

## Norris's Contribution to the Quest for Marriage Equality

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The reflections of Richard A. Norris lay a moral foundation, rooted in the classical tradition, for a welcoming and affirming stance toward same-gender relationships. To be sure, Norris nowhere refers directly to gay marriage or civil unions. Typical of his generation, Norris persists in speaking of "homosexuality" in the abstract rather than of same-gender relationships in the concrete. In addition, his vague talk about "responsibility" falls well short of the language of commitment, communion, and covenant that serious reflection on the gay marriage issue requires. Nevertheless, by centering squarely on the morality of gay and lesbian relationships, Norris's reflections make an important, if indirect, contribution to the current debate over marriage equality.

Norris's reflections come at an opportune time. During the 1970s and 1980s gay civil rights groups concentrated their efforts on non-discrimination for gays and lesbians as individuals. Grounded in classical liberalism, this effort aimed to validate gay identity by eliminating the closet and rendering legally visible a group that society preferred to relegate to the social shadows. The legislative and attitudinal gains achieved by this campaign have been impressive. Today a majority in the United States agrees that granting civil rights to gay individuals is important. But it is now clear that seeking individual rights was not enough. In the 1990s, the goal of advocacy groups became a bit more communitarian. It shifted from attaining legal freedom for gay individuals to achieving legal support for gay couples. One reason for this shift is that today there are between 700,000 and a million gay couples who are raising children.

Within the secular discourse, this progression from individuals to couples, from liberalism to communitarianism, has made perfect sense; yet within the churches the logic has not worked out as well. Taking their cue from secular gay rights groups, liberals in the church made gay ordination their signature issue in the 1970s. Although this is an issue that I and many others support, it is clear in hindsight that

focusing on the rights of gay individuals before clarifying the morality of gay relationships struck many in the churches as a non sequitur. By simply demanding the “right” of gay ordination, liberals were engaged in what conservatives considered a category mistake. Ordination is a privilege, not a right. To put it another way, the church establishment was being asked in the 1970s to accept gay leadership without first being given the chance to understand gay identity. The result was that churches refused to give liberals what they were demanding but chose instead to strike the current, unstable compromise that still reigns in many denominations, the policy of accepting gay life but rejecting gay love, of welcoming gay individuals but refusing gay leadership.

The strange thing is that, in officially welcoming gays and lesbians as individuals, the current policies of most mainline denominations implicitly accept the givenness of sexual orientation. Yet this results in an anomaly. What sense does it make to accept sexual orientation and then condemn the love that flows from this orientation? Such condemnation seems especially cruel if the lovers commit themselves to one another in a covenantal union that draws its inspiration from marriage. Hence, the shift within the secular arena from securing the rights of individuals, on the one hand, to advocating communal legal support for couples, on the other, provides a window of opportunity for the churches to rethink their current policies. Instead of spending all our energy on the question of ordination (as important as that issue is), we are now able to ask ourselves whether there is a welcome place within the life of the church for exclusively-committed gay couples. If it turns out that the answer to this question is yes, then a positive answer to the ordination question would naturally fall into place. We would no longer be in a position of telling gays and lesbians that they are respected in their identities but not affirmed in them, that they are welcomed as Christian brothers and sisters but not as church leaders. And this is where Norris’s contribution is important.

The way forward depends on rethinking the tradition rather than debunking it. Accordingly, Norris’s strategy is to dismantle the traditional moral arguments lodged against same-gender relationships from the inside. He agrees with advocates of the tradition that the question of gay and lesbian relationships is a fundamentally moral one. By employing his excellent knowledge of patristics and classical philosophy, Norris is then able to demonstrate that the traditional assumption that both the Bible and the natural law tradition present a blanket case against all same-gender relationships is mistaken. It is not

enough to cite biblical proof texts, Norris argues, but one must also flesh out the underlying moral reasons that motivated the biblical witnesses in the first place. Nor is it legitimate to assume that the natural law tradition provides a monolithic case against responsible gay relationships.

Norris's intelligent, nuanced treatment of the natural law tradition is one of the strongest aspects of his case. In considering Thomas Aquinas's argument that homosexuality is "contrary to nature," Norris reminds us that the term "nature" is notoriously complex. For Aristotle, the nature of a thing is most properly what makes it what it is, as, for instance, that which makes an acorn "naturally" become an oak. When left to its own devices, in other words, a thing will be and act according to its nature. In this sense, nature constitutes, as Norris explains it, something akin to a "'read-only' operating system." If this is true, Norris suggests, then it also makes sense to treat the sexual orientation of a gay or lesbian person—his or her "nature" if you will—as that which naturally leads that person to seek a sexual partner of the same gender. And although Norris does not say so directly, this view of what is "natural" calls fundamentally into question the official policies of most mainline churches, which today adopt the inconsistent position of telling gays and lesbians that their sexual orientation is acceptable but that acting upon it is not.

Norris points out that the view of Thomas Aquinas draws not only upon Aristotle but upon innovations to natural law reasoning championed by the Stoics, who treated nature as a rational principle of the cosmos as a whole, and one that flows from divine reason. At the risk of oversimplification, if the Aristotelian view allows Thomas to proceed, as it were, "from below" in treating nature as a description of what a thing is, then Stoicism prompts him to lay down a prescription "from above" of what the nature of a thing ought to be. Thus, when homosexual behavior is declared to be morally objectionable because it constitutes sex with the wrong gender, because it cannot result in procreation, and because it represents an instrumental, hedonistic rather than intrinsic good, Thomas is also declaring that such behavior constitutes an offense against a natural order prescribed by God. Yet Norris contends that Thomas is not entitled to the last word on this issue. The classical tradition also understood the uniqueness of human nature to be more complex than the "'read-only' operating system" of animal nature—what Norris calls "nature<sub>1</sub>." Human beings are capable of responsible and virtuous actions, which become habituated into dispositions at the level

of what Norris calls second nature, or “nature<sub>2</sub>.” This raises the possibility that as part of their habituated “second nature,” human beings are capable of pursuing morally responsible actions. This would open the possibility that individuals whose “second nature” is to be gay could morally pursue an exclusively-committed same-gender relationship, even though such action does not flow “naturally” from the gender complementarity presumed to exist at the level of nature<sub>1</sub>. Even though Thomas and his supporters are right in one sense, that sexual differentiation “aims” at procreation, Norris observes that people continue to engage in sexual intercourse even when procreation has become impossible, or when other means of conception have become available, such as in vitro fertilization. Thus, human sexual acts must “aim” at more than procreation and therefore could include homosexual as well as heterosexual liaisons. As for condemning homosexuality as a form of hedonism, Norris provides an insightful analysis of the status of pleasure in the classical tradition, concluding that both heterosexual and homosexual persons are capable of pursuing substantial relationships based in more than the mere pursuit of pleasure.

Also extremely helpful is the way Norris shows how three of the major ethical traditions in the West—the biblical ethics of divine command, the Aristotelian ethics of virtue, and the Kantian ethics of transcendental duty—all converge in placing a high premium on the exercise of human responsibility. Commandments must be interpreted, character must be cultivated, duties must be assumed as one’s own. If there is a consensus that moral responsibility is a key criterion for ethical behavior, then arguably same-gender relationships ought to be judged not on the basis of the gender of the partner but on the quality of the relationships themselves.

Despite the helpfulness of Norris’s analysis, there are also some problems. As already noted, Norris continues to speak of the singular abstraction “homosexuality” when, in fact, there are many homosexualities, which differ profoundly according to time, place, social condition, and culture. For example, there is an age-differentiated homoeroticism exemplified by the pederasty of the ancient Greeks, as well as by Melanesian cultures in which homoerotic behavior is thought to pass virility from one generation of males to another. Or again, there is a status-defined homoeroticism in which the adult male is permitted to have his way with women, prostitutes, conquered soldiers, and slaves—each of whom must play a passive and stigmatized sexual role. Norris rightly notes that Leviticus 18:22 and 20:13 target this sort of behavior

in prohibiting acts in which one male stigmatizes another male by treating him as a woman and, in effect, emasculating him. Indeed, Norris could have added that it was to this specifically status-defined form of homoeroticism—and to it alone—that the Apostle Paul was referring in his letters.

Another problem with Norris's approach is his assumption that we are locked in a competition between two discrete views on this topic—liberal and conservative. Actually, there is a range of viewpoints in the church today, which runs the gamut from absolute prohibition, on the one hand, to full ecclesiastical consecration, on the other, and with many gradations in between. Because he did not finish his project, it is hard to classify where Norris fits along the spectrum. To his credit, Norris seems to be searching for some sort of “third way” that is both rooted in the classical tradition yet also provides grounding for a welcoming and affirming stance. The danger, I believe, is that his rather vague rhetoric about “responsible” relationships will sound to many conservatives like a more sophisticated form of Protestant liberalism. Moreover, Norris's analysis could be appropriated in more than one direction. Conservatives insist that gay couples who are somehow obedient to God in substance (at the level of nature<sub>2</sub>) remain nevertheless disobedient in form (at the level of nature<sub>1</sub>) insofar as they are violating the male/female structure of creation.

Norris's reflections would have been much strengthened had he not defined the problem in strictly moral terms. We need not merely a moral case but a theological case for same-gender couples.<sup>1</sup> This omission is surprising, given Norris's background as a priest and patristics scholar. Norris might have pointed out that the primary identity we have as Christians is not our sexual identity but the new identity we acquire in baptism. He might have cited the early church's baptismal utterance in Galatians 3:28 that in Christ there is “no longer male and female”—a Christological reversal of the “male and female” of Genesis 1:27. He might have reflected, furthermore, on the fact that marriage is not merely, as many conservatives claim, a fixed order of creation; but marriage is also a dynamic order of redemption. To put it another way, we do not bless people's unions in the church because they are already perfect; we bless them because of their

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<sup>1</sup> I have sought to provide such a case in my *A Time to Embrace: Same-Gender Relationships in Religion, Law, and Politics* (Grand Rapids, Mich.: Eerdmans Publishing Company, 2006), esp. chap. 3.

mutual promises to give themselves to one another in a life that seeks to grow through the means of grace. Norris might have reflected, too, on the divine declaration in Genesis 2:18 that “it is not good for the human being to be alone.” The desire to give oneself to another is God-given, and God responds to this human desire by providing a companion who is “suitable.” For a gay or lesbian person, arguably, a suitable companion is one whose sexual orientation matches one’s own. How many marriages have failed because a gay person was wrongly encouraged by the church to be something that he or she is not? Norris might also have linked his analysis to the theological case that was once provided by Rowan Williams, now Archbishop of Canterbury. In an influential reflection, Williams argued that the key question is not “Am I keeping the rules?” (as for conservatives), or “Am I being sincere?” (as for liberals), but “What does my relationship signify?” In increasing numbers gays and lesbians are giving themselves to one another in a self-giving commitment that reflects the covenant of marriage—and therefore reflects, too, Christ’s own love for the church. It is time to turn the question of Rowan Williams back upon the church itself. What does it *signify* for the church to continue withholding its blessing from a group whose legitimacy has for so long now been wrongly and systematically denied? For the church to craft a welcoming and affirming stance toward gay and lesbian people would in no way constitute a departure from the grace proclaimed and embodied in the gospel, but a deepening of it.

In short, Norris’s reflections take an important step in the direction of a welcoming and affirming stance toward exclusively-committed same-gender relationships. Some of us would like to take an additional step and argue for a position that is welcoming, affirming, and *ordering*. That is, we are eager to see the day when gay marriage is openly offered to committed gay and lesbian couples who desire to have their union blessed within the confines of the church. Notwithstanding its limitations, Norris’s contribution, especially by dismantling the primary arguments used to deny same-gender love, has the potential to help bring that day a little bit closer.