

A Book Not To Be Embraced: A Critical Review Essay on Stacy Johnson's *A Time to Embrace*

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April 2008
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I wish that I could commend William Stacy Johnson's book, *A Time to Embrace*,¹ as a reasonably rigorous and fair assessment of Christianity and homosexual practice at least from a homosexualist perspective.² Unfortunately, Johnson so regularly violates scholarly standards for honesty and accuracy in representing other works, so frequently conceals from readers the most important counterarguments to his position, and so often shows gaps in logic that I cannot embrace *A Time to Embrace*.³

Johnson's book is organized into an introduction and two major parts. The introduction consists of brief discussions of analogies to racism and misogyny (5-12), homosexual relationships in history (13-19), and socio-scientific study of homosexuality (20-36; notes for the introduction on pp. 245-61). In Part One: Religion, Johnson develops his scheme of seven theological viewpoints (39-108), where he discusses biblical and theological issues in an organizationally choppy fashion, and then continues to address such issues in fragmentary fashion under the rubrics of companionship, commitment, and community (109-55; notes for Part One on pp. 262-95). In Part Two, which comprises the last third of the book, Johnson treats law and politics. (I discuss Part Two in Appendices 9-12 and part of 3.)

The main part of this review consists of thirteen sections, discussing respectively:

¹ *A Time to Embrace: Same-Gender Relationships in Religion, Law, and Politics* (Grand Rapids: Eerdmans, 2006). The main text is on pp. 1-227; bibliography on pp. 229-44; notes on pp. 245-319; index of names on p. 320 (incidentally, the worst compiled "Index of Names" I have seen in any scholarly work); and index of subjects on pp. 322-25; and index of scripture references on pp. 326-30. Johnson is an associate professor of theology at Princeton Theological Seminary.

² By "homosexualist" I mean an ideology that espouses the legitimacy of one or more forms of homosexual practice. I characterize the anti-homosexualist position as the complementarity position.

³ This style of misreading texts is in keeping with Johnson's role as a chief architect of a 2006 Authoritative Interpretation of the PCUSA *Book of Order* that allowed ordaining bodies to treat as "nonessential" an ordination "requirement" that the *Book of Order* explicitly singles out from "among" all "the historic confessional standards of the church" for the obvious purpose of stressing mandatory compliance. The requirement mandates that ordained officers of the church not engage in sexual relations outside "the covenant of marriage between a man and a woman" (G-6.0106b).

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I. The Tone of Johnson’s Book

Johnson trumpets his tone: “I try to positively engage people from across the spectrum” (3). Homosexualist “advocates need to maintain a consistently affirming posture themselves” and not “demonize those who disagree by accusing them of bigotry” (224; cf. 207).

Despite such remarks, Johnson often charges those who disagree with bigotry, as well as hypocrisy, hatred, and irrationality. He regularly compares opposition to homosexual practice with racism and sexism (7-12, 166, 182, 188, 210; Review, 386). Laws that prevent a special privileging of homosexual practice among other practitioners of immoral sexual behavior “are motivated only by irrational prejudice and animosity” (168; cf. 74, 81, 168, 214, 293 n. 107). To deny gay marriage or civil unions “is irrational” (186), nothing more than “traditional prejudice” and “a narrow brand of conservatism” (214). “The truth is that there are no cogent legal arguments of a secular nature for refusing to grant some form of relationship rights to gay couples” (189). Those who disagree with his views are “anti-gay polemicists” (22, 125, 278 n. 30). Those who allow membership for homosexually active persons but not ordained office do so disingenuously to “appease the prohibitionists” (like Chamberlain at Munich?; 54). Efforts by the majority in the PCUSA to support a “byzantine” two-sexes prerequisite for sexual relations in the *Book of Order* have been “harshly hypocritical” (265-66 n.26). Prohibitionists take only a “textualist approach” to the Bible rather than a “contextualist” one; that is, they do only a “strict” and “literal” reading of the “face of the text” of Scripture and take no account of the historical and literary contexts (56, 129). “Rarely do prohibitionists acknowledge biblical or historical facts that would call into question their premises or conclusions.... They pay little attention to empirical or scientific study” (52). “Non-affirming” persons do not offer any “distinctively *theological*” argument; rather, they merely offer “a selective quoting of Scripture” (101).

Johnson has a right to make such statements—but only if he can prove his accusations. As it is, they are far more accurate of Johnson’s own work in relation to affirming the homosexualist agenda. Johnson and others like him feel that when the kinds of attack that they direct at others are directed at them it is not in the spirit of dialogue. They then use this as a pretense for excluding from dialogue the persons who make them. Apparently the same rules do not apply to themselves.

To claim, as Johnson does, that all this amounts to a “positive engagement” with opposing views is doubly abusive. If this is positive engagement give me negative.

II. Johnson’s Misrepresentation of Scholarly Work

The most serious charge that can be leveled at Johnson is that he repeatedly misrepresents the work of others or misleads readers into thinking things about the work of others that is inaccurate. In most of these instances it appears highly unlikely that Johnson was unaware of what he was doing. Space does not permit anything like an exhaustive enumeration.

1. Covering up from readers the fact that key homosexualist scholars, whose work Johnson cites admiringly, disagree with Johnson’s main argument, the exploitation-hedonism argument.

Johnson has worked hard to conceal from readers the fact that most of the best scholars who have studied the biblical texts on homosexual practice in their historical context disagree that the Bible condemns *only* exploitative forms of homosexual practice such as pederasty, prostitution, or sex with slaves (what I call the exploitation argument,

modified here to include hedonism). Revealing this fact would have devastated the credibility of his main thesis, given that he is not a specialist in either biblical studies or the Greco-Roman world. Yet this would have been better than risking his scholarly integrity.

Johnson cites **Louis Crompton**'s 500-page *Homosexuality and Civilization* as "the single best book-length introduction to the subject" of how "same-gender relationships have meant very different things ... in divergent times, places, and social contexts" (12, 252 n. 46). Johnson makes this the key pillar of his exploitation-hedonism argument. Yet Johnson neglects to tell readers that Crompton comes to a radically different conclusion:

According to [one] interpretation, Paul's words were not directed at "bona fide" homosexuals in committed relationships. But such a reading, however well-intentioned, seems strained and unhistorical. Nowhere does Paul or any other Jewish writer of this period imply the least acceptance of same-sex relations under any circumstance. The idea that homosexuals might be redeemed by mutual devotion would have been wholly foreign to Paul or any other Jew or early Christian.⁴

Johnson puts the Crompton book at the top of a list of "must-reads" so he must have read these remarks. His unwillingness to disclose them contrasts sharply with his zeal to cite a single evangelical preacher, John Stott, who says that "the biblical prohibitions by themselves say nothing about [committed same-sex] partnerships" (p. 50, 264 n. 17).

Similarly, Johnson calls **Bernadette Brooten**'s *Love Between Women* "the definitive work on female homoeroticism in antiquity" (271 n. 35).⁵ He cites her favorably for his own treatment of the meaning of "nature" (82, 268 n. 11). Yet Johnson fails to tell readers of Brooten's complete rejection of an exploitation argument. Brooten, a NT scholar and self-identified lesbian, states: "The sources on female homoeroticism" in antiquity indicate that the early church "opposed homosexual behavior per se," "regardless of age" and "mutuality," and regardless too of the orientation theories that circulated in the Greco-Roman milieu around *tribades* (the active female partners in a female homosexual bond) and *kinaidoi* (the passive male partners in a male homosexual bond).⁶

Johnson does mention that Brooten interprets Rom 1:26 as a reference to lesbianism. Yet Johnson declares this to be only a "possible" reading (90)⁷ and mentions to readers not a single argument in its favor. The case for a referent to lesbianism is overwhelming:⁸

⁴ *Homosexuality and Civilization* (Cambridge: Harvard University Press, 2003), 114.

⁵ Bernadette J. Brooten, *Love Between Women: Early Christian Responses to Female Homoeroticism* (Chicago: University of Chicago Press, 1996).

⁶ *Ibid.*, 11, 253 n. 106, 244, 257, 361.

⁷ Johnson claims that it is "impossible to say with certainty what female behavior Paul had in mind." He proposes an alternative referent to "overly aggressive" "female heterosexual behavior" such as performing "oral sex on a man" (90). Johnson is mistaken: in the Greco-Roman fellatio was *not* regarded as an aggressive, masculine act; quite the contrary.

⁸ The listing of six arguments is my own; each point is thoroughly documented in a long article that I have completed, which will hopefully be published either in a book or in a journal. But see already: Brooten, *Love Between Women*, 246-53, 305-7, 315-33, 337, 344-47; Gagnon, *The Bible and Homosexual Practice*, 297-33.

- 1) The “likewise also” of Rom 1:27, which infers that the reference in 1:27 to the males leaving behind “the natural use *of the female*” for unnatural use of the male parallels a reference in 1:26 to the females exchanging “the natural use” *of the male* in 1:26 for unnatural use of the female.⁹
- 2) The fact that lesbian intercourse is the form of female intercourse most commonly labeled “contrary to nature” in antiquity.
- 3) The fact that male homosexual practice is far more often paired in antiquity with female homosexual practice than with any other female sexual behavior.
- 4) The fact that lesbian intercourse is elsewhere used in a manner similar to Rom 1:26, i.e. as a clinching argument against male homosexual practice.
- 5) The historical absurdity of assuming that Paul would take a different stance on lesbianism than that which prevailed nearly universally among men in the ancient world.
- 6) The fact that lesbianism is the dominant interpretation of Rom 1:26 in the patristic period.

A referent to lesbianism in Rom 1:26 would have devastating consequences for Johnson’s exploitation argument since lesbianism in antiquity did not normally emulate male exploitative practices.

Johnson also ignores what Brooten has to say about Greco-Roman orientation theories, as also my work on the subject,¹⁰ and claims falsely that the New Testament writers could not even have “anticipate[d] the category of sexual orientation” (64). One might contrast what the classicist Thomas K. Hubbard has to say in his sourcebook of texts on homosexuality in the Greco-Roman world: “Homosexuality in this era [viz., of the early imperial age of Rome] may have ceased to be merely another practice of personal pleasure and began to be viewed as an essential and central category of personal identity, exclusive of and antithetical to heterosexual orientation.”¹¹

Likewise, Johnson cites favorably the Finnish OT scholar **Martti Nissinen** when he puts forward a misogyny argument for the Levitical prohibitions (286 n. 60). Yet we don’t hear from Johnson that even Nissinen, who in my view has written (with Brooten) one of the two best books on homosexuality by a homosexualist biblical scholar, admits that “nothing would have made Paul approve homoerotic behavior,” not even “the apparent ‘orientation’” of the *tribades* and *kinaidoi*.¹²

Johnson refers several times to **John Boswell**’s two books on homosexuality. Yet he never alerts readers to the fact that even Boswell had warned of a “tendency to exaggerate the differences between homosexuality in previous societies and modern ones” and that Boswell wrote a 55-page chapter on same-sex unions in the Greco-Roman

⁹ Were Rom 1:26 a reference to heterosexual oral-penile or anal-penile intercourse one would expect a body part as the implied objective genitive of “the natural use”; thus “the natural use” of the mouth or of the vagina. Yet the parallel phrase in Rom 1:27 refers to “the natural use” not of a body part but of a gendered person.

¹⁰ *Love Between Women*, 149, 156-59; Gagnon, “Does the Bible Regard Same-Sex Intercourse as Intrinsically Sinful?” in *Christian Sexuality: Normative and Pastoral Principles* (ed. R. E. Saltzman; Minneapolis: Kirk House, 2003), 106-55 (online notes at <http://robgagnon.net/articles/homoPowellRespNotes.pdf>), here pp. 141-46; also, William R. Schoedel, “Same-Sex Eros: Paul and the Greco-Roman Tradition,” *Homosexuality, Science, and the “Plain Sense” of Scripture* (ed. D. L. Balch; Grand Rapids: Eerdmans, 2000), 43-72, esp. 53-59.

¹¹ *Homosexuality in Greece and Rome: A Sourcebook of Basic Documents* (Berkeley: University of California Press, 2003), 386.

¹² Martti Nissinen, *Homeroeticism in the Biblical World: A Historical Perspective* (Minneapolis: Fortress, 1998); quote below from pp. 109-12.

world that discusses many instances of commitment that would have been widely known to the early church and Judaism.¹³

To these homosexualist scholars who reject the kind of exploitation argument used by Johnson one could easily add many others.¹⁴

2. Misrepresenting what John Clarke has to say about non-exploitative Roman “gay sex.”

Johnson misrepresents John R. Clarke’s *Roman Sex: 100 B.C. to A.D. 250*¹⁵ when he cites it as confirmation for his argument that “in the Greco-Roman world of the New Testament, male homoerotic sex acts were performed by social superiors upon social inferiors” without mutual affection (18, 255 n. 72). What Johnson doesn’t tell readers is that Clarke’s chapter on “Gay Sex” (pp. 76-93) focuses almost exclusively on two pictorial representations that Clarke himself views as illustrating “equal, reciprocal, male-to-male sex”: the famous “Warren Cup” (15-30 C.E.) and a lesser-known, large agate gemstone housed in Leiden (1st century B.C.E.). The Leiden gemstone offers a particularly powerful image, showing a man anally penetrating another man, with the man on the bottom having a large erection and both men gazing directly into each other’s eyes.

3. Misrepresenting what scholars have said of Gregory of Nyssa’s view of “there is no ‘male and female.’”

Johnson misrepresents work done on Gregory of Nyssa when he claims that two articles, one by Verna Harrison and the other by Sarah Coakley, have shown independently that Gregory understood the implications of Gal 3:28c (“there is no ‘male and female’”) for eliminating any significance to gender complementarity, which for Johnson includes the allowance of homosexual relations. So, Johnson claims, “the ‘it’s-always-been-read-that-way’ argument ... is not true” (152, 295 n. 115).¹⁶ Yet both articles clearly show that Gregory understood “no male and female,” when applied to sexual behavior, as meaning abstinence from sexual relations, *not* the allowance of same-sex sexual relations. In other words, so long as humans do have sexually differentiated bodies and choose to engage in sexual relations a male-female prerequisite remains binding.

4. Failing to tell readers about a key contrary position of Jacob Milgrom on Levitical incest law, whom he otherwise cites when agreeable to his views.

Johnson argues that because Levitical incest laws do not prohibit man-daughter and man-sister intercourse they are “based less on biology ... and more on social organization

¹³ The quote is from *Christianity, Social Tolerance, and Homosexuality* (Chicago: University of Chicago Press, 1980), 27. The book chapter is in *Same-Sex Unions in Premodern Europe* (New York: Villard, 1994), 53-107.

¹⁴ For quotes from William Schoedel (“Paul lumps all forms of same-sex eros together as a mark of Gentile decadence”), Dan O. Via (the Bible condemns homosexual practice “unconditionally” and “absolute[ly]”), and Walter Wink (“No, Paul wouldn’t accept [a committed homosexual] relationship for a minute”), see my “How Bad Is Homosexual Practice According to Scripture and Does Scripture’s Indictment Apply to Committed Homosexual Unions?” (2007; 11 pgs.; <http://robgnon.net/articles/HomosexHowBadIsIt.pdf>), 10-11.

¹⁵ New York: Harry N. Abrams, 2003.

¹⁶ Verna E. F. Harrison, “Male and Female in Cappadocian Theology,” *JTS* 41 (1990):441-71; Sarah Coakley, “The Eschatological Body,” *Modern Theology* 16 (2000): 61-73.

of families.” “Thus, when contemporary polemicists make repeated comparisons between same-gender sexuality and incest, they are telling us more about their own [infer: bigoted, hypocritical] agendas, than about the values of ancient Israel” (283 n. 52). Since Johnson in the same note cites approvingly from Jacob Milgrom’s commentary on Leviticus (pp. 1526 and 1528), he misrepresents matters by not wanting readers to know of Milgrom’s solution to the problem of no explicit citation of man-daughter, man-sister incest (pp. 1527-29).¹⁷ Man-daughter and man-sister prohibitions are subsumed in the prohibition of intercourse with one’s *nearest kin* in Lev 18:6: “no man shall approach any flesh (אִשָּׁרָא, *šəṣār*) of his flesh (בְּשָׂרוֹ, *běšārō*) to uncover nakedness.”¹⁸ Sex with one’s mother is explicitly addressed in 18:7 only in order to establish that all other incestuous unions are a violation of one’s mother or father. The remainder of the list in 18:8-18 shows which more distant kin-relations beyond mother, sister, and daughter are forbidden.¹⁹ By not alerting readers to Milgrom’s credible solution when otherwise citing the same section of Milgrom’s commentary Johnson deceives his readers.²⁰

5. Misrepresenting socio-scientific studies on homosexuality.

Johnson’s treatment of socio-scientific studies also exhibits significant misrepresentation. For example:

(1) Johnson makes the extraordinary claim that “in [some Scandinavian] countries the **divorce rate for gays** is even lower than it is for heterosexual couples” (122, 278 n. 32; my bold). Yet when one checks out Johnson’s references, one finds that the situation is actually the reverse: “divorce-risk levels are *considerably higher*” for same-sex registered partnerships: 50% higher for male partnerships and 150% higher for female partnerships in just the limited time interval of 0-8/9 years.²¹

¹⁷ *Leviticus 17-22* (AB; New York: Doubleday, 2000). As Milgrom notes, even the Laws of Hammurabi and the Hittite Laws, which are less careful to proscribe incest than the Levitical Holiness Code, prohibit intercourse between a man and his daughter.

¹⁸ Cf. “any” in 18:6; also the description of “nearest kin” in 21:1-3.

¹⁹ These include intercourse with one’s half sister (18:9), stepsister (18:11), sister-in-law (18:16), granddaughter (18:10), and daughter-in-law (18:15). It makes no sense to argue that Lev 18 prohibits these secondary forms of incest but not intercourse with one’s sister or daughter. In fact, even Johnson has to admit that Leviticus did not encourage such sexual relations but still insists, falsely, that in accounting for the omission one realizes that the incest laws were “not meant to target ‘incest’” on biological and moral grounds (282-83 n. 52). Yet the prohibited affine relationships exist only as an extension of prohibited, biological, nearest-kin relationships.

²⁰ As for Johnson’s other argument that biblical characters did not keep the incest laws, most of the infractions mentioned by Johnson (and obtained from Milgrom) are not approved by the narrator. Some do pass without negative comment; for example, Abraham’s marriage to his half sister, Sarah (Gen 20:12), Jacob’s marriage to two sisters (Gen 29), and Amram’s marriage to his aunt Jochebed (Exod 6:20). However, these took place, as Milgrom notes, before the law code was instituted. Moreover, none of the infractions transgress incest boundaries with nearest kin: adult-parent, parent-child, and brother-sister. Cf. Milgrom, *Leviticus 17-22*, 1528, 1536.

²¹ Gunnar Andersson, Turid Noack, Ane Seierstad, and Harald Weedon-Fekjaer, “The Demographics of Same-Sex ‘Marriages’ in Norway and Sweden,” *Demography* 43:1 (2006): 79-98. An earlier version is cited in William N. Eskridge, Jr., and Darren R. Spedale, *Gay Marriage: For Better or for Worse? What We’ve Learned from the Evidence* (New York: Oxford University Press, 2006), 110. Johnson cited an earlier work by Eskridge for a study of Denmark by Spedale and then referred to the later Eskridge/Spedale book for “more recent” confirming information. In fact, Eskridge/Spedale repudiate the earlier Spedale study for making the dumb error of comparing the risk of a same-sex registered partnership dissolving in *five* years with the risk of a heterosexual marriage dissolving in *forty* years.

(2) Johnson argues that the 2002 National Survey of Family Growth (NSFG) conducted by the Centers for Disease Control and Prevention²² shows that Kinsey's **10% figure for homosexuality** in the U.S. "may not be as far off based as it is sometimes claimed to be" (23-25). However, properly read,²³ the NSFG shows a consistent pattern of 3.3-4.0 percent of those aged 18-44 self-identifying as homosexual or bisexual, describing themselves as equally or primarily attracted to people of the same sex, and having any same-sex partner in the previous year. Had the NSFG included people aged 45-59 (as did the 1992 National Health and Social Life Survey) these rates likely would have been around 2-3 percent, within a percentage point or so of the 1992 NHSLs. Add those aged 60+ and the population rates would have dropped to 2 percent or less—a far cry from what Johnson touts.²⁴

(3) Regarding the effects of "gay" parenting, Johnson alleges that "there is no credible evidence that the sexual orientation of a child's caregiver affects the sexual orientation of the child" (32). Johnson cites two works to substantiate this claim: the authoritative 2001 overview of homosexual parenting studies by two USC professors, Judith Stacey and Timothy Biblarz,²⁵ and a 1997 book by Fiona Tasker and Susan Golombok, *Growing Up in a Lesbian Family*.²⁶ However, Johnson fails to tell readers that Stacey/Biblarz state a somewhat different conclusion: "The evidence ... hints that parental sexual orientation is positively associated with the possibility that children will be more likely to attain a similar orientation—and theory and common sense also support such a view.... [C]hildren of lesbigay parents appear to express a significant increase in homoeroticism."²⁷ A more careful examination of the Tasker/Golombok study on Johnson's part would also have revealed higher rates of homosexual attraction among young adults raised in a lesbian household.²⁸

²² William D. Mosher, Anjani Chandra, and Jo Jones, "Sexual Behavior and Selected Health Measures: Men and Women 15-44 Years of Age, United States, 2002," *Advance Data from Vital and Health Statistics* 362 (Sept. 15, 2005): 1-56; online: <http://www.cdc.gov/nchs/data/ad/ad362.pdf>.

²³ Johnson arrives at his claim by two missteps. First, he repeatedly reports the NSFG's figures as applying to the whole "population" when in fact the NSFG surveyed only those aged 18-44. We know from the 1992 National Health and Social Life Survey (NHSLs) that those aged 40-59 report a third to a half less same-gender attraction and homosexual/bisexual identity than do those aged 18-39 (cf. Edward O. Laumann, et al., *The Social Organization of Sexuality* [Chicago: University of Chicago Press, 1994], 303, 305, Tables 8.1 and 8.2). Second, by sleight of hand Johnson adds to the non-heterosexual group both those who checked off "something else" (3.9%) and those who did not answer (1.8%). Had Johnson bothered to do the math for Tables 12 and 13 (pp. 30-31) he would have seen that almost three-quarters of the "something else" and "did not report" groups (79% of males, 66% of females) elsewhere described themselves as attracted *only* to the opposite sex.

²⁴ Cf. the 2004 Canadian Community Health Survey (CCHS), which reported that a mere 1.7% of Canadians 18-59 years old identified themselves to be homosexual or bisexual.

²⁵ "(How) Does the Sexual Orientation of Parents Matter?," *American Sociological Review* 66:2 (2001): 159-83 (<http://www.e-noah.net/ASA/MO/articles/stacey.pdf>). Stacey has since moved to NYU.

²⁶ New York: Guilford, 1997. Cf., by the same authors: "Do Parents Influence the Sexual Orientation of Their Children? Findings from a Longitudinal Study of Lesbian Families," *Developmental Psychology* 32 (1996): 3-11.

²⁷ Pg. 178.

²⁸ Two of the 25 young adults raised in a lesbian household self-identified as a 6 on the Kinsey scale and another two as a 2 or 3 (16%), as opposed to none of the 20 young adults with a heterosexual single mother. Nearly twice as many young adults raised by a lesbian mother reported any same-gender attraction (36%) as compared to the heterosexual control group (20%). Over twice as many of the former considered a homosexual relationship a "future possibility" (27%) as compared to the latter (11%). A quarter of the

To these three examples of misrepresentation of socio-scientific evidence one can add that Johnson sanitizes the picture of homosexual relationships by not mentioning any of the studies that indicate **disproportionately high rates of measurable harm** that attend homosexual practice. In particular, he fails to note significantly higher rates of sexual partners and sexually transmitted infections for homosexual males on the one hand and both significantly lower rates of relationships lasting 10 years or more and significantly higher rates of mental health issues especially for homosexual females on the other hand.²⁹ These deficiencies correlate with long-known male-female differences and reflect, to a large extent, the endemic difficulty that relationships without a sexual complement have in moderating the extremes of, and filling in the gaps of, a given sex. Johnson's silence on such matters amounts to misrepresentation of the data.

6. *Misrepresenting my work.*

As regards my work Johnson follows a strategy of mostly ignoring it and sometimes directly misrepresenting it. The former is only a more subtle manifestation of misrepresentation since Johnson leaves readers with the mistaken impression that neither I nor anyone else has developed cogent arguments against his positions. Johnson ignores the arguments in 80 percent or more of my first book, *The Bible and Homosexual Practice: Texts and Hermeneutics* (500 pgs.; 2001)³⁰ and virtually everything—hundreds of pages—that I wrote after my first book.³¹ Johnson ignores completely my treatment of

former had been, or were currently, in a same-gender relationship as compared to none of the latter (Johnson mentions partially only this single point, without noting the 0% figure for the latter). Tasker/Golombok also found that the greater the display of lesbian activity in the household, the “more likely” the young adults were “to report same-gender sexual interest.” Stacey/Biblarz note a deficiency in the Tasker/Golombok study: “To be coded as [bisexual, lesbian, or gay] the respondent not only had to currently self-identify as [such], but also to express a commitment to that identity in the future” (171).

²⁹ See *The Bible and Homosexual Practice*, 452-60, 471-85; and especially “Immoralism, Homosexual Unhealth, and Scripture: Part II: Science” (Aug. 2005; 40 pgs.; online:

<http://robgagnon.net/articles/homoHeterosexismRespPart2.pdf>).

³⁰ Nashville: Abingdon.

³¹ These writings include, in chronological order: “Are There Universally Valid Sex Precepts? A Critique of Walter Wink’s Views on the Bible and Homosexuality,” *HBT* 24 (2002): 72-125 (also online: <http://www.robgagnon.net/articles/homoWinkHBTResp.pdf>); *Homosexuality and the Bible: Two Views*, with Dan O. Via (Minneapolis: Fortress, 2003), along with the companion online “Notes to Gagnon’s Essay in the Gagnon-Via *Two Views* Book” (2003; 50 pgs.; <http://www.robgagnon.net/2Views/HomoViaRespNotesRev.pdf>) and “Rejoinder to Dan O. Via’s Response” (2003; 29 pgs.; <http://robgagnon.net/2Views/homoViaRejoinder.pdf>); “Does the Bible Regard Same-Sex Intercourse as Intrinsically Sinful?” in *Christian Sexuality* (cited above); “A Comprehensive and Critical Review Essay of *Homosexuality, Science, and the ‘Plain Sense’ of Scripture*, Part 2,” *HBT* 25 (2003): 179-275 (also online: <http://www.robgagnon.net/articles/homoBalchHBTRReview2.pdf>); part 1 appeared in *HBT* 22 [2000]: 174-243, also online); “Old Testament and Homosexuality: A Critical Review of the Case Made by Phyllis Bird,” *ZAW* 117 (2005): 367-94; “Scriptural Perspectives on Homosexuality and Sexual Identity,” *Journal of Psychology and Christianity* 24 (2005): 293-303; the entry “Sexuality,” in *Dictionary for Theological Interpretation of the Bible* (eds. K. J. Vanhoozer, et al; London: SPCK; Grand Rapids: Baker Academic, 2005), 739-48; “Why the Disagreement over the Biblical Witness on Homosexual Practice? A Response to Myers and Scanzoni,” *What God Has Joined Together?* *Reformed Review* 59 (2005): 19-130 (online: <http://www.westernsem.edu/wtseminary/assets/Gagnon2%20Aut05.pdf>). Johnson also ignored numerous relevant articles that I had posted on my website at <http://www.robgagnon.net/ArticlesOnline.htm>; in particular, “Response to Countryman’s Review in *Anglican Theological Review: On Careful Scholarship*” (2003, 18 pgs.); “Bad Reasons for Changing One’s Mind: Jack Rogers’s Temple Prostitution Argument and Other False Starts” (2004, 26 pgs.); and “A Faithful Journey through the Bible and Homosexuality? The Use of Scripture in Two 2003 ELCA Documents” (2005, 54 pgs). Johnson is aware of

the ancient Near Eastern background; the Sodom story and related texts such as the story of Ham and Noah, the story of the Levite at Gibeah, the Deuteronomic and Deuteronomistic references to the *qedeshim* (cult figures that engaged in same-sex male intercourse), and the back references to Sodom in Ezekiel, Jude, and 2 Peter; the witness of early Judaism; the witness of Jesus; and the witness of Paul in 1 Cor 6:9 and 1 Tim 1:10. He omits most of my main arguments as regards the creation texts, the Levitical prohibitions, and Rom 1:24-27; the few arguments that he addresses he tends to distort or seriously truncate (see below). He skips over nearly all of my 145-page chapter on “The Hermeneutical Relevance of the Biblical Witness” in my first book. This widespread ignorance or avoidance of my work is all the more stunning in view of the fact that he wrote a review of *The Bible and Homosexual Practice* in *Theology Today* that appeared a couple of months after his book came out.³² Normally one is expected to read the book that one reviews.

On the rare occasion when Johnson treats my work there is a tendency toward misrepresentation. For example:

(1) Johnson misrepresents my view on **male-female complementarity** when he characterizes it only as “the body parts fit” and calls the argument “crude” (115, 120, 275-76 nn. 14, 16; Review 390). When he quotes a line from my first book that refers to anatomical fittedness, he conveniently omits my comment two sentences later (and similar ones throughout my work): “Gender complementarity between male and female is expressed not only in basic sexual anatomy but also in a more holistic sense” that includes physiology and psychology—the whole package of what it means to be male and what it means to be female.³³ He also claims that there is no evidence for the idea of anatomical complementarity in antiquity despite the fact that I provide just such evidence. As Thomas Hubbard rightly states, “basic to the heterosexual position [against homosexual practice in the Greco-Roman world of the first few centuries C.E.] is the

my online publications since he cites my online article, “A Critique of Jacob Milgrom’s Views on Leviticus 18:22 and 20:13” (2001, 2005, 18 pgs.; online: <http://www.robagnon.net/articles/homoMilgrom.pdf>), without addressing any of its arguments (280 n. 41). Most notably, Johnson also knew about, but leaves unmentioned in his book, my online article criticizing arguments that he used before the PCUSA “Peace, Unity, and Purity” Task Force, many of which reappear in his book as if no critique had ever been offered against them: “Robert Gagnon to Stacy Johnson: Two Positions on Homosexual Practice, Not Six” (2004, 12 pgs.; online: <http://www.robagnon.net/articles/homoStacyJohnson6ViewsSB.pdf>). In 2006 and 2007 a number of additional materials have appeared on my website, some of which may already have been available to Johnson before his book was completed. A set of them critique Jack Rogers’s, *Jesus, the Bible, and Homosexuality: Explode the Myths, Heal the Church* (Louisville: Westminster John Knox, 2006), a book that Johnson expresses great admiration for in his *Theology Today* review: “Does Jack Rogers’s Book ‘Explode the Myths’ about the Bible and Homosexuality and ‘Heal the Church’?” (2006; in four installments totaling 45 pgs.); “How Jack Rogers Continues to Distort Scripture and My Work” (2006, 5 pgs.); and “Jack Rogers’s Flawed Use of Analogical Reasoning in *Jesus, the Bible, and Homosexuality*” (2006, 12 pgs.). These are particularly important since Johnson cites Rogers in his “Review” (below) as having demonstrated that those who claim “that Gagnon’s book is the definitive defense of the ‘biblical position’” are “simply wrong” (392).

³² 63 (2006): 388, 390, 392 (hereafter: Review). Note that *Theology Today* published this nasty piece five years after my book came out.

³³ *Bible and Homosexual Practice*, 139; cf. 459-60 and often.

characteristic Stoic appeal to the providence of Nature, which has matched and fitted the sexes to each other.”³⁴

(2) In discussing the Levitical prohibitions, Johnson quotes a line from p. 113 of my first book: “In the entire Holiness Code—indeed, in the entire priestly corpus of the Tetrateuch—the only forbidden act to which the designation ‘abomination’ is specifically attached is homosexual intercourse.”³⁵ Johnson then pejoratively characterizes this remark as “a definitional sleight of hand,” falsely claiming: “Gagnon . . . omit[s] to tell the reader of comparable instances of the term in other parts of Leviticus, in the nonpriestly portions of the Tetrateuch, or in the remainder of the Pentateuch” (285 n. 59; my emphasis).³⁶ Yet I devote a full three pages to precisely this in a section entitled “**The Meaning of *tô‘ēbâ***” (117-20). Two of the texts that Johnson emphasizes (Gen 43:32-34; Exod 8:26) I mention only in chapter-and-verse references but that is because these texts report what only the *Egyptians* considered to be “abominations,” not what Israelites regarded as such. The charge that I withheld some information from the reader because it was inconvenient to my position is a clear case of projection on Johnson’s part.

(3) Johnson states: “Gagnon gives us no persuasive reason why we should break with tradition and ordain women but at the same time genuflect to tradition in being anti-gay” (294 n. 107; I prefer “anti-homosex” or “pro-complementarian”). Johnson simply omits telling readers the main arguments that I raise briefly in *The Bible and Homosexual Practice* (443) but expand on significantly elsewhere.³⁷ Simply put, affirmation of homosexual practice represents a radical break with Scripture whereas **the ordination of women** merely carries further a process already begun in Scripture. Already in the OT and especially in the NT there are a number of women-affirming texts.³⁸ We see nothing like this kind of openness in Scripture’s stance toward homosexual practice; indeed, we

³⁴ *Sourcebook*, 444. See further: *Bible and Homosexual Practice*, 257-59, 364-84; with new material, along with quotations from Craig Williams and William Schoedel, in “Review Essay of *Homosexuality, Science, and the “Plain Sense” of Scripture*, Part 2,” 249-56.

³⁵ *Ibid.*, 113; cited by Johnson in *A Time to Embrace*, 285 n. 59.

³⁶ Emphasis added.

³⁷ Cf. *Homosexuality and the Bible*, 46 with online “Notes,” 2-3; “Why the Disagreement,” 81-82, 93-94.

³⁸ Already in the OT there are a number of women-affirming texts. Genesis 1:26-28 stresses male-female compatibility, not male dominance, and Gen 3:16 relegates a husband’s rule over his wife to the Fall, not to pre-Fall structures. Significant women figures surface, including Miriam, Tamar, Rahab, prophetess/judge Deborah, Jael, Ruth, the prophetess Huldah, and Esther. There are no positive figures engaging in same-sex intercourse. Occasionally an inequitable old law is revised to provide greater parity between men and women (cf. Exod 21:2-11 with Deut 15:12-18). Not a single law or moral exhortation anywhere in the Bible accommodates in the slightest to homosexual bonds. Whereas feminine metaphors are occasionally applied to Yahweh’s actions toward his people (e.g., Num 11:12; Deut 32:11, 18; Ps 22:9-10; Isa 42:14; 49:14-15; 66:13), the relationship between God and his people is *never* imaged in Scripture as a same-sex union. Israel and the church are always portrayed as a woman despite the dissonance of such an image for a more or less androcentric society. The reason for this is Israel’s abhorrence of same-sex sexual unions.

This affirmation of women is expanded in the New Testament. Jesus’ ministry to women and affirmation of women as disciples or ‘learners’ (Luke 10:38-42) are well known. Less well known is the fact is that Jesus declared the taking of another wife to be an act of adultery, not just against another man but against his own first wife (i.e., fidelity in marriage as a two-way street; Mark 10:11). Paul also did much to undermine conventional, subordinate roles for women: laboring alongside numerous women co-workers (cf. Rom 16; Phil 4:2-3); insisting on the mutuality of conjugal rights (1 Cor 7:3-4); and affirming women’s prophetic roles, but in such a way that women did not need to lose their femaleness in order to be spiritual beings (1 Cor 11:3-16). Even as he interpreted Gen 2-3 as establishing male headship, he could still add a “nevertheless” of interdependence (1 Cor 11:11-12).

see the opposite. Moreover, while OT writers and NT writers were generally *more* affirming of women than was the norm for the ancient Near East and Greco-Roman world, respectively, they were much *less* accommodating to homosexual practice (an argument based on a countercultural trajectory).³⁹ Finally, the attempt to equate sex or gender with a homosexual impulse seriously confuses categories. Being a woman, unlike a homosexual impulse, is 100% congenitally determined and essentially immutable. Moreover, it is not a direct or primary desire for behavior that is incompatible with embodied structures and strongly prohibited in Scripture. Homosexual desire is. Scripture rightly views sex or gender as closer to the condition of ethnicity than to persistent sexual desires (so Gal 3:28, sec. VI below). As we shall see, a more appropriate analogy to affirming committed homosexual unions would be an argument to support committed adult incest or (though a lesser offense) sexual bonds involving three or more persons.

(4) In his Review, Johnson makes explicit what in his book is implicit; namely, that “he [Gagnon] assumes that there is one monolithic thing called homosexuality, which is the same yesterday, today, and always” (388, 390). Johnson implies, ridiculously, that I am unaware that **homosexual relationships in the ancient world** could be exploitative, either in the form of pederasty or coercive sex with slaves. Clearly in my first book I refer to “age-differentiated, status-defined, and egalitarian” types of homoeroticism.⁴⁰ I specifically address on pp. 347-61 why the Bible does not condemn “*only* exploitative, pederastic forms of homosexuality,” which obviously presupposes the very practices of which Johnson alleges that I am unaware. While I recognize the existence of exploitative forms of homosexual practice in antiquity, I also contend: (a) “the biblical texts themselves nowhere limit their rejection of homosexual conduct to exploitative forms” and (b) images of homosexual practice in the Greco-Roman milieu were not *exclusively* exploitative or hedonistic.⁴¹

III. Johnson’s Main Argument (Exploitation-Hedonism) and His Lack of Firsthand Knowledge of Greco-Roman Primary Sources

Johnson’s main thesis is that the biblical prohibitions that refer to homosexual practice

were addressed specifically to hedonistic or exploitative forms of sexual conduct, such as prostitution or the sexual exploitation of slaves, in which mutuality and concern for the other were absent. These biblical passages are silent about mutually and exclusively committed same-gender love. (225 and often)⁴²

As the quotation above indicates, a favorite example of Johnson’s is that of “a Roman soldier exploiting his boy-slave sexually” (12, 49-50; Review 392). It never occurs to

³⁹ Johnson elsewhere belittles an appeal to a countercultural thrust despite using such an argument himself when it suits his purposes (289 n. 74). He misses the point, which is not to assert that revelation is “*always* being at odds with culture” but rather that, when a stance is at odds, there is much less likelihood that Scripture’s authors were unthinkingly imbibing from the cultural well and much greater likelihood that they thought hard and felt strongly about the position. In short, we are more likely to have a core value.

⁴⁰ Pg. 414; citing David Greenberg *The Construction of Homosexuality* (Chicago: University of Chicago Press, 1988).

⁴¹ There are many other direct misrepresentations of my views in Johnson’s “Review.” See Appendix 4.

⁴² The quotation is drawn from the conclusion at the end of Johnson’s book. Cf. ix-x, 4, 45, 49, 110, 123.

Johnson that Rom 1:27 refers to males “inflamed with yearning for *one another*,” which stresses mutuality of affections rather than a coercive master-slave relationship. This one point alone does away with much of Johnson’s case. Furthermore, for Johnson’s argument to be valid, one would have to suppose the historically absurd theory that, had two men or two women approached Paul and expressed their desire to be in a committed, egalitarian sexual relationship, Paul would have responded, “Yes, I support that kind of sexual union.”

Although Johnson alleges that “prohibitionists” and I do not understand the Greco-Roman milieu, it is Johnson who gives no indication anywhere that he has ever worked directly with the primary source material in English translation, let alone translated relevant texts from the Greek or Latin.⁴³ He hasn’t even bothered to make use of Hubbard’s convenient *Sourcebook*.

Johnson claims in his Review that my citations of awareness of committed homosexual relationships from Aristophanes’ speech in Plato’s *Symposium* (ca. 380 B.C.E.) and the speech of Callicratidas in the pseudo-Lucianic *Affairs of the Heart* (ca. 300 C.E.) are irrelevant because they are too distant from Paul’s time and because “both are satirical” and non-egalitarian (390).⁴⁴ The *Symposium*, however, is well known in the first century. Philo of Alexandria cites it but still dismisses *all* forms of homosexual practice as unnatural: “Nearly the whole of Plato’s *Symposium* is about love, not merely about men mad after [i.e. madly in love with] men—for these desires pay tribute to the laws of nature—but about men (mad) after males, differing from them only in age” (*Contemplative Life* 59; my emphasis).⁴⁵

Johnson ignores my point that even if Aristophanes’ speech were taken as satire it would still “reflect or play off of the positive view of same-sex eroticism expressed by Phaedrus and Pausanias and current among some in antiquity.”⁴⁶ Pausanias, who was a lover of Agathon (a relationship that began when Agathon, now 31, was 18 years old), emphasizes that “love is neither right nor wrong in itself” but only right when it is “done rightly” and “for the right reasons”; that lovers who love rightly “are prepared to love in the expectation that they will be with them all their life and will share their lives in common,” “as if having been fused into a single entity with” the soul of the beloved (181D, 183E). These statements are clearly echoed in Aristophanes’ speech when he refers to men who are lovers of males as those “who continue with one another throughout life.... desiring to join together and to be fused into a single entity with his beloved and to become one person from two” (192E). Aristophanes reflects Pausanias’s view of himself when the former states that men who love males “are not inclined by nature (*phusei*) toward marriage and the procreation of children, yet are compelled to do so by the law or custom (*nomos*)” with the result that two joined males “live their lives out with one another unmarried” (192A-B).

As for Callicratidas’ speech in the pseudo-Lucianic *Affairs of the Heart*, one may charge Callicratidas with falling short of the philosophical ideal in his personal conduct

⁴³ In this article all translations of ancient texts are my own, unless otherwise indicated.

⁴⁴ *The Bible and Homosexual Practice*, 350-60.

⁴⁵ Philo’s qualifying comment, “differing from them only in age,” underscores that the age differential was a mitigating, not exacerbating, factor in condemning the bond. A sexual bond between two age-equal adult men would be more exploitative, not less so, since the intercourse was aimed at adult males who had outgrown the “softness” of immature adolescence.

⁴⁶ *Ibid.*, 354.

but not with attempting to lampoon loving same-sex male relationships. Were it otherwise, Lycinus, the arbiter of the debate with Charicles (the defender of male-female love), would not have declared Callicratidas (the defender of male-male love) to be the winner (51). Clearly Callicratidas is not commending hedonistic love when he talks in Platonic terms about the beloved's maturation to a point where "what for a long time was a recipient of affectionate regard gives back reciprocal expressions of love," such that "it is difficult to perceive which of the two is a lover of which, as though in a mirror. Why then do you reproach it . . . when it was ordained by divine laws . . . ?" (48; cf. Plato's *Phaedrus* 255-56).

Space does not permit rehearsing here all the evidence for awareness of loving homosexual relationships in the Greco-Roman world.⁴⁷ The following examples should suffice. In Plutarch's *Dialogue on Love* (late 1st- early 2nd century C.E.) Protagenes argues that man-male love is superior, not because (as Johnson might allege) it is more hedonistic but rather because, instead of having "as a net result the reaping of the fruits of pleasure (*hēdonēn*)," it "comes through friendship to the end and goal of virtue" (750D; 4). Picias infers that while "it is doubtless fitting (for women acting) with discretion and moderation neither to love passionately nor to be loved passionately (*out' eran out' erasthai*)," it is a different matter with a male beloved (752C; 6). When Daphnaeus rises to defend the superiority of male-female love he concedes that homosexual relationships are not necessarily exploitative, for "sexual intercourse that is contrary to nature with males (*hē para phusin homilia pros arrenas*) does not do away with, nor damage, a lover's kindness [or: amorous goodwill (*tēn erōtikēn eunoian*)]" (751C; 5). Yet, he declares, even when "the (intercourse) that comes about from (the joining of) males" is done "willingly," it remains "shameful" (*aschēmōn*) since males are, "with softness (*malakia*) and effeminacy (*thēlutēs*), surrendering themselves, according to Plato, 'to be mounted in the custom of four-footed animals' and to be sowed as if to produce children (*paidosporeisthai*), contrary to nature" (*para phusin*; 751D-E; 5).

Xenophon of Ephesus in his romance novel *An Ephesian Tale* (2nd century C.E.) has a character named Hippothous recount an episode when he was a "young man" and "fell in love with a beautiful youth" named Hyperanthes, who was of "the same age" as himself (and not a slave). Hippothous rescued Hyperanthes from the clutches of an older wealthy man but in their escape by sea the ship capsized and Hyperanthes drowned. Hippothous "wept and wailed profusely" and became so "distressed at the tragedy" that he "took to brigandage" (3.2). Clearly we do not have in view here an exploitative relationship. Another second century Greek romance, Achilles Tatius's *Leucippe and Clitophon*, tells two similar stories. One is about a young man, Cleinias, who falls head-over-heels in love with another male, Charicles, who is old enough for his father to be making wedding plans for him with a wealthy maiden. Cleinias is grief-stricken when Charicles dies in a horsing accident, tragically the very horse Cleinias had given as a gift (1.7-8, 12-14). The other story is about a young man, Menelaus, who "was in love with a handsome young man who had a passion for hunting." When the former accidentally killed the latter in a hunting accident (aiming for a wild boar but hitting his lover), he became suicidal because of his intense, passionate love for him (33-34).⁴⁸

⁴⁷ A fuller presentation will appear in a future book or article.

⁴⁸ Translations for this paragraph in Hubbard.

Relationships of a different sort but still attesting to commitment are reported in Rome by the epigrammatist Martial (ca. 40-104 C.E.; 1.24; 12.42) and by the satirist Juvenal (early 2nd c. C.E.; *Satire* 2): effeminate men who willingly commit themselves as “brides” to another man. For example, Gracchus, “a man renowned for his family background and his wealth” as well as being one of the Salian priests of Mars, became the “bride” to a common cornet-player and signed semi-official documents (*Satire* 2.119, 125, 129).⁴⁹ Lucian of Samosata (mid-2nd c. C.E.) tells of two rich women who regard themselves as married, the masculine Megilla of Lesbos and her “wife” Demonassa the Corinthian (*Dialogues of the Courtesans* 5). The astrologer Ptolemy of Alexandria (2nd c. C.E.) could speak of manly women born under a certain constellation who are “lustful for sexual relations contrary to nature” and take the active sexual role with women whom they sometimes call their “lawful wives” (*Tetrabiblos* 3.14; §171-72). Several rabbinic texts forbid marriage of a man to a man; one referring to Egyptian practices even forbids marriage of a woman to a woman (*Sifra* on Lev 18:3).⁵⁰ Clement of Alexandria likewise referred to “women . . . contrary to nature . . . marrying women” (*Paidagōgos* 3.3.21.3). These marriages texts presume that some people in the ancient world were seeking a committed same-sex sexual relationship.

Hubbard notes that Greco-Roman “literature of the first century C.E. bears witness to an increasing polarization of attitudes toward homosexual activity, ranging from frank acknowledgment and public display of sexual indulgence on the part of leading Roman citizens to severe moral condemnation of *all* homosexual acts.”⁵¹ If even some sectors of the “pagan” world were beginning to develop absolute opposition to homosexual practice, what is the likelihood that any Jew or Christian would have made exceptions for committed homosexual unions, given the absolute opposition of Jewish Scriptures?

IV. Johnson on Genesis 1:27: “Male and Female He Created Them” and Interpretation by Jesus and Paul

Here I wish to make three points that contradict Johnson’s contention that Gen 1:27 has no significance for establishing a male-female prerequisite for sexual unions.

1. Contrary to what Johnson contends, “male and female” in Gen 1:27 does refer to sexual pairing—as even Johnson must tacitly acknowledge when treating Gal 3:28.

Johnson argues that “male and female” in Gen 1:27 refers *only* to the fact that “both male and female are created in God’s image,” connoting “inclusivity and not sexuality per se” (116, 277 n. 20). Johnson cites 38 times in the OT where the phrase allegedly has only this inclusive sense (*ibid.*). It turns out that nearly all of these either use the phrase “male *or* female” (אִם, ’ō)⁵² or don’t even use the words for “male” (זָכָר [zākār]) and

⁴⁹ Translation by Williams, *Roman Homosexuality*. Johnson might retort that these are not good examples because they do not illustrate a marriage between two masculine men. This will not do because Johnson’s own support for the GLBT cause shows no particular alarm over very effeminate behavior by males.

⁵⁰ *Sifra* on Lev 18:3, *Gen. Rab.* 26.6; *Lev. Rab.* 23.9; *b. Hullin* 92b. Cf. Brooten, *Love Between Women*, 65.

⁵¹ *Sourcebook*, 383 (emphasis added).

⁵² Lev 3:6; 12:7; Deut 4:16. Lev 3:1 uses an equivalent expression: ‘if his offering is a sacrifice of well-being and if he offers from the herd, whether a male or female (אִם-זָכָר אִם-נִקְבָּה). . . .’

“female” (נִקְבָּהּ [nəqēbā]) but instead distinct words referring to male slave(s) and/or female slave(s),⁵³ male goats and female goats,⁵⁴ or female donkeys and male donkeys.⁵⁵ A few of his references use the Hebrew words for male and female but with intervening prepositions with or without the conjunction “and.”⁵⁶

The only verses that use the precise formula זָכָר וְנִקְבָּהּ (zākār ûnəqēbā) are Gen 5:2 and 6:19; 7:3, 9, 16. The last four appear in the story of the Flood and refer to the animals going into the ark by twos, “male and female,” whereas 5:2 introduces a genealogy from Adam to Noah’s children that fulfills the command in Gen 1:28 to “be fruitful and multiply” (5:3-32; cf. 6:1: “when the *’ādām* began to multiply...”).⁵⁷ The reference to sexual pairing can scarcely be denied.

Even Johnson is forced to admit that the adjoining command to “be fruitful and multiply” in Gen 1:28 “obviously contemplates sexual intercourse” (275 n. 15, 115)—an admission that presupposes the anatomical and physiological complementarity of “male and female,” even though Johnson flatly insists that “male and female” can have nothing to do with “the anatomical ‘fit’ between male and female body parts” (115). Johnson adds: “Yet this is a commandment that belongs to the species as a whole, not to each individual” (ibid.). Johnson doesn’t realize that this observation still does not change the fact that the phrase “male and female” includes a reference to sexual pairing. Moreover, Johnson truncates structural complementarity for the Priestly Writer as involving *only* procreative potential. It is historically implausible, in the context of ancient Israel, that the Priestly Writer would have regarded a male-male sexual bond as the moral equivalent of an infertile male-female union.⁵⁸

Johnson misreads things when he argues that “reducing ‘image of God’ to sexuality” is wrongheaded because animals too are usually characterized by sexual differentiation or gender complementarity” (275 n. 16). It is not a question of reducing the “image of God” to sexual differentiation but rather of recognizing that in Gen 1:27 *human sexual*

⁵³ עֶבֶד (‘*ebed*) and/or שִׁפְחָה (šīpkhā) or אִמָּה (‘*āmā*): Gen 12:16; 20:14; 24:35; 30:43; 32:5; Exod 20:10; 21:20, 26, 27; 31:32; Lev 25:6, 44; Deut 5:14 (twice), 21; 12:12, 18; 16:11, 14; 28:68.

⁵⁴ תֵּיִשִׁים (tēyašīm) and (עִזִּים) (‘*izzīm*): Gen 30:35; 32:14.

⁵⁵ אֲחֹנֹת וַעֲרִים (‘*ātōnōt wayārim*): Gen 32:15.

⁵⁶ Lev 15:33: ‘this is the law *for* the male and *for* the female (לְזָכָר וְלִנְקֵבָה) who has a discharge’; Lev 27:5 (cf. vv. 6-7): ‘the valuation (or: fixed sum) shall be the male 20 shekels and *for* the female 10 shekels (הַזָּכָר . . . וְלִנְקֵבָה)’; Num 5:3: ‘*from* the male *to* a female (מִזָּכָר עַד־נִקְבָּה) you shall put outside the camp all unclean persons.’

⁵⁷ “This is the book [or: list, record] of the generations [or: descendants] of *’ādām*. In the day of God’s creating *’ādām*, in the likeness of God he made him [or: it]; male and female he created them and he called their name *’ādām* on the day of their being created.”

⁵⁸ The entirety of the Old Testament witness, whenever discussing sexual issues, always presupposes a male-female prerequisite and does so in multiple genres (narrative, law, exhortation, proverb, poetry, and metaphor). There is never an attempt to distinguish between appropriate and inappropriate forms of same-sex sexual behavior because, unlike male-female sexual behavior, there are no appropriate forms. Johnson’s argument is akin to advocating the acceptability of incestuous relations between committed adults in cases where the couple is incapable of procreation (with at least one partner infertile) or takes precautions against procreation (through birth control devices or a surgical procedure). Such an argument would miss the point that the problem with procreation is merely a symptom of the fundamental structural asymmetry of the relationship. The same applies to homosexual relations.

*differentiation and pairing is uniquely integrated into God's image.*⁵⁹ This integration makes it possible for humans to enhance or to efface that image through their sexual behavior in a way that is not possible for animals—which is why I never held my dear “cockapoo” dog Cocoa to the same sexual standards to which the people of God are held. The alternative is to argue, falsely, that one’s sexuality is wholly disconnected from God’s image, thereby making it possible for one to engage in every kind of sexual misbehavior without doing any harm to the imprint of God’s image.⁶⁰

Also misguided is Johnson’s argument that connecting the “image of God” with sexual differentiation leaves out single persons, including Jesus (115-16, 276 n. 16). It is legitimate to speak of the two sexes as complementary, and so incomplete, representations of God’s image *in the restricted sphere of sexuality* without denying the broader integrity of an individual’s creation in God’s image. This is just another way of stating the elementary point that women bring out dimensions of God’s image lacking in men and vice versa. While male and female each bear the stamp of God’s image on their sexuality and have independent integrity as such, they do so as angular⁶¹ and complementary expressions of that image. Similarly, one can speak of God’s image as more fully represented in a community of believers than in any single individual in isolation without denying that the individual too is made in God’s image. Both Jesus and Paul viewed the single state as a non-moral deficit for the sake of advancing God’s kingdom but not a sin (Matt 19.10-12; 1 Cor 7.7-8, 25-40). However, they also both recognized that active entrance into a structurally incongruous union *is* a moral violation that assaults the image of God stamped on humans.⁶²

It is axiomatic and undeniable that a male or a female is only one half of complete sexual whole since, obviously, there are two primary sexes.⁶³ The logic of a male-female sexual bond is that the two primary sexual halves are united into a single sexual whole. The logic of a same-sex sexual bond is that each partner is only half his or her own sex, which unites to form a whole male or a whole female. Such a union dishonors the integrity and completeness of one’s maleness, if male, or femaleness, if female.

⁵⁹ Johnson also claims: “The Bible’s relentless polemic elsewhere against the phallic symbols of the fertility cult” indicates that “a theology built from a foundation in human sexual anatomy is pagan, not biblical” (277 n. 20). This makes about as much sense as arguing that a theology built from a foundation in a certain degree of blood unrelatedness (in incest laws against sex with one’s parent, sibling, or child) or in human-animal biological differences (in the laws against bestiality) is pagan, not biblical. To argue that a theology of sexuality should be severed entirely from bodily structures borders on Gnosticism.

⁶⁰ Cf. Nahum M. Sarna, *Genesis* (JPSTC; Philadelphia: Jewish Publication Society, 1989), 13: “No such sexual differentiation is noted in regard to animals. Human sexuality is of a wholly different order from that of the beast.... Its proper regulation is subsumed under the category of the holy, whereas sexual perversion is viewed with abhorrence as an affront to human dignity and as a desecration of the divine image in man.”

⁶¹ I.e., the image of God seen from a particular angle, here through maleness or femaleness.

⁶² Obvious instances of the latter that presumably even Johnson would have to acknowledge include attempted sexual unions involving close blood relations, an adult and a prepubescent child, or a human and an animal.

⁶³ Contrary to what Johnson argues, the existence of intersexed persons does not deny this point (276 n. 16). Not only is extreme gender ambiguity but a tiny fraction of a fraction of one percent, a product of intrauterine-hormonal and/or chromosomal disorders, and technically an abnormal amalgam of the only two sexes rather than the creation of a “third sex,” but it also is no more a basis for redefining the male-female character of human sexual relations than is the existence of conjoined (so-called “Siamese”) twins a basis for redefining the limitation of two persons at any one time in a sexual bond.

Ultimately, without even realizing it, Johnson acknowledges that “male and female” in Gen 1:27 is about sexual pairing. For Johnson insists that the declaration “there is no ‘male and female’” in Gal 3:28c contains “an exact quotation” of Gen 1:27 and overturns “not just one’s status as male *or* female” but “the pairing of male *and* female” (150). If the trope “male and female” in Gen 1:27 is not about sexual pairing to begin with, then why would the elimination of “male and female” in Gal 3:28c have any implications for eradicating a male-female prerequisite for sexual relations? Why say that “male and female” “*no longer* define the identity” of the people of God (148-49; my emphasis) if it never did anyway? As we shall see (sec. VI below), although Gen 1:27 does refer to male-female sexual pairing, Gal 3:28c cannot be used as a warrant for homosexual bonds.

2. Jesus cited the twoness of the sexes, “male and female” in Gen 1:27 (and 2:24) as the basis for his restriction on the number of persons in a sexual union to two.

According to Johnson, Jesus cited Gen 2:24—by sleight of hand Johnson conveniently neglects to mention Gen 1:27—“not to dwell on the sexual complementarity of male and female, but to speak out against the act of breaking one’s family ties through divorce” (139). Yet Jesus was obviously predicating his opposition to after-divorce remarriage and by implication to polygyny on the “twoness” or binary/dimorphic character of human sexuality. There is no other reason for Jesus to cite Gen 1:27c, “male and female he made them.” The fact that the phrase “in the image of God” is not explicitly cited suggests that the sexual pairing “male and female,” and not the creation of the woman in God’s image, is the *main* point. Jesus’ back-to-back citation of Gen 1:27c and 2:24 highlights the basis for two becoming one flesh: “*For this reason*”—namely, because God “made them male and female,” two sexual counterparts—“a man ... shall be joined to his woman/wife and the two shall become one flesh.” Two and only two, Jesus insisted, become one flesh: “so they are no longer two but one flesh” (Mark 10:8).

That Jesus derived the number two from the God-ordained twoness of the sexes given at creation is evident from a similar move by the Essene community at Qumran. The latter rejected “taking two wives in their [i.e. the Pharisees’] lives” because “the foundation of creation is ‘male and female he created them’ [Gen 1:27]” and because “those who entered (Noah’s) ark went in two by two into the ark [Gen 7:9]” (CD 4.20-5.1). Since the closest analogue in Palestinian Judaism to Jesus’ opposition to multiple-partner sexuality is found at Qumran, this use of Gen 1:27, in conjunction with the “two by two” use of “male and female” in the Noah cycle, constitutes powerful evidence that Jesus is extrapolating the limitation of sexual bonds to two and only two persons from a male-female prerequisite given in creation. A similar understanding appears to be at work in the addition of “the two” to “(they) shall become one flesh” in all the ancient versions of Gen 2:24: the LXX, Samaritan Pentateuch, Aramaic Targums, Syriac Peshitta, and Vulgate.⁶⁴

The logic of Jesus’ application is as follows: The union of the only two sexes that God ordained at creation reestablishes a complete and sufficient sexual whole. In bringing

⁶⁴ David Instone-Brewer, *Divorce and Remarriage in the Bible* (Grand Rapids: Eerdmans, 2002), 61-63. Cf. William Loader, *The Septuagint, Sexuality, and the New Testament* (Grand Rapids: Eerdmans, 2004), 42: The addition of “the two” to the Hebrew text “(they) shall become one flesh” opened “the possibility which is already implicit in the Hebrew text, that this act in some sense restores to unity what was divided into two.”

together the only two primary sexes, a two-sexes union renders the addition of a third party, whether concurrent or serial, as neither necessary nor desirable. For Jesus the twoness of the sexes in sexual pairing, “male and female,” was prior to and foundational to any insistence that sexual bonds be limited to two persons (i.e., monogamy).⁶⁵ So when Johnson asks in a manner intended to shame, “How are we to square the laxity with which today’s churches treat Jesus’ teachings on divorce with the strictness the church applies” to homosexual bonds (139), the answer ought to be obvious. Homosexual practice, like committed adult incest between a man and his mother, is far worse than divorce and remarriage because it involves a more foundational violation of God’s design in creation for human sexual behavior. Accommodation in a lesser offense does not justify accommodation in a greater offense, to say nothing of the perversity of arguing that there is some value in being more consistently disobedient to the will of God.

3. Paul set his remarks in Rom 1:24-27 against the backdrop of Gen 1:27.

Paul clearly had Gen 1:27 in view behind his main indictment of homosexual practice in Rom 1:24-27. Johnson completely ignores the eight points of correspondence, in a similar tripartite order, that I have pointed out between Rom 1:23, 26-27 and Gen 1:26-27: *human, image, likeness; birds, cattle, reptiles; male, female.*⁶⁶

Gen 1:26-27

Rom 1:23, 26-27

A. God’s likeness and image in humans

(1)	human (<i>anthrōpos</i>)	likeness (<i>homoiōma</i>)	(3)
(2)	image (<i>eikōn</i>)	image (<i>eikōn</i>)	(2)
(3)	likeness (<i>homoiōsis</i>)	human (<i>anthrōpos</i>)	(1)

B. Dominion over the animal kingdom

(4)	birds (<i>peteina</i>)	birds (<i>peteina</i>)	(4)
(5)	cattle (<i>ktēne</i>)	quadrupeds (<i>tetrapoda</i>)	(5)
(6)	reptiles (<i>herpeta</i>)	reptiles (<i>herpeta</i>)	(6)

⁶⁵ Even William Loader, a NT scholar who is strongly supportive of homosexual unions, appears to acknowledge this point. According to Loader, the roots of Jesus’ interpretation of Gen 1:27 and 2:24 lie in “the idea that the male and female originally belonged together, were created by the woman being separated from the man, and that sexual intercourse in some way rejoins the male and female to one” (*Sexuality and the Jesus Tradition* [Grand Rapids: Eerdmans, 2005], 243). “The oneness is no more to be reversed than a body is to be split in two. There is no room here for the idea that ... one may be joined to more than one person (polygyny) or to different persons at different times” (ibid., 101).

⁶⁶ *The Bible and Homosexual Practice*, 289-92; *Homosexuality and the Bible*, 77-78; chart developed in “Review of *Homosexuality, Science, and the “Plain Sense” of Scripture*, Part 2,” 208-13, 242-46; “Why the Disagreement,” 65-7. The two places where the order is inverted in Romans 1 can be easily explained. The inversion of “image” and “likeness” is due to a secondary intertextual echo in Rom 1:23 to Ps 106:20: “they [i.e. the Israelites] exchanged their [or: his] glory for the likeness of a calf eating grass.” The inversion of “male” and “female” is due to the rhetorical exigencies of Paul’s argument: Paul leads off with his strongest argument against same-sex intercourse in the male-dominated ancient society: lesbianism.

C. Male-female differentiation

(7)	male (<i>arsēn</i>)	females (<i>thēleiai</i>)	(8)
(8)	female (<i>thēlus</i>)	males (<i>arsenes</i>)	(7)

This intertextual echo back to Gen 1:26-27 is further reinforced by the fact that the context emphasizes God’s role as “Creator” (1:25) and the knowledge about God and ourselves that can be culled from observation of “nature” (1:19-20, 26-27). What is the point of this echo? Idolatry and same-sex intercourse constitute an assault on the work of the Creator in nature. Those who suppress the truth about God transparent “since the creation of the world” are more likely to suppress the truth about the complementarity of the sexes, male and female, transparent in “nature.” This echo also makes clear that Paul’s main problem with homosexual practice was not that it was typically exploitative or promiscuous, as Johnson repeatedly claims, but that it was a violation of God’s will for male-female pairing established in creation.

V. Johnson on Genesis 2:18-24: Man and Woman Becoming “One Flesh”

As regards Gen 2:18-24 Johnson makes four main arguments to discount an other-sex requirement. None of them are persuasive.

1. *Contrary to what Johnson argues, Genesis 2:18 (“not good that the human be alone”) is not a license to have sexual intercourse irrespective of structural prerequisites for sexual activity.*

Johnson contends that Gen 2:18 supports homosexual unions: “And Yahweh God said, ‘It is not good that the *’ādām* is alone. I will make for him a helper as a counterpart [or: complement] to him (כְּנֶגְדּוֹ, *kěnegdô*).’”⁶⁷ He calls it “the most important verse in all of Scripture for the gay marriage debate” (117). According to Johnson this verse shows that “the desire for intimate companionship is something God recognizes.” Johnson asserts on the basis of sexual orientation that the most “suitable, redemptive companion ... for a person who is gay or lesbian” is another “gay or lesbian person” (117-18, 224).

However, even Johnson has to admit that “not being alone” does not necessitate sexual intimacy (117). Indeed, by elsewhere emphasizing Gal 3:28c (“there is no ‘male and female’”), Johnson unwittingly undercuts his use of Gen 2:18 as a key text in the gay marriage debate. As J. Louis Martyn notes, the new-creational ethic in Gal 3:26-29 and 6:14-15 means that the old “creational response to loneliness,” namely, “married fidelity between a man and woman” “is now met not by marriage, but rather by the loving mutuality enacted in” “the new-creational community.”⁶⁸

Certainly Gen 2:18 does not give people *carte blanche* to violate all manner of formal or structural prerequisites for sexual bonds in order to insure the attainment of sexual intimacy, including prerequisites involving the opposite sex, a certain degree of blood unrelatedness, post-pubescent age, an intent for lifelong partnership, and a limitation on

⁶⁷ My translation (Johnson adopts the translation “beside, suitable to, appropriate for him” [117-18]). Or: as one corresponding to, opposite, proper for, suitable to him.

⁶⁸ *Galatians* (AB; New York: Doubleday, 1997), 381-82.

the number of partners (at first for women only; in Jesus' interpretation for men also), to say nothing of an intra-human (non-bestial) dimension. Genesis 2:18 offers a conditional opportunity for sexual intimacy, not an ironclad right to sexual intimacy consistent with one's own innate desires. While it is "not good" for humans to be alone, it is *worse* for humans to engage in sexual intercourse that violates foundational standards of God set down consistently, strongly, without exception, and counterculturally in Scripture. No person is required to live alone but all people are required to conform their sexual behavior to the aforementioned standards. God is always pleased with someone who is obedient in hard times and displeased with those who live in disobedience.⁶⁹

2. Contrary to what Johnson supposes, Jesus himself commanded his followers to ground sexual ethics in the "orders of creation"; Paul obeyed in his indictment of homosexual practice.

Johnson has "serious problems with the idea of" "supposedly timeless 'orders [of creation],'" claiming that it "ignore[s] the diversity of [divinely ordained] structures."⁷⁰ Marriage, he claims, is "most especially an order of *redemption*" (119-20).

Johnson overlooks an obvious point. Jesus himself pointed his followers to a back-to-creation model for defining God's will for human sexuality. A return to this creation standard is itself a redemptive moment.⁷¹ Paul also appealed to orders of creation in his echo to Gen 1:26-27 in Rom 1:23-27. Similarly, Paul cites Gen 2:24c ("... the two shall become one flesh") in close proximity to his indictment of "men who lie with males" in 1 Cor 6:9 (cf. 6:16). Although the immediate point is to show the "one body" defiling character of immoral sexual intercourse, Paul could not have missed the relevance of Gen 2:24a-b ("a man shall . . . become joined to his woman") for his rejection of male homosexual intercourse in 1 Cor 6:9, especially given his appeal to Gen 1:27 and 2:21-22 later in the same letter as a basis for retaining traditional markers of sexual differentiation (11:7-12).

Johnson's criticism of "supposedly timeless" orders of creation is not only anti-scriptural but also illogical, effectively eliminating *any* consideration of prerequisites for sexual intercourse based on formal or structural correspondences (see sec. XII below).

3. Contrary to what Johnson claims, Genesis 2:23 celebrates both woman's sameness and complementary otherness to man.

Johnson argues that the 'ādām's exclamation at the creation of woman in Gen 2:23 "does not celebrate her otherness but her sameness" (120): "This one at last is bone from my bones and flesh from my flesh! To this one shall be given the name 'woman' (אִשָּׁה, 'iššâ) for from man (אָדָם, 'ādām) this one was taken."

⁶⁹ See further my response to a similar use of Gen 2:18 by Mark Allan Powell, a Lutheran NT scholar, in pp. 120-27 of "Does the Bible Regard Same-Sex Intercourse as Intrinsically Sinful?" Johnson contends that "there is little good news for gay people" in the 'non-affirming' viewpoints (106) and no "means of grace" (97). For a rebuttal see Appendix 2 below.

⁷⁰ For a rebuttal of the argument, oft used by Johnson, that other changes in marriage over the centuries justify a change with regard to a male-female prerequisite, see "Why the Disagreement," 94-98; "Are There Universally Valid Sex Precepts?" 93-124.

⁷¹ It is thus Johnson, not those whom he criticizes, who "poses a false separation between what God has done in creating the world and what God continues to do in working to redeem the world" (119).

The problem with Johnson's argument is that it makes an either-or out of a both-and. The first half of Gen 2:23, to be sure, in part stresses human sameness in contrast to the (non-sexual) companionship of animals, among which God had not found "a helper as [the 'ādām's] counterpart." Yet Johnson completely ignores the implication especially of the second half of 2:23, which draws on the narrative of 2:21-22; namely, that this new "counterpart" was formed by taking a portion out of the 'ādām. As a "counterpart" or "complement" to man (כְּנֶגְדּוֹ, *kěnegdô*), woman is both similar as human ("corresponding to him") and different as a distinct sex extracted from him ("opposite him").⁷² There is also some basis for translating Hebrew צֵלָע (*tsēlā'*) as "side" rather than "rib"⁷³ or at least as an indeterminate amount of bone and flesh on one of 'ādām's sides, from which is formed man's sacred side or complement, woman.⁷⁴

However *tsēlā'* is translated, the principle of two sexes becoming one flesh is clearly correlated with the picture of two sexes being formed from one flesh (2:24).⁷⁵ The sole differentiation produced by the removal of a "rib" or "side" from the original human is the differentiation of the sexes. Therefore, what is required in the story line of Gen 2:21-24 is not merely a joining or merger of two persons but a *rejoining* or *remerging* of the two sexes into one.⁷⁶ It matters little how literally or metaphorically one takes the image.

⁷² Cf. HALOT, s.v. נֶגַד: "1. orig. substantive, **that which is opposite, that which corresponds**, only in נֶגְדּוֹ like his opposite > proper for him." The usual sense of נֶגַד as a preposition is: in front of, before; opposite to. The translation "counterpart" or "complement" nicely captures the sense of 'corresponding to' and 'opposite.'

⁷³ See "Old Testament and Homosexuality," 387-89. Note that צֵלָע (*tsēlā'*) means "side" in its use in 36 other occurrences in the OT, all but once with reference to the "side" of various parts of sacral architecture (the ark, the tabernacle, the incense altar; structures of the Solomonic temple or, in Ezekiel, of the eschatological temple). The implication in Gen 2:21-22 is that man and woman are sacral architecture, inclusive of their sexual differentiation for mutual pairing (see next note).

⁷⁴ Heinz-Josef Fabry in TDOT 12:402, on observing that the usual use of *tsēlā'* in the OT for the "side" of sacral architecture, states: "If *tsēlā'* does mean 'rib' [in Gen 2:21-22], it does so only in this one passage. This semantic singularity, of course, suggests that one seek a different solution." He suggests a reference to "a (bony) body part of the human" that evokes associations with "side portions of the sanctuary that are essential for its stability and function." Thus, "human beings come to the fulfillment for which they are destined by creation only as man and wife and as 'God's temple.'" But limiting the meaning to a bony body part is doubtful. The reference to both bone and flesh in Adam's remark in 2:23, even if it is formulaic, suggests that flesh too was extracted, as does the fact that the Akkadian cognate includes the flesh in the area of the ribs. The latter also often designates the rib cage and not just one rib. Cf. John H. Walton, *Genesis* (NIVAC; Grand Rapids: Zonderan, 2001), 177.

⁷⁵ This idea of woman being made from an original human is important because it diverges from the traditional Mesopotamian story of the creation of woman, written a few generations after Hammurabi. In *Atra-hasīs* seven human males and seven human females are formed separately from a mixture of clay and the flesh/blood of a slaughtered god. Woman is not molded from material extracted from man so there is nothing "missing" from man. Cf. W. G. Lambert and A. R. Millard, *Atra-hasīs: The Babylonian Story of the Flood* (Oxford: Oxford University Press, 1969), 54-65, Tablet I lines 189-305; also G ii 1-18; S iii 1-21.

⁷⁶ Cf. Hermann Gunkel, *Genesis* (trans. M. E. Biddle; Macon: Mercer University Press, 1997; German orig., 1910), 13: "The myth answers, 'Man desires to become one flesh with woman because he was originally one flesh with her.' In love that which was originally one is reunited.... the two, originally one, strive to become one again"; Gerhard von Rad, *Genesis: A Commentary* (rev. ed.; OTL; Philadelphia: Westminster, 1972; German orig., 1949), 85: "Whence comes ... this inner clinging [of man and woman] to each other? It comes from the fact that God took woman from man, and they actually were originally one flesh. Therefore they must come together again and thus by destiny they belong to each other"; Claus Westermann, *Genesis 1-11* (Minneapolis: Augsburg, 1984), 230: Gen 2:21-22 "explains how man and woman belong together," possibly through woman's "creation out of a part of an already existing man."

We are, after all, dealing with transcendent realities that necessarily require a certain amount of metaphor. The image conveys the essential point that man and woman are the two essential and complementary parts in a holistic picture of human sexuality. It is not another man that is the missing part or sexual complement of a man but rather a woman, a point reflected in several early Jewish texts.⁷⁷

4. Contrary to what Johnson argues, “one flesh” in the context for Gen 2:24 does not mean merely “one family” where any combination of numbers and sexes is possible.

Johnson argues that “one flesh” in Gen 2:24 has the asexual meaning “one family” since the OT formula “you are my bone and my flesh,” which sounds like Adam’s exclamation in 2:23, is “more about kinship than sexuality.”⁷⁸ Similarly, the concept of

⁷⁷ Note that the Septuagint commonly renders the Hebrew word *tsēlā* ‘ with the Greek word *πλευρά* (*pleura*), including in Gen 2:21-22, a term that occasionally means “rib” but usually “side” (LSJ). Thus in its only NT occurrences the word is used of the piercing of Jesus’ “side” (John 20:20, 25, 27; Matt 27:49 v.l.) and of an angel’s waking Peter by striking him on the “side” (Acts 12:7). Philo of Alexandria writes about the creation of woman in Gen 2:21-24 (albeit allegorically): “And which *side* did he take? For we may assume that only two are indicated” (*Allegorical Interpretation* 2.19-21); “Love . . . brings together and fits into one the divided halves, as it were, of a single living creature” (*Creation* 152). Fourth Maccabees 18:7 has the mother of seven sons about to be slaughtered for her faith by Antiochus IV declare: “I was a pure virgin and . . . guarded the *side* (or: *rib*) that had been built up [i.e. from the man].” Similarly in the *Apocalypse of Moses* 29:9-10, Eve asks Adam to kill her so that God and his angels will no longer be angry at him, with Adam responding: “Why . . . should I commit murder and bring death to my *side* (or: *rib*) . . . against the image which God made?” (cf. 42:2-3 which refers to Eve’s death as the time when Adam’s “*side/rib* would return to him”). In each of these texts woman is represented as an integral part of a “single living creature,” the missing element to man so far as sexuality is concerned.

There were also advocates in early Rabbinic Judaism for a “two halves” interpretation, though it is based in part on a misreading of Gen 1:27 as speaking of two distinct creations (“in the image of God he created him [or: it, i.e. the human], male and female he created them”) and an attempt to harmonize the two creation stories in Gen 1 and 2 (the androgyne is the focus in ch. 1; the division into male and female in ch. 2). Cf. L. Teugels, “The Creation of the Human in Rabbinic Interpretation,” *The Creation of Man and Woman: Interpretations of the Biblical Narratives in Jewish and Christian Traditions* (ed. G. P. Luttikhuisen; Leiden: Brill, 2000), 107-27. The key text is in *Genesis Rabbah*:

*And God said: Let us make a human (adam) (Gen 1:26). (...) R. Jeremiah b. Leazar said: “When the Holy One . . . created Adam, He created him androgynous, for it is said, Male and female He created them (...) and He called their name: Adam (Gen 5:2).” R. Samuel b. Nachman [3rd c. C.E.] said: “When the Lord created Adam He created him double-faced, then He split him and made him of two backs, one back on this side and one back on the other side. To this it is objected: But it is written, And He took one of his ribs (tsela) (Gen 2:21). This means: one of his sides, replied he, as you read, And for the other side (tsela) of the Tabernacle (Exod 26:20). (GenR 8:1; trans. H. Freedman and M. Simon, *The Midrash Rabba*, v. 1; slightly adapted by L. Teugels)*

There is also an “androgynous” interpretation of Gen 2:7:

Then the Lord God formed the adam from the dust (afar) of the earth (adamah) (Gen 2:7) (...) R. Chuna said: afar is masculine, while adamah is feminine: a potter takes male dust and female earth in order that his vessels may be sound. (GenR 14:7)

In the first block quotation the rabbis in question were obviously influenced to some extent by Aristophanes’ myth of human origins in Plato’s *Symposium* (189-92), without of course adopting any homoerotic connotation. Yet the idea of a nascent male-female element in the first human and of a removal of a “side” to form woman is already a possible inference in Gen 1-2. The extent to which Aristophanes’ myth can be viewed as a history of religions parallel to Gen 1-2 or as the sole catalyst for later Jewish interpretation of Gen 1-2 is debatable.

⁷⁸ Gen 29:14 (Laban to his nephew Jacob); Judg 9:2 (“I am your . . .”; Abimelech of himself in relation to his mother’s “brothers,” i.e. kin); 2 Sam 19:12-13 (David of his fellow Judahites). In 2 Sam 5:1 (= 1 Chr 11:1) all the tribes of Israel say it of David (“we are your . . .”). Although they were not natural kin to David

“leaving” and “cleaving” is used of Ruth’s relationship to her mother-in-law Naomi (Ruth 1:14, 16), not of a sexual relationship. Therefore, “when two men or two women ... make this one-flesh commitment to one another” “it is appropriate for the community to give them its blessing. For they have become one bone, one flesh—united in the same family” (145-147). In response:

First, it is not appropriate for a community to give its blessing to every *sexual* relationship where the participants commit themselves in covenant to be the same family. An obvious case in point is the very example that Johnson uses, Ruth and Naomi. Had Ruth and Naomi had sexual intercourse they would have committed a capital offense of incest between parent and daughter-in-law (Lev 18:15; 20:12), to say nothing of homosexual practice (Lev 18:22; 20:13). Family bonds created by *sexual* merger obviously have their own distinct set of requirements regarding sex/gender, degree of blood relatedness, number of partners, and age.

Second, context dictates the specific meaning for any given word or phrase. In our own society when we use the comparable phrase “you are my flesh and blood,” it means something different when it is spoken by a husband to his wife, by a parent to a child or a brother to a sister, or by a friend to a friend. It is this mix-up that accounts for the confusion on the part of those who treat the relationship between David and Jonathan as a sexual relationship. Although the narrator uses terms for their relationship that sometimes connote sexual love, these same terms more often denote *non-sexual* kinship love between two brothers or between a father and son.⁷⁹

Third, the two-in-one sexual component behind the expression “one flesh” and the formula “bone from my bones and flesh from my flesh” in 2:23 is apparent from the context. Johnson contends that talk of a “two-in-one-flesh union” for Gen 2:24 is as meaningless or as valid as talk of a “twenty-in-one-flesh union” for an extended family (146). Yet the specific expression “*one* flesh” does not appear anywhere else in the OT or (to my knowledge) in early Jewish or early rabbinic texts apart from a reference to Gen 2:24. This makes it highly doubtful that it was a common expression for denoting covenant bonds outside a marriage context where sexual relations are involved. It takes a

the Judahite, they made themselves so in covenant with David because David had led them while Saul was king.

⁷⁹ Jonathan is said to have “loved [David] as his own soul” (1 Sam 18:1, 3; 20:17). Some have construed this as sexual, citing from Song of Solomon the phrase “you whom my soul loves” (1:7; 3:1-4), even though “soul” is the object in the former and the subject in the latter. A closer parallel is the non-erotic command in Lev 19:18 to “love your neighbor as yourself.” Some occurrences of the noun “love” and the verb “to love” in the OT have a sexual connotation. The vast majority, however, do not. Context is decisive. The language of love is typical of covenant treaties, as when the vassals of Ashurbanipal were instructed to “love [him] as yourselves” or when King Hiram of Tyre is described as a “lover” of David’s (1 Kgs 5:1) or when Saul sent word to David that “all [the king’s] servants love you” (1 Sam 18:22). Similarly, 1 Sam 18:1 states that “the soul of Jonathan was bound to the soul of David.” The closest parallel is found in Gen 44:31: Jacob’s “soul is bound up with his [son Benjamin’s] soul.” Jonathan “delighted very much” in David (1 Sam 19:1). Is this sexual? The Hebrew word on occasion carries sexual overtones in the OT but normally it does not (as when 2 Sam 20:11 exhorts those who “delight in” Joab to follow him or when mention is made of God “delighting in” David or Solomon). David and Jonathan “kissed each other” (1 Sam 20:41). Is this a sexual kiss or not? It depends entirely on context. Yet it is important to bear in mind that the verb “to kiss” is used 27 times in the OT and in all but 3 instances it is non-sexual, usually used of a father kissing a son or a kiss between brothers. David’s relationship with Jonathan is conceived in terms of a brother-brother dynamic, with some political overtones, not as a relationship between sexual lovers. See further *The Bible and Homosexual Practice*, 146-54.

determined effort to ignore the stress in 2:21-23 that the woman was formed by *taking from* the 'ādām a part of him:

- God “took one of [literally: *one from*] the 'ādām's sides/ribs” (2:21).
- God “built the side/rib *that he took from* the 'ādām into a woman” (2:22).
- The 'ādām declares not merely that the woman “is my bone and my flesh” but something more, namely, that the woman “is bone *from my bones* and flesh *from my flesh* ... for *from man* this one *was taken*” (2:23).

The repeated emphasis is obviously deliberate. What is missing from the 'ādām (human), who is now an 'īš (man)? A part that God has built into a woman. How can what is missing be restored? It can be restored by a committed, covenantal sexual bond with the missing part, i.e., marriage to “his woman.” In this context “one flesh” clearly implies the restoration of the two divisible parts into an indivisible whole, not just “the same family,” as Johnson puts it.

Fourth, this is certainly how Jesus and Paul understood Gen 2:24. Jesus clearly understood “two becoming one flesh” in the sense of an exclusive sexual bond between two and only two people. If the meaning of “one flesh” were merely “the same family” as Johnson thinks, there would be no reason to restrict the number of participants in the sexual union to two, since there is no criterion that families can only have two members. In 1 Cor 6:16 Paul cites Gen 2:24c in the context of speaking hypothetically of a Christian man who “joins himself to a prostitute” and so “is *one body*” with her. Paul has in view the powerful effect of a sexual union to make the two participants not just members of the same family but a two-in-one entity. Sexual relationships with more than one other person are not made impossible by an exclusive connotation to “one flesh”; they are rather made wrong. Having additional sexual partners violates the principle that a sexual bond between a man and a woman creates a self-contained whole that ought to admit of no third parties. In Paul's understanding, that is why a sexual relationship, unlike a non-erotic kinship or friendship relationship, is exclusive to two persons. If the expression “one flesh” were not being understood in an exclusive, self-contained way there could be no violation on the grounds of multiple partners.

The sexual act is obviously part of, and emblematic or symbolic of, two persons merging into a single, exclusive entity that admits of no third parties in the sexual relationship. In this context talk of “cleaving” (i.e., sticking, joining, uniting) must have its deepest sense of bringing back together through a committed sexual bond what was once a single entity: the two, “male and female” or “a man” and “his woman/wife,” reemerging as one.

In conclusion, Johnson's four arguments for claiming that “there is nothing explicit in the Genesis texts that prohibits [a same-sex sexual union] and much there that actually supports it” (120) must be judged completely unconvincing.

VI. Johnson on Galatians 3:28c: “There Is No ‘Male and Female’”

An absolutely pivotal text for Johnson is Gal 3:28c. Its significance for him is underscored by the fact that he devotes the last six pages of his chapter on Scripture to it

(147-52). According to Johnson Gal 3:28, which clearly alludes to Gen 1:27c,⁸⁰ makes sexual differentiation irrelevant *in the sphere of ongoing sexual relations*. Any appeal to the necessity of gender complementarity in marriage is without “gospel merit” (294 n. 107, referring to my work). “It is wrong for Christians to draw distinctions among the baptized based on . . . sexual orientation” (154-55). “Any limitations flowing from the structure of humanity as male and female have now been overcome for Christians through the waters of baptism” (Review, 390, 392).⁸¹

Problems for Johnson’s interpretation arise not just from the fact that the early church would have unanimously abhorred any link between this baptismal formula and affirmation of homosexual practice; or from the fact that not even Johnson takes the parallel antinomy “there is no Jew nor Greek” absolutely as though the church had completely supplanted Israel. The chief problem for Johnson’s interpretation is that applying “no ‘male and female’” to sexual relations spells the end of such relations altogether, not the irrelevance of a male-female prerequisite for sexual relations.

This is why Paul, without contradiction, continued to apply a male-female prerequisite to sexual bonds and had Gen 1:27 and 2:24 in the background of his indictment of homosexual practice in Rom 1:24-27 and 1 Cor 6:9. So long as sexual intercourse is to be had, “male and female” remains in force, inasmuch as sexual intercourse presumes sexual differentiation in Gen 2:21-24. The eradication of the third antinomy, “male and female,” *in the sphere of sexual relations* requires resurrection bodies that transcend sexual differentiation, thereby both making humans like angels and restoring them to the pre-split, undifferentiated state that existed in Gen 2:7-20 (i.e., before woman was fashioned from the “side” or “rib” of the *’ādām*).

Jesus clearly defined Gen 1:27 and 2:24 as foundational *for sexual relations*. To be sure, one could choose to opt out of a male-female marital bond. But then the only other option would be to become like “eunuchs who were born thus from their mother’s womb” or “eunuchs who were made eunuchs by humans”; that is, like people who are not having any sexual relations (Matt 19:11-12). Johnson completely misreads the eunuch text as a justification for homosexual practice (139-41). “Eunuchs who made themselves eunuchs because of the kingdom of heaven” is not a reference to disciples who are having sexual relations outside of marriage in order to avoid a “marriage penalty” of no divorce and remarriage. They are disciples who are sexually abstinent for the sake of maximizing their time and attention to the spread of God’s kingdom. The analogy with born and man-made eunuchs works only on the assumption that the latter two types of persons are not having sex. Similarly, those who opt out of male-female marriage would be, on the level

⁸⁰ Johnson makes a special point of noting, in both his book (293 n. 107) and Review (392), that of the two times I quote Gal 3:28c I once (but only once) do so incorrectly as “neither male nor female”—an accidental error, incidentally, that I caught and corrected for subsequent reprintings of the book several years before Johnson’s remark. Johnson fails to note for readers my observation in *Homosexuality and the Bible*: “The Pauline baptismal formula ‘there is no “male and female”’ affirms the equality of men and women in the new creation. However, Paul certainly did not intend it as grounds for eradicating gender differentiation and affirming every kind of sexual attraction. Nor can it be made to say such without validating a host of aberrant sexual activities” (46).

⁸¹ Citing Gal 3:28; “Review,” 390, 392. Johnson prefaces this last comment with the remark: “Besides, even if some notion of gender complementarity were at work in ancient prohibitions...”—an extraordinary admission concerning the vulnerability of a central claim of his book. The remark is also a telling indication of the degree to which he must rely on his peculiar reading of Gal 3:28 in order to sustain his conclusion that Scripture does not insist on a male-female prerequisite for sexual bonds.

of sexual relations, like the angels who “neither marry nor are given in marriage” (Mark 12:25; cf. Luke 20:34-36) and like the sexually undifferentiated human that existed before woman was created.

There is evidence that the Corinthians understood “no ‘male and female’” to mean not only a greater openness to women’s roles in the church (a point with which Paul partly agreed) but also a celibacy requirement (cf. 1 Cor 7).⁸² There is also evidence that later proto-gnostic circles similarly interpreted an alleged saying of Jesus about making the two sexes one so that there is no longer any male and female (*Gospel of Thomas* 22:1-4; *Gospel of the Egyptians* 5b, cited in Clement of Alexandria, *Strom.* 3.92; and *2 Clement* 12:2-3).⁸³ Paul agreed with the Corinthians that if applied to sexual relations “no ‘male and female’” would indeed mean “no sexual intercourse.” In fact, this view of things may have influenced Paul’s own choice of celibacy. Paul disagreed with the Corinthian pneumatics, however, that application to sexual relations was *mandatory* this side of the eschaton; that is, prior to receiving sexually undifferentiated resurrection bodies.

As even William Loader argues (a NT scholar supportive of homosexual unions), for Paul Gal 3:28c “is not a negation of either gender or sexuality [in the present age], but a statement of equal worth before God in Christ.”⁸⁴ “Ultimately, ... when marriage and sexual relations, which belong to the order of the present age, pass away (as in Mark 12:25), a view which ... Paul assumes, maleness and femaleness ... will also cease to play a role.”⁸⁵ Allowance of marriage and encouragement of sexual relations within that institution represented, on Paul’s part, an *abeyance* or temporary suspension of “no ‘male and female’” in the sphere of sexual relations, not an implementation of it. Consequently, Paul can contend with perfect consistency that “soft men” who feminize themselves to attract male sex partners (*malakoi*) and “men who lie with males” (*arsenokoitai*) risk not inheriting the kingdom of God (1 Cor 6:9-10).

VII. Johnson on the Story of Sodom and Related Texts

Johnson dismisses the Sodom and Levite-at-Gibeah narratives as speaking against *only* same-sex rape, the Deuteronomic and Deuteronomistic *qedeshim* texts (feminized male cult figures serving as passive-receptive partners in male-male intercourse) as rejecting *only* cultic prostitution, Ezek 16:49 as identifying *only* callousness toward the poor as Sodom’s sin, and Jude 7 (cf. 2 Pet 2:6-10) condemning *only* the Sodomites’ “desire to force sexual relations with angelic beings” (44-45, 49, 263 n. 9, 264 n. 14).

All of these presumptions I have already refuted extensively elsewhere.⁸⁶ Since Johnson gives not the slightest indication that he has read anything that I have written on these subjects—he certainly doesn’t address a single one of my counterarguments—there

⁸² Cf. Loader, *Sexuality and the Jesus Tradition*, 188-92, 198.

⁸³ *Ibid.*, 199-207.

⁸⁴ *Ibid.*, 201 (and pp. 207 and 243 for the phrase in brackets); similarly, pp 193, 214.

⁸⁵ *Ibid.*, 196-97.

⁸⁶ *The Bible and Homosexual Practice*, 63-110; *Homosexuality and the Bible*, 56-60; “Why the Disagreement,” 46-50; “The Old Testament and Homosexuality,” 370-78. Johnson doesn’t even show any awareness that a number of scholars have understood the story of Ham’s offense against Noah as having to do with same-sex, incestuous rape (including Hermann Gunkel, Gerhard von Rad, Martti Nissinen, and myself).

is no point here in restating at length what he has ignored. His first task is to begin reading so that he may become more broadly acquainted with the issues. I offer here only a few questions to stimulate his reading.

On the Sodom narrative: If someone told Johnson a story about a really bad town where adults raped their parents, would Johnson conclude that the storyteller was condemning only *forcible* incest? If not, why does he conclude that the story of Sodom in a broader cultural environment that is aware of (but still critical of) non-coercive forms of male-male intercourse, is indicting only forcible male-male intercourse?

On the Deuteronomistic qedeshim texts: Since ancient Near East texts that speak of parallel figures (the *assinnu*, *kurgarrû*, and *kulu'u*) hold such figures in disgust for their attempt at erasing their masculine stamp—both through appearance and through consensual anal-receptive intercourse—why would Johnson argue that the biblical writers are rejecting such figures only the grounds of cult and fees?

On the Levite-at-Gibeah story: If the Deuteronomistic Historian rejected the *qedeshim* for the same reasons, then isn't it self-evident that the coercive dimension of the attempt at male-male rape in the Levite-at-Gibeah story is not the only offense being condemned?

On Ezek 16:49: If the vice list in Ezek 18:10-13 clearly distinguishes between the offense “oppresses the poor and needy” (fifth vice) from the offense “commits an abomination” (ninth vice), if elsewhere in Ezekiel “abomination” in the singular is used of sexual sin, and if Ezekiel knew and basically agreed with the Holiness Code or a precursor document (as all Ezekiel scholars acknowledge), including presumably the Holiness Code's take on man-male intercourse, what grounds is there for contending that in Ezek 16:49 “committed an abomination” does not refer to the offense of man-male intercourse per se?

On Jude 7 and 2 Pet 2:6-10: If the entire history of interpretation of the Sodom story agrees that the Sodomites did not realize that the visitors were angels, how could the men of Sodom be held accountable for allegedly desiring sex with angels? Why can't Jude 7 be read, consistent with most early Jewish interpretations of the Second Temple period and beyond, as: “in the course of attempting sexual immorality [i.e. intercourse with men] they [inadvertently] went after other flesh [i.e. angels]”?

That Johnson has not even acknowledged to his readers any of these questions, let alone satisfactorily answered them, is a revealing commentary on the quality and quantity of his research and/on his active intent to conceal from his readers information highly inconvenient to his own arguments.

VIII. Johnson on the Levitical Prohibitions: “Lying with a Male as though Lying with a Woman”

Johnson's treatment of the Levitical prohibitions of man-male intercourse (18:22; 20:13) is far and away his most researched discussion of scriptural texts, yet even this effort is half-baked at best (124-29, endnotes on pp. 279-88). His thesis is that “Leviticus 18:22 and 20:13 do not prohibit every form of same-gender expression imaginable;

instead, they prohibit a form of emasculating sexual behavior marked by dominance, exploitation, and humiliation” (154). From this thesis he makes three main arguments.⁸⁷

⁸⁷ Johnson uses a few other arguments to discount the witness of the Levitical prohibitions. I have already dealt with above Johnson’s misguided arguments about incest laws being only about dominance issues (II.4) or the term “abomination” (*tô ‘ēbā*) having common use by the Israelites for what we today would consider non-moral offenses (II.6.2).

Johnson contends that Lev 18:22 and 20:13 do not “explicitly prohibit forms of sexual expression such as mutual touching, holding hands, kissing, or even oral sex”; but then he has to admit that, anyway, Israel would not have “explicitly approved of these other forms of sexual expression” (126). If that is the case, though, why make a point (as Johnson does) that only one act, “humiliating” behavior, is being rejected? Johnson rejects the parallel that I make with the prohibitions of incest (18:6-18) and adultery (18:20), which, if the parallel were correct, would imply that the prohibition of man-male intercourse has relevance for rejecting all erotic contact between two males, not just the particular act of sexual penetration.

On this point [namely, that erotic contact of any sort with near kin or one’s neighbor’s wife would be prohibited] Gagnon is surely right [note: this is the only instance in which Johnson acknowledges that I am right about anything!]. And this is the reason that, in the prohibitions on sexual relations with near relatives, a man is forbidden even to look on a woman’s nakedness (Lev. 18:6 ...). Yet no such further prohibition exists regarding same-gender relations. It is simply the one act that is condemned. (285 n. 58)

Johnson ignores the fact that the prohibition of adultery in Lev 18:20 uses the language of “lying,” not “seeing the nakedness of”: literally, “and to the wife of a community member you shall not give your lying for seed.” Surely this prohibition implies also the wrongness of any erotic contact with one’s neighbor’s wife, not just the penetrative act. Moreover, Johnson takes the expression “seeing the nakedness of” far too literally (cf. Milgrom, *Leviticus 17-22*, 1534: “This is another euphemism for ‘copulate’”). That the expression is a metaphor for sexual intercourse is evident from the fact that, for a number of the incest prohibitions in Lev 18, Lev 20 substitutes “see the nakedness of” with “lie with” without any apparent difference in meaning (cf. 18:8 with 20:11; 18:15 with 20:12; 18:19 with 20:18; 18:14 with 20:20; 18:16 with 20:21). In Lev 20 there is no material difference in meaning between the prohibitions of “lying with” one’s stepmother, one’s daughter-in-law, or a male, on the one hand, and the prohibitions of “seeing the nakedness of” one’s sister, one’s aunt, or one’s brother’s wife, on the other hand. Indeed, for two prohibitions, Lev 20 combines the two phrases: “a man who lies with a sick [i.e. menstruating] woman and uncovers her nakedness” (20:18); “a man who lies with his uncle’s wife has uncovered the nakedness of his uncle” (20:20). In addition, Johnson overlooks the parallel use of the expression “saw the nakedness of” for Ham’s probable intercourse with his father Noah in Gen 9:20-27 (*The Bible and Homosexual Practice*, 63-71). Finally, even if there were a difference between the two expressions (which is unlikely), it would by no means follow that only anal penetration of another male was regarded as wrong. In our own culture, for example, while it is less offensive to *see* naked a person of the same sex than one of the other sex (or no offense at all), non-penetrative, erotic contact is more offensive with a person of the same sex than a person of the other sex. The idea that ancient Israel would have accepted oral sex or erotic fondling by a man of another male’s genitals is preposterous, as apparently even Johnson is forced to admit. We might presume that erotic gestures short of penetration in the cases of incest, adultery, and homoeroticism may have been subject to penalties less substantial than a capital sentence, but implicitly forbidden.

Johnson also argues that the fact that lesbianism is not indicted proves that “the concern is with protecting male dignity and not ... any particular marital ideal” (ibid.). However, this argument makes an either-or out of a both-and. Moreover, it presumes the historically absurd scenario that ancient Israelites would have approved of committed sexual relationships between females (note that in the later Greco-Roman milieu lesbian intercourse was widely thought to be far more offensive than man-male intercourse). The absence of an explicit condemnation of female-female intercourse is more likely due to the fact that such relations were virtually impossible, and thus largely unknown, given the tightly controlled sexual lives of women in the ancient Near East (*The Bible and Homosexual Practice*, 142-46).

Like many other homosexualists, Johnson cites the outdatedness of some of the legal material in the Levitical Holiness Code, including menstrual law and the mixing of different kinds of seed. However, Johnson never considers any of my arguments as regards differences in the severity of offenses, degree of absoluteness, symbolic quality, and carryover into the New Testament. See “Are There Universally Valid Sex Precepts?” 100-103; “Why the Disagreement,” 53-54.

1. Why the Levitical prohibitions cannot be confined to coercive forms of man-male intercourse.

According to Johnson, “the act in question was of the kind that a socially superior man usually imposed on a social inferior,” “performed on a slave or other subordinate person merely as a form of sexual gratification” or on “prisoners of war as a form of sexual humiliation” and “abuse” (125-26). Johnson’s mention of the examples of sex with male slaves and sex with prisoners of war, two instances of coercive man-male intercourse, overlooks the obvious fact that Lev 20:13 penalizes both participants on the grounds of mutual complicity: “the two of them . . . shall certainly be put to death; their blood be upon them.” As with the prohibitions of adultery and incest, Lev 20 presumes that both parties are consenting and thus liable for participation (cf. 20:11-13, 27; Ezek 18:10-14; Deut 22:23-27). Consequently, the prohibition of man-male intercourse in Lev 18:22 and 20:13 cannot have one-sided exploitation of another primarily in view.

Furthermore, evidence from both Mesopotamia and Egypt indicates that non-coercive forms of homosexual practice were known in the ancient Near East.⁸⁸ For Johnson’s argument to work, he has to presuppose the historically outlandish idea that the framers of the Holiness Code in Lev 17-26 (!) would have blessed a committed sexual union between two men. There is certainly no basis for such an idea in the history of interpretation of Lev 18:22 and 20:13 found in both early Judaism and early Christianity, which is unanimous in understanding the prohibition in an absolute sense.⁸⁹

2. Why the expression “lie with” does not imply a specific, non-absolute application.

Johnson further contends that the expression “lie with” refers specifically to sexual relationships that are promiscuous or coercive (rape) rather than loving and committed. He compares “lie with” to the vulgar English expression “get laid” and argues that its use in Lev 18:22 and 20:13 signals a condemnation only of non-committed male same-sex relationships. Johnson’s argument fails at two levels.

First, as even Johnson has to acknowledge, the expression “lie with” is not used in exclusively negative contexts, which suggests to most scholars that the expression has the

⁸⁸ See *The Bible and Homosexual Practice*, 43-56.

⁸⁹ For example, Josephus explained to Gentile readers that “the law [of Moses] recognizes only sexual intercourse that is according to nature, that which is with a woman. . . . But it abhors the intercourse of males with males” (*Against Apion* 2.199). There are no limitations placed on the prohibition as regards age, slave status, idolatrous context, promiscuity, or exchange of money. The only limitation is the sex of the participants. According to *b. Sanh.* 54a, the male with whom a man lays in Lev 18:22 and 20:13 may be “an adult or minor,” meaning that the prohibition of male-male unions is not limited to pederasty. In the Mishnah Rabbi Judah is said to have cautioned, “Two unmarried men may not sleep in the same cloak,” though the majority of rabbinic authorities (“the sages”) permitted this (*m. Qid.* 4:14). Did the majority permit this because they were more open to homosexual relations than Judah when it involved two men in a loving union? No, rather because, as *t. Qid.* 5:10 comments about this text, “Israel is not suspected.” In other words, Israelites, unlike Gentiles, could be trusted not to engage in same-sex intercourse of any sort. The only known exception within three centuries of the life of Jesus, before or after, occurs ca. 300 C.E. when Rabbi Yehudah ben Pazzi caught two men having sex in an attic and wanted to charge them with a capital offense but lacked the required number of witnesses for a capital sentence (*y. Sanh.* 6.4, 23c). Cf. further: *The Bible and Homosexual Practice*, 159-62, 167, 171-76. The apostle Paul clearly appropriated these prohibitions in his absolute indictment of homosexual practice. The term *arsenokoitai* (“men lying with a male”) in 1 Cor 6.9 was formulated from the Greek version of Lev 18:22 and 20:13. In Rom 1.24-27 Paul uses two Greek terms, “uncleanness” (*akatharsia*) and “indecent” (*aschēmosunē*) that appear frequently in the discussion of sex laws in Lev 18 and 20 (LXX).

neutral sense “have sexual intercourse with” (so *HALOT*; cf. Lev 15:18, 24; Gen 30:15; 2 Sam 11:11; 2 Sam 12:24).⁹⁰

Second, even if there were any negative connotation to the expression “lie with,” its connection with man-male love could readily be explained by the fact that ancient Israelites viewed man-male love as inherently immoral, not by some attempt to distinguish between exploitative/promiscuous forms of man-male intercourse and committed forms. This is certainly the case as regards references to “lying with” one’s parent or step-parent, daughter-in-law, and animals (Gen 19:32-36; 35:22; 49:4; Exod 22:19; Lev 20:11-12; Deut 27:21). None of these uses of “lie with” speak of “only one kind of sexual act” rather than an act construed in an “absolute, sweeping, and universal” sense, as Johnson claims for the prohibition of man-male intercourse (128).

3. Why misogyny is not the key that unlocks the Levitical prohibitions.

Johnson claims that the Levitical prohibitions are concerned “primarily” to “protect male dignity” by outlawing “transgression of the proper passive and active gender roles” (126, 128, 283 n. 53).⁹¹ Penetrating a male would disgrace him by treating him as a “sexually subservient” woman (126). Johnson utterly rejects “the possibility that Leviticus finds male-to-male sexual intercourse objectionable merely because it constitutes a departure from the anatomical ‘fit’ between ‘male and female’” (286 n. 60).

Yet even Johnson’s use of what I call a “misogyny theory” has to presuppose some notion of gender complementarity. Otherwise, why would Lev 18:22 and 20:13 identify the one who is penetrated as taking the place of a “woman”?⁹² To put it bluntly, the fact

⁹⁰ Johnson’s attempts at obviating this point are not convincing (283-85 nn. 55-57). Leviticus 15:18 and 24 refer to temporary uncleanness “if a man lies with a woman” and the man has a seminal emission or the woman has her period. Since the laws hold for sexual intercourse in the context of the covenant of marriage the neutral meaning “has sexual intercourse with” applies. In 2 Sam 11:11 Uriah refuses to “lie with [his] wife” and thus incur uncleanness through seminal emission while consecrated for battle. Even if having intercourse with his wife at such a moment is inappropriate, the sense “get laid” is inappropriate for this context. 2 Samuel 12:24 states that after the death of the illicit offspring of David’s adulterous affair with Bathsheba and David’s acts of contrition, “David consoled his wife Bathsheba, and went to her, and lay with her; and she bore a son, and he named him Solomon” (NRSV). Johnson claims that the “lying with” of v. 24 is “governed still by the illicit act of David lying with ‘the wife of Uriah’ in v. 11” (283 n. 55). Against this claim, however, is the fact that the text immediately goes on to state that “Yahweh loved” Solomon. David has also acted to console his wife. To read the expression “lie with” here in the sense of “got her (or: himself) laid” makes little sense of the context. Genesis 30:15 refers to Rachel giving Leah permission to “lie with” Jacob in exchange for Leah’s son’s mandrakes. The relationship is licit, even if Jacob is “hired out.” The sense is not “get laid by means of” but rather “have intercourse with.” Johnson says the “exceptions prove the rule” but he takes a totally different tact when only a page later he makes the exceptional problematic use of “abomination” the rule (285-86 n. 59).

⁹¹ Johnson contradicts himself on this point. On p. 128 he contends that the Levitical “prohibition is possibly ... to keep Israelites from joining in pagan sexual customs, but primarily to preserve the sense of what it meant to be a man in Israelite society.” Yet on pp. 286-287 n. 60 he treats the former as “the most plausible reason” for the prohibition and the latter as only a “possibility.” Needless to say, positing a primary motive in “distinguishing Israel’s behavior from that of the cultic worship practices of the surrounding Canaanite people” (287 n. 60) does not help us to understand why Israel maintained some practices that were similar to Canaanite cults and not others (see further *The Bible and Homosexual Practice*, 129-32).

⁹² The texts literally read: “With a male you shall not lie (as the) lyings of a woman [i.e., as though lying with a woman]; it is an abomination” (18:22); “And a man who lies with a male (as the) lyings of a woman [i.e., as though lying with a woman], they have committed an abomination, the two of them.”

that a woman's vagina is the appropriate receptacle for a man's penis must have *something* to do with this identification. Indeed, in a holistic sense, God has designed woman as the “counterpart” or “complement” of a man (*kēnegdō*), the missing element of a once indivisible sexual whole (so Gen 2:18-24 [J]; J attributes a husband's rule over his wife to the Fall [3:16]). Even Johnson admits that the Levitical prohibition “is possibly in support of the command to be ‘fruitful and multiply’” (128; cf. 286 n. 60). This too speaks to some baseline notion of male-female sexual complementarity, certainly as regards procreative function, which in turn presupposes anatomical fit.

The priestly notion of creation “according to its kind” (Gen 1:11-12, 21, 24-25) also speaks to an understanding of structural conformity, as does the Holiness Code's prohibition of breeding animals, sowing seed, or putting on a garment “of two kinds” (Lev 19:19). Although the prohibitions in Lev 19:19 strike us as quaint, the interdiction of incest and bestiality in Lev 18 and 20 does not. The latter shows concerns both for too much structural identity in a sexual merger (in the case of incest having intercourse with the “flesh [פֶּשַׁע, *šəēr*] of one's flesh [בְּשָׂרוֹ, *běšārō*]; 18:6) and for too little structural identity (in the case of bestiality an invalid sexual “mixing” of humans and animals [תְּבֵל, *tebel*]; 18:23; 20:15-16). Neither of these two sets of prohibitions primarily has in view the maintenance of male hierarchical authority, which Johnson posits as the prime motive for the prohibition of man-male intercourse. Instead, structural considerations are primary. The same applies to the prohibition of sex with a menstruant, construed as a discordant mix of physiological functions (Lev 18:19; 20:18).⁹³

Thus issues of structural congruity appear to be paramount in the prohibition of man-male intercourse, with any misogynistic overlay subsidiary at best. Even Johnson admits that Gen 1:27 rejects any attempt “to lessen the humanity” of women since it affirms that women too are made fully in God's image (116).⁹⁴ If surrendering a dominant male social status were the real issue behind the proscriptions of Lev 18:22 and 20:13, we would expect the legislators of the Holiness Code to have made subversion of male hierarchy punishable by death, not just the “symptom” of homosexual intercourse. If status were the main concern rather than structure, we might wonder why the legislators did not permit, as The Middle Assyrian Laws seem to have done, high-status men to have sex with low-status males.⁹⁵ If the main concerns were the “dominance, exploitation, and humiliation” of the penetrated partner (126), we might wonder why the legislators did not

⁹³ A later image, which probably applies here, is that of a man who is trying to work the “field” by sowing “seed” when nature has already clearly signaled a time for the “field” to lie fallow in order to renew itself. For further discussion of connecting elements in the Levitical sex prohibitions and a critique of the misogyny argument see *The Bible and Homosexual Practice*, 134-42; “The Old Testament and Homosexuality,” 383-85.

⁹⁴ Johnson contends that “the priestly tradition in the Bible ... uses the trope ‘male and female’ with some frequency” and, as in Gen 1:27, only in “the sense of ‘both male and female’ (Lev. 3:1, 6; 12:7; 15:33; 25:6, 44; 27:5, 6, 7)” without any connection to “sexual intercourse, let alone sexual anatomy” (286 n. 60). We have already noted (IV.1 above) that Johnson is incorrect in his reading of Gen 1:27. Of the references that he cites from Leviticus none use the straightforward phrase “male and female.” Leviticus 3:1, 3:6, and 12:7 refer to “male *or* female”; 25:6 and 25:44 use the words עֵבֶד (‘*ebed*) and אִמָּה (‘*āmā*) rather than זָכָר (*zākār*) and נְקֵבָה (*něqēbā*); and 15:33 and 27:5-7 explicitly separate out the individual elements with a preposition (“this is the law *for* the male and *for* the female”). The only references in priestly material to “male and female” all refer to sexual pairing with an implicit acknowledgement of anatomical complementarity (Gen 1:27; 5:2; 6:19; 7:9, 16).

⁹⁵ *The Bible and Homosexual Practice*, 45-47.

permit consensual acts rather than condemn to death both parties. It seems, then, that the primary motive behind prohibiting man-male intercourse was the view that gender dimorphism was absolutely inviolable. A male is not, and never can be, a sexual complement to a man. To pretend otherwise is to commit sacrilege against God's creation as "male and female."⁹⁶

A subpoint here is that Johnson appears not even to be aware that he has used two mutually exclusive arguments: a non-absolute exploitation argument and an absolute misogyny argument. In the conclusion to his book, he uses both arguments of *all* biblical texts that explicitly or implicitly prohibit homosexual practice:

The main argument made against gay couples is that their love violates certain biblical prohibitions. But those biblical prohibitions were addressed specifically to hedonistic or exploitative forms of sexual conduct, such as prostitution or the sexual exploitation of slaves, in which mutuality and concern for the other were absent.... By and large, these biblical prohibitions were directed at protecting male gender identity in a world in which male superiority over women was sacrosanct; thus they are ill-suited to guide moral or political action in the present day. (225)

If the Levitical prohibitions and other biblical texts were, in the first instance, aimed against subversion of male hierarchy over women, then how would a caring, egalitarian man-male sexual relationship have made any positive difference? Considerations of caring and commitment would be beside the point (i.e., the caring doesn't eradicate the problem of subverting male hierarchy) while considerations of egalitarianism would be downright dangerous (i.e., male superiority over women must be maintained as "sacrosanct"). Why doesn't Johnson notice this rather obvious inconsistency of argumentation? Perhaps it is because Johnson is not so much invested in making a consistent argument as in finding some reason, any reason, to invalidate the scriptural witness against homosexual practice.

We pointed out some problems above for a misogyny argument in the OT context. Even more problems arise in a NT context. Briefly: (1) Even among Greco-Roman moralists arguments based on structural compatibility were used and not only arguments predicated on male dominance. (2) In the Greco-Roman milieu opposition to male homosexual practice intensified, not lessened, as appreciation for women's capacity for moral and intellectual discernment grew. (3) Since opposition to homosexual practice was more intense in early Judaism and early Christianity than anywhere else in the Greco-Roman world, and since too the misogyny theory presupposes that the prime motivation for such opposition was a desire to protect the sanctity of male superiority over women, the misogyny theory requires the absurd corollary that the NT writers and even Jesus were among the biggest misogynists of the Greco-Roman world. This corollary flies in the face of significant evidence that women in the first-century church were being given more significant roles than were generally accorded them in non-Christian society.

⁹⁶ Cf. the verdict of the homosexualist scholar of early Judaism, Daniel Boyarin. In biblical culture "penetration of a male constituted a consignment of him to the class of females, but, rather than a degradation of status [as in Greco-Roman culture], this constituted a sort of mixing of kinds.... The issue does not seem to have been status so much as an insistence on the absolute inviolability of gender dimorphism" ("Are There Any Jews in 'The History of Sexuality'?" *JHSex* 5 [1995]: 341-43).

The fact that we don't find in ancient Israel, early Judaism, and early Christianity the kind of accommodation to male homosexual practice within a broader misogynistic bent that we find generally everywhere else in the ancient Near East and in the Greco-Roman world—specifically the right of men to penetrate socially inferior males such as youths, foreigners, and slaves—indicates that for the subcultures of ancient Israel, early Judaism, and early Christianity gender differentiation was a far greater concern than gender stratification. The misogyny argument is, at best, highly reductionistic.

IX. Johnson on the Witness of Jesus to Sexuality

We have already dealt with two facets of the witness of Jesus. First, we showed how Jesus used the twoness of the sexes ordained by God at creation (Gen 1:27; 2:24) to argue for a limitation on the number of persons in a sexual union to two, whether serially or concurrently. Since Jesus' stance on divorce/remarriage is predicated on the foundation of two sexes in a sexual bond, moderate accommodation to the former does not justify radical eradication of the latter. Second, we saw how Jesus' saying about "eunuchs who made themselves eunuchs because of the kingdom of heaven" presupposed both that born-eunuchs and made-eunuchs were sexually abstinent (Matt 19:11-12) and that, like the saying about no marriage in heaven (Mark 12:25), doing away with a male-female prerequisite for sexual relations would spell the end of all sexual relations, not an option to engage in homosexual relations. Here we address four other issues raised by Johnson.

1. *Why Jesus' encounter with the centurion provides absolutely no support for a homosexualist ideology.*

Johnson claims that the story of Jesus' encounter with a centurion in Matt 8:5-13 is another example of how "Jesus pushes the envelope regarding sexual mores." According to Johnson, the centurion's "boy" "may have been ... a sex slave." Johnson reasons that the absence of any rebuke on Jesus' part shows Jesus' lack of concern for sexual conventions (141). Johnson seems not to realize that, if indeed the centurion were having sex with his male slave and if Jesus' silence was an indication of approval, then Jesus would be approving of same-sex rape and possibly forced castration (cf. Seneca the Elder, *Controversies* 4.Preface.10; Seneca the Younger, *Moral Epistles* 47.7). Such illogical speculations on Johnson's part underscores the desperate nature of his attempt to find something—anything—that might justify a radical departure from Scripture. As it is, there are many arguments that speak against the "possibility" that Jesus encountered a centurion whom Jesus knew to be having a sexual relationship with his "boy."⁹⁷

2. *Why the penultimate significance that Jesus gave to sexual intimacy and to biological kinship ties buttresses, rather than subverts, a male-female prerequisite to marriage.*

According to Johnson, Jesus, "unlike some contemporary 'family values' teaching," did not "make an idol out of marriage." The fact that Jesus taught that "marriage and family are not ends in themselves but exist for the sake of something bigger" means that

⁹⁷ See "Notes to Gagnon's Essay in the Gagnon-Via *Two Views* Book," 15-16 n. 59; more recently, "Did Jesus Approve of a Homosexual Couple in the Story of the Centurion at Capernaum?" (2007; 8 pgs.; online: <http://www.robagnon.net/articles/homosexCenturionStory.pdf>).

“being Jesus’ follower has little to do with ... conventional patterns of family ties,” which in turn allegedly permits the church to embrace homosexual unions (138). This gets matters backwards. Jesus could make demands regarding sexual purity that appear harsh to us precisely because Jesus gave only penultimate value to the “right” of sexual intimacy and marriage. If there is no sexual intercourse among humans in heaven it is not necessary to accommodate innate sexual urges in this age when these urges violate formal or structural requirements for sexual relations.

Johnson argues that, because Jesus appears to supplant biological kinship ties in favor of a new family of God predicated on doing God’s will, “being Jesus’ follower has little to do with ... follow[ing] conventional patterns of family ties” or with maintaining “the conventions of the biological family” (138). When it comes to homosexual relationships Johnson is willing to argue that, since “male and female” “no longer defines the identity of people who are in Christ” or constitutes “ultimate reality” in the Christian life (152), “ethical distinctions” based on male-female differentiation are no longer possible within sexual relationships. Yet Johnson shows an unwillingness to apply the same logic to incestuous relationships. If kinship, like gender, has lost its redemptive significance in Christ, then doesn’t it stand to reason that “ethical distinctions” based on the proximity of blood relatedness are no longer possible within sexual relationships? Johnson fails to see the perils of making the leap from statements that have to do with social relationships, even intimate social relationships, to conclusions that involve sexual relationships.

3. Why “love of neighbor” does not invalidate formal prerequisites for sexual unions.

Johnson similarly argues that Jesus would not have condemned loving and committed homosexual relationships inasmuch as Jesus admonished his followers “to bring the law to completion in their own lives by loving their neighbors (Matt. 5:43-45)” (143). Following this line of reasoning, Jesus would have praised a faithful polyamorous bond since Jesus made a point of redefining “neighbor” to include everyone with whom one might come into contact, including one’s enemy. The counter-argument that a person can truly love only one other person at the same time will not do on Johnson’s premise since Jesus throws off any limitations to the meaning of “love of neighbor” and Johnson applies the love commandment to homosexual relationships without any regard for the continuing legitimacy of structural prerequisites. The only way to avoid such absurdities is to do something that Johnson never does in his book; namely, to acknowledge that the love commandment is an *insufficient* (even if necessary) basis for legitimizing *sexual* bonds.⁹⁸

4. Why “we really do believe” that Jesus of Nazareth opposed homosexual practice absolutely.

In one of his many shaming statements, Johnson asks readers: “*Do we really believe that Jesus would condemn gay couples who are sincerely seeking to live a life committed to one another?*” (143, my emphasis). If we reword the question a bit more faithfully we can see how historically absurd Johnson’s question is:

⁹⁸ Jesus must have had a distinctive sexual ethic that extended beyond the love commandment. For while Jesus expanded the meaning of “love your neighbor as yourself” to include everyone, he radically restricted their options for sexual partners to only one other person lifetime. Cf. my rebuttal of Walter Wink on this point: “Are There Universally Valid Sex Precepts?” 77-80.

Is it historically plausible likely that Jesus, a Jewish Messiah sent to the lost sheep of the house of Israel in first-century Palestinian context that abhorred homosexual practice, someone who tightened sexual ethics based on the male-female prerequisite in Gen 1:27 and 2:24, would have given his blessing to *any* sexual union between two of his male disciples, including one of a committed sort?

The answer can only be: Obviously not. Would Jesus not rather have warned them of the coming judgment if they did not repent and urged them to “no longer be sinning”? Jesus’ view on homosexual practice, committed or otherwise, is not that difficult to figure out from an historical standpoint. In addition to arguments already brought forward are the following ten points:

1. Jesus’ retention of the Law of Moses even on relatively minor matters such as tithing, to say nothing of a foundational law in sexual ethics; and his view of the Old Testament as inviolable Scripture, which Scripture was absolutely opposed to man-male intercourse.
2. Jesus’ further intensification of the Law’s sex-ethic in matters involving adultery of the heart and divorce (Matt 5:27-32), suggesting a closing of remaining loopholes in the Law’s sex-ethic rather than a loosening; also his saying about cutting off body parts, warning that people could be thrown into hell precisely for not repenting of violations of God’s sexual standards (Matt 5:29-30).
3. The fact that the man who baptized Jesus, John the Baptist, was beheaded for defending Levitical sex laws in the case of the adult-incestuous union between Herod Antipas and the ex-wife of his half-brother Philip, a woman who was also the daughter of another half-brother.
4. Early Judaism’s univocal opposition to all homosexual practice.
5. The early church’s united opposition to all homosexual practice.
6. Jesus’ saying about the defiling effect of desires for various forms of sexual immoralities (Mark 7:21-23), which distinguished matters of relative moral indifference such as food laws from matters of moral significance such as the sexual commands of his Bible and connected Jesus to the general view of what constituted the worst forms of *porneia* in early Judaism (same-sex intercourse, incest, bestiality, adultery).
7. Jesus on the Decalogue prohibition of adultery, which in its Decalogue context and its subsequent interpretation in early Judaism as a rubric for the major sex laws of the Old Testament presupposed a male-female prerequisite for valid sexual bonds.
8. Jesus’ saying about Sodom (Matt 10:14-15 par. Luke 10:10-12), which, understood in the light of Second Temple interpretations of Sodom, included an indictment of Sodom for attempting to dishonor the integrity of the visitors’ masculinity by treating them as if they were the sexual counterparts to males.
9. Jesus’ saying about not giving what is “holy” to the “dogs” (Matt 7:6), an apparent allusion to Deuteronomic law (Deut 23:17-18) and texts in 1-2 Kings that indict the *qedeshim*, self-designated “holy ones” identified as “dogs” for their attempt to erase their masculinity by serving as the passive-receptive partners in man-male intercourse.
10. The fact that Jesus developed a sex ethic that had distinctive features not shared by the love commandment (love for everyone does not translate into having sex with everyone); reached out to tax collectors and sexual sinners while simultaneously intensifying God’s ethical demand in these areas; insisted that the adulterous woman stop sinning lest something worse happen to her (i.e., loss of eternal life; cf. John 8:11 with 5:14); appropriated the context of the “love your neighbor” command in Lev 19:18 by insisting on reproof as part of a full-orbed view of love (Luke 17:3-4; cf. Lev 19:17: reprove your neighbor lest you incur guilt for failing to warn him); and defined discipleship to him as taking up one’s cross, denying oneself, and losing one’s life (Mark 8:34-37; Matt 10:38-39; Luke 14:27; 17:33; John 12:25).

Thus there is every reason to believe that Jesus was at least as opposed to homosexual practice as anyone else in early Judaism or earliest Christianity and, given his stringent sexual ethic, probably more so.

X. Johnson on 1 Corinthians 6:9 and 1 Timothy 1:10: “Men Who Lie with a Male”

Johnson simply asserts, without providing much in the way of supporting evidence, that *malakoi* (literally, “soft men”) and *arsenokoitai* (literally, “men who lie with a male”) in 1 Cor 6:9 refer to “male prostitutes” and the men who have sex with them, respectively; and that *arsenokoitai* in 1 Tim 1:10 (and also 1 Cor 6:9?) refers to men who have sex with their male slaves (131-33, 154). As with his work on Sodom and related texts and in spite of having written a “review” of my first book, Johnson informs readers of none of the counterarguments that I have put forward in extensive published work against such assumptions.⁹⁹ Once more, Johnson’s first task, if he hasn’t already done so, is to read more widely. His second task is to exercise the integrity of disclosing information to his readers that is inconvenient to his own position.

We have already demonstrated: (1) that the Levitical prohibitions from which *arsenokoitēs* was formed (LXX) were both framed absolutely by the legislators of the Holiness Code and interpreted as such in Second Temple Judaism and beyond (sec. VIII); (2) that the Greco-Roman milieu already had a conception of caring homoerotic unions (III); and (3) that Paul set Rom 1:26-27 and 1 Cor 6:9 against the backdrop of a male-female / man-woman prerequisite in Gen 1:27 and 2:24 respectively (IV.2-3 and V.2). We now add a few more points.

(4) Johnson surprisingly gives readers no indication from the literature that various ancient writers (e.g., pseudo-Aristotle, Philo, Soranus, Ptolemy, Vettius Valens) applied *malakoi* and related terms (cf. also Latin *molles*) chiefly to effeminate adult males who are biologically and/or psychologically disposed to desire penetration by men; moreover, that these writers centered their critique on the latter’s attempted erasure of the masculine stamp given them by God/nature, not on exploitation of others, age difference, or acts of prostitution.¹⁰⁰

(5) Johnson takes no account of my discussion of the use of *arsenokoit-* words in Jewish and Christian texts after Paul, which provides no basis for limiting the reference to sex between men and male prostitutes.¹⁰¹

(6) Johnson borrows from Robin Scroggs’s argument that in 1 Tim 1:10 the entire meaning of *arsenokoitai* is subsumed under the next group of offenders *andrapodistai* (slave traders, kidnappers, men-stealers). Yet Johnson neglects to acknowledge my counterpoint. The last half of the vice list in 1 Tim 1:9-10, at least, corresponds to the order of the Decalogue’s fifth to ninth commandments. The mention of *pornoi* (sexually

⁹⁹ *The Bible and Homosexual Practice*, 303-36; *Homosexuality and the Bible*, 81-88, with online notes 96-111 (pp. 23-26) in “Notes to Gagnon’s Essay”; “Review Essay of *Homosexuality, Science*, Part 2,” 226-39 (critique of David Fredrickson’s interpretation of 1 Cor 6:9); “Why the Disagreement,” 72-73; “Does Jack Rogers’s Book ‘Explode the Myths,’” Installment 3, 9-14.

¹⁰⁰ “Notes to Gagnon’s Essay in the Gagnon-Via *Two Views* Book,” 23-24 nn. 96-97; *The Bible and Homosexual Practice*, 308-12. Cf. Bruce W. Winter, *After Paul Left Corinth: The Influence of Secular Ethics and Social Change* (Grand Rapids: Eerdmans, 2001), 110-20. Winter argues that *malakoi* refers broadly to any man who allows himself to be penetrated by another man. He also cites a reference in Plutarch (*Moralia* 139B) to men who are unable to consummate their marriage to a woman “through softness/effeminacy” (i.e., their passive homosexual inclination). He makes a point about *arsenokoitai* that could just as well be made about *malakoi*: “It was not a reference to a male prostitute. If Paul had been seeking a specific term proscribing that profession, the LXX’s choice of ὁ πορνεύων [*ho porneuōn*] in Deuteronomy 23:17 would have provided him with an appropriate one” (p. 119).

¹⁰¹ *Ibid.*, 315-24.

immoral people) in 1 Tim 1:10 clearly aligns with the seventh commandment against adultery, while the reference to *andrapodistai* clearly aligns with the eighth commandment against stealing. The only question is whether *arsenokoitai* belongs more with the latter (as Johnson thinks) than the former. The question is not hard to resolve once one realizes that several early Jewish and Christian discussions make a distinction between men who have sex with males, placed under the rubric of the seventh commandment against adultery, and “men-stealers,” classified under the eighth commandment against stealing.¹⁰² Moreover, is Johnson arguing that Paul included male slaves who were coerced into effacing their masculinity by lascivious masters among the *malakoi* that are condemned in 1 Cor 6:9 and with whom, presumably, at least some of the *arsenokoitai* are having sex? If the issue is exploitation, why would Paul be asserting that such coerced figures run the risk of exclusion from God’s kingdom?

Even Dan O. Via and Walter Wink, two NT scholars strongly supportive of homosexual unions, have acknowledged that *arsenokoitai* would have included for Paul men who initiated a caring and committed homosexual relationship.¹⁰³ The idea that Paul would have told two men in a committed sexual relationship that the term did not include them is historically preposterous.

(7) There is no cognizance on Johnson’s part of the pivotal role that Plato’s *Laws* 636B-D (cf. 836B-842A) plays for all subsequent discussion of why man-male intercourse is “contrary to nature,” including discussions in early Judaism.¹⁰⁴ Here the Athenian criticizes intercourse between males (and between females) as “contrary to nature” (*para phusin*), *not* for any alleged promiscuity or coercion but rather for behavior that makes a male into a female, can never result in procreation, and is not found in animals.¹⁰⁵ The first argument has primacy, at least in subsequent Jewish appropriation. Critiquing any of these individual arguments would miss the point. As with a modern-day difficulties in explaining why adult committed incest is wrong, these stated arguments get around, without actually hitting directly, the main problem with the behavior; namely, that there is something fundamentally asymmetrical about one attempting to merge sexually with what one already is as a sexual being. A remark in pseudo-Lucian’s *Affairs of the Heart* comes closest to stating this point explicitly: “One nature came together in one bed. But *seeing themselves in one another* they were ashamed neither of what they were doing nor of what they were having done to them” (19-20; my emphasis).

XI. Johnson on Romans 1:24-27: “Use” of a Same Sex Person “Contrary to Nature”

Despite claiming to “have treated Romans [1:24-27] in detail throughout” the first chapters of his book (135), Johnson actually does surprisingly little with this important text and shows surprisingly little knowledge of the obvious (and already published) counterarguments to his own arguments.

¹⁰² So Philo, *Pseudo-Phocylides*, the rabbis, and the *Didache*; *ibid.*, 335-36. Cf. *The Bible and Homosexual Practice*, 332-36; *Homosexuality and the Bible*, 87-88.

¹⁰³ Cf. Via, *Homosexuality and the Bible*, 11, 13; Walter Wink, “To Hell with Gays?” *Christian Century* 119.13 (June 5-12): 33.

¹⁰⁴ See Appendix 5 for further discussion.

¹⁰⁵ Plato also compares homosexual practice to sexual desire for one’s brother or sister, son or daughter (838A).

1. Why Johnson's claim that Paul in Rom 1:24-27 condemned only those forms of sexual behavior that were hedonistic and coercive won't work.

Johnson claims that Paul's remarks in Rom 1:24-27 could not have anything to do with committed homoerotic unions because Paul supposedly elsewhere condemns only sexual relationships that are hedonistic or exploitative, involving sexual promiscuity, prostitution, unfaithfulness, or coercion. A "covenantal" homosexual relationship cannot possibly be what Paul had in mind when he referred to sexual "impurity" (*akatharsia*), "immorality" (*porneia*), "licentiousness" (*aselgeia*), "lust" (*epithumia*), and "debauchery" (*koitai*, literally "lyings" or "beds"), Johnson alleges.¹⁰⁶

The reader will not find in Johnson's book any mention of Paul's handling of the case of a sexual relationship between a man and his stepmother in 1 Cor 5.¹⁰⁷ Why? I suggest that the omission is due to the fact that this type of immoral relationship, like a homoerotic union, has the potential of being conducted by consenting adults in a non-promiscuous and non-coercive manner and yet is still justly subject to Paul's condemnation. Indeed, since (as we have seen) Johnson parades the relationship of Ruth and her mother-in-law Naomi as a paradigm for a "one bone, one flesh, one family" same-sex sexual bond deserving of the blessing of the people of God (145-47), one might wonder whether Johnson would like to hold up the incestuous relationship in 1 Cor 5 as another such paradigm—of course, presuming the mutual commitment of the parties involved.¹⁰⁸

Johnson also ignores the obvious fact that nothing in the wording of Rom 1:24-27 indicates any limitation on the indictment of male and female homoerotic practice. The wording of "exchanging" and "leaving behind" the other sex *for the same sex* is absolute. The text does not say or even infer that men and women exchanged or left behind committed relationships with either sex for *exploitative* relationships with either sex. As we have seen, committed homosexual relationships were widely known in antiquity; moreover, some Greco-Roman moralists condemned even these. Paul himself stresses the mutuality of the homoerotic desires by mentioning that males were "inflamed"¹⁰⁹ with

¹⁰⁶ So 131, 133-36, 154; citing 1 Thess 4:3-6; Gal 5:19-21; 1 Cor 6:9; Rom 13:13-14.

¹⁰⁷ Paul calls the man a *pornos*, a sexually immoral person, in 5:9-11; 6:9.

¹⁰⁸ Johnson charges: "The anti-gay argument really boils down to this: 'You need a covenantal context, but we aren't going to give you one'" (131). This is a blatant distortion. Commitment and fidelity would no more justify an adult-consensual homosexual union than they would justify an adult-consensual incestuous or polyamorous union. A covenantal context does not turn a structural incongruous relationship into an acceptable relationship. Homosexual practice is not immoral because it falls outside a covenantal context; rather, it falls outside the covenantal context because it is immoral.

¹⁰⁹ The language about being "inflamed" does not specify promiscuity. Paul makes no point here about multiple sexual partners. His attention is entirely focused on abandoning intercourse with one's true sexual complement, the other sex, for intercourse with the same sex. Philo's comment in *Contemplative Life* 59, cited two paragraphs below makes the same point. Paul, like many in antiquity, viewed any infraction of God-ordained boundaries as an overheating of desire simply because transgression of God's will invariably entailed a victory of the passions of the flesh over the rational mind or Spirit (cf. Rom 7:13-25). If one craved anything that God had forbidden or nature had shown to be unacceptable, and succumbed to that craving, then obviously one was mastered by one's passion, thereby proving that the intensity of the passion had been too great to be resisted. The sequence of thought for Paul was not: Same-sex intercourse is excess passion; therefore it is wrong. It was: Same-sex intercourse is wrong; therefore it is excess passion. The concept of "disoriented desire" logically precedes the concept of "inordinate desire." See further *The Bible and Homosexual Practice*, 386-89; "Review Essay of *Homosexuality, Science, and the 'Plain Sense' of Scripture*, Part 2," 218-20.

their yearning for one another” and that “their bodies [were] dishonored among them(selves)”—dishonored not by mutual promiscuity or coercion but rather by the compromise of their gendered existences in attempting to merge with “one another” as though with their sexual complement. The injury done is an injury to sexual identity. The Stoic philosopher Epictetus (d. 135 C.E.) framed the matter more in active/passive terms than did Paul in Rom 1:24-27 but his views are nonetheless helpful for doing away with Johnson’s exploitation-hedonism argument: “What does the one who undergoes (*ho paschōn*) the things of the anal-receptive male (*ho kinaidos*)¹¹⁰ lose? His manhood. And the one who performs the act? In addition to many other things, he too (loses) his manhood, no less” than the passive partner (*Discourses* 2.10.17).

To these arguments many others can be added. Early Judaism was certainly unanimous in its absolute opposition to all homosexual practice.¹¹¹ We have noted in II.1 above, in the discussion of Brooten’s work, that the referent in 1:26 is clearly to female-female intercourse, which in turn demolishes any argument that Paul was thinking only of hedonistic or exploitative forms of homosexual practice. We also saw at the end of our treatment of Gen 1:27 (IV.3) Paul’s clear intertextual echo to that passage in Rom 1:26-27, indicating that Paul rejected male-male and female-female intercourse not in the first instance because of any exploitation or hedonism but rather because of it violated a male-female prerequisite ordained by God at creation. Finally, as we indicated at the end of our discussion of 1 Cor 6:9 (X.7), the absolute nature argument against homosexual practice, used in Plato’s *Laws* and subsequent reflection, has little to do with distinctions based on hedonism and coercion. Philo’s comment in *Contemplative Life* 59 clearly distinguishes the unnatural error of homosexual practice even from heterosexual promiscuity and exploitation: “Nearly the whole of Plato’s *Symposium* is about love, not merely about men mad after [i.e. madly in love with] men—for these desires pay tribute to the laws of nature—but about men (mad) after males, differing from them only in age” (*Contemplative Life* 59; my emphasis).

2. Johnson’s various failed attempts at dismissing Paul’s nature argument.

The “contrary to nature” argument used by Paul also cuts through any distinctions based on hedonism and exploitation. Johnson tries a number of different ways to discount Paul’s appeal to nature, none of them well thought out.

(a) *Nature argument as anti-Hebraic?* Johnson argues: “There is no word for ‘nature’ in Hebrew, which means that Paul is not drawing directly on the Old Testament as his background source” (82). Yet the *concept* of natural theology is not foreign to the Old Testament.¹¹² Genesis 2:21-24 certainly images woman as man’s sexual “counterpart” or “complement,” with its trifold emphasis on woman being *taken from* one of ‘*ādām*’s sides/ribs and with its implicit image of marriage as the rejoining of man and woman. Likewise the priestly notion of “kinds” both in Gen 1 and in Lev 19, along with the prohibitions of improper sexual “mixing” in Lev 18 and 20, indicate a concern with congruence in natural structures.

¹¹⁰ The term *kinaidos* literally means “butt-shaker” but here and often simply the passive partner who desires anal intercourse.

¹¹¹ *The Bible and Homosexual Practice*, 159-83.

¹¹² Cf. James Barr, *Biblical Faith and Natural Theology* (Oxford: Clarendon, 1993).

(b) “*Nature*” as only the conventional? Johnson contends (through the celebrationist persona) that Paul’s “thinking reflects the view that something is unnatural if it is unconventional” (82). Actually, a careful study of Paul’s use of the term reveals otherwise. “Nature” in Paul corresponds to the essential material, inherent, biological, or organic constitution of things as created and set in motion by God (Gal 2:15; 4:8; Rom 2:14; 2:27; 11:21, 24). This includes even the reference to nature in 1 Cor 11:14-15 where the hair argument is similar to the Stoic argument for beards for men, based on natural endowment. Specifically, nature gives an indication that scalp hair is more indispensable for women than for men by making major hair loss there much rarer for women.¹¹³ Obviously, the conclusion drawn from an observation of nature is more convincing in some cases than others, which is probably why the nature argument is only one of multiple arguments used in 1 Cor 11:2-16, whereas it is *the* argument, along with the echo to Gen 1:27, that Paul uses to reject homosexual practice in Rom 1:26-27. That Paul means in Rom 1:26-27 the embodied complementarity of maleness and femaleness still transparent in nature from original creation structures is apparent from Paul’s parallel observation in Rom 1:19-20 about the attributes of God being “transparent . . . from the creation of the world, . . . being mentally apprehended by means of the things made.”¹¹⁴ We have already noted that nature arguments used in the Greco-Roman world included an awareness of complementary male-female structures (sec. II.6.1 above).

(c) *Nature argument as misogyny?* Johnson, in the “liberationist” persona, claims that the expression “natural use” in Rom 1:26-27 indicates that “sex is something that men are supposed to do, not so much *with* women as *to* them” (90). However, as I have noted elsewhere, (1) the word *chrēsis* (“use”) can be employed in sexual contexts that speak of the enjoyment of both partners; (2) the context for the use of the term in Rom 1:27 is clearly that of mutual desire; and (3) Paul also employs the term for a woman’s natural “use” of a man in Rom 1:26, suggesting as he does elsewhere that sexual pleasure is a two-way street in marriage (cf. 1 Cor 7:3).¹¹⁵

(d) *A valid link to Rom 11:24?* Citing Eugene Rogers, Johnson compares Paul’s description of homosexual practice as “contrary to nature” in Rom 1:26 with the description of God’s grafting of Gentiles as an act “contrary to nature” later in Rom 11:24. For Johnson the connection means that “God defies our ordinary religious categories” and “acts contrary to what seems natural,” welcoming “gentile people whom Jews considered ritually and morally—indeed sexually—unclean” (99-100). Clearly, however, Paul would have rejected vehemently any attempt to link these two uses of *para phusin* in Rom 1:26 and 11:24 as a means of justifying homosexual behavior among converts. Paul accepted ethnicity as a benign condition but, as with Luke’s description of the Apostolic Decree (Acts 15:20, 29), adamantly rejected any link between ethnicity or circumcision/diet on the one hand and sexual intercourse on the other as matters of indifference (cf. 1 Cor 6:12-20; Rom 13:13 with 14:1-23).

Where Johnson gets confused—no doubt because he is not a Greek scholar—is over the preposition *para* with an accusative object. Its meaning can vary from the basic neutral sense of “beyond,” as in its use in a horticultural metaphor in Rom 11:24, to the specific negative sense of “in transgression or violation of,” “contrary to,” and “against,”

¹¹³ *The Bible and Homosexual Practice*, 365-78.

¹¹⁴ *Ibid.*, 256-58.

¹¹⁵ “Review Essay of *Homosexuality, Science, and the “Plain Sense” of Scripture*, Part 2,” 213-15.

as in its use in ethical matters in Rom 1:26.¹¹⁶ Context is decisive. There can be no doubt that Paul used *para phusin* in Rom 1:26 in the second, morally negative sense since the specific context refers to same-sex intercourse as “sexual impurity,” “dishonoring their bodies,” “dishonorable passions,” and “indecent” or “shamelessness” (1:24, 26-27)—all in a broader context referring to “impiety,” “unrighteousness,” “sin,” and practices “deserving death” (1:18-32; 3:9-20, 23).¹¹⁷ Johnson’s attempt to link Rom 11:24 to 1:26 is ironic in view of the fact that only two pages later he complains that the “non-affirming” side engages in “a selective quoting of Scripture” (101). If Johnson wants to extol the acceptance of unnatural sexual practices as God’s work, I see no reason why he should stint himself by withholding approval of committed adult incest or even the most unnatural sexual practice of all, bestiality.¹¹⁸

3. The error in Johnson’s claim that Rom 1:24-27 provides no clear rule, certainly not for “gay Christians,” and does not describe homosexual practice as a God-provoking act.

Citing Richard Hays, Johnson insists that Rom 1:24-27 does not “articulate a clear ‘rule’ about how to handle homoerotic conduct” (64). Yet this makes about as much sense as saying that one can’t derive a clear rule against idolatry (1:19-23, 25) or murder (1:29) from the extended vice list in Rom 1:18-32. Clearly (and as oft noted in my writings), Paul in 6:19-21 returns in part to his discussion of homosexual practice in 1:24-27 when he exhorts the believers at Rome not to put their bodily members any longer at the disposal of *akatharsia*, “uncleanness” or “impurity,” a word used elsewhere in Romans only in 1:24 to describe, first and foremost, homosexual practice. This and other forms of lawlessness Paul describes as “things of which we are now ashamed,” another intratextual echo back to Rom 1:24-27, here to the shame language of homosexual practice as a “dishonoring” of the gendered self and as an “indecent” or “disgrace.”¹¹⁹

Paul’s remarks in 6:19-21 also show the error of Johnson’s argument that “Paul does not provide a specific word for contemporary gays and lesbians who *do* know God” (135). Certainly none of the other vices enumerated in 1:29-31 require prior worship of statues, even though here too Paul treats such vices as the consequence of worshipping idols and God’s handing over (1:28). Paul repeatedly warns believers in his letters, people who do know God, not to return to their former pagan sexual practices lest they be excluded from God’s kingdom.¹²⁰

Also misguided is Johnson’s contention that “it is a misreading of [Rom 1:24-27] to see homoerotic conduct as something that particularly provokes God’s wrath” (64-65).

¹¹⁶ Cf. LSJ, *s.v. para* C.III.4; and BDAG, *s.v. para* B.6.

¹¹⁷ Cf. similar uses in Greco-Roman critiques of homosexual practice from Plato to pseudo-Lucian and in such Jewish writers as Philo and Josephus.

¹¹⁸ Even Johnson has to add that God’s acceptance of Gentiles “does not, of course, mean they are entitled to continue their sexual hedonism” (100). Nor, I would add, does it mean that we should disregard altogether formal or structural prerequisites given in our bodies for congruous sexual unions.

¹¹⁹ A similar connection can be made with Rom 13:13, which forbids Christians from engaging in *koitai*, “immoral sexual activities” or, more literally, “lyings” or “beds,” a term that obviously links up with *arsenokoitai*, “men lying with a male,” in 1 Cor 6:9 as a particular instance of an immoral “lying.”

¹²⁰ 1 Thess 4:2-7; 1 Cor 6:9-11; 2 Cor 12:21; Gal 5:19-21; cf. Col 3:5-10; Eph 4:17-19; 5:3-6; 1 Tim 1:9-10. Aside from “idolaters,” none of the offender groups cited in the vice list in 1 Cor 6:9-10, including “men who lie with a male,” presupposes prior worship of statues. Cf. *The Bible and Homosexual Practice*, 284-89 (“Did Paul Think Only Idol Worshipers Could Engage in Same-Sex Intercourse?”).

Johnson fails to see (though I have made the point elsewhere)¹²¹ that the vices in 1:24-31 are both the *product* of God's initial wrath, in the sense that God steps back and allows those who want to run their own lives to be ruled by preexisting sinful desires (1:24-31), and the *provocation* for God's ultimate wrath, in the sense that the continual heaping of up sins leads to cataclysmic destruction on the Day of Judgment (1:32-2:5). Same-sex intercourse is highlighted immediately after idolatry precisely for the reason that Paul viewed it as a particularly egregious example, on the horizontal plane of inter-human behavior, of humans suppressing the truth about themselves, accessible through observation of the material structures of creation that are still intact in nature.¹²²

XII. Johnson's Rejection of Formal or Structural Prerequisites for Sexual Relations

Although Johnson rejects analogies between adult-committed homosexual practice on the one hand and adult-committed incest and polyamory on the other, his own arguments pave the way for such an analogy by eliminating any consideration of prerequisites for sexual intercourse based on formal or structural bodily correspondences. A centerpiece of his argument for affirming committed homosexual bonds is his claim that "gay couples are just as capable as straight couples of embracing all three" of the "fundamental realities" that marriage is designed to promote: "companionship, commitment, and community" (110; cf. 111-13, 121-23, 136-37). Johnson obviously likes the repetition of three C's but unfortunately leaves out an essential "C" word: 'complementarity,' understood as formal compatibility or congruence in the embodied structures of the participants. Johnson's main problem lies in treating "companionship, commitment, and community" not only as *necessary* but also as *sufficient* for sexual relationships.

In doing so, he fails to see that faithful polyamorous sexual bonds and faithful adult incestuous bonds would also qualify under his truncated test for the validity of sexual relationships. Indeed, faithful polyamorous bonds provide a greater amount of companionship and bring the community into the covenanted relationship by virtue of a larger number of committed sexual partners, while incestuous bonds tie a double family knot, so to speak, by combining blood ties with sexual union.

Johnson even goes so far as to cite the covenant relationship between Ruth and Naomi as a paradigm for same-sex *sexual* bonds (143-47). What Johnson appears not to realize is that, at the key point of sexual relations, the parameters of what defines covenant loyalty differ as regards a parent-child or brother-sister covenant bond on the one hand and husband-wife covenant bond on the other. The introduction of sexual relations, even of an adult, committed sort into the former is a mark of covenant *disloyalty* (even though no procreative problems could have arisen from any incest between Ruth and Naomi). Homosexual relations similarly violate structural prerequisites for a complementary other. Two men or two women can enter into a covenant bond as siblings (in the case of David and Jonathan; cf. 2 Sam 1:26: "my brother Jonathan") or as parent-child (in the

¹²¹ Ibid., 249-51, incl. 250 n. 12.

¹²² Ibid., 246-53, 277-84; "Rowan Williams' Wrong Reading of Romans (... and John 14:6)" (Apr. 2007, 11 pgs.; online: <http://robagnon.net/articles/homosexRowanWilliamsResp.pdf>; abridged in *The Church of England Newspaper*, May 4, 2007, pp. 22-23, under the title "Is Rowan Williams Wrong on the Meaning of Romans?").

case of Naomi and Ruth) but not as sexual lovers in a covenant bond of marriage. Had Ruth and Naomi chosen a sexual relationship, it would have been a relationship that was adult, loving, committed, and without indication of measurable harm—in other words, the same kind of relationship between persons of the same sex that Johnson states society must accept but, presumably, not even Johnson could accept.

Many other arguments used by Johnson could easily be applied to acceptance of committed, adult polyamory and incest. According to Johnson: “To posit a single ‘order [of creation]’ that is supposed to hold true for all time ... is at best a quixotic dream” (50-51). “To reduce the relationship ... to the sexual intimacy they may (or may not) be sharing is just as offensive and wrong-headed as declaring that heterosexual marriage is all about sex and nothing else” (63). “[O]ne cannot learn about the meaning of sexuality merely from examining nature” or “merely from examining the sex act” (100). “Sin does not reside in orientation or behavior per se but in whether one’s life is rightly ordered” (108; cf. 101). “God defies our ordinary religious categories” and “acts contrary to what seems natural” to accept those who are “sexually unclean,” asking them only to put aside “sexual hedonism” (98-99). “We know that Jesus’ way of keeping the law defied convention” (105). One has “the right to marry the person one loves” (182). “Genuine family-values proponents ... should support all families, even those families that are nontraditional” (207).” Johnson complains about my work: “There is no moral distinction Gagnon’s work is able to make between a Roman soldier taking his pleasure with a slave boy and two women who pledge to love each other forever as they care and raise a child” (Review, 392). By this logic, “there is no moral distinction” Johnson’s “work is able to make between” a polyamorous union or incestuous union that is coercive and/or involves children, on the one hand, and three adults or two adult close-kin “who pledge to love each other forever as they care and raise a child,” on the other hand.

It is important to note here that I am not making just a “slippery slope” argument (52), though Johnson is providing both the slope and the grease. The argument that I am making is that *if Johnson finds the acceptance of adult-committed polyamory and incest offensive, he should find adult-committed homosexual bonds even more offensive*. The twoness of the sexes ordained by God at creation was the foundation for Jesus’ limitation of the number of persons in a sexual bond to two. The foundation is obviously more important than the structure built on it. Similarly, the prohibition of incest is analogically derived from the more foundational prohibition of same-sex intercourse. Incest involves an attempted sexual merger with someone who is already too much of a formal or structural same on a familial level. The degree of formal or structural sameness is felt even more keenly in the case of homosexual practice, only now on the level of sex or gender, because sex or gender is a more integral component of sexual relations, and more foundationally defines it, than is and does the degree of blood relatedness.

It would be amusing, if not for the sad implications, to read of Johnson’s sparse attempts to explain why committed adult incest and polyamory do not deserve to be validated on the same grounds that he is validating homosexual unions.¹²³ Counting endnotes he gives no more than three paragraphs to the question of incest (258 n. 107, 282-83 n. 52, 289 n. 69) and two paragraphs to the question of polygamy (169-70, 301 n. 51). Johnson appears to be opposed to incest only in cases where a non-adult is involved or where conception is possible, for these are the only things that his discussion

¹²³ For a fuller development of this argument see Appendix 3, below.

addresses. By this test any adult homosexual-incestuous union should be allowable (cf. Johnson’s analogy of Ruth and Naomi). As regards polyamory, he ignores its roots in a male polysexual orientation and claims, falsely, that polygamy produces *intrinsic, measurable* harm. Johnson’s naïveté about the disproportionately high rates of harm that attend homosexual practice is in inverse proportion to his hypercritical claims about harm attending committed polyamorous bonds. As Charles Krauthammer has written in the *Washington Post* about polygamy: “Don’t tell me that we can make one radical change in the one-man, one-woman rule and not be open to the claim of others that their reformation be given equal respect.”¹²⁴

XIII. Johnson’s Scheme of Seven Theological Viewpoints

Johnson puts forward a scheme of “seven theological viewpoints” on same-gender relationships in chs. 1-2 (39-108) that consists of three “non-affirming viewpoints” (prohibition, toleration, accommodation), three “welcoming and affirming viewpoints” (legitimation, celebration, liberation), and, not surprisingly, his own viewpoint, which he calls the “welcoming, affirming, and ordering viewpoint” (consecration) and presents as the ideal Hegelian synthesis of the best of the thesis and antithesis.¹²⁵ The scheme is essentially a reworking of a typology developed by L. R. Holben seven years earlier:¹²⁶

<u>Holben</u>	<u>Johnson</u>
Condemnation	Prohibition
A Promise of Healing	(Ditto)
A Call to Costly Discipleship	Toleration
Pastoral Accommodation	Accommodation
(Ditto)	Legitimation
Affirmation	Celebration
(Ditto)	Consecration
Liberation	Liberation

One can see some doubling-up on each side. Holben’s unlikely attempt at distinguishing between “condemnation” and “a promise of healing” is combined in Johnson’s “prohibition” viewpoint. Johnson splits Holben’s “pastoral accommodation” into “accommodation” and “legitimation” but these two categories in Johnson’s scheme amount to essentially the same thing, despite Johnson’s protests to the contrary. The same applies to Johnson’s failed attempt to split Holben’s “affirmation” position into a “celebration” viewpoint and a “consecration” viewpoint.

Johnson discusses each viewpoint in terms of how it intersects with the themes of *creation, reconciliation, and redemption* (41-43). He regards this as the particularly innovative element of his approach (*ibid.*, 262 n. 3). However, Johnson is merely asking: (1) how does homosexual orientation originate; and what does (2) repentance and (3)

¹²⁴ “Pandora and Polygamy,” Mar. 17, 2006 (p. A19; online: <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/16/AR2006031601312.html>).

¹²⁵ See esp. his Table 6 on p. 108.

¹²⁶ *What Christians Think about Homosexuality: Six Representative Viewpoints* (North Richland Hills, Tex.: Bibal Press, 1999). Johnson buries in an endnote (262 n. 3) that Holben’s typology was one of three that “informed” his own approach but does not tell readers what Holben’s scheme looks like.

transformation look like. This doesn't strike me as particularly innovative. Nor are the terms "creation," "reconciliation," and "redemption" accurate. "Creation" is not an apt designation for a sinful impulse. As for "redemption," Johnson applies it to the homosexuality issue in a way that differs from the two primary NT uses, the past and future-eschatological senses,¹²⁷ and in a way that bears little practical difference to the meaning that he gives to "reconciliation." Reconciliation and redemption in the NT are also things that *God* does whereas Johnson frames these concepts as something that humans do. It would be better to replace these three terms with what Johnson really means: *origination* and *repentance/transformation*, with the latter two elements understood as flip sides of the same coin.

Johnson claims that "in presenting this typology" he simply wants "to promote understanding" and to take "something of value" from each (41). Yet what Johnson really wants is to undermine the notion that there are only "two views on the subject, a biblical view and a nonbiblical view" (ix). This, in turn, allows him to take the main focus off of the anti-scriptural character of all homosexualist readings. Indeed, by placing the "prohibition" view on one end of a seven-view spectrum he creates the illusion for readers that this view represents an *extreme* position even though, properly understood, it not only embodies the scriptural position but also remains the dominant position of the worldwide church. By contrast, Johnson treats his own view (consecration) as a category distinct from the "welcoming and affirming viewpoints" and falsely claims that his viewpoint takes the best from both the non-affirming and affirming views (95, 97, 108).

A person who buys into this scheme could be brought to a position on homosexual practice similar to Johnson's without ever having to give serious consideration to the multiplicity of arguments against a homosexualist interpretation. Such a person will not want to appear to hold an "extreme" view on the subject and so will choose what the scheme itself treats as centrist, namely, Johnson's own "welcoming, affirming, and ordering" "consecrationist" viewpoint. But Johnson's scheme is all smoke and mirrors. Here are the five main problems with this scheme.

1. Various forms of sexual immorality, including adult-committed incest and polyamory, could be made to look reasonable by the adoption of this kind of tendentious scheme, which artificially stretches out the number of viewpoints from two basic ones to seven, places the scriptural and historic position of the church at an extreme end, and offers a "rightly ordered" viewpoint as embracing the best of all possible worlds.¹²⁸

2. Johnson's so-called "consecration" viewpoint should not be treated as a "new," distinct, and bridge-building seventh viewpoint but rather as the usual mode for expressing any of the other homosexualist viewpoints. Few in the mainline denominations have been advocating for "hedonistic" homosexual behavior over the past decades so there is nothing new or distinctive to Johnson's position. Nor is it any more bridge-building than an "ordered" stance on polyamory or incest would be bridge-building between pro- and anti-positions. Espousing faithful polyamory, incest, and homosexual practice does not "preserve the best" of a stance against these behaviors, as if the need for formal or structural prerequisites were not essential to such opposition.

¹²⁷ I.e., redemption from one's pre-Christian condition, obtained by Christ's atoning death and accomplished at conversion, and redemption of the body at the resurrection from the dead.

¹²⁸ See further Appendix 6.

3. Johnson’s attempts at characterizing differences between so-called “prohibitionist” and “tolerationist” positions lead to absurdities.

	<u>Prohibitionists</u>	<u>Tolerationists</u>
<i>Creation</i>	Homosexual desire is a deliberate choice	No choice involved in homosexual desire
<i>Reconciliation</i>	Repent even of homosexual orientation	Repent only of homosexual behavior
<i>Redemption</i>	Homosexuals must become heterosexuals	Homosexuals live a life of Stoic abstinence

None of these positions make sense. I certainly don’t recognize my own views in any of these antinomies. The causes of homosexuality are multifactorial and can include: congenital influences (usually indirect), micro- and macrocultural influences (family, peers, broader society), personal psychology, and incremental choices (some blind and some deliberate). Neither a total “free will” model nor a total “predestination” model accurately reflects current scientific evidence. The idea that one must repent for the mere experience of sinful desire is as absurd as the idea that one need not repent of entertaining sinful desire in one’s thought life. Equally absurd are the alternatives “all homosexuals must become heterosexuals” or “no homosexuals can ever experience any shift in same-sex attractions.”

There are indeed differences among those who uphold a male-female prerequisite for sexual relations regarding such things as membership, “homophobia,” “civil rights,” and how serious a sin homosexual practice is. However, these differences cannot be traced to identifiable groups that follow their own distinct pattern of interconnected positions on “creation,” “reconciliation,” and “redemption.” Certainly so-called “tolerationists” do not dispense with an argument from creation/nature (contra Johnson). Nor is it the case, as Johnson supposes, that the more opposed to homosexual practice one is the more ignorant one must be of the literary and historical contexts for Scripture or of what science tells us. In addition, the labels “non-affirming,” “prohibition,” and “toleration” are all in different ways skewed to advance Johnson’s argument. Finally, if Johnson is going to pretend that most “affirming” positions do not have “ordered” relationships in view so that he can distinguish his own “ordered” view as moderate, he could just as well add a “God-hates-homosexuals” viewpoint on the extreme end of “non-affirming” (read: complementarian) views. The “prohibitionist” approach can then be viewed as taking a moderate, loving approach to homosexual persons that rejects the living out of same-sex attractions as harmful and self-dishonoring to the participants.

4. Johnson’s “accommodation” viewpoint is neither significantly distinct from his “legitimation” viewpoint nor rightly listed as a “non-affirming” view. A position that offers support for committed homosexual relationships and permits the ordination of homosexually active candidates is *functionally* little different from any other homosexualist position.

5. Johnson’s attempt at distinguishing a “celebration” view from a “liberation” view purely on the basis of an essentialist versus social-constructionist distinction is unjustified. No material difference exists between “celebration” and “liberation” in Johnson’s “reconciliation” and “redemption” vectors; only “creation” is affected. Moreover, both essentialists and social constructionists can be found among the “accommodation,” “legitimation,” and “consecration” viewpoints.

In short, Johnson’s scheme of seven viewpoints is too tendentious and flawed to be of any heuristic value.

Conclusion

Johnson begins his book with the admission that making the case from Scripture and theology is vital to his overall argument: “If a strong biblical and theological case exists for affirming gay couples, then one of the main reasons for denying [homosexually active persons] legal and political affirmation falls away” (4). He ends his discussion of Part One: Religion with the following statement:

For a long time now, prohibitionists have argued that ... the burden of proof should rest on those advocating for change. This seems fair enough. ... Nevertheless, ... [this] does not require that I actually succeed in convincing all who disagree. It is enough that I make arguments in good faith that have biblical, theological, and moral integrity. I believe that I have done this. My arguments ... take seriously the objections of traditionalists.... The time has come ... to move toward the full consecration of exclusively committed same-gender love.... [W]e have seen that there are compelling biblical and theological reasons to do so. (155).

Given the insurmountable problems with every one of Johnson’s biblical and theological arguments that we have raised in this review essay, Johnson’s claim that he has offered “compelling biblical and theological reasons” for ecclesiastical validation of homosexual unions is nothing short of stunning. That Johnson thinks it is enough to “make arguments in good faith” in order to meet the burden of proof is just plain silly. The believers at Corinth undoubtedly made “arguments in good faith” for accepting the behavior of the incestuous man and for discounting the resurrection of the dead (1 Cor 5, 15). So what? They were wrong, deeply wrong. Sincerity is no excuse for inaccurate and illogical interpretations of Scripture and theology.

Sadly, it cannot even be said that Johnson has made his arguments with integrity. I have no doubt that he sincerely believes that committed homosexual unions should be approved by church and society. However, he has certainly not taken “seriously the objections of traditionalists.” To assert such a thing would require that Johnson at least alert readers to the main counterarguments and evidence that conflict with his own positions and accurately represent the work both of homosexualist scholars when they disagree with particular positions espoused by him and of heterosexualist scholars who disagree with his overall and particular positions. Instead, we find in Johnson’s book a nearly systematic avoidance or misrepresentation of information and arguments inconvenient to Johnson’s central positions. At points this can be attributed to incompetence but on at least some occasions the instances are so egregious as to suggest that Johnson has acted in an unethical manner. When he does mention accurately substantive arguments and evidence contrary to his own views he generally shows an inability to give a logical and coherent counter-response. Usually he resorts to a labeling “traditionalists” as motivated by irrational prejudice, fear, or hate when he cannot mount an effective counterargument.

Johnson has done only enough research to convince those who don’t have adequate knowledge of the issues surrounding the Bible, theology, and homosexual practice that he has done his homework. Those who know the field well will know that the reality is quite the opposite. There is little evidence that he has read anything more than snippets and sound bites from most of the books in his bibliography, certainly from the area of Scripture. In my view the book is not of publishable quality.

Appendix 1: Johnson's Use of Sexual Orientation as a Moral Argument

On p. 20 within his section on "Research into Sexual Orientation" Johnson offers a succinct explanation of his views on sexual orientation as a moral argument. Here is the argument broken down along with its flaws:

1. Same-gender sexual desire "is as normal and as much a part of a gay person's constitution or makeup as heterosexual desire is for others." There are three problems here.

First, "normal" as used by Johnson here is an ideologically driven descriptor, not a scientific one. Homosexual desire is not as *normal* as heterosexual desire, either in terms of statistical frequency or, more importantly, in the sense of corresponding fully to embodied structures. The anatomical incongruity of attempts at same-sex merger not only illustrates this but also symbolizes the full range of non-complementary features of same-sex bonds that includes physiology and psychology. To be erotically aroused by, and to seek merger with, what one already is as a sexual being, maleness for maleness or femaleness for femaleness, is certainly not as "normal" as a desire for the sex or gender that is complementary to one's own, maleness for femaleness and vice versa.

Second, how does Johnson know that homosexual desire is "*as much* a part of gay person's constitution or makeup as heterosexual desire is for others" (my emphasis)? He offers no statistical evidence (because none exists) that persons with homosexual desire are *as* unlikely to develop any heterosexual impulses as persons with heterosexual desire to develop any homosexual impulses. He also makes no distinction between males and females even though the very NSFG study that he loves to cite (II.5.2 above) indicates that exclusive homosexuality and heterosexuality is a less stable feature of females than of males (so can we do more to restrict female homosexual expression?). More to the point, in terms of frequency of incidence levels, the overwhelming proportion of people in the U.S. identify as heterosexual, which would certainly suggest that this, and not homosexuality, is the default position. Even by Johnson's understanding of the "Origins of Same-Gender Desire" (25-28), contributing factors to homosexual development include "*abnormal*" prenatal hormone levels (androgen insensitivity syndrome for males and congenital adrenal hyperplasia for females) and a possible "*skewing* in the X chromosome" (25, 27; my emphases). In this sense, too, homosexuality is not as *constitutive* a feature of human development as heterosexuality inasmuch as we don't speak of abnormalities or skewings as constitutive, essential, or normal to the nature of something.

Finally, by Johnson's reasoning we would have to describe polysexual desire (an orientation to more than one sex partner) and pedosexual desire (an orientation to children) similarly. For these orientations are "as normal and as much a part of" a polysexual person's and pedosexual person's constitution or makeup as monosexual and teleiosexual (adult-sexual) "desire is for others."

2. "Therefore, that desire cannot be easily discarded or eliminated as though it were somehow only an incidental part of a person's identity." Elsewhere he states: "If gays and lesbians do not experience their sexual orientation as a straightforward choice, then what

sense does it make to . . . condem[n] them?” “If the church does not choose to condemn people for their gay identity, why condemn them for their gay behavior?” (54, 60).

Few people today, myself included, would claim that homosexual desire is easily eliminated or even likely to be all but eliminated in most cases. So what? The degree of intensity and persistence with which particular desires are experienced is not relevant to ascertaining the morality of a given behavior. Polysexual impulses—sexual desires for more than one person—are common to humanity, especially to males. They “cannot be easily discarded or eliminated.” Nor can pedosexual desires, as any mental health clinician who has worked with pedophiles would attest. Other behaviors that are not normally linked to “orientations” would not be validated even if there were strong biological influences, such as adult incest (i.e. an incest orientation would not justify adult incest). As regards moral concerns, Paul in Rom 7:7-25 describes sin as an impulse running through the members of the human body, passed on by an ancestor, and never entirely within human control. Innateness in Paul’s thinking is the usual mark of sin—not surprisingly given his view of universal sin. Even homosexualist scientists recognize the moral vacuity of an argument predicated on the innateness of urges:

Despite common assertions to the contrary, evidence for biological causation does not have clear moral, legal, or policy consequences. To assume that it does logically requires the belief that some behavior is non-biologically caused. We believe that this assumption is irrational because . . . all behavioral differences will on some level be attributable to differences in brain structure or process. Thus, no clear conclusions about the morality of a behavior can be made from the mere fact of biological causation, because all behavior is biologically caused. . . . Any genes found to be involved in determining sexual orientation will likely only confer a predisposition rather than definitively cause homosexuality or heterosexuality.¹²⁹

If biological influences impact to some degree all behaviors, then any impact that they have on homosexual behavior must be deemed morally irrelevant.

3. Johnson then states: “To be sure, there are all kinds of things people may feel a desire to do that are immoral—the desire to steal, to kill, or to take advantage of others. Yet decades of research . . . have made it clear that, when gay and lesbian people live out their sexual orientation in responsible ways, the result for them is life-giving and healthy.”

Johnson concedes the point that innate desires include immoral impulses, though conveniently leaving out polysexuality and pedosexuality. Yet he then illogically carries on his argument as if the condition of innateness *contributes* to the morality of some behaviors. If anything, one could argue the precise opposite from a Christian worldview. When believers do what is right in spite of strong impulses to the contrary, their behavior is the more morally praiseworthy (Gal 5:13-25; Rom 8:5-17). For example, when one follows Jesus’ command to deny oneself, take up one’s cross, and lose one’s life for the sake of Jesus and his gospel, then one has truly behaved in a life-giving way. “For what benefit is there for a person to gain the whole world and (yet) experience loss of his soul/life?” (Mark 8:34-36). Paul declared, “I die each and every day” because of the

¹²⁹ Brian S. Mustanski and J. Michael Bailey, “A therapist’s guide to the genetics of human sexual orientation,” *Sexual and Relationship Therapy* 18:4 (2003): 432.

multiplicity of hardships that he willingly endured for the cause of Christ, “always carrying around in the body the dying of Jesus” and “being handed over to death because of Jesus” “in order that also the life of Jesus might be manifested in our body” (1 Cor 15:30-32; 2 Cor 4:7-18; 6:4-10; 11:23-12:10). So one might better flip Johnson’s argument upside down and say that when persons don’t live out of innate homoerotic desires they act in ways that are “life-giving and healthy.”

If Johnson were to counter that the same argument could be made against heterosexual desire he would miss the point. It is not the innateness of heterosexual desire for most persons that makes it morally acceptable to God in the context of the covenant of marriage. Rather it is the fact that marital heterosexual relations correspond to the God-ordained complementary structures of maleness and femaleness. Homosexual bonds dishonor the sexual self irrespective of the innateness of homosexual urges because of the logic of such bonds is that each participant is only half of his or her respective sex.

Johnson argues that “*when gay and lesbian people live out their sexual orientation in responsible ways*, the result for them is life-giving and healthy” (my emphasis). The qualification makes the claim virtually meaningless. It automatically excludes from consideration the disproportionately high rate of problems that attend homosexual relations and that arise in large measure from the absence of a true sexual complement. Almost as meaningless is Johnson’s main clause: “the result *for them* is life-giving and health” (my emphasis). The small minority of homosexual relationships that manage to dodge significant *measurable* harm do not produce something “life-giving” since the participants dishonor their sexual selves by seeing in a sexual same a sexual counterpart to themselves. They also violate the clear witness of God’s will in Scripture. Rarely do consensual sexual behaviors produce harm that is both intrinsic and measurable—certainly not adult incestuous bonds or polyamorous bonds, nor even pedosexual relationships. Johnson’s only recourse, then, is to base his entire claim on the biased self-perception of the participants (“for them”).

The end result is that Johnson’s attempt to use the innateness of same-sex attractions as a moral argument fizzles out to nothing.

Appendix 2: Is There “Little Good News” for Persons Struggling with Same-Sex Attractions in Complementarian Viewpoints?

Johnson contends that “there is little good news for gay people” in the “non-affirming” viewpoints (106). In denying them same-sex marriage it allegedly denies them “a means of grace” (97).

These kinds of remarks by Johnson represent nothing less than a denial of the gospel of the crucified Christ by which power is manifested in the midst of a cruciform life. By Johnson’s reckoning, then, there would be little good news and little grace for anyone who experiences deprivation for the cause of the gospel as a result of obeying Jesus’ command to “deny oneself and take up one’s cross” and “lose one’s life” (Mark 8:34-35). Do not the Beatitudes stress that those who will inherit the kingdom of heaven are precisely those who live in deprivation now, a deprivation that sometimes arises from obedience to God’s commands (Matt 5:3-12)? Do not the six antitheses of the Sermon of the Mount (“You heard that it was said to the ancients ... but I say to you ...”) increase the likelihood of personal deprivation for many, stressing as they do the necessity of having “righteousness that exceeds that of the scribes and the Pharisees” as a prerequisite for entering the kingdom of heaven (Matt 5:17-48)? It must be asked of Johnson: What is the good news and where is the grace for people who

- experience intense polyamorous urges on a daily basis and deep dissatisfaction with single-partner unions?
- never asked to experience exclusive, strong sexual attractions for children but do?
- struggle for their entire lives with addictions that most people never have to struggle with?
- suffer daily from serious disabilities like the loss of sight or the loss of mobility below the neck?
- live in a culture where confession of Christ brings great persecution and suffering?

Some of life’s deprivations arise from the infiltration of sin and death into the world, which befall believer and unbeliever alike. Others arise from heeding a general call to obedience to God’s commands, incumbent on all believers but at diverse points demanding greater effort by some than by others. Still others arise from specific calls or burdens given by God to specific individuals. Whatever their origin, these experiences of deprivation and difficulties are catalysts for Christ-formation, not spiritual deserts devoid of good news and grace.

God gave Paul a “thorn in the flesh, a messenger of Satan to batter me.”¹³⁰ Paul pleaded with God to put it away from him. God answered with a “no.” If we adopted Johnson’s understanding of good news and grace, we would have to conclude that there was no good news or grace in God’s response. But, on the contrary, God insisted: “My grace is sufficient for you, for my power is being perfected¹³¹ in weakness” (12:7-9). This remarkable statement defines grace not as Johnson defines it—permission to avoid

¹³⁰ Guesses as to what the ‘thorn in the flesh’ was range from a serious eye condition (cf. Gal 4:13-15) to the whole array of apostolic hardships (2 Cor 6:4-10; 11:23-33; 1 Cor 4:9-13).

¹³¹ Or: completed, brought to its goal, fully actualized (*teleitai*).

hard circumstances and difficult demands—but rather as empowerment from God to endure a “no” from God to one’s own request for deliverance. The good news is that God’s grace is not only “sufficient” even in difficult circumstances and demands but also “fully actualized” in such, when believers endure with thanksgiving for God’s bounty.

Just as the greatest demonstration of God’s power came in Jesus’ greatest moment of weakness (1 Cor 1:18-25), so too for believers it is the endurance of difficult times, not immediate deliverance from them or avoidance of them, that constitutes the supreme moment of God’s power. “So I will all the more gladly boast of my weaknesses, that the power of Christ may rest upon me. For the sake of Christ, then, I think well of¹³² weaknesses, insults, hardships, persecutions, and calamities; for when I am weak, then I am strong” (2 Cor 12:9-10). Similarly Paul could tell the Philippians: “I have learned in the circumstances I find myself to be self-sufficient,” whether in need or in abundance, “initiated” into the mystery that “I can do all things in/through (*en*) the one who empowers me” (4:11-13). Even near-death experiences serve the purpose of teaching us to “rely not on ourselves but on the God who raises the dead” (2 Cor 1:9). But for Johnson, apparently, such moments of deprivation are bereft of good news and grace.

There is no denying that a two-sexes prerequisite for sexual relationships makes a demand that is keenly felt by a subset of the total population. At the same time all rules create special burdens for a particular part of a population. For example, a rule against multiple-partner sexual bonds or against adultery creates a special burden on persons with an intense polysexual orientation; a rule against adult-child sex creates a special burden on people with a pedosexual orientation; and a rule against covetousness and theft creates a special burden on the poor.

Moreover, obedience to such rules is not without benefits. In the case of refraining from homosexual practice, one avoids dishonoring the sexual self that God created as wholly male or wholly female, since homosexual unions effectively treat the participants sexually as only half their own sex. One also avoids the high risk of contracting a life-threatening STI (if male) and a likelihood of persistent relational failures with their attendant risks for mental health (problematic in both male and female homosexual bonds, but especially the latter).

The pastor who out of a desire to be “pastoral” gives his blessing to someone with persistent homosexual attractions to engage in homosexual practice has unwittingly interfered with God’s special efforts at shaping Christ in the latter and at increasing the latter’s reliance on God’s love. Worse still, without having the power to act as Judge to acquit, such a pastor has put that individual at risk of not inheriting the kingdom of God, if Scripture is to be believed (1 Cor 6:9-10). The church simply does not have the right to change God’s foundational requirements for holy living embedded consistently in Scripture and then guarantee that in doing so no harm will befall the practitioners. Appealing on the Day of Judgment to Johnson’s permission to engage in homosexual practice will be of no value in securing an exemption before God for failing to keep God’s commands.

In addition, without diminishing the difficulties that a male-female requirement places on some “category 6” homosexual persons, it is far from being the greatest demand that God’s makes of anyone. Despite the homosexualist claim of “sexual starvation,” no one will starve from this sexual prerequisite. A high degree of intimacy is possible in non-

¹³² Or: am content with, delight in, am pleased with (*eudokō*).

sexual relationships—and non-erotic same-sex relationships should be encouraged, not eschewed, for persons with same-sex attractions. Johnson dismisses any comparison with “a heterosexual person who, for whatever reason, is without a marriage partner,” contending that the latter at least “may nurture the hope of a union the church will gladly bless” (61). Such a remark glosses over the fact that three-quarters of all persons who experience significant same-sex attractions will experience one or more shifts on the Kinsey spectrum in the course of life, even apart from therapeutic intervention (at least according to the Kinsey Institute). This means that the great majority of such persons will experience at least some heterosexual functioning at some point in life. But aside from that, a heterosexual person who has “hope” of marrying but is continually disappointed may find life harder, not easier, than a person who experiences same-sex attractions and has soberly faced the improbability of getting married. And there is certainly no *functional* difference between a heterosexual person who has never had sexual relations, in part because of an unwillingness to violate God’s purity demands, and a person with exclusive same-sex attractions who abstains from sexual relations out of obedience to God’s commands. Surely God has not withheld grace to either party.

In short, Johnson’s claim that a position that prohibits homosexual practice is void of good news and grace is itself an anti-gospel stance. It presumes that the power and grace of God can only operate in a context where God allows people to gratify intense, innate urges to do what God expressly forbids. Against this notion stands the image of the cross, which signals God’s earnest efforts at crucifying “the flesh with its passions and desires,” especially passions and desires for “sexual immorality, sexual uncleanness, and sexual licentiousness” (*porneia, akatharsia, aselgeia*, Gal 5:19, 24).

Appendix 3: Johnson's Failed Attempt at Dismissing Analogies to Committed Adult Incest and Polyamory

It would be amusing, if not for the sad implications, to see Johnson in his sparse attempts to explain why committed adult incest or polyamory do not deserve to be validated on the same grounds that he is validating homosexual unions. Counting endnotes he gives no more than three paragraphs to the question of incest (all endnotes) and two paragraphs to the question of polygamy (including one endnote).

The Incest Analogy

The analogy of adult-consensual, committed incest is allegedly wrong because (1) “incestuous relations involve the taking advantage of the vulnerabilities of a person who is a near relative” (289 n. 69) and (2) lead to “birth defects” (258 n. 107). Neither argument is compelling. The fact that Johnson buries the whole issue in endnotes suggests that he knows his arguments are unconvincing.

The first argument has no relevance for *adult*-consensual, committed incestuous bonds, for example between a man and his mother or a woman and her adult brother. It addresses only relationships with the underage, in which case retaining a strict prohibition of adult-child sex would suffice. There can be as much “vulnerability” between two unrelated persons who have grown up next door to each other and gone to the same schools as there often is between two blood-related adults. Yet we don't prohibit the former. Perhaps Johnson would have us prohibit childhood sweethearts?

The second argument has no bearing on incestuous couples where at least one of the partners is infertile or where both partners take appropriate birth-control precautions. Would Johnson, for example, care to approve of a committed, monogamous sexual relationship between a man and his widowed or divorced mother when the mother has gone through menopause? In fact, Johnson's argument has no impact on any adult, committed *same-sex* incestuous bonds.

The most that Johnson or anyone can do is point to an increased risk of measurable harm that attends approval of incestuous relationships. He can by no means demonstrate *intrinsic* measurable harm. It is the same with homosexual practice. Although no one can prove intrinsic measurable harm, there are well-documented instances of increased risk for measurable harm, owing in part to the absence of a sexual complement to offset the extremes and deficiencies in a given sex: significantly higher rates of sexual partners in the course of life and of sexually transmitted infections, especially for homosexually active males; and significantly lower rates of relational longevity and thus higher rates of mental health problems, especially for homosexually active females.¹³³ These two sets of problems accord with basic male-female differences.

What Johnson is unwilling to grapple with, but cannot reasonably escape doing so, is whether there isn't some formal or structural basis for prohibiting incest absolutely that transcends the kind of non-intrinsic arguments that he uses. Obviously Johnson is unwilling to go there inasmuch as such a structural argument would have negative ramifications for his own position on homosexual practice. Yet this is precisely what

¹³³ For studies and further explanation, see my work in both *The Bible and Homosexual Practice* (pp. 452-60, 471-85) and especially the online article ‘Immoralism, Homosexual Unhealth, and Scripture: Part II: Science’ (Aug. 2005; 40 pgs.; <http://robagnon.net/articles/homoHeterosexismRespPart2.pdf>).

Leviticus 18 does when it provides as its heading or basic principle for a series of incest laws (18:6-18): “no man shall approach any flesh (אִשָּׁה, *šəēr*) of his flesh (בְּשָׂרוֹ, *běšārō*) to uncover nakedness” (18:6). Close blood relations are already of the same flesh or kin, non-complementary as regards sexual union with a *familial* other.¹³⁴ In the case of man-male intercourse, because the woman is the proper complement to a man, the male with whom a man has sex is put in the place of a woman, non-complementary as regards sexual union with a *sexual* other (18:22; 20:13). In both cases, one is having intercourse with someone who is too much of a structural or formal “same,” whether on kinship or gender/sex lines. Johnson partly ignores, partly attempts to circumvent this point that I have made often in my writings.

The Polyamory Analogy

Johnson fares little better in his attempts to explain why committed polyamory—sexual bonds involving more than two adults concurrently (or “polyfidelity”)—should be rejected categorically while committed homosexual unions should be permitted. Johnson gives three very brief arguments (169-70, 301 n. 51).

First, he claims: “Prohibiting polygamy has to do with the definition of marriage, which poses a different kind of legal question than discrimination against individuals because of their identity.”

This is false. If anything, “gay marriage” is an instance of an even greater overhauling of marriage than polygamy. In ancient Israel, men, though never women, were allowed a sexual bond with more than one woman currently. Same-sex sexual intercourse was never allowed under any circumstances. Jesus treated the twoness of the sexes as foundational for the limitation of sexual unions to two people.

How about “discrimination against individuals because of their identity”? Polysexuality is as much a sexual orientation as homosexuality, to say nothing of pedosexuality. There are many more people in the world who experience intense sexual urges for more than one person than there are people who experience near-exclusive same-sex attractions. (Only slightly facetiously might we designate the former group as all men.) They don’t necessarily want to give up one spouse to marry another. Limiting marriage to two persons concurrently is a discriminatory practice against consenting adults with a polysexual orientation. It is even more discriminatory to bisexual persons who experience strong sexual urges for both sexes and would be happy to enter into an egalitarian “threesome” (or more) where the parties all have sex with each other—in a committed relationship of course.

Second, Johnson claims: “Polygamy is a way of life that does demonstrable harm to women and children.” If by “demonstrable harm” Johnson means *intrinsic* demonstrable harm, then the statement is flatly false. Johnson cites a book that tells the story of *eighteen* women who “escaped” Mormon and “Christian fundamentalist” polygamy (301 n. 51). Eighteen dissatisfied women? Estimates of people in polygamous arrangements in the western United States hover around 20,000-50,000. One can probably get a much larger percentage of “ex-gays” testifying about the harm involved in homosexual relationships. Like many people, I have seen interviewed on television adult women in traditional polygamous relationships who heartily endorse the practice.

¹³⁴ In-law or affine relations are forbidden by extension.

I have no doubt that a higher risk of measurable harm is associated with polygamy than with monogamy. Nevertheless, this harm is far from intrinsic. Indeed, the harm associated with traditional heterosexual polygamy, both today and historically, is probably considerably less than the harm associated with homosexual practice: a lower rate of STIs, longer-lasting relationships on average, fewer substance-abuse issues, and ironically (compared to homosexual males) fewer numbers of sex partners lifetime. Johnson is extraordinarily gullible about the harm associated with homosexual practice while being hypercritical of the harm associated with polygamy.

Johnson contends: “No such similar harm has been demonstrated regarding relationships between gays.” This statement is false unless one wants to place all the stress on “similar.” Homosexual unions produce *different* kinds of harm than polygamy. The harm associated with the latter tends to arise from non-intrinsic corollaries such as polygamous bonds with adolescents or overly heavy-handed authority-submission roles. Heterosexual women on average also experience more psychic discomfort from sharing a lover with others than do men in male homosexual relationships. Still the phenomenon is not so intense as to keep tens of thousands of women out of polygamous arrangements. If polyamorous bonds could receive the same kind of support from the media that homosexual bonds are now getting, there would doubtless be many more participants singing its praises.

Third, Johnson claims: “The right to marry the person you love is not the same as the right to marry as many persons as you love.” Well, everything is different at some level. One could just as well make the distinction that the right to marry a person of the other sex, who complements one’s sexuality, is not the same as the right to marry a person of the same sex, who is not one’s sexual complement. To override the former example while affirming the latter is arbitrary. One example makes a stand on a distinction in sexual complements, the other makes a stand on a distinction in number. Once someone like Johnson has eliminated arguments based on structural or embodied correspondences, there is no legitimate basis for ruling out absolutely all other rights where intrinsic harm cannot be demonstrated and especially where orientation is involved. The basic principle that a person has a right to marry consistent with one’s “orientation” is just as much applicable to a polysexually oriented person who wants to enter a multiple-partner heterosexual union as it is to a homosexually oriented person who wants to enter a single-partner homosexual bond. In fact, there is much more of a right since a heterosexual polygamous act does not have quite the same degree of unnaturalness as a homosexual bond, as has been generally recognized throughout history by most cultures.

Furthermore, as already shown, Jesus predicated his argument about marital “twoness” on the twoness of the sexes, male and female. If sexual dimorphism is no longer foundational, then there is no scriptural, logical, or nature-based reason by which one would proscribe all polyamorous unions. Why limit the arrangement to two persons if the self-contained wholeness of uniting the two primary sexes into one is no longer valued? At that point opposition to committed multiple-partner unions amounts to nothing less than residual prejudice. If someone argues that one cannot love more than one other person fully, the response is simple: What parent who has more than one child loves each individual child less? Or what person who has more than one sibling loves each sibling any less because of the increase beyond one? Or what child who has two parents living at home loves each parent less because there are two? People are capable

of loving intensely and fully more than one person at the same time. There is no legitimate basis for restricting the right to marry whomever one loves to one person unless one comes to the realization that sexual love, unlike non-erotic love, must conform to certain criteria regarding structural complementarity; here, namely, that the limitation of a sexual bond to two persons naturally arises from the existence of two primary sexes.

Johnson hints at a monetary basis for declining marriage to multiple-partner sexual bonds, claiming that “there is a strong governmental interest in limiting [marital] benefits to one significant other and not more.” However, civil recognition of polygamy is not likely to increase the total number of persons receiving marital benefits. It will simply reconfigure the marital arrangements. Indeed, it might even result in fewer people being married. Every person who enters a polygamous bond will reduce the total pool of potential mates for persons inclined toward monogamy. Arguably, granting marital benefits to homosexual relationships is more likely to increase total government expenditures than granting the same benefits to polysexual relationships.

Lest anyone get the notion that societal endorsement of polyamory and ultimately adult incest can never happen, it is important to bear in mind the inroads that have already been made in a very short time since the homosexualist agenda has taken hold. Many important groups and figures in homosexualist circles have entertained the idea of supporting faithful polyamorous unions, including: the Gay Men Issues in Religion group at the American Academy of Religion; Marvin Ellison, a homosexual PCUSA professor of Christian ethics at Bangor Theological Seminary; William Countryman, a homosexual Episcopal professor of New Testament at The Church Divinity School of the Pacific; presentations at the General Conference of the Metropolitan Community Churches; cohabitation contracts for multiple-partner bonds in the Netherlands; Unitarian Universalists for Polyamory Awareness, endorsed by the President of one of UU’s two seminaries; Elizabeth Emens, a University of Chicago Law School professor; sympathetic treatments of polyamory in the *New York Times*, the *New York Post*, *Baltimore Sun*, *Newsweek*, and *USA Today*; television broadcast series such as *Three of Hearts* (Bravo) and *Big Love* (HBO).¹³⁵

The case for state-endorsed polyamory is much further along than the case for adult incest—hey, one “breakthrough” at a time. Yet decriminalization of incest—the first step toward civil ceremonies—is already being widely debated, as *Time* magazine did in its Apr. 5, 2007 article, “Should Incest Be Legal?”¹³⁶ or the *Boston Globe* in a May 2, 2007 piece, “Lawful incest may be on its way,” which reports on decriminalization efforts in Europe.¹³⁷

As Charles Krauthammer has written in the *Washington Post* about polygamy, “don’t tell me that we can make one radical change in the one-man, one-woman rule and not be open to the claim of others that their reformation be given equal respect.”¹³⁸

¹³⁵ Cf. my ‘Why the Disagreement over the Biblical Witness on Homosexual Practice? A Response to Myers and Scanzoni, *What God Has Joined Together?*’ *Reformed Review* 59 (2005): 19-130, here 36-39, 42-44 (online: <http://www.westernsem.edu/wtseminary/assets/Gagnon2%20Aut05.pdf>).

¹³⁶ Online: <http://www.time.com/time/nation/article/0,8599,1607322,00.html>.

¹³⁷ Online: http://www.boston.com/news/globe/editorial_opinion/oped/articles/2007/05/02/lawful_incest_may_be_on_its_way/.

¹³⁸ ‘Pandora and Polygamy,’ Mar. 17, 2006 (p. A19; online: <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/16/AR2006031601312.html>).

As I note in sec. XII above, my point here is not merely to make a slippery slope argument (contra Johnson, 52). Rather, my main point is to challenge readers who find incest and polyamory highly objectionable to recognize that the foundation on which an absolute rejection of incest and polyamory is based is a two-sexes prerequisite for sexual relations. A male-female prerequisite establishes on a formal or structural level both the principle of a certain degree of complementary otherness (on which a prohibition of intercourse with a familial same is based) and the principle of the twoness of sexual relations (on which a prohibition of polyamory is based). Violation of the foundation is obviously worse than a violation of superstructure built on the foundation.

Appendix 4: Other Distortions of My Work in Johnson's *Theology Today* Review

In sec. II.6 above, I pointed out four direct distortions of my first book, *The Bible and Homosexual Practice*, that appeared in Johnson's book *A Time to Embrace*. In addition to these, other distortions by Johnson appear also in his review of *The Bible and Homosexual Practice*, which came out in *Theology Today* a few months after his book came out.¹³⁹ Here I pick up where I left off in II.6.

(5) Johnson claims that "Gagnon misguides the reader ... also by wrongly conceiving the reason for the biblical prohibitions as '**gender complementarity**,'" with Johnson alleging that "premodern societies are characterized as thinking in terms of gender hierarchy, *not* gender complementarity" (390; my bold). Note the "this ..., not that" formulation. Here again Johnson simply ignores the evidence that I do supply.¹⁴⁰

My observation about gender complementarity is hardly a novel one for the Greco-Roman milieu. Hubbard in his *Sourcebook* asserts: "Basic to the heterosexual position [against homosexual practice in the Greco-Roman world of the first few centuries C.E.] is the characteristic Stoic appeal to the providence of Nature, which has matched and fitted the sexes to each other."¹⁴¹ Craig Williams in *Roman Homosexuality* writes: "Some kind of argument from 'design' seems to lurk in the background of Cicero's, Seneca's, and Musonius' claims [against homosexual practice]."¹⁴² William Schoedel in his important article, "Same-Sex Eros: Paul and the Greco-Roman Tradition," notes that ancient writers "who appeal to nature against same-sex *eros* find it convenient to concentrate on the more or less obvious uses of the orifices of the body to suggest the proper channel for the more diffused sexual impulses of the body."¹⁴³ An example of this kind of thinking can be found in the second-century physician Soranus (or his later "translator" Caelius Aurelianus), who referred to *molles*, "soft men" eager for penetration (i.e. the Latin equivalent for the term *malakoi* in 1 Cor 6.9), as those who "subjugated to obscene uses parts not so intended" and disregarded "the places of our body which divine providence destined for definite functions" (*On Chronic Diseases* 4.9.131). Nature arguments that suggest male-female complementarity appear already in Plato's *Symposium* and *Laws*. These become more pronounced in the Roman Imperial Age.

We have already noted in sections IV.1, V.3-4, and VIII.8 that the Old Testament already indicates an awareness of the exclusive complementarity of "male and female," of woman being "taken from" man, and of a male who becomes the object of another man's sexual affections as one with whom a man lies "as a woman." Hierarchy alone does not explain why ancient Israel, early Judaism, and early Christianity stood so resolutely opposed to homosexual practice, presupposing a male-female prerequisite for every single discussion of sexuality in laws, narratives, poetry, proverbs. Jesus clearly predicated his theology of sexuality on exclusive male-female pairing (IV.2).

¹³⁹ *Theology Today* 63 (Oct. 2006): 386, 388, 390, 392, 394. Johnson 'reviewed' Jack Rogers' book, *Jesus, the Bible, and Homosexuality* (Westminster John Knox, 2006), alongside of my book, which was published in 2001 (not 2002 as Johnson records).

¹⁴⁰ Cf. *The Bible and Homosexual Practice*, 257-59, 364-84; "Review Essay of *Homosexuality, Science, and the "Plain Sense" of Scripture*, Part 2," 249-56.

¹⁴¹ *Homosexuality in Greece and Rome*, 444.

¹⁴² P. 242.

¹⁴³ P. 46 in Balch (ed.), *Homosexuality, Science, and the "Plain Sense" of Scripture*.

(6) Johnson alleges that “there is nothing in Gagnon’s work that helps us explain why same-gender sexual orientation arises with a consistent statistical frequency in this world that God made and pronounced good” (392). What Johnson doesn’t tell readers is that I don’t agree with his presumption of “**consistent statistical frequency.**” I give evidence for wide variations in incidence levels both cross-culturally and within our own country across geographical and educational variables.¹⁴⁴ Why would I try to explain or justify what I find to be an erroneous assumption?

(7) Johnson makes the outlandish claim that “**Gagnon’s work departs from classical orthodoxy**” as regards homosexual practice (392; my bold)—all the more stunning considering the source of the allegation is a zealous advocate for a radical departure from classical orthodoxy’s understanding of marriage.

According to Johnson, I depart from classical orthodoxy by not allowing “the biblical texts, through word and Spirit, to call the church to new faithfulness in new situations.” The erroneous premise of such an argument should be obvious to most first-year seminary students; namely, the premise that “new faithfulness in new situations” requires, and always requires, abrogating scriptural values that are pervasively, strongly, and counterculturally held. Such a premise would compel Johnson himself to deviate from Scripture’s absolute opposition to incest where love and commitment were demonstrated, Scripture’s consistent criticism of oppression of the poor, and its affirmation of the lordship of Jesus Christ, to name a few of countless examples that could be cited. By Johnson’s own reasoning, if he refused to embrace “egalitarian” forms of committed polyamory, he would be guilty of not allowing the Spirit to move us toward “new faithfulness in new situations,” for earlier periods never or rarely embraced a non-patriarchal form of committed plural unions.

Nor can Johnson allege, as he implies here, that I have investigated *only* what the Bible has to say and not looked into its historical context or into contemporary social and scientific studies. For these areas I have researched more extensively than Johnson has. I have looked into the main arguments for deviating from Scripture’s clear witness and found all of them wanting due to misrepresentation of what Scripture’s authors say, of the ancient socio-historical milieu, and/or of current scientific evidence. Had Johnson done even a superficial reading of the 145-page, last chapter of my first book, “The Hermeneutical Relevance of the Biblical Witness,” where I discuss and systematically refute seven main arguments for circumventing the biblical witness, he could not have failed to note this, unless he were deliberately attempting to deceive his readers.

(8) Johnson adds: “There is *nothing in Gagnon’s approach* to scripture, moreover, that **requires the Incarnation or the work of the Spirit** for its efficacy” (392; my emphasis and bold). This too is false. The Incarnation and the work of the Spirit most often function to empower us to do what God commands, not (as Johnson apparently thinks) to violate what God commands. This is the point, for example, of Paul’s remarks in Rom 6:1-8:17; Gal 5:13-26; 1 Cor 5-6. The Spirit aids persons who experience same-sex attractions not to give in to these impulses, to die to them so that one might live for God, and to experience the life of Christ amidst such denial of self.

¹⁴⁴ For the former I cite David Greenberg, *The Construction of Homosexuality* (Chicago: University of Chicago Press, 1988), 74-77, in *The Bible and Homosexual Practice*, 415; for the latter I cite Edward O. Laumann, et al., *The Social Organization of Sexuality: Sexual Practices in the United States* (Chicago: University of Chicago Press, 1994), 307-8, in *The Bible and Homosexual Practice*, 416-17.

(9) Johnson repeats a canard from Rogers, to which I have already responded at length but which Johnson ignores:¹⁴⁵ “At the end of the day there is **nothing in Gagnon’s approach that even requires the Bible**, since everything one needs to know about sexuality can be deduced from the functionality of body parts” (392, my bold). Johnson’s summary of my nature argument as “the functionality of body parts” once again inaccurately truncates my position. As I note in the conclusion to my first book (surely Johnson read at least this), “complementarity extends [beyond the anatomical/procreative dimensions] also to a range of personality traits and predispositions that contribute to making heterosexual unions enormously more successful in terms of fidelity, endurance, and health than same-sex ones.”¹⁴⁶ That aside, what would Johnson have me do that would satisfy his desire of “requiring the Bible”? Adopt his position, which constitutes a radical rejection of what the Bible says about a foundational requisite for sexual relations? Only a few sentences earlier Johnson blames me for allegedly limiting myself to the Bible. Here he does the opposite, blaming me for constructing a nature argument based on embodied existence instead of limiting myself exclusively to the Bible. Go figure.

The erroneous premise of Johnson’s allegation is that one makes Scripture irrelevant if one appeals to *any* source of knowledge and reason outside Scripture, even if that source reinforces what the writers of Scripture say. Of course, Johnson talks out of both sides of his mouth because in his own work on homosexuality he insists that reason, science, and experience be given the decisive role in reinterpreting the Bible. Indeed, he makes use of a (flawed) nature argument whenever he appeals to “new knowledge” about homosexuality as a “natural” condition for some. If one were to follow Johnson’s logic, one could never give reasons for why the Bible’s stance on a given issue makes sense, even in our own cultural context, for to do so would be to make the Bible irrelevant. That would mean that if one were to construct a nature argument or *any* argument additional to a “Scripture forbids it” argument, as to why incest, pedophilia, or bestiality is wrong, one would be guilty of not “requiring the Bible.”

Since the apostle to the Gentiles, Paul, makes an appeal to a nature argument in his indictment of idolatry and homosexual practice in Rom 1:18-27 (cf. Wisd 13:1-9), and Scripture elsewhere from time to time appeals to natural revelation,¹⁴⁷ it can hardly be anti-scriptural to make the same kind of appeal. This is especially so in the form that I use it, where I don’t use it to supplant Scripture, which I clearly give priority, but only to supplement what Scripture has to say for people like Johnson who refuse to accept Scripture’s revelatory word on the subject.¹⁴⁸ Nor do I regard information from natural theology as sufficient for salvation but rather, with Paul, as sufficient for God to hold persons who lack God’s direct revelation accountable or “without excuse.” As a Reformed theologian, too, Johnson ought to know that this is how the classical Reformed tradition understood natural theology (e.g., Calvin’s commentary on Romans 1:19-20 and the opening words of the Westminster Confession of Faith of 1643).

¹⁴⁵ “Bad Reasons for Changing One’s Mind: Jack Rogers’s Temple Prostitution Argument and Other False Starts” (2004, 26 pgs.; online: <http://robgagnon.net/articles/homoRogersResp2.pdf>), here pp. 12-18.

¹⁴⁶ *The Bible and Homosexual Practice*, 488.

¹⁴⁷ Cf. James Barr, *Biblical Faith and Natural Theology* (Oxford: Clarendon, 1993).

¹⁴⁸ See *The Bible and Homosexual Practice*, 256-57, 337, 487-88.

Johnson ends his review with condescension and a snide remark about me and others like me: “By grace, the church must continue to embrace even **those who have made rejection of gays and lesbians their fundamental article of faith**” (394; my bold).

In the first place, it is not Johnson’s place to be the “gatekeeper” to decide who is to be “embraced” and who isn’t. It is Johnson and people who share his view who are the ones who are rejecting a core value in Scripture’s sexual ethics, including Jesus’ sexual ethics, not those who uphold a male-female prerequisite in sexual relations. Nor does Johnson in any way model well what it might mean to “embrace” another in a godly manner

Second, he knows that I certainly don’t view my position as one of “rejecting persons” who experience same-sex attractions. That is a pejorative characterization. He knows from the introduction of my book (pp. 31-37) that I describe my own motivation as one of wanting to *reclaim*, not reject, persons who live out of homoerotic attractions. I could not adopt Johnson’s position inasmuch as, given what I know about Scripture understood in its context, it would be functionally unloving for me to adopt his position. For by my words and actions, irrespective of my intent, I would be putting many at risk of not inheriting God’s kingdom.

Third, he closes with the additional false witness that I and others make a two-sexes prerequisite for sex our “fundamental article of faith,” as if to suggest that it is for us *the* or *the only* foundational issue (it is also more a standard of behavior than an “article of faith”). Obviously, the Lordship of Jesus Christ is primary and also our response of love to God and neighbor. Abstaining from immoral sexual behavior is an important element of obedience to Christ’s lordship and love for others. Homosexual practice is regarded in Scripture as one of the gravest violations among consensual sexual behaviors. Although Johnson insinuates that I and others make too much of this issue, homosexuals in the church like Johnson have collectively invested far more energy in promoting their immoral agenda than those who support the scriptural and historic affirmation of a male-female prerequisite have in defending the church from the imposition of such immorality. It is they who have been the active aggressors against the church and we only the reactive defenders. The time that some give to defending the church from this assault is a manifestation of the fact that homosexuals threaten to change forever the church’s scriptural and historic view on a foundational matter of human sexual ethics. No other historic concern of the church is threatened with extinction to the degree that this one is.

Johnson’s closing attempt at misrepresentation is of one piece with his entire review of my book. Rather than treat my work with honesty Johnson feels compelled to construct a “straw man” in the hope that he will persuade people to avoid reading my work altogether. Johnson’s apparent rationale is that, if he can get people not even to read my work by giving it such a bad and distorted review, he can prevent many from finding out the serious errors and failings of his own work.

Appendix 5: Plato's *Laws* and Johnson's Exploitation-Hedonism Argument

Let us see how Johnson's use of an exploitation and hedonism argument fares in comparison to one of the most important anti-homosex texts in Greco-Roman antiquity: Plato's *Laws*. Here Plato discusses the ideal state and particularly how the young should be educated, through a dialogue between an Athenian stranger (who represents Plato's views) and a Spartan named Megillus. The objections raised by the Athenian to homosexual practice, which are absolute,¹⁴⁹ have nothing whatever to do with issues of hedonism and exploitation, at least as defined by Johnson and others. Rather, the Athenian objects that nature shows homosexual practice to be wrong, in three ways.

First and foremost, "joining with (adult) males and boys in sexual intercourse as though with females" puts the receptive partner in the place of a female, engendering "softness" instead of a "manly character" in the beloved "who imitates the female."¹⁵⁰ It also damages the character of the active partner by the loss of self-control with respect to gratifying unnatural pleasures (836C-E, 837B-C, 636D).

Second, "the pleasure experienced . . . when male mates with male or female with female" is "contrary to nature" because such unions are structurally incapable of procreation and could lead to the extinction of the human race (636C, 838E, 841D-E).

Third, nature shows its aversion to homosexual practice in not giving animals the desire to engage in such behavior (636B, 836C, 840D-E).

These arguments are appropriated and expanded by Jewish writers of Paul's day such as Philo and Pseudo-Phocylides so that one cannot argue that Plato is too distant in time from the New Testament to be of relevance.¹⁵¹ As none of these reasons for disavowing homosexual practice fit Johnson's main thesis, the exploitation-hedonism argument, he is obligated to acknowledge its error and cease using it.

After being compelled to drop the exploitation-hedonism argument, Johnson would then have recourse only to orientation and misogyny arguments. Doubtless, Johnson would respond that: (1) Plato's first argument about female-like "softness" is misogynistic (225); (2) his second argument is inconsistent given that we don't reject infertile heterosexual intercourse and irrelevant given today's overpopulation (30, 51, 137, 286 n. 60); and (3) and his third argument is scientifically false since we are aware today of congenitally influenced homosexuality among both animals and humans (80). However, such a response on Johnson's part would miss the underlying argument that ties together Plato's tripartite defense of a male-female prerequisite for sexual activity; namely, that same-sex sexual bonds are *structurally* incompatible because the only sexual complement to one's sex is the other sex, anatomically, physiologically, and psychologically.

Against the use of a misogyny argument, Plato's discussion here is actually quite affirming of women for the conventions of the day. He speaks of the sexual pleasure not only of a male for a female but also of a female for a male as "in accordance with nature"

¹⁴⁹ *Laws* is Plato's last work. It shows an absolute opposition to homosexual practice not in evidence in earlier works. *Phaedrus* provides a transition to this critical view by speaking of sexual intercourse between a man and his beloved as "contrary to nature" and encouraging a relationship without sexual intercourse while yet tolerating lapses given the beauty of his beloved and the intensity of the sexual desire.

¹⁵⁰ Translations of *Laws* are my own.

¹⁵¹ Cf. *The Bible and Homosexual Practice*, 166-83.

(636C, 836A). The Athenian also stresses the necessity of promoting through law and other cultural inducements marriages where “men [are] truly fond of their own wives” (839A) and where both husband and wife are faithful to each other in lifelong monogamous bonds of mutual love (840E).

Nor would an orientation argument have any material impact on Plato’s overall argument since he acknowledges both the innateness of male sexual desires for males and the difficulty (though necessity) of mastering such pleasures (636C-D, 837B-C, 839A, 840C). In this connection one should compare Plato’s portrait of Socrates in *Symposium* 216-18 and *Charmides* 155D as someone who learned to manage intense sexual desires for males. Plato’s discussion of love of boys in *Phaedrus* 249-56 vividly illustrates the powerful sexual temptation that confronts the philosophic lover of boys.¹⁵² Relevant too is Plato’s portrayal of Aristophanes’ myth for justifying congenital homosexuality in *Symposium* 189-93. Plato does not see “contrary to nature” as implying no innate sexual urges for the male but rather as implying incompatibility with embodied structures (woman as the sexual complement to man). To act “contrary to nature” is to demonstrate an inability to control innate passions in a manner that accords with nature’s structures.

Nor will it do to isolate Plato’s procreation argument from his overall argument of structural discomplementarity, since the Athenian treats infertile homosexual unions as far worse than infertile, and even adulterous, forms of heterosexual intercourse. The former is to be banned “entirely” whereas the latter might be barely tolerated if attempts are made to keep such heterosexual misbehaviors hidden (841E). Later in the first century C.E. even Philo, who insisted that men not marry infertile women “already proven to be so by other husbands” and commented often on the non-procreative incapacity of homosexual relations, recognized the difference between infertile heterosexual unions

¹⁵² Plato, in the persona of the early sixth century poet Stesichorus, talks about the great internal struggle that the lover of boys feels in his efforts to keep the relationship with a beautiful boy from devolving into sexual intercourse. Using the illustration of the soul as a tripartite structure consisting of charioteer, a good horse, and a bad horse, Plato states that the good horse “by its sense of shame . . . prevents itself from jumping on the boy” (254A). The bad horse, however, continually leads the other two to the boy in order to proposition the boy for sex. The charioteer must repeatedly yank back the reins and bit, bloodying the bad horse’s mouth, in order to bring him back into line. When the boy accepts the lover’s companionship, and indeed develops his own desire for the lover, “the lover’s undisciplined horse” becomes the more eager to reassert its desire for sex (255). At this point many even of the philosophically minded succumb to the temptation. In *Phaedrus* Plato, though advocating love of boys without sexual intercourse, depicts the beauty of boys as one of the powerful images on earth of the true heavenly beauty. The philosophic mind that beholds it is driven to divine “madness” and cannot bear to be separated even for a moment from the boy. Plato himself is clearly obsessed with youthful male beauty, even as he tries to keep the obsession under control. Even in *Phaedrus* he calls male love of males a “pleasure contrary to nature” (250E) and attributes to the charioteer and good horse of the soul a “sense of shame” that inhibits the controlling influence of such pleasure. Yet Plato in *Phaedrus* is gentle to the philosophic pair that ultimately succumbs to sexual intercourse:

[W]hen they have consummated [the relationship] once, they go on doing this for the rest of their lives, but sparingly, since they have not approved of what they are doing with their whole minds. So these two also live in mutual friendship, though weaker than that of the philosophic pair [that has not succumbed to intercourse]. (256C)

They never break their “firm vows” to each other. “In death they are wingless when [their souls] leave the body,” but they have nevertheless “begun the sacred journey” and “will grow wings together when the time comes.” And so “the rewards” that come “from a lover’s friendship . . . are as great as divine gifts should be” (256; trans. of *Phaedrus* by A. Nehamas and P. Woodruff [1995] in Hubbard).

and infertile homosexual unions.¹⁵³ This is even more likely to be the case for Paul, who did not stress procreation as a requirement for marriage but rather viewed procreation primarily in heuristic, rather than prescriptive, terms.

Adult consensual incest provides a nice parallel case, all the more because Plato cites in *Laws* sex with one's sibling, grown child, or parent as his sole example of how powerful cultural sanctions can effectively preclude men "from (engaging in) sexual commerce with beautiful persons" (838A-C, 839A). As with homosexual practice, Plato's rejection of incest obviously is not limited to exploitative or hedonistic forms. The rejection is absolute. Now suppose Plato had cited as the "traditional" justifications for rejecting incest absolutely: first, that incest blurred hierarchical boundaries;¹⁵⁴ second, that it led to complications in childbirth; and, third, that it was not generally practiced even by animals. Suppose too that someone today countered each one of these explicit justifications by noting, for example, that ancient views of patriarchal dominance are no longer applicable; that childbirth can now be readily prevented and at any rate leaves unaffected unions where one of the family members is infertile (or both partners are the same sex!); and that we now know that incest occurs both among animals and, cross-culturally, among some human population groups.

Would such a rebuttal really get at the heart of the problem with incest for most ancients and moderns? Probably not. The real rationale behind prohibitions of incest and prohibitions of same-sex intercourse is often deeper and more difficult to formulate than the explicit surface arguments used. The reason for this is that one is touching on irreducible minimums of human sexual ethics. Why not have sex with your mother? The answer is quite simple: She's your mother. Arguments about hierarchy, procreation, and the animal kingdom identify secondary or "symptomatic" rationales for an underlying, unstated opposition; namely, the problem of too much structural or embodied sameness, whether on the level of familial relations (incest) or on the level of sex or gender (same-sex intercourse). Attempting to refute each of the surface rationales separately does injustice to the underlying, yet often unstated, rationale that ties the whole together.

So, for example, the discovery that some animals participate in same-sex intercourse or in incest does not undo the foundational point that "nature" involves not just innate impulses but, more importantly, embodied or material congruities. The fact that some animals and some human population groups practice incest or, for that matter, pedophilia does not make such behavior "natural" in the deepest sense. Similarly, one may try to dismiss a procreation argument against homosexual unions by noting (as Johnson repeatedly does) that we do not condemn infertile heterosexual unions, just as one may dismiss a procreation argument against incestuous unions by diverting attention to incest where procreation is impossible or prevented. Such dismissals ignore the fact that these

¹⁵³ Ibid., 167-68. For instance, Philo did not recommend that husbands divorce a young bride after discovering her infertility over a period of years (*Special Laws* 3.34-36). He would, however, have vehemently insisted on the immediate discontinuance of a man-male sexual bond, if not also the execution of the parties involved. At least "men mad after women or women (mad) after men . . . [paid] tribute to the laws of nature"; such, however, was not the case with "men (mad) after males" (*Contemplative Life* 59).

¹⁵⁴ For example, parental authority over children is disregarded when transgenerational incest occurs or when a man takes to marriage a woman and her daughter. Such hierarchical concerns undoubtedly did influence laws against incest. The mistake, however, would be to truncate all opposition to incest to this one concern while ignoring concerns for too much structural, embodied sameness.

procreation problems are symptoms of, and clues to, the foundational problem with these unions; namely, their noncomplementary character.

There is a difference between an infertile union of a man and a woman, where the “equipment,” so to speak, doesn’t work, on the one hand, and an infertile union between two members of the same sex, where the equipment doesn’t even exist, on the other. One might refer to the latter as “structural infertility” and view it as one surface-sign of, or clue to, the deeper incongruity of homoerotic relationships. The same applies to higher incidences in birth defects for incestuous bonds. Such birth defects are neither inherent to such unions nor unique to them. It is a matter of degree. But a difference in degree only does not mean that the entire procreation argument has to be thrown out. The higher structural propensity of birth defects among incestuous couples can be rightly viewed as a sign of a deeper, structural incompatibility in such a sexual pairing.

Appendix 6: The Effect of Applying Johnson's Scheme of Seven Theological Viewpoints to Adult, Committed Incest and Polyamory

One way of underscoring how flawed is Johnson's scheme of seven theological viewpoints on same-sex relationships is to examine its negative effect if applied to adult, committed incest and polyamory. Such an application would give the erroneous illusion that the scriptural and historic position of the church is extreme.¹⁵⁵ For example:

Non-affirming Viewpoints

- (1) *Prohibition*: flatly opposes all polyamorous relationships and all incestuous relationships, treating them as perversions and the very desire for such relationships as sin.
- (2) *Toleration*: welcomes into church membership active participants in polyamorous relationships and in incestuous relationships, recognizing that desire itself is not sin, but still refuses to bless the unions or allow ordination of participants.
- (3) *Accommodation*: does not regard polyamory and incest as perfect goods but treats faithful adult polyamorous bonds and incestuous bonds as the "lesser-of-the-evils" by averting promiscuity and underage relationships, and thus deserving of pastoral recognition and support.

Welcoming and Affirming Viewpoints

- (4) *Legitimation*: regards the condemning of polyamorous relationships and incestuous relationships as a justice issue, rejecting the unfair singling out and condemnation of persons who are born with an intense polysexual orientation and persons who involuntarily develop sexual attractions for close blood relations.
- (5) *Celebration*: believes that polyamorous sexuality and incestuous sexuality should be celebrated as part of nature's diversity and exuberance.
- (6) *Liberation*: advocates that monogamy and exogamy are as much social constructs as polygamy and incest; and, further, that it is society's duty to undo oppressive social structures.

Welcoming, Affirming, and Ordering Viewpoint

- (7) *Consecration*: recognizes that polyamory and incest are neither good nor bad in themselves but need to be rightly ordered in adult covenantal relationships, where

¹⁵⁵ It would not do to object, as Johnson might, that we don't have large segments of the church today arguing for polyamory, much less adult incest or pedophilia. First, Johnson himself presents his "ordering" view of homosexual relationships as distinct from the three other "welcoming and affirming" viewpoints, which already suggests that none of these three viewpoints, in Johnson's mind, has in primary view monogamous and long-term relationships. This presupposes that advocacy for "unordered" or "non-ordered" sexual relationships constitutes a major component of the "welcoming and affirming" views. Second, fifty years ago no one would have accepted the application of a Johnson-like scheme for homosexual practice as a valid *theological* description. Yet it has come to pass for significant segments of the church today. Logically there is no reason why the taboos against polyamory and incest, which have already begun to erode, should not experience over time the same shifts in opinion in the church since opposition to these behaviors is predicated on the twoness of the sexes and the formal rejection of too much structural likeness, two predicates of a complementarity stance that is now in danger.

the participants are bound together in companionship, commitment, and community.

A person who buys into this scheme will be compelled thereby to adopt some sort of affirming position toward “rightly ordered” polyamorous relationships and incestuous relationships in order to avoid looking like an extremist. Such an outcome underscores the absurdity of the scheme. This scheme would make Paul’s stance on the incestuous man in 1 Cor 5 look extreme because he insisted on church discipline and was utterly uncompromising as regards any accommodation to a “rightly ordered” incestuous bond. The same would be even more true of Jesus’ emphasis on the *two-becoming-one* character of sexual relationships (i.e. monogamy), followed by Paul and the early church generally, since the Old Testament witness already allowed significant accommodation to polygyny and since too many people (especially among men) possess a natural and intensely felt polysexual orientation.

The bottom line is that advocacy of various forms of sexual immorality, including the one put forward by Johnson, can be made to look reasonable by the adoption of this kind of tendentious scheme, which artificially stretches out the number of viewpoints from two basic ones to seven, places the scriptural and historic position of the church at an extreme end, and offers an “ordering” viewpoint as embracing the best of all possible worlds.

Appendix 7: Other Illogical Arguments Put Forward by Johnson

Problems with the logic of Johnson's argumentation abound in his book, as we have seen. Here are a few more.

1. *An illogical attack on "prohibitionists"*

According to Johnson, "prohibitionists" have twisted themselves into an illogical position:

Remarkably, prohibitionist arguments contradict themselves by alternating between a rhetoric of disgust and a rhetoric of trivialization. On the one hand, prohibitionists treat gay life as abhorrent.... This is quite interesting. If gay sex is so disgusting, then the question arises, why are prohibitionists constantly drawing so much attention to it? On the other hand, there is also a rhetoric of trivialization. According to the natural-law argument, because same-gender sexuality is nonprocreative, it is therefore trivial and meaningless. Again, one has to wonder: if gay sex is so trivial and meaningless, why is so much energy being expended to denounce it? (52)

The answer to the "on the one hand" portion is easy. Johnson asks: If people opposed to homosexual practice so abhorrent, why are they "constantly drawing so much attention to it?" The answer is that some like Johnson are constantly pushing for church and society to embrace abhorrent acts and, in the process, attack those who oppose homosexual practice as adopting a position akin to racism and sexism. If homosexualists stop pushing their agenda, as they have been vigorously doing for 35 years, then those who support a two-sexes prerequisite will revert back to the relative inattention to the issue that existed before the homosexualist push.

Try applying Johnson's argument to an act that presumably we can all agree is abhorrent such as pedophilia. By Johnson's logic, if groups like NAMBLA (North American Man-Boy Love Association) were ever to gain significant influence in church and society, it would be contradictory for those who viewed pedophilia as abhorrent to oppose pedosexual advocacy vigorously. Obviously that would be ridiculous. The more abhorrent the sexual act, the more vigorously such acts *should* be opposed when influential movements attempt to foist incentives for such behavior on church and society.

The answer to the "on the other hand" portion is equally easy. I don't know any reputable figure who, in opposing homosexual practice, regards homosexual intercourse as the moral equivalent of nonprocreative heterosexual acts, as if the *only* thing wrong with homosexual practice was its nonprocreative quality. The position is akin to arguing that incest becomes trivial once precautions are taken against abnormal births. The *intrinsic* inability of a homosexual relationship to bring about procreation is qualitatively different from an "equipment failure." The former gives us clues into the deeper incongruity of type of sexual bonds, much as does the problem of a higher risk of birth defects when close blood relations procreate.

Moreover, if one looks at Johnson's "on the one hand ... on the other hand" argument, one can see the contradictory premises clearly. On the one hand, according to Johnson one shouldn't expend energy in denouncing an act if it is abhorrent and being pushed on society. One might then presume that one could spend energy denouncing an act that is not abhorrent. Not so, says Johnson. One also shouldn't spend energy denouncing an act

that is trivial. When, pray tell, should one spend energy denouncing an act? Apparently only when one agrees with Johnson's denunciation of a complementarity viewpoint. Then one can write a book about it and make the rejection of homosexual practice abhorrent.

2. *An illogical attempt at rebutting a nature argument*

According to Johnson, focusing on body parts leads to a contradictory embrace of rape and incest:

[A natural-law argument that focuses] on body parts for the sake of body parts implies that every heterosexual union of those parts is uniquely able to symbolize God's grace in a way that same-gender unions are [*sic*] not. We need only think of the examples of heterosexual rape and incest to see that this is a false argument. (51)

Would that Johnson might respond to an earlier rebuttal that I made to this argument when the press first reported it.¹⁵⁶

First, who is focusing *only* on body parts? I have stated over and over again that the obvious complementarity of male and female genitals is part of, and emblematic of, the fact that maleness and femaleness, more broadly conceived, represent the two halves of the sexual spectrum. In addition, the focus on a holistic male-female complementarity is not "for the sake of body parts," as Johnson erroneously characterizes it, but for the sake of the Creator who designed us in our embodied existences for certain kinds of sexual activity and not others.

Second, Johnson's counterexamples of heterosexual rape and incest would obviously work only if the nature argument made sexual complementarity the *sole* prerequisite for acceptable sexual behavior. But that is *not* the nature argument; it is rather a false caricature of the nature argument. The nature argument, which Scripture supports, is that a two-sexes prerequisite is a *necessary*, but not a *sufficient*, formal or structural criterion for valid sexual bonds. It would be absurd to presume, as Johnson apparently does, that one prerequisite forbids all others.

This leads to my third point: Johnson's counterexample of incest actually establishes the very nature argument that he seeks to reject therewith. For, if we apply Johnson's argument against an anti-homosex view to an anti-incest view, we come out with untenable results:

A focus on blood unrelatedness for the sake of blood unrelatedness implies that every non-incestuous union is uniquely able to symbolize God's grace in a way that incestuous unions do not. We need only think of the examples of nonincestuous rape, polyamory, and pedophilia to see that this is a false argument.

Again, no one is arguing, or implying, that a certain degree of blood unrelatedness is the *only* formal or structural criterion for valid sexual relationships. Furthermore, the motive for prohibiting all incest, even in adult loving relationships, is analogous to the motive for prohibiting all homoerotic activity: sex with persons who are too much alike on a structural level where a minimum of embodied otherness is required.

In a footnote Johnson adds: "People who use this argument about the inherent excellence of heterosexual union counter that rape is wrong because of an *absence* of

¹⁵⁶ "Gagnon to Johnson: Two Positions on Homosexual Practice," 3.

‘intent’ and ‘commitment’; but if this is so, then the *presence* of such ‘intent’ and ‘commitment’ on the part of exclusively committed same-gender persons ought to qualify them for similar moral praise” (265 n. 22). Again, Johnson makes an elementary mistake in logic. A necessary prerequisite in one area (here “intent” and “commitment”) does not make that prerequisite sufficient, ruling out prerequisites in other areas (here a male-female requirement). If it were otherwise, then the presence of intent and commitment of the part of exclusively committed adult siblings, or adult and parent, or three or more persons, or an adult and child “ought,” in Johnson’s own words, “to qualify them for similar moral praise.”

3. *An illogical analogy to responses to violence, warfare, and torture*

Johnson finds it amazing when society

whips itself into a frenzy over the prospect of gay marriage but greets the overwhelming evidence of torture by its own country’s military leaders with a casual shrug of the shoulders? Or how do we explain the fact that, when it comes to same-gender sexuality, some religious-minded people are quick to interpret biblical prohibitions strictly and literally, yet when the subject is violence or warfare, they find flexibility and numerous alternative interpretations to the Sermon on the Mount’s admonition to “turn the other cheek”? (7)

He adds: “Why are certain people in American churches more upset about gays than they are about unjust war or torture?” (16).

As a theologian Johnson ought to know that Scripture contains various views about the state’s use of force and engagement in warfare but, contrary to what Johnson argues, a clear univocal view on a two-sexes prerequisite for sexual relations. It is not likely that Jesus intended his “turn the other cheek” principle to govern the administration of justice by the state. Certainly Paul didn’t understand it in the way that Johnson is using it (Romans 12-13). By Johnson’s reasoning John the Baptist should not have made such an issue over Herod Antipas’s participation in adult consensual incest (for which protest John got beheaded). Jesus should not have been so willing to recommend payment of taxes to the emperor and to make so sharp a divide between what is Caesar’s and what is God’s, given the oppression of Roman rule, while making an issue of a remaining loophole in Scripture’s sexual ethics, divorce and remarriage (Mark 10; Matt 5). Ironically, Johnson uses a ridiculous argument from silence to infer that Jesus may have approved of some alleged sexual activity between the centurion and his “boy” slave (141-42), but draws no conclusions about Jesus’ unreserved support for the military.

There is also a difference between reacting to isolated instances of moderate abuse of prisoners in connection with obtaining information that could save the lives of thousands from future terrorist attacks (supported even by Democrat and former president Bill Clinton), on the one hand, and reacting to a full-court press by people such as Johnson in foisting ecclesiastical and civil mandates for accepting immoral sexual practice that will change societal standards for the foreseeable future, on the other hand. Hopefully Johnson will react vigorously to any future attempts to provide civil incentives and marital recognition for adult incestuous bonds and polysexual bonds, even though Johnson’s current support for homosexual unions undermines the very principles upon which a rejection of incest and polyamory are based.

4. *Bad revisionist history*

According to Johnson, “Our two thousand years of Christian history have been more mixed than monolithic” (14). He cites isolated examples of “committed, spiritual friendships” in the late Renaissance and beyond that allegedly challenge “the claim that Western civilization in general and Western Christendom in particular have been uniformly negative in their treatment of same-gender love” (16).¹⁵⁷ He suggests, absurdly, that prior to the eighteenth century there were “merely symbolic condemnations” of homoeroticism (16).

Of course, almost every form of immorality has at one time or another and in one locale or another been tacitly accommodated in Western society (even incest). However, that is an entirely different matter from any widespread public acceptance or official endorsement. Since overtly homoerotic bonds were not publicly validated in Western Christian civilization before relatively recent history, Johnson can substantiate his revisionist view of history only by deliberately blurring the distinction between erotic and non-erotic same-sex interrelationships. This makes about as much sense as blurring erotic and non-erotic multiple-partner bonds, bonds between close blood relations, and bonds between adults and pre-adolescents. The presence or absence of an erotic component in all such relationships makes all the difference in assessing the morality of the relationships. Yet Johnson instead would have us not be “fixated on genital sex” (p. 15).

5. *Some confusion about choice*

At one point Johnson argues: “One does not simply choose one’s sexual orientation—that much is clear. Instead, it is something one experiences as a ‘given’” (19). Similarly: “By definition a sexual orientation is a given and thus something beyond one’s own choosing” (47). These statements are too black-and-white. They completely eliminate any human development from life’s experiences and choices. They also partly contradict admissions that Johnson makes elsewhere. “Whatever may be its cause, we know that *most people* do not experience their sexual orientation as a choice” (28; my emphasis). This statement at least carries an implicit admission that *some* may experience their sexual orientation as a choice (p. 28; my emphasis). Better still is the following statement:

Biological factors may play some role in the formation of sexual orientation.... In no way do we have evidence that such factors play the *only* role.... [T]here are also developmental and psychological processes in early childhood, as well as culturally bound determinants throughout life, that contribute to the way each individual experiences sexual orientation. (27)

Of course, generally people don’t wake one morning and say, “I think I’ll be a homosexual.” Yet that is different from arguing that homosexual development is always

¹⁵⁷ Similarly, pp. 50-51. There Johnson adds the following illogical argument: “In addition, the ‘two thousand years of tradition’ argument actually points us in another direction. For two thousand years and more, biblical religion has promoted exclusively committed, covenantal relationships. Why should the church not extend its endorsement to the faithful integrity of gay and lesbian couples?” The answer ought to be obvious: Because the church has never maintained *only* this requirement. If it were the only requirement, then the church should “extend its endorsement to the faithful integrity of” committed polyamorous and/or incestuous arrangements.

and only something “given.” Edward Stein, a homosexualist scholar, challenges deterministic models of homosexual development and posits instead a nondeterministic model that incorporates a significant role for choice—often blind, incremental, and indirect but choice nonetheless.¹⁵⁸ Like various forms of sexual impulses, the degree to which a homosexual “orientation” becomes fixed in an individual’s brain and the intensity with which it is experienced, at least in part and for some, can be affected by choices regarding fantasy life, responses to social and environmental factors in childhood and adolescence, the degree to which one acts on impulses, and the degree of self-motivation for change.¹⁵⁹ Finally, irrespective of the impact that incremental choices have any given individual’s homosexual development, people are always responsible for what they do with what they feel (see, further, Appendix 1).¹⁶⁰

¹⁵⁸ *The Mismeasure of Desire: The Science, Theory, and Ethics of Sexual Orientation* (New York: Oxford University Press, 1999); referred to by Johnson on p. 28.

¹⁵⁹ See the studies cited in “Why the Disagreement,” 30-33, 120-25; *The Bible and Homosexual Practice*, 403-30. Even Myers and Scanzoni, for example, admit that “women’s sexual orientation also tends to be less strongly felt and potentially more fluid and changeable than men’s” (David G. Myers and Letha Dawson Scanzoni, *What God Has Joined Together? A Christian Case for Gay Marriage* [HarperSanFrancisco, 2005], 67). The Columbia and Yale authors of one twin study using an enormous and nationally representative sample of adolescents (30,000) concluded that “less gendered socialization in early childhood and preadolescence shapes subsequent same-sex romantic preferences” (Peter S. Bearman and Hannah Brücker, “Opposite-Sex Twins and Adolescent Same-Sex Attraction,” *American Journal of Sociology* 107.5 [2002]: 1179-1205). Another social factor for *some* homosexual development, though by no means all, is childhood sexual abuse. According to William H. James, “There is an abundance of data suggesting that male homosexuals and paedophiles report having experienced more sexual abuse (however defined) in childhood (CSA) than do heterosexual controls.... There are grounds for supposing that some of the reports are veridical [causally related], and there is support from a longitudinal study reporting a small but significant increase in paedophilia in adulthood following CSA. To summarize: most boys who experience CSA do not later develop into homosexuals or paedophiles. However, the available evidence suggests that a few do so as a result of the abuse” (“Two Hypotheses on the Causes of Male Homosexuality and Paedophilia,” *Journal of Biosocial Sciences* 36 [2004]: 371-374; the quotation is from the abstract).

¹⁶⁰ The following comments on pedophilia by Dr. Fred Berlin, founder of the Sexual Disorders Clinic at Johns Hopkins, provide an interesting parallel to homosexual orientation, so far as the issue of ethics and orientation are concerned: “The biggest misconception about pedophilia is that someone chooses to have it.... It’s not anyone’s fault that they have it, but it’s their responsibility to do something about it.... Biological factors play into [the development of pedophilia].... We’ve learned that you can successfully treat people with pedophilia, but you cannot cure them” (*People Magazine*, Apr. 15, 2002). On Berlin’s comments to the United States Conference of Catholic Bishops in 1997 see my article, “Bearing False Witness: Balch’s Effort at Demonization and His Truncated Gospel” (2004; 23 pgs.; online: <http://robagnon.net/articles/homoBalchFalseWitness.pdf>).

Appendix 8: Johnson's Inconsistent Aversion to the Word "Homosexuality"

Johnson gets in a tizzy both in his book (18-19) and in his "Review" (388, 390) about the singular use of "homosexuality." The subtext of his remarks appears to be a desire to show up the alleged superiority of his own understanding of the issue over those who use the singular. But what he really demonstrates is that he has not thought through the matter clearly. "There is no such thing as the singular abstraction we call 'homosexuality'; instead there are many homosexualities.... I shall refrain from using the word 'homosexual'" (19). There is irony here in that Johnson truncates the range of "homosexualities" manifest in the ancient context by discounting altogether the existence of caring, committed homosexual unions (see sec. III above).

Johnson should have done a computer search of his manuscript because he goes on to use the word "homosexual" (and not in quotation marks) even when not attributing it to others (9, 22, 36, 81, 101, 170, 256 n. 79, 261 n. 134), to say nothing of "bisexual" (e.g., 87, 93-94, 245 n. 4, 250 n. 31, 269 n. 25).

Another inconsistency is that he uses the word "gay" as broadly as he complains people use the word "homosexual." Johnson himself refers often to "same-gender love," "same-gender eroticism," "same-gender sexuality," and "same-gender sexual orientation" (2, 4, 14, 16, 20, 28, 46, 49, 62, 85, etc.) and "homeroeticism" (ix, 16-18, 22, 44-47, 52, 56, 75, 82, 90, 99, etc.) in the singular. What is the difference between those terms and "homosexuality"? And why continue to use the complementary term "heterosexual" when speaking in his own persona (51, 53, 66, 67, 71, 74, 80, 81, 89, 90, etc.), given that there are at least as many "heterosexualities" as "homosexualities"?

Johnson (following Stephen Murray) refers to "homosexualities" (19) but even this term presupposes some commonality among various expressions of homosexual behavior. It is shorthand for "types of homosexuality." Johnson's complaint is comparable to insisting at all times on reference to Jewish "messianisms" or "apocalypticisms"—yes, there are many different types of Jewish messianic and apocalyptic beliefs, ancient and modern—but absolutely forbidding the use of the singular, even though there is a baseline similarity to the different sub-classifications.

A final problem with Johnson's insistence that we avoid the use of the term "homosexuality" is that it means that numerous homosexualist scholars have erred in the titles that they allowed for their books, to say nothing of the content of these works. These scholars include, but are by no means limited to:

John Boswell (*Christianity, Social Tolerance, and Homosexuality*), David Greenberg (*The Construction of Homosexuality*), Louis Crompton (*Homosexuality and Civilization*), Thomas Hubbard (*Homosexuality in Greece and Rome*), Robin Scroggs (*The New Testament and Homosexuality*), David Balch (*Homosexuality, Science, and the "Plain Sense" of Scripture*), Kenneth Dover (*Greek Homosexuality*), Craig Williams (*Roman Homosexuality*), Alan Bray (*Homosexuality in Renaissance England*), Walter Wink (*Homosexuality and Christian Faith*), Dan O. Via (co-author; *Homosexuality and the Bible*), and Bruce Bagemihl (*Biological Exuberance: Animal Homosexuality and Natural Diversity*). How about the apparently misnamed *Journal of Homosexuality*? How about the chapter in Laumann et al., *Social Organization of Sexuality*, on "Homosexuality"?

What really may be at issue for Johnson is not the singular use of "homosexuality"—he doesn't make any additional use of "homosexualities"—but the negative emotive valence that has come to be attached to the term.

Appendix 9: Johnson on “Freedom and Equality under the Law”

In Part Two of his book, “Law and Politics,”¹⁶¹ Johnson argues for various “gay rights” laws and nothing less than “gay marriage” for “committed same-gender couples.” He devotes two chapters to the subject: “Freedom and Equality under the Law” (ch. 4) and “Toward a Welcoming Democracy: Marriage Equality in the Civil Polity” (ch. 5). There is considerable overlap in argumentation between the two chapters. Basically ch. 4 treats in glowing terms four key court cases that have furthered the homosexualist agenda on principles of “equality” and “liberty.” These cases establish for Johnson that opponents of the homosexualist agenda are governed solely by irrational prejudice. Chapter 5 focuses on the political “backlash” by the reactionary forces of irrationality and prejudice and on how, through “deliberative democracy,” the homosexualist agenda may yet triumph.

Since Johnson is also an attorney one might expect that, having failed to shine in Part One of his book, Johnson would shine here. One does find here a lawyer’s ability to work with legal resources and a knowledge of court cases. Yet his interaction with views significantly different from his own is thin. Worse still, his legal arguments are surprisingly weak. Nearly every argument that he makes depends on the unfounded assumption that homosexual attraction and behavior are more akin to the benign conditions of race and gender than to other impulse-related, structurally discordant sexual practices such as loving polyamory and incest.

Some of the material that we have already treated bears significantly on Johnson’s argumentation in Part Two. In section XII we showed how Johnson’s own arguments supporting homosexual practice pave the way for acceptance of adult-committed incest and polyamory by rejecting any formal or structural prerequisites for sexual relations as regards homosexual practice. Johnson insists that the sole criteria for acceptance of a sexual bond are “companionship, commitment, and community,” all of which adult-committed incestuous bonds and polyamorous bonds are able to furnish. In Appendix 3 we showed how feeble were Johnson’s attempts at dismissing analogies to adult-committed incest and polyamory.

We also saw in sec. II.6.3 above why Johnson’s analogy to women’s rights doesn’t work. Being a woman, like ethnicity but unlike a homosexual impulse, is 100% congenitally (here chromosomally) determined and essentially immutable.¹⁶² Moreover, being a woman, like ethnicity but unlike a homosexual impulse, is not a direct or primary desire for behavior that is incompatible with embodied structures.¹⁶³

As regards ethnicity, my parents, both of full French (Canadian) ancestry joined together and, voilà, gave birth to six children, all of whom without exception were of full French (Canadian) ancestry.¹⁶⁴ Since my wife has no known French ancestry but is rather

¹⁶¹ In length Part Two takes up the last third of the book (. . .)

¹⁶² Even the Kinsey Institute has acknowledged that nine out of ten persons who have experienced same-sex attractions have experienced at least one shift on the Kinsey spectrum from 0 to 6 during their life; six out of ten experienced two or more shifts (see information in *The Bible and Homosexual Practice*, 419-20). There is nothing corresponding to this kind of fluctuation in the case of being a woman.

¹⁶³ Cf. my online article, “Jack Rogers’s Flawed Use of Analogical Reasoning in *Jesus, the Bible, and Homosexuality*” (Nov. 2006; 12 pgs.; online: <http://robagnon.net/articles/RogersUseAnalogies.pdf>).

¹⁶⁴ Both my maternal and paternal grandparents were born in Quebec. Both my parents were born and raised in the United States.

about 60% African (Jamaican) descent, a quarter Chinese, and a smattering of English and Irish, our children were, not surprisingly, a proportionate mixture of our respective ancestries. That is how ethnicity works 100% of the time: it is transmitted entirely on a fixed congenital basis. The development of homosexuality, like the development of pedosexuality—a minority, impulse-related condition for discordant bodily attraction bearing some developmental similarities (and differences) to homosexual development—does not operate in humans along the lines of such a congenitally deterministic model, whatever congenital influences may exist.¹⁶⁵

Johnson devotes his fourth chapter on “Freedom and Equality under the Law” (159-90, notes 295-310) to a discussion of four court cases: (1) the 1996 U.S. Supreme Court anti-“sexual orientation” case of *Romer v. Evans* (161-73); (2) the 2003 U.S. Supreme Court “sodomy” case of *Lawrence v. Texas* (173-77); (3) the 1999 Vermont Supreme Court “homosexual civil unions” case of *Baker v. State of Vermont* (178-82); and (4) the 2003 Massachusetts Supreme Court “gay marriage” case of *Goodridge v. Dept. of Public Health* (182-88). Johnson’s basic argument—though more a constantly repeated

¹⁶⁵ Here I am not arguing that homosexuality and pedosexuality are equally immoral but only comparing them at the level of orientation development. See my comments on pp. 5-7 in “Bearing False Witness: Balch’s Effort at Demonization and His Truncated Gospel” (2004; 23 pgs.; online: <http://robagnon.net/articles/homoBalchFalseWitness.pdf>); also pp. 16-34 of my discussion of pedophilia and homosexuality in “Immoralism, Homosexual Unhealth, and Scripture: Part II: Science” (2005, 40 pgs.; online: <http://robagnon.net/articles/homoHeterosexismRespPart2.pdf>).

In the latter I note that a study done by the renowned researcher of pedophiles, Kurt Freund, acknowledged that the “proportion of true pedophiles among persons with a homosexual erotic development is greater than that in persons who develop heterosexually”; otherwise stated, “a homosexual development notably often does not result in androphilia [sex between adult males] but in homosexual pedophilia” (“The proportions of heterosexual and homosexual pedophiles among sex offenders against children: an exploratory study,” *Journal of Sex and Marital Therapy* 18 [1992]: 34-43, quotes from the abstract and from p. 41 respectively). Similarly, R. Blanchard (et al.) has stated: “The best epidemiological evidence indicates that only 2 to 4 percent of men attracted to adults prefer men...; in contrast, around 25 to 40 percent of men attracted to children prefer boys.... Thus, the rate of homosexual attraction is 6 to 20 times higher among pedophiles” (“Fraternal Birth Order and Sexual Orientation in Pedophiles,” *Archives of Sexual Behavior* 29 [2000]: 464).

A 1987 study on “Feminine gender identity and physical aggressiveness in heterosexual and homosexual pedophiles” by Freund and Blanchard found that “male homosexuals in general” (i.e., those preferring prepubescent, pubescent, or adult sexual partners) “tend to be unaggressive in boyhood,” in contrast to male heterosexuals in general (*Journal of Sex and Marital Therapy* 13 [1987]: 25-34). A 2000 study of “Fraternal birth order and sexual orientation in pedophiles” by R. Blanchard et al. found that “fraternal birth order correlates with homosexuality in pedophiles, just as it does in men attracted to physically mature partners.... Results also argue against a previous explanation of the high prevalence of homosexuality in pedophiles (25% in this study), namely, that the factors that determine sexual preference in pedophiles are different from those that determine sexual preference in men attracted to adults” (*Archives of Sexual Behavior* 29: 463-78, here cited from the abstract). This study lent support for the conclusion of a 1998 study by R. Blanchard and A. F. Bogaert; namely, that “homosexuality in men attracted to immature males is etiologically related to homosexuality in men attracted to mature males” (“Birth order in homosexual versus heterosexual sex offenders against children, pubescents, and adults,” *Archives of Sexual Behavior* 27: 595-603; see also: Bogaert, Blanchard, et al., “Pedophilia, sexual orientation, and birth order,” *Journal of Abnormal Psychology* 106 [1997]: 331-5). Although there are some developmental differences between pedophilic homosexuals and teleiophilic homosexuals, significant continuity exists that justifies seeing a spectrum of developing homoerotic possibilities rather than a sharp line separating two polar extremes.

contention rather than a demonstrated argument—is that the debate over “gay rights” is a debate between rationality (Johnson’s position) and irrational, animus-based prejudice (everyone who disagrees with Johnson).

1. *Romer v. Evans*¹⁶⁶

Johnson gives significant attention to the 1996 U.S. Supreme Court decision *Romer v. Evans* (161-73). This decision, by a 6-3 vote, overturned Colorado’s 1992 Amendment 2, which had forbidden “any minority status, quota preferences, protected status or claim of discrimination” that was “based on homosexual, lesbian, or bisexual orientation.” The citizens of Colorado had passed the amendment by a vote of 53.4% to 46.6%. (Johnson mistakenly records it as 54.6% to 47.4% [163], which adds up to 102%.)

Echoing Justice Kennedy’s opinion, Johnson makes several bad arguments.

First, he makes the histrionic contention that had Colorado’s Amendment 2 “been allowed to stand, . . . then gays, lesbians, and their supporters would have been effectively barred even from advocating antidiscrimination legislation” (164). Yet nothing in the wording of Amendment 2 precludes *advocacy* of the homosexualist agenda. Obviously, the state legislature cannot pass legislation that conflicts with the state constitution. Yet there is always a legal process for overturning an amendment.

Second, Johnson contends falsely that “singling out one group for special legal disfavor is a violation of our deepest constitutional principles” (165). “Majorities are not entitled to turn a particular group of people into a pariah” (169). Johnson’s description is inaccurate. The amendment did not so much “single out for special legal *disfavor*” homosexual orientation as prohibit any attempt to single out homosexual orientation for special legal *favor*, including attempts at granting “protected minority status,” “quota preferences,” and complete immunity from social fallout for engaging in what society perceives as grossly immoral conduct.¹⁶⁷

In addition, Johnson knows that many other “groups,” even by Johnson’s own definition, are “*singled out* for legal disfavor,” which (since there is more than one group) in effect means that none are “singled out.” There are many formal or structural requirements for sexual unions—no sexual relations with near kin (even adult kin, no matter the degree of commitment or precautions against progeny), two and only two parties in a sexual bond at any one time (again, irrespective of commitment, an absence of intrinsic demonstrable harm, or the orientation of the participants), minimal age requirements (well into adolescence, irrespective of how emotionally and intellectually mature the child may be), and no sexual relations with animals (no matter how intelligent

¹⁶⁶ 517 U.S. 620 (1996).

¹⁶⁷ It is this last element that suggested to the Court (wrongly, I might add) *animus* (animosity) against homosexual persons, even though both the intention and function of Amendment 2 were directed at homosexual *practice* as *immoral*. If Colorado’s Amendment 2 was evidence of *animus* against a group, then so is the Court’s upholding of laws against polygamists. At any rate, as Johnson acknowledges sheepishly in an endnote, the Court later refused to hear a case against an amendment to the Cincinnati charter that forbade “minority or protected status” or “quota preference” based on sexual orientation, tacitly acknowledging that these phrases, nearly identical to those in the Colorado amendment, have to do with denying special legal *favor*, not affirming special legal disfavor (297 n. 24).

the animal).¹⁶⁸ It is thus absurd to argue that denying special protections to persons who engage in homosexual practice is “singling out one group.”

Third, Johnson also claims that the U.S. Supreme Court’s actions in striking down Colorado’s Amendment 2, was “not squelching democracy” but protecting “the rights of minorities” and “assuring that the democratic process operates by rules that are fair” (165). However, the Court’s actions are entirely premised on the false assumption that homosexual attractions are more akin to the benign, 100% inheritable, absolutely culturally-immutable conditions of race and sex than to other non-benign, impulse-related condition of polysexuality (and pedosexuality) and to the structurally incongruous union of familial sames (incest).

Who told six of the justices this? What document fell from the sky and declared to them that maintenance of a male-female prerequisite for sexual bonds was akin to racism and sexism? Certainly the Judeo-Christian Scriptures, studied in their historical context, do not support such a view. Certainly none of the framers of the Constitution would have agreed that the Constitution supports such a view, nor any of the Constitution’s amenders up through the 1970s. Certainly there is no scientific evidence today that proves that homosexual orientation and behavior is closer to the 100% congenitally determined, benign conditions of race and sex than to various other structurally noncomplementary sexual attractions. Even Johnson, as we have seen, has had to admit that “in no way do we have evidence that [biological] factors play the *only* role” in homosexual development, for “there are also developmental and psychological processes in early childhood, as well as culturally bound determinants throughout life, that contribute to the way each individual experiences sexual orientation” (27; see Appendix 7 above). So in making the determination that homosexuality is more like race and sex rather than like polysexuality and adult-committed incest—a determination that the justices of the U.S. Supreme Court were not competent to make—the justices short-circuited the democratic process.

Fourth, Johnson’s comparison with “the old South’s Jim Crow laws that implemented racial segregation” (166; cf. 182, 188) is thoroughly misplaced. (1) Persons who act out of homosexual attractions have had neither their right to vote abridged nor the historical experience of centuries of enslavement in America. (2) Homosexually active persons do not experience today anything like the degree of job discrimination experienced historically by African Americans. (3) Most importantly, though the rubric “sexual orientation” is used in legal documents, for all intents and purposes the legal issue is practice, not identity (contra Johnson, 170, 172, 188).¹⁶⁹ Homosexuality is not a visible,

¹⁶⁸ Obviously pedophilia and bestiality are worse than homosexual practice. I cite them here simply to point out that participants in homosexual practice are not being “singled out.” Adult-committed polyamory and incest, on the other hand, are arguably not as bad as homosexual practice inasmuch as they are not as severe a violation of natural/embodyed complementarity.

¹⁶⁹ An example of how “sexual orientation” has become a cipher for “homosexual behavior” appeared in the news on the very day that I was writing this paragraph (of course, many other examples could be cited). On Apr. 1, the European Court of Justice, the highest court in the European Union, ruled in contravention of German law “that a refusal to grant a survivor’s pension to registered homosexual partners constitutes direct discrimination on grounds of sexual orientation” (“Highest European Court Mandates Survivor Pension Benefits to ‘Gay’ Partnerships,” LifeSiteNews.com, Apr. 2, 2008, <http://www.lifesitenews.com/ldn/2008/apr/08040108.html>). The male German plaintiff had not been denied a financial payout of his dead (male) civil partner’s pension on the grounds that he experienced same-sex attractions, for he could have experienced same-sex attractions and received survivor benefits if his deceased partner

benign condition like being a person of African descent. Homosexual desire is an impulse to *do* something. Its existence is unknown to the public unless someone acts on it or at least declares its existence. The latter does not incur societal repugnance unless an individual affirms these impulses and declares an intention to act upon them. In effect, the whole *legal* category of “sexual orientation” is a false one. It is not the case that “gay people” are being “targeted” “for exclusion from participation in the civil polity simply because they are gay” (188). It is rather that homosexual behavior, like polyamorous or incestuous behavior of even an adult-committed sort, is being treated as structurally incongruous and dishonoring behavior that society continues to treat as immoral. Legal issues arise from engaging in homosexual practice, not from the mere experience of an impulse.¹⁷⁰ By way of contrast, being black is not in the first instance an impulse to do something that is immoral. It is not a willing participation in sexual acts that both are structurally discordant and implode any rational basis for denying government recognition and subsidy of adult-committed incestuous or polyamorous unions.

Fifth and finally, Johnson’s contention that laws such as Amendment 2 “are motivated only by irrational prejudice” is itself an irrational and prejudicial claim (167-68). As we show in Appendix 3, societal disapproval of homosexual practice is more rational than societal disapproval of adult-committed polyamory and even adult-committed incest. For the principles that lead to the disapproval of the latter two offenses are based on the rationale for a male-female prerequisite, or at least can be absolutely maintained only on such a basis. Johnson’s discrimination against persons who want to be in a sexual union of more than two persons or in a sexual union involving close kin (adults, of course) is far more “irrational and prejudicial,” given the principles by which he normalizes homosexual practice (“companionship, commitment, and community”; sec. XII above).

2. *Lawrence v. Texas*¹⁷¹

Johnson’s handling of the 2003 U.S. Supreme Court case *Lawrence v. Texas* fares as badly as his handling of the *Romer* case. In *Lawrence* the Court struck down, by a 6-3 vote, all laws that prohibit homosexual intercourse between consenting adults, thus overturning their 17-year-old verdict in *Bowers v. Hardwick*.¹⁷²

According to Johnson, “the majority opinion made it clear that the ruling in *Lawrence* only applies [*sic*] to the liberty interests of consenting adults.”¹⁷³ It does not sweep away all so-called ‘morals legislation’” (176). He then quotes from the majority’s decision that “the present case does not involve minors.... persons who might be ... coerced.... [or] public conduct or prostitution.” One should note that the list here does not include adult-consensual incest or polyamory. It is easy to see why the Court did not address these

had been a wife. Rather, the denial was grounded on the fact that homosexual activity does not constitute a marriage.

¹⁷⁰ Arguments that it is wrong to discriminate against people because of their homosexual or bisexual orientation are always, in a functional sense, claims about sexual *behaviors*. If a person in management were denied promotion because he was known to be in a sexual relationship with a person of the same sex (or with a close blood relation, or with two other persons at the same time), Johnson would undoubtedly be the first to argue that this counted as discrimination against the person’s “sexual orientation.” In this he tacitly acknowledges that “sexual orientation” laws really are about sexual behaviors.

¹⁷¹ 539 U.S. 558, 579.

¹⁷² 478 U.S. 186 (1986).

¹⁷³ The “only” properly should precede “of consenting adults.”

examples. Johnson proudly cites the Court's judgment: "The issue is whether the majority may use the power of the State to enforce [their moral] views on the whole society through operation of the criminal law" (173). However, the Court had no answer (nor Johnson any good answer) as to why the majority *may* use such power in the cases of adult-consensual incest and polyamory but not in the specific case of adult-consensual homosexual practice. Agreeing with the Court, Johnson contends: "The right of liberty is broad enough that ... it should certainly include one's choice of a sexual partner, so long as both parties are consenting adults" (174-75). By that reasoning, then, adult-consensual incest and polyamory (to say nothing of prostitution) must also be permitted under this "right of liberty."

Like the value of anti-polygamy laws,¹⁷⁴ the value of "sodomy" laws as applied to same-sex sexual activity was not in prosecuting persons engaged in homosexual practice, for such laws have rarely been enforced. If the sexual act is done in the privacy of one's own home and has to have a witness to be prosecuted, it will rarely be prosecuted. For example, there is no public record that the Texas sodomy law had ever been enforced for private adult-consensual sex in its entire 143-year-history. My point, then, is not that same-sex sodomy laws are good because they lead to effective prosecution of homosexual acts or even that consensual homosexual acts *should* be prosecuted. Rather such laws served the useful function of inhibiting the passage of tyrannical "sexual orientation" laws that end up stigmatizing and legally disadvantaging anyone who expresses opposition to homosexual practice. The idea that sodomy laws were leading to rampant persecution of homosexual persons is a red herring. In fact, even the event that led to *Lawrence v. Texas*—a medical technologist by the name of John Geddes Lawrence "caught" having consensual anal sex with another man, Tyron Garner—*may* have been a setup to invalidate the Texas sodomy statute.¹⁷⁵

¹⁷⁴ Persecution of polygamists all but ceased when a national outcry occurred over a 1953 raid by the Arizona National Guard of a polygamist colony called Short Creek on the Utah/Arizona border. Cameras and video rolled as the husbands were thrown in jail and the children were taken away from their mothers. Polygamy is now prosecuted only when it involves underage wives, which in effect means the prosecution is for violation of marriage laws regarding age, not number of partners.

¹⁷⁵ For the argument that the case was a setup, see the news articles "Judge calls Lawrence case setup" (10/27/2005; at http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=47064) and "How staged sex crime fooled Supreme Court" (10/24/05; http://70.85.195.205/news/article.asp?ARTICLE_ID=46984):

The landmark Lawrence v. Texas Supreme Court ruling ... was based on a pre-arranged "setup" of police, state judicial authorities and, ultimately, the highest court in the land, says the first Texas criminal courts judge to whom the case was assigned. Judge Janice Law, author of *Sex Appealed: Was the U.S. Supreme Court Fooled?* [Eakin Press, 2005], said "reverse entrapment" was a good term to describe the technique used by defendants to secure an arrest while committing homosexual sodomy in the 'privacy' of their bedroom.

The Lawrence case began Sept. 17, 1998, when Houston sheriff's deputies got a call reporting shots being fired at an apartment complex. Deputies converged on the scene and were directed to the apartment of John Geddes Lawrence by Robert Eubanks, a petty criminal himself and a friend of Lawrence.... The only facts for the high court to review were Deputy Joseph Richard Quinn's 69-word, handwritten, probable cause affidavits – written within hours of the arrests of the three principals.... It was Eubanks who.... placed the call reporting a man firing a gun in an apartment building. When police officers responded to the felony call, Eubanks was outside Lawrence's apartment directing police to the unit – still insisting a man with a gun was threatening neighbors.

When police approached Lawrence's apartment, they found the front door open. When they entered the apartment, they found a man calmly talking on the telephone in the kitchen, also motioning to the officers to a bedroom in the rear. Despite repeated shouts by officers identifying themselves as of sheriff's deputies from the moment they entered the Houston apartment, no one seemed surprised to see them – especially not Lawrence and Garner.... Quinn and his fellow officers, expecting to see an armed man, perhaps holding a hostage or in a prone position ready to fire at them, instead found Lawrence having anal sex with Garner. And they didn't stop

Johnson states in what has to be one of the more comic assertions of the book:

Even though the two men in the *Lawrence* case were not in a long-term, committed relationship, the Court still determined that *the integrity of their lifestyle decision* merited

– despite repeated warnings from officers. “Lawrence and Garner did not seem at all surprised to see two uniformed sheriff’s deputies with drawn guns walk into their bedroom,” Quinn recalls. Quinn shouted to them to stop. They continued. “Most people, in situations like that, try to cover up, hide or look embarrassed,” explained Quinn. “Lawrence and Garner didn’t look at all surprised to see us. They just kept doing it.” Finally, Quinn took action. He told them: “I don’t believe this! What are you doing? Did you not hear us announce ourselves? Don’t you have the common decency to stop?” But still Lawrence and Garner did not stop until Quinn physically moved them apart. Lawrence and Garner would be booked that night for a class C misdemeanor punishable by only a fine. Eubanks was charged with filing a false police report because there were no guns found....

Many news accounts ... suggested it was a neighbor who filed the false police report that night—one who had been harassing the pair. Indeed, it was the pair’s close friend and lover. And it was that close friend and lover who was brutally beaten to death two years later—and three years before the case reached the Supreme Court. No one was ever charged with the crime. Eubanks’ body was found in Garner’s house. Garner made it clear that if he was called to testify about the death he would invoke his Fifth Amendment rights. Eubanks ... was beaten to death in October 2000 as the sodomy case pended a crucial ruling from a mid-level appeal court.

Most news accounts identify the informant as a certain Roger David Nance, a person who had harassed Lawrence and Garner previously. However, even the *New York Times* contradicts this identification in an news story reporting Garner’s death (D. Martin, “Tyron Garner, 39, Plaintiff in Pivotal Sodomy Case, Dies,” 9/14/06; <http://www.nytimes.com/2006/09/14/obituaries/14garner.html>):

The men pleaded not guilty at their arraignment but later changed the pleas to no contest at the urging of lawyers eager to challenge the constitutionality of the law, not the factual basis of the arrests.... [Tyron Garner] was unemployed at the time of his arrest and a year later sold barbecue at a street stand in Houston. His criminal record included two convictions for assault in 1995 and 2000, The Dallas Morning News reported in 2003. The men’s lawyers consistently shielded them from scrutiny, denying requests for interviews. Their lawyer in Houston, Mitchell Kitrane, said in an interview with Dale Carpenter in *The Michigan Law Review* that they were “on the quiet side, passive type individuals.” Neither had prior involvement with gay-rights groups. They were introduced to each other by Robert R. Eubanks, with whom Mr. Garner was romantically involved when he was arrested. Mr. Carpenter’s interviews showed that Mr. Garner and Mr. Lawrence were occasional sexual partners, not in a committed relationship. On the day of the arrests, the three men drank margaritas and ate dinner at a Mexican restaurant. They had spent the afternoon moving Mr. Lawrence’s new furniture into his apartment and planned to move the old furniture to Mr. Eubanks’s place the next morning.

Shortly before 10:30, an unidentified man called the Harris County Sheriff’s Department and told the dispatcher that “a black male was going crazy in the apartment and he was armed with a gun.” The caller turned out to be Mr. Eubanks, who told deputies he was jealous of Mr. Garner, with whom he argued that evening and had fought physically in the past. Mr. Garner and Mr. Lawrence were then alone together in the apartment, fueling Mr. Eubanks’s rage. Mr. Eubanks stood at the door when the police arrived and directed them to go inside, where, he said, a man was threatening neighbors with a gun. No gun was found, but the police entered with trepidation. Inside, a still-mysterious man on a telephone directed them to a bedroom in the back. They shouted out several times and entered the bedroom. They said Mr. Garner and Mr. Lawrence were engaged in sex. One deputy said they continued obliviously for as long as a minute. Another deputy said they stopped immediately.

Why the deputies enforced the sodomy law, a rarity, is unclear, wrote Mr. Carpenter, who said he doubted that the officers actually saw any sex. He dismissed widespread speculation that the event was staged as a vehicle to test the law, saying that among other reasons, the men were too inarticulate for appearances in the news media. Mr. Carpenter, a professor at the University of Minnesota Law School, does theorize that possibly homophobic deputies fabricated and lied about the evidence, confident that their version, and not the defendants’, would be believed. Mr. Lawrence and Mr. Garner paid fines of \$125 for violating the sodomy law, a Class C misdemeanor, plus \$141.25 in court costs. Mr. Eubanks was convicted of making a false report and spent two weeks in jail. He was beaten to death in 2000 in a case that was never solved.

Cf. Dale Carpenter, “The Unknown Past of *Lawrence v. Texas*,” *Michigan Law Review* 102:7 (June 1, 2004), 1464-1527 (the beginning part of the article can be viewed online at: http://goliath.ecnext.com/coms2/gi_0199-3594799/The-unknown-past-of-Lawrence.html). So whether the whole event was a set-up remains unclear. At the very least, the whole incident occurred as a result of one homosexual man’s report against his homosexual lover. Lambda lawyers encouraged the defendants to plead “no contest” so that this could be a test case. The Times article states that Garner died at age 39 of (according to his brother Darrell) “complications of meningitis.”

legal protection. To say that the issue ... was simply the right to engage in certain sexual conduct *demeans* the claim the individual put forward, just as it would demean a married couple were it to be said marriage is simply about the right to have sexual intercourse.... Where Scalia *focuses on sex acts*, Justice Kennedy and the majority *focus on the integrity of the relationship*. (175, 177; my emphases)

“Integrity of their lifestyle decision”? “Demeaning” the character of their relationship by “focusing on sex acts”? Lawrence, a 55-year-old medical technologist, was “caught” having anal sex with an unemployed man with an extensive criminal record¹⁷⁶ nearly a quarter of a century his junior, Tyron Garner, the latter being (to put the best possible spin on the matter) “an occasional sex partner,” while Lawrence was at the same time in a “romantic” relationship with another man, Robert Eubanks, a relationship distinguished by its physical fights. Eubanks ends up beaten to death two years later, found in Garner’s house, while Garner himself dies of health complications at the age of 39 just six years after that.

Even regardless of the sordid and tragic details of this particular case, the Texas law focused not merely on specific sex acts but sex acts in connection with the structurally incongruous character of two persons of the same sex.¹⁷⁷ Since Johnson eschews arguments based on formal or structural considerations (sec. XII above), Johnson’s argument here can just as easily be turned on his own opposition to adult incestuous or polyamorous bonds. In asserting that society should not approve of these bonds, Johnson demeans the quality of such relationships, which are, in the eyes of the participants, about more than “a right to have sexual intercourse” and “sex acts.” Shouldn’t we accord the participants in such bonds too the presumption of “integrity” in their “lifestyle decision”?

Johnson cites approvingly Justice Kennedy’s remarks (176), which we here adapt to our analogy to show the absurdity of the point:

When [adult-consensual polysexual or incestuous] conduct is made criminal by the law of the State, that declaration in and of itself is an invitation to subject [persons who engage in such conduct] to discrimination both in the public and in the private spheres.

Doesn’t this “demean the lives” of such persons, as much as Kennedy says the lives or “homosexual persons” are demeaned? Johnson further reminds us that criminal conviction—which, as we noted above, almost never occurred with sodomy laws—brings not only “social stigmatization” but also “a permanent criminal record, the possibility of being barred from certain professions, and the requirement in some states to register as a sex offender” (ibid.).

What about the case of Allen and Patricia Muth, brother and sister lovers from Wisconsin, who were imprisoned in 1997 (Allen was 45, Pat 30) for their adult-

¹⁷⁶ According to Carpenter, Garner had “arrests for possession of marijuana and aggravated assault on a police officer in 1986, driving while intoxicated in 1990, and assault involving bodily injury in 1995.” Lawrence had two previous drunk driving arrests.

¹⁷⁷ Justice Sandra Day O’Connor missed this point in viewing the Texas sodomy law as violating the right of Equal Protection because it proscribed oral and anal sex only when committed by same-sex persons (175). It is not just the acts per se but more particularly the acts committed in the context of a structurally incompatible sexual bond that makes them unacceptable. An unbending commitment to the principle of marital twoness is as much or as little an “inequitable” treatment of a “class” of persons (here those with an intense polysexual orientation and/or particular religious beliefs) as an unbending commitment to the principle of the twoness of the sexes in sexual bonds is an “inequitable” treatment of a “class” of persons.

consensual relationship (Allen for eight years and Pat for five years)? Since Patricia was raised in foster homes since infancy, Allen did not meet her until she turned 18. Shall their four children, the product of their love, be deprived of their biological parents?¹⁷⁸ A similar situation developed in Germany between Patrick and Susan Stübing, who have four children of their own. Patrick was raised in a foster home; they met in the year 2000 when he was 23 and she was 16. Patrick has served more than two years in prison and may have to serve an additional year unless the German high court, which is now considering the case, overturns the verdict.¹⁷⁹

What about the case of Judge Walter Steed, who served on the bench in the polygamous town of Hildale, [Utah,] for 25 years, is legally married to one woman but considers himself spiritually married to two others, and has 32 children, but was removed from the bench because of his polygamy with consenting adults?¹⁸⁰ What about the children and young adults of polygamist parents who showed up in a 2006 rally in Salt Lake City protesting the persecution, forced secrecy, and abridgement of basic rights that their families were forced to undergo?¹⁸¹ What about the adult women in “plural marriages” who wholeheartedly endorse their lifestyle but have to live with the daily fear that the legal system will prosecute their husband, dissolve their union, and take their children away from them?¹⁸²

¹⁷⁸ Jeff Jacoby, “Hypocrisy on adult consent,” *Boston Globe*, Aug. 28, 2005

(online: http://www.boston.com/news/globe/editorial_opinion/oped/articles/2005/08/28/hypocrisy_on_adult_consent/). The convictions were appealed to the Seventh Circuit Court in Chicago precisely on the basis of the *Lawrence* ruling, which in June 2005 ruled against the Muths (<http://caselaw.lp.findlaw.com/data2/circs/7th/033984p.pdf>). Judge Daniel Manion produced an opinion that in the words of Matthew J. Franck, professor and chair of political science at Radford University, was “desperate to avoid the plain consequences of the Court’s recent precedents on sexual liberty.... for there is no form of legal reasoning that can distinguish a ‘right’ to commit homosexual sodomy from a ‘right’ to marry your sister and raise a family. Only political reasoning—moral reasoning of the sort the Court condemned as tyrannical in *Lawrence*—can accomplish such a distinction, if it is possible at all” (“Kissing Sibs: Could the Supreme Court embrace incest?” *National Review Online*, 8/4/05; online: <http://www.nationalreview.com/comment/franck200508040812.asp>).

Consider also the case of Paul D. Lowe, a former sheriff’s deputy who was sentenced in 2004 to 120 days in jail, three years of community control, and 250 hours of community service, and was designated a sex offender—remember that *Lawrence* and *Garner* received only a \$200 fine each—for sleeping with his 22-year-old stepdaughter (he was 41). (The county prosecutor contends that the sex was not consensual but this is irrelevant to the conviction since he did not charge Lowe with rape.) The Ohio Supreme Court in a 6-1 decision rejected the plaintiffs’ argument that *Lawrence* had established a fundamental right of privacy for sexual relationships between consenting adults. However, its rationale was flawed: “The state has a legitimate interest ... in protecting the family unit and family relationships.” What if consenting adults don’t want to be “protected” by the State? At least the Muths would argue that they are trying to build their family, not tear it down. Adultery, a much more obvious instance of a family-destroying act, is not a criminal offense (Michael Lindenberger, “Should Incest Be Legal?” *Time Magazine*, 4/5/07; online: <http://www.time.com/time/nation/article/0,8599,1607322,00.html>); Bob Driehaus, “Man Convicted in Incest Case Plans Appeal to Supreme Court,” *New York Times*, 3/25/07).

¹⁷⁹ Dietmar Hipp, “German High Court Takes a Look at Incest,” *Spiegel Online*, 3/11/08 (online: <http://www.spiegel.de/international/germany/0,1518,540831,00.html>); Tristana Moore, “Couple stand by forbidden love,” *BBC News*, 3/7/07 (online: <http://news.bbc.co.uk/2/hi/europe/6424937.stm>); Clare Murphy, “Incest: an age-old taboo,” *BBC News*, 3/12/07 (online: <http://news.bbc.co.uk/2/hi/europe/6424337.stm>).

¹⁸⁰ Linda Thomson and Ben Winslow, “Utah’s top court boots polygamist judge Steed,” *Deseret Morning News*, 2/24/06 (online: <http://deseretnews.com/dn/view/0,1249,635187385,00.html>).

¹⁸¹ Jennifer Dobner, “Youths defend plural marriage,” *Deseret Morning News*, 8/19/06 (online: <http://deseretnews.com/dn/view/0,1249,645194667,00.html>).

¹⁸² See the essays in the Principle Voices website at <http://www.principlevoices.org/index.php?topic=Essays>.

If a sexual relationship of the sordid sort that Lawrence and Garner had could be tolerated, why not theirs? Hasn't the integrity of their lifestyles been demeaned? Hasn't the quality of their relationships been reduced in a crass manner to sexual acts? Haven't they been made to feel like criminals, outcasts, and second-rate citizens of the United States? Can Johnson produce proof that all these relationships produce *intrinsic* measurable harm? (The answer to that question is clearly "No.") Do they not, in their own way, produce the "companionship, commitment, and community" that Johnson extols? Must they conform to Johnson's own particular views of what is right before they can receive society's endorsement or at least toleration? Shouldn't we now do in these areas what Johnson encourages us to do in the case of homosexual practice; that is, adopt an "evolving understanding of the Constitution," where "the right of liberty" can be discovered "even in new circumstances not previously recognized" and where "persons in every generation can invoke [the Constitution's] principles in their own search for greater freedom" (177)? However, if these arguments are not convincing for adult-consensual incest and polyamory, why should they be convincing for adult-consensual homosexual practice?¹⁸³

3. *The 1999 Vermont Civil Unions Case and the 2003 Massachusetts "Gay Marriage" Case*¹⁸⁴

The last two sections of Johnson's chapter on "Freedom and Equality under the Law" are given over to discussing *Baker v. State of Vermont* (Vermont Supreme Court, 1999) and *Goodridge v. Dept. of Public Health* (Massachusetts Supreme Court, 2003). Since the arguments that Johnson cites for validating homosexual civil unions and homosexual marriage, respectively, differ little from the flawed arguments that he employed in discussing *Romer* and *Lawrence*, they do very little to bolster his case here.

The one thing that might be helpful from these last two sections is that they begin to show how the rationale (such as it is) for validating "sexual orientation" laws and invalidating "sodomy" laws becomes the basis for the inevitable establishment of full-blown "gay marriage." Johnson acknowledges that Justice Anthony Scalia was probably right in concluding that the majority opinion rendered in the *Lawrence* case opened the door to validation of "gay marriage" (177). After all, Justice Kennedy had asserted that "persons in a homosexual relationship may seek autonomy for these purposes [i.e. marriage, child rearing, etc.], just as heterosexuals do." Indeed, the Massachusetts *Goodridge* decision for "gay marriage" was based on the U.S. Supreme Court's rationale in *Lawrence*. In a matter of months we went from a national ruling that homosexual

¹⁸³ Justice Kennedy's argument, cited by Johnson, that "there is no long history in this country of laws directed at homosexual conduct as a distinct matter," if true, is still beside the point. Even laws directed at nonprocreative sex generally came out of an American culture that would have treated same-sex intercourse as particularly vile. It is dishonest to pretend that homosexual practice in 18-19th century America was viewed as no worse than nonprocreative heterosexual intercourse. A side point is that Johnson claims: "The opinions of Chief Justice Burger and Justice White [in *Bowers v. Hardwick*, 1986, upholding sodomy laws] [were] badly ill-informed about the history of law. Burger claims, for example, that sodomy was a crime under Roman law; however, the laws he cites were enacted after the Roman Empire had come under Christian influence" (302 n. 55). Johnson himself is misinformed here. Roman law in the pre-Constantinian era (the *Lex Scantinia* of 149 B.C.E. and the Augustan *Lex Iulia*) forbade penetration of male Roman citizens (cf. the discussion in Winter, *After Paul Left Corinth*, 111-13).

¹⁸⁴ *Baker v. State of Vermont*, 170 Vt. 194, 744 A.2d 864 (1999); *Goodridge v. Department of Public Health*, 440 Mass. 309, 798 NE2d 941 (2003).

sodomy laws were invalid to a particular state ruling that “gay marriage” had to be created, centered around claims to the freedom and equality of consenting adults and the pretense that opposition to societal validation of homosexual unions was without any rational basis.

The Vermont civil unions decision (*Baker*) also built on previous concessions to “gay rights.” Johnson mentions only adoption rights for homosexual couples (179) but the groundwork also consisted in other incremental validations of “sexual orientation” in “hate crimes” legislation and “employment nondiscrimination” legislation. As one assessment notes:

In the case, the argument was made that the Court need not extend protection to same sex couples because the state had a long history of official intolerance of same sex relationships. *Id.* at 885. The Court found that argument to be unpersuasive. One of the reasons the Court found as it did was because the Court recognized that “Sexual orientation is among the categories specifically protected against hate-motivated crimes in Vermont”.... The Court further noted that Vermont had also enacted statewide legislation prohibiting discrimination on the basis of sexual orientation and have removed barriers to adoption by same-sex couples as well as extending legal rights and protections to couples who dissolve their “domestic relationship.” *Id.* At 885-86. This discourse clearly underscores and illustrates the incremental steps the State of Vermont took over the years that led the Vermont Supreme Court to conclude that Vermont had abandoned its longstanding disapproval of same sex relationships and therefore, there existed no barrier to the creation of a civil union that extended the benefits and protections of marriage to same sex couples.¹⁸⁵

This should serve as a warning to any who, though affirming a male-female prerequisite for sexual relationships, might be tempted to support a “hate crimes” law or an “employment non-discrimination” act with regard to “sexual orientation.” Doing so will only lead inevitably to full-blown “gay marriage,” imposed by the courts, and the consequent political and social marginalization of any who think that a homosexual union is immoral.

As we have seen, affirming a male-female prerequisite for sexual relationships can be rightly called irrational only under the false assumption that there are no formal or structural prerequisites to sexual bonds that transcend the question of whether two or more people love each other. Moreover, the adoption of such an assumption leads *logically* to the elimination of all remaining vestiges of formal requirements, including a limitation on the number of partners in a sexual bond to two and the requirement of a certain degree of blood unrelatedness. For no consensual sexual relationship can be proven to produce harm that is both *intrinsic* and *scientifically measurable*—not even for adult-child sex.¹⁸⁶

¹⁸⁵ Erik W. Stanley and Mathew D. Staver, “The Impact of Hate Crimes Laws upon Religious Organizations,” Memo of Liberty Counsel (2007; 17 pgs.; <http://www.lc.org/attachments/hatecrimesmemo2005.pdf>), 11. The authors also cite a paper by Kees Waaldjik, a professor from the Netherlands who wrote the Netherlands’ same sex marriage statute, showing “how incremental steps led to the Dutch same-sex marriage bill.” Johnson cites: William N. Eskridge, Jr., *Equality Practice: Civil Unions and the Future of Gay Rights* (New York: Routledge, 2002), ch. 2.

¹⁸⁶ This point about adult-child sex was argued by B. Rind, et al., “A meta-analytic examination of assumed properties of child sexual abuse using college samples,” *Psychological Bulletin* 124 (1998): 22-53. The study was subsequently and extensively critiqued by S. J. Dallam et al., “The effects of child sexual abuse:

To deny marriage to persons in an adult-committed polyamorous or incestuous union is even more of “an arbitrary violation of basic principles of human dignity,” done “for no rational reason,” than is a refusal by society to validate legally adult-committed homosexual unions (to borrow phrases from the *Goodridge* decision, cited in Johnson 185-86). This is particularly so since a man-woman prerequisite is the logical foundation for structural arguments against polyamory and against incest. For, on the one hand, the twoness of the sexes is the basis for limiting a sexual union to two persons concurrently; and, on the other hand, the principle of complementary structural difference is more keenly felt on the level of sex/gender than on the degree of blood relatedness. Certainly the prohibition of homosexual marriage is more firmly grounded in history (ancient and modern, tribal and industrial, first world and third world) than is the prohibition of polygamist or incestuous marriage.

Here again we can think especially of adult incestuous unions where procreation is either impossible (owing to the age or infertility of the participants) or unlikely given the birth-control precautions taken by the participants. Ironically, *homosexual adult-incest would easily satisfy Johnson’s objections to procreative problems*. Yet even when an incestuous bond is formed with both a capacity and intention to procreate, how can such a union be prohibited since birth defects are only an increased risk, not an inevitability, and we don’t prohibit those with hereditary diseases from reproducing?

comment on Rind, Tromovitch, and Bauserman (1998),” *Psychological Bulletin* 127 (2001): 715-33. However, although the second study presented evidence that the first study may have overstated its case and misread some data (though see the response by Rind et al. in the same issue: “The Validity and Appropriateness of Methods, Analyses, and Conclusion in Rind et al. (1998): A Rebuttal,” 734-58), even Dallam et al. begin their study with the following caveat: “Please note that the purpose of our article is not to argue that all types of sexual abuse do in fact cause pervasive and intense harm in all victims. Indeed, *it is well recognized in the empirical literature* that the aftereffects of CSA [child sexual abuse] are extremely varied and *that a significant percentage of abused children remain a-symptomatic*” (p. 716; emphasis added). Similar conclusions about the absence of intrinsic or inherent pathology to adult-child sex are stated in a book by David M. Fergusson and P. E. Mullen, entitled *Childhood Sexual Abuse: An Evidence-Based Perspective* (SAGE Publications, 1999). They note that as many as 40% of children who experience sex with an adult may grow up without any measurable, adverse symptoms. A 2004 study purported to show that 26 homosexual and bisexual men who “reported sexual experiences before age 17 with someone at least 5 years older” but “perceived their sexual experiences as non-negative, noncoercive, and nonabusive were similar . . . in their levels of adjustment” to a control group of 142 homosexual and bisexual men who reported no such sexual experiences (J. L. Stanley et al., “Gay and bisexual men’s age-discrepant childhood sexual experiences,” *Journal of Sex Research* 41:381-9).

Of course, the counterargument with regard to pedophilia (sex with prepubescents) and ephebophilia (sex with adolescents) is that children and adolescents cannot give “truly free” consent (Johnson, 258 n. 107). However, this claim is certainly not true for many (perhaps most) adolescents—in most states abortionists need only the pregnant young adolescent girl’s consent to perform an abortion, the killing of her unborn child. It may not be true even for some prepubescents, who are asked to give consent in all sorts of situations. Even prepubescent children are capable of giving consent to all sorts of daily concerns, as the burgeoning “rights of the child” movement has vociferously claimed. One may offer the additional counterargument that sexual relations offer a special exception. I would agree. Yet the very people pushing the homosexualist agenda have eroded the distinction between non-sexual love and sexual love. Johnson is constantly making the case, for example, that the nonsexual command to “love one’s neighbor” supports the acceptance of homosexual practice in the church. He uses the nonsexual covenantal relationship between Ruth and Naomi as an example justifying the committed sexual union of persons of the same sex. “Companionship, commitment, and community,” none of which are distinctly sexual elements, form the foundation for Johnson’s validation of homosexual practice. So if a child is able to make “truly free” decisions about non-sexual love, why not about sexual love too?

As to polyamorous unions, Johnson and others might object to the traditional forms of polygyny (multiple wives but only one husband) on the grounds of their nonegalitarian character. However, this argument would not work since there are also nontraditional polyamorous relationships in existence that promote any number of mutually agreed-upon partners of either sex (whether in a strictly heterosexual format or in a homosexual/bisexual format) and since too there are no laws prohibiting marriages where a woman agrees to submit to her husband's ultimate authority. Certainly people are capable of intensely loving more than one person concurrently (ask any parent who has more than one child). The decision by the Massachusetts Supreme Court to limit the definition of marriage to "the voluntary union of *two* persons as spouses, *to the exclusion of all others*" (my emphases) is completely arbitrary and irrational *given the rationale for supporting homosexual unions*. Our society currently accepts legalized "serial polygamy" and tolerates sexual promiscuity to such a great degree that it arguably makes the limitation of sexual partners to two look a bit absurd. Which is worse? A man who unfaithfully dumps his wife to marry another woman or a man who, with his wife's consent, adds a second wife to the marital bond? And isn't it better that a man who is going to have two sexual partners concurrently anyway be committed to both partners lifelong and to have such a commitment reinforced by state support than that the man behave promiscuously? Of course, I am not arguing for state support of "plural marriage" but rather making the point that the case for state validation of plural marriage is much stronger than the case for validating homosexual practice.

How is it fair to withhold from adult-committed incestuous or polyamorous unions the "legal, financial, and social benefits" that "marriage holds," including "medical benefits, predictable rules of child support and property division, and the ability to visit one's sick child or partner in the hospital" (185)?¹⁸⁷ As the court concluded in the *Goodridge* decision, "the right to marry means little if it does not include the right to marry the person of one's choice" (cited by Johnson on p. 186). To be sure, the quotation continues: "... subject to appropriate government restrictions in the interests of public health, safety, and welfare." However, given the fact that no consensual sexual behavior produces intrinsic demonstrable harm, and given too that homosexual activity manifests its own disproportionately high rates of measurable harm owing to the absence of a true sexual complement, the government would have no logical, natural, or scientific basis in "health, safety, and welfare" for prohibiting polyamorous and incestuous marriages absolutely while simultaneously creating a right to enter into homosexual marriages.

In the "Summary" to his chapter 4, Johnson concludes:

The more one examines the legal arguments against expanding spousal rights to include gay couples, the more one watches them collapse like a house of cards. The truth is that

¹⁸⁷ A person in an incestuous union would have family rights to visit a sick partner in the hospital but obviously not if the incestuous relationship were disclosed. According to the Wikipedia entry on "incest," "incest is a crime in every state [of the United States], with variations from state-to-state regarding which forms of sexual activities [and] what degree of family relationship fall under the state's definition of incest. In all states, close blood-relatives that fall under the incest statutes include father, mother, grandfather, grandmother, brother, sister, aunt, uncle, niece, nephew, and in some states, first cousins. Many states also apply incest laws to non-blood relations including step-parents, step-siblings, and inlaws."

there are no cogent legal arguments of a secular nature for refusing to grant some from of relationship rights to gay couples.

I find the reverse to be the case. “The more one examines the legal arguments” for redefining marriage to include homosexual unions, the more one sees how flimsy and poorly constructed such arguments are. “The truth is” that Johnson and other proponents of a homosexualist agenda have offered “no cogent legal arguments of a secular nature” for doing away with a male-female prerequisite for sexual relationships.

Appendix 10: Johnson on “Deliberative Democracy” and His Strategy for Obtaining “Gay Marriage”

In his last chapter (ch. 5), “Toward a Welcoming Democracy: Marriage Equality in the Civil Polity” (191-221, notes 310-19), Johnson outlines what he regards as the steps that have been taken, and must be taken, to achieve a “welcoming democracy” where homosexual persons are not treated as “second-class citizens.”¹⁸⁸

The rhetoric of “welcoming democracy” and “second-class citizens” is window-dressing to cover up the lack of an effective case. Maintaining formal or structural prerequisites for societally validated sexual activity, irrespective of the profession of love by its participants, is not an “unwelcoming” gesture on the part of a democracy but rather a morally compassionate gesture that seeks the greatest good for the whole of society. “Welcoming” immorality is no virtue.

Nor are participants in immoral behavior made “second-class citizens” by a society that provides legal validation of, and incentives for, immoral behavior. Are persons with polysexual, incestuous, or pedosexual attractions “second-class citizens” because society maintains, against their protests, sexual prerequisites regarding number, degree of blood relatedness, and age? Johnson’s entire case rests on the erroneous premise that there are no formal prerequisites for sexual bonds based on embodied complementarity, at least not apart from the demonstration of intrinsic, measurable harm. Johnson argues that “genuine family-values proponents should go beyond advocating family values for themselves alone; they should support *all* families, *even those families that are nontraditional*” (207; my emphases). Polyamorous families (including bisexual “threesomes”) and incestuous families (including same-sex adult-incestuous families) certainly qualify as “nontraditional families.” If we should support “all families,” then these must be supported too. Similarly, Johnson argues: “there is currently no moral screening for heterosexuals before they may procure a marriage license.... This makes the screening of gays appear quite arbitrary” (215). As arbitrary, one might add, as the screening of relationships involving more than two persons or close blood relations (for the latter, again, especially same-sex or infertile kin).

1. *The 2000 Nebraska marriage amendment and Johnson’s incrementalism*

Johnson devotes considerable attention to his claim that supporters of a male-female requirement for sex are inhibiting the right of homosexualists to “even advocate for” homosexual marriage (201-6, 221), a claim that is not only false but also ironic in view of the penalties against free speech that have generally accompanied the passage of “sexual orientation” laws. He focuses on the 2000 Nebraska marriage amendment that added to the state constitution (art. I, sec. 29) the following words:

Only marriage between a man and a woman shall be valid or recognized in Nebraska.
The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska.

¹⁸⁸ The claim that homosexual persons are being treated as “second-class citizens” or are being given “second-class status” appears like a mantra in this chapter (191, 194, 215, 218, 221, 319 n. 22; cf. 227); previously only 73-74, 187-88.

The amendment, which was passed by a supermajority popular vote of 70.1%, was unconstitutionally struck down by liberal, Clinton-appointee Judge Joseph Bataillon of the Federal District Court in Nebraska on May 5, 2006. However, the amendment was reinstated by a three-judge panel of the Eighth Circuit Court of Appeals on July 14, 2006.¹⁸⁹ Johnson complains that the amendment prohibits not only “gay marriage” but also homosexual “civil unions and other marriage substitutes” (202) as well as “health insurance, adoption rights, [and] inheritance issues” granted to married couples.

This is a bizarre complaint coming from someone who argues that “our society’s act of embracing gay unions will ... take place ... through an incremental process” (227). It is Johnson who notes for his readers that

the earliest jurisdictions to decriminalize same-gender sexuality and to adopt nondiscriminatory legal policies have also been the first to grant *relationship* rights to gays and lesbians. For example, The Netherlands and the states of Vermont and Massachusetts were among the first jurisdictions to decriminalize gay sexuality; it is no surprise, then, that they were in the vanguard of supporting marriage equality. If this pattern holds, those states throughout the United States that are now decriminalizing and moving toward nondiscrimination will eventually come around on the issue of same-gender unions as well. It is not a matter of if, but when. (223-24)

According to Johnson, pushing for homosexual civil unions as a compromise to “gay marriage” “has greater promise of creating a pro-gay political majority in the short run” than holding out for nothing less than “gay marriage” (227; cf. 219-21). Given Johnson’s own arguments, those who oppose “gay marriage” would be foolish to settle for legislation that would allow civil unions or some other marriage substitute for homoerotic relationships if there were a realistic opportunity to eliminate also these marriage substitutes. Once homosexual civil unions are in place or even once any of the benefits otherwise reserved to married couples are extended to homoerotic bonds, Johnson has told us, the creation of “gay marriage” is “not a matter of if, but when.”

Although Johnson portrays his own views as “centrist” at the beginning of the chapter (191), Johnson’s wholehearted approval of Judge Bataillon’s rationale for striking down the Nebraska marriage amendment shows how extreme his own judicial philosophy on “gay rights” is.¹⁹⁰ Bataillon is the first and only federal judge to strike down a state marriage protection amendment. In a near hysterical moment, Johnson charges that the “broad and antidemocratic implications of such a prohibition”—remember that the amendment passed by a *democratic* supermajority of 70% of Nebraska voters—are that homosexual persons are “permanently” “prohibited from even petitioning the legislature” “for *any* protections ... even *similar to* those provided to married couples” and are thus “excluded from the democratic process” and turned into a “group of noncitizens” (203-4; his emphases).

¹⁸⁹ In the main text Johnson wants readers to know that the chief judge of the three-judge panel was a “conservative Republican” (202; but what are the political leanings of the other two judges?). The reader has to go to endnotes to find out that Bataillon was a Clinton appointee (314 n. 33). Johnson does not use the marginalizing label “liberal Democrat” for Bataillon in the main text (or in the endnote, for that matter).

¹⁹⁰ Johnson is also extreme enough to think that a “gay marriage” contracted in one state, with all its attendant marital benefits, must be recognized as valid in all 50 states, irrespective of any laws and constitutional provisions a state may have against “gay marriage” and its marriage substitutes (199 n. 26).

What does Johnson think the amendment process is? It is part of “the democratic process” engaged in by “citizens.” Any amendment to a state (or the federal) constitution makes it impossible for the legislature to pass laws conflicting with that amendment unless the constitution is re-amended. That is how a constitution functions in democratic society. However, nothing in the Nebraska amendment bars homosexualists from *advocating* a different position. There are no inhibitors of free speech in the amendment. And nothing in the amendment prevents homosexualists from working to overturn the amendment through constitutional means. As Eugene Volokh, professor of law at UCLA and someone who is sympathetic to arguments for “gay marriage,” has written about the Bataillon decision:¹⁹¹

The judge reasons that the amendment is unconstitutional because it interferes with people’s First Amendment rights to advocate, and to association in order to advocate, for legislation protecting same-sex relationships: “The knowledge that any such proposed legislation violates the Nebraska Constitution chills or inhibits advocacy of that legislation, as well as impinging on freedom to join together in pursuit of those ends.”

That, I think, can’t be right. Most state constitutional provisions make it harder for people to enact certain laws — a state constitutional right to privacy, for instance, “chills or inhibits advocacy of [privacy-restricting] legislation” in precisely the same way as the Nebraska same-sex amendment does: People become less willing to advocate the legislation since they know it will be futile, so long as the amendment remains on the book. Likewise, federal laws “chill or inhibit advocacy of [state] legislation” that would be preempted by those laws. State laws “chill or inhibit advocacy of [local] legislation” that would be preempted by those laws. (For instance, state marriage laws, which to my knowledge always set forth rules that apply throughout the state and leave no room for contrary local decisions, equally chill or inhibit advocacy of city- or county-level marriage laws.)

Of course, none of these laws or constitutional provisions violates the First Amendment; they don’t keep people from expressing their ideas — they just make it harder for people to turn those ideas into law. That is the very purpose of constitutional constraints on legislation, and the purpose doesn’t violate the First Amendment. But precisely the same is true about the Nebraska same-sex marriage amendment.

Johnson subsequently admits: “To be sure, gays and lesbians are not prohibited from seeking to undo the constitutional amendment itself; that is, the same process of amending the Nebraska constitution is open to gays and lesbians that was open to the Mormons and the other religious advocates who zealously pushed for the amendment in the first place” (205).

The comment about “Mormons” is ironic. For it was the unanimous Supreme Court decision of *Reynolds v. United States* (1878) that declared that polygamy was not protected by the Constitution. This decision sustained the conviction of a certain George

¹⁹¹ Appearing on his blog at http://volokh.com/archives/archive_2005_05_08-2005_05_14.shtml#1115938636. I was alerted to this entry by: Stanley Kurtz, “Courting FMA: A ruling in Nebraska demonstrates the need for a federal marriage amendment,” *National Review Online*, 5/13/05 (<http://www.nationalreview.com/kurtz/kurtz200505130807.asp>). Volokh’s faculty profile at UCLA Law describes him as an author of “over 45 law review articles and over 75 op-eds on constitutional law, cyberspace law, and other topics.... A 2002 survey by University of Texas law professor Brian Leiter listed him as the third most cited law professor among those who entered teaching after 1992.”

Reynolds, a member of the Mormon Church, for bigamy when he married Amelia Schofield while still married to Mary Tuddenham in the Utah Territory. Reynolds had been convicted under the Morrill Anti-Bigamy Law, signed into law in 1862 by Abraham Lincoln. The representative of the territory, George Cannon, complained about the Court's decision: "Our crime has been: We married women instead of seducing them; we reared children instead of destroying them; we desired to exclude from the land prostitution, bastardy and infanticide."¹⁹² Later in 1890, under extreme pressure from the federal government, including imprisonment of its polygamist leaders and ongoing refusal of statehood for the Utah Territory, the Mormon Church banned polygamy and an anti-polygamy clause was written into the Utah Constitution stating "polygamous or plural marriages are forever prohibited." By Johnson's interpretation of the Nebraska marriage amendment, we should understand this constitutional provision as "antidemocratic" in "permanently" prohibiting supporters of committed polyamory "from even petitioning the legislature" "for *any* protections ... even *similar* to those provided to married couples," thereby "excluding them from the democratic process" and turning them into a "group of noncitizens." Moreover, in the last quarter of the nineteenth century until the 1950s, failure to protect polygamists meant active criminal prosecution.

Yet Johnson goes on to claim:

To argue that an amendment is fair simply because it might someday be changed misses the deeper constitutional point. The very purpose of a constitution is to craft provisions of government that are fundamentally fair to all, and Nebraska clearly failed to do that.
(205-6)

This counterargument begs the question of whether having a male-female prerequisite to marriage is unfair in any meaningful constitutional or moral sense. Entrance into the state-sanctioned institution of marriage is not a right of all citizens irrespective of meeting qualifications. Having structural requirements for marriage or marriage equivalents that transcend claims to love and affection, even for adult-committed bonds related to an orientation, invariably disadvantages some group of people. The fact of such legal prerequisites does not necessarily render the provision in question as unfair, as the prohibition of polygamy clearly demonstrates.

The charge of unfairness necessarily applies only if the administration of the requirement is inequitable; that is, if the requirement is loosened for some groups but not for others. For example, were Mormon polygamists to be given a special dispensation to "plural marriage" but not other religious or secular groups, a requirement limiting marriage to two persons concurrently would be unfair. When it comes to polygamy Johnson dismisses (in an endnote) any claim that polygamists might make to receiving the benefits or status of marriage. He does so by making a distinction between state interference and state accommodation: "It could be responded ... that people should be at liberty to choose a polygamous lifestyle if they wish without state interference. This no doubt is true, but the state is not required to permit more than one marriage at a time" (301 n. 51). That is exactly the point with respect to homosexual unions, if Johnson can see his way to argue consistently. The state is not unfair when it maintains a definition of marriage that excludes same-sex unions, unions of more than two, unions involving close

¹⁹² Cited in Wikipedia entry, "Reynolds v. United States" (http://en.wikipedia.org/wiki/Reynolds_v._United_States).

blood relations, and unions involving age requirements. Not even the *Romer* decision striking down the Colorado amendment, as bad as that decision was, specifies otherwise. Again, Professor Volkh:

The [Nebraska] amendment *does not prohibit any cohabitation relationships* — at most, it bars the government from giving them legal recognition as a “civil union,” “domestic partnership,” or “same-sex relationship.” The right to intimate association does not include the right to have the government specially subsidize or recognize your intimate association. That’s why, for instance, the law can give married people special benefits that single people lack.... There’s no violation of *intimate association rights* here.

I think *Romer* is wrong, badly reasoned, and vague in its implications; but, while it’s impossible to tell for sure given *Romer*’s vagueness, I think that Nebraska amendment is constitutional even under *Romer*.... [The Nebraska amendment] leaves state and local government free to enact bans on sexual orientation discrimination in lots of contexts. The government only mandates that marriage and similar institutions be reserved for opposite-sex couples

The Court’s stress in *Romer* was simply that the law was so overinclusive relative to the interest in protecting associational freedom that it was irrationally broad. Here, the law is a much better fit with the government interest.... [The Nebraska amendment] doesn’t go at all far beyond defining marriage; it clearly covers marriage and its modern equivalents and near-equivalents. It makes perfect sense that as new quasi-marriage statuses are set up to avoid the legal restrictions on marriage, voters would cover these quasi-marriages as well as traditional marriages.¹⁹³

Another reason that Johnson gives for rejecting popular referenda on “gay marriage” is that “popular sentiment has been disproportionately influenced by the blitz of media campaigns and unduly affected by the funds raised by these political interest groups” (201). What he neglects to mention is that homosexualist groups typically outspend complementarian groups by vast margins. For example, in 2004 the former outspent the latter by 24 to 1 in an effort to block passage of a Missouri marriage amendment (\$450,000 to \$19,000). Moreover all the state’s major papers and the mayors of the two largest cities, St. Louis and Kansas City, opposed the amendment. Yet it still passed by a 71% margin.¹⁹⁴

Johnson also argues that “the population at large” isn’t smart enough “to make informed, considered judgments” about such a “deeply divided issue,” which is “not an

¹⁹³ Judge Bataillon’s contention that the Nebraska amendment constitutes an unlawful bill of attainder—defined by Johnson as “a law that targets an individual or a group for punishment without trial” (204)—is a real stretch. According to Volkh, “The prohibition on Bills of Attainder provision has never been read remotely as broadly as the court suggests; nor would it make any sense for it to be read this broadly.” “All state constitutional provisions, as well as federal laws that preempt state laws and state laws that preempt local laws, block some groups from enacting laws that they like. State constitutional bans on polygamy block polygamists from enacting laws that they like.... Moreover, it’s the nature of a democracy that the majority blocks ‘changes opposed by the majority.’ It may not block *advocacy* for such changes; but it can surely block such changes.... The whole point of state constitutions is for the statewide majority to prevent its representatives in the legislature (or voters or legislators in the state’s political subunits) from enacting changes opposed by that statewide majority.”

¹⁹⁴ Monica Davey, “Sharp Reactions to Missouri’s Decisive Vote against Gay Marriage,” *The New York Times*, 8/5/2004 (note the biased headline; the *Times* takes a 70% vote and stresses reactions against the vote); Kara Carlson and Elaine McGinnis, “Marriage Foes Outspend Marriage Defenders by 24 to 1 in Missouri,” Concerned Women of America, 8/11/2004 (<http://www.cwfa.org/articles/6137/CFI/family/index.htm>).

elitist claim” (202). However, that kind of reasoning doesn’t stop Johnson from expressing glee at his perception that opponents of homosexual unions “will eventually lose.” “Each passing year we will witness greater and greater acceptance of gay people” (223). He spends the first page of his review of my book in *Theology Today* declaring: “the time for accepting same-gender couples ... is here and here to stay.” “Everyone knows this, but not everyone is ready to join the celebration” (386). It appears that for Johnson appealing to popular sentiment is a great moral argument when popular sentiment supports his position but a bad way of deciding moral issues when it cuts against his homosexualist views.

2. Johnson’s manipulative idea of “deliberative democracy”

Citing work by Amy Gutmann and Dennis Thompson, Johnson pushes for a “deliberative democracy” which (not surprisingly) rejects voter referenda on the homosexuality issue altogether (209).¹⁹⁵ Gutmann and Thompson are no dummies. They know that the route of referenda will not lead to success for their homosexualist views (cf. 218). For them “deliberative democracy” must focus on promoting “basic liberties,” “equality of opportunity,” and “fair opportunity” for all (209-10). Can you guess where this is heading in terms of the homosexualist agenda? There is no concern here for maintaining prerequisites for sexual activity based on embodied complementarity. Imagine how these same principles could one day be applied to bring about societal recognition of adult-committed polyamory and incest.

Even Johnson admits that this program appears “to favor the interests of gay and lesbians” (212). But Johnson claims that conservatives can be happy that at least they too will be welcomed “to the table.” Where is this “table”? I’m still looking for it. If it exists, it exists only for persons who concede some value to homosexual unions and, even then, exists only until such time as the homosexualist agenda can be coerced on society as a whole. Right now homosexualists are still working to win the necessary concessions that will give their position that kind of coercive power.

Johnson talks about the necessity for “give and take” (194, 198, 211, 227). A problem here is that he only takes and never really gives. He makes a strategic consideration based on a philosophy of incrementalism that it is better, while arguing for “gay marriage,” to be willing to accept a compromise of civil unions, confident that this is the shortest route to getting “gay marriage.” In so compromising, Johnson isn’t giving up anything. If he could get “gay marriage,” he would take it. The only reason that he settles for anything less is that he can’t yet get more.

I do not want to be misunderstood.... I favor and support gay marriage, and I believe that we should continue to make arguments in favor of it. Nevertheless, civil unions have a greater chance of success for the time being. (219)

In the meantime he requires those who disagree with him to give up something that they already have (no government subsidy or recognition for the immorality of homoerotic unions), which will insure the ultimate defeat of their position. In short Johnson recommends that homosexualists *give up nothing that they could reasonably get but rather compromise only on what they cannot now have in order to get what otherwise*

¹⁹⁵ *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004).

they could never have. Johnson gives all the *appearance* of compromising without any of the substance. On this deceptive ground Johnson attempts to coerce concessions from complementarians: “See, I have made at compromise! I have given up my demand for gay marriage. Now the least you could do is give some ground on same-sex civil unions or at least extend some marriage benefits.”

Sadly the ruse often works. Beaten down by years of being labeled “homophobic bigots” and uncaring legalists, grateful for any measure of acceptance by their tormentors, many complementarians feel obliged to make genuine concessions in the face of the false ones made by homosexualists. Now at least they will be called reasonable by homosexualists—not like those irrational and hateful “prohibitionists”—and made players in church and society. In reality, they have become nothing more than useful tools that will subsequently be discarded when their service is no longer needed.

This was precisely the procedure adopted by Johnson with the other members of the majority homosexualist faction within the Presbyterian Church (U.S.A.) Task Force on “Peace, Unity, and Purity” (2004-6). In effect, he and they argued: “If you allow local and regional ordaining bodies the right to decide whether ‘the [ordination] requirement to live either in fidelity within the covenant of marriage between a man and a woman ... or chastity in singleness’ (*The Book of Order*, G-6.0106b) is essential to ordination, then we will drop our demand for the next two years (i.e. until the next General Assembly) to introduce to the Assembly an overture to remove the ‘antigay’ provision in the *Book of Order*.” How reasonable. Never mind that, had such an overture passed the General Assembly, it would have gone down in flames when sent to the presbyteries for ratification.¹⁹⁶ Never mind that the “chastity” requirement of the *Book of Order* is explicitly singled out from amongst all the “historic confessional standards of the church” for the obvious purpose of stressing its status as an ordination essential. We can disregard all that. On this basis they convinced the three or four members of the Task Force who might have resisted the homosexualist agenda that this “compromise” “authoritative interpretation” of the Constitution would promote the “unity” of the church.¹⁹⁷

Johnson criticizes “religious fundamentalists” who “refuse to deliberate with others because they believe they already have a monopoly on revealed truth” (212). Yet Johnson’s book and Review indicates that he thinks that, so far as accepting the validity of committed homosexual unions is concerned, he and those who agree with him really do have “a monopoly on the revealed truth,” so much so that they can regularly characterize those who disagree as harboring the same sort of “prejudice” as racists and sexists. There is no hesitation anywhere in his book on this matter. Johnson is not “deliberating” with anyone in the expectation that he might change his view on what for him is now a core belief. He “deliberates” only to the extent that it wins him strategic concessions that he otherwise could not gain for his “true” position. And his position is every bit as much a “revealed truth” for Johnson as any belief based on Scripture. It’s just

¹⁹⁶ A majority of the presbyteries must approve any amendment to the Constitution. The last attempt at removing the “fidelity and chastity” provision of G-6.0106b was defeated by nearly three-quarters (72.7%) of the presbyteries (2001-2).

¹⁹⁷ An authoritative interpretation requires only approval of the General Assembly for passage. It does not get sent to the presbyteries for ratification. What Johnson and others were proposing was not really an “authoritative interpretation” but an amendment to the Constitution in the guise of an authoritative interpretation.

that his primary source of revelation is not Scripture but his personal experience with homosexual persons.

Johnson does briefly criticize also “secular fundamentalists” who “simply assert their positions without making an effort to respect or enter into the worldview of their religious opponents” (212). However, note that Johnson doesn’t include himself in either group: “religious fundamentalists” or “secular fundamentalists.” Note too that the “secular fundamentalists,” unlike “religious fundamentalists,” don’t need to change their cherished views. They only need to “respect” and “enter into the worldview of” their opponents.

Johnson does not achieve even this minimal standard for “deliberation” in his book and Review, since he is often dismissive of those with whom he disagrees—unless, of course, they are willing to concede that he has made a reasonably strong case for his position (even when he hasn’t). Johnson might be willing to concede that what he calls an “anti-gay” reading of Scripture at times makes a “not unreasonable” case, though I see little, if any, evidence of such a concession in his book or Review. He refers condescendingly to those who think that Scripture’s opposition to homosexual unions is absolute as mere “textualists” (rather than “contextualists”) who lack the necessary knowledge of the literary and historical contexts to realize that Scripture says not one word against non-exploitative, non-hedonistic forms of homosexual practice (56, 129). Even if Johnson were ever to concede that the case for Scripture’s absolute opposition to all forms of homosexual practice is at least “reasonable,” it would only be because the case for such a reading is so overwhelmingly superior to his own interpretation that he could hardly accord it anything less. It is certainly not incumbent on those who hold the scriptural view—for let’s be honest and call it what it is—to accord equal weight to a poorly argued interpretation of Scripture’s attitude to homosexual practice as nonabsolute.

Moreover, at no time does Johnson ever come close to conceding that regarding homosexual practice as immoral is “reasonable.” On the contrary, he repeatedly refers to this view as irrational prejudice (167-68, 186, 188; in agreement with some court decisions; cf. 210, 215). So if “deliberation” requires at least a slight willingness to think that one’s own central conviction about homosexual unions may be in serious error, then Johnson in his book or Review never engages in the deliberative process. Yet he is quite willing to charge those on the other side with an inability to enter into a “deliberative process” unless they are willing to entertain some doubt about their central conviction that homosexual practice *per se* is immoral.

What is necessary for “deliberation” is for people to hear clearly what others are saying and then to evaluate their arguments with honesty and rigor. On this score Johnson fails since he regularly misrepresents and/or ignores the key arguments of those with whom he disagrees. Unlike what Johnson has done with my work, I have carefully read and examined every one of the arguments in his book and have made a strong case, I believe, for why these arguments are on the whole badly thought through.¹⁹⁸ I am sorry that I cannot accord Johnson’s argumentation a higher rating but the blame for this verdict, if blame there is, lies squarely with the weakness of Johnson’s arguments. It

¹⁹⁸ Johnson also believes that he has made a strong biblical, theological, moral, and legal case for embracing committed homosexual unions, to the point (as we have noted) of repeatedly comparing those who disagree with racists and sexists.

should be said that Johnson also shows little regard for my work.¹⁹⁹ The difference, however, is that he lacks the effective arguments and evidence to carry off his claims and misrepresents my positions. This certainly doesn't make his work any more "deliberative" than my own.

Some students at Johnson's seminary invited me to speak on the homosexuality issue in March 2008. They made every effort to construct a dialogue format to Johnson's liking, where he and I would be the principal speakers. Johnson would have none of it. It could not have been because I had already made up my mind on the subject and therefore could no longer "deliberate," for, as we noted above, Johnson has just as much made up his mind about his central convictions regarding affirmation of committed homosexual unions. Moreover, there is not a lot of "deliberation" going on in Johnson's book if by deliberation is meant "still working through, and somewhat undecided about, central issues." Nor could Johnson's avoidance of a presentation format with me as his prime dialogue partner have been because I don't do enough of the "giving" in a give-and-take process. As we have seen, Johnson doesn't "give" at all on his own central convictions; he only gives on what he cannot reasonably hope to get. Nor could it have been because Johnson doesn't like my "tone," for Johnson has shown no compunction about saying some fairly rough things about me and my work, both in his book and in his *Theology Today* review of my first book. This is hardly what one would expect of someone who is supposed to be modeling "deliberative discourse" for us. Apparently Johnson only has a problem with an exchange of views when he knows that his arguments are going to be subjected to rigorous informed scrutiny and critique. In short, he is fearful that he might get his clock cleaned in a public exchange of views where there is ample opportunity to

¹⁹⁹ For example, in his review of my first book, Johnson made a single positive reference to my book; namely, that it "is the most thorough and exhaustively researched" book that expresses opposition to homosexual practice—a point that Johnson could hardly deny given the book's length and detailed footnotes. Otherwise, his review is entirely negative. "The basic thrust [of Gagnon's book] is profoundly mistaken.... Gagnon's argument may look cogent on the surface, but it operates by a certain slight of hand. He assumes that there is one monolithic thing called homosexuality, which is the same yesterday, today, and always [i.e., allegedly I am unaware of 'age-differentiated' and 'status-defined' types of homosexuality in the ancient world].... His sole evidence for [egalitarian forms of homosexual practice] is a pair of dubious references.... Gagnon misguides the reader not only by assuming that all homoeroticism is the same but also by wrongly conceiving the reason for the biblical prohibitions as 'gender complementarity'.... Gagnon mentions Galatians 3:28 three times, quoting it ... incorrectly once.... Gagnon gives us no persuasive reason why we should break with tradition and ordain women but genuflects to so-called tradition in being antigay.... Rogers's book ... helps us to see the *theological* deficiencies of an approach like Gagnon's. The claim is made by some antigay advocates that Gagnon's book is the definitive defense of the 'biblical position.' Rogers shows us that this is simply wrong.... Ironically, Gagnon works solely within the confines of a modernist hermeneutic.... There is nothing in Gagnon's work that helps us to explain why same-gender sexual orientation arises with a consistent statistical frequency in this world.... There is no moral distinction Gagnon's work is able to make between a Roman soldier taking his pleasure with a slave boy and two women who pledge to love each other forever as they care for and raise a child. There is nothing in Gagnon's approach to scripture, moreover, that requires the Incarnation or the work of the Spirit for its efficacy. At the end of the day, there is nothing in Gagnon's approach that even requires the Bible, since everything one needs to know about sexuality can be deduced from the functionality of body parts. With all these ways in which Gagnon's work departs from classical orthodoxy, why do many conservative evangelicals champion it so forcefully? ...By grace, the church must continue to embrace even those who have made rejection of gays and lesbians their fundamental article of faith." I would say that this qualifies as a fairly negative review—as I have shown, achieved through misrepresentation by Johnson.

correct in reasoned tone his misrepresentations and to point out evidence that he has willfully ignored.

Johnson cites as an example of how “the ideal of deliberation is not always greeted warmly” an incident fifteen years prior when he was invited to speak at a “gay and lesbian issues forum” and his seminary received letters demanding his resignation (how many? one? two? Johnson doesn’t say). Because the forum allegedly invited speakers “from across the spectrum” and because Johnson “had no idea what [he] planned to say” (why then was he invited?), Johnson concludes that those writing complaints to his seminary objected “to the fact that [he] had even agreed to discuss the issue” (212). That doesn’t make sense to me. Had the letter writers had some indication that in discussing the issue he wouldn’t “cave” into key elements of the homosexualist agenda, they obviously wouldn’t have objected to the idea of his presenting at the forum. They objected because they sensed—surely rightly, in hindsight—that he was on the road to embracing that agenda.

I’m confident that any opposition that Johnson has received within the church for supporting the homosexualist agenda—which (as I have argued) is a strongly anti-Scripture view—is nothing compared to the opposition that I have received for supporting a male-female prerequisite—a position that, unlike Johnson’s, is in agreement with Scripture and nearly two millennia of church tradition. During my tenure process my seminary received tremendous amounts of mail from people opposing my tenure, including from a former moderator of the PCUSA (and alum of my seminary) who told the President that if I received tenure the whole biblical studies department would “go to pot.” The word that I later received was that this was part of an orchestrated letter-writing campaign by homosexualist organizations in the PCUSA.²⁰⁰

The virulent opposition did not arise from objections to my qualifications, for I had met and exceeded all the qualifications for tenure to associate professor rank. The opposition arose from the fact that I had the audacity to write and have published an effective 500-page book defending the historic position of the church on homosexual practice, looking at Scripture, theology, and science. If things are this bad at a time when the PCUSA is operating with a requirement for ordained officers “to live either in fidelity within the covenant of marriage between a man and a woman ... or chastity in singleness” (*The Book of Order*, G-6.0106b), how bad will the persecution be if this requirement is ever overturned?

Currently, anyone who publishes against homosexual practice will have a very hard time securing a teaching position at most, if not all, PCUSA seminaries and nearly every Episcopal, Lutheran, and Methodist seminary. The number of tenured professors at mainline seminaries who regard homosexual practice per se as immoral is probably less than 15 percent, and nearly all of these know that they need to keep their mouth shut about it in the classroom if they want to have influence at their institution. Homosexualist professors have far more freedom to express openly and strongly their views on the subject both in the classroom and in special forums.

Johnson tries to sound magnanimous by stating that those who disagree with his view on homosexual practice should be permitted to express their views. However, he quickly

²⁰⁰ Only after I received tenure did I discover that renewal organizations in the PCUSA got wind of this orchestrated effort to keep me from getting tenure and began their own letter-writing campaign.

adds: “it is another thing to allow one group to perpetuate a status hierarchy.... just as no one has the right to yell ‘fire’ in a crowded building when there is no fire and call that utterance free speech” (194-95). Readers will search in vain to find a single reference in Johnson’s work to attacks on so-called “hate speech” regarding homosexual practice in Canada, England, Scandinavian countries, and even parts of the United States. Apparently Johnson doesn’t want to say anything that might scare away any readers whom he might otherwise lull into complacency over the threat of “gay rights.”²⁰¹

Johnson recommends that, in exchange for “religious communities” being allowed “to voice good-faith objections to gay marriage without fearing prosecution,” such communities “might ... endorse substitutes for marriage, such as domestic partnerships or civil unions” (208). Yet we have already seen from Johnson himself that endorsing marriage substitutes makes “gay marriage” a virtual *fait accompli*. So what kind of option is this for someone who believes homosexual practice is immoral? Even though “religious persons” do most of their living in a secular environment, Johnson thinks that they should abandon that environment to the homosexualist agenda in exchange for being left alone just in the specific context of worshipping in a church building a few hours each week (where, incidentally, the overarching denominational authority that has surrendered to the prevailing secular culture may harass them).²⁰² In addition, Johnson can make no guarantees to anyone that “sexual orientation” laws and civil recognition of homosexual unions will not lead to the persecution of those who verbalize disapproval of such unions. All the evidence to date indicates otherwise: free speech, employment, property, and educational opportunities are all at risk for those who express opposition to homosexual practice, no matter how loving.

Johnson himself repeatedly compares such opposition to racism. For example: “Just as racial injustice could not sustain itself forever, neither will the exclusion of gay couples” (Review, 386). Just as “today racial discrimination is ruled out of bounds as *beyond rational argument*, as is discrimination on the basis of gender,” so too we will one day “reach a consensus” that discrimination on the basis of “gender orientation,” including the rejection of “gay marriage,” is beyond rational argument (210; my emphasis). Even in the very paragraph where Johnson says that liberals shouldn’t call traditionalists “bigots,” Johnson refers to the latter’s “prejudices” (215; and, on the previous page, “traditional

²⁰¹ Cf. Alan Sears and Craig Osten, *The Homosexual Agenda: Exposing the Principal Threat to Religious Freedom Today* (Nashville: Broadman & Holman, 2003); Erik W. Stanley and Mathew D. Staver, “The Impact of Hate Crimes Laws upon Religious Organizations,” Memo of Liberty Counsel (2007; 17 pgs.; <http://www.lc.org/attachments/hatecrimesmemo2005.pdf>); Mathew Staver, *Same-Sex Marriage: Putting Every Household at Risk* (Nashville: Broadman & Holman, 2004); Gagnon, “Bearing False Witness: Balch’s Effort at Demonization and His Truncated Gospel” (2004; 23 pgs.; online: <http://robgagnon.net/articles/homoBalchFalseWitness.pdf>), 10-18; idem, “Don’t ENDanger Your Liberties in the Workplace” (Oct. 2007; 8 pgs.; online: <http://robgagnon.net/articles/ENDA.pdf>); idem, “An Open Letter regarding the Current Hate Crimes Amendment” (Oct. 2005; online: <http://www.robgagnon.net/HateCrimesAmendment.htm>). For a nice summary of what has already happened in Canada go to <http://www.catholiceducation.org/articles/persecution/pch0080.html> (written by a persecuted Canadian teacher, Chris Kempling; also: <http://www.narth.com/docs/current.html>). For a much more detailed presentation see Hans C. Clausen, “The ‘Privilege of Speech’ in a ‘Pleasantly Authoritarian Country’: How Canada’s Judiciary Allowed Laws Proscribing Discourse Critical of Homosexuality to Trump Free Speech and Religious Liberty,” *Vanderbilt Journal of Transnational Law* 38 (2005): 443-504 (<http://www.narth.com/docs/PrivilegeofSpeechClausen090.pdf>).

²⁰² Witness the current problems of the Episcopal Church and in the Anglican Church of Canada.

prejudice”; also: 8, 74, 81, 166, 168, 182, 293 n. 107). So apparently the distinction for Johnson is, “Don’t call traditionalists ‘bigots’; just compare their views regularly to those of other bigots.” Johnson’s caution against directly calling them “bigots” seems to stem more from strategic considerations—don’t alienate the majority while they are the majority because you still need concessions from them—than from any charitable view on Johnson’s part.²⁰³ Given such attitudes on the part of Johnson, it seems unlikely that Johnson will be in the vanguard of those fighting for these irrational and prejudiced bigots. Surely Johnson would insist on the firing of anyone, certainly any “white collar” employee, who repeatedly and unrepentantly uttered overtly racist comments. So why would he support the continued employment of someone who repeatedly expressed moral opposition to homosexual behavior—that is, once the homosexualist agenda has acquired the coercive power to effect such actions?

3. Johnson’s argument that the case for “gay marriage” is “conservative”

Johnson uses a series of weak arguments to characterize consistent opposition to both civil unions and gay marriage as an untenable (“narrow”) option for conservatives (214).

First, he says: “it does more to conserve traditional prejudice than it does to preserve traditional morals.” As we noted earlier, this begs the question. It requires buying into Johnson’s skewed notion that opposition to homosexual practice is nothing more than irrational prejudice. Were someone to accept this view, there would be little basis for approving only civil unions and not “gay marriage”—or, for that matter, other adult-committed sexual behaviors like polyamory or incest. Yet a reasoned recognition of structural prerequisites to sexual unions, based on the embodied complementarity of the participants, hardly passes for irrational “prejudice.”

Second, “it ignores the possible moral value that could accrue from consecrating same-gender relationships.” We will come back to this point in a moment.

Third, “it depends on a quite specific vision of the moral good that not everyone in society shares.” Well, not everyone in society shares the view that gay marriage or even homosexual civil unions are a good idea. In many parts of the United States the vote is strongly against even civil unions. Again, opting for homosexual civil unions is no “compromise.” It is a way station or transitional stage leading invariably to gay marriage. To support government recognition and subsidy of same-sex civil unions is saying, in effect: I don’t want “gay marriage” today but I want it in 2-5 years time.

Fourth, “even if the vast majority in a society were to agree with this particular vision of what constitutes morality, how are we to preserve the freedom of conscience of the minority that disagrees?” We would preserve it in the same way that it has been preserved over the past twenty-five years. In today’s society threats to freedom of

²⁰³ Indeed, Johnson contends: In exchange for us not calling you “bigots,” you should stop calling gays “perverse” (215). If the point here is that those who oppose homosexual practice should not even call homosexual *behavior* per se “perverse”—that is, behavior “deviating from” or “directed away from” what is right or good (the underlying Latin word *perversus* means “turned about, turned the wrong way, reversing or inverting the [natural] order”)—then this would require a complete abandonment of the position against homosexual practice, which would be absurd. If all that Johnson is saying is that in the midst of dialogue of debate don’t be calling each other names (“you are perverse” or “you are a bigot”), then I agree. But again, given that Johnson repeatedly compares opposition to homosexual practice with racism and sexism, his call to not using the word “bigot” rings hollow. He is essentially saying the same thing in so many words.

conscience arise far more from the homosexualist side than from a consistent stance against homosexual practice, with matters certain to get much worse as the homosexualist lobby continues to grow in power. Developments in the last ten years in Canada, western Europe, and even parts of the United States demonstrate this. My own personal experience with committed homosexualists is that they tend to exhibit at a disproportionately high rate—not universally but at a disproportionately high rate—significant intolerance for those who disagree with their perspective, a disregard for accurate reporting in context, and a general mean-spiritedness.

The second argument cited above is the main focus for Johnson’s final argument in his section on “deliberative democracy and disputes over gay relationships.” Actually it is more of an assertion than an argument; namely, that

allowing gays to marry would promote the very sort of fidelity, commitment, and care for the other that traditionalists claim they want to see.... [M]aking marriage the norm for gays would actually strengthen marriage as an institution. (217; cf. 215)

There are three main reasons why this argument doesn’t work.²⁰⁴

First and most importantly, the argument takes no account of the fact that the immorality of same-sex intercourse does not consist merely in its disproportionately high rates of promiscuity (for men in particular). These are only the ancillary side effects or symptoms of the fundamental problem with homosexual practice; namely, the erotic attraction for, and the attempt to merge with, what one already is as a sexual being. This amounts to a dishonoring of the integrity of one’s maleness, if male, or femaleness, if female. One is not half one’s own sex but half of the full male-female sexual spectrum. The sexual complement to a man is not another man but a woman; and to a woman is not another woman but a man.

Johnson’s argument is akin to advocating as an alternative to promiscuity a reconfiguration of the institution of marriage to allow for more than one partner or a bond between close blood relations who will not, or cannot, produce children. When Paul dealt with a sexual relationship at Corinth between a man and his stepmother, he would not have considered that relationship to be morally improved by a lifelong commitment. That would only have regularized the immorality. The same is true of endorsing lifelong homosexual unions. Obviously issues of commitment, monogamy, love, and longevity only kick in after structural prerequisites for the sexual union are met.

Second, it is not likely that creating homosexual civil unions is going to result in radically different behaviors on the part of persons who live out of same-sex attractions. The kinds of disproportionately high rates of measurable harm that characterize homosexual behavior are different for men and women and correlate with what we would expect from male-female differences: homosexual males exhibit much higher rates of sex partners and sexually-transmitted infections, while homosexual females experience higher rates of mental health issues and, on average, shorter relationship durations than even homosexual male relationships.²⁰⁵ With regard to homosexual males, J. Michael

²⁰⁴ See further “Why the Disagreement,” 125-30, 35-36.

²⁰⁵ More sex partners and STIs among homosexual males is a no-brainer. Higher rates of mental health issues for lesbians correlate with higher rates for women generally; shorter-term unions on average likely arises from the high level of expectations, and thus pressure, that women put on sexual relationships.

Bailey, a strong advocate for “gay rights” and one of the most important researchers of homosexuality, makes the following point:

Regardless of marital laws and policies, there will always be fewer gay men who are romantically attached. Gay men will always have many more sex partners than straight people do. Those who are attached will be less sexually monogamous. And although some gay male relationships will be for life, these will be many fewer than among heterosexual couples.... I suspect that regardless of the progress of gay rights, gay men will continue to pursue happiness in ways that differ markedly from the ways that most straight people do. This will be true even as society becomes increasingly tolerant of them. Both heterosexual and homosexual people will need to be open-minded about social practices common to people of other orientations.²⁰⁶

To continuously call marriage what will rarely be both monogamous and of twenty-year duration or more (let alone lifelong), can only have a long-term cheapening effect on the institution of marriage.²⁰⁷

Interesting for their symbolic import are the following two cases. The first same-sex couple to be recognized as a civil union in Vermont (2000), Carolyn Conrad and Kathleen Peterson, ended their relationship just five years after being legally united. Conrad filed a relief-from-abuse order from Peterson. According to the news report, “Conrad stated that she feared physical harm from Peterson after she allegedly punched a hole in the wall during an argument in late August, and threatened to harm a female friend of Peterson’s [?] in early December.” Even Julie and Hillary “Goodridge,”²⁰⁸ the primary plaintiffs in the Massachusetts Supreme Court “gay marriage case” (2004), split

²⁰⁶ *The Man Who Would Be Queen: The Science of Gender-Bending and Transsexualism* (Washington, D.C.: Joseph Henry Press, 2003), 101-2.

²⁰⁷ The counterargument is often made that heterosexual marriages are not doing well either. Even so, about three-quarters last 10 years or more, two-thirds last 15 years or longer, and slightly more than half last 25 years or more. See Justin Wolfers, “Misreporting on Divorce,” *New York Times*, 3/25/08 (<http://freakonomics.blogs.nytimes.com/2008/03/21/misreporting-on-divorce/>) and his articles cited therein. Cf. also the rebuttal of Johnson’s argument about Scandinavian divorce rates being higher for heterosexuals than homosexuals in sec. II.5.1 above: “divorce-risk levels are *considerably higher*” for same-sex registered partnerships: 50% higher for male partnerships and 150% higher for female partnerships in just the limited time interval of 0-8/9 years.

Terry Stein in the entry on homosexuality for *Kaplan and Sadock’s Comprehensive Textbook of Psychiatry* (7th ed.; Lippencott Williams & Wilkins, 2000) writes: “From 8 to 14% of lesbian couples and from 18 to 25% of gay male couples report that they have lived together for more than *10 years*” (p. 1624; my emphasis). Stein is a known homosexual activist for homosexual causes who has served as a Director of the AIDS Education Project at Michigan State University, Chair of the American Psychiatric Association’s Committee on Gay, Lesbian, and Bisexual Issues, Associate Editor of the *Journal of Gay and Lesbian Psychotherapy*, and President of the Association of Gay and Lesbian Psychiatrists. So his claims must be viewed as a “best case” scenario.

Consider also a 2003 study entitled “Relationship Innovation in Male Couples,” presented at the 2003 American Sociological Association conference by Dr. Barry Adam, a professor of sociology at the University of Windsor and homosexual activist. Adam interviewed 70 homosexual men in Ontario who were part of 60 couples and found that only 25% reported being monogamous; and most of the latter were in a relationship of less than three years duration (note that being in a relationship of at least a year was a qualification for being in the study). According to Adams, “One of the reasons I think younger men tend to start with the vision of monogamy is because they are coming with a heterosexual script in their head and are applying it to relationships with men. What they don’t see is that the gay community has their own order and own ways that seem to work better” (<http://www.washblade.com/2003/8-22/news/national/nonmonog.cfm>).

²⁰⁸ They both changed their last names to “Goodridge,” which was Hillary’s grandmother’s maiden name.

up just two years after getting officially married.²⁰⁹ Marriage isn't going to change radically the habits and lifestyles of male and female homosexuals.

At the same time the percentage of adult homosexual persons entering into marriage in places where it is offered constitute such a small part of the whole adult-homosexual population—for example, in the Netherlands only 3% in the first years that marriage was offered, 2001-2004—that granting “gay marriage” ends up being more about validating the homosexual life than about strengthening homosexual relationships.

Third, we can expect official societal recognition and subsidy of homosexual unions to have negative effects for the society as a whole. Four in particular come to mind.

(1) Official recognition of homosexual unions will erode resistance to other “adult-committed” sexually deviant behaviors—first as regards multiple-partner unions and second as regards incest. Somewhere down the road from that we can expect further lowering of age of consent laws. As we have noted all along, the case for “gay marriage” is a case against formal or structural prerequisites for sexual activity. Lacking the ability to prove intrinsic, scientifically measurable harm in the deviant behaviors cited above, the state will have to bow to the logic of its own arguments for “gay marriage” that what really matters is whether the participants involved “love” each other.²¹⁰

(2) The decline of marriage as an institution will actually be accelerated since homosexualist rhetoric treats erotic desire as little more than an imperceptible extension of non-erotic desire. Since there are lots of nonerotic relational commitments that people don't feel a need to formalize, why bother with formalizing a sexual commitment? Given, too, how poorly homosexual relationships fare on average in terms of monogamy and longevity, even in relation to heterosexual bonds, the extension of marriage rights to homosexual bonds virtually requires a further lowering of the esteem in which marriage as an institution is held. An embrace of homosexual marriage is also the final statement by society that children and marriage have no significant connection. Yes, it is true, we have accepted marriages between heterosexual couples where children do not result, either by intention or, more commonly, by “equipment failure.” However, in embracing “gay marriage” society embraces sexual unions where the participants don't even have the necessary “equipment” for procreation.

Stanley Kurtz has shown that the introduction of official recognition of homosexual unions in Scandinavia and the European lowland countries has coincided with a sharp rise in out-of-wedlock births and general reduction in marriage rates. This is especially the case in the Netherlands, a country that has had the longest history of recognition of

²⁰⁹ Daniel Barlow, “Vermont's—and nation's—first civil union breaking up,” *Rutland Herald*, 12/15/05 (online: <http://www.timesargus.com/apps/pbcs.dll/article?AID=/20051215/NEWS/512150369/1002>); Michael Levenson, “After 2 years, same-sex marriage icons split up,” *Boston Globe*, 7/21/06 (online: http://www.boston.com/news/local/articles/2006/07/21/after_2_years_same_sex_marriage_icons_split_up/). Conrad and Peterson had been together for 5 years before the civil union ceremony. The “Goodridge”'s had been together for 15 years before getting officially married. My point is only that, for all the fanfare, getting a marriage certificate didn't have material positive impact on either relationship. And these are couples that earnestly sought societal validation.

²¹⁰ See Appendix 3 above for pro-polyamory trends; detail in “Why the Disagreement,” 36-39, 42-44. For movement toward official recognition of polyamory in the Netherlands and in Sweden see Stanley Kurtz, “Here Come the Brides: Plural marriage is waiting in the wings,” *The Weekly Standard* 11:15 (Dec. 26, 2005; online: <http://www.weeklystandard.com/Content/Public/Articles/000/000/006/494pqobc.asp?pg=1>); idem, “Fanatical Swedish Feminists,” *National Review Online*, 2/22/06 (online: <http://article.nationalreview.com/?q=MWI3ZWMYMRhN2Q3MjA2Y2U4YmU1MDI4YzY3OGUyODM=>).

homosexual unions (“gay marriage” since 2001, same-sex registered partnerships since 1998, and various same-sex cohabitation laws since 1979), as well as the liberal, northern part of Norway.²¹¹

(3) A full-court societal press for the acceptability of homosexual unions and the unacceptability of “homophobia,” drilled into children as early as their kindergarten year, along with an increase in same-sex sexual experimentation, will probably over time lead to an increase in the incidence of homosexuality and bisexuality in the population.²¹² This in turn will mean more people experiencing the disproportionately high rates of problems that attend homosexual behavior.

(4) “Gay marriage” will bring with it the zenith of civil and religious intolerance for any opposition to homosexual behavior. As we have already noted, although supporters of homosexual unions preach tolerance and diversity, the political and religious agenda of most in the movement suggests otherwise. Penalties for publicly expressing disapproval of homosexual practice in some Western countries already range from fines to loss of employment; even incarceration has been threatened. Christian colleges and seminaries that have policies against homosexual practice will risk losing their tax-exempt status, access to federal grants and student loans, and ultimately accreditation itself. Teachers whose teaching against homosexual practice puts such government benefits at risk will be told to shut up or leave. Public schools will intensify their indoctrination of children into the acceptability of homosexual unions from kindergarten on and single out for marginalization and ridicule any who question this agenda. Parents’ rights in instilling moral values in their children will be abridged. Indeed, the state could one day remove self-professed gay and lesbian children from parents who express moral disapproval of homosexual practice on the pretense of “child abuse.” Mainline denominations will comply with societal trends by refusing to ordain “heterosexist” candidates for ministry and even disciplining heterosexist clergy. Since approval of homosexual practice can only occur at the cost of marginalizing Scripture, the trend will be toward a hard-left radicalization of mainline denominations.

So, for all these reasons, there is no valid “conservative case” for “gay marriage.”

²¹¹ See the references to his articles in “Why the Disagreement,” 128-29. More recently see his following pieces in the archives of *National Review Online* (<http://author.nationalreview.com/?q=MjMxNA==&p=MjAwNg==>): “Avoidance Strategy: What about marriage in the Netherlands?” (10/30/06); “Why So Few?” Parts I and II (6/5-6/06); “Smoking Gun” (6/2/06), “Zombie Killers” (5/25/06), “No Nordic Bliss” (2/28/06), “Standing Out” (2/23/06), “Fanatical Swedish Feminists” (2/22/06). Cf. also his “Denmark, IVF, and Gay Marriage” at <http://corner.nationalreview.com/post/?q=ZjZkZDJhZmFiMWRhMTU2MWRkYTQyMmY2YTA0NDBmMzU=>). In an email communication dated 9/21/07 Kurtz remarked: “I find that the vast majority of what I’ve written in reply to Eskridge has simply been ignored. I take this as a sign that the critics haven’t got much in the way of a substantive response.”

²¹² See the discussion in “Why the Disagreement,” 30-34, 120-25.

Appendix 11: Homosexual Indoctrination in Public Schools

Johnson actually feigns offense at what he considers the paranoid idea that “gays [are] bent on promoting ‘homosexual indoctrination in the schools’” (163). It is impossible that Johnson was not already aware of the push by homosexualist lobbies in a number of states to accomplish precisely that.

For example, in 2007 Governor Arnold Schwarzenegger signed into law SB 777 (he had vetoed a similar bill in 2006 and there were earlier efforts in the California legislature to pass similar bills). It states that “no teacher,” from kindergarten through twelfth grade in California public schools, “shall give instruction,” including from textbooks or classroom assignments, “nor shall a school district sponsor any activity that promotes a discriminatory bias because of” the characteristic of “sexual orientation,” defined as “heterosexuality, homosexuality, or bisexuality,” or “gender,” defined as “a person’s gender identity and ... appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth” (i.e., including transsexuality and cross-dressing). The latter replaced the old definition of “sex” or “gender” as “the biological condition or quality of being a male or female human being.”

Thus any questioning of homosexual activity per se, homosexual civil unions or marriage, transsexuality, or cross-dressing would subject a school teacher in California to termination and the district to lawsuits by the California Department of Education. In order to avoid such lawsuits, a school district would need to prove the absence of “discriminatory bias,” which for all practical purposes would require the positive portrayal of the “Gay-Lesbian-Bisexual-Transgender” agenda as a valued civil rights movement and lifting up homosexual figures in history as positive role models in “gay history month,” a well as criticizing as prejudiced, discriminatory, hateful, and “homophobic” any questioning of homosexual unions or sex-change operations and cross-dressing. *No* discussion of human sexuality issues could leave the impression that only forms of heterosexual practice were being condoned. Homosexual attraction will be allied with the condition of race such that anyone who questions of the acceptability and healthiness of homosexual practice will be likened to a member of the Klu Klux Klan or Nazi “skinhead,” and treated legally as such.

In the same year Schwarzenegger also signed into law AB 394, which requires public schools to distribute materials to teachers, students, and parents that promote homosexuality, bisexuality, and transsexuality under the pretense of “anti-harassment training.” This law provides for a more proactive implementation of AB 537, signed into law in 1999, which already forbade “discrimination” and “harassment” in the public schools based on “sexual orientation.”

Moreover, these homosexualist indoctrination education bills apply to “any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid educational institution,” including private schools and colleges.²¹³

What all this means is that young, impressionable children from kindergarten on up can and will be bombarded regularly with, and held hostage to, homosexualist ideology.

²¹³ For homosexualist bills signed into law by the governor of California since 2004 see the Campaign for Children and Families website at <http://www.savecalifornia.com/getactive/arnoldsrecord.php>. Cf. also the analysis of SB777 by Roy Hanson of Private & Home Educators of California at <http://www.pheofca.org/SB777080124.pdf>.

They will be told repeatedly throughout their education that anyone who thinks differently is a hateful, ignorant, homophobic bigot whose views are now also illegal. All California public school students and most private school students can look forward to aggressive “GLBT” clubs that encourage them to experiment with nascent homosexual desires; regular convocations and forums that celebrate the value of “sexual diversity” with outside homosexualist speakers brought in to spout their propaganda; regular classroom instruction and mandatory assignments that will pound into them the homosexualist ideology and force them to adopt that ideology or face a poor grade; and classrooms decorated with posters that daily remind students not to be “homophobic” and “bigoted” in their views toward students who either are sexually attracted to fellow students of the same sex or understand their “gender identity” to be different from their biological sex. Children can and will be exhorted to identify with the sexual orientation and gender that they feel most comfortable with and to behave and dress accordingly. There will be no option for any student or parent to express an alternative viewpoint because any other viewpoint will be treated as legally discriminatory.

Out of all this will come one of three outcomes for your child, if you happen to have children in a school system where such “sexual orientation” and “perceived gender” laws operate: (1) Your child will remain faithful to the important teaching that sexual relations are designed for the pairing of a male and a female, in which case he or she will be subject to attacks and ostracism throughout his or her academic life and regularly made to feel that he or she is the moral equivalent of a virulent racist. (2) Your child will be brainwashed into accepting the homosexualist and transgendered agenda, lock, stock, and barrel, which means that your child will now regard you the parent, if you disagree with such an agenda, as a hateful, ignorant bigot. (3) At a vulnerable time of your child’s life, when issues of sexual orientation and gender identity may not be fully settled but subject to some normal doubt and questioning, your child will be encouraged into, and will finally succumb to, a homosexual, bisexual, or transsexual identity.

On the last outcome, one should be aware of a 1992 study of nearly 35,000 Minnesota junior and senior high school students, which concluded: “Responses to individual sexual orientation items varied with age, religiosity, ethnicity, and socioeconomic status.... The findings suggest an unfolding of sexual identity during adolescence, influenced by sexual experience and demographic factors.”²¹⁴ This study contradicts the assumption by many that sexual orientation is rigidly congenital and not subject in any way to cultural influence or individual experimentation. One might compare also the conclusions reached by psychiatrists Paul R. McHugh and Phillip R. Slavney in a standard textbook on psychiatry published by Johns Hopkins Press:

Genetic factors play some role in the production of homosexual behavior, but . . . sexual behavior is molded by many influences, including ‘acquired tastes’ (or learning) closely related to the culture in which the individual develops. . . . It is possible . . . to picture a future in which homosexual behavior will be so much in the cultural experience of every individual that the genetic contribution will become undetectable. . . . What may be inherited may not be a mechanism specific to a behavior but rather something related to qualities of that person that render him or her more vulnerable to social influences. . . . That genes have a role in behavior can be demonstrated; that behaviors are influenced by

²¹⁴ G. Remafedi, et al., “Demography of sexual orientation in adolescents,” *Pediatrics* 89:4 (Apr. 1992): 714-21 (quote from the abstract).

other forces is also certain, particularly learning through models, instructions, and rewards from the sociocultural environment.²¹⁵

²¹⁵ *The Perspectives of Psychiatry* (2d ed.; Baltimore, 1998), 184-86.

Appendix 12: “Employment Non-Discrimination” Laws

Johnson insists that ENDAs (employment non-discrimination laws) for homosexual and transsexual persons are necessary to prevent the rampant and unfair employment discrimination against homosexuals, bisexuals, and transsexuals. He contends, based on the work of M. V. Lee Badgett,²¹⁶ that homosexual men earn 15% percent less in wages than their male heterosexual counterparts. Yet even Johnson has to admit, based on the same work, that lesbian women earn slightly more than their female heterosexual counterparts (163).

Is the figure even as bad as 15% for homosexual males? Johnson fails to cite two other, better-done studies that did not confirm significant discrimination for homosexual males. A 2001 study by S. Allegretto and M. M. Arthur found that most of the alleged discrimination against homosexual males could be explained by the importance of “the marriage premium.” When compared with unmarried heterosexual men, homosexual men made only 2.4% less.²¹⁷ A 2004 study by C. Carpenter, using data from the 2001 California Health Interview Survey, found no statistically significant difference in wages correlating with sexual orientation.²¹⁸ A sophisticated study that came out after Johnson’s book was published, in 2007, by Bruce Elmslie and Edinaldo Tebaldi, found that after controlling for the marriage premium, hours worked, and individual characteristics, homosexual men earned 9% less than their heterosexual counterparts—a discrimination factor 40% less than the 15% figure cited by Johnson.²¹⁹ “Lesbians earn the same as married women and either the same or slightly, but insignificantly more, than unmarried heterosexual women,” though when the data is not controlled for hours worked for the same occupations, “lesbians show 15% higher and unmarried heterosexual women 3% lower earnings compared to married women.”

So homosexual males and females, combined, receive on average wages at worst only 4% lower than their heterosexual counterparts. This figure is probably significantly less than any discrimination that arises from the inherently benign characteristics of height or weight. Elmslie and Tebaldi also did not factor in the arts, entertainment, or media industries where homosexual involvement and affirmation is widely recognized to be high. Had they done so, their overall lower-earnings rates would probably have been

²¹⁶ *Money, Myths and Change: The Economic Lives of Lesbians and Gay Men* (Chicago: University of Chicago Press, 2001), ch. 2. Badgett relied primarily on her own 1995 study and a 1998 study by Klawitter and Flatt: M. V. Lee Badgett, “The wage effects of sexual orientation discrimination,” *Industrial and Labor Relations Review* 48: 726-39; Marieka M. Klawitter and Victor Flatt, “The effect of state and local antidiscrimination policies for sexual orientation,” *Journal of Policy Analysis and Management* 17:658-86. Badgett used the General Social Survey 1989-1991; Klawitter and Flatt used the 1990 U.S. Census. In her 2001 work Badgett updated her results to include the years through the year 1994 for the General Social Survey and added the results for the 1992 National Health and Social Life Survey.

²¹⁷ “An empirical analysis of homosexual/heterosexual male earnings differentials: unmarried and unequal?” *Industrial and Labor Relations Review* 54:631-46 (using the 1990 U.S. Census).

²¹⁸ “New evidence on gay and lesbian household incomes,” *Contemporary Economic Policy* 22:78-94.

²¹⁹ “Sexual Orientation and Labor Market Discrimination,” *Journal of Labor Research* 28:436-53 (using the 2004 Current Population Survey). The authors found wage discrimination in “management and traditionally blue-collar, male-dominated jobs” such as construction work and building and grounds maintenance. They did not find evidence of discrimination in the areas of education, healthcare, food services, sales, and office support. We could certainly add all sectors of the media and entertainment industries.

substantially reduced. In addition, homosexual households are far more likely to be “DINKS” (dual-income-no-kids) than their heterosexual counterparts, resulting in significantly higher disposable household income.²²⁰ The fact that homosexual males are at least 34 times more likely to have HIV/AIDS,²²¹ to say nothing of non-HIV/AIDS sexually transmitted infections (STI),²²² would account for some of the extra discrimination experienced by homosexual males inasmuch as health issues affect job productivity.²²³ In addition, significantly higher rates of high-risk and deviant sexual behaviors among homosexual males²²⁴ may correlate with less responsible behavior in the workplace that affects job performance and evaluation. So when one considers any wage differences between homosexual and heterosexual persons from a full-orbed perspective, there appears to be very little *statistical* justification for inserting “sexual orientation” and “gender identity” (divorced from biological gender) into employment non-discrimination acts, all the more since homosexual acts raise moral issues.

This last point raises the key problem with making “sexual orientation” and non-biological “gender” a specially protected classification for employment protection. It wrongly turns what is fundamentally an issue about sexual immorality into an issue about inclusiveness. Since the principles behind a male-female prerequisite constitute the only rational basis for rejecting absolutely adult-committed incestuous unions and unions involving more than two persons, a violation of this prerequisite must be worse than a violation of state-enforced laws against incest and polyamory (see sec. XII and Appendix 3 above). The argument can also be made that adultery, while severe, is less severe than homosexual practice, since one can’t cheat against a union that is structurally invalid, and thus already immoral, even before any adulterous act occurs. So it is fair to ask: Are

²²⁰ The term “DINK” is used by homosexualist groups. Elmslie and Tebaldi found that only 4% of homosexual men and 18% of homosexual women have dependents as compared to 49% each of unmarried/married heterosexual men and heterosexual women (442-43). Compare the take on “gay affluence” by Robert Witeck and Wes Combs, homosexual authors of *Business Inside Out: Capturing Millions of Brand Loyal Gay Consumers* (Kaplan Publishing, 2006) whose DC-based firm, Witeck-Combs Communications, Inc., specializes in assessing LGBT marketing trends. “It [i.e. gay affluence] is definitely a myth and perhaps the most misunderstood fact about gays and lesbians. We are not wealthier. We make about the same amount of money as our non-gay counterparts. Because only about 20 percent of gay and lesbian households have children in them, we tend to have more discretionary income. What others spend on childcare related costs we often spend on ourselves (or save). In many cases we are also dual income households, which coupled with no children gives us more money to spend than the average consumer” (online: <http://www.queercents.com/2006/11/02/ten-money-questions-for-bob-witeck-wes-combs/>; retrieved 10/23/07).

²²¹ Cited by Elmslie and Tebaldi on the assumption that homosexual males account for 5% of the male population and 64% of cumulative HIV/AIDS cases. The latter statistic is based on a 2000 Centers for Disease Control statistic (442). According to an HIV/AIDS Fact Sheet for 2005, men who have sex with males accounted for 71% of men diagnosed with HIV/AIDS (“high-risk heterosexual contact” accounted for only 15%); so ‘HIV/AIDS among Men Who Have Sex with Men: CDC HIV/AIDS Fact Sheet,’ <http://www.cdc.gov/hiv/topics/msm/resources/factsheets/pdf/msm.pdf>. Moreover, the 5% estimate of homosexual males is overly high; the actual figure is closer to 3% (see sec. II.5.2 above). So the estimate of 34 times more likely to have HIV/AIDS is probably more accurately roughly 50 times.

²²² According to a CDC document, “in 2006 [MSM] accounted for 64% of P&S syphilis cases in the United States” (“Sexually Transmitted Diseases Surveillance, 2006,” 77-84 [“STDs in Men Who Have Sex with Men”], online: <http://www.cdc.gov/std/stats/pdf/special-focus-profiles.pdf>).

²²³ Elmslie and Tebaldi rule this factor out on the grounds that discrimination is greater in certain male-dominated, blue-collar occupations. However, HIV/AIDS incidence would still affect the overall figures as one among multiple factors.

²²⁴ See the studies cited in *The Bible and Homosexual Practice*, 452-60, 473-77.

there some secular white-collar positions that should be denied to employees who trumpet the fact of having ongoing sexual relations with an adult who is a close blood relation (a parent, sibling, or adult child), of having several common-law spouses, or of actively engaging in adulterous affairs? Or should a person who owns a small professional business have a right to terminate any employee who is discovered to be involved in any of these sexual relationships?

In other words, are there *any* secular employment situations where there ought to be a right to not hire, or a right to terminate, someone who actively engages in, and flaunts, egregious immoral (but not necessarily criminal) behavior? In responsible white-collar positions, morals are sometimes considered in the hiring and promotion process, at least as regards some particularly revolting behaviors that shock normal sensibilities. Homosexual activists and their allies who argue that “discriminatory” comments against the homosexual life should affect a person’s employment are also using a morals test, however misguided. The question is not whether to have a morals test, it seems to me, but where to draw the line.

If one has in mind someone who experiences same-sex attractions but who is quiet and doesn’t adopt a high-profile advocacy stance (like spearhead a corporate GLBT advocacy group) and who doesn’t insist that the company give at least implicit validation of his or her same-sex sexual relationship (say, at company gatherings where spouses are invited), then it is easier to be sympathetic to a non-discrimination policy. But if one has in mind the opposite of this—high-profile, abrasive persons determined to change the entire company ethos to cater to his or her immorality—then the whole matter becomes more problematic.²²⁵

In a piece that I wrote in Oct. 2007 when an ENDA was being considered in the U.S. Congress, I noted the following threat to liberty for those who think that homosexual practice is immoral:²²⁶

1. *A federal ENDA will virtually codify you as a bigot so far as the federal government is concerned if you oppose homosexual practice on moral grounds.*

The biggest fallout from a federal ENDA would be the establishment of “sexual orientation” (defined as “homosexuality, heterosexuality, or bisexuality”) as a specially protected category of *federal* law. As sure as night follows day, this will be the proverbial foot in the door by proponents of homosexual practice that will lead, eventually but irrevocably, to “gay marriage” (mandated by the U.S. Supreme Court), a nationally enforced indoctrination of children into the homosexualist agenda in schools, and the criminalizing of opposition to homosexual practice at the national level.

This is the way that such actions have been advanced on the state level. Courts use so-called anti-discrimination laws regarding “sexual orientation” as the legal foundation for pushing the homosexualist agenda to its logical conclusion. Even from the outset this bill will put the full weight of the federal government behind the heinous view that opposition to homosexual practice is the equivalent of virulent racism and sexism. You have been virtually codified in law as a bigot.

²²⁵ So my “Letter to an Evangelical Leader on Exploring ‘Gay Rights’” (Aug. 2007; 8 pgs.; online: <http://robagnon.net/articles/homosexGayRights.pdf>).

²²⁶ “Don’t ENDanger Your Liberties in the Workplace” (Oct. 2007; 8 pgs.; <http://robagnon.net/articles/ENDA.pdf>); here slightly amended.

If you are not convinced that this will be the outcome, try including “pedosexuality” (i.e. pedophilia), a sexual orientation toward children, under the rubric “sexual orientation”; or “polysexuality” (i.e. polyamory), a sexual orientation toward multiple sexual partners concurrently that could justify polygamy or nontraditional “threesomes.” Then ask yourself whether inclusion of these under a sexual orientation “employment non-discrimination” bill would promote such behaviors and put on legal notice any opponents. The answer, of course, would be “yes.” Presumably framers of these bills do not make such an inclusion because they do want to promote pedophilia and polygamy. The inference is obvious. Inclusion of “homosexuality” and “bisexuality” under “sexual orientation” will lead to the promotion of such behavior in society and the attendant diminishment of the rights of those who oppose the behavior.

A federal ENDA could almost single-handedly end the cultural debate about homosexual practice. Through legal intimidation in a venue that most adults spend most of their awake-hours the society will be dragged into acceptance of the homosexual lifestyle.

2. Exemptions put in a federal ENDA today will be removed tomorrow; omissions left out of a federal ENDA today will be instated tomorrow.

Whether “gender identity” is included in an ENDA makes little difference in the long run. If a “sexual orientation” ENDA is passed at the federal level, it is only a hop, skip, and a jump for the U.S. Congress to amend the bill or for the courts to declare the inconsistency and “unconstitutionality” of excluding transsexuals from the same special protections accorded homosexual and bisexual persons. A Democrat-controlled Congress will continue to push for the passage of a “gender identity” clause. It will be a lot easier to pass such a bill when a “sexual orientation non-discrimination” act is already in place.

Similarly, any exemption for religious organizations would be used as part of a bait-and-switch tactic. Such an exemption is merely an accommodation made to insure initial passage of the bill. Once the bill is passed and the homosexualist agenda holds absolute sway in the public sector, Congress or the courts will revoke or so attenuate the exemption as to render it legally meaningless. For example, religious colleges and seminaries could be denied federal funding for research and student loans for “discriminating” against homosexually active persons, even as their “right” to “discriminate” against homosexual or bisexual persons is preserved (as Bob Jones University found out as regards its infringement of the civil rights of African Americans).

3. Even while the exemptions are in place there will still be serious abridgement of liberties in the workplace.

Even with a religious exemption in place religious rights may be abridged. First, it is often not clear that such an exemption would cover many staff members at a Christian college and seminary. Second, the exemption usually does not apply to secular businesses owned by Christians, even those shaped by Christian values. Social service organizations with Christian mission and ethics statements (children’s homes, homeless shelters, soup kitchens, etc.) would be compelled to hire and retain workers whose behavior did not comport with the organization’s values, including homosexually active workers. So too would any profit-making Christian businesses, such as religious bookstores, day care centers, and retirement homes. As the defendant in a lawsuit instigated by a homosexual

or bisexual applicant, the burden of proof would be on the entity seeking exemption. This, in turn, means costly litigation with dubious prospects of success. Third, and most importantly, an exemption for religious organizations would not cover the religiosity of persons working in a *non-religious* organization, which is where the vast majority of religious persons work. And make no mistake about it: the bill isn't limited to decisions of hiring or firing. It pertains to any actions that "adversely affect the status of the individual as an employee." Picture the following scenarios:

- Suppose in the lunchroom or at the water cooler you engage in a conversation about sexual ethics. If a fellow employee extols homosexual bonds and you express your moral reservations about such bonds, you or the company could be liable for an anti-discrimination lawsuit for creating an intimidating atmosphere in the workplace that adversely affects the standing of a person who is vocal about his or her homosexual activity.
- Let's say that, in response to "diversity" posters, you post on your cubicle the text of Rom 1:24-27. Or in response to a corporate directive that you participate supportively in a "Coming Out Day" you respectfully decline because you find homosexual practice to be morally offensive. Or in an attempt to get exempted from the email list of the company's "GLBT" organization (gay, lesbian, bisexual, and transgender) you send an email requesting to be removed from the list because you think homosexual practice is immoral. In all these circumstances, you are far more likely to be disciplined or fired, and to have no legal redress, with an "ENDA" in place than without it.
- As a means of protecting the company against "discrimination" lawsuits, your employer may require you to attend indoctrination seminars that stress that homosexuality is as morally neutral as race or sex; and, moreover, to participate in "coming out" celebrations in the workplace that affirm "sexual diversity." Your employer may further prohibit, under penalty of termination, any conversation, written communication, or act that calls homosexual practice into question.
- While homosexual and bisexual persons will have their jobs protected under this act, your job status and advancement will have no such protections if you manifest "discriminatory" words against homosexual behavior. Indeed, not only will your religious convictions not be protected in a secular workplace, but also they will be treated as "bigotry" akin to racism and sexism. Corporations don't generally hire or promote bigots. It is not good for business.
- Monitoring of "discriminatory" beliefs toward homosexual and bisexual persons could even extend, at least in the case of white-collar employees, outside the workplace. For example, if a school teacher has published in a newspaper a letter that advocates that society not provide legal incentives for homosexual practice, or offers counseling for those seeking to come out of the homosexual life, the courts could rule (as the British Columbia Supreme Court ruled a couple of years ago) that the employer is entitled to take such discriminatory views into consideration in suspending or firing the employee.
- Although the bill currently does not "require or permit" quotas based on minority sexual orientation status, corporate executives know that it will serve their interest under such a bill to increase the number of employees who identify as

homosexual or bisexual and to promote such employees as a safeguard against possible discrimination lawsuits. With the passage of this bill, *the burden of proof will shift decisively to the employer* to establish that no discrimination against homosexual or bisexual persons has taken place. Legal intimidation will exert a remarkable effect in making the workplace an advocacy center for the homosexual lifestyle. Eventually, too, we can expect even this language against quotas to be removed from the law.

In short, ENDA legislation *endangers* your right in the workplace not to be accosted on a regular basis by a homosexualist agenda. It becomes an “employment *discrimination* act” against any who rightly find the equation of homosexuality with ethnicity and gender to be deeply flawed. In today’s political climate, certainly in white-collar jobs, one is more likely suffer employment discrimination by expressing disagreement with homosexual practice than by engaging in such practice. This is certainly true of the entertainment industry, most media outlets, most educational institutions, most Fortune 500 companies, and so on. *We should be pushing for an ENDA that protects the job security of those who believe in a male-female prerequisite for valid sexual relations, not signing off on a bill that will lead to codifying us as bigots to be oppressed.*