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Is a homosexual marriage (conjugacy) possible within the Catholic Church?

Cosimo Scordato¹

If we were to take a few steps forward in the field of pastoral care with homosexuals and transsexuals, we would first need to tackle the conceptual structure (premisses, previous scientific knowledge, prejudices, social and religious taboos and so on) that in the past has decisively influenced this theme and has compromised the possibility of its positive interpretation by recognizing the homosexual normality (with all its LGBT variants). Taking advantage of the positive experiences that are now spreading everywhere in all the Christian communities, we believe it is important that, in addition to the choices of welcome made with the heart, there are reflections that try to overcome with the mind some hesitations that we drag from the past¹.

We do not deal with the theme starting from the classical loci of theological reflection²; the texts of Scripture, of Tradition and of the Magisterium are to be understood in the light of a new hermeneutical approach; rather, we prefer to start from the new definition of homosexuality given by the World Health Organization (WHO) to clarify some assumptions that have conditioned the past; we are also convinced that a rethinking of the general reflection on sexuality (heterosexual) can have a beneficial impact on the understanding of homosexuality³.

1. The interpretative horizon

It seems appropriate to start from the process of maturation which has led to a radical re-understanding of the phenomenon of homosexuality; in fact, we can speak of a real evolution within scientific research (medical / psychological and anthropological).

¹ It should be remembered that sexual differentiation, social organization and religious interpretation have intertwined, almost in an indissoluble way, determining a compact point of view; on the other hand, a plurisecular thematic (implicit or explicit) that characterized the clear distinction between male and female roles has allowed the plurisecular organization of society in the various cultural and religious areas; it cannot easily be overcome and resistance at all levels is inevitable; feeling on the right side when the human tradition has moved in an opposite direction is not easy for those who have to try new interpretations. However, great humility is required, but we must not renounce a reflection that helps us to move forward.

² Cf Aa. Vv., *L'omosessualità. Aspetti medico-sociali e pastorali*, Queriniana, Brescia 1967; Aa. Vv., *Omosessualità. Scienza e coscienza*, Cittadella, Assisi 1981; J. J. McNeil, *Scommettere su Dio. Teologia della liberazione omosessuale*, Sonda, Torino 1994; B. Brogliato – D. Migliorini, *L'amore omosessuale. Saggi di psicoanalisi, teologia e pastorale. In dialogo per una nuova sintesi*, Cittadella, Assisi 2014 (con bibl. ragionata pp. 457-485).

³ As G. J. Robinson pointed out: "It is not possible to imagine a change in the attitude of the Catholic Church on homosexual acts unless there is a new understanding of heterosexual acts"; *Le strade di Dio: verso una nuova comprensione della vita e dell'amore omosessuale*, in *Le strade dell'amore. Cura pastorale e giustizia sociale per le persone omosessuali e transessuali*, “Trame2”, Edizioni Piagge, Firenze 2015, p. 29.

In 1952, homosexuality was included among the "sociopathic personality disorders"; in 1968 it was considered a deviation, such as pedophilia, classified as "non-psychotic mental disorders"; in 1974 on the scientific literature we could read of "homosexuality egodistonica", a condition in which a homosexual person does not live with serenity his sexual orientation; finally, in 1974, homosexuality was canceled from the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) published by the "American Psychiatric Association" (APA).

Only on May 17, 1990, the World Health Organization (WHO) decided to remove homosexuality from the list of mental illnesses, defining it for the first time "a natural variant of human sexual behavior"⁴.

The *Catechism of the Catholic Church* (1992) on the theme of homosexuality expresses itself with a certain sobriety⁵; in fact, so he describes it;

"A sexual attraction, exclusive or predominant, towards people of the same sex. It manifests itself in very different forms throughout the centuries and in different cultures "(No. 2357).

He does not speak of sickness, of vice, or of choice; and maintains an attitude of research "his psychic genesis remains largely inexplicable" (*ibid.*).

Nevertheless, the *Catechism* as it offers some concrete indications in n. 359 states:

"By relying on Sacred Scripture, which presents homosexual relationships as serious depravities, Tradition has always declared that 'homosexual acts are intrinsically disordered'. They are contrary to natural law. They preclude the gift of life from the sexual act. They are not the result of true emotional and sexual complementarity. In no case can they be approved".

It seems to us that the conception that was there prior to the position of the World Health Organization reappears in the affirmation of the Catechism ; therefore, the intention to favor an attitude of respect runs the risk of being compromised when it comes to depravity, disorder, innaturity and so on.

The reference to Scripture and Tradition, obligatory loci of theological reflection, while necessary is not sufficient; in fact, with the same procedure we could cite biblical and patristic texts to justify the death penalty, female impurity, some food prohibitions, the Ptolemaic conception, the fixative and anti-evolutionary approach of creation and so on.

In truth, we must acknowledge that, if originally there was a correspondence between science and faith, that correspondence justified certain moral indications starting from a presumed scientific knowledge; however, today, if the scientific premises are lacking, that should radically change the ethical evaluation, too.

On this first aspect the previous theological reflection is therefore to be reviewed.

⁴ Today the date is remembered celebrating the "world day against homophobia" called Idaho (International Day Against Homophobia).

⁵ Cf G. Geraci, *Nella Chiesa e per la Chiesa: essere omosessuali e cattolici seguendo il magistero della Chiesa*, in *Le strade di Dio*, cit., pp. 1-18.

Within the new cultural horizon inaugurated by the WHO we would like to pay attention to the assumptions of traditional conception.

1.1 *Ambiguity of the assumptions of the traditional conceptions*

Although in the past the Church used to nourish some assumptions shared by the surrounding cultures, it did not simply level out there; it also cultivated reflections and practices that moved in a different direction. We exemplify some aspects below.

The *first* assumption is the intrinsic relationship between **sexuality and generativity**; in the light of it it was incomprehensible to envisage a use of sexuality intrinsically not oriented to the production of life; sexuality has been considered in its natural and indissoluble link with generativity; this has favored the idea of considering the sterile woman or the male who had no children to be useless. This approach allows us to have a glimpse of the importance of reproduction of the species; it is no coincidence that the text of Genesis, at the beginning of human creation, does not speak of love, but affirms in a peremptory way: "grow and multiply". This statement, understandable for the need to safeguard the continuity of the species, has certainly made its weight felt in the anthropological reflection.

With respect to this first assumption, which has constituted the cultural horizon of many centuries, we note the following.

The Church, on the one hand, has carried forward for centuries the affirmation that the primary purpose of marriage was the offspring and the secondary end the mutual aid. On the other hand, the Second Vatican Council intended to rebalance the aims of marriage, not without inclining to consider the communion of life as the essential content of married life; the generative assumption, in fact, did not prevent the marriage between two elderly persons, whose communion of life entails the parental dimension only in the formality of the non-exclusion of it. Besides it must be remembered that a couple could also consensually renounce having children⁶.

But above all today it has become possible to separate generativity from the traditional sexual act, giving rise to new problems; on the one hand, we note that the new situation must be approached with prudence and seriousness; on the other hand, we affirm that the new problems cannot be solved by a simple reference to the previous situation.

⁶ The discussion on the primary and secondary end of marriage is the most tangible trait of the difficulty of harmoniously combining the relationship of love with the generative aspect; not that the past gave no place to the love of couples, but culturally and theologically the first data to be safeguarded was generativity. After the Second Vatican Council, reflection marked a shift in attention and tended to recognize the priority of love as a precondition and a driver of married life and, consequently, of the same generation; how to say that if a child has to be born, it must be the result of an act of love and must be accepted and accompanied by the love of his parents. Furthermore, the Church has considered the possibility of celibacy and religious life; the possibility of not using sexuality has led to a reduction of it and its 'naturalness' giving priority to the service of the kingdom of God. Likewise, some space has also been given to broadening the meaning of parenting in a spiritual sense; we talk about spiritual father and mother, opening the possibility of extending the value of parenting from the physical to the broader, relational sense.

The *second* assumption is what we might call the **rejection of homoiosis**-resemblance (in our case being of the same sex); in fact, in a couple we must guarantee the maximum difference that, starting from the biological one, represents the 'natural' condition, which makes generation possible; the difference of the sexes, moreover, is considered in itself as a wealth, which favors a wider experience of the human, as well as encouraging the most complex approach to reality. Likewise, it is assumed that the condition of sexual homosexuality does not favor enrichment between the two persons; cohabitation, however varied and unpredictable, is exposed to homologation as if it were a repetitive and specular experience between similar subjects.

Nevertheless, historically the Church has promoted the existence of religious or totally male or totally feminine communities, which are still justified by the vocation to share their gifts / charisms. Certainly, in these experiences the sexual sphere is not involved (and this says the difference with respect to our theme); this does not mean that this experience has allowed the possibility of increasing the meaning of life in the communion of the community.

The *third* presupposition is that which places **the family** at the center of society as the insurmountable cell of its organization of society; tradition has standardized the family around the heterosexual couple, with legal recognition to their children (with the difficulties of the past against so-called natural children).

In the meantime it is worth remembering that etymologically the term *family* foresaw the composition of a group where the figure of the paterfamilias prevails with its authority to be exercised with respect to the *famuli*, all the other servants or as the servants.

Often the Church is considered or presented itself as the community in charge of defending the value of the family in the face of the different crises of society. Fascinating the description presented to us in the post-synodal exhortation of Pope Francis *Amoris Laetitia*; in it the real and providential strengths are opportunely focused, but without hiding any weaknesses.

It should be remembered, however, that Jesus also shows an attitude of downsizing the family; on the one hand, he affirms that his brothers are those who listen to the word of God; on the other hand, he affirms that his disciples must be called brothers and sisters, because from the same Father they were generated and in him they share the divine filiation. It is clear that in the Christian family we will try to reconcile the potential present in the gift that is the family and the evangelical instances that, rather than resize it, open it to a prophetic ulteriority.

We are pulling out these assumptions because we believe that at the base there is something that can help us to rethink a possible new paradigm, within which we can appropriately place the experience of homosexuality.

2. Towards a new paradigm?

From science we learn the importance of paradigms in the interpretation of reality and the difficulties involved in the development of a new paradigm; it is a demanding undertaking in which centuries of research and attempts converge. If it is not presumptuous, we would also like to hypothesize a new paradigm of sexuality; on the one hand, it is a matter of deconstructing the scaffolding on which, well

or badly, the history of the past was held; on the other hand, it is a matter of focusing on a new approach that points to the institutionalization of the *novum*⁷.

This involves questioning:

- a. the language (from the design terms of marriage to all the expressions related to the world of sexuality ...), which certainly, in different cultures, betrays implicit and explicit interpretations and thematizations;
- b. relational behaviors, which manifest models considered normal;
- c. the normative indications that concretely organize social life.

2.1 Elements for a paradigm

The commandment in which the Lord recapitulates all the Law and the Prophets is that of **love** for God, for others, for ourselves; for what concerns the proliferation of laws and the moral pressures, a simplification process takes place, a sort of *reductio ad unum*; the commandment, then, receives its intensification until it becomes the new commandment in the moment in which Jesus, incarnating the love of the Father, invites us to live it in continuity with the love that flows from God and is also communicated to us. Being ready to give one's life for the loved one (and to receive it) is a way of visualising the advent of God in the relationships between men and women.

From this follows that love must be safeguarded in whatever situation one finds oneself experiencing; whether one chooses conjugal life (heterosexual or homosexual) or another path, everyone is called to live their life for love and with love, in all relationships, proceeding in a concentric way (from people closer to those more distant or occasional ones) .

The **person** must be singled out in its own peculiarity as we come to know and become aware of ourselves in the singular form of our personal condition; the term gender is in fact generic and does not draw existence in its personal concretization⁸. Priority must be given to the person over the other individual qualifiers; all parts of the human being are as important as he actually is. His personal fulfillment tends to include all aspects of his physicality; but whereas before we used to proceed from generality towards individuation, today it seems more fruitful to proceed from the person's uniqueness (identified by the personal name) as it is, to try to grasp the concrete possibilities one has for their full realization (emotional, sentimental, emotional ...).

This statement is not in line with a certain *vulgate*; in fact, there are those who assert gender indifference, as if their emotional, physical and psychic dimension were not important; there are those who would grant the will to choose one's own sex regardless of the inclinations that already mark the life of a person. On the contrary, we recognize the importance of what everyone is gradually understanding about themselves, among the limitless realizations between what we conventionally continue to call the masculine and the feminine; this entails respect so that everyone can to make his own journey in recognizing himself, without having to feel judged, marginalized or worse condemned for what he is and what he is becoming!

⁷ A good attempt seems to us that of G. J. Robinson first mentioned in pp. 36ss. The author highlights above all five difficulties: sexual sin understood as a sin against God; a teaching based on basically abstract assertions; the underlying moral of physical acts at the expense of relationships; the 'natural' assumption; the non-traceability of ecclesial positions to affirmations of the Gospel. But interesting all the exposure to pp. 29-44. Every attempt at radical rethinking must take into account the many resistances which can contrast its reception on a planetary, cultural and religious levels.

⁸ For a more in-depth look at this aspect, refer to *Amoris laetitia* n. 304; among the comments of C. Torcivia, *Criteri per una lettura pastorale del capitolo ottavo di Amoris Laetitia*, LDC, Torino 2016, pp. 24ss.

Personal connotations are not irrelevant but must be respected in the multiplicity of their realization; if the statement doesn't appear too excessive, we would even say that each person is a genre to himself and therefore must access his own identity in which the masculine and the feminine must find their unique and original synthesis. Although it may appear as a stretch, we could re-read the biblical statement "male and female he created them" from our perspective, as an invitation to realize the masculine and feminine that is in every one of us; this would inevitably happen according to personal, social, cultural dynamics and the biological substratum.

It should also be remembered that, as the person is **unique**, every couple must be recognized in their uniqueness that is coming to light through concrete experience.

In any case, what qualifies the sexual dimension is the **relationship of love** that is managed to establish with the partner and not vice versa; the more it is profound and authentic it is, the more it accomplishes that for which the opening of the human face finds response in the encounter, in recognition, in the desire to share and carry forward a project of common life. In the aforesaid relation the unitive aspect is realized⁹; from this point of view we must identify the profound analogy between heterosexual and homosexual couples: love, which leads to the decision to share one's life, mutual dedication.

Instead of speaking abstractly about homosexuals (or LGBT), it seems more respectful to talk about the love that there can be and there is between two homosexuals and the unitive capacity that it promotes.

In this regard, the term *conjugacy*, referring to the joining of two persons, could be appropriately used in favour of the term marriage; the term, in fact, characterizes the sacrament as *matris munus* with the double ambiguity of focusing the attention on the woman and its generating function, leaving, in turn, the function of the male, whose function would be, in contrast, that of the *patris munus*, or heritage, relegating the father to the exclusive economic function, patrimonial!

Given the etymological ambiguity of the term family (*famuli-servi*), perhaps it would be more appropriate to speak of conjugal community; in this way we highlight the union that is realized in the mutual donation of the spouses, in the bond of mutual belonging among all the members¹⁰.

2.2 Towards sacramentality?

At this point we ask ourselves: if there is a relationship of homosexual love, we can consider it, already in itself, as a blessing of God, or as an experience of his grace in the form of participation in his life?¹¹

The so-called heterosexual couple, inasmuch as it realizes the integration of sexual difference and complementarity, must be recognized in its 'exemplarity': the unifying aspect of personal differences;

⁹ B. Brogliato – D. Migliorini, *L'amore omosessuale. Saggi di psicoanalisi, teologia e pastorale. In dialogo per una nuova sintesi*, Cittadella, Assisi 2014, pp. 447-455.

¹⁰ Furthermore, a certain closure of the traditional self-centered family must be overcome with respect to its openness to society and to the life of the community; likewise, the new situations that are outlined in the so-called extended families must be taken into account.

¹¹ Cf B. Brogliato – D. Migliorini, *L'amore omosessuale*, citato, pp. 447-455.

the generative aspect in the opening to life in its reception (conception, gestation, delivery ...) and so on¹².

With reference to it the other experiences can be rethought; in particular, even the homosexual couple can claim a similar unitive and generative moment, even if to be deciphered in the new vital context, not without the difficulties and risks that must be faced peacefully.

The Church's task is not to found the natural, juridical institution of the conjugal community, which according to Genesis's statements coexists with the rise of human life and is expressed in the various forms of peoples' cultures; rather it is that of recognizing sacramental value to the human experience of love, rereading it in the horizon of the history of salvation. In fact, the Church does not found conjugal love; but, under certain conditions, it recognizes the possibility that it may be celebrated as an event of grace as it concerns the life of the baptized involved in the mystery of Christ and therefore in the ecclesial horizon of new life¹³. In this way mutual love is incipient experience of the grace of God; in every couple founded on love, the partner becomes a privileged place for the experience of this grace and their communion draws on and makes room for that of the Most Holy Trinity.

At this point the question arises whether one can celebrate liturgically homosexual or transsexual love? As far as we have said, it would seem possible to celebrate homosexual love in analogy with heterosexual love, which must be considered as a typical realization with respect to which any other realization can be modulated.

However, perhaps we cannot speak of a sacrament in the proper sense; in fact, the sacraments are instituted by Jesus Christ and therefore are brought back to the explicit divine will¹⁴. We can speak, however, of a sacramental in analogy with the sacrament which has always been recognized and to which it can draw. From the *Constitution on the Sacred Liturgy* (SC) we take the following clarification:

"The Holy Mother Church also instituted the sacramentals, which are sacred signs in which, in some way resembling the sacraments, they are signified of the effects above all spiritual, obtained by impetration of the Church. Through the Sacramentals one is prepared to receive the pre-eminent effect of the sacraments and the different circumstances of life are sanctified "(SC n. 60).

¹² The reference to the heterosexual couple can remain in its exemplarity in the measure in which we want to give space to the maximum of difference and personal potential, to openness to life and the possibility of integration of the different identities.

¹³ A consideration that can help us is ancient practice; in the case of conversion of a couple to Christianity, it presented itself to the bishop and the welcome on his part marked recognition within the community; being persons who began the Christian life, their love acquired the value of the Sacrament as inserted within the mystery of Christ and of the Church. Initially there was no provision for an autonomous juridical practice rather it was preferred to follow that recognized by the society in which the Christian community was to live. Initially there was no canon law governing marriage; it will develop later, especially when, in the Christian society, ecclesiastical regulation began to apply to everyone.

¹⁴ The theological tradition has distinguished between direct and indirect institution, as in the case of the anointing of the sick attested by the Letter of St. James. In theory, we could speak of an indirect institution, implicitly present in the act that establishes the sacrament of marriage; as if the Church could become aware of this institution at different times. But, the possibility of this path at the moment seems rather remote.

Among the Sacramentals are especially those 'constitutive' in relation to persons (consecration of virgins, blessing of the abbot and abbess, monastic and religious profession); the invocative blessings on people and cosmic realities; the rites of funerals etc.

In our case we could speak of a sacramental that is inspired, as far as possible, to celebrate the sacrament of conjugal love; in it we should refer, first of all, to the unitive aspect of the relationship but, somehow, as we have mentioned, also to the 'generative' aspect in the broadest sense; in fact, the opening and reception of life can find different expressions of fulfillment, above all in the direction of possible adoptions. Likewise, we can speak of a conjugal community in the measure in which the communion of life is realized in all its members.

Regarding the womb for rent or similar, given the many perplexities of various kinds, a prudential attitude must be maintained; personally, we still have difficulty in understanding the extent to which the available uterus can be included in the sphere of organ donation or the sharing of goods; not to mention all the economic and social implications that currently make the situation even more difficult.

Ours is only an attempt, neither complete nor exhaustive; it is offered in order to re-launch a reflection that is always better clarifying the anthropological themes involved; but also in order to start a series of celebratory experiments, which can mature from the base of the Christian people, waiting for them to be received at the institutional level.

Everyone's involvement is both important and urgent; in our opinion, this is about the process of making God's gift welcome to those people who weren't actually recognized altogether as recipients up until now: "I was homosexual and You have made a party for me! " .

Appendix

The provisional "report after the debate" drawn up in 2014 in view of the Synod had three paragraphs on homosexuals, which marked a novelty of language rather than doctrine; were paragraphs 50-52 with the title "Welcoming homosexual persons". The Catechism of the Catholic Church (1992) already spoke of "welcome": the novelty is in the indication that there is positive in the homosexuals and also in their "unions". "Homosexual persons have qualities and qualities to offer the Christian community"; "It is noted that there are cases in which mutual support until the sacrifice is a precious support for the life of the partners of homosexual unions". Unfortunately these indications will be lost along the way.

In fact, the Post-Synodal *Relatio finalis* handed over to the Pope in view of his post-synodal *Exhortation* states:

76. The Church conforms her attitude to the Lord Jesus who in a boundless love offered himself to every person without exception. With regard to families who live the experience of having people with homosexual tendencies, the Church reiterates that every person, regardless of their sexual tendency, must be respected in their dignity and welcomed with respect, with the care to avoid «every brand of unjust discrimination » (Congregation for the Doctrine of the Faith, *Considerations on the projects of legal recognition of unions between homosexual persons*, 4). Special attention is also paid to the accompaniment of families in which homosexual people live. Concerning the projects of equating marriage between homosexual persons, "there is no basis for assimilating or establishing analogies, not even remote, between homosexual unions and God's plan for marriage and the family" (*Ibidem*). In any case, the Synod considers it completely unacceptable that local Churches are subjected to pressure in this matter and that international bodies condition financial aid to poor countries to the introduction of laws that establish "marriage" between persons of the same sex.

The post-synodal exhortation *Amoris laetitia*, which for the most part is far-reaching, does not seem to offer new elements with respect to *Relatio* and fundamentally with respect to the *Catechism*.

250. The Church conform her attitude to the Lord Jesus who in a boundless love offered himself to every person without exception¹⁵. With the Synod Fathers, I took into consideration the situation of families who live the experience of having people with homosexual tendencies, an experience not easy for parents or children. Therefore we wish first of all to reaffirm that every person, regardless of his sexual orientation, must be respected in his dignity and welcomed with respect, with the care to avoid "every mark of unjust discrimination"¹⁶ and particularly every form of aggression and violence. With regard to families, it is instead a matter of ensuring respectful accompaniment, so that those who manifest the homosexual tendency may have the necessary help to understand and fully realize the will of God in their lives¹⁷.

251. In the course of the debate on the dignity and mission of the family, the Synod Fathers observed that "about the projects of equalization to the marriage of unions between homosexual persons, there is no basis for assimilating or establishing analogies, even remote, between unions homosexuals and God's plan for marriage and the family "; and it is unacceptable "that local Churches are subjected to pressure in this matter and that international bodies condition financial aid to poor countries to the introduction of laws that establish" marriage "between persons of the same sex"¹⁸.

¹⁵ Cfr Bolla *Misericordiae Vultus*, 12: AAS 107 (2015), 409.

¹⁶ *Catechismo della Chiesa Cattolica*, 2358; cfr *Relatio finalis* 2015, 76.

¹⁷ Cfr *ibid.*

¹⁸ *Relatio finalis* 2015, 76; cfr Congregazione per la Dottrina della Fede, *Considerazioni circa i progetti di riconoscimento legale delle unioni tra persone omosessuali* (3 giugno 2003), 4.

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