

The Hermeneutics of Same-Sex Practice: A Summary and Evaluation

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It is only within the last generation that affluent Western Christians have suggested that same-sex sexual activity might be morally permissible. The unanimous consensus of the previous Christian tradition (Roman Catholic, Orthodox, Protestant and Anglican) has been that homosexual activity is immoral, condemned by both Scripture and Church tradition. The vast majority of critical biblical scholars continue to recognize that the plain-sense reading of the biblical texts prohibits homosexual activity, and that Scripture endorses only one permissible model for sexual activity: exclusive life-long commitment within heterosexual marriage.¹

Given the historic Anglican commitment to the primacy and sufficiency of Scripture, it would seem difficult to make a case from an Anglican perspective for the approval of same-sex activity, for the blessing of same-sex relationships, or for the ordaining of practicing homosexual clergy. Those who attempt to make such a case necessarily have to address the question of biblical authority. How one attempts to reconcile the endorsing of same-sex practices with the authority of Scripture will depend, first, on whether one recognizes that Scripture prohibits same-sex activity, and, second, how one

responds to Scripture's teaching.

Selectivism

The first and probably most prevalent position held by those who endorse same-sex activity might be called "selectivism." This position recognizes that Scripture condemns same-sex sexual activity. Despite this prohibition, its advocates insists, same-sex sexual activity is morally permissible. In short, the Bible is mistaken in what it says about homosexuality.

There are variations on this approach, running from those who are rather straightforward in their rejection of what Scripture teaches to those who try to articulate a more nuanced stance. The more radical are willing to write such things as: "[W]hile the Bible might 'contain everything necessary for salvation,' it also contains a lot of other junk, some of it plainly destructive and dangerous. . . . [P]erhaps Paul is condemning homosexuality . . . Paul was wrong about a number of other things too."² Retired Bishop John Spong wrote many years ago of *Rescuing the Bible From Fundamentalism*. A later book was entitled *The Sins of Scripture*.³ Michael Hopkins, former President of Integrity (a gay rights advocacy group in The Episcopal Church), stated: "The Bible and the Church have both been wrong. The Holy Spirit is teaching this to us."⁴

The more radical advocates of same-sex relationships owe much to precedents set by feminist theology. They state that the Bible and Christian tradition are inherently "heterosexist." Advocates say that one must approach Scripture with a "hermeneutic of suspicion."⁵ Salvation consists in overturning oppressive heterosexist hierarchies. Sometimes Jesus' opposition to the religious and political leaders of his time is held up as establishing precedent for gay political activism. As do AIDS activists who engage in public protest,

it is said that Jesus “acted up.”⁶

A more nuanced Selectivism is distinguished by a more restrained rhetoric rather than a difference of methodological approach. Moderate Selectivism suggests that the Bible should be seen as a “foundational document” or a “religious classic” rather than a normative authority. The Bible sets the basic agenda for Christianity because of its relation to Christian origins.⁷ It asks the basic questions, and should be respected as a “serious statement” about what it means to be Christian. Nonetheless, the contemporary Christian may well find him- or herself in disagreement with biblical texts. There is an inevitable subjectivity involved in appropriating biblical authority, since it is acknowledged that the criteria that one uses to evaluate the texts lie outside the text, in one’s own “contemporary experience.” It is acknowledged that certain biblical materials are accepted as authoritative and others are not because they “fit the experience” of the one doing the selecting.

Selectivist approaches inevitably involve a two-step process in the interpretation of Scripture. The first step is an identification of elements in the biblical text that can no longer be considered authoritative. Thus, it might be argued that the Bible reflects the cultural background and social values of the time during which it was written. The biblical writers wrote in a patriarchal environment in which women were subordinate, and slavery was approved. The purpose of biblical sexual prohibitions was to buttress this system of power and subordination. Property concerns were paramount. It was important to be able to identify one’s offspring insofar as property passed down through the male line. Homophobia is simply one example of the less enlightened social ideals of that time, reflecting the concerns for domination and control of sexuality that were dominant in the wider culture.⁸

In the second step, it is argued that there are countervailing

positive themes that compensate for these undesirable limitations found in Scripture, and it is these themes that provide the legitimation for the Church's approval of same-sex activity. For example, it is argued that themes of liberation from oppressive structures are an important part of the biblical message. The Bible calls us to embrace whatever leads to liberation and self-fulfillment. Affirmation of same-sex activity can be endorsed as part of this liberating agenda.

There are differences among Selectivists both as to what needs to be dispensed with in Scripture, and also as to which parts of the biblical message still have contemporary relevance. One approach focuses on political or social liberation from oppressive societal structures. Another approach we might call "Experientialist" Selectivism appeals to religious experience. Retired Episcopal Bishop John Spong writes that the heart of the Bible is a message about a timeless and non-linguistic religious experience that comes down to us wrapped in two thousand years of cultural baggage. To recover this experience for ourselves, we must get past the cultural baggage. Once we get past the baggage, we find an experience of love and self-acceptance—the courage to be one's true self. Sexual liberation is somehow connected to this experience of love and acceptance. Acceptance of homosexual activity is a way of embracing Jesus' message of self-affirmation and self-acceptance that are part of the original experience.⁹

A more sociological Selectivism suggests that there is a contrast between two ethics in the Bible, a holiness/purity ethic and a compassion/love ethic. Much of the material of the Old Testament and of the intertestamental literature endorses an ethic of taboo and purity. It is suggested that Jesus rejected this purity ethic to advocate an ethic of love and compassion. A New Testament ethic consistent with Jesus' own example recognizes restrictions in sexual behavior only for violations of sexual property—fidelity in sexual relations that do not harm others—not rules about sexual purity taboos.

Proscriptions against homosexual activity are part of a purity ethic, and have been superseded by this ethic of love.¹⁰

Revisionist

Contrary to the Selectivist approach, which recognizes forthrightly that the Bible condemns same-sex activity, a second type of attempt to justify same-sex activity could be called "Revisionist," in the sense that it tries to revise the traditional interpretation of Scripture concerning homosexual activity. Revisionists argue that it is a misunderstanding to say that the Bible prohibits all same-sex sexual activity. To the contrary, Scripture does not condemn loving committed same-sex relations, and loving committed relationships are the only kind of sexual relationships the modern advocate is interested in endorsing. What was condemned by the writers of Scripture was either exploitative same-sex activity, pederasty, or cult prostitution.¹¹

In support of this position, two contradictory arguments appear. Sometimes it is claimed that the biblical writers knew nothing about long-term committed same-sex relationships, and so could not have condemned them. The only homosexual relationships of which the biblical writers were aware were the ritual homosexual prostitution characteristic of biblical Israel's Canaanite contemporaries or the exploitative pederastic practices of pagan Hellenism.¹²

Conversely, it is sometimes argued that the biblical writers did know about long-term committed same-sex relationships, and did not condemn them. For example, Naomi and Ruth. Jonathan and David, Jesus and the disciple "whom he loved," are sometimes held up as examples of just such positive same-sex relationships in the Bible.¹³

A variation on this argument tries to split the difference between these two claims about the biblical writers' knowledge

of homosexuality. The biblical writers generally thought of homosexuality in terms of pagan practices, and it is these practices they condemn. Nevertheless, there were exceptions of positive same-sex relations in ancient Israel and the New Testament church, but these examples were largely suppressed by a homophobic culture. However, reading between the lines, we can recognize such positive examples in Ruth and Naomi, Jonathan and David, and others.¹⁴

The Revisionist hermeneutic emphasizes that only a handful of biblical texts speak negatively about same-sex activity, and claims that even these have been misunderstood. The proscriptions in Leviticus 18:22, 20:13 condemn not committed loving same-sex activity, but perhaps homosexual cultic prostitution. The Sodom story (Gen. 19) condemns not homosexual activity, but inhospitality. The accounts of creation of man and woman in Genesis 1 and 2 are not prescriptive accounts of normative sexuality, but are merely descriptive and etiological. They say something about why the ancient writers believed that the two sexes exist, but nothing about normative sexual morality for today.

In the New Testament, it is pointed out, Jesus never mentioned homosexuality. He certainly did not condemn same-sex sexual activity.¹⁵ It is suggested that Paul in Romans 1:18-32 is condemning either Gentile pederasty or heterosexuals who abandon their "natural" heterosexuality and engage in homosexual relations that are not unnatural in themselves, but are unnatural for heterosexuals. Paul is not speaking of those with a same-sex orientation, because for them homosexual activity is natural. He is not referring to lesbianism, but to some other kind of deviant female sexual activity. In 1 Cor. 6:9, *malakoi* and *arsenokoitai* are unique Pauline words whose actual meaning is unknown. There is no reason to believe they refer to people in positive committed loving same-sex sexual relationships. They may refer to cultic prostitution or

pederasty.¹⁶

Ecclesial Dispensation

Both the Selectivist and Revisionist approaches have serious problems. The first approach is politically untenable, and the second exegetically so. No church that hopes to keep the average worshiper in the pew can do so by embracing the arguments either that the Bible is a document of oppression or that it cannot be trusted in its moral assertions.¹⁷ The second approach fails as well because the vast majority of biblical scholars, both historically and recently, concede that the plain-sense reading of the biblical texts prohibits homosexual activity, and that Scripture endorses only one permissible model for sexual activity: exclusive life-long commitment within heterosexual marriage.¹⁸

Thus, those who want to change the Church's historic position but who do not want to admit that they are simply jettisoning the authority of the Church's canonical Scriptures are in an unenviable position. In recent years a third position has appeared, one that recognizes that the plain-sense reading of Scripture prohibits same-sex activity, yet nonetheless also insists that the Church can still endorse something that violates the plain-sense reading of Scripture, and in doing so can still somehow be faithful to the teaching of Scripture. The argument takes the following form: although the Scriptures prohibit same-sex activity, nonetheless, the Church is free not to be bound by these proscriptions in the same way that it has recognized that it is not bound by other prohibitions in the Bible.

The most superficial example of this approach has become so commonplace that it is often referred to in shorthand as the "shellfish" argument. Advocates point out that the Bible prohibits the eating of shellfish or the wearing of mixed-weave fabrics, or some other prohibition usually found

somewhere in the Mosaic law. Yet we all eat shellfish and wear mixed-blend clothing. Prohibition of homosexual activity, it is implied, falls into the same category as prohibition of eating seafood or wearing wool-polyester blends. Such a superficial observation ought to be inexcusable for Anglicans who should be aware of Article 7 of the 39 Articles, which distinguishes between those precepts of the Mosaic Law that refer to rites, ceremonies, and civil law, and those precepts that are moral.¹⁹

Other regularly mentioned examples include slavery, usury, Sabbath-keeping, divorce, blood consumption, women's ordination. In each case, it is held that the Scriptures prohibit or command a certain activity that at some time the Church has seen fit to declare non-binding. Accordingly, there is nothing to prevent the Church to declare that prohibitions against same-sex activity are no longer binding.

A more sophisticated version of this third approach can be found in the New York Episcopal Diocese's "Let the Reader Understand," a small pamphlet that received wide circulation.²⁰ "Let the Reader Understand" takes its starting point from Art. 7 of the 39 Articles, which distinguishes between those precepts of the Mosaic Law that refer to rites, ceremonies, and forms of government, and those precepts that are moral. Also referenced is Anglican Divine Richard Hooker's distinction between the "positive laws" given by Moses and the "moral precepts" found in the Ten Commandments. (*Laws* 3.11.6). There is an appeal to the Biblical precedent found in Jesus' setting aside the dietary laws of the Old Testament, and in the New Testament church's decision to admit Gentiles into fellowship. "Let the Reader Understand" mentions permission of slavery and prohibition of blood consumption as examples of biblical laws that were subsequently set aside by the later Church.

The conclusion drawn by the document is that the Church has

the authority to set aside either positive biblical commandments or negative prohibitions that it considers no longer binding. In the document's own words: "[I]t is insufficient simply to condemn those things that are condemned somewhere in Scripture, or to approve those things that are somewhere approved . . . [T]he Church has come to oppose or forbid acts mandated or tolerated in Scripture, and to allow acts or behaviors forbidden there."

The deciding principle for the Church's decisions in this regard is said to be the Great Commandment or the Summary of the Law. LRU states that "[t]he Church has authority to set aside or ignore its own decisions, even when these decisions are recorded in Scripture, and based upon other Scriptures to which divine mandate is attached. It does this by deciding that the divine mandate was temporary, allowing the law to lapse through disuse, or by interpreting the law in a new light." The document claims that it is particularly the local (national) church that has the right to make these decisions about which biblical prohibitions are binding or may be set aside, claiming for a local church the authority to set aside the moral teaching of the universal Church, and the Scriptures.

This hermeneutic creates a fundamental confusion by its ambiguous use of the word "Church." Is the "Church" the apostolic church that wrote the Scriptures, the church of the second century that recognized the canon of Scripture along with the Rule of Faith, the historic episcopate, and the sacraments as marks of identity that distinguished Catholic Christians from gnostic heretics, the church of the ecumenical councils that drew up the Nicene Creed and the Chalcedonian formulation, the Reformation church that insisted (over against Tridentine Catholicism) on the sufficiency of Scripture for salvation, or the twenty-first century American Episcopal Church as a denomination?

If the "Church" is the church that understood Jesus to have

set aside the dietary portions of the Old Testament law, then the "Church" must refer to the church of the apostles, since the reference is to Mark's gospel (Mark 7:19). At other points in the document, the "Church" refers to the Elizabethan era Church of England of Richard Hooker. In the conclusion, however, "Church" clearly means the Episcopal Church as a local denomination. This last use is particularly idiosyncratic. In what sense can a small American denomination of less than 2 million members, and less than a million regular communicants, think of itself as "*the Church*"? Even as the "national church" in a country with numerous denominations that far outnumber the Episcopal Church in size? Why would the Episcopal Church be the "national church" and not the Roman Catholics or the Southern Baptists?

By using the same word "Church" without distinguishing in any way between these different historical, institutional and national groups, "Let the Reader Understand" gives the overall impression that "the Church" has reinterpreted Scripture many ways in many times, and has always felt free to decide which parts of Scripture to apply to itself, and which to disregard. This is a hermeneutical position reminiscent of that of the Catholic Modernist Alfred Loisy²¹ but it is not the historic Church's understanding of how to interpret the Scriptures.

The failure to distinguish between the apostolic church and the post-apostolic church is a genuine concern here. When it is stated (as it sometimes is) that the Church wrote the Scriptures and that the Church decided which Scriptures were canonical, a distinction needs to be made. The Church that wrote the Scriptures was the church of the apostles, the original eyewitnesses to Jesus Christ's life, ministry, death, and resurrection. The Church that gathered the apostolic writings into a canon did not create the canon of Scripture, but recognized it, and one of the criteria it used to discern which books were canonical Scripture and which were not was apostolic authority. In the very act of acknowledging a canon,

the second-century church placed itself under the Rule (canon) of the apostolic witness. The bishops (who recognized the canon) are successors to the apostles, but they are not themselves apostles. In recognizing the canon of Scripture, the Church “interprets” Scripture by submitting to its authority. It does not place itself over Scripture, or decide which portions of Scripture it will consider authoritative.²²

So the “Church” that discerned in Jesus’ statement recorded in Mk 7:19 that the dietary laws of the OT were no longer binding was the apostolic church that wrote the canonical Scriptures, not the post-apostolic church that received the canon. Likewise the “Church” that recognized that circumcision was no longer required of Gentile converts was the apostolic church, not the post-apostolic church that received the canon. There was indeed disagreement within the apostolic church over the issues of circumcision and Gentile inclusion, but it was not the disagreement that was canonized. The canonical New Testament Scriptures endorse only one position concerning Gentile circumcision, and it is on the basis of statements in the canonical New Testament about the circumcision of Gentiles, and the eating of clean and unclean foods, that the post-apostolic church recognized that it was not bound by the dietary or ritual laws of the Old Testament. Combined with the recognition that Jesus and the apostles (as recorded in the canonical gospels and the epistles) nonetheless continued to appeal to the OT moral commands as binding, this led the post-apostolic church to develop the hermeneutic that begins to appear in the church Fathers, continues in the Medieval church, and is echoed not only in Richard Hooker and the 39 Articles, but also in such writings as the Lutheran *Augsburg Confession* (1.22; 2.2,5,7) and *Formula of Concord* (arts. 6, 10). So LTR’s approach makes a fundamental error in failing to distinguish between the apostolic and post-apostolic church, between the church that created the canon of Scripture, and the church that receives the canon of Scripture.

Almost equally disastrous, this hermeneutic fails to distinguish properly between the Catholic (or universal Church) and the local or national church, and in so doing, contradicts basic principles of Anglican theology. The historic Preface to the *Book of Common Prayer* allows for “different forms and usages . . . provided the Substance of the Faith be kept entire; and that, in every Church, what cannot be clearly determined to belong to Doctrine must be referred to Discipline . . .” “Discipline” here refers to worship and canons, not to morals.

The classic appeal of Anglican theology was never to particularity, but to universality. The Anglican apologist John Jewel’s classic argument against abuses of the late Medieval church was that they were innovations, departures from the universal faith of the patristic Catholic Church. Jewel conceded that if any of the controversial practices to which Anglicans objected could find support in the church of the first five centuries that he would “give over” to his opponents. To the contrary, “Let the Reader Understand” wants to lay claim to just such an innovation as an example of Anglican genius!

One cannot help but wonder where this principle could lead. Would the local church be free to set aside doctrinal principles as well, for example, the Nicene affirmation that the Son is *homoousios* with the Father? Could a national church decide to add contemporary materials to the canon? Or omit material from the canon that did not conform to contemporary sensibilities?²³ Is it logically possible that the Scriptures could continue to be morally binding in anything they teach, since the local church is free to absolve itself of having to obey any biblical commands that conflict with the values of contemporary culture?

Non-biblical Arguments

Besides approaches that at least attempt to take into account

the biblical material, there are appeals by those who approve of same-sex activity that do not address the biblical prohibitions at all. They may be used in conjunction with one or another of the above approaches, but these approaches are characterized by a theological position that decides independently of biblical considerations that same-sex activity is acceptable, and then either modifies or reinterprets the biblical teaching in light of this prior endorsement. Rather than addressing the biblical prohibitions, or reinterpreting them, these approaches base their case on some theological principle or argument arrived at completely independently of what the Bible actually says about the morality of sexuality, whether heterosexual or homosexual.

The first of these appeals might be called "Enthusiast." The claim here is that God is doing a new thing in the Church. The Holy Spirit is leading the Church into a new understanding of what it means to be the Church. It is claimed that the inclusion of practicing homosexuals in the Church is parallel to Gentile inclusion in the early church in which at first only Jews had been members. As the Holy Spirit led the apostle Peter to admit the Gentile Cornelius to the Church (Acts 10), and had led the Council of Jerusalem to realize that Gentiles did not have to keep the Mosaic law to become Christians (Acts 15), so, it is claimed, the Holy Spirit is leading today's Church to recognize that those who practice same-sex sexual activity should be welcomed into the Church as well.²⁴

Parallel to the above argument is an appeal to "inclusivity." The theological basis is often a doctrine of baptism, understood as something like a membership card. Former Episcopal Presiding Bishop Edmund Browning's motto—"There can be no outcasts in the Episcopal Church"—has become a mantra of a doctrine of "inclusivism." It is suggested that for the Church to forbid same-sex sexual activity is to deny the baptismal rights of homosexuals. Advocates note that the "Baptismal Covenant" in the 1979 *American Book of Common*

Prayer commands us to “seek and serve Christ in all persons . . . respecting the dignity of every human being.” It is said that this must include gay men, lesbians, and transsexuals as well. Advocates often appeal to Jesus’ table fellowship with sinners as providing precedent.²⁵

In this regard, acceptance in the Church of those who practice same-sex activity is also viewed as a civil rights or justice issue.²⁶ Just as the American church had to overcome slavery during the nineteenth-century American Civil War, and to recognize that racial prejudice and mandatory racial segregation were morally offensive during the 1960’s civil rights struggle, as well as the 1980’s struggle against apartheid in South Africa, so now the Church must overcome homophobia—irrational prejudice against gays and lesbians. It is a requirement of the promises made in baptism that practicing homosexuals be admitted into the Church, their relationships blessed, that they be ordained as clergy. As it is sometimes said, “If we are not going to ordain gay Christians, then we shouldn’t baptize them.” It is claimed as well that the refusal openly to acknowledge homosexual Christians in the Church is a matter of hypocrisy. There have always been gay laity and clergy, but up until now, they have had to live lives of deception. By openly blessing their relationships and ordaining them as clergy, the Church is simply being honest about what has always been the case.

As the above appeal is often rooted in the rhetoric of civil rights, coupled with it is a characterization of the disagreement over church approval of same-sex sexual activity as a primarily political issue. Opposition to homosexual activity is claimed to be part of a reactionary right-wing political agenda, just one element in a cultural and political backlash against the recent progress won by minorities, including women and racial minorities. Acceptance of gay rights and approval of homosexual activity is part of a progressive struggle for human rights and dignity. As there

were those in the church who resisted the earlier struggle for civil rights and equality for racial minorities and women, so, regrettably, there are those who resist the current struggle for civil rights and equality for those of homosexual orientation. Nonetheless, there were those in the church who were at the forefront of the earlier civil rights movement, and so it is today. As Martin Luther King, Jr. was a hero for those in the civil rights movement of the 1960's, so Bishop V. Gene Robinson is viewed today.

Variations on the theme of inclusiveness appeal to diversity, pluralism, and tolerance as well. Advocates claim that to be opposed to the right of those of homosexual orientation to fulfill that orientation by entering into committed unions²⁷ is to oppose difference and otherness. It is to reject the right of people to be different from oneself. Denial of sexual diversity is the same kind of irrational prejudice that lies behind xenophobia or racism—an example of uncharitable intolerance. To embrace homosexual activity is to embrace cultural diversity and the richness of a multivariied culture in which differences are celebrated rather than distrusted or feared.

Implicit in the notion of same-sex orientation is what is sometimes called the "Politics of Identity." People are said to derive their sense of worth and their moral standing from the groups with which they primarily identify—groupings of class, race, sex (male or female). Thus only those who know themselves to be homosexual can make moral judgments about the morality of same-sex activity. Those who know themselves to be homosexual in orientation know that homosexuality is natural for them. Those who have come to know gay people know that the only way they are different from heterosexuals is the people they love. The 1998 Lambeth Conference committed the church to enter into dialogue with people of same-sex orientation. This must be understood to mean acceptance of their own self-understanding. Those of homosexual orientation do not choose

to be that way, and it is cruel and unjust to demand that they embrace celibacy as the only alternative to engaging in same-sex activity. The implicit assumption here is that all people have an inherent right to sexual fulfillment.

Sometimes an appeal is also made to the Protestant Reformation. The Reformers realized that mandatory celibacy was an unfair burden to place on the clergy. Fairness demands that we not expect of those of homosexual orientation a celibacy we would not expect of heterosexuals.

Occasionally, appeals to identity are reinforced by quasi-scientific claims. Advocates sometimes claim that modern scientific studies have demonstrated that homosexual orientation is genetically determined. As much as 10% of the population is said to be irreversibly homosexual. *The American Psychological Association* has declared that homosexuality is not a mental illness. Accordingly, to be opposed to homosexuality is to be scientifically backward, but also to condemn people for being that which God made them to be.²⁸

The politics of identity can also take the opposite stance, however. Claims to any kind of enduring sexual identity are rejected as examples of restrictive “essentialism.” Rather, people must be free to make sexual choices, and identifying oneself as a person who engages in same-sex relations makes a political and theological statement. Moreover, the suggestions of heterosexual Christians that homosexuals should restrict themselves to long-term exclusive same-sex relationships is itself rejected here as a case of heterosexism—an attempt to impose the values of heterosexual monogamy on a community that neither needs nor wants them.²⁹

Evaluation

The contemporary disagreement is not then about whether the Bible condemns same-sex sexual activity—the vast majority of scholars agree that it does—but with how we respond to this

strong biblical rejection, and with whether we consider what Scripture says about same-sex activity to be normative for our lives.

Given the recognitions of the unanimous rejection of same-sex practice in Scripture, the arguments used in favor are generally analogical. As the Church has “gone beyond” what the Bible says about slavery, the dietary laws of the Old Testament, and usury, so, it is suggested, the Church can “go beyond” what the Bible says about the permissibility of homosexual practice.

The implicit argument behind such appeals is too often an appeal to cultural relativism. The assumption seems to be either that the Church’s decisions about such matters are arbitrary, or else that the Church bases its readings of Scripture on principles of modern (or post-modern) cultural enlightenment. The people who wrote the Bible did not know any better than to have slaves. They were taboo-obsessed, which led them to reject the eating of certain kinds of foods (like pork or shellfish) or to declare that certain people, for example, menstruating women, were unclean. They did not have the advantages of modern consumer capitalism, so they forbade the charging of interest. We know better than that now.³⁰

What is lacking in these appeals to cultural enlightenment and modern relativism is any consideration of how the Church has interpreted Scripture in its past, and what kind of criteria it has used to decide what stipulations of Scripture are binding and which are not. Moreover, the arguments do not provide adequate criteria by which to decide why we should prefer contemporary criteria over ancient ones to evaluate which passages of Scripture are normative and which are not. Apart from prior principles of discernment and biblical interpretation, appeals to “inclusiveness” and “love” are meaningless abstractions. It is only possible to know whether the Church should be “inclusive” of those who practice same-

sex activity or whether it is “loving” to approve of such activity if we already know on other grounds that same-sex activity is morally permissible and conducive to growth in Christian virtue.

The Church's Historic Hermeneutic

Any consideration of how the post-apostolic church has interpreted what the Bible teaches about sexuality must begin with the patristic period. Despite the misleading claims of some modern theologians, it is important to realize that same-sex activity was widely practiced in the ancient world, and the biblical authors and patristic writers would have been well aware of this. For example, in Plato's *Symposium*, a work written four hundred years before the New Testament, and widely known in the ancient world, Plato writes of what we would now call “sexual orientation.” Plato unfavorably contrasts love (*eros*) between man and woman and love between two males, viewing the latter as superior. Although this same-sex love is between an older and younger man, it is not pederasty, sexual love between a man and a boy, but love between two men. The object of same-sex love in *The Symposium* is post-pubescent (with a beard); Plato portrays the ideal same-sex relation as non-exploitative, life-long, and exclusively monogamous.³¹

Early Christian theologians certainly would have been aware of Plato's approval of homosexual activity. Philo, a prominent Jewish writer in the first century, mentions what Plato says in *The Symposium*, only to disapprove.³² Despite the influence that *The Symposium* had on early Christian mystical literature, the patristic church consistently rejected homosexual activity as incompatible with Christian morality.

The patristic church began very early to establish principles of biblical interpretation. This was necessitated by the need for Catholic Christianity to distinguish itself from Judaism

and Gnosticism, to defend itself against pagan criticism, and to combat heresy. Early works discussing principles of biblical interpretation included Origen's *De Principiis* (On First Principles), and Augustine's *De Doctrina Christiana* (On Christian Doctrine). One of the central concerns of patristic interpreters of Scripture was to provide principles to discern which parts of Old Testament Scripture were permanently binding on the Christian, and which were of temporary significance. Augustine in his *Confessions* addresses the problem of those who are troubled in Scripture by what we would now call cultural relativism, for example, the polygamy of the Old Testament patriarchs. Augustine recognizes that times change because they are times. Nonetheless, the basic principles of biblical morality are clear: to love God with all one's heart and one's neighbor as oneself. But for Augustine, the love principle is not an abstraction. Since God is Creator of the universe, his commands always reflect these two principles and are always to be obeyed, even if they are contrary to the customs of a particular people. As a specific example of a practice that would always be contrary to the principles of love of God and neighbor, Augustine mentions "the acts of the Sodomites." Same-sex sexual activity would always be condemned by divine law because it conflicts with the nature of humanity as created by God, destroying the bond of love that should exist between God and humanity by violating the human nature of which God is the Creator.³³ Moreover, Augustine also recognizes the centrality of desire in moral choices, what we could call "orientation." Rather than presuming that an orientation toward an activity implied presumptive moral approval, at the heart of Augustine's moral theology was the principle that a central part of the moral quest lay in discerning which desires could be licitly pursued, and which were self-destructive, and so to be avoided. Whether a desire was licit depended on whether or not it was compatible with the teleological goal for which God had created humanity in his image—union with God in the beatific

vision—and whether its fulfillment led to virtuous or to vicious character. For Augustine, the question of whether sexual orientation was caused by biological or environmental factors would have been inconsequential. Sexual orientation is a desire, and desires are only the starting point of ethics; they are not its self-evident conclusion.

In his *Summa Theologiae*, Thomas Aquinas established distinctions between various kinds of biblical law that provided guidance in distinguishing between parts of Scripture that have permanent authority for Christian practices, and those that do not. (These distinctions were later echoed in the Anglican Richard Hooker's *The Laws of Ecclesiastical Polity*.) Aquinas distinguished between the Eternal Law, the Natural Law, Human Law, the Old Law (of the Old Testament) and the Law of the Gospel or the New Law (of the New Testament).

The eternal law is the divine wisdom directing all created things to their proper ends. Natural law is human law that partakes of right reason, and so is ultimately derived from the eternal law. Crucial for Aquinas's understanding of natural law is the doctrine of creation. Since God is the Chief Good (*summum bonum*), his nature is inherently good, and whatever he creates is good. The "eternal law" simply is another way of saying that God creates in accord with his inherent goodness and wisdom. Similarly, "natural law" is simply a shorthand way for Aquinas to say: (1) all created realities participate in the divine goodness and wisdom; (2) human beings are created in the image of God and oriented toward union with God, are thus participate in this divine goodness; (3) as rational creatures, human beings participate in eternal law through deliberate choice, and "natural law" is simply human law that reflects the divine goodness exhibited in creation and intended for the happiness and salvation of human beings. Modern philosophy tends to think of natural law primarily in terms of epistemology: to what extent can a human being know moral principles apart from revelation? This was

not the primary function of "natural law" in Aquinas's theology, so much as the principle that "just" human laws are good insofar as they reflect God's own goodness and his intentions for humanity's good in creation. The foundational document for Aquinas's understanding of "natural law" is not Plato or Aristotle, but Genesis 1 and 2.³⁴

In regard to its general principles, then, natural law is the same for every human being, insofar as all human beings are created in the divine image, but may vary in its application in specific cases because of obstacles to its fulfillment, or ignorance of its demands, or vice perverted by evil habits or dispositions. Human law (the law of societies or positive law) derives from natural law insofar as it is just. Insofar as human law is unjust, it is a perversion of law and is no law at all. The Old Law (OT Law) was given by God to the Hebrew people, points to Christ as its fulfillment, and contains moral, ceremonial, and judicial precepts. The moral precepts correspond to the natural law (again, creation is central here); the ceremonial precepts provide instruction for divine worship; the judicial precepts determine how justice is to be maintained among human beings. The New Law is the Law of the New Testament written on human hearts. The New Law is chiefly the grace of the Holy Spirit, given through faith in Christ. The New Law enables the fulfillment of the Old Law by justifying sinful human beings, and, by enabling Christians to exhibit the supernatural virtues of faith, hope, and charity, as well as the natural virtues of prudence, justice, fortitude and temperance. Faith, working through love, unites Christians to the risen Christ, and transforms human nature. Although the moral precepts of the Old Law are still binding on the Christian (because rooted in creation), and are fulfilled by the exercise of the moral and theological virtues, the ceremonial and judicial precepts are not. They had a specific application to the historic nation of Israel as a covenant people that no longer pertains in the Christian community. Still, insofar as the judicial precepts advocated justice

among human beings, their principles must still be maintained.³⁵

That Thomas (and later Richard Hooker) distinguished between the positive laws of the Old Testament and the "moral law" of the "Two Tables" of the Ten Commandments does not mean that Thomas (or any other classical interpreter) understood the moral law to consist exclusively of the Ten Commandments or that any part of Old Testament Law that was not part of the Ten Commandments was therefore regarded merely as positive law (and thus no longer applicable).

For classical interpreters of Scripture (Catholic, Protestant, Anglican), the moral authority of the Ten Commandments was understood to encompass related moral principles that were mentioned elsewhere in Scripture. So for example, Thomas Aquinas stated: "[O]ther moral precepts added to the decalogue are reducible to the precepts of the decalogue, as so many corollaries."³⁶ The command to honor one's mother and father was understood to include respect for all who held legitimate authority. The command not to murder was understood to prohibit all illegitimate force or violence. The command not to steal prohibited all unjust acquisition. The command not to bear false witness prohibited any harm done by word. And the command not to commit adultery was understood as a prohibition of all illicit sexual activity, not just adultery proper, but any sexual activity outside of heterosexual marriage, including pre-marital sex (fornication) and, indeed, homosexual activity. The Ten Commandments were not an exclusive list of moral teaching, but a summary of the basic principles behind all moral law.³⁷

Biblical interpreters understood that other biblical material besides the Ten Commandments contains moral law: the creation narratives of Genesis 1 and 2, other legal material in the Pentateuch, the Wisdom literature, the Psalms, the Prophets, and, of course, New Testament material, including the Sermon

on the Mount and the moral expositions in the Epistles. Because biblical prohibitions against same-sex sexual activity are part of the moral material of the Old Testament that is summed up in the Ten Commandments, and endorsed again in the New Testament with no qualifications and no exceptions, they are precisely the sorts of law that the Church has never felt itself free to reject or enforce as it sees fit. Thus Thomas regarded heterosexual marriage as part of natural law, part of God's intention for humanity in the original creation.³⁸ Homosexual activity was forbidden because it was "contrary to nature," that is, a violation of the complementary nature of humanity as created male and female.³⁹

A fundamental failure of approaches like that of "Let the Reader Understand" is to miss the theological rationale behind the distinction between positive and moral law that is central to Thomas's, and later, Hooker's, argument. It is not that the Ten Commandments is "moral law" and all other biblical prohibitions are merely "positive laws" that the contemporary church can dispense with at will, so long as they do not specifically violate the Ten Commandments. Rather, according to Aquinas and Hooker, all biblical law is "positive law," including the Ten Commandments. Some biblical positive law is moral in character, however, and some is either ceremonial or civil. The Church does not observe Old Testament ceremonial law – because its purpose has been fulfilled by the life, death, and resurrection of Christ, and so it is no longer necessary. (So circumcision, the dietary laws, and animal sacrifice are simply abrogated for the Christian.)⁴⁰ On the other hand, civil laws may have a moral dimension to them, and while the Church is not obligated to embrace an Old Testament civil law, it is obligated to honor the moral concern that lies behind the law. So, for example, contemporary Christians are not required to embrace monarchy, although it was the normative form of government in the Old Testament period; nonetheless, as Paul makes clear in Romans 13, Christians

still respect (even non-Christian) governments insofar as positive law exists to establish justice.

It is precisely this distinction between moral and positive civil law that led Christians like William Wilberforce and John Wesley to argue against slavery, and Martin Luther King, Jr. to argue against racial segregation and discrimination, but they did not do so based on the assumption that the Church was simply free to dispense with selective teaching of Scripture. Rather, because moral law is rooted in God's goodness and his intentions for all human beings as created in his image, natural law overrides positive law, and any positive law that is not in accord with God's original intention for humanity in creation is unjust; it is "no law" at all.⁴¹

Finally, insofar as "Let the Reader Understand" does not follow the theological rationale of the distinction between positive and natural law, it fails to address the crucial question. Is the biblical prohibition against same-sex sexual activity a matter of ceremonial law (like circumcision or animal sacrifice), a matter of civil law (whose moral principles should still be upheld), or does it reflect a matter of moral law, which cannot be abrogated because grounded in the creation of humanity as male and female? The implicit assumption of the authors' argument must be that the prohibition is either Old Testament ceremonial or non-binding civil law, and not natural law grounded in God's intention for humanity in creation, but they offer no argument to make this case.

To see how Thomas Aquinas actually did make such an argument, we can look at how he addressed the question of slavery. How Thomas understood Scripture to bear on the question of slavery is illustrative of his hermeneutical principles, and directly bears on the objections modern people raise that the Bible may condemn homosexual practice, but it also permits slavery.

Aquinas does not seem to have directly challenged the practice of slavery, either as it was practiced in biblical times, or in his own day. Nevertheless, his hermeneutical approach to the question made theological distinctions that make the practice of slavery problematic.

In his discussion of the Old Law, Aquinas allows the biblical narrative to challenge the traditional custom of slavery on which all traditional economies were based.⁴² Aquinas notes that the Old Testament is in conflict with Aristotle's belief that, since the slave is the master's property, slavery should be perpetual. Thomas notes to the contrary that, since the Lord God had delivered Israel from slavery, Israel was then bound to serve God, not the Egyptians. Hence, in Israel, slaves were not the owner's property, and had to be freed after seven years, and allowed to rest on the Sabbath.⁴³

Similarly, Aquinas raises an important distinction concerning natural law in a discussion of whether slavery is an impediment to marriage. Aquinas argues that while marriage is a part of natural law (rooted in God's intention for humanity in creation), and would have obtained even if there had been no fall into sin, slavery is part of positive law, exists only in a fallen world, and is a punishment for wrong-doing. Marriage is a good to be pursued for its own sake. To the contrary, slavery is an evil to be avoided for its own sake. On the question of whether a slave can marry against his or her master's will, Aquinas appeals to the freedom enjoyed in Christ (Gal. 3:26, 28). The natural law as the foundation of marriage over-rides the positive law that has made a person a slave.

Thus, for Thomas, while the Bible speaks of both heterosexual marriage and slavery, they are not the same kinds of things, and they do not fall under the same kinds of law. As part of God's original intention in creation, heterosexual marriage is a positive good, and falls under natural law, which is

immutable. Slavery exists only as a consequence of the fall into sin; it is an evil to be avoided, and falls under the category of positive (specifically judicial) law.

On Thomas's principles of biblical interpretation, there would be no inconsistency in arguing that the abolition of slavery is consonant with the thrust of the biblical narrative, while what the Bible teaches about the normativity of heterosexual marriage is immutable because part of God's original intention for creation. For Aquinas, classical and Medieval assumptions about slavery are qualified not by an appeal to cultural relativism but by three biblical themes: first, the biblical doctrine of creation of humanity in the image of God as male and female; second, humanity's fall into sin and suffering (including slavery) that is a consequence of sin, and, finally, the theme of Christian liberty, as foreshadowed in Israel's redemption from slavery, and fulfilled in Christ's atoning work that liberates from sin.

The Anglican Reformation

The Anglican Reformers understood the Church of England to be a reforming movement within the Western Catholic Church. Theologians like Thomas Cranmer, John Jewel and Richard Hooker appealed, first, to the plain sense of Scripture, second, to antiquity, what had been believed and practiced by Catholic Christians in the undivided Eastern and Western Church of the first five centuries, and, third, to universality, what had been the consensus of the early Catholic Church, what had been believed and practiced always, everywhere, and by everyone. To understand the classic Anglican approach to biblical authority, it is necessary first to know something of this tradition.

The Anglican Reformers John Jewel and Richard Hooker formulated the classic Anglican understanding of the authority of Scripture in the two works that also stand as the classic articulations of Anglican self-understanding at the defining

period of the English Reformation: Jewel's *Apology of the Church of England* and Hooker's *Laws of Ecclesiastical Polity*. The two formulate the Anglican position over against critics registering opposed criticisms. Jewel addresses the criticism that the Church of England had departed from Catholic faith by abandoning many of the distinctives of Medieval Catholicism. Hooker answers the opposite criticism that Anglicanism had insufficiently reformed itself by still retaining too much of Catholic faith and practice. Jewel and Hooker set out the classic Anglican understanding of the sufficiency of Scripture.

Jewel claimed that the English Reformers "refer all our controversies unto the holy Scriptures . . ." The writings of the prophets and apostles are sufficient to prove "all truth and catholic doctrine" and to refute all heresy. Jewel appealed to the clarity of Scripture: "[W]ill ye enjoin God to keep silence, who speaketh to you most clearly by his own mouth in the scriptures?" Those who devalue the Scriptures think "wickedly" and "despitefully" of God's own words.⁴⁴

Jewel argued that the Church of England was in continuity with Catholic tradition by claiming that the church Fathers also appealed to Scripture to resolve controversy: The "catholic fathers" and "bishops" believed that "our religion might be proved out of the holy scriptures. Neither were they ever so hardy to take any for an heretic, whose error they could not evidently and apparently reprove by the self-same scriptures."⁴⁵

Jewel finds the heart of what Scripture teaches in a summary of Anglican doctrine that echoes the patristic "Rule of Faith" and the creeds. Anglicans believe in the triune God—the Father, Son, and the Holy Spirit, the incarnation of God in Jesus Christ, his redemptive death, resurrection, and ascension, his return in glory, the forgiveness of sins, the hope of salvation, the risen Christ's presence in the

sacraments of baptism and the Lord's Supper, in the Church. This faith that English Reformers endorsed is the ancient faith of the Catholic Church. Jewel argues that what the C of E taught is that which they had learned from Christ, the apostles, and the patristic church. He appeals to Origen, Ambrose, Augustine, Chrysostom, Gelasius, and Theodoret, endorsing the universal consent of ancient bishops and "learned doctors."⁴⁶

Jewel does not endorse an individualist notion of faith sometimes associated with Protestantism (John Henry Newman's "private judgment"). Ministers of the gospel—priests and bishops—have the "power of binding and loosing," the keys to the kingdom of heaven. They have the power to ease human consciences or persuade of sin. But the keys by which they are able to shut or open the kingdom of heaven is not the simple authority of their office, but rather the knowledge of the Scriptures: "Seeing then the key, whereby the way and entry to the kingdom of God is opened unto us, is the word of the gospel and the expounding of the law and scriptures, we say plainly, where the same word is not, there is not the key."⁴⁷

It is hardly surprising that Jewel says nothing about homosexual activity, since this was not an issue of controversy at the time of the Reformation. However, he does address questions of sexual morality, expressing shock at the notion that "fornication [between the unmarried] is not sin." In the area of sexual morality, Jewel insists that Anglicans "do use still the old and ancient laws" and maintain "ecclesiastical discipline." According to Jewel, the gospel applies to both doctrine and practice, faith and conduct: "For we exhort the people to all virtue and well-doing, not only by books and preachings, but also with our examples and behaviour. We also teach that the gospel is not a boasting or bragging of knowledge, but that it is the law of life, and that a christian . . . ought not to speak honourably, but

ought to live honourably.”⁴⁸

Jewel also endorsed the Reformation notion that the Spirit always speaks in accord with the written Word. Jewel stated that to put aside the plain teaching of Scripture and to appeal directly to “God himself . . . who speaketh in the church and in councils” is to follow one’s own opinions. It is a way that is “very uncertain,” “exceedingly dangerous,” “a fantastical and a mad way.” He endorsed John Chrysostom’s view that those who boast that they have the Holy Spirit, but rather speak their own minds, boast falsely.⁴⁹

Far from believing then that departure from the plain teaching of Scripture is a sign of the Holy Spirit’s leading, Jewel argued that this is the one reason that allows for ecclesial separation. He asked: “[W]hat though [bishops] make decrees expressly against God’s word, and that not . . . covertly, but openly and in the face of the world; must it needs yet be gospel straight whatsoever these men say? Shall these be God’s holy army? or will Christ be at hand among them there? Shall the Holy Ghost flow in their tongues, or can they with truth say, We and the Holy Ghost have thought good so?”⁵⁰ The clear implication is that Christ and the Holy Spirit are not present in appeals to direct illumination, going beyond or against the plain teaching of Scripture, even if they are expressed by bishops, even if they are expressed in church synods or councils. (It takes no great imagination to imagine Jewel’s response to the claims of those in the contemporary church who suggest that the Holy Spirit is leading the Church in a new direction contrary to the plain teaching of Scripture.)

In contemporary Anglican theology, Richard Hooker is often cited most famously for his “three-legged stool” of Scripture, reason, and tradition, to which the fourth leg of “experience” is sometimes added. There is no such three-legged stool in Hooker’s writings. To the contrary, an oft-cited passage is regularly misinterpreted to suggest that Hooker viewed

Scripture, tradition, and reason as of equal authority. Rather, the passage has to be understood in the context of the central hermeneutical issue of Hooker's *Laws of Ecclesiastical Polity*—how the Church recognizes which areas of Scripture are permanently binding and which are not. The crucial principle of the so-called three-legged stool is actually Hooker's own affirmation of the principle of the sufficiency of Scripture already endorsed by Jewel. The original context of the passage is the distinction Hooker makes between doctrine and morals (which are unchangeable, and therefore permanently binding) and matters of church order and polity (which are changeable, and thus not permanently binding). Hooker stated: "The church hath authority to establish that for an order at one time, which at another time it may abolish, and in both it may do well. But that which in doctrine the church doth now deliver rightly as a truth, no man will say that it may hereafter recall, and as rightly avouch the contrary. Laws touching matter of order are changeable, by the power of the church; articles concerning doctrine not so." This appears immediately before the famous passage and is the key to its interpretation "Be it in matter of the one kind or of the other [i.e., doctrine or order], what Scripture doth plainly deliver, to that the first place both of credit and obedience is due; the next whereunto is whatsoever any man can necessarily conclude by force of reason; after these the voice of the church succeedeth."⁵¹

As in Aquinas, the hermeneutical key that Richard Hooker used to unlock the Church's interpretation and application of Scripture was law, thus the title of his book, *The Laws of Ecclesiastical Polity*. Hooker's discussion of law parallels that of Thomas Aquinas fairly closely. Like Aquinas, Hooker distinguished between eternal law, natural law, and positive law. Eternal law is the being of God himself, "which is a kind of law to his working." Natural law is the law by which creatures follow God's intentions for their order.⁵²

According to Hooker, all human law is founded on the two great commandments to love God and neighbor.⁵³ In discussing human law, Hooker distinguishes between natural law (based on God's intentions for humanity in creation, and which binds universally) and positive law (intended for the good of human society, but not necessarily universally binding).⁵⁴ Hooker also distinguishes between laws grounded in unfallen human nature—laws that promote the inherent good of humanity, and would obtain even if human beings had never sinned—and laws following from the fall, laws that restrain evil in a fallen world.⁵⁵ Finally, Hooker speaks of supernatural law—law oriented toward salvation, and demanding grace for its fulfillment.⁵⁶

How does Scripture guide the Church in the making of its own ecclesial law? According to Hooker, Scripture gives examples and laws, some natural and some positive. These laws and examples do not cover every case, but they provide precedents. Natural law is always binding: "Natural laws direct in such sort, that in all things we must for ever do according unto them." The positive law contained in Scripture is binding unless God has abrogated it by revelation. Finally, when the Church makes its own positive laws, these cannot be contrary to either the natural law or the principles laid down in the positive laws contained in Scripture.⁵⁷ Laws made for human beings, or societies or churches, may be changed insofar as the organization itself is not permanent. Thus the ceremonial laws of ancient Israel are not permanently binding on the Church. The gospel is "eternal, . . . whereas the whole law of rites and ceremonies, although delivered with so great solemnity, is notwithstanding clean abrogated, inasmuch as it had but temporary cause of God's ordaining it."⁵⁸ Similarly, the judicial laws of the Old Testament are not binding on modern societies, although the moral principles on which they are founded still oblige. (This is virtually indistinguishable

from Aquinas's position.)

How would Hooker's principles of biblical interpretation apply to the current issue of controversy, the practice of same-sex sexual relations? Hooker mentions homosexual activity in a Latin footnote, where he cites a source to the effect that it is "contrary to nature."⁵⁹ But what Hooker says about heterosexual marriage is more relevant. It is clear that, for Hooker, while there are positive laws and customs associated with (heterosexual) marriage, marriage is itself a matter not of positive, but of natural law. So on the question of consanguinity in marriage, specifically, whether first cousins should be allowed to marry, Hooker says that the Church must follow the natural law as expressed in Scripture. Where Scripture does not speak, the Church is allowed to make its own laws about marriage, so long as they do not conflict with Scripture's plain teaching.⁶⁰

As an example of just such a case of the Church's freedom, Hooker endorsed the exchange of wedding rings (despite Puritan objections that they were not mentioned in the Bible) as a symbol of the faith and fidelity demanded in marriage, which is founded on God's original decision to create humanity as male and female: "Man and woman being therefore to join themselves for such a purpose, they were of necessity to be linked with some strait and insoluble knot. The bond of wedlock hath been always more or less esteemed of as a thing religious and sacred."⁶¹ It is clear then, that, for Hooker, life-long exclusive heterosexual marriage is rooted in natural law—God's intentions for human nature in creation—and cannot be abrogated or altered without violating its essential structure.

Conclusion

There is a danger that discussions about the authority of Scripture may turn into exercises in exegetical casuistry. We

can use Scripture in the way that lawyers use case precedents either to vindicate or convict a defendant. The focus of concern can become: What can I get away with? What meaning will the text bear? Can it be read to further my cause? A "minimalist" interpretation of Scripture can be as guilty of this as is a Puritan tendency toward "maximalism." There is a danger of focusing on the texts as documents, and forgetting that the Scriptures are not self-referential. They speak of a reality beyond themselves, namely, God's creation and redemption of the world and humanity in Jesus Christ. The purpose of exegesis is not only to decipher the grammatical meaning of the text or to find precedents for permissible or impermissible behavior, but to allow oneself to be formed and transformed by the reality to which the Scriptures refer so that one can find oneself within the Bible's story of creation and redemption. But in order to do this, one must be willing to hand oneself over to the world of the text, to allow oneself to be challenged and even changed by it.

Augustine, Thomas Aquinas, Jewel and Hooker all follow Scripture in an attempt to understand that intelligible subject matter to which Scripture points. For John Jewel, this subject matter is summarized in the Rule of Faith echoed in the ecumenical Creeds. Thomas Aquinas and Richard Hooker use the language of law, but for both, "law" illustrates more fundamental themes by which they try to understand and re-tell the Christian story. For both Aquinas and Hooker, the story of redemption is primarily one of creation and re-creation. For both, the "eternal law" has to do with God's very nature and with God's intentions for humanity from all eternity, expressed in the original creation. "Natural law" reflects the "eternal law" rooted in God's character as the Supreme Good. "Natural law" is the moral embodiment of this eternal law in that human beings need to follow certain paths in order to fulfill God's intention for them. These paths are not arbitrary; rather, they are good for human beings who have been created in God's image; they reflect God's good

intentions for humanity's own good. They are paths that eventually lead us back to our Creator, who is himself the Supreme Good, and can will nothing for us but our good. Far from being a restriction on our freedom, biblical law is the law of Christ that leads to that genuine freedom that is friendship with the God who has created us out of love in order that we might share the Triune Love between Father, Son, and Holy Spirit that is God himself.

Post-Reformation discussions of natural law have focused too often on the extent to which the contents of morality can be known apart from revelation, but for Aquinas and Hooker, the key thing about natural law is that it expresses God's original intention for humanity, as expressed in the Genesis narratives, the Ten Commandments, and other moral law found in Scripture. In addition to the natural law, which expresses God's intentions for human beings always and everywhere, there is positive law, which has to do with the rules human beings need to live together day by day in a fallen world. Because cultures and conditions change, positive law changes, but positive law is good law only to the extent that it conforms to natural law, God's intentions for humanity from all eternity. And, above all, there is humanity's re-creation in Jesus Christ, which alone enables one to fulfill the moral law. This is illustrated in Aquinas's equation of the "New Law" with a principle that is not "law" at all, the grace of the Holy Spirit, given through faith in Christ, or with Hooker's assertion that after the fall, union with God is only made possible through Christ's death and resurrection, and the grace of the Holy Spirit.⁶²

Sexuality plays an important but limited role in all of this. The eternal law has to do with God's intentions for humanity in our creation and redemption, and it is fulfilled in the twofold command to love God and neighbor. But love of God and neighbor is not merely a matter of good intentions. Both are to be lived out within the structures of God's intentions for

humanity in creation and re-creation in Christ. When God created humanity, he created us in his image, as male and female. That we are male and female demonstrates that human beings are not self-sufficient. We are created to be in fellowship with one another and with God, and the complementarity of the two sexes illustrates that God did not intend us to be alone.⁶³ In addition, the complementarity of the sexes points typologically to the union between Christ and the Church.

In creating humanity as male and female, God also created sexuality, and marriage and the family as the proper structure for the complementary union sacramentally symbolized by sexuality, as well as the procreation of children that is the other intended end of sexuality. In a historically contingent world, there are numerous cultures, each with its own positive laws that regulate the social structures of marriage. Because the union between man and woman is a symbol of the union between Christ and the Church, the Church will need ritual and symbols to celebrate and solemnize that union, regulated by ecclesial law. In a fallen world, men and women often will pursue sexual fulfillment in ways contrary to the life-long complementary union God intended in creating humanity as male and female, and thus there will be need for laws—moral, civil, and ecclesial—to prevent abuse and to guide in doing what is right. There will also be need for confession, forgiveness, and absolution.

Both Aquinas and Hooker would have granted that the positive laws (both civil and ecclesial) that regulate heterosexual marriage might well differ from time to time and place to place. Marriage customs may vary, for example, whether couples exchange wedding rings or go on honeymoons. The regulations by which society and Church try to prevent moral abuses of sexuality may also vary. What would not have been conceivable for Augustine, Aquinas or Hooker would have been that the permissible arena of sexual relations themselves might be

changed, since the restriction of sexual relations to life-long exclusive heterosexual marriage was not part of positive, but of natural law—the expression of the eternal law that was God’s intention for humanity expressed in the original creation of humanity in the image of God as male and female, as stated first in the Genesis accounts, but echoed in many other places throughout the Scriptures as well.

It is this distinction between (1) the morality that is rooted in God’s permanent unchanging intentions for humanity in its original creation and its re-creation in Christ, and (2) the different social circumstances under which society and Church attempt to promote and regulate morality in positive law that stands behind Article 7 of the 39 Articles. The distinction between moral and positive law is not a “minimalism” that allows as permitted everything that is not specifically forbidden by the Ten Commandments.

In conclusion, classical biblical interpreters like Augustine, Thomas Aquinas, Jewel and Hooker, remind us that not everything in Scripture has permanent moral authority, for all times and in all places. As Augustine pointed out, customs change because times change. At the same time, we need to remember that the historic Church has developed a hermeneutic to distinguish between moral matters contained in Scripture (which are always obligatory), and matters of ceremony or civil law. Hooker and the 39 Articles are good guides to this understanding. It would be seriously misleading, however, to conclude that this distinction makes room for a change in the Church’s historic opposition to homosexual practice. What the Church’s historic hermeneutic allows for are variations in social and religious practices and laws having to do with exclusive life-long heterosexual marriage, for example, as Hooker, pointed out, the exchange or wedding rings, or what are the limits of marital consanguinity. But heterosexual marriage is itself a divine institution, grounded in creation. A faithful reading of Scripture understands that sexual

relations are restricted to the context intended by God when he created humanity in his image, as male and female.

If the revisionist attempts to find biblical justification or re-interpretation to justify same-sex relations fail insofar as they do not adequately take into account what Scripture actually says about sexuality, the extra-biblical attempts to find reasons for the Church to approve of same-sex activity also fail insofar as they do not take the biblical material into account at all. If theology as understood historically is faith seeking understanding, that is, critical reflection on the subject matter of revelation as witnessed to in Holy Scripture and Church tradition, then these latter approaches are not properly theological. Although both Scripture and Church tradition have much to say about the place of human sexuality in God's intentions for humanity in creation, redemption, and eschatological beatitude, these latter approaches studiously avoid discussing this.

Rather, ignoring the plain-sense reading of Scripture about both God's intentions for heterosexual marriage as well as Scripture's universal disapproval of same-sex sexual activity, they tend to make their case in one of two ways. First, there is an overarching appeal to such values as love, compassion, tolerance, diversity, inclusiveness, justice—all understood as abstractions, divorced from the concrete particularities of biblical doctrines and practices. The Bible commands us to love everybody, to love our neighbor as ourselves. To love those of same-sex sexual orientation means, then, in the eyes of the advocates of same-sex unions, to allow those who experience themselves as and who identify themselves as gays, lesbians and transsexuals, the freedom to pursue the same happiness that heterosexuals would expect for themselves. To be just towards homosexuals demands extending to them the same rights that we would extend to others. To be tolerant and inclusive of homosexuals necessarily implies that they be allowed full privileges in church and society.

However, insofar as they are abstractions, appeals to values of love, justice, or inclusiveness are vacuous. For Christians, the meaning of notions of love, justice or fellowship (*koinonia*—certainly a more appropriately Christian value than “inclusiveness”) receive their normative meanings from the context of the biblical narratives of God’s creation of the world and humanity, his election of Israel, and God’s redemption of sinful humanity through the life, death, and resurrection of Jesus Christ. We cannot know what love means apart from the cross of Christ, with its implicit message not only of redemption and transformation, but also of judgment on human sin.⁶⁴

Second, the arguments are appeals to analogies. Some of the analogies are drawn from outside the Church’s context—for example, appeals to the secular political language of right and left-wing power politics, or to tolerance and inclusivity. Others are based broadly on analogies to biblical or theological concerns, for example, comparisons to Gentile inclusion in the Church or to the “baptismal covenant.”

By definition, analogies contain both an element of similarity and an element of dissimilarity to that to which they are being compared. Bad analogies fail because the dissimilarity is too great and the similarity superficial. Any theological appeal to analogy that ignores or contradicts fundamental teaching of Scripture immediately raises suspicions of dissimilarity, but the positive appeals to the arguments for approval of same-sex activity are also weak.

Arguments that appeal to inclusiveness or diversity or “rights talk” reduce Christian ethics to the level of secular contemporary power politics, and are, at heart, idolatrous. From a Christian perspective, the correct approach is to assess current political disagreements in light of the norms of the gospel—the good news of salvation in Jesus Christ—rather than vice versa.⁶⁵

Similarly, appeals to Gentile inclusion or the “baptismal covenant” reflect a simplistic and distorted notion of Christian discipleship that was addressed a half century ago in concerns about “indiscriminate baptism.”⁶⁶ Baptism does not only mean that one is admitted to the Christian Church, with all rights and privileges pertaining thereto. Baptism is not a membership card. It demands conversion. When one becomes a member of the Christian community by baptism, one’s identity, including one’s previous story, has now to be reformed by incorporation into a new story, the story of the life, death, and resurrection of Jesus Christ, and the story of the community composed of disciples of Jesus. The historic connection between baptism and the recitation of the Apostle’s Creed points to the confessionally narrative basis of the Christian identity endowed in baptism. Baptism not only includes one in the Church, but distinguishes between the Church and the non-Christian world as well. Contrary to the language of “identity politics,” baptism means that one now has a new identity, formed by one’s death to one’s previous life, and a union with the resurrection life of Christ that brings one into the new identity-forming community of the Church (Rom. 6: 1-4; Gal. 2:20).

Similarly, the semi-scientific arguments fundamentally misconstrue the nature of Christian ethics—apart from their questionable assumptions about a general consensus in the scientific community concerning genetic causation of human proclivities or desires. The scientific claim cannot be that same-sex sexual *behavior* is genetically determined. Arguments for physical or psychological determination of human actions are not scientific, but philosophical or theological. Science is incompetent to provide guidance on what is at heart a metaphysical and moral question. The claim being made then must surely be that same-sex orientation is physically hardwired. But an orientation is a desire, and the Christian moral tradition has never claimed that the rightness or wrongness of moral action is determined by the strength of our

desires. The proponents of same-sex union may well be correct that people do not choose to have same-sex desires. In this sense, they are correct that the disagreement is about love—specifically, what we do with our various loves. The classic Christian tradition (as represented by such figures as Augustine, Thomas Aquinas and Richard Hooker) agrees that we do not simply choose our desires; rather, it is our desires that enables us to choose our actions. But one of the fundamental features of growth in the life of grace is learning to sort out our desires. Not all the actions to which our desires prompt us are worthy of pursuit. Illicit desire pursued repeatedly creates habits, and, as Augustine remarked, “The law of sin is the violence of habit.”⁶⁷ The development of character is a matter of learning which desires should be pursued, and which not. Grace gives the moral freedom to love what we ought to love, and to distinguish properly between true and false loves. As Augustine has reminded us, the pursuit of desires rooted in false loves leads ultimately to unhappiness. True happiness can be found only in that rest that comes from union with the One for whom our hearts are restless.⁶⁸

Appendix: Representative Contemporary Biblical Scholarship on Same Sex Relations

Note that the scholars cited below do not necessarily agree with the Bible’s teaching. Some reject it, or suggest it be modified. Nor are they universally “conservative” in their theological stances. They represent the contemporary consensus of scholarship (both liberal and conservative, from a variety of confessional traditions) about *what the Bible actually teaches* on same sex relations. They make it clear that the exegetical interpretations of scholars like William Countryman and John Boswell are eccentric.

Roman Catholic

"I believe the general outlines of biblical teaching on sex are fairly clear. . . . [T]he *general* parameters of a "biblical" sexual morality are not in great dispute (setting gender aside for the moment). Sex, in both the Hebrew and the early Christian scriptures, is assumed to belong in heterosexual marriage, which is faithful and procreative. . . . [T]here is scarcely any doubt that premarital sex, adultery, divorce, prostitution, and homosexuality are not included in the ideal." Lisa Sowle Cahill, "Sexual Ethics: A Feminist Biblical Perspective," *Interpretation* (Jan 95) 49(1): 6.

Jewish

"The Bible's extreme aversion to homosexuality is part of [the] concern not to let sexual activity destroy the categories of orderly existence. . . . Homosexual activity, as known in the ancient world, exists outside the pair-bond structure, which is the social locus of permissible sexuality. Furthermore, it blurs the distinction between male and female, and this cannot be tolerated in the biblical system. Anything that smacks of homosexual blurring is similarly prohibited, such as cross-dressing. . . . Forbidden sexuality, like adultery, incest, homosexuality, and bestiality . . . becomes a national concern. Such sexual behavior is a threat to social order, as is murder, and again, like murder, it is said to pollute the land and thereby endanger the very survival of Israel. Leviticus 18 relates that the pre-Israel inhabitants of the land indulged in the incestuous relations listed there, in bestiality, homosexuality, and molech-worship, and that-as a result-the land became defiled and vomited out its inhabitants. . . . Israel's right of occupation is contingent upon its care not to do these things, for murder, illicit sex and idolatry will pollute the land, and a polluted land will not sustain them." Tikva Frymer-Kensky, *In the Wake of the Goddesses: Women, Culture and the Biblical Transformation of Pagan Myth* (Ballantine Books, 1992), 195-196.

Presbyterian

“The holiness of God’s people is integrally tied to the sanctity of the institution of marriage, which was assumed by the Old Testament to be both divinely ordained and normative. . . . Homosexuality was universally condemned and dismissed as abhorrent.” Brevard Childs, *Old Testament Theology in a Canonical Context* (Fortress, 1985), 79.

Methodist

“Paul was against homosexuality, both active and inactive, both male and female. This marks him as Jewish. . . . Jews, looking at the Gentile world, saw it as full of *porneia*, sexual sin of all sorts, and homosexuality was a prime case. They condemned it, lock, stock, and barrel. This is emphasized in the Bible . . . and repeated in subsequent Jewish literature. . . . So when we turn to Paul, we are not surprised that he condemns all homosexual activity, nor that he specifies both the active and the passive partners. . . . Some scholars propose that the words are uncertain as to meaning and thus that perhaps Paul did not really condemn homosexuality. The words, however, are quite clear. . . . Paul condemns both male and female homosexuality in blanket terms and without making any distinction.” E. P. Sanders, *Paul* (Oxford, 1991), 110, 112-113.

“The few biblical texts that *do* address the topic of homosexual behavior . . . are unambiguously and unremittingly negative in their judgment. . . . Paul’s use of the term [*arsenokoitai*] presupposes and reaffirms the holiness code’s condemnation of homosexual acts. This is not a controversial point in Paul’s argument. . . . Paul simply assumes that his readers will share his conviction that those who indulge in homosexual activity are ‘wrongdoers’ . . . Paul’s choice of homosexuality as an illustration of human depravity is not merely random: it serves his rhetorical purposes by providing a vivid image of humanity’s primal rejection of the

sovereignty of God the Creator. . . . Though only a few biblical texts speak of homoerotic activity, all that do mention it express unqualified disapproval. Thus, on this issue, there is no synthetic problem for New Testament ethics. In this respect, the issue of homosexuality differs significantly from such matters as slavery or the subordination of women, concerning which the Bible contains internal tensions and counterposed witnesses. The biblical witness against homosexual practices is univocal." Richard Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (HarperCollins, 1996), 381, 382-383, 385, 389.

Anglican

"For all the issues that divided the church in the past . . . tolerance or blessing of homosexual acts was never one of them. Apparently scripture's plain sense was simply too plain when it came to homosexual behavior. The history of interpretation, Jewish and Christian, bears witness to the 'plainness' of scripture on this matter." Christopher Seitz, "Sexuality and Scripture's Plain Sense," *Word Without End: The Old Testament as Abiding Theological Witness* (Eerdmans, 1998), 324-325.

1 See Appendix.

2 Robert Williams, *Just As I Am: A Practical Guide to Being Out, Proud and Christian* (NY: HarperCollins, 1992), 39, 53.

3 John Shelby Spong, *Rescuing the Bible from Fundamentalism: A Bishop Rethinks the Meaning of Scripture* (San Francisco: HarperCollins, 1992); *The Sins of Scripture: Exposing The Bible's Texts of Hate To Reveal The God Of Love* (San Francisco: HarperCollins, 2005).

4 "Evensong for the Anglican Communion," from a sermon preached in April 2005 at St. Luke & St. Simon Cyrene Episcopal Church, Rochester, NY;

<http://www.oasiscalifornia.org/0Asisa> Transfer
2009/0_Historical/2005_evensong_sermon.html; Originally from
here: <http://www.twosaints.org>.

5 The original inspiration is Elizabeth Schussler Fiorenza, *Bread Not Stone: The Challenge of Feminist Biblical Interpretation* (Boston: Beacon Press, 1984).

6 Robert Goss, *Jesus Acted Up: A Gay and Lesbian Manifesto* (San Francisco: HarperCollins, 1992).

7 Robin Scroggs, "The Bible as Foundational Document," *Interpretation: A Journal of Bible and Theology* (January 1995) 49(1): 17-30.

8 Bernadette Brooton, *Love Between Women: Early Christian Responses to Female Homoeroticism* (Chicago: University of Chicago Press, 1996).

9 These themes are echoed repeatedly in the books of John Shelby Spong.

10 L. William Countryman, *Dirt, Greed and Sex: Sexual Ethics in the New Testament and Their Implications for Today* (Philadelphia: Fortress Press, 1988); Marcus Borg, *Jesus: A New Vision* (San Francisco: HarperCollins, 1987). For a critique, see: Markus Bockmuehl, "'Keeping It Holy': Old Testament Commandment and New Testament Faith," *I Am the Lord Your God: Reflections on the Ten Commandments*, Carl E. Braaten and Christopher R. Seitz, eds. (Grand Rapids: Wm. B. Eerdmans Publishing Co., 2005), 95-124. Bockmuehl points out that the central category in both Old and New Testaments, completely missed by Countryman, is not purity, but holiness.

11 John Boswell, *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century* (Chicago: University of Chicago Press, 1980).

12 Robin Scroggs, *The New Testament and Homosexuality: Contextual Background For Contemporary Debate* (Philadelphia: Fortress Press, 1983).

13 Tom Horner, *Jonathan Loved David: Homosexuality in Biblical Times* (Philadelphia: Westminster Press, 1978); Theodore W. Jennings, *The Man Jesus Loved: Homoerotic Narratives From the New Testament* (Cleveland: Pilgrim Press, 2003). There is a disagreement among the revisionist interpreters, as other writers are concerned to argue that Jesus was erotically involved with Mary Magdalene. Episcopal Presiding Bishop Katharine Jefferts Schori has suggested that Naomi encouraged her daughter-in-law Ruth to seduce her future husband Boaz. Katharine Jefferts Schori, *The Heartbeat of God: Finding the Sacred in the Middle of Everything* (Skylight Paths Publishing, 2010), 30. The claims are incompatible, unless, of course, we presume that both Jesus and Ruth were actively bi-sexual.

14 Robert Gagnon argues persuasively that the language used to describe the love between Jonathan and David is adoptive “kinship” and “covenant treaty” language, not erotic language. *The Bible and Homosexual Practice* (Nashville: Abingdon Press, 2001), 146-154. A plain -ense reading of the Book of Ruth makes clear that the relationship between Naomi and Ruth is also a kinship relationship. Given the universal incest taboo, a sexual relationship in either case would have been inconceivable.

15 The question of Jesus’ stance toward same-sex sexual activity is dealt with at length by Gagnon, 185-228. The argument from silence ignores that Jesus did not relax but rather tightened Old Testament restrictions concerning sexuality. Jesus forbade not only adultery, but lust (Matt.5:27-29). Jesus forbade divorce altogether (with the possible exception of *porneia*; Matt. 5:31-32, 19:3-9; Mark 10:2-12). Jesus disapproved of *porneia* (Matt. 15:19; Mark 7:21), and (as a Jew), “he undoubtedly would have understood homosexual behavior to be included among the list of offenses”

(p. 192). Jesus' discussion of divorce makes clear that he understood sexual ethics to be grounded in the creation narratives of Genesis, that the complementarity of humankind as created male and female was normative for God's intentions for sexual expression (see above references). That is, for Jesus, exclusive life long heterosexual marriage would have been the exclusively permitted setting for sexual activity.

16 These readings are simply no longer tenable. Thomas Schmidt in *Straight and Narrow?* (pp. 64-85), argues persuasively that the context of Romans 1 is Paul's echoing of the creation order of Genesis 1 and 2, not Gentile pederasty. Also, see Gagnon, 277 ff. Richard Hays makes clear that *arsenokoitai* is Paul's reference to the LXX of Leviticus 18:22 and 20:13. Paul's citation is a reiteration of the "holiness code's condemnation of homosexual acts." Richard Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (HarperCollins, 1996), 382-383. Also see, Gagnon, 303-336; E. P. Sanders, *Paul* (Oxford, 1991), 110, 112-113.

17 Although not stated as explicitly as the "radical" case, the basic hermeneutical assumption of "moderate" Selectivism is, indeed, that the Bible cannot be trusted as to its moral assertions; thus, the necessitating of selecting between the trustworthy and untrustworthy bits, and correcting the untrustworthy parts with those that can be trusted. The criterion for judging between trustworthy and untrustworthy elements is derived necessarily from outside the text, and, indeed, from the individualist understanding of freedom embraced in modern and post-modern Western cultures. The good is inevitably identified with that which contributes to the expansion of freedom of choice for particular groups to forms of sexual expression previously denied them. Insofar as the untrustworthy bits limit that freedom, they are perceived as "oppressive."

18 The most thorough exegetical discussion is that of Gagnon,

The Bible and Homosexual Practice (above). Also, see Thomas E. Schmidt, *Straight and Narrow? Compassion and Clarity in the Homosexuality Debate* (Downers Grove: Intervarsity, 1995); Richard Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (HarperCollins, 1996), 379-406. Particularly helpful in assessing the exegetical and hermeneutical weaknesses of the revisionist approach are Christopher Seitz, "The Ten Commandments: Positive and Natural Law and the Covenants Old and New – Christian Use of the Decalogue and Natural Law"; Marcus Bockmuehl, "'Keeping It Holy,': Old Testament Commandment and New Testament Faith," Christopher R. Seitz and Carl Braaten, eds. *I Am the Lord Your God: Christian Reflections on the Ten Commandments* (Grand Rapids: Eerdmans, 2005) 18-40, 95-126. For a positive biblical discussion and theological argument for the Church's traditional position, see Robert W. Jenson, "Male and Female He Created Them," 175-188, from the same volume.

19 The Church's traditional hermeneutic, as found, for example, in Thomas Aquinas or Richard Hooker or the Lutheran *Book of Concord*, is to distinguish between civil, moral, and ritual law, a distinction founded on God's intentions in creation, and thus "natural law" (Catholic) or "creation ordinances" (Reformed). Seitz argues in "The Ten Commandments: Positive and Natural Law" for a distinction in the Old Testament legal material between material that applies only to the native Israelite (which includes material normally considered ceremonial), and material that applies to the "sojourner in the land" as well. The prohibitions that also apply to the sojourner include prohibitions not only against same-sex activity, but also against adultery, incest, and other sexual offenses. In deciding on the criteria on which to admit Gentiles into the early (Jewish) church, the apostolic Council of Jerusalem seems to have based its criteria on these "sojourner" prohibitions in Leviticus 17-19. The *porneia* which is prohibited in Acts 15:20 almost certainly echoes the

Levitical prohibitions. Seitz's article is crucial to the exegetical discussion, but any discussion of the issue also needs to take into account the doctrine of creation of humanity as male and female set out in Genesis 1 and 2. It is this creation context that provides the hermeneutical foundations for what later became known as "natural law."

Other helpful articles by Seitz, include: "Sexuality and Scripture's Plain Sense," *Word Without End: The Old Testament as Abiding Theological Witness* (Eerdmans, 1998), 324-325; "Dispirited: Scripture as Rule of Faith and Recent Misuse of the Council of Jerusalem," *Figured Out* (Louisville: Westminster John Knox), 117-130; "'Be Ye Sure That the Lord He is God' – Crisis in Interpretation and the Two-Testament Voice of Christian Scripture," *The Character of Christian Scripture: The Significance of a Two-Testament Bible* (Grand Rapids: Baker Academic, 2011), 173-190.

20 "Let the Reader Understand: A Statement of Interpretive Principles by Which We Understand the Holy Scriptures," <http://www.dioceseny.org/pages/372-let-the-reader-understand>; see also Tobias S. Haller, BSG, "Who's in charge: Judging the Scriptures," <http://www.oocities.org/tobiasbsg/scundaut.htm>.

21 *The Gospel and the Church* (NY: Scribners Sons, 1912).

22 On the significance of the canon and the difference between the apostolic and post-apostolic church, see especially Oscar Cullmann's classic, "The Tradition," *The Early Church: Historical and Theological Studies* (London: SCM Press, LTD, 1956), 59-104.

23 In response to an earlier version of this article, one of the authors of LTR responded that the Church of England had done just that, in rejecting the Old Testament Apocrypha. This is to ignore that there had not been a definitive position concerning the status of the Hebrew or Greek canon in the Church's earlier history prior to the Protestant Reformation.

It was not until 1546 that the Roman Catholic Council of Trent formally declared the Apocrypha as Scripture in response to the Protestant preference for the Hebrew canon. It is also misleading to claim that the Church of England simply rejected an Apocrypha that had previously been recognized as canonical Scripture. Art. 6 of the 39 Articles states that “we do understand those canonical Books of the Old and New Testament, of whose authority was *never any doubt in the Church*” (my emphasis). The article goes on to state: “And the other Books (as Hierome saith) the Church doth read for example of life and instruction of manners; but yet doth it not apply them to establish any doctrine.”

24 “We believe these to be theologically sound decisions as the Episcopal Church works to be open and receptive to the work of the Holy Spirit in our midst. . . [W]e are determined that this church maintain its openness to the workings of the Holy Spirit in its decision making, notwithstanding any negative and condemnatory words brought to the Primates’ meeting. We believe that it is precisely this openness to the Holy Spirit that is the mark of the faithful Christian progressive.” “An Open Letter regarding the Meeting of the Primates called by the Archbishop of Canterbury.” From members of the board of the Episcopal church Publishing Company (ECPC) October 9, 2003; <http://www.thewitness.org/article.php?id=214>. This is the argument that appears in The Episcopal Church’s “To Set Our Hope on Christ,” in response to a request of the Anglican Primates meeting in Dromantine, Ireland; <http://www.americananglican.org/assets/Resources/ToSetOurHopeOnChristECUSA.pdf>; <http://noanglican covenant.org/docs/sethope.pdf>; originally from here: http://www.ecusa.anglican.org/documents/ToSetOurHope_eng.pdf. Oddly, this document seems to have disappeared from the Episcopal Church’s website.

25 “If Gene Robinson has been baptized, then what is all the

fuss about? Is not Baptism THE sacrament of inclusion, the sacrament that opens the door principally to the Supper of the Lord and then secondarily to the other five minor sacraments: confirmation, marriage, ordination, unction and penitent reconciliation?" J. Fletcher Lowe, Jr., "Gene Robinson: A Debate Based on Misplaced Theology." <http://www.thewitness.org/article.php?id=208>.

"I believe that this General Convention, meeting in Minneapolis, decided that although all of us are not in agreement, most of the Bishops and Deputies of the Episcopal Church supported Canon Robinson's election because it seems to fit into the demands of the Baptismal Covenant, and the teaching of scripture about this loving God of all creation who sees everything created as good." Right Reverend John Palmer Croneberger, Bishop of Newark, September 2003. Originally here: <http://www.dioceseofnewark.org/jpc-0903.html> (no longer available).

Katharine Jefferts Schori, "Sermon at Christ Church Cathedral, Dublin, Ireland, January 30, 2011"; <http://thinkinganglicans.org.uk/uploads/jeffertsschori20110130.html>. An internet search of the expressions "seek and serve Christ in all persons" and "respect the dignity of every human being" returns innumerable web pages, the vast majority of which interpret the Episcopal Church's baptismal covenant to demand an embrace of "inclusivism," especially in regard to endorsing same-sex sexual relationships.

26 The sermon by Katherine Jefferts Schori, cited in the previous footnote, typically links same-sex sexual activity with other civil rights issues.

27 Or, more recently, same-sex marriage. On May 23, 2003, Bishop Michael Ingham of the Canadian Diocese of New Westminster wrote that "The Rite for the Celebration of Gay and Lesbian Covenants" was "not a marriage ceremony." <http://www.samesexblessing.info/cnurse/DotNetNuke/Portals/3/SS>

B%20Rite-Letter%20to%20parishes.pdf; Richard Leggett, Professor of Liturgical Studies, Vancouver School of Theology, and member of a working group that assisted in preparation of the ceremony went to great lengths to make clear that, despite some similarities, the Rite of Blessing should not be confused with a rite of marriage, which the church reserved exclusively for heterosexuals: "Despite some similarities to the marriage rite, the underlying theology and the distinctive liturgical elements define a covenant that is unique and that poses no threat, if any ever existed, to marriage as the sacramental union of a heterosexual couple." <http://www.samesexblessing.info/cnurse/DotNetNuke/Portals/3/SSB%20Rite-LeggettPaper.pdf>. In a few short years, the claim has moved from asserting that blessing same-sex unions is *not equivalent* to heterosexual marriage, and should not be thought to be, to claiming that it definitely is, or at least should be.

28 This argument is made less frequently in recent years as repeated scientific studies have undermined the claim that homosexual orientation is biologically or genetically determined. Biological or genetic determination is often assumed implicitly in assertions that people "do not choose" their sexual orientations. If there is a current scientific consensus, it would seem to be that the causes of homosexual orientation are complex, including perhaps biological, but certainly environmental and sociological factors. The 10% claim has also been discounted in numerous studies in the last few decades.

29 Advocates of gay inclusion in the Church who resist demands for exclusive monogamous commitment include the late Robert Williams, Episcopal theologian Carter Heyward, and Roman Catholic Andrew Sullivan. The question naturally arises: Do or do not advocates of same-sex blessings expect of same-sex couples the same kind of sexual exclusivity that would be demanded of heterosexual couples?

30 This is the at least implicit argument in William Countryman's equation in *Dirt, Greed, and Sex* of biblical concerns about "purity" with what he calls the "yuck factor."

31 Discussed at length in Gagnon, 350 ff.

32 *Contemplative Life*, 59-61; See Gagnon, 173 ff.

33 Augustine, *Confessions*, 3.7.12-8.16. Numerous translations are available.

34 Oliver O'Donovan, *Resurrection and Moral Order* (Grand Rapids: Eerdmans, 1986, 1994) is helpful in distinguishing between the modern understanding of "natural law" as an epistemological issue and the earlier Christian tradition that interpreted "natural law" in terms of ontology in the light of a doctrine of creation.

35 *Summa Theologiae* 2.2.90-108.

36 *ST* 1.2.100.10; cf. 1.2.100.5.

37 For a similar but more contemporary approach to the Ten Commandments, see Brevard Childs's discussion in *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress Press, 1985), 63-83. Childs's discussion of "The Ritual and Purity Laws" is also relevant (84-91).

38 *S.T.* 1.92, Supplement, 41.

39 *S.T.* 1.2.154.11-12.

40 Bockmuehl makes the case in his article "Keeping It Holy" that the so-called "ritual" or "ceremonial" laws are not examples of "taboo," but are related to "holiness," a category completely missing from Countryman's book. Holiness remains a central theme in the New Testament, and Jesus deals with unholiness not by disregarding taboo but by a kind of "contagious" holiness. He makes the unholy clean.

41 William Wilberforce, *A Letter on the Abolition of the Slave Trade* (London: Luke Hansard & Sons, 1807); John Wesley, "Thoughts Upon Slavery," *The Works of the Reverend John Wesley*, vol. 11, ed. Thomas Jackson (London: Wesleyan Methodist Book Room, 1872) 59-79; Martin Luther King, Jr. "Letter From Birmingham Jail"; <http://www.mlkonline.net/jail.html>.

42 For the following, see *Summa Theologiae*, Supplement, q. 52, "Of the Impediment of the Condition of Slavery." The "Supplement" was compiled after Thomas's death from material from his commentary on the Fourth Book of the Sentences of Peter Lombard. It represents Aquinas's theology as a young man.

43 This is a crucial difference between Israelite "slavery," and the chattel slavery of other ancient peoples. Aquinas's recognition of this difference shows that he was an astute exegete. For two contemporary discussions, see: Paul Copan. *Is God a Moral Monster? Making Sense of the Old Testament God* (Grand Rapids: Baker Books, 2011); William J. Webb, *Slaves, Women, and Homosexuals: Exploring the Hermeneutics of Cultural Analysis* (Downers Grove: InterVarsity, 2001).

44 John Jewel's *Apology of the Church of England* is available in numerous editions. The translation is from *The Works of John Jewel*, vol. 3. John Ayre, ed. For the Parker Society (Cambridge: Cambridge University Press, 1848). Jewel, PS 3: 57, 58, 82, 83.

45 Jewel, PS 3:57.

46 Jewel, PS 3:67.

47 Jewel, PS 3:61.

48 Jewel, PS 3:71, 72, 73

49 Jewel, PS 3: 84.

50 Jewel, PS 3: 95.

51 Richard Hooker, *Of the Laws of Ecclesiastical Polity* (London: J.M. Dent & Sons, 1907, reprint 1954), 2 vols. *Laws* 5.8.2.

52 *Laws* 1.2.3-4.

53 *Laws* 1.8.7-8.

54 *Laws* 1.15.1

55 *Laws* 1.10.7.

56 *Laws* 1.15.2.

57 *Laws* 3.9.2.

58 *Laws* 1.15.3.

59 *Laws* 1.12.2 note 2.

60 *Laws* 3.9.2.

61 *Laws* 5.73.3.

62 *Laws* 1.11.6

63 Particularly helpful here is Karl Barth, *Church Dogmatics* 3.1, 41; 3.2, 45; 3.4.54. See also Robert Jenson, "Male and Female."

64 "We can recover the power of love only by insisting that love's meaning is to be discovered in the New Testament story of Jesus—therefore, in the cross." Richard Hays, *The Moral Vision of the New Testament* (HarperSanFrancisco, 1996) 202.

65 See especially David T. Koyzis, *Political Visions and Illusions: A Survey and Christian Critique of Contemporary Ideologies* (Downers Grove, IL: Intervarsity Press, 2003).

66 Church of England Liturgical Commission. *Baptism and*

Confirmation, (London: SPCK, 1959); Church of England Theological Commission appointed by the Archbishops of Canterbury and York on the Relations between Baptism, Confirmation and Holy Communion. *The Theology of Christian Initiation*, (London: SPCK, 1948).

67 Augustine, *Confessions* 8.5.11.

68 Augustine, *Confessions*, 1.1.