answer to this question simply to allege biblical texts that disapprove of certain forms of homosexual behavior. If it is forbidden or disapproved of, one is bound to inquire what principle such behavior violates, and under what conditions it does so—or tacitly and half-consciously to supply such a principle.

and not least because (a) his objections, or at any rate the terms in which they are expressed, are frequently echoed in contemporary debates; and (b) his arguments embody considerations of precisely the three sorts we have isolated here: arguments from Scripture, from “nature,” and from the “consequences” of permissiveness toward homosexual behavior. In any case, his strictures on homosexual practice represent, better than those of any other author I can think of, the sort of case that can reasonably be made against it.

C.2 The most obvious thing about Aquinas’s treatment of homosexual activity is that he took it to be a genuinely *moral* wrongness. In this he offers a corrective to some kinds of talk that occur in contemporary discussions of this question, where, as I have argued, there often lurks an inarticulate assumption that the “wrongness” of homosexual activity is simply *tabu* rather than immoral in the ordinary sense. Thomas is also clear that the wrongness in question attaches to behavior (and not to “orientation” or “condition”)—behavior which, if habitually engaged in, evinces and encourages an excessive addiction, as he sees it, to sexual pleasure, *luxuria*.<sup>16</sup> In this way he introduces a form of what we have called the argument from the consequences of homosexual practice. He has no word to refer to a rooted disposition or “orientation” rather than to a kind of deed; and for this reason he illustrates the position that judgments of homosexual behavior always have to do with the particular decisions and actions of people considered as voluntary moral agents.

C.3 At the heart of Aquinas’s argument lies the allegation that homosexual activity is “contrary to nature.”<sup>17</sup> This appeal to “nature,” however, requires some explanation and exploration here, since the meaning of “nature” in the expression “contrary to nature” varies radically in practice, depending upon whose usage one examines. As we

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<sup>16</sup> In Latin this term connoted “riotous living.” The Vulgate of Gal. 5:19 uses it for *aselgeia* (“licentiousness”). Aquinas defines it (Thomas Aquinas, *Summa theologiae* [ST] II<sup>a</sup> II<sup>ae</sup> q. 154 art. 1): “. . . *luxuria* consists in a person’s enjoying venereal delight in a way that does not conform to right reason.”

<sup>17</sup> Aquinas is well aware that this sort of language is employed by Paul in Romans 1. But while he understood his argument to explicate and confirm Paul’s position, he does not rest his case on apostolic authority—and for the very honest reason that, as the very phrase *kata physin* intimates, even Paul’s judgment concerns in this case a matter that falls within the realm of “nature” (i.e., in the realm of human reason’s full and independent competence), not that of “grace.”

shall shortly see, Aquinas's understanding of the term is derived from the physics and ethics of Aristotle and, further, has certain affinities with Stoic teaching on the subject. It represents, in short, a reflectively and critically elaborated concept. To be sure, the term "natural" is and has been, more often than not, employed to mean nothing more than "what 'we' understand to be normal"—i.e., the inherited *status quo*, frequently attributed to the creative intent of God, and thus seen as sacred. Aquinas in the *Summa theologiae*, however, employs "nature" in a technical philosophical sense. This may also explain why in that work he does not appeal directly to Romans 1:27 to justify his talk of "nature," even though he was aware of its relevance. If he passes over it here, it is most likely because his own understanding of the meaning of "nature" had other, more explicit, sources than the letters of the Apostle. In fact his usage is determined by, and rooted in, the moral theories of Aristotle.

C.3.1 I have suggested above that the prevalent sense of "nature" in Hellenistic-Roman moral discourse was most immediately derived from the Stoics. For them, "nature" meant the active, rational, and formative principle that pervades the world-system and is also called "God," "Fate," "Zeus," or "Reason" (*logos*): a kind of cosmic soul with fixed, i.e., absolutely unyielding, policies.

In developing this idea, the Stoics were, whether consciously or not, drawing on, and at the same time significantly revising, Aristotle. The latter had entertained a similarly dynamic notion of nature. He had understood "nature" to mean "a principle of being moved and of being at rest," i.e., a principle of growth and change<sup>18</sup> ordered to an end. Such a principle is (a) a constitutive factor of the individual item ("thing," "substance") to which it belongs, and so (b) belongs to that item in virtue of its essential "what," and not "accidentally." The item in question is always an individual substance, i.e., a something-that-is-a-subject of attributes and not an attribute of anything else. Hence, says Aristotle, the expression "in accordance with nature" (*kata physin*) applies both to these individual substances themselves "and also to the attributes which belong to them in virtue of what they are." Things that are what they are naturally (i.e., that have within them

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<sup>18</sup> It is worth noting that the Greek equivalent for "nature" is derived from a verb meaning "to grow."

such a “principle” of change and stability) are on this view to be distinguished from things that exist by “art,” for the latter, says the Philosopher, have no “innate impulse to change.”<sup>19</sup>

C.3.1.1 The Stoic “nature,” then, as the internal—moving and formative—principle of the universe as a whole, is something like Aristotle’s “nature,” but different from it in at least three significant respects. In the first place, the Stoics’ nature is the interior directive force of the entire system of things, and not merely of particular sorts of things within the cosmos. In the second place, the Stoic vision is thus that of a single, universal, dynamic, and divine nature that rationally and fully determines the order and course of all things, whereas Aristotle saw nature as a tendency with a “thing” of a certain sort to grow or change in a certain direction “always or for the most part.” Thus Aristotle would never have described nature as “fate,” because he observed that in fact it did not always have its way or reach its goal (whether because of chance occurrences or perhaps because of human interference). In the third place, the Stoic picture of nature differed from nature as Aristotle conceived it because while Aristotle envisaged nature as seeking ends or having aims (different ones for different sorts of things), he did not think that this tendency toward a certain *telos* had to be conscious or voluntary.<sup>20</sup> What he did think, and what most clearly distinguishes his views from those of post-Darwinian thinkers, is that the natures of things, principles of growth and change though they be, are permanently fixed.

Finally there is a similar difference between the Stoics and Aristotle on the subject of “law.” For Stoics, the expression “law of nature” referred to the divine Reason which is the inherent Rationale—both these English words can be used to render the Greek *logos*—of things, the “sense” that the universe makes because it is the immanent “sense” that makes the universe what it is. Furthermore, human reason is a “spark” of—a “moment” in—this divine Reason; and therefore

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<sup>19</sup> For all this, see Aristotle, *Physics*, II.1 (192 b 8ff.). Notice that one Greek word (*kinēsis*) renders the English terms “motion” (as in space) and “change” (as of quality or relation).

<sup>20</sup> Aristotle (*Physics* II.8 [199 b 25ff.]) believed that “nature is a cause . . . that operates for a purpose.” But he also insists that “it is absurd to suppose that purpose is not present because we do not observe the agent deliberating”; and it is the latter sort of “purpose” that nature, for him, embodies.

what is “natural” is perforce identical with what is “rational,” at the level both of the cosmos taken as a whole (macrocosm), or of the small-scale part of the cosmos that is the human person (microcosm).

C.3.1.2 Aristotle, however, employs the word “law” primarily and almost exclusively to refer to the rules embodied in the constitutions and regulations of human communities as he knew them—the several versions of the Greek *polis*, in short. What he sees in “nature” is not a law or laws, but the kinds or ways of being and changing that are proper to different sorts of substance (*ousia*). There is no doubt, then, that inquiry into the “natures” of things is basic to an Aristotelian ethic; for it provides not some logical component of the “rationale” that governs the way things work out (e.g.,  $E = MC^2$ ) and so a “law” in that sense, but a picture, more or less correct, of what a particular something is, and therefore of what would be the best possible state of this particular sort of being (i.e., what would make it “excellent” or “virtuous”). This question reason can answer *reasonably* well, and in so doing issue advices (laws?) that define the way to that goal; but there is for Aristotle no given identity of reason and “nature,” and “reasonably well” does not mean “not subject to correction.”

C.3.1.3 To sum up: for Aristotle “nature” refers primarily to the sort of “principle” by which an acorn becomes an oak tree, or by which a heavy object tends to fall: it represents a determination of what something is and “seeks” to become—a kind of “read-only” operating system suited to a certain kind of species or being.<sup>21</sup> Furthermore, in inanimate things, and indeed in most animals, their natures operate impersonally and non-deliberately. In other words, “nature” is the name of what ordinarily comes about when things are left to themselves (cf. Mark 4:27–28 and use there of the word *automatē*) and when chance does not intervene to frustrate nature’s process.

C.3.2 Human beings, however, do not work in this way: their operating system is designed to reflect upon itself and embodies feedback

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<sup>21</sup> Thus Aquinas too can explain that the Latin *natura* (= “nature”) most basically—i.e., etymologically—means “birth” or “generation” (*nativitas; generatio viventium*). Thus by derivation it means the principle, the determinant source, of such generation, which is internal to the being or substance in question. Then, by further derivation, it means “an intrinsic principle of change and motion,” which is also the thing’s “what” (*essentia*) considered as the final cause of its activity (see *ST III* <sup>a</sup> *q. 2 art. 1*). The closest contemporary equivalent of “nature” in this sense is probably DNA.

mechanisms, in consequence of which they are said to deliberate and choose. Hence the Aristotelian and Platonist traditions, of which Aquinas was a notable heir and representative, classically emphasized a certain capacity of human beings for self-determination (*autexousia*) and developed a polemic against what they took to be Stoic “determinism.” Representatives of these traditions came to think that nature proceeds about its business in two different ways.<sup>22</sup>

C.3.2.1 On the one hand, in lower animals and non-living things, nature does indeed do what it does automatically or by way of instincts, without the involvement of any factor of conscious decision or choice. It is, in these cases, true to itself all but effortlessly: i.e., nature at this level is pre-programmed (even if the phenomenon of chance occurrences means that it is not always predictable); and Christians of course added that its programmer is the Creator God. Let us call this “nature<sub>1</sub>.”

C.3.2.2 On the other hand, human beings (and in principle any other rational creatures endowed with the capacity for some degree of self-determination) are capable of acting in ways that deny or frustrate their own nature. As we have seen, what is natural for humans—in the sense of “nature”—includes a determination of the way in which their nature is fulfilled: i.e., voluntarily. *For them, “doing what comes naturally” is therefore to a significant degree<sup>23</sup> a matter of choice, and to the extent that this is true, it becomes a moral issue.* Excellence or “virtue,” and the good state of being at which it aims, is therefore a voluntarily constructed set of habitual dispositions that constitute what has been

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<sup>22</sup> See Aquinas’s argument in *ST I<sup>a</sup> II<sup>ae</sup> q. 1 art. 3*, where it is said that all agents seek an end, a determinate result of their action. “But this determination, just as in a rational nature it comes about through rational appetite, which is called ‘will,’ so in other beings it comes about by natural inclination, which is called ‘natural appetite.’” Indeed Aquinas can simply distinguish “natural” motion from “voluntary” motion (*ST I<sup>a</sup> II<sup>ae</sup> q. 6 art. 1 ad 3*). Richard Hooker follows Aquinas when he says that “those things are termed most properly natural agents which keep the law of their kind unwittingly, as the heavens and the elements of the world, which can do no otherwise than they do; and . . . we give unto intellectual natures the name of Voluntary agents” (Richard Hooker, *Of the Laws of Ecclesiastical Polity* I.3.2). Hence, Hooker reasons, it is necessary to “sever the law of nature observed by the one from that which the other is tied to.”

<sup>23</sup> This qualification is necessary because, of course, many of the functions of human nature are carried on automatically: one does not “decide” to breathe, or for that matter to have sexual desires.

called a “second nature”: a further determination of nature that is, one might say, a piece of supplemental software consistent with the remarkably flexible human operating system. One might even call it a piece of art. For this reason Aristotle denies that human excellence (*aretē*, commonly rendered “virtue”) is simply a product of nature; rather, says he, “we are adapted by nature to receive [the excellences] and are made perfect by habit.”<sup>24</sup> Human nature aims at these excellences, then, but does not possess them naturally, if “naturally” means automatically. This “second” nature, however, which we may usefully call “nature<sub>2</sub>” is the carrying out, the completion, of the human project initially sketched out in nature<sub>1</sub>, and—to repeat an essential point—it marks out the realm of moral action, i.e., of human responsibility.

C.3.3 It is true, then, on this view, to say that human beings, like rocks and insects and lions, have a “nature” that is proper to them. This nature is, moreover, on Aristotle’s view, a fixed nature: a specific determination of a way of being and acting that seeks an end, i.e., a certain fulfillment that is proper to human beings. Aristotle called this fulfillment “the good” and defines it as “faring well” or “happiness” (*eudaimonia*). The means to this end are the excellences or virtues, which consist in dispositions to act in ways that aim at the “end” proper to (human) nature and to its several subordinate natural motions. That end, the good for human beings, is thus what determines what is virtuous and vicious, right and wrong, for humans.

C.3.4 On this view, the (subordinate) motion or motions—call them “desires”—that issue in sexual activity are assuredly natural in the first and basic sense. They are therefore in themselves “okay”—i.e., innocent or non-harmful—but neither blameworthy nor praiseworthy, because they are not matters for choice. This does not imply, however, that all sexual engagements between two parties are “good” in the sense that they are productive or expressive of virtuous dispositions, nor indeed does it entail that all ways of institutionalizing sexual engagement are morally optional. The question for Aristotle was that of the aim or end the sexual impulses seek; and the basic answer to that question seemed to him perfectly clear. The reason, he says, why sexual differentiation of male and female exists is “that the race may

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<sup>24</sup> Aristotle, *Nicomachean Ethics* II.1 (1103 a 19ff.); cf. III.5 (1114 b 16ff.).

continue”; and to this end “humankind have a natural desire to leave behind them an image of themselves.”<sup>25</sup>

In saying this, Aristotle is following his normal method of determining what counts as “natural.” To ascertain the natural end or aim of a certain function or activity, he consults what for the most part occurs as the result of the activity in question (acorns for the most part produce oaks when not interfered with: e.g., when not consumed by squirrels); he consults function (the function of the growth-activity of an acorn is production of an oak tree); and he consults the welfare of the species in question (in this case, the maintenance or increase of the population of oak trees). On this ground it is reasonable to say that what sexual differentiation is for, what it aims at, is procreation<sup>26</sup> (on the assumption, of course, that in this case it is the normal physiological outcome and function that define what is natural). And by the same token, it is reasonable to argue that sexual activity which does not aim at procreation is not natural—Aquinas’s conclusion<sup>27</sup>; Aristotle as far as I know does not raise the question. To be sure “natural” and “unnatural” here refer to activities that fall into the realm of “second nature,” i.e., that of the (voluntary) “completion” of nature<sub>1</sub>; and Aquinas’s negative inference is a judgment that falls into the realm of

<sup>25</sup> Aristotle, *Politics* I.1 (1252 a 25–30). Cf. the remark of Nicholas Wade (*New York Times*, “Week in Review” of Nov. 7, 1999, 1): “The most basic of all nature’s games is getting as many of one’s genes as possible into the next generation.”

<sup>26</sup> See Aquinas, *ST* II<sup>a</sup> II<sup>ae</sup> q. 153 art. 2: the good that venereal activity (*usus venereorum*) seeks is that of “human generation.” Sexual intercourse is therefore not a sin—though to be sure it is a lesser good (*minus bonum: ibid.* ad 1—since “use of woman casts the soul down, not from virtue, but from the height . . . of virtue”).

<sup>27</sup> Aquinas, *ST* II<sup>a</sup> II<sup>ae</sup> q. 154 art. 11 (cf. I<sup>a</sup> II<sup>ae</sup> q. 94 art. 3 ad 2) summarizes Aquinas’s position. He classifies homosexual *behavior*—as noted above, he exhibits no awareness of what is nowadays called “sexual orientation”—as a particular variety of what he calls the “vice contrary to nature,” which in turn is classified as a species of *luxuria*, whose “matter” is “venereal desires and delights” (*ST* q. 153 art. 1). Aquinas’s answer to the question what is wrong with homosexual acts is thus twofold. At the generic level, it consists, he says, in “intercourse (*concupitum*) with the wrong sex”; and like all other vices classified under the general head of *luxuria*, such intercourse is contrary to “right reason.” Specifically, like the other varieties of the “vice contrary to nature” (viz., masturbation, bestiality, and the employment of “monstrous and bestial” methods of intercourse), it “is contrary to the natural order of the venereal act that is proper to the human race.” By this, of course, he means an act that “aims at human reproduction (*generationem humanam*),” to which he opposes any act that aims merely at “venereal delight,” overindulgence in which he thinks weakens the character.

talk about nature<sub>2</sub>: it represents the conclusion of an argument about what is and is not truly consistent with nature. It is further consonant with, and to some extent supported by, Aquinas's view (and not his alone) that the pleasures of sexual activity (*delectatio venereorum*) are the most intense and fervent of pleasures,<sup>28</sup> and the most liable, therefore, to dissolve or consume the mind.<sup>29</sup> Sexual activity, even that which counts as "natural," is at best dangerous, then, and the urge to limit indulgence in it by reference to its fundamental physiological aim of procreation becomes understandable.

C.3.5 In considering the meaning of "unnatural" in Aquinas's analysis, however, one must not forget that he adds something to Aristotle's picture: namely the belief that since God is exclusively responsible for nature, the "natural" represents the will of God; and since, as we have seen, natures are fixed, so is God's will. It is, as Richard Hooker would have it, God's "commanding those things to be which are, and to be in such sort as they are, to keep that tenure and course which they do," that is "the establishment of nature's law."<sup>30</sup> No doubt it is true that in the case of "all beings that lack reason," the keeping of the law—the pursuit, that is, of their own natural end—is guided directly by the will of God,<sup>31</sup> whereas human beings guide their own actions toward nature's end by their own "rational appetites." In both cases nature represents not merely an indispensable operating system whose *modus operandi* specifies the basic general conditions for the welfare—the good—of beings of a certain type: it also has the value of a divine command because God is the Author of nature. One has to play along with the operating system, or risk infinite frustration; but more than that, one must obey the good Designer whose will it represents. And surely, once all this is said, it is easy to see in the story of the creation of humanity in Genesis 1 a close connection between "male and female he created them" and "be fruitful and multiply"—in other words, to see a reiteration of Aristotle's notion that the distinction of the sexes is for procreation and, if only by implication, a confirmation of Aquinas's insistence that homosexual activity is contrary to "nature."

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<sup>28</sup> Aquinas, *ST* II<sup>a</sup> II<sup>ae</sup> q. 153 art. 4.

<sup>29</sup> Aquinas, *ST* II<sup>a</sup> II<sup>ae</sup> q. 153 art. 1 (*Maxime autem voluptates venereae animum hominis solvunt*).

<sup>30</sup> Hooker, *Laws* I.3.3.

<sup>31</sup> Aquinas, *ST* I<sup>a</sup> II<sup>ae</sup> q. 1 art. 3 ad 3.

C.3.6 Here, then, is a brisk account of the ideas that lie behind and inform the traditional judgment that homosexual activity is “unnatural.” It seems to involve three separate, or at any rate distinguishable, objections. Homosexual activity is wrong because (a) it does not and cannot result in procreation; (b) it does not occur between male and female; and (c) given these circumstances, it can only represent an excessive addiction to the physical pleasures of sex. (Implicit in these judgments—at any rate for Aquinas—is the further stipulation that “between male and female” means “within the bonds of marriage,” since fornication and adultery are also sins of *luxuria*, i.e., actions which stem from, and reinforce, addiction to the sexual act considered merely in itself as opposed to concern for the fulfillment of its natural function.)

#### D *The Argument Weighed*

D.1 How reasonable are these objections, and to what extent are they consonant with, or demanded by, the Scriptures?

D.1.1 To sum up: on the view stated by Aquinas, what makes human sexual acts rational and natural is, first of all, their fulfillment of a certain function, that is to say, the function of the procreation of children; and second, their occurrence between partners of opposite sexes (for performance of a sexual act with the “wrong” partner fails to carry out the function stated). Thus in Aquinas’s view, right reason (and hence, as every good Stoic would understand, nature, since nature is the cosmic Reason) teaches (a) that partners in the sexual act must be male and female, and (b) that nature’s aim in the acts of this sort is the procreation of children.

D.1.2 Now even Mr. Macaulay’s celebrated school boy might well have known that men and women, in this and any other time one might name, regularly engaged in sexual intercourse without intending procreation or necessarily being much interested in it. Men and women, after all, indulge in sexual intercourse even when it is thought that one or other of the partners is unable to fulfill his or her function in procreation. Even if procreation is not out of the question, moreover, they frequently risk sexual intercourse when they would be sorry to see conception result; and they also do it—especially in more recent times—after taking steps to assure that no conception is likely to eventuate.

The question is bound to arise, then, as to why human beings frequently engage in sexual activity without an interest in procreation: why nature's "aim" is not more widely coincident with that of individual human persons.

D.2 Part of the answer, obviously enough, is that the sexual act is normally pleasurable to both parties at a purely physical level; and some might argue that the joy of sex (to allude to the title of a popular illustrated manual) is nature's—or God's—way of assuring that human beings will procreate; for if the sexual act were regularly laborious, unpleasant, or boring, rational beings might never get around to reproducing. To this issue of pleasure we will return later, keeping in mind Aquinas's view that pleasure of this intense sort, especially if inordinately indulged, tends to lead to a sort of mental melt-down, not perhaps unlike that occasioned by regular overindulgence in alcohol, or regular use of certain drugs. It is worth pointing out, moreover, that indulgence in the pleasures of sex bears a certain analogy to indulgence in the pleasures of eating: in both cases, there is a "natural" end to be compassed (reproduction of the species on one hand, and the nourishment of bodily life on the other), and by the same token there is in both cases a traditional tendency to think that such indulgence should be strictly limited to the fulfillment of that function.

For the moment, however, it might be useful—indeed it is necessary—to ask whether sexual activity in the case of human beings can have meanings beyond its natural, i.e., its physiological, "function"; or, to put the matter more carefully, whether it can have "aims" or "goals" (*teloi*) at the level of nature<sub>2</sub>.

D.2.1 This is a significant question, for the simple reason that human beings are not the only animals that come in male and female versions, and yet they seem, in one respect, to carry on the business of sexual relations in a very different way from most other species—and this precisely because their "nature" is in this respect underdetermined. It may be that some other sort of animals enjoy their exercise of the male and female role in procreation as much as most humans do (though a statement like this may in some cases do no more than exhibit the workings of the pathetic fallacy); but it appears that they do so for the most part only by special assignment (as in the case of a queen bee), or on a fixed "seasonal" schedule. Their sexual activity is "natural" in the first sense of that term: it works on the whole automatically or by instinct. Humans on the other hand seem to be

susceptible to sexual arousal under almost all ordinary circumstances and, therefore, to have no built-in restrictions on indulgence in sexual activity.<sup>32</sup> No doubt it is for just this reason that human beings have found it useful to restrict sexual activity by custom or law: i.e., to have what might be called sexual “institutions,” which are performative at the same time social institutions, like the various forms of marriage, concubinage, or prostitution. These invariably fall into the realm of nature<sub>2</sub>; they represent the “organization” of sexual activity in a collective, social, or cultural, as distinct from an individual, form; and as such they are susceptible of moral judgment as virtuous or vicious.

D.2.2 This supplementation of nature by culture entails, however, that human sexual relations are invested with meanings that go beyond their procreative function.<sup>33</sup> Indeed, many sorts of human action or gesture, and not just sexual behavior, regularly assume levels of meaning beyond their natural function. One commonplace and usefully trivial example of this is belching—a not-wholly-controllable act which in some cultures is regarded as rude and vulgar when it occurs in public, but in others, when indulged in after a meal, is seriously reckoned a polite compliment to the cuisine, with the inevitable consequence that people train themselves to be able to belch even when the state of their digestive apparatus does not demand it. Belching acquires, then, a social meaning that is of a different order from its physiological function. It takes on the function of easing and furthering positive relationship between persons. One might nevertheless reasonably maintain, on Aquinas’s principles, that such polite belching, when the act is not physiologically necessary, and especially if it is pleasurable, is culpably “unnatural.”

Thus most human actions that occur at a physical level are invested with meanings of a different order from that of their physical effects, i.e., their effects at the level of nature<sub>1</sub>; and *these meanings*

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<sup>32</sup> Augustine regularly pointed out that such arousal is not normally a matter of choice, i.e., of the action of the human will, and often occurs “against the will” of the individual in question. He judged that this situation, in which mind and flesh, will and instinct, seem all at loggerheads, was an effect of the sin of Adam and no part of “nature” proper. His ideal, however, was not abolition of indiscriminate susceptibility to sexual arousal, but the subjugation of sexual instinct to voluntary and rational control—the very end sought, if not achieved, by social regulation of sexual activity.

<sup>33</sup> Thus, for example, adultery in the Scriptures—the infidelity of wife to husband—traditionally “meant” a serious violation of the husband’s property rights, i.e., those of the continuing “name” or “family” that he represents.

*have to be taken into account if the “reason” of the act is to be understood.* More than this, however, many such actions are all but entirely symbolic. Handshakes do not always or often have a “function” at a purely physiological level; even politicians, one suspects, derive no physical pleasure, not to speak of physical benefit, from “pressing the flesh” of their constituents. Consider hugging, waving, holding hands, slapping backs, or being kissed on both cheeks by a French major general: these and other acts like them are surely not inconsistent with the *nature* of human beings in Aristotle’s sense; yet their end is not natural in the sense that they have a *physiological* function. “Physical” (which was originally a Greek way of saying what the Latin called “natural”) they may be, but their aim and end, whatever it is concretely in each case, lies in the realm of human relations, in that of “second nature.” For human beings, as we may usefully reiterate, are not naturally determined in their behavior, sexual or otherwise, to the extent that most other animals are. Human females do not, like pandas, come into heat at specific intervals for a specified period of time; or, like certain insects, automatically set about consuming their mates. Perhaps it would be better if humans could enjoy such innocence and did not have to make something of their nature—to carry it out, as it were, in the way a master builder carries out the idea of a basic architectural sketch; but apparently they do.

D.2.3 Aristotle, then, and St. Thomas, not to mention a host of other authorities, were right when they observed that the differentiation of the sexes “aims” at procreation, in the sense that it functions to reproduce the species. Nowadays, of course, there are other, non-“natural” ways of achieving this end such as by artificial insemination or *in vitro* fertilization; and reproduction therefore no longer, strictly speaking, requires the act of sexual intercourse. Nevertheless men and women persist in engaging in sexual intercourse, and one is bound to inquire why this is the case if procreation is its sole “aim.” Why does it not go out of fashion in the face of more convenient alternatives, as the hand-scrubbing of laundry did after the advent of washing machines? Might it be, then, that the sexual act, in the case of human beings, intends and signifies more than simply the production of babies? Might not one primary felt meaning of it lie in the realm of relations between persons (which is after all precisely the realm of meanings), and might not that intent be equally natural to the species, even if it falls, not within the category of the instinctual or “automatic” (nature<sub>1</sub>) but within that of the voluntary and (therefore) the moral (nature<sub>2</sub>)?

D.2.4 This suggestion is rendered the more plausible when one notices that those who nowadays hold Aquinas's view or some form of it allow that sexual intercourse is permissible as long as no artificial—i.e., non-“natural”—obstacle is put in the way of conception.<sup>34</sup> Not all Christian teachers would have approved such a view, of course. St. Clement of Alexandria thought that older married couples, if they had done their no doubt unpleasant duty in the matter of producing offspring, might do well, as a reward for their diligence, to give up sexual intercourse altogether; and this view was in perfect accord with the general attitude of early Christianity, which saw marriage, and the worldly pressures and constraints of family life that inevitably accompanied marriage, as permissible for the sake of the species' continuance, but certainly not as an ideal state for a follower of Christ. Nowadays, however, when sexual intercourse is commonly regarded as a “good thing,” it is widely supposed that if sexual partners take no active step to prevent conception, and if procreation might in principle occur, then sexual intercourse counts as “natural” and hence to that extent licit—and this even if neither partner wishes conception to occur, even if conditions are present which assure that it will not, so long as neither partner is responsible for those conditions, and even if one or both partners are beyond the age when conception is likely or possible.<sup>35</sup> Such an attitude seems to imply, however, that the sole effective condition of legitimate sexual intercourse is the one stated in the rule that the partners must be of the opposite sexes, since the requirement that the act must aim at procreation is at best a requirement in principle and not in practice.<sup>36</sup> In other words, it is a necessary condition of licit sexual intercourse that one partner be a man and the other a woman; and it is a sufficient condition of licit intercourse that the sexual act take place within the bonds of marriage. *In fact a modern sensibility habitually subordinates procreation to other*

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<sup>34</sup> This is the present official position, as I understand it, of the Roman Catholic Church. This church opposes, for example, the use of condoms to stem the tide of the AIDS virus, believing that permission to practice birth-control is equivalent to acquiescence in promiscuity.

<sup>35</sup> In Aristotle's day, of course, and indeed until relatively recently in the span of human history, the likelihood of a person's reaching such an age was slender indeed. Concern for the sexual life of septuagenarians was not lively before very recent times.

<sup>36</sup> In the case of Christian bodies like the Anglican Communion and the Episcopal Church, that allow the use of contraceptives, the requirement no longer obtains even in principle.

*functions of the sexual act*, and the church does not, at least openly, challenge this attitude.

D.3 The church's traditional position seems an odd one, then. At least in Aristotle's view and that of those whose perception has conformed to his, the distinction of the sexes exists to further reproduction of the species: that is the essential "why" of its existence. That is also the reason why Christian tradition has held that the partners must be male and female if the sexual act is to be morally licit. If, however, one supposes that sexual intercourse can be morally licit even if reproduction of the species is not its conscious aim; and if further one grants, as many Christian bodies do, that it is permissible to take steps to assure that contraception will not result from the act of intercourse; and if, finally, one notes that in principle sexual intercourse is no longer necessary for the reproduction of the species—if these conditions are all fulfilled, on what ground can it be held that the partners in sexual activities must be of different sexes? Indeed one might, as we have seen, ask whether and why it would not be more proper to dispense with sexual intercourse altogether—heterosexual as well as homosexual—if its sole permissible function can more easily and predictably be undertaken by other means. To be sure, the result of such a policy might be nothing more than the trivializing of sexual activity—i.e., its reclassification as a universally accessible form of (adult) entertainment. On the other hand, such a policy might open the way to discovery of the value—perhaps even the sacredness—of sexual relations at the level, not of physiological function, but of the moral character and quality of a specific type of human relationship (nature<sub>2</sub>).

### E *Is Homosexuality "Natural"?*

E.1 Is it reasonable, then, to assert that venereal activity involving two persons of the same sex can also be *natural*? The question is much more complicated than might at first appear and must be approached cautiously; for the words "nature" and "natural" have—as by now should be plain—more than one meaning.

E.2 Most defenders of the appropriateness of homosexual activity are firm in believing that homosexual proclivities are *given* in the sense that in the experience of the individual they are "just there." What this means is that, for any particular individual, sexual desire, when it is aroused, is predominantly, and perhaps even exclusively,

aroused by other members of the same sex. Desire thus shaped or focused may be indulged in or not, but it is not consciously originated: it is simply the form in which the individual's sexual impulses appear. In other words, these impulses are experienced as physical and psychic "motions" (to use Aristotle's term) that are non-voluntary—i.e., "motions" whose origin is not associated with any conscious deliberation. Given this sort of experience, it is not surprising that homosexuality should frequently be defended on the grounds that it is "natural": i.e., an impulse that reflects the make-up, the sexual "operating system" of a certain recurrent variety of the human species. Such a judgment corresponds to the Aristotelian view that the word "nature" primarily denotes what something is, and so names a dynamic that "on the whole" pursues its ends without reference to human willing. On this view, homosexuality (the condition of individuals who have a built-in sexual proclivity for persons of the same sex) is neither blameworthy nor praiseworthy—it does not fall into the category of things susceptible of being moral or immoral, but is nevertheless in itself "okay."

E.3 Now it need hardly be said that there are many who are eager to deny any claim that homosexuality can be labeled "natural" in this sense, and who deny it the more emphatically when it takes the form of the not infrequent allegation that homosexuality is wholly or in part determined by an individual's genes. Taking up the challenge presented by the claim described above, they argue that homosexuality is a matter of *choice*—thus, perhaps without noticing it, reiterating the opposition between the natural and the voluntary presupposed by their opponent's argument. In this respect, moreover, it differs—so the argument continues—from heterosexuality, in that the latter is not a matter of choice. Heterosexuality is the form that sexual desire normally and regularly assumes in all humans, and is therefore by definition "natural" (in the sense of nature<sub>1</sub>). This conviction therefore entails the belief that to choose to engage in homosexual behavior is automatically perverse in the sense of being against one's own "nature."

E.4 Here then is a well-known and serious conflict of opinion, which turns on the one hand on the question of what is meant by calling a sexual proclivity "natural" and, on the other hand, on the meaning of "choice." Consider the latter issue first.

E.4.1 When it is said that homosexual behavior is a matter of choice, there is at least one sense in which this statement is plainly true. Any

individual may desire or intend to have sexual relations with a particular person at a particular time; but she or he has to make a decision to initiate or consent to such an action. Taken in this sense, however, the proposition is true of any sort of sexual activity, and therefore of the actions of heterosexual individuals as well.<sup>37</sup>

E.4.2 Obviously, though, the proposition “Homosexuality is a matter of choice” is not referring to this species of choice. A person could, after all, in principle decide and so “choose” to have sexual relations with an individual of the same sex on a series of different occasions and yet not be, or be thought of as, homosexual.<sup>38</sup> What the claim wants to suggest is that the tendency—to use the term I have used above, the “proclivity”—to prefer persons of the same sex as sexual partners is itself a matter of choice. In other words, one may speak of homosexuality as an “orientation,” but—so the argument goes—the orientation in question is consciously chosen. In this respect it differs from a heterosexual orientation, at least for those who advance this hypothesis; for they assume that the latter, being “natural,” is not subject to choice. On this view, everyone is heterosexual by orientation, while by contrast homosexuality is (it would seem) an artifice, or perhaps an affectation or—as the phrase goes—a “lifestyle,” the adoption of which does not affect, even if it contravenes, the normal and therefore presumably “natural” sexual “preference” of all human beings.

E.4.2.1 There are several difficulties with this position. The most obvious and most widely alleged is the growing body of evidence that tends to confirm the all-but-unanimous report of homosexuals who say that their “preference” for partners of the same sex comes to birth hand-in-hand with sexual desire itself. This does not mean, to be sure, that homosexuality is simply and exclusively a matter of one’s genes. It does imply, however, that there is a genetic factor that plays a part in the origination of homosexual proclivities; and this tends to confirm the testimony to their deep-seated and “given” character—whether or not one gives credence to the claim that in humans homosexual behavior is “natural” is the sense of nature<sub>1</sub>.

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<sup>37</sup> The only sort of case in which this would not apply would be one of (homosexual or heterosexual) rape.

<sup>38</sup> Imprisoned felons, it seems, often behave in just this manner—and at the same time would deny that they are “homosexual.” Moreover their disclaimer would normally be accepted.

E.4.2.2 There is, however, a second problem in this connection, and one that has hitherto been given little if any attention. This has to do with the logic of the word “choice,” for the “conservative” position seems to undermine the ordinary meaning of that word, and consequently to render any choice of homosexuality inexplicable. Though it characterizes homosexuality as something “chosen,” it seems in the same breath to deny that any real choice is available. If everyone is really—basically and naturally—heterosexual, and therefore surely heterosexual by inclination, it is difficult to see (a) how homosexual orientation can logically qualify as a matter for choice; or (b) how the *question* whether “I” should “be homosexual” might arise; or in any case, supposing that the question does arise in spite of everything, (c) what motive would induce a person to choose a lasting—or even an occasional—preference for, or proclivity toward, a same-sex mode of intercourse. In other words, the position in question cannot give an account of how and why habitual homosexual intercourse—or for that matter, intermittent homosexual behavior—might present itself as an alternative, and least of all as an attractive alternative to what everyone, by hypothesis, already is.

E.4.2.2.1 “Choice” after all is commonly held to denote a decision to favor one or the other of two (or more) equivalent alternatives, either of which may in principle be preferred: e.g., beef or chicken for dinner; automobile or train for commutation to and from work; *p-qb4* or *p-k3* as a response to *p-k4* in the opening move of a chess game; medicine or plumbing and heating for a career.

E.4.2.2.2 Now obviously “equivalent” here means simply (a) that the two alternatives are both available, and (b) that both satisfy a single general description (both are foods, e.g., or modes of transport, or occupations). It does not necessarily mean, however, that for any given individual both carry equal weight. A chess grandmaster may always prefer *p-k3* to *p-qb4*, just as a given commuter may always prefer train to automobile; and the explanations for such preferences may not even qualify as proper “reasons”—i.e., they may not be thought out, but may be matters of mere habituation or training. Nevertheless they remain true alternatives: the “other” could in principle be chosen. A grandmaster might invariably have played the French Defense merely because he learned it first and its constraints attracted him for the challenge they presented. Similarly, a commuter may invariably take the train merely because she has always been soothed by the rhythmic

clatter of its wheels on the tracks. Yet on the “conservative” account of the matter stated above, homosexuality could not be a true alternative to heterosexuality, since heterosexuality is not itself a matter of choice. It is nature<sub>1</sub>.

E.4.2.3 It is misleading, then, to say that homosexual proclivities are a matter for choice, if that assertion presupposes that heterosexual proclivities are *not* matters for choice. Or in other words, both alternatives must have, in a situation of choice, the same logical status. If this proposition is true, however, there seem to be only two possibilities left.

E.4.2.4 The first is that homosexual proclivities are a matter of what Aristotle would have called “accident.” This would mean that such proclivities result from some quite unpredictable “slip-ups” in a person’s genetic code, or, more likely, from some “dis-ease,” mental or physical. In either case, they would not be products of choice. From the point of view of the person who suffers from them, they simply “happen,” rather in the manner of what is sometimes called a “condition” (like left-handedness, which has also, in some cultures and periods, been perceived as somehow associated with forces of evil: consider the original and current meanings of “sinister”).

This description, however, suggests that homosexuality might be corrected or cured (as was once the common practice with left-handed children). On the one hand, the person who suffers from it might if necessary be genetically altered, although to resort to such a procedure would, when all is said and done, merely establish that “liberals” had been right all along in claiming that—in the world of God’s creation as distinct from the world produced by human editorial revision—homosexuality is a strictly involuntary state. On the other hand, some form of mental conditioning might be employed: the regrettable technique called “shock therapy” has in fact been used as a dissuasive to homosexual behavior, though with little or no result as far as people’s actual proclivities are concerned. The use, moreover, of psychiatric counseling or medication has been ruled out, since, while homosexuals, like heterosexuals, sometimes suffer from neuroses or psychoses, there is no such affliction whose “cure” is automatically attended by the disappearance of homosexual proclivities. A systematically depressed or schizoid homosexual is still a homosexual when his or her mental condition is ameliorated.

E.4.2.5 The other possibility, or course, is that both heterosexual and homosexual proclivities are, at least to some extent, matters of choice, i.e., that, as far as the individual's sexual expression is concerned, they are genuine alternatives, possibilities-in-principle for every individual. This assertion need not, after all, entail the belief that such a choice is ever made either abstractly (i.e., apart from any concrete social or personal context or history) or on some single, identifiable occasion or series of occasions, each accompanied by clear and open deliberation. There are always factors which—strongly or weakly—predispose a given person to go along with one alternative or another; and to the extent that this is true, whatever assent is given (to either alternative) will be given retrospectively in the first instance, and in any case cumulatively. No one after all is commonly in the position of the notorious donkey who died of starvation because he had no reason for preferring one or other of two equally sized, equidistant, and equally tasty piles of hay. In the case of a choice between homosexuality and heterosexuality (as in many others), the decision of “choice” may consist either in “just going along with” an inclination that presents itself as already in place, already dominant, and therefore obviously preferable—or else in resisting such an inclination, which may require an effort little short of violent. The only reason for resisting such an inclination, however, be it toward heterosexual or homosexual behavior, would be a firm knowledge that one or the other is socially disadvantageous, or dangerous to one's health, or morally unacceptable; and while it is true that homosexuality is almost everywhere socially disadvantageous, it is not in itself dangerous to anyone's health—and as to the question of its morality, that is precisely what is at issue in the present discussion. To assume ahead of time that homosexual behavior is moral or immoral is to beg the question.

E.4.3 But then what does this account imply for the claim that homosexuality is “natural”? The latter claim is understandably important to homosexually inclined persons, who after all know perfectly well—even if their opponents claim the opposite—that attraction to persons of the same sex arose in them with the very birth of sexual desire in its most elementary form. The problem that emerges from this discussion of the issue of choice, however, has to do with the meaning of “nature.” No doubt it seems odd to suggest that “nature” can be a matter for choice; but even if nature is not a matter for choice, it may dictate,

validate, or give occasion for choosing. But then, as we have seen, if homosexuality is a matter of choice, its alternative must also be a matter of choice. By the same token, if homosexuality is a matter of a dominant, but never in principle completely exclusive, disposition that originates involuntarily, then the same is true of heterosexuality. In other words, heterosexuals are not incapable of homosexual impulses, nor homosexuals of heterosexual impulses; and it is this circumstance which sustains the judgment that there is indeed an *element* of choice present in both cases. The same circumstance, however, indicates that the role of conscious choice is a minor one, since in both cases it operates in a situation in which preference is already firmly established—a situation in which what is normally chosen is, quite simply and “naturally,” not to make a choice.

E.4.4 What has to be said, then, is that at the level of nature<sub>1</sub>, what is “natural” to all human beings as far as sex is concerned is a normally urgent desire or impulse to respond sexually to certain other persons. In the great majority of cases, the dominant form of this impulse is heterosexual, though in such cases “flashes” of homosexual desire can and do occur. In a significant, and apparently fairly stable, minority of cases, the dominant form of this impulse is homosexual, though, again, in such cases “flashes” of heterosexual desire can and do occur. The fact that the sexual impulse is thus variable between these two poles does not, however, imply that either “form” is non-natural or “artificial.” On the contrary, what it suggests is, first of all, that the one “comes along” in the course of nature together with the other, and second, that which tendency “surfaces” as dominant depends not on any one factor, but on a complex of factors (most of which, it must be said, have not yet been identified). It is not wrong, then, to say that homosexuality or heterosexuality is “natural”; but it is probably wrong to say that either invariably excludes traces of the other.<sup>39</sup>

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<sup>39</sup> One can imagine a raging debate over the question whether or not it is “natural” for a human being to be a vegetarian as distinct from a carnivore. It would be a debate that in some respects resembled the present one. Beyond question, human beings need—and want—to eat. Indeed food, like sex, is necessary to them for a certain (quite rational, by Stoic standards) purpose, and is therefore also very much an object of *epithymia* (“lust” or perhaps “carnal desire”). Furthermore, questions about what sorts of foods one eats often evoke fairly intense, not to say emotional, reaction. There are in fact some cultures—a minority to be sure—that are deliberately vegetarian; but in most quarters the consumption of “meat” is “normal”; and it is arguable that a carnivorous lifestyle is therefore “natural,” and that vegetarianism is perverse. How would it be proper to resolve such a debate?

E.4.5 Whether or not this conclusion—which seems to me almost to impose itself—is acceptable to all parties to this debate, one thing is clear. Both parties recognize, in practice if not in theory, that homosexuality is a matter of a proclivity or orientation which, however it originates, is more than just difficult to extirpate or “cure”; and to this extent both understand this proclivity as less than fully voluntary, and as “natural” in at least that sense. Their difference is that one of the parties believes that homosexuality, however difficult to “cure,” is a condition that might reasonably be thought to require correction, on the ground that it is a socially undesirable, possibly deviant, product of the natural order, whereas the other party in effect denies that the condition is deviant or undesirable and simply notes that it occurs regularly and normally: “God made me this way.”

E.5 In the cacophony increased by this disagreement, the rhetorics of both sides ignore a significant consequence of the practical agreement that underlies it. The aim of much if not most scientific inquiry in the modern era is to establish how nature works in order to intervene in its course to achieve ends that seem desirable to human beings. To be sure, humans have always interfered in the course of nature-at-large: e.g., by clearing fields and planting grain or by the use of armor-plating on knights or tanks. Such interferences, however, are exploitations of nature’s normal processes for human ends, and may assume the friendly air of acts of cooperation with the way things work. More recently, however, technologies have been emerging that seek not to cooperate with the way things work, or on a limited scale to prevent their ordinary effect (as in the case of the use of contraceptive devices or sunshades or woolen garments), but to change the way they work, e.g., by the genetic alteration of plants and animals. The nature that Aristotle thought “natural” is not—or no longer—fixed and immutable. There are, to be sure, and always will be limits to what human technologies can effect. Human beings stand within, not outside, the “system” of things, even though they can for some purposes “objectify” it. Nevertheless it seems that in limited but significant ways nature and nature’s workings can be changed at human behest. And if this be true of the nature of corn, squash, and cattle, it can just as easily become true of human beings themselves.

E.5.1 Given this truth, then, two possibilities loom on the horizon: the one, that even deep-seated homosexual proclivities might, as suggested above, be eradicated by methods of selection of gene “therapy”; the other, that by the same sorts of methods it might become

possible to breed homosexually disposed persons at will. The question would then in practice become not which of the alternatives belongs in the basket we have been calling “nature<sub>1</sub>” (for in this case sexual proclivities would be determined by human purposes, even if they were “conservative” purposes), but which course appeared the more useful or desirable to follow. Some would certainly argue that it might be better on the whole to “let nature take its course” and not to interfere in the process of procreation, just as there are now people who prefer to consume “natural” meats and vegetables. That, however, would be merely a third alternative.<sup>40</sup>

E.5.2 Perhaps this second scenario seems—perhaps, indeed, it is—to some degree fantastical, and certainly as a piece of “futuresology” it is as questionable as any other venture into prophecy. Certainly too, the prospect it represents would not please either of the parties to the current debate. To the one, it would appear to deny the “naturalness” of homosexual proclivities; to the other, it would present homosexuality not as a dominant proclivity in a minority of persons, but as a choice on a perfect par with that of heterosexuality in all persons. The point, however, is not to insist on the accuracy of such a prevision, but to insist upon two points about the uses of “nature.”

E.5.2.1 For what is odd in this debate is that both parties talk as if they were providing justification for a moral judgment, whether negative or positive, when as a matter of fact the label “natural,” in the strong sense in which they are using it, entails no judgment of right or wrong whatever. What is “fated” (to talk Stoic language) or for all practical purposes involuntary is simply that. One may like it or dislike it, may welcome it or regret it; but as an “orientation,” or even as a disease, of a subset of human beings it is not and cannot be virtuous or vicious as such—not even if it is judged to be “okay” in itself. The leaf of Indian hemp is presumably one of the things God looked upon and pronounced, perhaps proleptically, “high class”; but many regard a customary use of it—the smoking of the dried leaf—as a vicious habit. The natural, in the sense of that which does its thing involuntarily, or

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<sup>40</sup> It is important to make this point, for defenders of “the natural” easily fail to realize that the very necessity to argue in defense of letting nature be implies that what was once simply and obviously natural is now a matter for human decision, that what was once a given is now a question.

just happens, or is just there, is not as such a subject of moral valuation—unless of course one chooses to impugn God’s morality for allowing homosexuality as a possibility.

E.5.2.2 The Stoics, one suspects, given this “fated” quality of homosexuality, might have revised their opposition to homosexual behavior and allowed that homosexual proclivities or “notions” and the activities and relations to which they lead represent a thing of *indifference* to the sage, something that is, *from the point of view of virtue or vice*, an *adiaphoron*; and further, that the question at issue is whether it represents an *adiaphoron* that should qualify as “preferred” (like marriage, wealth, or good health) or as “not preferred” (like osteoporosis or poverty).<sup>41</sup> Aristotle, moreover, in his own somewhat different way, might very well agree: since virtue is never in this sense “natural” (i.e., does not occur in the irresistible course of things), the question about homosexual proclivities is not whether they are “okay” in and of themselves, but whether their pursuit is, or can be, in some respect instrumental to the achievement of human fulfillment, well-being. The moral task, after all, as he understood it, is that of “finishing” or “completing” nature. Is there some reason to assert that homosexuality is inconsistent with human well-faring?

E.6 In other words, there really is a difference between nature as what is simply “given” or automatic and nature as it is in fact thwarted or fulfilled in voluntary action—action with a view to a conscious end or aim: the ancients grasped that plainly enough. What the ancients did not grasp is the degree to which the boundaries that mark this difference could shift, or become blurred, partly by the rise of a science that has brought some natural processes, at least in part, under human direction,<sup>42</sup> but more fundamentally because nature itself, in human

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<sup>41</sup> Note that for the Stoics, marriage with the rearing of children is not ranked as a good necessary to the sage. It exists by convention and hence is reckoned among things indifferent (*adiaphora*); but among things indifferent it counts as “preferred” and is certainly not contrary to nature. Epictetus ranks it along with “doing the duties of a citizen” as in accord with nature (*Discourses* III.26; cf. Diogenes Laertius, *Lives* VII.121).

<sup>42</sup> One is tempted to use the word “control”; but that, I think, is to claim too much. Human beings are relatively successful in bending certain natural processes to the service of their plans, but it may be doubted whether they control those processes in the strict sense. At the very least, what Aristotle and the others called “nature” can exhibit, in the face of human efforts to control it, the symptoms of a severe case of dumb insolence.

beings, requires the action of human self-determination for its completion. Human nature may at any point in human history be an innate operating system, but it is not “read-only.” All species, it seems, are modified in the course of their interaction with their environments. Human beings, though, write to their operating system and so assume responsibility for its “perfection”; and the range of this responsibility is precisely the realm of moral judgment, choice, and action.

Hence the question whether homosexuality is “natural” asks more than the simple question whether a certain set of inclinations occurs in the course of nature. It must further be shown to be “natural” in the sense that these inclinations can, if indulged, contribute to the achievement of human excellence and well-being; and in order to assert that it is natural in this second sense as well as in the first, one must know what the conditions are under which the indulgence of these inclinations may be expected so to contribute. It must in other words be thought that the “aim” of the sexual act intrinsically includes for human beings more than simply the physical one of the procreation of children—that it has a legitimate “aim” in the order of “second nature”—and this at two levels. One must inquire, then, what function or functions relevant to the pursuit of human fulfillment homosexuality may perform, i.e., one must address the moral question.

### F *Is Pleasure a Bad Thing?*

F.1 But before that question can be taken up, there is another preliminary issue to be addressed. This is the charge, set out with great emphasis by Thomas Aquinas, that all homosexual behavior is a mere pursuit of pleasure. No doubt this allegation depends in part on the assumption that the sole rational purpose of sexual intercourse is the procreation of children. If that is true, then it is at least plausible to think that the only alternative motivation for sexual activity (of whatever sort, heterosexual as well as homosexual) is the pleasure that attends it. But then the question arises whether pleasure is a good thing or a bad thing. Should one not on the whole shun pleasure or at least be wary of it? Here we turn, in effect, to a form of argument that concerns the consequences or effects of a certain kind of activity.

F.1.1 Certainly the later Christian tradition—as represented, for example, by Thomas Aquinas, but scarcely by him alone—has been highly suspicious of pleasure, or at any rate of certain sorts of pleasure. There is, moreover, a kind of apotheosis of this distrust of pleasure in

the ethic of Immanuel Kant, for whom obedience to the moral law laid down by practical reason is vitiated by any connection with the satisfaction of desire or interest: part of the “goodness” of being good, one gathers, consists in its involving pain. On the other hand, people in modern, post-industrial societies seem to value pleasure—“having a good time,” “feeling good,” “experiencing a thrill”—if not as the highest good, then at any rate as a characteristic and a prerequisite of the “liberated” life.

F.1.2 This issue of “pleasure and pain” is not thematized in Scriptures, but in Greek ethical thought it became a commonplace after Plato. The Greek and Hellenistic philosophers were largely agreed that pleasure is not “the good”—i.e., the *telos*, the thing at which human action and striving should aim, the goal of human enterprise. To be sure Epicurus and his followers said the contrary, but Epicurus’s definition of pleasure as the absence of pain, and his depiction of the strict, sheltered, and self-controlled life one would have to lead to achieve a maximum of pleasure so defined are not the sort of thing one would expect to hear from a passionate hedonist. But before one can repudiate Epicurus or concur with him, it is important to see what issues are involved in judging that “pleasure” (*hēdonē*) is or is not “the good” or “a good.”

F.2 Plato, in Socrates’s long dialogue with Callicles in the *Gorgias*, makes the fundamental point that “pleasure (*chairein*<sup>43</sup>) is not the same as faring well (*to euprattein*) nor pain as faring ill, and so the pleasant (*to hēdu*) is different from the good.”<sup>44</sup> Furthermore, he argues that there are different pleasures that are specific to different types of persons, depending upon the “part” of the soul that is dominant in their character. The appetitive part (*to epithymētikon*) is so-called “because of the intensity of its appetites (*epithymiōn*) for food and drink and love,” and the accumulation of wealth. The “high-spirited”—or perhaps “aggressive”—part (*to thymoeides*), on the other hand, seeks “predominance, and victory, and good repute,” while the reasoning element (*to logistikon*) lusts after “knowledge of the truth of things.”<sup>45</sup> Achievement of any of these sets of ends entails an experience of pleasure; but Socrates insists that it is only the person

<sup>43</sup> This verb means “rejoice” or “take pleasure in.”

<sup>44</sup> *Gorgias* 497A,D.

<sup>45</sup> *Republic* IX 580D-581B.

in whom reason is dominant who can experience all of these sorts of pleasure, who knows how to order them rightly, and whose accomplishment is thus noblest overall.

F.2.1 Aristotle seems in substance to agree with Plato, but he manages to be a bit clearer about the definition or characterization of “pleasure.” He asserts that *pleasure is (a) a product and accompaniment of success in some activity or other—but (b) it is distinct from the objective or goal (telos) of that activity.* The term “good,” as distinct from the word “pleasure,” refers to the objective aim or goal of an activity, e.g., making a hit is the “good thing sought” by the activity of batting in baseball, while “pleasure” names the state of mind and feeling that naturally accrues to the player who does so. For Aristotle, then, pleasure has a supplemental, “perfecting or completing role,” and it “is not the ultimate good, but it is the stamp of completeness or perfection that is a structural quality of the realization of the good.”<sup>46</sup>

F.2.1.1 To understand Aristotle’s manner of speech, one must see that “good,” at least in English, can have a double meaning. “Good” can label on the one hand the end or goal (*telos*) that a certain type of activity seeks. *On this definition, however, the word “good” does not necessarily denote something that is morally acceptable or admirable (or even morally relevant),* though that represents the second and more common sense of “good.” Skill in marksmanship may subserve the aim of becoming a well-paid hit-man; and when that skill is employed for the purposes of murder, it remains a “good” in the sense that it satisfies the definition of a goal or aim, but the secondary aim for which this skill is wanted—i.e., X’s death—is morally unacceptable: in a word, *bad*, not good.

F.2.2 Pleasure, then, as Aristotle acknowledges, *accompanies any and every successful activity*; and our hit-man, if and when his characteristic job is successfully completed, no doubt enjoys a thoroughly pleasurable sense of achievement. One can scarcely suppose, then, that the presence or absence of a feeling of pleasure is, in and of itself, either “good” or “bad” *from a moral point of view.* What is susceptible of being morally “good” or “bad,” “right” or “wrong,” is the action or

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<sup>46</sup> A. Edel, *Aristotle and His Philosophy* (Chapel Hill, N.C.: University of North Carolina Press, 1982), 264.

activity that pleasure crowns and not the pleasure or pain itself or the intensity it attains. A person may find enjoyment in the successful completion of an evil course of action, and conversely the achievement of a good or useful end may, in a particular case or cases, entail the experience of pain.<sup>47</sup> *Moral goodness and pleasure or enjoyment are not always correlated*, as the story of Job suggests.

F.2.2.1 If this seems counterintuitive, that is because we fail to distinguish between two different senses of the question “why?” when we are looking for the explanation of a person’s action. It may ask about the *intent* of an activity (i.e., the aim or end that *defines*,<sup>48</sup> i.e., is the normal and regular product of the activity engaged in: production of a dozen corn muffins, say), or it may ask after the *motive* of an activity (that which makes the laborious process of producing corn muffins *attractive*). The first concern of these two senses of “why?” refers to an objective property of the activity: this activity *is* the sequence of actions whose objective and inevitable product is *corn muffins* (but not Salisbury steak or herbal tea). The second sense of the question “why?” refers, on the contrary, to a subjective interest that this activity is reckoned to satisfy. The subjective interest, however, need not have an *intrinsic* relation to the activity in question: i.e., it might just as well be satisfied by some other activity or activities.

F.2.2.1.1 If one is asking about what motivates an action, the answer can, it seems, come in at least three forms. In the *first* place, it may, as indicated above, be the feeling of pleasure or enjoyment that is connected with the achievement of the intent, the congenital *telos*, of an action or activity. In the *second* place, an undertaking may be motivated by the pleasure that is connected with the carrying out of the activity itself—as may be the case, for example, in playing a game of

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<sup>47</sup> “No pain, no gain,” they say. This principle further implies, however, that the painful experience of a guilty conscience does not necessarily entail believing that the act it accompanies is morally wrong. Just as one may experience pleasure in doing wrong successfully, so one can experience pain in doing right, and in some cases *wrongly* experience a certain kind of pain.

<sup>48</sup> A course of action has a goal, the “good” or “end” (*telos*) of that action. The goal, however, determines the means in the sense that it dictates what sort of actions conduce to the goal in question, and the means determine the goal in the sense that if one takes this-and-this action the result will be what those actions naturally produce. The sorts of actions one takes to plant a tree are not the sorts of actions that weave a rug: means and ends are correlatives.

bridge, even when one does not win. In such a case, one might say that the activity itself *is* the *telos*. Finally, one may undertake an activity not for the sake of what it produces, or for the sake of actually *doing* it, but simply for the feeling of pleasure itself; and the point to be made in regard of this sort of motivation is that it is ultimately indifferent to the value, the “goodness” or “badness” of the *telos* of the activity in question. The pleasure in its own right becomes the *telos*.

F.2.2.2 Now pleasure and pain—carrots and sticks, as we say—are the most easily grasped of these motivating factors. They, or the promise or threat of them, are regularly used to spur people to one sort of action or another. Nevertheless they do not represent the actual *goal* or *intent* of the action they hope to motivate. A teenager may be induced to do her homework by the threat of going without supper; but avoidance of hunger is not the natural *telos*—intent—of the activity of studying. By the same token, a child may be impelled to clean his room by the promise of postponement of bedtime; but the pleasure of “staying up” is not the objective intent of room-cleaning. It is of course reasonable to ask, in response to all this, whether pleasure may not be the objective goal, the “good,” of a certain course, or certain courses, of action.

The trouble with this suggestion is, however, that to desire pleasure—to wish to “feel good,” to “have a good time,” to “enjoy oneself”—is not as such to contemplate any *particular* action or kind of action.<sup>49</sup> The promise of postponement of bedtime may be attached to room-cleaning, but it might just as well be attached to tooth-flossing or the duteous consumption of brussels sprouts. When the ancients deny that pleasure is a good, or the good, what they mean is just this: that pleasure is not the aim or goal of a *particular*, definable course of action. To the question, “What shall I do to have pleasure?” the only possible answer is, “Almost anything, if you don’t mind doing it.”

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<sup>49</sup> Alasdair MacIntyre puts this same point just the other way around: “Just because enjoyment [read “pleasure”] of a highly specific kind . . . supervenes upon each type of successfully achieved activity, the enjoyment of itself provides us with no good reason for embarking upon one type of activity rather than another” (Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 2<sup>nd</sup> ed. [Notre Dame, Ind.: University of Notre Dame Press, 1984], 160). Carrots and sticks become necessary, then, to motivate people to undertake activities whose distinctive types of pleasures do not engage their imaginations.

F.3 Because pleasure and pain are therefore not in and of themselves subjects of moral valuation, neither Plato nor Aristotle condemns pleasure or even looks mildly askance at it, any more than he confuses it with the good. Nevertheless it is clear that in their view some pleasures are intrinsically nobler than others, not in and of themselves, i.e., for their own qualities or intensities as felt, but by reason of the activities whose completion their presence crowns. Plato, as we have just seen, prefers the pleasures that result from the search for truth over those that result from the pursuit (*epithymia*) of money, food, or sex. In his tradition, these “lower” pleasures have a bad name (perhaps because, being easily accessible to the imagination, they motivate the majority of people more quickly than any other sorts of pleasure).

F.3.1 Aristotle, for his part, classifies pleasures as “passions”; but for him this is really a way of reiterating the point that pleasure as such is not a subject of moral praise or blame. His reason for this view is that *the presence or absence of pleasure is not as he sees it a matter of choice*, or, as he puts it: “in respect of the passions we are said to be moved, but in respect of the [moral] excellence and vices we are said not to be moved but disposed in a certain way (*diakeisthai pōs*).”<sup>50</sup> The human subject is *passive* with regard to pleasure: like pain, it comes upon us, it happens to us. Virtue, on the other hand, is of our own doing; it lies in the active cultivation of certain habitual dispositions, part of whose function is to control—to moderate or enhance—passions.

F.3.2 The Stoics seem to have paid lip-service to the understanding of pleasure as a “by-product” (*epigennēma*) of human activity.<sup>51</sup> When, however, they followed Aristotle in classifying pleasure as a passion, they meant something rather different by the word “passion.” Passion, in their view, is in human beings to be defined as “an impulse that goes beyond its bounds (*hormē pleonazousa*) and is disobedient to reason’s preference, or a motion of the soul that is non-rational and contrary to nature.”<sup>52</sup> Pleasure then, considered as a passion, is for the Stoics automatically a bad thing. It is all too efficient as a motivator: it takes charge of—or perhaps better, overwhelms—the rational power which

<sup>50</sup> Aristotle, *Nicomachean Ethics* 2.5 (1106 a 3–6).

<sup>51</sup> Diogenes Laertius, *Lives* 7.85–86.

<sup>52</sup> J. von Arnim, *Stoicorum Veterum Fragmenta* III, #378.

is the human person's "governor." There are on this Stoic account four generic passions, of which pleasure is only one;<sup>53</sup> and contrary to Plato and Aristotle, any passion has a negative moral valence simply in virtue of its being a passion. Passions are overpowering and tyrannous; Cicero calls them *perturbationes* ("disorders": sc., of the rational soul) and says that their source is intemperance, "a revolt from all guidance of the mind and of right reason, so completely alien from the control of reason that the cravings of the soul cannot be guided or curbed."<sup>54</sup> Passion, in other words, is the state of a mind that is out of order; and while it is from one point of view an illness, the product of a traumatized or weakened reason, it is from another point of view a subject of moral judgment because it nevertheless involves some sort or degree of rational assent and therefore of responsibility. The rational soul is somehow blamable for its own sickness. In the Stoics, then, the passions are not simply or entirely passivities; and whereas an Aristotle or Plato seeks the moderation of the governance of the passions, pleasure among them, the Stoics called for their extirpation.

F.3.3 When Aquinas says, then, that the intensity of sexual pleasures is such that they can dissolve or destroy the mind (*animum*), he is echoing, if not strictly reproducing, Stoic teaching; this is not surprising, since the Christian and Muslim Neo-Platonic tradition that Aquinas inherited had taken over the ideal of passionlessness (*apatheia*), and had often understood it as the Stoics had. At the same time Aquinas seems to associate pleasure, if not exclusively then predominantly, with the set of pleasures that accompany fulfillment of what Plato had devalued under the name of "desire" or "appetite" (i.e., *epithymia*). Further, *epithymia* appears in the Pauline corpus as the familiar "lust" of the Authorized Version—whether of the heart, of the mortal body, or of the flesh; and Aquinas's language regarding homosexuality reflects an understanding of the Pauline "mind of the flesh" that assimilates it (wrongly, to be sure) to Plato's *epithymia* as well as to this Stoicized understanding of passion.<sup>55</sup> Aquinas's own

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<sup>53</sup> The four are appetite and fear, pleasure and its partner, pain. The former pair is primary, the latter derivative.

<sup>54</sup> Cicero, *Tusculan Disputations* IV.9.22 (trans. J. E. King, [Cambridge, Mass.: Harvard University Press, 1971]). On this terminology generally, and for an ancient discussion of the underlying issues, see Augustine of Hippo, *On the City of God*, IX.4.

<sup>55</sup> See Colossians 2:18 for the phrase "mind of the flesh," but more importantly Romans 1:24, 26; 6:12; 13:14. In two of these cases, the RSV interestingly translates

philosophical master, Aristotle, no doubt concurred to a certain degree with these attitudes. He is clear that “excess with regard to pleasure is self-indulgence (*akolasia*) and is culpable. . . .”<sup>56</sup> Furthermore, he recognizes that people are most frequently deceived by pleasure because “it appears good when it is not,” just as pain always appears to be an evil, even though that is not invariably the case. Nevertheless, as we have seen, human excellence lies for Aristotle in the moderation and not in the extirpation of passion: he sees nothing wrong with pleasure, whereas Aquinas has a tendency to see it, or at any rate some species of it, as a threat to reason if not, like the Stoics, as the apotheosis of the irrational simply in its character as a passion.

F.4 One can perhaps begin to sort all this out by asking quite simply what might be meant by calling a person a “hedonist.” The obvious answer to this question—that a hedonist is anyone who sets a high value on pleasure—will not do, for it would be difficult to find any human being who does not take pleasure in pleasure. Failure to acknowledge that this is so stems, I suspect, from a tendency to limit the reference of “pleasure” to the feelings that accompany such “fleshly” activities as eating chocolate or getting high on single-malt Scotch whiskey or pursuing sexual stimulation or accumulating stock options. Intense pleasure can also be afforded, however, by the contemplation of a neat geometrical proof, by triumph over an opponent in sport, by the composition of an unusually ingenious haiku, or by the reckoning up of one’s own moral superiority over others. There are, as is well known, people who take immense pleasure in the avoidance of pleasure, and this apparent paradox is only comprehensible if one grasps that “pleasure” in this expression refers to the outcomes of two different kinds of range of activities.

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*epithymia* as “passions” (though at Galatians 5:24 “passions” renders *pathēmata* and “desires” *epithymiai*. In Colossians 3:5 (which stems from the “school” of Paul) “passion” (*pathos*) and “evil desire” (*epithymia kakē*) are listed alongside fornication, uncleanness, and idolatry as things to be avoided. At Titus 3:3, another product of Paul’s interpreters, *epithymiai* is directly linked with “pleasures.” All of these terms have more or less neutral uses, but it is interesting to observe that in the Pauline corpus as a whole there is a fairly close association among the three terms “desire,” “passion,” and “pleasure,” and they regularly label undesirable “motions,” though they do not seem to be employed with any precision of reference.

<sup>56</sup> Aristotle, *Nicomachean Ethics* III.11 (1118 b 28).

F.4.1 Perhaps, then, as an alternative to the above definition of hedonism, one might adopt the Platonist line and say that a hedonist is someone who sets an excessive value on a certain low-down class of pleasures: i.e., those produced by what Plato treats as the satisfactions of “desire” (or “lust,” as long as one realizes that not all lust is sexual) and “aggressiveness”—perhaps because they seem more intense. Certainly this is the normal loose sense of the term “hedonist.” A male obsessed with the pursuit of “wine, women, and song” is more likely to elicit this label than is one who is obsessed with rock-climbing or with the solution of crossword puzzles. Furthermore, this sense of the term, though a bit vague around the edges, is roughly that suggested to most readers by the close familial association in Christian tradition of terms like “passion,” “desire,” “pleasure,”<sup>57</sup> and the word Paul contributed to this list, whether intentionally or not—“flesh.”

F.4.2 But this will not do either unless it is clearly understood that Plato’s distinction of three classes of human interests and activities was not intended to mark out one or more of them as inherently evil. The evil in Plato’s mind consisted in the disharmony occasioned by the failure of “desire” and “aggressiveness” to conform to the governance of rational intelligence.<sup>58</sup> Considered just in the abstract and in itself, then, the pleasure that attends the satisfaction of desire or of aggressiveness is perfectly legitimate. On the one hand, it is also true that any and all goals or aims—the “noble” as well as the “base”—can be sought or pursued in ways that render them morally doubtful or morally corrupt, and they often are; and when that is the case, the pleasure that attends the activity in question is illegitimate even if the activity itself is commonly accounted useful and admirable. The Christian tradition’s tendency to deprecate sexual desire, ambition (particularly in the form of lust for money or power), and self-indulgence in matters of food and drink is well known; but counteracting this was always the same tradition’s belief that the root of disordered desire or aggression lies in the rational will itself—what Augustine thought of as the orientation of a person’s loving.

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<sup>57</sup> It should by now be clear that “passion” (*pathos*), “desire” (*epithymia*), and “pleasure” (*hēdonē*) are not synonymous in the philosophical vocabulary of Roman-Hellenistic moral discourse. Pleasure is one type of passion in the Stoic vocabulary, but desire is not, simply as such, a case of passion.

<sup>58</sup> For a tutelage in such a view of pleasure, see the opening chapters of 4 Maccabees.

F.4.3 Now obviously there are many ways in which one or more of these activities can be rendered morally illicit, most notably perhaps by various forms of disregard for other persons in the pursuit of one's own aims, whether this takes the form of deception, say, or overcompetitiveness, or greed. None of these faults, however, is as such to be identified with hedonism. The issue of hedonism has to do in the first instance not with the question of whether an activity is being carried on in a moral or immoral manner, but with the question of the relation between the objective intent of an action and its motivation.

F.4.3.1 The problem, in other words, lies in the substitution of the pleasure that crowns an activity for the aim(s) or end(s) that the activity properly seeks and attains—or better, perhaps, the transmutation of the pleasure that properly attends an act into a goal or end. We have noted that the prospect of pleasure often motivates action—as, e.g., it might motivate someone to go fly-fishing on a fair summer's day. But what defines an activity is (a) the actions and practices that belong to it (in this case, among other things, handling a fishing rod with skill), and (b) its aim or goal (to catch a decently sized fish or two). Such activity brought to a successful conclusion brings pleasure with it. But to substitute the pleasure that is the by-product for that which defines the point of the activity is, in the end, to be indifferent to the activity itself save as a necessary means to a certain sort of subjective “high.” Thus hedonism on this view is the search for one or another sort of pleasure without any reference to the “meaning” of the action or the activity that achieves it—i.e., to the state of affairs it seeks, or for that matter to the cost of attaining it.<sup>59</sup> It is therefore, strictly speaking, amoral, to the extent that moral action consciously seeks ends and measures to the means of these ends. It is also dangerous in the sense that Aristotle suggests: to engage in a form of activity merely because it (quickly) produces pleasure, and regardless of other normal outcomes of it, is to run the risk of reiterated self-deception.

F.4.3.2 The contrary of hedonism, then, is not a distaste for pleasure or an addiction to pain; it is attentiveness to the means necessary for

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<sup>59</sup> Thus actions undertaken for the sake of “recreation,” i.e., psychic and physical renewal, do not *substitute* the achievement of pleasure for the aims to these activities—fly-fishing, napping, game-playing. On the contrary, the activities are undertaken *for the sake of* the activities and ends they normally involve.

the pursuit of useful or fulfilling ends—means that may often entail one or another degree of pain: giving up sleep, for example, or food, or money, or the pursuit of more immediately pleasurable activities. It is not to be supposed, therefore, that there is any virtue in the avoidance of pleasure as such—though there may be virtue, under many circumstances, in its postponement, and there may be particular actions or activities, with the forms of pleasure that accompany them, which are dangerous in certain contexts or for certain individuals or classes of individuals. On the other hand, if the pursuit of certain kinds of pleasure becomes an end in itself, and this is accompanied by indifference to what we have called the “meaning” of an activity or its consequences, Aquinas’s point is surely justified: pleasure becomes, or already has become, a solvent of the faculty of choice and therefore of virtuous character.

F.4.3.3 It is not clear, however—to repeat a point—that such a state of affairs is to be associated solely with the pursuit of the objects of what Plato calls *epithymia*, or that sexual activity as engaged in by homosexuals is, as Aquinas also thought, inherently void of any “meaning” other than that of *luxuria*, i.e., the purely physical pleasure of the sexual act. If heterosexual activity can be undertaken without lapse into the mood of hedonism that Aquinas calls *luxuria*,<sup>60</sup> the same can be true of homosexual activity; and, on the other hand, if there are circumstances in which the search for mere pleasure can corrupt the goods that heterosexual activity seeks, the same is surely true of homosexual activity as well. It is simply not true, then, that all sexual activity which is not engaged in for the sake of the procreation of children is a case of the self-regarding pursuit of mere pleasure.

### G What Makes a Form of Behavior “Good” or “Bad”?

G.1 Before it is possible to summarize the argument contained in the above remarks and to draw some conclusions as to the legitimacy or illegitimacy of homosexual bonding, it is necessary to say something about the general issue that lurks beneath the surface not only of this debate but also of many other contemporary disputes. This, to speak

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<sup>60</sup> In fact, it is not unreasonable to suspect that Aquinas himself thought that even “legitimate” heterosexual activity bordered on *luxuria*. Tradition had taught him that sexual pleasure was justified solely by the divine command to “be fruitful and multiply,” and had, in the end, something of the character of a divine “concession.”

very broadly, is the—doubtless philosophical—question of *what makes a question a moral question*, or alternately, what sort of issue is correctly called “moral.” From one point of view, this is more or less equivalent to asking what has to be the case if it is to be counted meaningful to say that a person ought (or ought not) to behave in a certain manner in certain circumstances. From a slightly different point of view, it is equivalent to the question of what makes an action right or wrong; for it seems to be the case that a moral question is a question about the rightness or wrongness of an action or a class of actions.

G.2 We have already encountered at least two answers to this last question. On the one hand there is the answer implicit in the appeal to scriptural “commandments” that are taken to be expressive of God’s intentions for humanity, and on the other hand, that provided by the Aristotelean tradition with its focus on the question of what constitutes human excellence. These traditions have long been wedded as a result of the work of Christian thinkers of the patristic and medieval periods; and whether or not one sees this marriage as a Good Thing, it must be conceded both that there are significant differences between them and that there is no logical inconsistency in identifying “virtue,” materially if not formally, with conformity to the divine will; for the human “nature” that determines people’s perception of what constitutes an “excellent” human being is, after all, a creation of God, and to that extent must be taken as expressive of God’s intentions for humanity.

G.2.0.1 As to the “significant differences” between these traditions, there are at least two that need to be noticed at this point. An ethic that deals in “commandment,” i.e., laws or directives of some sort, may or may not claim that the set of rules it commends is divinely dictated, and therefore expressive of God’s will. Whatever may be the case in that regard, though, the most obvious thing about laws is that they are intended to govern *behavior*. A law is observed when what it forbids is not done and what it requires is carried out. Laws that go beyond this tend to become expressions of principle or a governing value, and are *ipso facto* the more difficult to obey. “No Smoking” or “Do not tell lies” or “Obey your superiors” are genuine *orders*; but by the time one graduates to “Love your neighbor as yourself,” it is hard to say exactly what is being demanded (gifts of money? affectionate kisses? helpful smiles in awkward situations?), unless the context in which the “commandment” is registered provides more exact specifications. For this reason, laws permit, even if they do not encourage, a

reasonable degree of hypocrisy: one can, as they say, obey a law “outwardly,” which means that one can produce the required behavior without necessarily wanting to or believing that one should. This is not, moreover, a defect in the very nature of laws; for laws, as we have said, are intended precisely to keep *behavior* within certain bounds, as a means of promoting people’s ability to get on with one another.

This is not the case, however, with an ethic of virtue in the general style of Aristotle; for there the focus is not on behavior, but on the qualities of character—“excellence”—out of which “good behavior” grows. One might say that a legal-style ethic is interested in the fruit, whereas a virtue-centered ethic is interested in the tree (cf. Matt. 7:16–20). And this difference is related to another. Laws, with their stress on behavior, presuppose and are intended to foster relations among persons in a community of some sort; and the content of the laws laid down is in part dictated by the nature and needs of the particular community in question.<sup>61</sup> By contrast, an ethic of virtue sets the individual rather than the community in the foreground. The question that initiates and governs its discourse is that of what it means for a particular individual to be an “excellent” example of human nature—a high-class person. To be sure, there is a community of some sort in the background; the human being is after all an “intelligent and communicative animal” (*zōon logikon*), and its perfecting requires, if Aristotle was right, the fellowship of the “city” (*polis*).

G.2.1 Once these differences are indicated, it is important to notice that there is another and very essential matter on which these two traditions appear to agree. The Greek tradition, in its search for human excellence and so for human “well-faring” or “beatitude,” holds that pursuing this *telos* requires human persons to exercise their innate capacity for self-direction. It presupposes, in other words, a human capacity for reflection and choice. Hence *the realm of the “moral” turns out in the first instance to be that defined by the scope of (rational) freedom or, alternatively put, responsibility*—what Aristotle and his successors called *to eph’ hēmin* (“that which is up to us”). The Scriptures, to be sure, do not thematize the philosophical question of freedom of choice; but they are plain enough in their insistence on human

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<sup>61</sup> Thus, as noted above, the laws of Leviticus, and in particular the contents of the so-called “Holiness Code,” are intended for the people of Israel living in the land of Israel.

responsibility and the human ability to choose as factors that are presupposed by moral judgment and action. What—or so it seems to me—is distinctive in their attestation of human freedom is their practical grasp of the point that *freedom is a faculty which grows or emerges within, and not apart from, relations of dependence*: freedom is the “form” of answerability and thus of responsibility,<sup>62</sup> and itself presupposes community of some order.

G.2.2 There remains, however, another issue which is raised precisely when people make assertions like “the Bible forbids homosexuality.” This is the issue of the role and character of “commandments” or laws, and in particular of biblical laws. The importance of this issue is obvious. Most people, when they engage in moral reflection or inquiry, are consciously seeking or weighing or criticizing *sets of rules* that are proposed as guides to proper behavior—in a word, “do’s” and “don’ts.” They want to know, clearly and without any nagging doubt, what is required of them; and they want to be sure that what is demanded of them is justly demanded. Thus parents lay down rules to govern the behavior of their offspring; and by the same token, societies and organizations of all sorts exclude and penalize certain types of behavior by promulgating laws or directives whose overall aim, as we saw above, is to safeguard the conditions that sustain a particular form of common life. Understood in this way, laws are meant to define the precise limits of acceptable behavior; and to the extent that they perform this function, they succeed in their aim.

G.2.2.1 But there is more to the function of laws and rules than this. In defining the limits of acceptable behavior, they also perform a teaching function: they inculcate—at least to the extent that they are explained and interpreted—what might be called a set of values or preferences, and along with these, some notion of the characteristics of a “good” person. The individual who heeds the imperative *Thou shalt not steal* can learn something about justice in doing so; and if obedience to this rule as it is commonly expounded produces not merely a resolve to avoid a certain kind of behavior, but also a settled disposition to honor the needs and integrity of other persons in one’s dealings with them, then the rule becomes a socially defined means to

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<sup>62</sup> On this score see my essay “Human Being” in Geoffrey Wainwright, ed., *Keeping the Faith: Essays to Mark the Centenary of Lux Mundi* (Philadelphia, Pa.: Fortress Press, 1988), 78–98.

the achievement of moral excellence, in the Aristotelian sense. In this connection, however, two problems arise.

G.2.2.1.1 The first of these is intimated by a fact emphasized earlier in the second part of these remarks, namely, that, in order to be applied, rules, laws, and commandments need to be interpreted. Someone at the very least has to be able to specify the “what” and the “why” of any law or directive.

G.2.2.1.1.1 The necessity—and usefulness—of such explication can be illustrated in the case of one of the Ten Commandments. In the Revised Standard Version, Exodus 20:13 reads, *You shall not kill*; and this concurs, *mutatis mutandis*, with the rendering of the Authorized Version. On the other hand, the version of the Septuagint (*ou phoneuseis*) suggests a narrower understanding of the prohibition, and this way of reading the text was taken up by the Coverdale version (and repeated in the Book of Common Prayer): *Thou shalt do no murder*. It is not hard to see why the latter might be a preferable, and perhaps more accurate, way of taking the commandment. “Killing” after all is the label of a vast range of acts, from slapping a mosquito, to “treating” a virus, to hunting rabbits, to hanging rapists, to bombing enemy infantry; and therefore it is reasonable—and necessary—to ask what the circumstances are under which killing is wrong—an inquiry which presupposes that of itself “killing,” if taken without further specification, denotes an action that is, taken simply in itself, neither wrong nor right. Certain kinds of killing are normally counted licit, though some are subjects of moral disapproval—or of moral disagreement. Thus the Coverdale translation of Exodus 20:13 must be read as an effort to clarify a text whose intent seems vague and uncertain; for here the word “murder” performs two tasks. On the one hand, it specifies—at least presumably—the *kind* of killing that is being condemned, and in the process rules out interpretations of the commandment that might, e.g., exclude participation in war; on the other, it does so by reference to an action that is normally adjudged reprehensible: to describe an act as “murder” is *ipso facto* to condemn it morally. One might of course fault Coverdale and the translators of the Septuagint for embodying their interpretation in an arguably deviant translation; but the issue they aimed to settle remains one that has to be dealt with and will in any case evoke disagreement. It is easy, moreover, to ascertain that others among the Ten Commandments raise problems of a similar order, and indeed have analogous histories of interpretation. The

prohibition of “adultery,” for example, has been maintained over the centuries, but the denotation of the term has changed to some degree; indeed Jesus himself seems to have contributed significantly to the history of its interpretation (cf. Mark 10:11–12, Matt. 5:27–32).

G.2.2.1.2 This first problem, moreover, points the way to a second. For if the text of certain commandments has given rise over the centuries to changing interpretations—explications which seem in many cases to modify what one might reasonably suppose to have been the original directive; and if an interpretative process of this sort can be observed to have occurred within the collection of the Scriptures themselves—for example in the transition between Leviticus 19:18 and Luke 10:25–37 (both of which present and interpret the injunction *Love your neighbor as yourself*)—then it would seem that the perceived meaning of a law or regulation may in one respect or another change in response to the problems and prepossessions that referred to it for solution, i.e., in response to its historical and social context. The notion that the term “neighbor” might be applied to a Samaritan is for obvious reasons not one that the composers of the Holiness Code would, or for that matter *could*, have entertained. Yet there is some real continuity of sense between the two different usages, and *the reality of that continuity depends upon the larger principle that the law in question is seen to embody*.

G.2.2.2 When, however, people say, “The Bible forbids homosexuality,” a third characteristic of rules or commandments emerges. For this statement presupposes that everyone is morally *bound* to obey any and every biblical injunction, and hence, in particular, to avoid any sort of homosexual behavior; and this in turn implies that some rules at any rate state not just directives that will be enforced, but *obligations*.

Now the reason customarily given for according such authority to rules or instruction or directives laid down in the Bible is that the Scriptures taken as a whole represent—no, *are*—what God has to say; but this explanation makes sense only if one believes that *divine command constitutes or establishes obligations*. Thus, if someone asks what it is that the people ought to do, the answer becomes, “What God commands”; and this expression too presumably delimits the realm of moral issues. A moral issue is, then, an issue about what God requires; and of course it is assumed that what God requires is reliably, or perhaps even infallibly, known from the Scriptures of the Old and New

Testaments, as well as, in some cases, from the dynamic of “nature” (which is God’s creation).

G.2.2.3 It is not impossible or irrational, however, even if to some it might appear irreverent, to respond to such an account of obligation by asking why anyone “ought” to heed what God commands.<sup>63</sup> This is not a captious question, the product of a mere desire to roil otherwise calm intellectual waters. Moreover, the answer that has in practice been given to it indicates why such is the case, for Christian tradition has indeed answered the question with a fair degree of clarity. It has *in practice* grounded the authority of God’s command on the reality of God’s power. To go against God is to assure that one will undergo immediate or ultimate divine punishment; and this belief, while not ineffective in inspiring obedience, has tended, at least in some quarters, to awaken the suspicion that in the absence of such a menace, God’s commands might have little to commend them. Yet fear of disastrous consequences scarcely seems a satisfactory ground for a sense of obligation, and in any case an ethic so grounded is bound, in modern times, to inspire a worry that God’s “commands” may after all be purely arbitrary and even capricious. Thus the appeal to rules or commandments, especially when they are characterized as “what God has to say,” can, and often does, become a ground of religious estrangement, and demands for obedience to the law of God appear as attempts to impose an alien law on human beings. Viewed in this perspective, God begins to look like George III as perceived by the late Samuel Adams—and biblical precept assumes the guise of strict heteronomy.<sup>64</sup>

G.2.2.4 No sooner is this much said, though, than it dawns on anyone who has the least familiarity with the Scriptures that the above reaction to biblical morality—together with the threat of punishment to

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<sup>63</sup> This is not, to be sure, the only possible response. Another frequent and natural question would address the words “reliably known,” and wonder what assurance there is that what God has to say is always, or even normally, understood—i.e., interpreted—correctly by its human readers, given their weakness of intellect and contrariness of intent.

<sup>64</sup> The problem of heteronomy (the imposition of law from the outside) is not confined to divine law: it flourishes, in modern times, in connection with civil or “secular” law as well, and feeds the appetite for government which is not only “of the people,” and “for the people,” but “by the people.” See the discussion of Kant’s ethic below.

which, at least in part, it responds—is based on a misunderstanding. Obligatory obedience to divine injunctions, as the Scriptures see it, grows out of a contract, a covenant, to which Israel is a voluntary partner. Violation of the covenant may no doubt have drastically disagreeable consequences (e.g., Deut. 8:19–20), and this is made quite clear. For all that, the God of the Exodus, far from being an oppressor who imposes a strange law, is the people’s liberator. Hence God’s law is presented as a gift that marks an act of grace, of adoption, and its symbolic seal is the land which “The LORD your God has given you . . . to possess” (Deut. 3:18). Consequently the keeping of the law is no grudging gesture of submission but an act of gratitude and loyalty (cf. Deut. 6:20–25). Here, then, obligation, and the sense of “ought” that accompanies it, grows out of a conviction that God’s love for Israel deserves an answering love, as the well-known words of Deuteronomy 6:5 intimate—and of course: “If you love me, you will keep my commandments” (John 14:15, cf. 14:21). The logic of this assertion of the Johannine Jesus is equally well conveyed in the closing chapter of the book named after an earlier Joshua. There the people’s promise (“we . . . will serve the LORD, for he is our God”<sup>65</sup>) responds to a recitation of all that God had done for them.

G.2.3 This picture intimates an account of the meaning of “obligation,” and therefore of “law” as well, that can usefully be generalized, if only, in the first instance, for the sake of noticing the possible range of its relevance and influence. What it seems to say is that *the realm in which the language of law and obligation functions in the first instance, and therefore the field of moral discourse generally, is that of the relation between responsible agents*. Obligation has to do with a relationship of owing, and that relationship occurs between individuals or groups that normally have two characteristics: they are centers of initiative or action on the one hand, and, on the other, they stand to each other as bearers of value and bestowers of benefit or harm.<sup>66</sup> It is

<sup>65</sup> Josh. 24:18; cf. 24:24.

<sup>66</sup> I say “normally have two characteristics” because there are many things in the world that are “bearers of value and bestowers of benefit” but are not in the usual sense of that term “agents.” Owing or “oughting” can and does apply, however, in the relations of human persons to these “natural” presences, presumably because there is a real analogy between those relations and the relations of human persons to one another.

within such a relationship that the phenomena of “owing”—i.e., “oughting,” obligation—occur. One might even argue that the two “great commandments” of the Mosaic law rehearsed by Jesus in the gospel do no more than translate this understanding of the “what” and “whence” of obligation into the form of a pair of practical injunctions. On this view, obligation, logically enough, goes hand-in-hand with freedom; for responsibility, it seems, grows or emerges within, and not apart from, relations of (mutual) dependence. It also, therefore, goes hand-in-hand with the presence of community of some sort. Obligation, where “commandments” are concerned, might well be the product of what has traditionally been called “grace.”

G.2.3.1 In support of this account of the matter, it is possible to adduce another, too often ignored, circumstance: namely, that apart from a straightforward, unadorned description of a form of human behavior, it is not easy to decide whether that form of behavior is “right” or “wrong.” Consider: cutting someone else with a knife, putting someone else’s hundred dollar bill into your pocket, etc. There are circumstances in which any and all of these doings would be morally reprehensible; but there are also circumstances in which they would be innocent and possibly even morally laudable actions. *Simply to describe an action, then, is not to commend or condemn it*—unless, that is, the description is partially constituted of words or expressions that in ordinary usage already belong to the vocabulary of moral evaluation; and what this implies is that no human action is “wrong” or “right” simply as such: it is right or wrong only when weighed and described in the context of its meaning within a relationship of two parties.

G.2.3.2 Hence putting someone else’s hundred dollar bill in your pocket or cutting someone’s flesh with a knife are not as such wrong actions. Some instances of the latter, for example, would surely qualify as beneficial surgery; and the rectitude of the former action would depend entirely on how the money was obtained. Moreover, it must be stressed that in all these cases, what makes the difference between moral acceptance of the action in question and moral denunciation of it has to do with the action’s role in *one party’s relation to another*. In short, the realm of moral judgment cannot be identified merely as the actions of responsible agents, but such actions considered from the point of view of the character of the relations they embody or foster. The Tenth Commandment, with its repeated reference to “neighbor,” illustrates this principle.

G.2.3.3 This no doubt explains why it is that laws, regulations, commandments, standing directives, and the like are not ordinarily accepted as obligatory simply because they can be, and are, enforced with punishments and rewards. Their acceptance in the end depends on the way in which, or the extent to which, they conform to a people's notion of what, in a certain set of relations with others, is fitting or binding, whether these "others" are human persons or all of God's other creatures—i.e., the gift in which God's Word achieves one form of expression—or the ultimate Giver himself.

G.2.4 There is, however, yet another, and in the end not unrelated, ground on which the charge that Christian morality is intrinsically heteronomous can be rebutted. This is precisely the tradition, stemming ultimately from Aristotle, that envisages valid moral precepts as guides which point the way to *eudaimonia* (a.k.a. Augustine's *beatitudo*)—the fulfillment of humanity, individually and collectively, in its ultimate *telos*. On this understanding, obligation is grounded in obedience to the "law" of human "nature," a law given not ultimately in words or commands, but in God's originative design for the human creature; and in this way obedience to God becomes at the same time loyalty to one's authentic selfhood. This is the very point driven home by the doctrine that humanity (*ho anthrōpos*) is created "in our image, after our likeness" (Gen. 1:26–27). On this account, obligation does indeed arise within a relationship with God and with other human persons, but the covenant which it thus inhabits is first of all that established by the very act of creation, in which humanity is "gifted" with an aptitude for God, and God appears as the ultimate "good" for which all human persons are made. (Creation itself, then, would seem to be an exodus—a liberation from nothingness for fellowship with God—and thus the origin of the most universal covenant of all, the matrix of every person's relatedness to "others.")

G.3 Before developing—and trying to connect—these ideas further, however, it is necessary to take time for a close examination of a somewhat different and doubtless more modern account of these issues, and indeed of the whole business of moral obligation—and one which focuses directly on the issues that stand at the forefront of this discussion: I mean issues about heteronomy, about freedom, and ultimately, about the basis of moral obligation. For Mediterranean and European moral discourse, of whose roots and logic I have sketched a partial and general picture, has at least one close relative which is at

the same time in some ways an obvious rival—and which, therefore, it is important to examine and weigh, not only because of its deep influence on modern ethical thinking, but also because of its stress on law as the focus of obligation. I refer to the well-known account of “practical reason” set forth by Immanuel Kant.

In calling Kant’s a “rival” proposal, however, I do not mean to deny that it is also a “close relative.” Kant’s theories are intimately related to the tradition of Mediterranean and European reflection on ethical issues. He inherits a great deal from that tradition, of which he no doubt took himself to be a (critical) defender—the idea, for example, that moral law is the dictate of reason and at the same time the kind of law that governs free—i.e., responsible—agents. Moreover, he argues, as we shall see, that the formal content of obligation has to do with the respect owed by rational agents to one another as members of a “kingdom of ends,” and thus as members of a community of some sort. The sense in which it is at certain points a rival of this older, historically variegated tradition will emerge as we examine his position.

G.3.1 When Kant set out to give his account of *The Groundwork of the Metaphysics of Morals* or to contrive a *Critique of Pure Reason* (to cite the titles of his two works on fundamental ethics, published in 1785 and 1788 respectively), his enterprise did not take the form one might expect. Unlike Aristotle, he did not consult human “nature,” i.e., he did not consciously ask what constitutes “excellence” in human beings. Nor did he, at least openly, proceed by consulting and assessing the moral values current in his social world,<sup>67</sup> even though he did, like Aristotle, make use of a philosophically grounded picture of the makeup of the human animal. No more did he elicit his conclusions from a study of the Christian Scriptures undertaken from within the evolving tradition of their interpretation. Such forms of inquiry, as he saw it, allowed of too much uncertainty in their results: they could not fulfill what he took to be the one crucial task, namely to demonstrate *the reality, the basis, and the essential content of moral obligation*. They depended on data that were limited in extent, open to varying interpretations, and above all, merely empirical. A true “metaphysics” of morals could not in his mind proceed by investigating any body of observable data; for empirical inquiry, he thought, could at best

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<sup>67</sup> “Openly” is a necessary qualification here. Kant’s morality, as far as its content is concerned, surely reflects the values of a fairly stiff pietist Christianity.

achieve an approximate knowledge of what *is* the case, whereas practical reason,<sup>68</sup> whose operation defines the realm of freedom, seeks to know what *ought* to be the case. Such knowledge, however, can be attained only by discerning what is presupposed by any and all moral discourse irrespective of its concrete content. Kant was searching for what he called “the supreme principle of morality.”<sup>69</sup>

G.3.1.1 In this process of inquiry, Kant first argues that there is nothing in the world that can be considered unrestrictedly good apart from a good will, i.e., a will that wills the right thing; *and from this premise he extracts what amounts to the basis of his further argument.*

G.3.1.1.1 People’s talents and abilities, their temperamental qualities, their prosperity or power, their well-being and contentment—all these may to one extent or another be desirable, enviable, and even admirable, but none is in and of itself constitutive of *moral* goodness. Like the ancient Stoics he treats these accidental or external states of qualities as *adiaphora*, even though he is not loathe to confess that some of them are genuinely desirable and therefore “good” in that (for him slightly improper) sense; and just as the Stoics asserted that virtue alone is truly good, so Kant asserts that the “will,” the decision-making faculty, is all that matters morally. Hence for him the word “good” is used primarily to qualify decisions, policies, and actions—and not, as in the case of Aristotle, to qualify a state of affairs that is sought as *the* (or *a*) Good Thing.

G.3.1.2 So serious is Kant in saying this that he goes on to insist that “A good will is not good because of what it effects or accomplishes.” The act of willing itself is what qualifies as good or bad, right or wrong, and success in achieving what is willed is not strictly necessary.<sup>70</sup>

G.3.1.2.1 The reason for this judgment emerges when Kant suggests that non-rational instinct would be a better guide than reason for the achievement of “happiness” (Aristotle’s *eudaimonia*, say, or Augustine’s *beatitudo*); for such “happiness” is presumably a state of affairs

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<sup>68</sup> The expression “practical reason” harks back to Aristotle. It refers to reason as it is concerned with the question *what to do*, and was contrasted with “theoretical reason,” whose concern was with *what is the case*.

<sup>69</sup> Immanuel Kant, *The Groundwork of the Metaphysics of Morals*, ed. Mary Gregor (Cambridge: Cambridge University Press, 2002), 5.

<sup>70</sup> Kant, *Groundwork*, 8.

in the empirical order, the object-realm which is the focus of theoretical understanding (think “natural science”), and in which causal determinism reigns unchallenged. In this realm, where the “laws” of nature run the show, freedom is nonexistent. It is superfluous and inoperative. Hence to “fare well” in the object-world what is required is not rational decision and choice but the automatic and unconsidered conformity of non-rational instinct to “the way things work.”

G.3.1.3 In spite of his radically determinist picture of the *object-world*, the essentially mechanistic world of Newtonian “nature,” Kant believes that one must take with the utmost seriousness the *subjective* conviction, found in all human beings, that they do in fact make free decisions and choices, and that these decisions and choices “cause” actions. In other words, there really is, he thinks, a kind of causality that operates without reference to the necessitarian order studied by the “natural sciences.” The evidence for this, he believes, is the fact that “nature” gave us reason and not blind instinct to determine or shape our decisions, our “will.” There is thus a causality that operates in the realm of freedom. What it “causes” though—and all that it causes—is the decision of the will. Hence there is a qualification that must always accompany the assertion of the causal character of free decision—namely, that this freedom which defines the realm of the moral is not part of the system of “natural” causes studied and depicted by the sciences and does not mesh with them. It is, on the contrary, a “transcendental” freedom. Its causality operates solely by determining what the will wills, not by determining natural or historical circumstances. Thus Kant can say straightforwardly that “since reason is . . . given to us as a practical faculty, that is, as one that is to influence the will . . . , then . . . the true vocation of reason must be to produce a will that is good, not . . . as a means to other purposes [i.e., ‘happiness’], but good in itself, for which reason was absolutely necessary.”<sup>71</sup>

If the good will, then, is the only truly good thing, that is because it is—and this is essential to Kant’s project—the only *unconditioned* good, the good whose realization depends on nothing else, on no factor external to the will itself. For after all, he insists, if doing what is right depends on circumstances beyond the will’s control, not only can

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<sup>71</sup> Kant, *Groundwork*, 10. It is interesting to see Kant indulging himself here in questions about nature’s “intentions,” in the best Aristotelian style.

there be no obligation to do it (“ought,” we are told, implies “can”; but then “cannot” implies “ought not”), but the will would be subject to a strict heteronomy and would no longer be self-governing: i.e., to use the language of classical ethics, what is susceptible of being labeled “right” or “wrong” would not fall into the category of *to eph’ hēmin*—“our business.”

G.3.1.4 What “morality” or “ethics” has as its subject-matter, then, is purely and simply the realm defined by the question of what shapes or determines the will, or, what comes to the same thing, the question of what (practical) reason dictates; and the reason in question, as Kant insists again and again, *is distinct from* any inclination or desire or interest, all of which seek satisfaction that is, as the expression goes, “iffy,” i.e., conditional, because controlled by humanly uncontrollable external circumstance. Kant, in other words, defines the moral realm simply as the realm of freedom—and by “freedom” he means strict *autonomy*.

G.3.1.4.1 Needless to say, this account excludes any reference to what does or does not please God as a criterion of right and wrong; for to allow such a reference is to admit subjective—and selfish—concerns to determine what decisions one makes. Anyone who asserts that a person can do what is right out of fear of eternal punishment or desire for eternal happiness is stating a contradiction in terms. Right is only done when it is done simply *for its own sake*. Here is the problem of heteronomy all over again.

G.3.2 Kant next sets out “to explicate,” i.e., to articulate or spell out, “the concept of a will that is to be esteemed in itself, and that is good apart from any further purpose.”<sup>72</sup>

G.3.2.1 In this connection, he speaks first to the idea of *duty*; for this “stern daughter of the voice of God” is as central to his ethic as “happiness” is to Aristotle’s. His point of course is that the will is good when its action is undertaken *dutifully*—i.e., out of a (mere) sense of obligation and without reference to any other type of consideration.

G.3.2.2 Kant then develops the point that the moral worth of an action performed out of duty, i.e., simply as a matter of obligation, does

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<sup>72</sup> Kant, *Groundwork*, 10.

not depend upon the aim or “purpose” that informs it. He explains that, on the contrary, it depends upon the “*maxim* in accordance with which it is decided upon,” i.e., upon the “principle” that guides the action. A good action is an action that (a) is guided by a sound maxim, and (b) is undertaken *because* the maxim in question is *treated as a law, which means treated as imposing an obligation* to act in a certain way. Thus the good will is the dutiful will that acts “out of respect for law.” “Duty and obligation are the only names that we must give our relation to the moral law.”

G.3.2.2.1 Obviously, though, “respect for law,” in Kant’s case, “can never mean respect for a law imposed by some “other” party (God, for example, or the federal Congress). It means, simply and solely, respect for *the law that reason imposes upon itself*.<sup>73</sup> The polemic<sup>74</sup> that Kant carries on against action dictated by this or that desire, inclination, hope, or interest, i.e., action whose very meaning involves reference to some result external to the decision of the will itself, makes this conclusion necessary. What is obligatory, that in which duty consists, cannot, as we have seen, be a matter of doing what achieves “happiness” or avoids eternal punishment by pleasing God or anyone else.<sup>75</sup> It consists wholly in *conformity of the will to law*; for any alternative understanding of obligation produces strict heteronomy. *Law itself, alone, creates obligation*—but always with this immediate qualification, that

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<sup>73</sup> Like the advocates of “natural law,” Kant believed that “everything in nature works in accordance with laws.” What is peculiar to the human person as rational beings, however, is that they have “the capacity to act in accordance with the representation of laws,” i.e., to grasp laws as principles of action, and this is what it means to have a will. Hence “since reason is required for the derivation of actions from laws, the will is nothing other than the practical reason” (Kant, *Groundwork*, 24). See above C.3.2–3.2.2 for the classical analogue of this account.

<sup>74</sup> This is not too strong a word. In Kant’s mind, the demands of duty stand in conflict with those of “inclination”: “The human being feels within himself a powerful counterweight to all the commands of duty, which reason represents to him as so deserving of the highest respect—the counterweight of his needs and inclinations, the entire satisfaction of which he sums up under the name happiness” (Kant, *Groundwork*, 17).

<sup>75</sup> One cannot, in Kant’s mind, determine what is good by referring to what God is or what God commands: he asks, “Whence have we the concept of God as the highest good? Solely from the idea of moral perfection that reason frames *a priori* and connects inseparably with the concept of a free will. Imitation has no place at all in matters of morality, and examples serve only as encouragement. . . . They can never justify setting aside their true original, which lies in reason . . .” (Kant, *Groundwork*, 21).

the law be not imposed by another or from the outside but strictly self-imposed; and that requirement in turn necessitates that the law be imposed by *reason*, since any action shaped by a maxim dictated by a particular interest or inclination is *ipso facto* heteronomous. *Law, then, is that which properly governs—determines—the autonomous rational will.*

G.3.3 This reason-that-makes-its-own-laws, however, is universal in its scope: which is to say that it is and must be *the same for every rational being*. Otherwise, plainly enough, what is law for me might not be law for you. Inevitably, then, Kant’s “supreme principle of morality” turns out to be the (universal) rule of rational consistency in the specific form of a definition of duty: “I ought never to act except in such a way that I could also will that my maxim should become a universal law”<sup>76</sup>—or, to employ a more popular turn of phrase, “What’s sauce for the goose is sauce for the gander.” To be sure, this does not say what the “sauce” in question is: it assigns no content to the “supreme principle of morality” but provides a purely formal definition. Nevertheless Kant thinks he can discern the way along which one can move from this formal definition to its material equivalent.

G.3.4 First of all, there is one more thing to be said about the *form* of this law that reason imposes upon itself. Kant is well aware that people inevitably if not invariably resist the duty imposed by moral law, no doubt because by its very nature it frustrates their desires and inclination. To be sure, this law is, and is generally recognized to be, objectively binding. Every rational agent will recognize its authority (proper Kantians are strong on the subject of “conscience”). Nevertheless every such agent will also be influenced by subjective “incentives” that sway the will not to decide in accord with universal law, and thus something that is objectively valid becomes “subjectively contingent.” This warfare<sup>77</sup> between inclination and law, however, has an inevitable consequence. The consequence is that “for a will that is not thoroughly good” the objectively valid law presents itself in the *form* of a necessitating command—i.e., as an imperative whose

<sup>76</sup> Kant, *Groundwork*, 14–15, where an alternative formulation of this law is offered: “Act as if the maxim of your action were to become by your will a universal law.”

<sup>77</sup> Surely this conflict is Kant’s version of the “divided self”: *video meliora proboque, deteriora sequor*, as Ovid says somewhere [*Metamorphoses* VII.20–21].

demands are “categorical”—unconditional—rather than “hypothetical.”<sup>78</sup> “Just do it!”

G.3.4.1 In this connection Kant carefully points out that rules and counsels—which he distinguishes from law—do not assume the form of a categorical imperative. These are rules that dictate the requirements for the exercise of a certain skill (how to acquire a good backhand in tennis), or else counsels that explain how to reach such-and-such a goal (to please God you must refrain from Saturday-evening partying); but such rules are conditional in the sense that they presuppose an “if”: “If you want to please God,” “if you want to play good tennis.” In truth, then, “only law brings with it the concept of an unconditional and objective and hence universally valid necessity, and commands are laws that must be obeyed, that is, must be followed even against inclination.”<sup>79</sup>

G.3.5 We now know something about the categorical imperative. In its basic form, it states the law of rational universality: i.e., that what the good will is obliged to will is that action whose maxim can be universalized. On the other hand, the “reality” of this law is not “given in experience”—which means that it is not operative as a “cause” in the world studied by natural philosophy (“physics”)—the object-world, or phenomenal world, that is governed by the “laws of nature.” The law that takes the form of a categorical imperative is, on the contrary, a law that obtains (only) in the world governed by “the laws of freedom.”<sup>80</sup> For this reason one cannot go sniffing about the phenomenal world in search of this categorical imperative: one must “prove *a priori*”—by reference not to experience of any sort but to “*the relation of the will to itself insofar as it determines itself only by reason*”—“that there really is such an imperative.”

G.3.5.1 Here then is the result of Kant’s “explication” of his “concept of a will that is good apart from any other purpose”: *it is a will governed or determined by a universal law of (its own autonomous) reason in the form of an unconditional—i.e., categorical—imperative.*

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<sup>78</sup> See Kant, *Groundwork*, 24. A “hypothetical” imperative is one that speaks teleologically, i.e., in view of an end or result: “If you seek X (happiness, say), then this and not that is the way to attain it.” But that is a *conditional* and not a *categorical* imperative.

<sup>79</sup> Kant, *Groundwork*, 27.

<sup>80</sup> Kant, *Groundwork*, 1.

Obligation, then, arises not in the relation between persons and agents, but in the relation of “the will to itself.” By the same token, the “territory” of moral judgment is assuredly, as the moral tradition assumed, the realm of “that which is up to us,” “our business”; but that territory is now wholly abstracted from the object-world known by scientific understanding: freedom too lies wholly in the conversation between the rational will and itself.

G.3.5.2 Kant insists, however, that all this does no more than present a logical conceptual necessity: it says, or purports to say, what is *logically* involved in the notion of moral obligation by giving a purely formal account of what it is that obligates. In this way it specifies the condition(s) under which one may reasonably speak of moral obligation as a reality. In fact, then, this “explication” is simply a ground-clearing operation: it demonstrates the fallacy involved in trying to find “the ground of obligation . . . in the nature of the human being or in the circumstances in which he is placed”—i.e., the error committed not only by such ancient figures as Aristotle or, say, Moses, but, more to the point, by up-to-date empiricists like David Hume, who sought to found morality upon people’s innate desires and passions. But it still has no content.

G.3.6 The next step, then, is to show that there really are unconditional demands that obligate human persons (and thus that there really is a realm of “ethics”): i.e., that the categorical imperative of which Kant has spoken really does determine our wills. To affirm this proposition is not to assert that all—or even any—human actions actually are undertaken as a result of unconditional obedience to reason’s law; for that is an empirical question which has no place in what is perforce an *a priori* inquiry. To affirm it is rather to say that they are so undertaken when and as they are dictated by autonomous, i.e., self-regulating, reason: when, that is to say, they are governed not by the law(s) of the empirical order (the deterministic realm of natural causality), but by the law(s) of freedom.

G.3.6.1 But how is one to understand the idea of a “law” of freedom? Well, obviously the “law” of freedom is the law which the will sets for itself. To see what this means, one must realize that all action, and hence all decision, has an aim, a purpose.

G.3.6.1.1 Now this may seem surprising: for we have seen that Kant emphatically denies that the ultimate aim of rational action, action

dictated by practical reason, can be states of affairs in the empirical order—states of affairs that are the object of desire or inclination; for such sets of conditions do not fall within the competence of reason to command. They are determined by another—“physical”—kind of causality, and hence cannot be unconditionally demanded as a matter of duty even if they are generally reckoned to be a “good thing.” Indeed to subject moral reason to the service of such external ends is the very wellspring of heteronomy. What kind of “purpose” then can the practical reason aim at?

G.3.6.1.2 If rationally determined action is to be true to itself, its “end” or purpose can only be the affirmation of the human self—the very rational self that imposes an unconditional law upon itself (and this assertion, obviously enough, is no more than an extension of Kant’s basic idea that the only really good thing is the good will). Other aims, dictated by desire or interest, may if achieved be useful to the rational self, and hence (if achievable) be a means to its welfare; but they cannot be its goal, that at which it aims.

G.3.6.2 So now it should be possible to discern the “end” or “purpose” at which the categorical imperative aims. If that law presupposes that the rational self must be a law for every rational being, it seems clear to Kant that it is precisely the (rational) human person, in all its instances, which is the “end” sought by free and rational decision and action: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.” Each person must act in accord with this law in order that other persons may be free to do the same. This is the *content* of the categorical imperative, hitherto defined formally: this is the sauce that fits goose and gander alike. The ideal human society is thus a realm made up of (individuals who are) ends, not means—beings for the sake of whom other things are valued. It is, as Kant put it, a “kingdom of ends.”

G.3.6.2.1 For Kant, then, it is the rational human person who represents what Aristotle or Augustine would have called “the good”: the duty of human beings is to make sure that all decisions and actions treat “humanity” (not as a collective, but as a *kind*) as that for the sake of which everything is ultimately done. Augustine had assigned this role to God; but for Kant such a notion is impossible for two related reasons. The first is that God would then in some way dictate the

content of duty—a state of affairs inconsistent with the ideal of autonomous freedom, the ideal which sees the rational self as giving law to itself. The second is that “good” in Kant’s vocabulary does not refer, as it did for Aristotle and Augustine, to a-thing-to-be-desired but exclusively to the conformity of one’s will to law. The only way, then, in which God can be or represent the good is *by example*—presumably, by behaving in accordance with the categorical imperative; and while it is no doubt a good thing that God should do so, God’s example is in no sense the reason or basis for the validity of the categorical imperative. That is found in the relation of the rational will to itself. The suggestion that one should love God—desire, want, seek God—is therefore a recipe for heteronomy.

G.4 It is not difficult, then, to see that this ethic of duty defined by reason’s self-imposed law differs both from an ethic based on obedience to divine command and from an ethic grounded in Aristotle’s teleological orientation—an ethic whose norms are dictated by an evolving picture of human “excellence.” Between the latter pair, as I have suggested, there is no necessary material inconsistency, since what God commands and what perfects human nature are presumably the same, even if human knowledge of both the former and the latter is less certain and less complete than people have commonly taken it to be.<sup>81</sup>

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<sup>81</sup> Thus it is often assumed, by the critics as well as by the defenders of an ethic based on “natural law,” that the claim there is such a law is equivalent to the claim to have certain and full knowledge of its content (perhaps because the term “law” connotes, for most people, a code that is or can be promulgated in writing; but Aristotle’s “nature” promulgates its law in what things do when they function well). In the setting of moral argument, however, such a claim is by no means inevitable. On the contrary, “natural law theory” is, among other things, a form of ethical *inquiry*, and therefore it presupposes that knowledge of what we have called “nature” is imperfect (though real). It is worth noting that it is such a *method* of moral inquiry that Kant in the first instance repudiates.

