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## The “Scandal” of Gay–Straight Alliances in Ontario Catholic Schools

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In this paper<sup>1</sup> I make a critical examination of Canada’s largest publicly funded Catholic school system’s opposition to Gay–Straight Alliances (GSAs), a significant part of which claimed that these clubs would cause *scandal*. In Catholic thought, *scandal* differs from its conventional use to denote outrage in response to something repugnant. The *Catechism* defines it as “an attitude or behavior which leads another to do evil,”<sup>2</sup> or the sin of causing another to sin. In the context of this argument, I demonstrate that the conceptualization of scandal employed by the two major groups that led this opposition—the Ontario Conference of Catholic Bishops (OCCB)<sup>3</sup> and Ontario Catholic School Trustees’ Association (OCSTA)—reflects not only problematic epistemic and moral deductions, but also selectively narrow biblical and theological perspectives. It does more harm than good.

I first show the philosophical difficulties inherent in judging scandal itself, before moving on to show the historical and theological problems present in the Church’s use of Paul’s First Letter to the Corinthians to conceptualize, teach about, and adjudicate scandal.<sup>4</sup> Next, I show how expanded but underappreciated conceptualizations of scandal, like those in Enda McDonagh’s and Bernard Häring’s theological work, are preferable to the dominant conception on both epistemological and moral grounds. I demonstrate how the consequence of relying upon and applying the traditional, dominant

conception in the context of the GSA controversy leads to victim-blaming because it inappropriately dislocates the focus of moral concern from the attitudes bullies bring to school, and replaces it with a suggestion that the presence of the bullied themselves is the real problem.

In applying this logic to the bishops’ and trustees’ views, apparently the intent of some students to organize themselves in solidarity against bullying and possibly share experiences of what it means to be non-heterosexual and Catholic has been subordinated to concerns that such a group would somehow confuse or corrupt other persons and undermine a narrowly superficial under-

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standing of the school's identity. I maintain that what traditional definitions might proscribe as sinful threats to conventional morality might sometimes be better understood as phenomena that signify an occasion for reasonable experimentation, in need of ongoing assessment of their efficacy for educative growth. Aside from its primary aim to illustrate this problem with scandal, this paper's secondary objective is to underscore the requirement to incorporate robust theological perspectives in policy formulation and decision making in Catholic schools.

### The Historical and Theological Context

This discussion of scandal emerges from the Ontario bishops' and trustees' responses over the past decade to the question of whether Catholic schools in that province, where they are publicly funded at 100 percent,<sup>5</sup> should allow GSAs. Prior to this GSA question, however, in 2002 one of these schools faced a challenge from a student named Marc Hall, who wished to take his boyfriend to the high school prom.<sup>6</sup> The bishops' response to him had a significant bearing on the GSA question nearly a decade later. The principal of Monsignor John Pereyema Catholic Secondary School in Oshawa rejected Hall's request on the grounds that, in the words of Kingston Archbishop Anthony Meagher, "acceding to [his] demand would have given his intended behaviour the imprimatur of both the principal and the School Board, contrary to the teachings of the Catholic Church."<sup>7</sup> Soon after, Hall received a civil court injunction allowing him to attend the prom with his boyfriend. About two years after that decision, the bishops issued their "Pastoral Guidelines to Assist Students of Same-Sex Attraction."<sup>8</sup> That document is important because it remained consistent with Meagher's response to the Hall case, formed the basis for the bishops' and trustees' later opposition to the formation of Gay–Straight Alliances,<sup>9</sup> and specifically broached the topic of *scandal* as one of the theological foundations for this opposition. Specifically, it related that "A high school which may be seen by reasonable people generally to be giving tacit consent to homosexual activity would be guilty of grave scandal."<sup>10</sup>

In the subsequent years and in the context of events like the Canadian government's 2005 legalizing of same-sex marriage,<sup>11</sup> Ontario Catholic schools received requests to establish GSAs. The schools' response was to prohibit both the formation of these clubs and the use of the GSA name on the grounds that doing so

would imply the school's approval of non-heterosexual behaviour and so present an occasion for drawing students into sin.<sup>12</sup> In January 2012, the trustees released their document entitled "Respecting Difference," which stated that while the Catholic Church and its schools condemn bullying,<sup>13</sup> GSAs could not be established since they are contrary to Catholic principles;<sup>14</sup> hence, the Association promoted the formation of "Respecting Difference" groups, "which [address] all forms of bullying,"<sup>15</sup> as an alternative. "Respecting Difference" also directs principals to review with students and staff advisors the normative guidelines established in the Ontario bishops' "Pastoral Guidelines."<sup>16</sup> Since June 2012, that position has been overruled by the Ontario government's *Accepting Schools Act*, which requires the establishment of a GSA, and use of the GSA name, in a publicly funded Catholic school, should one student request it.<sup>17</sup> The net result is that to abide by civil law, Ontario's Catholic schools now permit GSAs, but without a formal ecclesial rapprochement, this situation possibly exacerbates religious–secular tensions in the school and society.

The judgment of scandal in Catholic institutions rests on Church teaching, but this teaching, as presented and applied in Ontario, is remarkably distant from any academic debate on its merits and shortcomings. Without this debate, a sustained narrowness in conceptualizing scandal not only contributes to the divide mentioned above and entrenches caricatures of Catholicism, but most egregiously impedes or denies a full range of information and options in cases where scandal is alleged. Although it is not often acknowledged, there is a conceptual unsteadiness in prevailing definitions of scandal and difficulties inherent in determining whether the situation in question really presents an occasion for others to sin or a needed disruption of conventional thought and practice in the Church and society. This paper does not directly argue that GSAs be established in Catholic schools (although it secondarily does so), nor does it discuss the morality of "homosexuality,"<sup>18</sup> but rather shows how the GSA controversy is a catalyst for raising theoretical concerns about the concept of scandal.

### The Traditional Conceptualization

"The sin of scandal," according to Häring, "has its roots in an inner attitude of unconcern for the salvation of others."<sup>19</sup> It can be analyzed into several distinct kinds that depend on knowing the actor's intentions, the receiver's strength, and the nature of the act in question. For the purposes of exposition and analysis I have chosen to

follow Germain Grisez's analysis of the concept (with some support from L.G. Miller), because his perspective reinforces both the *Catechism of the Catholic Church's* and bishops' normative conceptualization. Grisez's three categories—direct, indirect, and “Pharisaical”<sup>20</sup> scandal—illustrate both the slipperiness of the concept and the varying degrees of difficulty one encounters in judging its application.

Direct scandal is easy to judge, so long as it is certain that the actor intends the recipient's downfall. Its two varieties are *diabolical* and (ostensibly) *regular direct scandal*. (1) *Diabolical scandal* occurs when “the giver of scandal has the specific intention of expressing his own hatred of God by inciting another to sin.”<sup>21</sup> Here Grisez offers, for example, a delinquent brother who attempts to erode his virtuous sister's moral integrity by exposing her to a seducer. Grisez clearly establishes that the brother's act is motivated by envy and the anticipated (negatively acquired) benefit he will receive from his sister's “[loss of] her moral superiority” and the parental approval to which this is apparently attached.<sup>22</sup> (2) *Regular direct scandal*, by contrast, is where persons do not intend sin for sin's sake, but for the sake of personal gain. For example, Grisez describes “a man [who] invites a woman to engage in adultery.”<sup>23</sup> However, even though Grisez has the advantage of controlling the conditions in his examples, it is difficult to distinguish between these men's intentions, because both will still illicitly profit from using others as a means to an end. Nonetheless, my intent is not to perseverate on Grisez's imprecision, but simply to show that even when scandal is clearly present, the judgment of its kind and severity is debatable, especially if one lacks an author's omniscient perspective.

The difficulty of judgment increases with *indirect scandal*, which is to enable sin through setting a bad example. Here sin is not “intended as an end or chosen as a means,” but is rather “accepted as a side effect” of one's actions.<sup>24</sup> Its two varieties are doing this through exposure to (3) sinful actions, and (4) actions that are normally permissible in themselves—otherwise known as *scandal of the weak*. Under (3), Grisez admonishes parents to avoid sinning in their children's presence and adds that the business and political elite “who share in perpetrating systemic economic injustices give scandal by reducing the victims of exploitation to a condition of wretched poverty which the executives know occasions sins of theft, prostitution, alcohol and substance abuse, abortion, and so on.”<sup>25</sup> This is a pivotal point, because

while it is based on valid concerns about children often imitating poor parental behaviour, and desperate socioeconomic conditions sadly enabling the likelihood of abuse, violence, and criminality among oppressed populations, what Grisez does not mention is that as he makes this point, he is also subtly and cleverly establishing a rhetorical pattern of causality. It is important to recognize this structure and assumption here under a less controversial rubric (3), because it enables a reader to see how Grisez then overextends it into his evaluation of the next one, which is (4) *scandal of the weak*. There the judgments become most problematic.

Grisez describes *scandal of the weak* as “doing something otherwise morally acceptable, but inappropriate and sinful because one foresees, or should foresee, that it is likely to have the side effect of occasioning another's sin and one lacks an adequate reason for accepting this side effect instead of avoiding it by forgoing the act.”<sup>26</sup> As one example, he cites the passage in the First Letter to the Corinthians where Paul forbids serving meat sacrificed to idols (1 Cor 8:7-13). I reserve exegetical treatment of this passage for the upcoming section, and here focus instead on examining Grisez's supporting example of a married couple who might legitimately have sexual intercourse while camping, but should avoid it because, “without the privacy required,” it would “arous[e] illicit desires in the boy scouts camping nearby.”<sup>27</sup> Even though there are numerous good reasons why a couple should abstain from sex in this context, like their respecting the exclusivity of sexual acts in their marriage by not performing them too close to others, or in not wanting to disturb or discomfort anyone in the park, my concern here is only to test Grisez's claim that should the married couple have sex, it would cause “illicit desire” and so present scandal. He provides no details on what constitutes lack of privacy, but assuming it is nothing more than sounds that could possibly suggest lovemaking, his reasoning raises questions as to whether they would *necessarily* cause any desire at all. One might also reasonably hypothesize that some of the scouts might respond with discomfort due to their own expectations for privacy. Others might even simply call it normal married behaviour. If one were to concede this initial point, however, and move on to the next part of Grisez's claim, it is notable that he does nothing to establish that any desire that might be aroused is necessarily illicit, especially when Church teaching maintains that desires in themselves are not sinful. For example, it evaluates “homosexual” desire as “disordered,” but does

not assess it as *sinful* in itself, “since it is not sought by homosexual persons,” and maintains that sin only occurs when immoral desires are acted upon.<sup>28</sup>

In total, this analysis simply demonstrates Grisez’s tacitly narrow behaviourism: he assumes that the couple’s behaviour will probably cause desire, any desire caused will necessarily be illicit, and it will in turn probably lead to an unspecified sinful action. His admonition might also leave an overly conscientious couple inferring an unreasonably self-imposed expectation to remain completely silent even while they abstain from sexual intercourse for that night, lest the scouts misperceive anything they hear as suggesting it. Unfortunately for those who would wish to follow this example in judging scandal of the weak, Grisez leaves unaddressed the question of how one reasonably foresees it—he simply asserts his claim and appeals to an unproblematic common sense for support.

Here I re-emphasize that my point is not to make extreme claims like (A) married couples should disregard or avoid all modesty in cases like this; (B) children or adolescents are absolutely immune from receiving scandal; or (C) that the spouses should sleep in separate tents, just to be absolutely sure no one’s overly active imagination leaps to the conclusion that they might be copulating silently. Rather, I only wish to demonstrate the epistemic difficulties present in Grisez’s example and generally inherent in judging scandal of the weak. In making these judgments, one must be cautiously aware that they can depend on a chain of causal reasoning supported less by evidence and more by inferences based on untroubled social convention and one’s (tacitly) ideological commitments. These cautions are not unreasonable: as absurd as point (C) above might sound, it structurally echoes the bishops’ suggestion that it might be better in some cases to avoid situations like “a male and female university student cohabiting off campus,” should they create the impression that their living arrangement will necessarily lead to immoral sexual encounters.<sup>29</sup> That suggestion is existentially impoverished because it forces persons to live fearing what the neighbours think, and so precludes anyone’s spiritual and psychological freedom and opportunity to grow in the face of unsubstantiated and cynical innuendo.

The third category, “‘Pharisaical’ scandal,” is interesting because it offers a means of interpreting situations that potentially contend with *scandal of the weak*. It refers to “the morose reaction of those who, like the Pharisees in the time of Christ, wrest the words

and action of a good man to their own hurt by perverse misconstruction.”<sup>30</sup> The bishops relate that “Jesus was a source of scandal for the Pharisees because he ate with the prostitutes, tax collectors, and sinners [... thereby] challenging those who were scandalized to realize that he came to call sinners, not the righteous. Thus, the bishops continue, this category allows that “for sufficient reason a Christian might rightly take some action though some members of the Church or community will be scandalized by it.”<sup>31</sup> Miller concurs: “There may even be circumstances in which one is bound to continue on a *good* course of action even though, through ignorance, the weak are scandalized, for it would not be right, for the sake of avoiding scandal, to inflict serious harm or loss on oneself or the community.”<sup>32</sup> After acknowledging the Gospels’ distorted portrayal of the historical Pharisees, the concept of “‘Pharisaical’ scandal” nonetheless helpfully introduces the idea that Jesus presents a needed disruption to some conventions of what it means to be a religiously conscious and observant person.<sup>33</sup> In Häring’s interpretation, “Christ knew his prophetic words and actions would cause a shock that for some would be *wholesome* but for others could cause a hardening of an already obdurate heart.”<sup>34</sup>

I have emphasized above the words *good* and *wholesome* because they reveal where further conceptual clarity or acknowledgment of controversy is required: who decides “goodness” and “wholesomeness,” and on what grounds? To the degree that this discernment is controversial within Catholic thought, the judgment of scandal is likewise controversial. These qualifications uncover how, in cases where the actor’s intentions are unknown, proof is in short supply, and situations are ambiguous, discerning what is *harmfully* scandalous from what is the scandal of a *needed disruption of convention* is difficult.<sup>35</sup> It is no less problematic that Grisez and the bishops take for granted the distinction between “scandal of the weak” and “‘Pharisaical’ scandal” without discussing their potential conflict. A simple test is that of reversibility: in Church teaching and traditional readings of scripture, why do Jesus’ mealtime habits not count as “scandal of the weak,” or Paul’s prohibition on consuming idol-meat as “‘Pharisaical’ scandal”? In short, raising this question points to the contentious issue of what is the true scandal present in each situation, and who gets to judge. In the next section, I show how a re-reading of the First Letter to the Corinthians challenges the use of that passage as the normative biblical basis for judging *scandal of the weak*, and how its traditional

interpretation overshadows other important features of the ancient Corinthian church that are relevant for judging scandal today.

### **Critiquing *Scandal of the Weak*: Rereading First Corinthians**

There is evidence within Christian tradition that judging scandal of the weak has been problematic since at least the time of St. Paul. Both Grisez's and the bishops' examples rely on Paul's First Letter to the Corinthians, where he recommends that "the strong" in that community not eat meat sacrificed to idols in pagan temples. Even though there is nothing intrinsically sinful in this practice, in his judgment it would, in the context of the first-century Corinthian Church, exacerbate a "negative spiritual effect" on the weak, who believed that such meat was "spiritually contaminated."<sup>36</sup> "Paul told them that loving concern for their neighbours prohibited them from allowing their liberty to be a stumbling block, a scandal, for those of weak conscience (1 Cor 8:9)."<sup>37</sup> The *perceived* needs of one's "weak" neighbour are thus positioned as prior to a "strong" Christian's acceptance of the new covenant.

A closer look at the early Corinthian Church, however, shows problems with applying this traditional reading too far from its historical context and hastily concluding that Paul is overly cautious and so at odds with the Gospels' portrait of Jesus as a socially disruptive figure for his dining with sinners, healing on the Sabbath, and overturning vendors' tables in the Temple (Mk 11:15-19; Jn 2:13-16). Biblical scholarship shows that the Corinthians' concern over idol-food was less about a strong-weak disagreement about demons in sacrificial meat and more about re-establishing egalitarianism within the local church. Jacobus Kok argues that one group was only *perceived* to be weak, relative to the other that was perceived to be strong<sup>38</sup>; so echoes Peter Gooch's earlier observation that Paul's reference to "weak Christians who may be harmed by the practice of the strong" has too easily led to a modern-day assumption that "such weak Christians must have existed." Gooch continues: "This assumption, however, is hardly ever noticed, let alone questioned, and there is good reason to suspect its validity,"<sup>39</sup> because "if there are weak Christians seriously threatened by specific practices of strong Christians Paul would very likely refer more to these in less hypothetical terms"<sup>40</sup> than what appears in his letter. Gooch maintains that the idol-food problem is only a secondary personal concern of Paul's that crept

into his clarifying a comment about idolatry in an earlier (non-canonical) letter to the Corinthians.<sup>41</sup>

Kok argues that Paul's bias in judgment leans instead towards nurturing an egalitarian communal church within an agonistic civil society heavily stratified by social class; hence, his advice sits within his prior aim to disrupt hierarchy ahead of exercising individual liberties to their fullest.<sup>42</sup> Dale Martin posits a congruent claim that Paul's difficulty lay not with the intrinsic properties of idol-food, but with the attitude that he inferred "the strong" were adopting towards its consumption. Martin identifies "the strong" with the upper classes that, as a group, is acting snobbishly ("puffed up") towards "the weak" lower classes.<sup>43</sup> Here it is helpful to know that in first-century Corinth, any meat available would likely have been both expensive and sacrificed in a non-Jewish and non-Christian ritual before it came to market; coincidentally, it was central to "the strong's" lifestyle, because their ability to purchase and serve it at dinner parties reflected their superior social standing and capital.

Paul deals with "the strong's" snobbishness in the context of the Lord's Supper controversy (1 Cor 11:17-34), which emerged from the household church's wealthy patrons' habit of arriving early to the gathering and beginning the meal, including its meat, without their lower-class ecclesial siblings, who were still at work. This practice threatened local church unity because it transposed Corinth's sharply defined civil class structure into what was supposed to be an egalitarian community.<sup>44</sup> Paul's instruction to "the strong," according to Martin, is thus to avoid flaunting their *civil status* over "the weak." The real scandal is ecclesial division; ritual purity merely functions as Paul's rhetorical workhorse to express his sympathies with the lower classes and prescribe an egalitarian norm to the assembly. There,

the higher-status Corinthians should give up their prerogatives and adjust their behavior to meet the needs of the lower-status Christians who are offended by their practice of eating idol-meat. As was the case with the Lord's Supper, so here Paul pursues a strategy of status reversal, siding with the weak, directing his criticisms toward the strong, and so overturning the normal expectations of upper-class ideology.<sup>45</sup>

The historical blind spots in traditional interpretations of First Corinthians do not completely erode the traditional teaching, but this new interpretation still allows

an important conclusion that relying on a narrow interpretation of it for judging scandal is problematic. For example, one must question the ethical appropriateness of the bishops' using it to judge the GSA controversy because it structurally equates lesbian, gay, bisexual, transgendered, queer, and questioning (LGBTQ) students, as alleged *givers* of scandal, with "the strong" in Corinth. The bishops' and trustees' worries about GSAs emerge from their focus on and judgment of what the oppressed LGBTQ students—those seeking protection—and not their bullying oppressors bring to the school.<sup>46</sup> Seeking protection from bullying is very different from "flaunting" one's sexuality; one's suffering from bullies for *being* and *identifying* as LGBTQ cannot be construed as the result of allegedly "flaunting"<sup>47</sup> any aspect of that identity, unless one is in the habit of victim-blaming.<sup>48</sup> The logical, existential, ethical, and historical problems thus illustrated within this category show the wisdom of Häring's assessment that in practice, "it may be difficult, and perhaps well-nigh impossible, to determine with finality and in a purely legal fashion what actually is and what is not scandal in concrete circumstances."<sup>49</sup>

### A Broader Conception of Scandal

The traditional conceptualization of *scandal of the weak* does not suffer solely from the analytic and historical problems discussed above. It also suffers theologically from being too narrowly focused on the particulars of individual actions and misconstruing otherwise good actions as possible traps rather than opportunities for the whole Church to experience growth. Häring expresses this concern within the context of explaining the problem of *how* one judges according to the traditional conception: "It is a serious duty to take into consideration the weakness of another insofar as this redounds to the good of the soul and is within the bounds of sound reason. However, we may not permit this concern for the frailty of others to divert us to a mode of action which in the long run would prove even more hazardous (cf. Gal 2)."<sup>50</sup> McDonagh expresses a sympathetic view that tackles the prior concern with *how* one conceives of scandal:

Despite its biblical roots and historical respectability this [traditional] approach to scandal was very inadequate. It did not at all do justice to the full biblical tradition, particularly that of the New Testament. It took little account of the psychological and sociological implications, positive and

negative. It belonged to a tradition of moral analysis that was too juridical in form and negative in expression without sufficient attention to the real character of evil in the world. The tradition was too much concerned with individual actions without recognizing [an] historical process in which individual actions belonged. And it considered only individual agents and not groups or communities as subjects of moral activity.<sup>51</sup>

Instead, McDonagh maintains that more emphasis should be afforded to the *scandal of divine love*<sup>52</sup> that is present in Jesus' person. In the Gospels, Jesus challenges persons' faith by associating with social outcasts, healing on the Sabbath, and overturning the moneychangers' and vendors' tables in the temple (Mk 11:15-19; Jn 2:13-16). He emphasizes love of one's neighbour and cultivating an authentic internal faith over a legalistic mindset of external adherence to custom and law as the mark of one's holiness.<sup>53</sup> As McDonagh maintains, part of the mission Jesus undertakes in these stories is to disturb partial or distorted conceptions of faith so they might grow into greater understandings.<sup>54</sup> Like the analysis of First Corinthians in terms of social class shows, it is sometimes possible to be distracted by a minor question and so ignore the greater one: "A scandal given frequently in the past has been rigorous insistence on small details, on secondary questions of discipline, while betraying the spirit of wholeness and ongoing conversion."<sup>55</sup>

The public struggle over the GSA question is perhaps not surprisingly most divergent concerning whether *scandal of the weak* is present, or why an alleged *scandal of the weak* is not "*Pharisaical scandal*." For example, where resistance to GSAs is based on a perception that they would cause *scandal of the weak*, it is interesting that Catholic schools admit unmarried pregnant and parenting students without similarly judging their presence as suggesting the school approves of sexual intercourse outside marriage.<sup>56</sup> Apparently, the Church judges their presence as either not scandalous or less scandalous than leaving them unserved. My point here is only to show how the range of possible choices and even the inconsistencies among them is a feature of judging (alleged) scandal of the weak, and how a reluctance to judge might be preferable for its efficacy in avoiding a too-hasty judgment that might have unintended negative consequences. Instead, however, the bishops and trustees have implicitly appropriated the disruptive scandal of Jesus for themselves by portraying

their resistance to GSAs as a religious truth that, when expressed through the denominational rights enjoyed by Ontario's Catholic schools, contrasts with prevailing secular norms. Conflict aversion and excessive caution, or *tutiorism*,<sup>57</sup> have taken priority over using conflict and struggle to promote personal and institutional growth. Failing to engage a more comprehensive view of scandal consequentially impedes the appreciation of its fuller theological meaning within the public ecclesial discourse both within and outside Catholic schools.

It is apparent that setting this commitment as the Church's counter-cultural stance against secular society has taken priority over another possible counter-cultural emphasis on standing in solidarity with LGBTQ students in the face of oppression:

The contradiction or discontinuity can too easily become a self-righteous defensive reaction against the God-given signs of the times and lead Church and Christian to rejection of the wider divine call embodied in current history in defense of narrower ecclesiastical interests ... Undiscerning or blind (Mt 15) self-indulgent and self-protective non-conformity in face of a particular civilization is no more an act of faith than an undiscerning self-indulgent conformity.<sup>58</sup>

McDonagh later characterizes this kind of response as a scandal *given* by the Church as an imperfect human institution:

In the prevention of participation by so many members in Church life, in the inadequacy of structures for communication and judgment, in the preference for power rather than truth or justice, in the need for a new life-style for clergy, religious, and laity, the scandal of [humanity's] ways in the Church is frequently manifested.<sup>59</sup>

Judging some forms of scandal, and especially the scandal of the weak, thus rests on what (or what about it) is perceived as scandal, and what or whose interests carry the most weight in making a response. No matter what the outcome of this judgment, therefore, it remains a judgment for which there is potentially no final word available, and is thus legitimately controversial inside and outside the Church.

As the nature of the scandal is thus sometimes controversial, McDonagh proposes that its judgment take place through a process of slower assessment and discussion with everyone affected, rather than a pre-emptive summary judgment. His use of the word "prophetic" here

strongly suggests conceiving of scandal in a way that aligns with the Sabbath-breaking Jesus and anti-elitist Paul, and allows for learning through trial, error, and correction:

So the Church has to provide room for creative experiment and *prophetic* word and action that may to human weakness appear scandalous in the primary Christian sense. Its response to such experiment and prophecy must be one of faith, seeking to understand and discriminate between the gracious God-given and the sinful [human]-laden. It must be one of patience because, Gamaliel-fashion, the Church should let the community through time arrive at a considered judgment. It must be one of love because the experimenter and the prophet need the loving support of the community if they are not to be isolated socially and psychologically and be distorted in their role into cranks and eccentrics.<sup>60</sup>

Such learning through trial and error naturally admits of risk, but arguably such risk is inherent in the vicissitudes of human living and education; it is unrealistic to insulate—or even attempt to insulate—oneself from all occasions of controversy, since part of living inherently involves confronting choices about whether and how one wants to be faithful and act well.

Following this line of thought implies that in situations like the GSA controversy, the Catholic community needs to receive fewer pre-emptive judgments based on hypothetical and conflict-averse presumptions, and be presented with more appreciative knowledge of how difficult and fallible knowing and judging scandal really is. Moreover, should such a judgment appropriate the acting person's existential and moral choice, not acknowledge intra-ecclesial controversy, or not offer a defense for why *scandal of the weak* applies instead of the kind of scandal which challenges the Church to be more loving, the whole Church will lose an opportunity to grow. According to Håring, the reward to be gained from the risk of following "prophetic" voices and experiments is great. In his view, cauterizing prophetic voices causes frustration and attrition: "It seems that the Church suffers much less from the so-called 'imprudences' of the prophets than from the inaction of those who do little more than call for cautiousness. By this kind of sad scandal the Church stands to lose the most dynamic persons and communities."<sup>61</sup>

## Considerations for Reforming the Judgment of Scandal in Schools

So what are the practical implications of following thinkers like McDonagh and Häring into a broader conception of scandal? Though not all education is reducible to schooling, Catholic schools nonetheless comprise an important part of the learning Church. Hence discussion of how scandal applies in these institutions is relevant as they are the public ecclesial settings where prominent decisions that reflect an understanding of and respect for magisterial teaching intersect with the multiple ideological orientations towards and interpretations of what it means to be Catholic. For heuristic purposes, a reasonable plurality of Catholic thought and practice can range from emphasizing rigorous doctrinal adherence to demonstrating respect (*obsequium*) for magisterial teaching even when conscience does not permit following it. The school thus differs from how an individual or family might adjudicate scandal because it represents the intersection of several individuals and families.

I do not mean to obliterate the traditional definition; I only wish to expand it greatly. School and society should definitely still disapprove of direct scandal and acculturating persons into sinful habits. However, observing the problems of the traditional definition and judgment of *scandal of the weak*, and promoting greater use of the *scandal of divine love* for interpreting phenomena in school and society, shows greater possibility for Christian response than summarily shying away or shielding oneself and others from the challenges and inherent risks of growing in faith. Whether this attitude is rooted in tendencies to doctrinal legalism, a socially conservative segment of Catholic thought and practice, or some other commitment or combination of influences, it can have potentially serious effects on Church and community participation, including reinscribing injustices.

In cases like the GSA question, it can alienate LGBTQ persons from the Church and divert attention from a comprehensive approach to exploring how one coordinates being LGBTQ and Catholic. Finally, it can promote the same kind of insularity that Jesus' love sought to disrupt. The worst conceptual error that can occur in Catholic schools and throughout the Church is mistaking the kind of scandal that genuinely promotes evil or sets bad examples for the kind that rightfully disturbs Church and society from the inadequacies of entrenched habits and outworn commitments. If any-

thing, the suggestion of scandal should not be the last word of a quick judgment, but the first word of a very long conversation aimed towards educative growth.

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2 *Catechism of the Catholic Church*, 1997, no. 2284, [http://www.vatican.va/archive/ENG0015/\\_P80.HTM/](http://www.vatican.va/archive/ENG0015/_P80.HTM/)

3 The OCCB changed its name to the Assembly of Catholic Bishops of Ontario on May 15, 2009.

4 OCCB, *Pastoral Guidelines to Assist Students of Same-sex Orientation* (Toronto: Author, 2004), 44.

5 Canadian Catholic schools are also publicly funded at 100 percent in Alberta, Saskatchewan, Northwest Territories, and Yukon. Nunavut has the same provision in law but not currently in practice.

6 Hall (Litigation guardian of) v Powers, Ontario Superior Court of Justice (O.J. no. 1803, 2002).

7 Affidavit of Anthony Meagher, Archbishop of Kingston, Ontario, quoted in Hall (Litigation guardian of) v. Powers (2002), no. 30

8 OCCB, *Pastoral Guidelines*. See also OCCB Education Commission, *Letter to All Involved in Catholic Education*, Mar. 31, 2003, in *Ibid.*, 2 & esp. 6n1.

9 Ontario Catholic School Trustees' Association (OCSTA), *Respecting Difference: A Resource for Catholic Schools in the Province of Ontario Regarding the Establishment and Running of Activities or Organizations Promoting Equity and Respect for All Students* (Toronto: Author, 2012). <http://www.ocsta.on.ca/ocsta/wp-content/uploads/2013/04/PDF-RespectingDifference-FINAL-Jan.26.2012.pdf/>

10 OCCB, *Pastoral Guidelines*, 44. Further details on the OCCB's foundation for this evaluation appear below.

11 *Civil Marriage Act*, Bill C-38, 38th Parliament, 1st session (assented to on July 20, 2005).

12 OCCB Education Commission, *Letter to All Involved*, 2-8.

13 OCSTA, *Respecting Difference*, 1f.

14 *Ibid.*, 1n2.

15 *Ibid.*, 2 & 3.

16 *Ibid.*, 11 at number 4.iii.

17 An Act to Amend the Education Act with Respect to Bullying and Other Matters [*Accepting Schools Act*], Bill 13, 40th Legislature, 1st Session (Assented to on June 19, 2012), numbers 12.1.d & 12.2.

18 Here I use this term as only a descriptive reflection of its appearance in Catholic teaching, while at the same time recognizing that it is inherently problematic and that a term like LGBTQ is preferable.

19 Bernard Häring, *The Law of Christ: Moral Theology for Priests and Laity* (6th ed.), trans. E.G. Kaiser (Westminster, MD: The Newman Press 1960/1963), 477.

20 Grisez, Miller, and the Ontario bishops use the term "Pharisaical" (G.G. Grisez, *The Way of the Lord Jesus*, Vol. 2, *Living a Christian Life* [Quincy, IL: Franciscan Press, 1993], 234; L.G. Miller, "Scandal," *New Catholic Encyclopedia* [Detroit, MI: Thomson Gale, 2003], 719-20; OCCB, *Pastoral Guidelines to Assist Students*, 44) consistently with the *Catechism's* (1997) entry on scandal, which states that Jesus, as portrayed in the Gospels, "likens them [the Pharisees] to wolves in sheep's clothing" (no.



2285). Using that term, however, to signify legalism, hypocrisy, or trickery is historically inaccurate and, worse, reflects a sadly well-established tradition of Christian anti-Judaism. Dorothy Lee, writing specifically on how such attitudes are rooted in prevailing traditional readings of the Gospel of Matthew, observes that “it is undeniable that Matthew has been interpreted, in many Christian quarters, in an antisemitic way. Sometimes such interpretations have been unconscious; as when Christians assume that ‘Pharisee’ is synonymous with self-righteousness and hypocrisy.” Lee, “Matthew’s Gospel and Judaism.” <http://www.jcrelations.net/Matthew’s+Gospel+and+Judaism.2201.0.html?L=3/> It is sadly ironic that the continued and persistent use of this term, especially a half-century since the Second Vatican Council repudiated the use of the Gospels to vilify Jews (see n. 53 below), is scandalous both as a conventional outrage and as a stumbling block that the teaching Church (*ekklēsia docens*) and its apologists place in the learning path of its unsuspecting members (*ekklēsia discens*).

21 Miller, “Scandal,” 719–20.

22 Grisez, *Way of the Lord Jesus*, 233.

23 *Ibid.*

24 *Ibid.*

25 *Ibid.*

26 *Ibid.*

27 *Ibid.*

28 OCCB, *Pastoral Guidelines to Assist Students*, 4; see also 8n11 and n14.

29 *Ibid.*, 44.

30 Miller, “Scandal,” 719; cf. Grisez, *Way of the Lord Jesus*, 234.

31 OCCB, *Pastoral Guidelines to Assist Students*, 44.

32 Miller, “Scandal,” 720, emphasis mine. Lawrence Kohlberg’s Heinz dilemma is a good example. Where the stage six reasoner would steal the drug to save Heinz’s wife on the grounds of prioritizing her life over private property ownership, a stage two reasoner who witnesses the theft would interpret it as license to steal so long as they do not get caught. Lawrence Kohlberg, *Essays on Moral Development, Volume 1: The Philosophy of Moral Development* (San Francisco: Harper & Row, 1981), 12.

33 Even after correcting for straw person caricatures of the Pharisees and acknowledging anti-Judaism in the Gospels, in Christian contexts it remains impossible to make a morally sound abstraction of this kind of scandal without acknowledging its historical contingency on the Gospels establishing Jesus’ message of love against a legalistic Jewish foil, and the widespread institutional uptake of this distortion over many centuries. I retain its use here only insofar as it represents current documentary discourse, reveals a reflexive irony in the bishops’ disapproval of GSAs, and establishes a means to problematize *scandal of the weak*.

34 Bernard Häring, *Free and Faithful in Christ: Moral Theology for Priests and Laity*, Vol. 2: *The Truth Will Set You Free* (New York: Seabury Press, 1979), 475 [emphasis mine].

35 For example, Paul also uses *scandal* in 1 Cor 1:22–24 to refer to Jesus’ sacrifice.

36 Jacobus Kok, “Mission and Ethics in 1 Corinthians: Reconciliation, Corporate Solidarity and Other-regard as Missionary Strategy in Paul,” *Theological Studies* 68:1 (2012), Art. #1222, 9. <http://dx.doi.org/10.4102/hts.v68i1.1222/>

37 OCCB, *Pastoral Guidelines to Assist Students*, 44.

38 Kok, “Mission and Ethics in 1 Corinthians,” 9.

39 Peter D. Gooch, *Dangerous Food: 1 Corinthians 8–10 in Its Context* (Waterloo, ON: Wilfrid Laurier University Press, 1993), 66.

40 *Ibid.*, 67.

41 *Ibid.*, 72.

42 Kok, “Mission and Ethics in 1 Corinthians,” 3–5, 8, 10.

43 Dale B. Martin, *The Corinthian Body* (New Haven, CT: Yale University Press, 1999), 69.

44 Martin, *The Corinthian Body*, 73; cf. Gerd Theissen, *The Social Setting of Pauline Christianity* (Philadelphia, PA: Fortress, 1982).

45 Martin, *The Corinthian Body*, 75.

46 Shields maintains that the anti-GSA stance taken by the Ontario Catholic School Trustees “subordinates the pastoral and educative potential of the crisis of bullying to the institutional rights of Catholic schools.” Richard Shields, “Biblical-Ethical Reflections on ‘Respecting Difference,’” *Theoforum* 43:3 (2012):309–28 at 322.

47 “[I]n Western contexts, when straight people hold hands as couples, others around them do not readily interpret such situations as ‘private.’ Yet, queer people place themselves at risk of verbal judgment and physical attack when they perform the same expression in public. Such a double standard is the root of the accusation that queer people ‘flaunt’ their non-normative sexualities and genders [in]appropriately [sic] in public while straight people are, by inference, just doing what comes naturally in *their* spaces.” Robert G. Mizzi and Gerald Walton, “Catchalls and Conundrums: Theorizing ‘Sexual Minority’ in Social, Cultural, and Political Contexts,” *Paideusis* 22:1 (2014):84. <http://journals.sfu.ca/pie/index.php/pie/article/view/410/216/>

48 Lauren Bialystok arrives at the same conclusion through a different path. She finds that “Respecting Difference” “implicitly downplays what is wrong with bullying, lumping together the victims and perpetrators of homophobic bullying in the same dubious category.” For example, she points out that “The story of the Good Samaritan [Luke 10:25–37] is recounted, noting that he ‘*did not ask whether the victim had brought the violence upon himself, or if he was good and therefore worthy of being helped*’ (OCSTA, 2012, p. 2 [italics in original]). The unmistakable implication is that LGBT students are not necessarily ‘good’ and may well bring violence or harassment on themselves.” Bialystok, “Respect Without Recognition: A Critique of the OCSTA’s ‘Respecting Difference’ Policy,” *Paideusis* 22:1 (2014):14. <http://journals.sfu.ca/pie/index.php/pie/article/view/403/209/> To extend from this point, it is crucial to know that the italicized phrase is not in Luke’s Gospel—nor does OCSTA offer any citation for it—and so appears to have been composed specifically in the context of the GSA controversy for inclusion in “Respecting Difference.”

49 Häring, *The Law of Christ*, 483.

50 Häring, *The Law of Christ*, 480; cf. note 32 above.

51 Enda McDonagh, “The Judgment of Scandal,” in William Bassett and Peter Huizing, eds., *Judgment in the Church* (New York: Seabury Press, 1977), 88–89.

52 *Ibid.*, 93.

53 *Nostra Aetate* warns that the Gospels’ portrayal of Jewish authorities should not extend to an overgeneralization that all Jews are “rejected or accursed by God, as if this followed from the Holy Scriptures” (Vatican Council II, *Nostra aetate* [Declaration on the Relation of the Church to Non-Christian religions], 1995, no.4). [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651028\\_nostra\\_aetate\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra_aetate_en.html) One may observe Jewish (or any religious) law as a means of encountering God through its practice, and not merely for its own sake.

54 McDonagh, “The Judgment of Scandal,” 89; see also again 1 Cor 1:22–24.

55 Häring, *Free and Faithful in Christ*, 478.

56 G.P. McDonough, “Challenging Catholic School Resistance to GSAs with a Revised Conception of Scandal and a Critique of Perceived Threat.” *Paideusis* 22:1 (2014):71–80 at 77–78. <http://journals.sfu.ca/pie/article/view/409/215/>

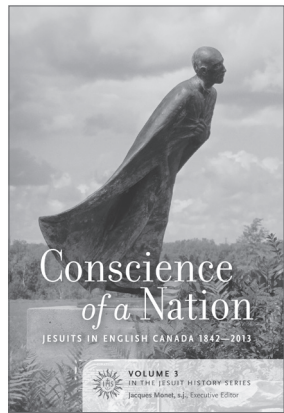
57 Shields, “Biblical-Ethical Reflections on ‘Respecting Difference,’” 324, 326.

58 McDonagh, “The Judgment of Scandal,” 90.

59 *Ibid.*, 93.

60 *Ibid.*, 94, emphasis added.

61 Häring, *Free and Faithful in Christ*, 478.



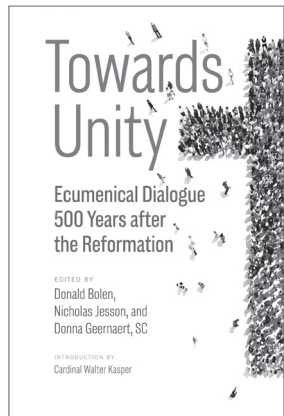
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