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Response

Finding our way forward

I thank the editor for the opportunity to respond to two forceful conservative critics of my position. As everyone knows, this is a controversy that threatens to split churches and divide society. Yet there is also hope for a way forward.

Moving beyond the impasse: dialoguing with John Witte

One sign of this hope is the very respectful and positive review written by John Witte. We seem to agree that sexual orientation is not a choice but a condition of life, which means that it makes no ethical sense to condemn a person merely for being erotically attracted to someone of the same gender. Witte and I agree that committed gay couples living a life of mutual devotion should be supported. We differ over how.

We also agree that there are important analogies between the fight for gay rights and the fights surrounding slavery, racism and sexism. Although I argue for gay marriage in the civil realm and Witte for civil unions or domestic partnerships, I accept that civil unions (but not domestic partnerships) may provide a useful way forward in the short run.

Still, there are disagreements. Though identifying himself with the modern rights movement, Witte is not prepared to extend full rights of equality and liberty to gay couples. He justifies this stance by appealing to scripture and tradition, but this is problematic for two reasons. First, marriage is a civil institution governed by secular legal principles, and it was none other than the Protestant reformers who insisted that marriage should be the domain of the civil authority. Second, in saying that 'until recently, the western tradition criminalized the acts of sodomy and buggery that are endemic to' homoerotic unions, Witte is not telling the whole story. Originally, the crime of 'sodomy' prohibited *all nonprocreative* acts. In other words, 'sodomy' included oral sex and all other nonprocreative sex, including that between husband and wife. As has been amply documented by historians, legal prohibitions in America aimed *exclusively* at homoerotic sex date only from the 1970s. This fact influenced the United States Supreme Court to invalidate gay-only sodomy laws in 2003 in the landmark decision of *Lawrence v. Texas*. In short, legal opinion has moved beyond Witte's position.

If Witte wants to identity himself with the modern rights movement – and I'm glad that he does – it would be more consistent to support marriage

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equality for gay couples in the civil arena, but then uphold the traditional definition of marriage within the church. If Witte wants to provide for the children of gay couples – and I'm glad that he does – then he needs to recognise that our rather weak 'domestic partnership' laws do not accomplish this. He also should vigorously lobby his conservative colleagues for repeal of the 'Defense of Marriage Act' that denies federal benefits to gay couples and their children.

Still, there is cause for encouragement. I am grateful that Witte finds my seven-fold taxonomy useful and that he is happy to identify himself as an 'accommodationist' – supporting traditional views but making gracious exceptions for committed gay couples. He also rightly identifies me as a 'consecrationist' – supporting the blessing of same-gender couples, not as a rejection of traditional Christian values but as a deepening of them. I use the term 'consecration' in order to help people of good will, such as Witte, who are not ready to apply the term 'marriage' to same-gender couples. In the legal and political chapters of *A Time to Embrace*, I argue for a form of deliberative democracy in which the basic rights of gays and lesbians are maintained, but in which the deeply held reservations of conservatives are respected and given their proper place. Witte concluded too quickly that there is 'nothing new' in these chapters. I think if he reads them again, in light of this discussion, he will see that I am trying to craft an ecclesial, legal and political argument for a position that is both progressive and traditional at the same time, a position that can include us both.

Why the impasse persists: disputing with Robert A. J. Gagnon

Gagnon's review diverts attention from the constructive issues my book raises in an effort to discredit me personally, a tactic he has used against others as well. Yet Gagnon's position, which is to allow no accommodation for gay couples whatsoever, is also an implicit rejection of moderate conservatives such as Witte – and this should give everyone pause.

Whatever our positions, we should refrain from personalising a debate that is bigger and broader than any of us. Gagnon alludes to what he considers a 'nasty' review I wrote in 2006 of his book, *The Bible and Homosexual Practice*. Yet, in that very brief piece, I said quite clearly that I consider his book to be 'the most thorough and exhaustively researched' of its type. Other than seeing things differently, I am not clear what he considers to be nasty. Gagnon objects to my 'tone', but most of what he finds objectionable consists of my paraphrases of the conservative Republican Anthony Kennedy of the United States Supreme Court and Rowan Williams, the current Archbishop of

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Canterbury. Gagnon asserts the dependence of my taxonomy on Holben, but neglects to mention that I was presenting the taxonomy in public seven years before Holben's book was published. Gagnon's insistence that there are only two views represents where the discussion used to be, while recognising the existence of a range of positions, each with its own nuances, represents where the discussion is now. Gagnon takes issue with my 'Creation, Reconciliation, Redemption' scheme, but since I got it from Karl Barth I am inclined to think it has some merit.

The main difference between us is not these small things. It is, I think, our view of what exactly is authoritative about the biblical text. Gagnon seems intent on presenting the reality of the gospel through the lens of a textual empiricism, nailing down and considering authoritative the letter of what the biblical writers themselves believed – including their cultural assumptions. My focus, instead, is on the gospel as an ongoing reality to which the biblical writers bear dynamic witness – despite and beyond their cultural assumptions. Hence, I have no problem accepting Gagnon's claim that the biblical writers would have rejected every form of homoeroticism they knew about. Of course they did. But I do not believe that this observation ends the matter. For me, the question is what the Word and Spirit continue to reveal through the text but also out in front of the text. Thus, the things Gagnon accuses me of not 'revealing' in certain footnotes are actually obvious and (especially in the footnotes under question) beside the point, as I trust my analysis below will make clear.

The issue between us is not one of the canons of scholarship or how to construct footnotes. The issue is one of biblical and cultural hermeneutics.

Reading the Bible with progressive eyes

The two foundational passages in Leviticus 18:22 and 20:13, from which ancient Jewish and Christian writers take their cue, are directed to heads of extended households, prohibiting them from taking sexual advantage of those within their domain of power. With sex being understood as what males do to others, these prohibitions prevented Israelite men from being symbolically emasculated by other men. The prohibitions may also have sought to prevent participation in pagan rituals, but this is less clear. The application of the death penalty, even to the passive party in 20:13 (as in 20:10–12), indicates not the absence of a power hierarchy but the supreme importance of protecting procreation, kinship boundaries and masculine roles in ancient Israel.

A similar situation obtains in the New Testament, where no passage – not even Romans 1:26–7 – says anything explicit about this new issue we are

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debating today, namely, the blessing of gay covenantal commitments. The three New Testament passages that speak explicitly to homoerotic behaviour must be interpreted with reference to attitudes prevalent in the Roman Empire (and less so to those of ancient Greece). In the Roman world sex was understood in terms of dominance and submission. The primary question was about who does what to whom. This was true in heterosexual marriage as well as in homoerotic liaisons, and all male Roman citizens were expected to gratify their urges in both types of encounter. In so doing, the male Roman citizen was always expected to be the master of the sexual act. For him to be penetrated by another male was considered shameful. On the other hand, he was both permitted and expected to gratify his sexual urges with social inferiors, including not only women but male prostitutes and male slaves. To be a slave was by definition to be a sex object. The slave owed absolute obedience, including complete sexual obedience. It was commonplace for a wealthy Roman citizen to own a young boy-slave. By contrast, the Roman law prohibited having sex with freeborn boys.

Thus, according to the noted classics scholar, Marilyn B. Skinner, there were only two legitimate objects for homoerotic release for the Roman citizen in New Testament times: male prostitutes and male slaves. Even the risqué Warren Cup, to which Gagnon alludes, depicts an elite Roman having sex with a slave boy on one side and another having sex with a male prostitute (or older slave) on the other. It stands to reason, then, that these two sorts of homoerotic behaviour would be the primary ones the New Testament authors had in mind. And, as it turns out, these happen to be the two behaviours singled out in both 1 Corinthians and 1 Timothy. In 1 Corinthians 6:9–10, male prostitutes (*malakoi*) and (elite) men-who-have-sex-with-men (*arsenokoitai*) are predictably mentioned in the same breath. Similarly, in 1 Timothy 1:10 fornicators (*pornoi*) and (elite) men-who-have-sex-with-men (*arsenokoitai*) are lumped together with slave traders (*andrapodistai*). Again, this is completely understandable when one considers that many of the boy slaves owned by freeborn Roman citizens were youngsters who had been captured as part of the spoils of war and sold into sex slavery. In order for these slaves to retain their youthful appearance, the slave traders sometimes castrated them before offering them on the auction block. Given that the Romans had carried tens of thousands of Jewish men, women and children into slavery in their conquest and continued oppression of Palestine, it is no wonder that various forms of the sex trade would make it into the New Testament vice lists.

Nevertheless, it is often claimed that Paul's Letter to the Romans contains a broader denunciation that would include today's covenantally committed,

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egalitarian gay couples. Yet it helps in reading Romans to keep in mind Paul's earlier remarks in 1 Thessalonians 4:3–6 where he rejects fornication and admonishes the church to act 'not with lustful passion (*epithumias*), like the Gentiles who do not know God'. In the same passage he urges that 'no one wrong or exploit (*pleonektein*) a brother or sister (*ton adelphon*) in this matter'. Gagnon dismisses and seeks to discredit 'Johnson's exploitation argument'. But it is actually *Paul's exploitation argument* that I am advancing. It is Paul himself who names lust and exploitation as the problems which epitomise Gentile sexuality. In both 1 Thessalonians and Romans he says that this sort of heedless sexuality is what characterises Gentiles who live a life divorced from knowing God.

What Paul does not directly address is how the church should respond to persons with a fixed, same-gender sexual orientation who commit themselves to one another in a bond which seeks to honour God. We know Paul is not discussing such persons, because he speaks generally of Gentiles for whom heterosexual intercourse was natural (Rom. 1:26–7). He is really not speaking of individual cases at all but of Gentile sexuality run amok. Paul's comment that homoerotic practices are against nature (*para phusin*) (Rom. 1:26) reflects commonplace cultural assumptions of his day – not only Jewish but also Stoic criticism of the profligate exercise of sexual passion. In making these generalisations Paul never claims the specific authority of Christ. Not only that, but in declaring Gentile homoeroticism to be 'unnatural' Paul is using language that connotes something unconventional or out of the ordinary, just as later he speaks of unconventional hairstyles as contravening nature (1 Cor. 11:14).

Still, Gagnon's claim is that this reference to Gentile homoeroticism in Romans includes not just exploitative, one-sided and hedonistic relationships but even those which are loving and committed. Gagnon mentions Paul's reference to Gentile men who 'were consumed with passion *for one another*' (Rom. 1:27). To further substantiate this claim, Gagnon puts forward all the well-known texts from the Graeco-Roman world which speak of boy love or love between men and in some cases love between women. The idea is that, since the Apostle Paul would have known of such examples (and I expect that he did), then his references in Romans must include this too and not just the violent legacy of the Romans.

My response is twofold. First, the ideal of same-gender love in ancient Greece is many faceted and has its own specific cultural context which is far removed from ours. Gagnon misses that my argument is not merely an appeal to 'exploitation'. It is also an appeal to cultural difference. Second, the issue we are debating today in the church is completely different from the pagan

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culture of ancient Greece. Within the church, gay and lesbian couples are seeking to enter covenantal bonds for life, modelled on Christian marriage, in which their love for one another seeks to bear witness to the love of Christ for the church. This is something genuinely new. It is not something that Paul or anyone in the early church anticipated or conceived – any more than they could have anticipated a world in which wives are not expected to be submissive to their husbands.

Nevertheless, if we are going to reference dialogues from Plato or others, then we need to set them in context. And if we do that, then Gagnon's position falls apart. First, the publicly approved love of boys in ancient Greece, and especially in late sixth- and early fifth-century Athens, was also connected to a range of religious cults and rituals cultivated by the upper classes. Whatever a Jewish thinker like Paul thought about the specifics of boy love, the context of pagan religiosity to which it was inextricably coupled would have sealed his opposition.

Second, this pederasty or boy love was not the same as two persons with a fixed sexual orientation giving themselves to each other exclusively for life. Basically pederasty was a practice among elite families in which a mature male (often in his early twenties, according to the classicist James Davidson) became a model of virtue for a younger male (usually around age 18), who in turn was to be the passive recipient of his mentor's sexual affections. The sexual activity in pederasty was brief and ceased when the younger party arrived at a more mature age. Most of the men who engaged in these practices were not acting out of an exclusive same-gender sexual orientation and almost all of them would later go on to have wives and father children.

This leads to the third point. When Gagnon cites ancient authors discussing male love which endured through the years, it is wrong to imply that this love necessarily involved physical sex in adulthood. In fact, the main point of so-called 'Platonic love' is that such love was supposed to transcend sex. We need look no further than the quintessential Greek example of bonded male lovers: Achilles and Patroclus in Homer's *Illiad*. Despite their bond, the two are never explicitly portrayed by Homer as engaging in sex with one another; and when they are depicted as having sex, it is with women. Generally speaking, the bonds being discussed in these ancient texts have little to do with the specifics of contemporary gay marriage.

Finally, our assessments of the complex world of ancient Greece and Rome are not going to decide this debate. Wrenching ancient texts from their context and injecting them into a contemporary culture war is counter-productive.

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Finding our way forward

The way forward depends not on the marshalling of biblical or classical texts but on finding the right theological frame.

First, what if we were to take *baptism* as our primary theological frame for considering the church's stance toward committed gay couples? Baptism bestows upon each Christian person a new identity. Through grace, a baptised person is now declared to be a child of God. But baptism does more than declare that gay and lesbian people are brothers and sisters in Christ. In the early church's baptismal utterance in Galatians 3:28 we are told that in Christ there is 'no longer male and female'. This is clearly a christological reversal of the 'male and female' of Genesis 1:27. As Witte points out, in our day we have understood this as doing away with the gender hierarchies that are otherwise visible in scripture. But the text does not just say that there is 'neither male nor female', which would imply equality; it says 'there is no longer male *and* female'. That is, it takes direct aim at the reality of gender differentiation itself, and this has significant theological consequences.

Gagnon's principal theological claim is that we should absolutely reject gay love, even in a committed, covenantal context because, no matter what the quality of the commitment, the bonding itself violates the 'male and female' of Genesis 1:27. But doesn't the biblical declaration that in Christ there is 'no longer male and female' cast serious doubt on Gagnon's absolutism on this issue? Gagnon's answer is that the early church would not have understood the passage this way, so neither can we. Yet if we held to this as a canon of interpretation, then we would be forced to agree with ministers in the nineteenth-century American South who argued that the 'no longer slave nor free' of Galatians 3:28 did not mean that we should eliminate slavery. We would be forced to agree, furthermore, with ministers in the twentieth century who argued that the 'no longer male and female' could not become a warrant for the ordination of women. In short, if we open ourselves to the cleansing declarations of baptism as our entry point to this debate, we are compelled to look seriously at the regenerating effects of grace in the lives of gay couples.

Second, what if we were to take *the relationship between Christ and the church*, as expressed in places like Ephesians and Revelation, as our primary theological frame for understanding marriage? Gagnon argues that marriage is a fixed order of creation rooted in the biology of sex and confirmed for us in the book of Genesis. Yet what if we ceased to look at marriage, the way many adolescents do, as though it were a licence for having sex? What if we thought of marriage as a way for the love of a committed couple to bear witness to Christ's love for the church? The love of Christ was marked by

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self-giving and self-sacrifice, as is the love of many bonded couples both gay and straight. If we were to take Christ's love for the church as our paradigm, then marriage would be not merely a fixed order of creation. It would also be most emphatically an order of redemption, in which the couple, by the Spirit's power, seeks to reflect the love of Christ. Are we really saying that gay couples are incapable of embodying such love?

A third and related point: what if we think more deeply about marriage as an *expression of covenant*. For centuries, the Christian tradition has defined the purposes of marriage in terms of companionship, commitment and community. In his review, Gagnon dismisses these as merely 'tangential rubrics'. Yet they have come down to us through such venerable sources as the Book of Common Prayer and are visible in the writings of Augustine. Speaking of companionship, commitment and community is my positive way of rendering what the tradition spoke of as 'mutuality' (cf. companionship), a 'remedy for lust' (cf. commitment), and 'procreation' (cf. community). Gay couples, though not capable of procreation, do contribute to community in many ways, including the adoption of children. It is clear, then, that gay couples are fully capable of living out these time-honoured purposes of marriage.

Gagnon counters that I have forgotten to mention a fourth 'C', the sexual complementarity of 'male and female'. He further charges that lifting up these three purposes does not provide a way to argue against incestuous or polyamorous marriages. Regarding the latter, he claims that 'the twoness of the sexes ordained by God at creation was the foundation for limiting the number of persons in a sexual bond to two'. But on Gagnon's own mode of biblical interpretation, this can't be true. Early biblical authors did not think that divinely ordained sexual complementarity was incompatible with the polygamy and concubinage of biblical patriarchs, such as Abraham, Jacob, David or Solomon.

A better argument for monogamy, once again, is the special love of Christ for his bride, the church. Note that this way of thinking has both a biblical and a christological pedigree. Committing oneself exclusively and for life to another person best reflects the exclusive love offered to the church by Christ, that One who 'loved the church and gave himself up for her' (Ephesians 5:25). That conviction lies at the heart of my 'consecration' argument, and it is far more counter-cultural and uniquely Christian than the fixation on male–female sexual complementarity.

Fourth, what if we were to take *pastoral care* as our organising frame? I believe that blessing exclusively committed gay couples is more pastorally sound than telling gay and lesbian people there is essentially something

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wrong with them. If we want to honour the teaching of Genesis, then let us remember the words of God recorded there: 'it is not good for the human to be alone' (Genesis 2:18). In other words, the desire to give oneself to another person is God-given, and God responds to this human desire by providing a companion who is 'suitable'. Arguably, a suitable companion for a gay or lesbian person is one whose sexual orientation matches their own. How many heterosexual marriages have failed because a gay person was wrongly encouraged by the church to be something that he or she is not?

Fifth, what if we were to take concrete cases from *Christian ethics* as our overall frame? As mentioned above, in the days of the Roman empire, the male citizens of Rome were not only permitted but expected to have sex with their slaves. Yet there is clearly a moral difference between a Roman centurion pleasuring himself with his boy slave, on the one hand, and two committed lesbians who are rearing a child, on the other. The problem with Gagnon's one-dimensional analysis – and it is a problem with Thomas Aquinas and others too – is that it makes the violation of gender complementarity the most egregious of moral infractions. For this reason Thomas could argue that a homosexual act was worse than a heterosexual rape, since at least an act of rape was 'natural', while a homosexual act was 'unnatural'. This way of thinking is demeaning not only to gay people but to women. Surely we can do better.

Sixth, what if we sought to inform our frame of reference with *analogies from the scriptures themselves*? Let us begin with what may seem a surprising choice, the book of Leviticus. Rather than getting tripped up on its culture-bound rules – the supposed 'abomination' of eating ostrich (Lev. 11:6) or the sin of planting different kinds of seed in the same field (Lev. 19:19) – what if we were to consider the *reason* behind the culture-bound rules? The reason for the various Levitical rules, including its sexual rules, was to enable human life to be set apart and consecrated to God. For this very reason, and in gratitude to God, religious communities bless covenantal love in hopes that it will bear witness to a reality beyond itself, the reality of God's faithfulness to us. When gay and lesbian people seek to set their love apart in holy unions, only a non-covenantal reading of scripture would see this as something the church should not support with its blessing.

Where do we go from here?

I believe it is time for all of us to quit fighting over gay sexuality as an 'issue' and pay attention to the people behind the issue. Today gay and lesbian couples are giving themselves to each other in exclusively committed

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relationships. In the United States alone at least 700,000 – and perhaps a million or more such couples – are raising children. Such couples deserve to have their commitments consecrated within our religious communities, fully validated within our legal system and welcomed within the framework of our democratic polity. Contrary to Robert Gagnon, there is nothing in the Bible that directly prohibits us from doing so and much that invites us to rethink our approach. Reading John Witte convinces me that there is nothing to keep conservatives and progressives from increasingly finding common ground.

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