

Is Homosexuality Sexuality?¹

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THE DEBATE ABOUT SEXUAL CONDUCT

Christians worry about what they take to be the erosion of the Church's traditional code of sexual conduct and, in particular, the emerging consensus that prohibitions on homosexual activity are unwarranted. Their concerns are twofold. First, they worry that according homosexual relationships a status comparable to heterosexual marriage will undermine the prohibitions, practices and social arrangements that support the institution of marriage. Second, and more generally, they worry that the Church's changing stance on these issues represents a rejection of a specifically Christian code of moral conduct in favour of a secular ethic that is fundamentally incompatible with Christian morality.

I argue on utilitarian grounds that the Church should not at this time ordain openly active homosexuals or bless same-sex unions, but that while traditional constraints on heterosexual activity, including the prohibition of premarital sex and divorce, may be justified by appeal to purely secular principles, no comparable prohibitions are justified as regards homosexual activity. To the extent that restrictions on sexual activity are warranted, homosexuality does not count as sexuality.

This is not to set aside moral judgements about homosexual acts, or to remove them from the sphere of ethics. The suggestion is rather that while the benefits of institutionalizing traditional constraints on heterosexual activity may outweigh the costs, the benefits of imposing comparable constraints on homosexual activity do not. Calculating utilities, weighing overall costs and benefits, is not an alternative to the moral point of view – on the utilitarian account it *is* the moral point of view. What makes an action right or wrong, moral or immoral, on this account is nothing other than the result of such calculations: utilitarianism is an ethical theory, not an alternative to ethical assessment. Perhaps surprisingly, it provides a rationale for many traditional constraints on sexual conduct and church policies.

Making these utilitarian considerations explicit is crucial in the current debate about church policy and sexual conduct. Utilitarianism has a good claim to be the common-sense secular ethic assumed in most moral deliberation. While many people disavow utilitarianism, and few are consistent utilitarians, when they ask whether an action will benefit others or do harm, weighing costs and risks, or whether

the adoption of a policy, given conflicts of interests, will be overall beneficial, they are operating as utilitarians. Christians, as well as secular people, often reject the moral rules traditionally associated with Christianity on utilitarian grounds, as outdated or arbitrary, because they prohibit behaviour that appears to be harmless. In at least some cases, however, the appearance of harmlessness is illusory and the utilitarian may argue that some prohibitions are warranted on utilitarian grounds, quite apart from any special religious considerations.

Utilitarian considerations figure heavily, if tacitly, in the current controversy about sexual conduct within the Church. When advocates of changes in policy cite empirical evidence from the social sciences purporting to show that homosexual activity is harmless in arguing that it is morally acceptable, they are making a utilitarian argument. When they point out the material and psychological harm done to homosexuals by social disapproval and exclusionary policies, and predict that changes in church policy would ameliorate these harms and provide benefits, they are arguing on utilitarian grounds.

Conservatives typically respond to such arguments by appeal to Scripture and tradition. I suggest that they need not invoke specifically religious considerations to support their case against the ordination of openly active homosexuals and the blessing of same-sex unions: the case against these practices can be made on utilitarian grounds. Strategically, we counter arguments by showing that they fail, even granting their premises and assumptions. Accordingly, the purpose of this exercise is not to defend utilitarianism but to show that what are essentially utilitarian arguments for regarding homosexual and heterosexual relationships as the same in all morally significant respects fail *on their own terms*.

To make the case, it is important to distinguish a number of questions that have figured in the current debate on sexuality, and that have often been conflated. It is controversial whether homosexual activity is in and of itself morally wrong. This is, however, a separate issue from the question of whether Christians have a special obligation to abstain from homosexual activity. Moreover, ethical questions about the behaviour of individuals need to be distinguished from ethical questions about the establishment and enforcement of church policies and rules.

The question of state regulations and policies is yet another distinct issue. Mill argued against legal moralism, the doctrine that restrictions on individual liberty are justified in the interest of preventing 'harmless immoralities', and for over a century, within Western pluralistic democracies, laws against 'victimless crimes' have been ignored or rescinded. Civil libertarians hold that some practices they regard as immoral ought nevertheless not to be legally prohibited. Even those Christians who believe that homosexual activity is contrary to the

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Christian moral code may consistently hold, on civil libertarian grounds, that the state should nevertheless protect homosexuals from discrimination in employment, access to housing and the provision of credit, through the enforcement of regulations like those that prohibit racial discrimination, and make provision for legal contracts between same-sex partners comparable to heterosexual marriage.

I shall argue that homosexual activity is morally innocuous and that the state should make provision for same-sex partnership contracts, but that the Church as an institution should not bless same-sex unions or ordain openly active homosexuals. Utilitarianism delivers a pyrrhic victory to conservatives, and to liberals a defence of the moral propriety of homosexual practice that they may not find entirely congenial.

A UTILITARIAN PERSPECTIVE ON HOMOSEXUAL PRACTICE

Utilitarianism has three essential features: consequentialism, welfarism and sum-ranking. Utilitarianism is a consequentialist theory: on utilitarian accounts the normative status of an action or practice is determined wholly by its consequences. Utilitarianism is a welfarist theory: what makes the consequences of an action good is the extent to which it contributes to welfare, understood variously as pleasure, preference-satisfaction or 'happiness'.² Finally, on the utilitarian account, what makes an action right is the sum of goodness it generates for all persons (or perhaps more broadly, all sentient beings) over all time.

Each of these doctrines is problematic and putative counter-examples are readily available. Nevertheless, even if the details are debated, many of us believe that utilitarianism in some form is the correct moral theory. For simplicity, I shall assume act-utilitarianism, the view that we assess the normative status of individual actions directly rather than by reference to moral rules. For the act-utilitarian, moral rules, while indispensable for practical purposes, are rules of thumb. While it is desirable to promulgate and enforce rules of conduct including conventional prohibitions on lying, cheating, stealing, promise-breaking and the like as guides to action, actions in violation of the rules are morally permissible when the benefits they yield outweigh the cost of undermining adherence to the relevant rule.

Any utilitarian argument invokes empirical facts, or assumptions, since the normative status of an action depends upon its consequences and the extent to which they contribute to overall welfare. So, in considering questions of sexual conduct, empirical questions arise: is homosexual activity harmful to those who engage in it or to

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others? Is homosexual orientation innate? Can sexual preference be changed and, if so, what if any are the costs of changing it?

Answers to these questions and others, which are important for the current discussion, are controversial, and even speculative. The purpose of this discussion, however, is to argue that *even granting the empirical assumptions of those who argue for a change in church policy, their argument fails*. To this end we assume, controversially, for the sake of the argument that homosexual activity is harmless, that sexual orientation is innate and unalterable, and that attempts to change sexual preferences are costly, psychologically damaging and doomed to failure.

Given these assumptions, how would a utilitarian address the questions we have put about homosexual practice?

Is homosexual activity per se morally wrong?

No. On the act-utilitarian account there is no action, which *in virtue of being* a homosexual activity is either right or wrong. Sexual activities are to be assessed in the same way as actions that figure in any other department of life: homosexual acts are right if they maximize utility, regardless of whether they occur within the context of committed, long-term monogamous relationships or a casual sexual encounter. For the utilitarian all that matters in assessing an action from the moral point of view is the extent to which it contributes to overall 'utility' – that is, welfare.

Do Christians have a special obligation to abstain from homosexual activity?

Maybe. It depends on whether the beneficial consequences of imposing a prohibition on homosexual activity on Christians, if any, outweigh the costs.

Granting that homosexual activity is not morally wrong per se, a prohibition on homosexual activity for Christians might be desirable in the interests of promoting solidarity and religious commitment. Social groups of various sorts impose rules and taboos on their members that contribute to group cohesiveness. When taboos are jettisoned and rules are relaxed, group cohesion suffers as when, in the wake of Vatican II, the Roman Catholic Church relaxed its regulations regarding meatless Fridays and mass attendance.

People benefit from the sense of identity and security that comes from belonging to cohesive groups. The Church as an institution benefits from the commitment of its members who, in turn, benefit from the goods and services it provides. Therefore, all other things being equal, practices and policies that promote solidarity and religious

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commitment among Christians are desirable: if a prohibition on homosexual activity has this effect then there is some reason for the Church to maintain the taboo.

It is unlikely that conservatives will be happy with this rationale for a prohibition on homosexual activity since the assumption is that such a restriction is essentially trivial and only a moral prescription at one remove. The suggestion is that, all other things being equal, Christians are morally obliged to do whatever effectively promotes cohesiveness and religious commitment – whether it be observing sexual taboos or dietary restrictions, participating in secret initiation rites, wearing distinctive clothing, or any of the other practices which, while morally insignificant in themselves, promote the persistence of religious subcultures.

Even so, by this standard it is doubtful that religious prohibitions on sexual activity are warranted: when it comes to assessing the desirability of retaining the rules, taboos and special obligations characteristic of a religious group, cost-benefit analysis is in order. Restrictions on sexual activity impose substantial burdens on individuals who undertake to regulate their activities accordingly, and it is not clear that they are any more effective in promoting group identity and cohesion than less burdensome obligations. Moreover, it is unlikely that imposing any special obligation to abstain from homosexual activity would significantly contribute to group cohesiveness within the Anglican Church or to members' sense of religious identity.³

If this is correct then utilitarian considerations support liberals' contention that homosexual activity is morally permissible and that there is no reason why Christians should abstain from it.

Should the Church bless or otherwise provide ceremonies for the recognition of same-sex unions?

Again, in answering this question the utilitarian will appeal to his characteristic mode of moral reasoning: weighing costs and benefits. Here, however, the utilitarian argument goes against those who advocate changing the Church's traditional practice.

Figures for the frequency of homosexuality in the population vary widely – estimates range from less than 2 per cent to 10 per cent. Few homosexuals, however, have any interest in getting their partnerships blessed by the Church so, even given the high figure, very few individuals would benefit directly from instituting the practice of blessing same-sex unions.

Perhaps more importantly, the benefits of having one's sexual relationship ecclesiastically recognized or blessed are relatively minor. An increasing number of heterosexual couples are happy to forgo it. While, all other things being equal, it is good to have as many options

as possible, some options typically contribute more to well-being than others. These include the option of getting a good education and meaningful work, the availability of adequate health care, the chance to travel, the leisure to pursue hobbies, the opportunity to enjoy the arts and the right to participate in the political process. Compared to these and other options for obtaining the goods and services conducive to leading a pleasant, financially secure, healthy, intellectually vital life, the option of having one's sexual relationship blessed by ecclesiastical authority is of little importance. Few people care, and most who care do not care very much. To this extent, the establishment of a policy of blessing such relationships has little benefit.

It may be argued that establishing such a policy has symbolic value, which may be beneficial to individuals who would not benefit directly from having their relationships blessed by the Church. Within an historical context in which homosexuality has been condemned and homosexuals have suffered various forms of discrimination, blessing same-sex unions would send the message that the Church, as a moral authority, rescinds its earlier views of homosexuality as sinful, affirms homosexuals as persons and condemns all forms of discrimination against gay and lesbian people.

The utilitarian, however, will ask once again how beneficial such symbolic gestures are likely to be and whether the benefits outweigh the costs. Are members of the general public who have hitherto looked askance at homosexual activity or discriminated against homosexuals likely to change their minds as a consequence of the Church's change of policy? Will the attitudes of churchgoers change? Will young toughs who might otherwise beat up gays or lesbians be less likely to do so because the Church has spoken?

We may grant that institutional disapprobation, even if it has no immediate effect, can affect public attitudes over time and, in the long run, change behaviour. Legal scholars commonly hold that the law has an 'educative function'. In addition to its direct deterrent effect, punishing undesirable behaviour leads the public to regard such behaviour as wrong.⁴ The imposition of harsher penalties for driving while under the influence of alcohol, for example, has led many North Americans to recognize the seriousness of drunken driving. Likewise it is argued that even where legal prohibitions have little direct deterrent effect, removing them may in time render undesirable practices socially acceptable.

There is, however, little reason to believe that the Church's policies regarding sexual conduct have any significant effect on public attitudes. Unlike the system of secular law and other institutions that shape public opinion, the Church is a marginal institution with little credibility and no power. Here, it may be hard, and humbling, for many clergy to face the facts: most people have little contact with the

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Church, no understanding of its doctrines or policies and no interest in finding out. Clergy seriously overestimate the extent to which the ethical teaching and policies of the Church affect the attitudes and practices of the laity. Even in the USA, with its high rate of religious participation, professing Christians are more likely to choose a church that affirms their pre-existing beliefs and moral commitments than to change their beliefs or practices to meet their church's requirements. If this is correct then adopting the policy of blessing same-sex unions is unlikely to have a significant effect on the public's views about homosexuality or attitudes toward gay and lesbian people.

Adopting this policy is also likely to have costs. It may undermine the credibility of the Church and will most likely cause significant dissension that will harm the institution. To determine whether adopting such a policy is desirable, the Church needs to take a realistic look at the empirical facts of the matter and weigh the costs and benefits.

Such considerations may seem to sacrifice the interests of individuals for the good of an institution. This is not the case. The Church is not a bloodless abstraction but an organization on which a significant number of individuals depend for comfort, encouragement, fellowship and, most importantly, for corporate worship and the sacraments. Counting the costs to the institution of adopting a policy of blessing same-sex unions is not a matter of weighing the interests of individuals who may benefit from the policy against the interests of an impersonal institution but one of weighing the interests of some individuals against the interests of others, whose well-being depends upon the flourishing of the institution.

If this is correct, the benefits of blessing same-sex unions, which are minimal, do not outweigh the costs, which would likely be substantial. Adopting such a policy would not, therefore, be cost-effective at this time and thus should be rejected on utilitarian grounds.

Attitudes toward sexuality are changing rapidly and, among the educated classes, homosexual activity has become acceptable and, indeed, fashionable. In all likelihood, this attitude will trickle down and, within our lifetimes, same-sex partnerships will be generally accepted. When that happens, it will be reasonable for the Church to adopt the practice of blessing them – given the assumption that they are indeed harmless. The Church, however, is powerless to act as an agent of change and will likely do significant harm by attempting to do so.⁵

Should the Church ordain openly active homosexuals?

The same considerations apply here: would such a policy be cost-effective? The Church has always ordained closeted homosexuals.

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However, don't-ask-don't-tell policies have severe drawbacks: they promote covert discrimination and witch-hunts. Once again, in deliberating about this policy the Church needs to weigh the risk of leaving homosexual priests open to discrimination and blackmail against the costs of creating disruption in the institution. To determine whether covert discrimination, witch-hunts and blackmail are likely to be a significant problem for gay priests, the Church would do well to look to its extensive past experience.

Should the state make provision to enable same-sex partners to enter into contractual arrangements comparable to heterosexual marriage?

Here it seems likely that the benefits outweigh the costs. Marriage provides significant benefits when it comes to a variety of legal and financial matters concerning, for example, citizenship and immigration status, insurance, inheritance, and hospital visitation policies. Same-sex partners would gain significantly from the option of regularizing their status in order to take advantage of these benefits and it is hard to see how extending this option to same-sex partners would undermine the advantages of marriage to heterosexual couples.

It is also in the state's interest to promote family-like arrangements that provide participants with financial and social safety nets. Marriage provides financial and social security. Extending the option of locking in relationships that impose obligations of mutual support on partners to homosexual couples extends that benefit.

Without secure, legally enforced relationships among family members, the state may be obliged to supply costly surrogates. Where family members are unwilling or unable to provide financial support, housing, companionship and help with daily living to individuals who, for one reason or another, cannot obtain these goods by alternative means, the state may have to provide welfare payments, social services and residential facilities which are more costly. It pays the state to promote private support networks, marriage and comparable relationships, and to impose legally binding obligations of mutual support on individuals who enter into such relationships.

The more of these contractual relationships there are, the better. It is, however, especially crucial to maintain heterosexual marriage as a contractual relationship, to adopt policies and promote social practices that encourage heterosexuals to marry, to impose legal obligations of mutual support on marriage partners, and to discourage divorce. I shall argue that the Church's traditional view of marriage and constraints on heterosexual activity are justified on secular grounds, that the availability of civil partnership contracts for same-sex couples while desirable is less important, and that constraints on homosexual activity are not justified. The Church should affirm its

traditional code of sexual conduct for heterosexuals, holding that it does not apply to homosexual activity.

HOMOSEXUAL AND HETEROSEXUAL RELATIONSHIPS ARE DIFFERENT

Marriage is a contractual arrangement: in this respect it differs from most other social relationships. Currently, for example, there are no formal friendship contracts because friendship contracts are not needed. Friends are peers: there is no need to enter into a contract to prevent one friendship partner from exercising power to disadvantage the other. Individuals enter into friendship relationships for companionship: there is no need to enter into a contract to negotiate conflicts of interest. Finally, friendships are private to the extent that third parties are rarely affected by their quality or duration.

In these respects, friendship differs from those relationships that are legally regulated. We should ask then what benefits the legal regulation of relationships provides, whether heterosexual relationships are significantly similar to relationships where legal regulation is beneficial, and whether homosexual relationships are.

When contractual relationships are desirable

There is a prima facie case for liberty: in the absence of compelling reason to impose restrictions on individual freedom, legal constraints and regulations are unwarranted. Marriage, like other contractual arrangements, is restrictive and, prima facie, one might question whether there is any compelling reason to retain this social institution. To see why, we should compare it to other arrangements where social and legal constraints are beneficial and consider which features of these arrangements make regulation desirable. These features are as follows:

- Differences in power

When one party in a relationship is in a position to exercise power over another, legal constraints and regulations prevent the abuse of power. The state protects consumers from the exercise of power by firms that may sell defective products or suppress information consumers need to make informed decisions. It protects workers from the excessive exercise of power by employers through the enforcement of workplace safety regulations and minimum wages. It enforces criminal laws to protect members of the society against others who, because they are bigger, stronger or in possession of weapons, can beat, rob or kill them.

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- Conflicts of interest

The state enforces contracts where parties have conflicting interests, particularly when the stakes are high. In selling a house it is in my interest to present it in the most favourable light to attract buyers and get the best price, and to ensure that potential buyers who are unqualified or uncommitted do not waste my time. In buying a house it is in your interest to get as much accurate information as you can about the property, keep your options open and pay as little as possible. The state sees to it that I, as a seller, make full disclosure about the condition of my property. It requires termite inspections and other safeguards to guarantee that it is structurally sound and habitable. It requires you, the buyer, to put money into an 'escrow' account so that you cannot back out of the deal without a hefty penalty, and makes sure that you pay up.

- Involuntary involvement of third parties

The state also imposes restrictions on activities where there is likely to be involuntary involvement of third parties. We may enjoy noisy parties but if the noise bothers the neighbours, the police come. The state intervenes when ostensibly private practices harm third parties.

- Contribution to socially undesirable practices

Actions of some kinds that do not immediately affect third parties are seriously harmful when they become widespread social practices. Bribery, for example, is a voluntary transaction for the individuals involved and, typically, does not directly harm third parties. When bribery becomes the common practice, however, the economy suffers: where it is institutionalized everyone is very much worse off.⁶

Contractual relationships are crucial for heterosexual couples because men and women are different

- Men are currently on average advantaged relative to women. Though women are gaining access to jobs previously reserved for men and the wage gap is narrowing, women as a group are not economically equal to men and not likely to become so in the foreseeable future.⁷

Overall, while marriage remains a financial benefit for women, it is a burden on men. Within marriage, most women have few bargaining chips and strong incentives to comply with their husband's demands in order to keep their positions – like low-skilled, non-unionized employees who can easily be replaced and therefore must comply with employers' demands to keep theirs.

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The state imposes a variety of regulations on employers to prevent them from exercising inordinate power over their employees, requiring them to pay a minimum wage, contribute to social security and maintain safe, minimally decent, working conditions. Undocumented migrant farm labourers and other workers whose employment is not regulated are very often exploited. Without comparable safeguards many women would likely suffer comparable harm.

To the extent that it is legitimate for the state to institute and enforce policies intended to protect parties in unequal relationships, the state ought to regulate heterosexual relationships where women are, typically, at a serious disadvantage.

- Men and women on average have different interests in sexual relationships, which are likely biologically based.

Men prefer younger partners and on the average die younger than women, so older women find it much more difficult to establish heterosexual relationships than men of the same age. Consequently, serial monogamy is a viable option for men but not for women: it is in the interests of women to lock in heterosexual relationships; it is in the interests of men to avoid commitment. Like parties to a real estate transaction, heterosexual partners have a serious conflict of interests.

This provides a secular rationale for conservative Christian prohibitions on both divorce and sex outside of marriage. The traditional code of sexual conduct puts men and women in a more equitable position to negotiate for mutual advantage. In the crudest terms, men compete for young, attractive women and pay for sexual favours by entering into marriage, a long-term social and financial commitment enforced by the state, which benefits women.

One would hope that men and women did not view their relationships in these terms. Nevertheless, the prevalence of serial monogamy and the phenomenon of 'trophy wives' suggest that a significant number do.

- Third parties are often involved in long-term heterosexual relationships. Heterosexual couples typically have children, whose interests are tied to the quality and duration of their parents' relationship. Moreover, in many communities, the interests of other members of the extended family are involved. The state protects the interests of third parties, particularly those who, like children, are powerless.
- The currency of marriage as a social institution is beneficial. If heterosexual marriage or some comparable secure contractual arrangement were not widespread, the majority of sexually active individuals would be forced to buy and sell themselves continually in an open market where women would be at a significant disadvantage over time. Both men and women would be forced to

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spend valuable time and effort in stressful, expensive courtship routines. Without the security of contractual relationships, they would be in the position of individuals in hunting and gathering societies scraping continually for daily sustenance, without bank accounts, refrigerators, or any of the institutions that enable people to buy security and leisure.

In addition to the direct cost to individuals, this arrangement would likely be economically inefficient. Instead of devoting time and energy to productive work, adults throughout their sexually active lives would invest in sexual display: workplaces would become like high schools.

However frivolous and cynical these considerations may seem, they provide some reason for holding that heterosexual marriage is a good thing. It prevents women from being exploited, protects children, and provides a social safety net for all concerned. Committed homosexual relationships, while desirable, are simply not so important in the interests of promoting social welfare as heterosexual relationships are.

Homosexual relationships do not meet these conditions because they involve same-sex partners and are relatively uncommon

- Same-sex partners, like partners in asexual friendships, are typically equal in power.
- Same-sex partners have the same interests. Homosexual males are attractive to other homosexual males while they are young but become less attractive as they age. Without any cost to their partners they can engage in promiscuous casual sex while young and, if they choose, settle in with age mates when they are older. Homosexual females are always relatively attractive to other homosexual females. They have no reason either to lock in sexual relationships early in their lives, like heterosexual women who will find it difficult to establish new sexual relationships later in life, or to resist commitment, as heterosexual men do in order to keep their options open.
- Homosexual couples do not typically have children and their relationships rarely involve other members of extended families in the way that heterosexual relationships do.
- Finally, even if casual sex were the norm for homosexuals, it would not have the detrimental social impact of the same norm for heterosexuals. There are fewer homosexuals in the population and, while the stress of continual bar-hopping and seduction may be unpleasant for individuals, it is unlikely to have the social costs of more widespread promiscuity.

If this is correct then there are secular reasons for distinguishing between homosexual activity and heterosexual activity. In the interests

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of overall welfare and, in particular, for the welfare of women, it is crucial to maintain the institution of heterosexual marriage even at the cost of restrictions on divorce and sexual activity outside of marriage. The availability of contractual relationships for same-sex partners, while desirable, is less important and the costs of comparable restrictions on sexual activity for homosexuals may outweigh the benefits.

Consequently, on secular, utilitarian grounds there are serious reasons for maintaining the Church's traditional code of sexual conduct for heterosexual men and women while treating homosexual practices as 'outside the law'.

Law, Policy and Social Change

Laws, policies and codes of conduct are intended to deal with statistically normal cases and to protect the interests of the 'standard person'. Their implementation can be modified in individual cases. To the extent that the Church is in the business of adopting policies and regulations it paints with a broad brush because that is the nature of policies and regulations. It deals with individual cases pastorally.

An increasing number of individuals do not fit the model suggested here. Not all differences in power and conflicts of interest are gender-based: indeed, overall, wealth, class and race may play more significant roles than gender. Many heterosexual couples are childless and an increasing number of homosexual partners are raising children. While sex segregation and wage gaps remain, some women earn wages comparable to their male counterparts' and occupy similar positions. As social conditions change, policy changes accordingly.

Currently, however, men and women in the aggregate play very different roles in the home, in the labour force and in society at large. As a consequence, heterosexual and homosexual relationships are different in character.

Sexual partnerships whether heterosexual or homosexual are not individual affiliations isolated from their social and economic context: the roles partners play in such relationships, in particular their bargaining position within partnerships, are set by the positions they occupy within the larger society. So long as men and women occupy significantly different social roles, heterosexual and homosexual relationships will remain radically different in character and, as I have argued, require different treatment.

CONCLUSION

I have argued that homosexual activity is morally permissible and, moreover, that restrictions on homosexual activity comparable to

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those which apply to heterosexual activity are not warranted. There is, I have suggested, reason to hold that heterosexual activity should be confined to the context of permanent contractual relationships but no compelling reason to hold that homosexual activity should be.

As regards ecclesiastical policy, however, I argued that the Church should not bless same-sex unions or ordain openly active homosexuals.

Even if homosexual activities are morally innocuous it does not follow that the Church ought to bless same-sex unions. There are a lot of things the Church does not do: it does not issue passports, grant academic degrees or award prizes for athletic accomplishments, and it does not conduct ceremonies for the blessing of asexual friendships or business partnerships. By adopting a policy of blessing same-sex unions the Church would commit itself to the view that homosexual activity is morally permissible; by retaining the current policy it leaves the question open. I suggest that the Church should leave it an open question whether homosexual activity is morally permissible – not because it is unimportant or because the lives of gay and lesbian people are of no moral significance, but because it is a disputed question about which sincere, informed, devout Christians may legitimately disagree.

For the same reason, I suggest, the Church should not formally declare that openly active homosexuals may be ordained. *Prima facie* this is a much more significant issue: relatively little hangs on whether couples are eligible to have their relationships blessed by the Church, but a good deal hangs upon whether individuals are eligible for ordination, both for those individuals who are called to ordained ministry and for the Church. The Church, however, does not exclude homosexuals from the priesthood. It does not *de jure* exclude individuals on the basis of homosexual orientation and it does *de facto* exclude them because of homosexual activity. There is no evidence that homosexuals are under-represented among clergy of the Anglican Church.

The intent of the current proposal to affirm the eligibility of openly active homosexuals for ordination is not to give gay and lesbian people, who would otherwise be excluded, the opportunity to pursue their vocations, but to repudiate the doctrine that homosexual activity is morally wrong. This would, indeed, put the Church's position in line with the views of the secular elite, but the secular elite is unlikely to be impressed.

Ironically, the same utilitarian considerations that suggest homosexual activity is morally permissible militate against changing church policy to permit the blessing of same-sex unions and ordination of openly active homosexuals. Such changes in church policy are unlikely to make many people significantly better off and highly likely to damage the Church and, as a consequence, to make a good

many people significantly worse off. This is a very good reason why, even if homosexual activity is morally permissible, it would be morally wrong to institute such changes in policy.

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Notes

- 1 I am grateful to Roger Baber, Joseph Colombo, Michael Connolly, and the anonymous referee for this journal for their extremely useful comments.
- 2 Not all consequentialist theories are welfarist. Writers influenced by the Aristotelian natural law tradition may hold that what is good for a person is the realization or perfecting of his nature or distinctively human potential. So, e.g., Martha Nussbaum in *Women and Human Development* and elsewhere rejects 'subjective welfarism' in favour of an Aristotelian-inspired ethic identifying ten 'Central Human Capabilities' which, she suggests, are essential to human flourishing. Some religious believers appear to find such views more appealing than utilitarianism, perceiving them as 'less legalistic . . . less mechanical than act-utilitarianism, and more able to bridge the gap between religious and secular'. It is beyond the scope of this essay to argue the merits of utilitarianism or to make the case that it is compatible with religious commitments. I am grateful to the anonymous referee for this journal for his comments on this issue. The best discussion of arguments against homosexuality from the perspective of 'natural law' ethics is still Burton Leiser's 'Homosexuality and the "Unnaturalness Argument"' in Thomas A. Mappes and Jane S. Zembaty (eds), *Social Ethics* (New York: McGraw-Hill, 1992), and at <http://faculty.uccb.ns.ca/philosophy/205/leiser.htm>.
- 3 Most Anglicans' sense of religious identity is, indeed, minimal. If, however, the Church were seriously interested in building a sense of group identity and commitment it might do better to promote less costly ritual practices comparable to those observed by religious Jews and by practising Catholics prior to Vatican II.
- 4 For a discussion of the educative function of the law see Ted Honderich, *Punishment: The Supposed Justifications*, rev. edn (Harmondsworth: Penguin Books, 1976). A discussion of more recent literature on punishment, including a comprehensive bibliography from the Stanford Encyclopedia of Philosophy is available at <http://plato.stanford.edu/entries/punishment/>.
- 5 As I write, shortly after the consecration of Bishop Eugene Robinson, we have begun to see the harms resulting from the Episcopal Church's attempt to assume a position of moral leadership. As a lay observer, it seems to me that liberal clergy in the United States over the past 30 years have adopted the fashions of the secular elite and, like Chanticleer, imagined themselves as 'agents of change' when these fashions were in the normal course of events adopted by the masses, including churchgoers. On this occasion they have attempted to exercise moral leadership before their programme was a fait accompli and we are suffering the consequences.
- 6 Notoriously, government corruption and the institutionalization of bribery seriously damage the economies of developing countries. See, for example, Joseph Stiglitz, *Globalization and Its Discontents* (New York: W. W. Norton, 2002), and William Easterly, *The Elusive Quest for Growth* (Cambridge, MA: MIT Press, 2001).
- 7 A few highly educated women – including readers of this essay and most women they know, or notice – can get jobs comparable to those of their male counterparts. The majority of women, however, compete in a segment of the labour market that is highly sex-segregated, and are locked out of most better-paid jobs. In the USA, college graduates on the average earn more than non-graduates, but the wage gap between women with college degrees and those who have not completed college is significantly greater than the gap for men. Working-class women are seriously disadvantaged relative to their male counterparts. See, e.g., Robert Cherry, *Who Gets the Good Jobs?* (New Brunswick, NJ: Rutgers University Press, 2001).