THE NEWSJOURNAL OF CATHOLIC OPINION

CONSCIENCE

VOL. XXVII—NO. 1 SPRING 2006

WWW.CATHOLICSFORCHOICE.ORG

7 87838 96936 4 61>

$5.00

How Our Minds Have Changed

A HISTORICAL VIEW OF SAME-SEX LOVE

By Bernadette Brooten

Society has fundamentally changed how it views sexuality in general and same-sex love in particular. The Vatican would have us believe that all has changed for the worse and that our society's problems come from the sexual revolution. But we would do well to consider the progress that we have made in our basic assumptions about sexuality.

Few Catholics today believe that same-sex sexual expression is worse than heterosexual rape or incest. Yet medieval theologian Thomas Aquinas taught just that. Fewer still, if asked to respond to the case of a Christian slave-holder who has had sex with his slave-woman, would prescribe no penalty for the master, and reassure the slave-woman that she is innocent. But early Christian canon law does exactly that. And hardly anyone today believes that if a man has sex with a boy, both should be punished—executed, in fact. But this is exactly what the Book of Leviticus (20:13) states.

We have changed. Catholics share certain assumptions with non-Catholics, and these are not simply the result of Catholic adaptations to the sexual revolution. Most Catholics today respond with shock to Aquinas's view that sodomy (male-male and female-female), masturbation, abortion and contraception are all contrary to nature and therefore worse than rape, incest and fornication. The latter, you see, Aquinas holds to be at least natural, although sinful. Few Catholics would classify slavery to be in accordance with divine law, natural law and canon law, which the Vatican did as late as 1866. Catholics, who generally hold slavery to be immoral, are likely to oppose both sexual slavery and slave-holders. Finally, most Catholics believe in age-of-consent laws, which are based on the principal that children are not fully capable of consent and are, therefore, not culpable if they are forced into a sexual act.

Some readers may assume that Leviticus did not mean to condemn to death both the man and the boy involved in a sexual act. But ancient Jewish philosopher Philo of Alexandria (20 BCE-50 CE) assumes that the boy is definitely culpable and deserves the death penalty for allowing himself to be penetrated, which means that he has transformed his male nature into a female nature. Philo is at pains to say that the adult man is also culpable, because he has taught the boy effeminacy. Philo's interpretation of Leviticus shows us that ancient people were working with a radically different concept of sexual morality than most people have today.

My initial focus is on male-male relations because that is what early writings stress, "You shall not lie with a male, as with a woman, such a thing is an abomination." (Leviticus 18:22) Ancient Israelite law in Leviticus 18:22 and 20:13 prohibited sexual relations between males but not between females. However, rabbis and other Jewish religious writers later began to discuss and prohibit sexual relations between females. The focus, however, continued to be on sexual relations between males for which the Bible prescribed the death penalty. These early writings do discuss whether women who have sexual contact with each other should, for example, be allowed to marry priests or whether if a priest's daughter has sexual relations with another woman that counts as sex such that she would not be allowed to eat the priestly offerings from which the priestly family lived.

In the New Testament, Paul condemns sexual relations between both women and men, defining such relations as unnatural, impure, dishonorable and deserving of death (Letter to the Romans 1:24–32). Rather than assuming that we today know exactly what those terms mean, we need to understand what Paul and his earliest readers probably meant with these concepts. People in the Roman world in which the early Christians lived saw sex as something that happens between two unequal partners. They thought of intercourse as a superior person penetrating an inferior, subordinate one. In fact, the act of penetration defined the penetrated person as inferior. This view of sex corresponds with Paul's view that a married woman is under her husband. In fact,

PROFESSOR BERNADETTE BROOTEN *is Kraft-Hiatt Professor of Christian Studies and director of the Feminist Sexual Ethics Project at Brandeis University and is a recipient of a MacArthur Fellowship and a Ford Foundation grant on sexual ethics and religious traditions (www.brandeis.edu/projects/fse). She is the author of, inter alia,* Love Between Women: Early Christian Responses to Female Homoeroticism *(University of Chicago Press, 1996).*

in Romans 7:2, the very word that is translated as "married" woman, literally translates as "under a man." Paul also states that man is head of woman (1 Corinthians 11:3). Against this background, we can more readily grasp that a woman who has sexual contact with another woman is behaving contrary to nature. By nature, man is her head. If she's in a relationship with another woman, who is the head? Thus, the condemnation of sexual love between women is intimately connected with the view that women are subordinate and should obey their husbands, a view that many Catholics today reject.

Early church theologians apparently saw any type of vaginal intercourse as natural—whether forced or not, whether between an adult and a minor or not, whereas they saw same-sex relations, totally independent of force or consent, as unnatural. And yet, today, most people who see homosexuality as unnatural, nevertheless don't think that rape is natural.

When the Roman Empire became Christian (in the years after 313), it took both Levitical law and Paul's teachings very seriously, translating them into criminal law so that male/male sex became a capital crime. From that time onwards, Christians, who had far greater political power than Jews had ever enjoyed, executed men who had relations with other men to a far greater extent than did Jewish societies. Occasionally, in the course of history, women were also executed for having sexual relations with other women. And, although the term homosexuality wasn't invented until the late 19th century, Christianity was a significant player in developing the idea that sexual relations between males are comparable to sexual relations between females and that both types of relationships are taboo and deserving of severe punishment and even death.

We have made great progress in that few Catholics today think that homosexual acts deserve the death penalty. Albeit with difficulty, the Catholic hierarchy has acquiesced to the decriminalization of such acts, and many Catholics agree with that decriminalization (finally accomplished in the US in 2003). Considering that the Catholic ecclesiastical courts themselves carried out the death penalty for sodomites in the Middle Ages, that is a significant change.

While both lay people and the Catholic hierarchy have changed from supporting and imposing the death penalty and imprisonment, the language (abomination, unnatural, impure, disorder, dishonorable etc.) remains with us. Few people who claim today that lesbians, gay men and bisexuals are living contrary to nature are aware of the dishonorable history of that concept of "unnatural," entwined as it is with female subordination and inferiority and with human beings being executed for a single sexual act. Rather than simply adopting the sexual and social categories of ancient slave-holding societies, thoughtful Catholics today are transforming sexual ethics.

A sign outside the Our Lady of Good Counsel Catholic church in Cleveland, Ohio, expressing support for a subsequently successful amendment to the state constitution barring government recognition of relationships other than marriage between opposite-sex couples.

© ANTHONY BLASSMAN, *GAY PEOPLE'S CHRONICLE*, 2004.

The recent Vatican Instruction on gay seminarians touches, of course, upon a deep irony. Christians generally, and Catholics specifically, have opposed same-sex relations while at the same time creating same-sex communities in the form of monasteries and convents. The Vatican has now made this one step more difficult by insisting that priests represent Christ as male and Christ as bridegroom of the church, all the while living a celibate life, while living with other men—a tall order. Priests not only need to refrain from sex; they now have to refrain from the right kind of sex. The Vatican uses this same theological symbolism of the male priest representing a male Christ to exclude women from the priesthood, although medieval canon lawyers more candidly stated that women are simply inferior.

We do, however, have cause for optimism. The Roman Catholic hierarchy did, eventually, move away from its support of slavery. Advocates today can work towards a similar change of mind when it comes to sexual equality. The Feminist Sexual Ethics Project at Brandeis University views the legacy of slavery as the greatest obstacle to creating sexual ethics that are based on the full human dignity of all persons. The slave-holding values of ownership and domination of another human being continue to pervade our moral imagination, including when we think of "mastering" our own sexual desires. For this reason, we need to transform religious sexual ethics. We envision an ethic of sexuality rooted in freedom, mutuality, consent, responsibility and female (as well as male) pleasure, and we are working to make that vision a reality. Projects such as this will continue to exert multi-faceted pressure on religious hierarchies to remove their opposition to same-sex relations.

Sexual ethics based on the full equality of women and men and seek to create the social and economic conditions for meaningful consent has time to devote valuable energy to opposing equality for lesbian, gay, bisexual and transgendered persons. Instead, the focus will be on preventing abuse of all types, on helping survivors of abuse to heal and on creating settings in which free citizens can treat one another with dignity. ■