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**ARE THERE UNIVERSALLY VALID
SEX PRECEPTS?
A CRITIQUE OF WALTER WINK'S VIEWS
ON THE BIBLE AND HOMOSEXUALITY**

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In an article entitled "Homosexuality and the Bible,"¹ Walter Wink argued that the Bible's stance toward homosexual practice has to be set against the backdrop of an extensive series of "biblical sexual mores" that we no longer follow. By his reckoning there are sixteen such mores that we no longer follow in the church today versus only four that we do. Recently *Christian Century* has published an exchange consisting of Wink's review of my book, *The Bible and Homosexual Practice: Texts and Hermeneutics*;² my response to Wink's review; and Wink's reply to my response.³ In his reply Wink summarized the main claim of his article "Homosexuality and the Bible" as follows:

My point, which is quite serious and, I believe, persuasive, is that biblical sexual mores changed over time, so much so that only four of 20 biblical sex mores are still in place for Christians today. This

¹Walter Wink, "Homosexuality and the Bible," in *Homosexuality and Christian Faith: Questions of Conscience for the Churches* (ed. W. Wink; Minneapolis: Fortress, 1999), 33-49. Slightly truncated versions can be found on the web (e.g., <http://www.bridges-across.org/ba/wink.html> and <http://www.melwhite.org/bible-says.html>).

²Nashville: Abingdon, 2001.

³Walter Wink, "To Hell With Gays? [A Review of Gagnon's *The Bible and Homosexual Practice*]" *Christian Century* 119, no.13 (June 5-12, 2002): 32-34; Robert A. J. Gagnon, "Gays and the Bible: A Response to Walter Wink," *Christian Century* 119, no.17 (Aug. 14-27, 2002): 40-43; Walter Wink, "A Reply by Walter Wink," *Christian Century* 119, no.17 (Aug. 14-27, 2002): 43-44. The titles for all these articles were concocted by the editors at *Christian Century*, though Wink in his reply states that he "rather likes" the title given to his review (p. 44). A copy of the exchange can be seen at: <http://www.pts.edu/gagnonr.html>.

simple observation is enough to dash the notion of absolute sexual precepts universally valid in every time and place. Gagnon makes no attempt to deal with my argument, which is, I believe, unanswerable.⁴

Both in my book and in my response to Wink I did deal with Wink's main contention, to this extent: I argued that, on the basis of certain criteria, the closest analogies to the Bible's proscription of same-sex intercourse were the four "sex mores" that Wink identified as still valid for the church today.⁵ What I did not do was run down his list of sixteen biblical sex mores that we no longer follow and show why none of these sixteen cases constitute close analogues to the Bible's prohibition of same-sex intercourse. Nor did I scrutinize his numbers: sixteen versus four. At the time it was neither practical nor, it seemed, necessary to elaborate on these points.⁶ However, given the circulation that his arguments have since received, and given too his recent challenge, I think a closer examination of his "list hermeneutics" is now warranted. Particularly striking is his claim that this list "dash[es] the notion of absolute sexual precepts universally valid in every time and place."

Accordingly, the purpose of this article is to analyze his contention that there are no universally valid sex standards. I will begin with some general remarks and observations. Then I will discuss each of the alleged now-defunct sixteen biblical sexual mores, assessing in turn whether any of these provide a close analogue to Scripture's proscription of same-sex intercourse.

⁴Wink, "A Reply," 43.

⁵*The Bible and Homosexual Practice*, 449-50; "Gays and the Bible," 41.

⁶Wink's article came to me at a stage in my book's production that did not allow for extensive interaction with Wink's work. Moreover, I did not think at the time that Wink's "list hermeneutics" made a strong enough case to warrant a detailed discussion. I did note briefly that "Wink misreads some of the biblical data and/or the contemporary stance of the church on many of the sixteen sexual mores (e.g., the Bible nowhere approves of prostitution, nowhere requires celibacy)" (p. 449).

Wink makes a series of related claims that also require attention. They boil down to one main point; namely, that the Bible has no sexual ethic. He contends:

The crux of the matter, it seems to me, is simply that the Bible has no sexual ethic. Instead, it exhibits a variety of sexual mores, some of which changed over the thousand-year span of biblical history. Mores are unreflective customs accepted by a given community. . . . The Bible knows only a love ethic, which is constantly being brought to bear on whatever sexual mores are dominant in any given country, or culture, or period.

. . . No sex act is “ethical” in and of itself, without reference to the rest of a person’s life, the patterns of the culture, the special circumstances faced, and the will of God. What we have are simply sexual mores, which change sometimes with startling rapidity.

. . . So we must critique the sexual mores of any given time and clime by the love ethic exemplified by Jesus. Such a love ethic is nonexploitative (hence no sexual exploitation of children, no using of another to his or her loss); it does not dominate (hence no patriarchal treatment of women as chattel); it is responsible, mutual, caring, and loving. Augustine already dealt with this in his inspired phrase, “Love God, and do as you please.”

. . . This doesn’t mean everything goes. It means that everything is to be critiqued by Jesus’ love commandment. We might address younger teens, not with laws and commandments whose violation is a sin, but rather with the sad experiences of so many of our own children who find too much early sexual intimacy overwhelming.

. . . In a little-remembered statement, Jesus said, “Why do you not judge for yourselves what is right?” (Luke 12:57 NRSV). Such sovereign freedom strikes terror in the hearts of many Christians; they would rather be under law and be told what is right. Yet Paul himself echoes Jesus’ sentiment when he says, “Do you not know that we are to judge angels? How much more, matters pertaining to

this life!” (1 Cor. 6:3 RSV). The last thing Paul would want is for people to respond to his ethical advice as a new law engraved on tablets of stones.⁷

Wink’s distinction between a sexual ethic (which the Bible lacks) and sexual mores (which the Bible has, and only has) serves as the premise for his insistence that there are no universally valid sex precepts.⁸ Consequently, his claim that the Bible lacks a sexual ethic will need to be addressed in the general remarks below, alongside his insistence that there are no universally valid sex precepts.⁹

⁷“Homosexuality and the Bible,” 44-46. Nearly all of it is reiterated—mostly verbatim—in “To Hell With Gays?” (p. 33).

⁸Following my response to Wink’s review, where I critiqued Wink’s claim that “the Bible has no sex ethic,” Wink, in his reply, seems to have backpedaled a bit. There he says: “my distinction is not between a sex ethic and sex mores, but between sex mores, which change from time to time in every society, and a communal love ethic, which we must apply to whatever sexual mores are current.” His denial regarding a distinction between a biblical sex ethic and biblical sex mores rings hollow. In his article he clearly stated: “[T]he Bible has no sexual ethic. Instead, it exhibits a variety of sexual mores.” The same point is reiterated in his review (p. 33). Obviously he is making a distinction here, alleging that the Bible has one thing (sexual mores) and not the other (a sexual ethic). If that is not a distinction, what then is a distinction? Yes, he also makes another distinction between sex mores and a communal love ethic. Yet that distinction does not cancel out the distinction that he made between a sex ethic and sex mores; it presumes it. Indeed, in the very reply in which he claims, “my distinction is not between a sex ethic and sex mores,” he asserts categorically that the Bible does not contain any sex rules, distinguishable from Jesus’ communal love ethic, that are universally valid and absolute. In other words, he implicitly asserts that the Bible does not contain a distinctive sex ethic. Is Wink now embarrassed by this assertion?

⁹A number of points that Wink made in his article or in his review of my book I will not be responding to here. These include: his claim that the creation accounts in Genesis 1-2 contain no implicit rejection of homosexual behavior; his contention that our recognition of a homosexual “orientation” constitutes a “new judgment” that explodes Paul’s indictment of same-sex intercourse; his belief that the existence of an entrenched impulse is grounds for its acceptance; and his right-to-sex philosophy that regards as cruel any sexual standard that might leave some people “sexually starved.” For a rebuttal of each of these views, see my “Gays and the Bible.” For a fuller critique see “A Response to Walter Wink’s *Christian Century* Review” at <http://www.pts.edu/gagnonr.html>; and for additional documentation, *The Bible and Homosexual Practice*. For Wink’s claim that the stories of Sodom and the Levite at Gibeah, as well as the Deuteronomic and Deuteronomic revulsion for homosexual cult prostitutes, are irrelevant for an assessment of the Bible’s stance against male-male intercourse per se, contrast my discussion in *The Bible and Homosexual Practice*, 71-110.

I. General Remarks on Biblical Sexual Ethics and Universally Valid Sex Precepts

Applying Wink's claim to biblical sex proscriptions still in force. Let the reader be the judge. If, as Wink claims, there are no universally valid proscriptions for any kind of sexual intercourse, then—I repeat myself—there are no kinds of sexual intercourse that could be validly proscribed in all circumstances, including the four that Wink says we still follow (bestiality, incest, adultery, rape). So why would Wink not follow the logic of his “brave new world” and open the door to some acceptable forms of hitherto unacceptable sexual behavior?¹⁰ For any who might argue that there are no universally valid sex precepts, it is important to be able to answer the following questions:

- When might a proscription of rape not be universally valid?
- Under what circumstances would sex with a pre-pubescent child be acceptable?
- Which occasions would make blessing a sexual union with one's horse or dog an attractive option?
- When might God be pleased with a violation of the Decalogue commandment not to commit adultery?
- In what times or places would it now be good to institute marriage between a father and daughter or between two siblings?

¹⁰In *The Bible and Homosexual Practice* I made a similar comment: “One may wonder why Wink does not take his logic full circle and disregard the other four ‘mores’ [that the church still follows], particularly incest and bestiality” (p. 449). This is where the logic of Wink's arguments ultimately leads. In his reply, Wink picks up on this statement and alleges “[Gagnon] tries to make me say the very opposite of what I have said” (p. 43). Yet, in view of Wink's insistence only two sentences later that there are no universally valid proscriptions for any type of sexual behavior, how can I be trying to make Wink say the opposite of what he is really saying? If the proscriptions against incest, bestiality, adultery, and rape are not absolute and universally valid, then there must be some circumstances within which such behavior can be legitimately practiced, condoned, and blessed. Otherwise, these proscriptions are indeed absolute and universally valid.

One could extend the list of questions to include: prostitution, sado-masochistic sex and bondage, spouse swapping, “recreational sex,” and “open marriage.”

The above points are alone sufficient to dismantle Wink’s “unanswerable” argument. Quite obviously there are proscriptions of certain types of sexual intercourse that carry universal validity. Indeed, even by Wink’s reckoning, if there are still four biblical “sexual mores” that we continue to accept as valid today, the most that Wink could claim is that some sex proscriptions are not universally valid while others may well be universally valid. Pro-homosex advocates charge pro-complementarity defenders (the rubric under which I prefer to place myself) with concocting a “slippery slope.” Yet some of the former provide both the slope and the grease when they make overarching arguments that, taken to their logical conclusion, leave the church sliding all over the slope from morality to immorality.

Does Wink’s claim apply to non-sexual rules? One must also ask whether Wink singles out only sexual rules as non-universal or whether he applies the same standard to non-sexual rules as well. If the latter, then we could multiply the number of follow-up questions: When is it acceptable to oppress the poor? Commit idolatry? Bear false witness against one’s neighbor? And so on. If “never”—that is, if Wink believes that some biblical non-sexual proscriptions are universally valid—then on what grounds can Wink justify the exclusion of all biblical sexual proscriptions from universal validity? What is it about sexual activity that alone among types of behavior excludes it from every kind of absolute regulation?

Wink’s inconsistent application of Jesus’ love commandment. If no absolute, universally valid moral proscriptions exist, then there can be no universally valid moral prescriptions. One cannot say that some things are always right if nothing is always wrong. In that event Wink cannot consistently sustain his use of “Jesus’ love commandment” as an absolute standard against which every sexual precept must be viewed as contingent.

Based on his reading of “Jesus’ love commandment”—actually Jesus refers to two key love commandments and both are drawn from the Mosaic law (Deut 6:5 and Lev 19:18)—Wink contends that all forms of sexual behavior that are nonexploitative, non-domineering, “responsible, mutual, caring and loving” are to be allowed. By the same token all exploitative sexual behavior, such as adult-child sex, is for Wink forbidden. Yet he inconsistently tells us that the authors of Scripture, who certainly did not condone sex with pre-pubescent children, provide us with no universally valid and absolute sexual norm. If the implicit biblical sexual “more” of not having sex with pre-pubescent children is not universally valid and absolute, how can he employ Jesus’ love commandment to prohibit all sex with prepubescent children? The same question can be asked of rape: are not all instances of rape inherently exploitative? If so, can we not say that the precepts against rape are universally valid? Wink cannot have it both ways. He cannot reasonably say that there are no universally valid sex proscriptions in the Bible and then apply the love commandment in ways that proscribe all types of some sexual behavior. So not even Wink himself applies consistently his own “unanswerable” claim that there are no “absolute sexual precepts universally valid in every time and place” (thankfully). The very idea of “Jesus’ love commandment” as an absolute standard against which all forms of sexual activity must be measured presupposes the absolute prohibition of various types of sexual behavior.

Jesus’ acceptance of universally valid sex standards and a distinctive sexual ethic. Since Wink frequently appeals to Jesus as the basis for his own views, it is fair game to point out that Jesus himself—to say nothing of Paul and all the rest of the authors of Scripture—firmly believed that there were from God universally valid and absolute proscriptions, including sexual proscriptions. Certainly Jesus recognized that not all sexual precepts in Scripture carried the same weight. This is clear enough from Jesus’ discussion of divorce in which he attributed Moses’ allowance of divorce as a concession to human “hardness of heart.” Jesus overrode this allowance and did so not by appeal to another non-universal and non-absolute standard but by appeal to God’s original and perfect will for human sexual pairing

established at creation (Mark 10:5-9). So, clearly, Jesus did not conclude from the fact of some non-universal and impermanent sex precepts in Scripture that all sex proscriptions in Scripture were non-universal and impermanent. Wink is entitled to draw such a conclusion but he is not entitled to appeal to Jesus or any author of Scripture for his view or even to aver that he derived his view from wrestling with Scripture. In fact, Wink's view at this point is a distinctly anti-Scripture view and, indeed, an anti-Jesus view. In Wink's understanding, apparently, God has no business prescribing and proscribing universally valid, absolute standards in sex ethics. Or at least God should not tell us about such standards in Scripture.

It will not do in the case of Jesus to claim that the Bible does not have a sexual ethic but only a communal love ethic that must be applied to the Bible's sexual mores. On a communal level, Jesus advocated that all believers should love one another and exist in common partnership as the one body of Christ. If Jesus had no separate sex ethic distinct from his communal ethic, would we not have to infer that Jesus was in favor of having sex with as many people as possible and with as few boundaries as possible? However logical such an inference would be, it would run smack up against the clear teaching of Jesus on divorce and remarriage that restricts the number of sex partners in the course of one's life to one. There are no grounds for the latter teaching if Jesus had no sex ethic distinct from communal ethics, or if Jesus had an aversion to categorical prohibitions.

Wink insists that, "everything is to be critiqued by Jesus' love commandment." Absolute prohibitions are examples of legalistic hypocrisies, even when it comes to prohibiting all sexual activity by young teens.¹¹ The problem with all this—and it is a huge problem—is that Jesus applied his own love commandment to sex issues in ways that run diametrically opposed to some of Wink's applications. Jesus went beyond the Mosaic law in closing the door on sexual activity with more than one partner. Since Jesus' view stood in considerable tension with the prevailing views of his cultural environment, Wink cannot claim

¹¹"Homosexuality and the Bible," 45.

that it was an “unreflective custom” that Jesus failed to integrate fully with his interpretation of the love commandment. Did Jesus not understand the very love ethic that he promoted? It seems more likely that the lack of understanding lies with Wink, not Jesus. *Love* has become, for Wink, a cipher for his own peculiar postmodernist philosophy. At times it links up with Jesus’ understanding but at other times it puts the ax to the root of Jesus’ use. So in the end it would be more honest if Wink were to say: Everything is to be critiqued by *my* love commandment.

Clearly, Jesus had a specific sex ethic, as did all the authors of Scripture. By this I mean that Jesus, along with the authors of Scripture generally, had rules for sexual activity that were often germane only to sexual activity. These categorical rules, in Jesus’ understanding, transcended mere cultural conventions. They were nothing less than the will of God for all people in all circumstances pertaining to life in this body. What else would a “sexual ethic” be? So one can have spiritual partnership with large numbers of people, with blood-related family members, with children, and perhaps a lesser but still real communion with God’s non-human creatures. But one cannot have sex with some one other than one’s current spouse, or with blood-related family members, or with children, and certainly not with animals—regardless of individual motivation and circumstances.

In making the above point, I am assuming—and hope Wink can concur—that we do not need to have explicit sayings of Jesus against incest, pedophilia, and bestiality to conclude, beyond a shadow of a doubt, that Jesus was deeply opposed to all these practices. The same can be said for his alleged silence about homoerotic behavior. It is curious that in his review and reply Wink does not take on the argument in my book regarding “The Witness of Jesus” on homosexual behavior; namely, that all the inferential evidence points overwhelmingly in the direction of Jesus’ embrace of early Judaism’s strong rejection of homosexual practice.¹² Perhaps Wink is willing to concede this point but would rather not say so in print.

¹² *The Bible and Homosexual Practice*, 185-228.

On the inadequacy of Wink's tests for valid sex relationships. For Jesus these sex-ethic proscriptions were broad “category concerns” for which issues of personal motivation were irrelevant. Wink's only tests for valid sexual relationships are that the relationships be mutual, loving, and non-exploitative. Using such tests one could not *categorically* deny—that is, in all circumstances—any form of consensual sexual relationship, except perhaps prostitution on the grounds that it does not involve mutual love. Yet even that exception would not hold up given Wink's views on “sexual starvation.” Since Wink is appalled by the notion that someone might have to go through life without having any sex,¹³ why should we make an issue about love? Consent should be adequate.

As regards adult-child sexual unions, Wink states that the “non-exploitative” test would allow us to deny all sex between adults and children. Yet such a conclusion does not follow. How does he know that sex with a child is exploitative in each and every circumstance imaginable? Surely he cannot point to any transcultural principle since some cultures have permitted or even endorsed such behavior. And how does he know that it is always harmful? A recent study published in an American Psychological Association journal argued that one cannot demonstrate that all children who have sex are harmed in scientifically measurable ways.¹⁴ Wink can surmise harm but he cannot prove it in all cases and in ways that will stand up to rigorous scientific scrutiny.

¹³ “To Hell With Gays?” 34.

¹⁴ B. Rind, P. Tromovitch, and R. Bauserman, “A meta-analytic examination of assumed properties of child sexual abuse using college samples,” *Psychological Bulletin* 124 (1998): 22-53. This study was subsequently critiqued by: S. J. Dallam, et al., “The effects of child sexual abuse: comment on Rind, Tromovitch, and Bauserman (1998),” *Psychological Bulletin* 127 (2001): 715-733. Dallam, et al. present evidence that Rind, et al. overstated their case and misread some data. Yet even Dallam, et al. begin by stating 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 asymptomatic” (p. 716). Dallam, et al. concluded that CSA has a correlation of about 0.13 to anxiety, depression, paranoia, and psychotic symptoms (compare the correlation of about 0.17 that smoking has to lung cancer).

Certainly he cannot prove that every instance of polygamous unions—presupposed as forbidden in Jesus’ and Paul’s statements on divorce and remarriage—or every instance of modern bisexual “three-somes” produces scientifically measurable harm to all participants in each and every way in which these relationships can be done. He cannot even demonstrate it for all adult incestuous unions. And, if we allow Peter Singer, professor of bioethics at Princeton University, to be our guide, he cannot say it for all animal-human sexual contact.¹⁵

Apparently, then, Wink’s tests for what passes for acceptable sexual conduct are inadequate. Other considerations must be brought into play such as the degree of likeness and difference—the question of complementarity at a number of levels. There exist in biblical sex ethics valid category considerations involving blood-relatedness, number of partners, age, and species that trump “love” as defined by Wink. Why, then, should Wink be so shocked that the sex of the participants be treated as one of these many distinctive sex-ethic concerns that transcend Jesus’ communal love ethic? He does not explain.

As with these other category proscriptions we cannot demonstrate scientifically measurable harm to all participants in homoerotic relationships in all circumstances. Yet there are strong indications that those who identify themselves as homosexual experience a disproportionately high rate of negative ancillary problems. These include: sexually transmitted disease, mental illness, shortened life expectancy, high numbers of sex partners and relationship breakups, and the most extreme forms of gender-identity inversion (transvestism, transsexualism).¹⁶ There is good evidence both that such problems persist even in homosex-supportive areas such as San Francisco (so “homophobia” cannot be the main culprit) and that macro- and microcultural factors play the dominant role in determining the incidence of homosexuality

¹⁵So Singer’s article “Heavy Petting” at <http://www.nerve.com/Opinions/Singer/heavyPetting>.

¹⁶*The Bible and Homosexual Practice*, 452-60, 471-85. Cf. Stanton Jones and Mark Yarhouse, *Homosexuality: The Use of Scientific Research in the Church’s Moral Debate* (Downers Grove: Intervarsity Press, 2000), 93-115.

(so cultural incentives will increase the numbers of people affected by such problems).¹⁷ Also, as with these other category proscriptions, we can surmise generic problems; for example, being sexually attracted to the body parts and other features that one shares in common with a person of one's own sex.

In his reply Wink responded to my argument that, given Wink's constricted tests for valid sexual relationships, one could not categorically deny any form of consensual sexual relationship:

What has become of the community of accountability? Is the church likely to regard such behavior as upbuilding? And if the community were to lapse into promiscuity, would it not come under the kind of censure that Paul had to exercise in Corinth? I believe that the Holy Spirit in the community of believers can lead us to make responsible decisions.¹⁸

It is ironic that the one example from Scripture that Wink points to as proof that his tests are sufficient proves the precise opposite. The primary issue in 1 Corinthians 5-6 to which Wink refers does not have to do with promiscuity. It has to do with an incestuous union, a relationship between a man and his stepmother. There is no indication in Paul's remarks that the relationship was promiscuous, exploitative, non-mutual, or nonloving. The proscription against incest admits of no exceptions based on individual motivation or special circumstances. It rightly takes no account of whether the relationship is "responsible, mutual, caring and loving." There may be some fuzziness in Scripture about the precise boundaries of incest; specifically, how close the blood relation—or, as here, kin through the legal mechanism of covenant—must be in order to be categorized as a case of incest. Nevertheless, there is no ambiguity about the fact that incest per se is to be forbidden, irrespective of individual motives or circumstances. Moreover,

¹⁷*The Bible and Homosexual Practice*, 396-429.

¹⁸"A Reply," 44.

there is general agreement in Scripture about a core set of relationships that would constitute incest. Incest is wrong because it is sex with “the flesh of one’s flesh” (Lev 18:6; cf. 20:19 and possibly 18:17); that is, sex with someone who is too much of a familial same—just as same-sex intercourse is wrong because it sex with someone who is too much of a sexual same.¹⁹ As a core value of Scripture, pervasively and strongly and absolutely proscribed, Paul did not need a specific Jesus saying to know what Jesus’ view of the matter was (WWJD?). He simply urged that the incestuous man be disciplined “in the name of the Lord Jesus” (1 Cor 5:3-5).

What became of “the community of accountability” at Corinth? Put simply, it failed. The Corinthians, like Wink, believed “that the Holy Spirit in their community of believers could lead them to make responsible decisions.” In fact, some at Corinth believed that Paul was lacking in spiritual discernment. The Corinthians believed that they relied heavily on the Holy Spirit. They simply deceived themselves. Wink asks: “And if the community were to lapse into promiscuity [read more accurately: sexual immorality], would it not come under the kind of censure that Paul had to exercise in Corinth?” No, not if one adopted Wink’s understanding of the Bible as containing only sexual mores. And how would the censure of Paul be exercised today? Precisely by paying heed to Paul’s words about sexual immorality in 1 Corinthians 5-6 and elsewhere—words which rule out categorically all forms of incest, same-sex intercourse, adultery, and prostitution. Since, however, Wink appears to give little weight to a number of Pauline views on sex, it is difficult to conceive how a community adopting Wink’s views might “come under the kind of censure that Paul had to exercise at Corinth.”²⁰

¹⁹One cannot become, by virtue of sexual union, “one flesh” with another who is already of the same “flesh” quite apart from a sexual union.

²⁰As we have noted above, Wink’s definition of “promiscuity” is also a far cry from the understanding of Jesus. The latter pushed strongly to restrict the number of sex partners lifetime to one and that only in the context of marriage; the former can only muster mild concern for “too much” sex by “younger” teens and has no difficulty with non-marital sexual cohabitation.

Bad Proof texting I: "Judge for yourselves what is right." Wink relies heavily on two "proof texts": Luke 12:57 and Augustine's "Love God and do as you please." He cites both texts in his article, in his review of my book, and—as if that were not enough—again in his reply to my response.²¹ His applications of these sayings are textbook examples of how not to appeal to traditional materials.

Luke 12:57 says: "And why do you not judge for yourselves what is right?" Wink applies this saying to mean: Jesus "authorized" his followers to overturn core values of Scripture "in the light of new knowledge and the prompting of the Holy Spirit" (so his reply). The text provides absolutely no support for such a conclusion.

First, there is widespread consensus among scholars that this singly attested saying in Luke is a transitional verse created by Luke himself to introduce a Q saying about settling with one's accuser before going to court (Luke 12:58-59 par. Matt 5:25-26). Why is the recognition of Lukan redaction important? It is because the meaning of the saying then has to be set squarely within the context of Luke's theology, not just Jesus' theology. This makes it even less likely that Wink's reading of this verse can be substantiated. There is, perhaps, some irony in the fact that I, the alleged "conservative," have to point out this tradition-historical consideration to Wink.

Second, even more ironic is that the point of the saying runs completely counter to Wink's own views about Jesus and judgment. For Luke takes the following Q saying in a parabolic sense, probably rightly; namely, that Jesus' hearers need to settle accounts with God now (i.e., repent) before the Day of Judgment arrives, making it too late to mend one's ways. That this is the way Luke understands 12:57 is evident from the context (12: 1-13:9), which stresses the necessity of getting one's priorities straight and life right in view of God's impending judgment: fearing God who can not only kill the body but also cast into hell (12:4-7); not denying Jesus lest one be denied at the judgment (12:8-9); not committing the unforgivable blasphemy of the Holy Spirit

²¹ Wink also cites Luke 12:57 three times in his recent book, *The Human Being: Jesus and the Enigma of the Son of Man* (Minneapolis: Fortress, 2001).

(12:10); a series of sayings about judgment for those who do not store up treasures in the life to come (12: 13-34); a series of sayings about being prepared in view of the unpredictable coming of the “master” at any moment (12:35-56); and two sayings on the need to repent and bear fruit, else one will be destroyed at the judgment (13:1-9). Set within this context, Luke apparently means in 12:57: “Why do you not realize that now is the time to do everything that you can to get your life right with God, before your life is taken from you and you stand before the judgment seat of God? Can you not see that ‘the present time’ is the hour of decision (12:54-56)? Don’t you know that unless you repent, you will perish (13:1-5)? Don’t you realize that the fig tree is only being given a short time more to bear fruit or face being cut down (13:6-9)?”

Now Wink is the same person who finds “reprehensible” the whole idea of God excluding anyone from his presence.²² So what does Wink do? He selects as his key “Jesus proof text” for authorizing radical disavowals of Scripture’s core sexual values a verse that not only says nothing of the sort but also urges readers to recognize the need to repent lest they incur the kind of cataclysmic judgment from God that Wink finds utterly reprehensible to believe in. For Luke this repentance involves, among other things, conforming one’s life to the core values of Scripture, including those pertaining to sexual ethics (cf. Luke 16:14-31, especially 16:16-18, 29-31)—the very thing that Wink’s overall argument partly undermines.

²²“This is a major point with him in both his review of my book and in his reply to my response. In the former he charges me with a “cruel abuse of religious power” for advocating the biblical and historic Christian position that sexual intercourse ought to be limited to marriage (p. 34). In the latter he says: “Gagnon is certain that the Jesus he worships will exclude from God’s everlasting presence those who are unrepentant for sexual sins. He is welcome to such beliefs, but I find them reprehensible” (p. 44). That Jesus—to say nothing of Paul and the rest of the authors of New Testament Scripture—believed that serial unrepentant participants in immoral behavior, including sexually immoral behavior, risked exclusion from God’s coming kingdom is too well documented in the earliest sources to be disputed convincingly. See my discussion in part V of my essay “No Universally Valid Sex Standards?” at <http://www.pts.edu/gagnonr.html>.

Bad Proof texting 2: "Love God and do as you please." The other proof text that Wink loves to cite is from Augustine: "Apparently Gagnon does not approve of Augustine's injunction, 'Love God and do as you please,' but I regard it as one of the most inspired ethical statements ever penned."²³ I approve of the injunction—as Augustine understood it, not as Wink misappropriates it. This is another example of Wink taking a text out of context and grossly distorting its meaning. Indeed, one has to wonder whether he ever examined the original context for the quote that he loves so much.

The saying is taken from Augustine's *Ten Homilies on the First Epistle of John* 7.8. It reads in Latin: *Dilige, et quod vis fac* ("Love, and what you want do"). In context, the implied object of the love may be "one another" or "your neighbor" rather than "God." Regardless, Wink's interpretation stands in serious tension with Augustine's application of his own words. Wink applies the words to support his contention that the Bible has no sex ethic and no universally valid sex precept but only a communal love ethic. Wink makes this application within a broader context that calls for tolerance and finds Scripture's restriction of sex to marriage between a man and a woman to be cruel. Augustine, for his part, gives no hint that he understands his own words as a denial of universally valid moral precepts. Rather, Augustine formulates the saying to show that love cannot be watered down to mean gentleness, permissiveness, and tolerance. A father disciplines rigorously his child, while a "boy-stealer" caresses a boy. Which expresses love? The one who disciplines (7.8). So if you act out of love you can do what you want—meaning that you can implement strong disciplinary measures for the purpose of turning someone away from sinful behavior. Conversely, if one does not act in love, actions that to the eye seem loving would in fact be cruel.

If any of you perhaps wish to maintain love, brethren, above all things do not imagine it to be an abject and sluggish thing; nor that love is to be preserved by a sort of gentleness, nay not gentleness,

²³"Reply," 43.

but tameness and listlessness. Not so is it preserved. Do not imagine that . . . you then love your son when you do not give him discipline, or that you then love your neighbor when you do not rebuke him. This is not love, but mere feebleness. Let love be fervent to correct, to amend. . . . Love not in the person his error, but the person; for the person God made, the error the person himself made. (7.11; *NPNF*, slightly modified)

There is a certain irony here. Wink argues in his review that restricting sex to heterosexual marriage is necessarily a “cruel abuse of religious power.” Yet a proper application of Augustine’s saying would suggest the opposite conclusion; namely, that this restriction, however hard it may seem to some, is an act of love. How so? Because it has in view things better than the mere satisfaction of sinful erotic impulses: conformity to God’s life-giving will, transformation into the image of Christ by taking up one’s cross, and, ultimately, inheritance of the kingdom of God. This is at least the perspective on discipleship taken by Jesus and Scripture generally, which Augustine certainly shared. For Augustine “incorruption of chastity” fell under the rubric of love (8.1).

To be sure, any restriction or discipline can be cruel if it is not motivated by love and correction. Thus: “Even if you are severe at any time, let it be because of love, for correction” (7.11). Yet, by the same token, tolerance of behavior that Scripture pervasively deems egregious sin is also unloving. God “loved the unrighteous, but he did away with the unrighteousness. . . [and] did not gather them together into (or: for) unrighteousness” (7.7). In another context Augustine states: “The one who loves God loves his precepts” (10.3). So to “love and do what you want” means, in Augustine’s view, that it is entirely within the purview of love to apply strong measures to persons when the intent is correction and the goal is salvation. Undoubtedly, Augustine would have been appalled by Wink’s reverse application of the saying in order to excuse behavior that Scripture abhors.

Reading on in the same work we can see an additional irony. As noted above, Wink finds the notion of a God who might exclude any from his kingdom, on any grounds, to be “reprehensible.” What would Augustine have said about this? We have an answer in Augustine’s

comments on 1 John 4:17: “Love has been perfected among us in this: that we may have boldness on the Day of Judgment.” Augustine refers to people “who do not believe in a Day of Judgment; these cannot have boldness in a Day which they do not believe will come.” However, persons who correct themselves by putting to death sinful desires and deeds, including sexual “uncleanness” (Col 3:5), learn to desire what they once feared: the Day of Judgment (9.2). This is a message from Augustine that Wink should consider adding to his repertoire.²⁴

Paul against Wink on Christian Freedom. Wink asserts: “The last thing Paul would want is for people to respond to his ethical advice as a new law engraved on tablets of stone.”²⁵ And yet Paul exhorted fellow believers to be subject to “the law of the Spirit of life in Christ Jesus” (Rom 8:2) or the law of Christ (1 Cor 9:21; Gal 6:2). Moreover, he insisted to the Corinthians that what matters is “keeping the commandments of God” (1 Cor 7: 19).²⁶ The fact that this new “law” was engraved on the hearts of believers through the Spirit, internally rather than merely on external tablets of stone, was no indication to Paul that the era of absolute commandments had ended. For the most part the

²⁴There is a third irony: Wink himself does not take the approach that those who regard same-sex intercourse as sinful can “do as they please”—which in Augustine’s understanding would include the application of ecclesiastical discipline and correction. In fact, Wink reacts very intensely against such thinking, no matter how motivated by love such thinking might be. Based on Wink’s emotional response to my book, it is evident that he (mis)applies “do as one pleases” only to himself and to those who agree with him.

²⁵“Homosexuality and the Bible,” 46. Wink cites as support for this view 1 Cor 6:3: “Do you not know that we are to judge angels? How much more, matters pertaining to this life!” The irony of this is that the larger context of 1 Corinthians 5-6 is about Paul urging the Corinthians to apply an absolute and universally valid sexual precept, that against incest, through the implementation of church discipline. It seems to me that Wink’s view of Pauline ethics is closer to that of the Corinthian misperception of the Pauline gospel than it is to Paul’s actual position.

²⁶Obviously Jesus’ stance toward the law was, if anything, even stronger than Paul’s. Unlike Paul, Jesus never spoke of an abrogation of the Mosaic law but at most of a prioritizing of its core values without leaving other commands undone (Matt 23:23 par. Luke 11:42; cf. Mark 10:17, 21). In many areas, including sex, Jesus intensified the law’s ethical demands rather than loosened them.

broad categories of sexual immorality in the new covenant were carried over from the old covenant, only now intensified. For Paul the main problem with the “letter” or written text of the law was its incapacity to empower moral behavior, not the fact that it put forward universally binding norms (Rom 7:5-8:4). God effects the freedom of Christians from the jurisdiction of the Mosaic law over “adamic” fleshly existence not only by means of Christ’s atoning death but also by means of the Spirit’s work in the lives of believers, through faith. Faith in Pauline usage means an unmeritorious “yes” to God and “no” to self. It means dying to self and letting the Spirit reign in oneself. So long as one’s primary identity is found “in the flesh,” in the old creation rather than “in the Spirit,” one’s citizenship remains on earth, subject to the law’s condemning jurisdiction. “If you are *led* by the Spirit, you are not subject to the law” (Gal 5:18). “For as many as are being *led* by the Spirit, these are the children of God” (Rom 8:14). There is no sin-transfer to Christ apart from self-transfer to Christ, in Paul’s view (Gal 2:19-20). The last thing Paul would want is for believers to respond to his proclamation of freedom in Christ with the notion that there are no universally valid sex precepts, or with a relaxed attitude toward transgressions of core sex standards (1 Thess 4:2-8; 1 Cor 5-6, esp. 6:9-10; 2 Cor 12:21; Gal 5:19-21; Rom 1:24-27; 6:19; 13:12-14).²⁷

I certainly would not want to deny that the possession of the Spirit gives believers an additional level of moral discernment. In Paul’s view, Christians had some flexibility in discerning the will of God. Scripture cannot cover every circumstance of life that a believer may encounter. Thus Paul could pray that believers’

love might abound still more and more in a deeper knowledge and with all insight, with a view to [their] determining what matters, in order that [they] might be pure and blameless in preparation for the day of Christ, filled with the fruit of righteousness. (Phil 1:9-11; similarly, Phlm 6)

²⁷For further discussion of the interrelationship of grace and law in Pauline thought, see point four in my essay, “The Authority of Scripture in the ‘Homosex’ Debate,” at <http://www.pts.edu/gagnonr.html>.

Likewise, Paul regarded the “renewal of the mind” as essential to “determining what the will of God is” (Rom 12:2). Moreover, believers had freedom in matters of indifference—as with the diet and calendar concerns in Rom 14:1-15:13. However, from Paul’s perspective, believers had no freedom or flexibility to transgress core biblical standards, including those for sexual behavior. Those who wished to do so had mistaken the impulses of the flesh for the urgings of the Spirit.

A classic case in point is the Corinthian church. Paul in 1 Cor 6:12-20 told the Corinthians that the slogan “all things are within my authority and power” may apply to matters of indifference such as food; but the slogan did not apply to sex, at least not without serious qualification. “The body is not for *porneia* (sexual immorality) but for the Lord.” The believers at Corinth may well have boasted in their ability to accept a union that Scripture categorized as incestuous (1 Cor 5:1-8). Paul, however, regarded Scripture’s core sex standards as binding. Paul could assert that by the standards of Scripture²⁸ the Corinthians were not acting in conformity with a love for God when they condoned a case of adult consensual incest, irrespective of what the Corinthians claimed they were doing. Paul would have asserted the same thing had the Corinthians affirmed a case of adult consensual homosex (cf. 1 Cor 6:9-10).

Sloppy hermeneutics: the death penalty argument. Further evidence of Wink’s flawed use of hermeneutical arguments is the following contention in his article: “anyone who wishes to base his or her beliefs on the witness of the Old Testament must be completely consistent and demand the death penalty for everyone who performs homosexual acts.”²⁹ Most Christians recognize that the movement from old covenant to new covenant represented a movement from a theocratic state in this age to the proclamation of a transcendent kingdom of God in the

²⁸That Paul had Scripture in mind is evident from the phrase “his father’s wife” (Deut 22:30; Lev 18:7-8); and from the fact that the vice list in 1 Cor 5:11 was constructed largely on the basis of the contexts for the fivefold Deuteronomic refrain, “Drive out the wicked person from among yourselves” (quoted in 1 Cor 5:13).

²⁹“Homosexuality and the Bible,” 35.

age to come. In such a movement, the assumption of a ready transfer of all civil penalties into the new covenant is out of place. At the same time it is irresponsible to argue, as Wink apparently does, that the Old Testament provides us with no insight into God's views on any matter to which a now disused civil penalty was attached.

Adultery is a good example. The Old Testament regards adultery as a capital offense; our civil jurisprudence does not. By Wink's reasoning, then, we cannot base any part of our theological views about adultery on anything that the Old Testament says. Who would argue this? Jesus certainly based his strong views on adultery at least in part on the Hebrew Bible. Yet, if we are to give any credence to the story of the woman caught in adultery in John 7:53-8:11, Jesus did not demand the death penalty for adultery. Why did Jesus skirt the death penalty? Was it because he did not regard adultery to be a severe infraction of God's will? No. In fact, Jesus expanded and deepened the injunction against adultery and warned people of the risk of being sent to hell for serial unrepentant acts of sexual immorality (Matt 5:27-32, with independent parallels in Mark 9:43-48; Mark 10:2-12; Luke 16:18). Apparently Jesus suspended the imposition of the law's capital penalty in the hope of encouraging repentance (dead people don't repent), thereby averting for offenders a fate much worse on the Day of the Lord. By analogy one can take the same stance toward same-sex intercourse: even though we do not apply the death penalty, the strong Old Testament censure of male-male intercourse is a good indication of God's abhorrence of such behavior.

Who is dodging the hermeneutical task? Wink tries to cast me as someone who holds to "a putative orthodoxy that dodges the hermeneutical task."³⁰ If I were trying to "dodge the hermeneutical task," why would I have devoted the last 150 pages of my book, and many other pages before that, to just such a task? After all, the book is subtitled *Texts and Hermeneutics*. Given the fact that Wink has done significantly less exploration of the hermeneutical issues surrounding

³⁰"A Reply," 43.

homosexuality than I have, his charge that I “dodge the hermeneutical task” while he engages in it lacks credibility. He can only make such an assertion on the erroneous assumption that hermeneutics must invariably lead one to a position at odds with Scripture’s core values. The converse of Wink’s assumption is more likely to be the case: persons who arrive at a position antithetical to Scripture’s core values have failed in the hermeneutical task of appropriating Scripture for a contemporary context. The reality is that Wink in his reply provided little or no counterevidence to a host of hermeneutical arguments that I made in my response to his review.³¹

The necessity of determining the closest sex analogues. Wink writes as if the notion of some development in sexual standards in the lengthy period over which Scripture was written is a radically new concept. To argue that there have been no changes would not only be unwise but patently unbiblical (as the example of Jesus on divorce indicates). I certainly acknowledge and work with this obvious point throughout my book.³² The issue is not whether there has been any change in sexual standards but whether the kinds of changes we do see warrant a radical revision of Scripture’s posture toward all same-sex intercourse. What Wink has failed to do is develop any set of workable principles for evaluating whether the church has ever overturned a scriptural value of comparable content and magnitude. This is precisely what I have developed³³ and which Wink has ignored in his two responses to my work:

³¹For a list of these see part II in my essay “No Universally Valid Sex Standards?” at <http://www.pts.edu/gagnonr.html>. Wink’s failure to respond to these points, many of which go to the heart of Wink’s argument, cannot be attributed to lack of space; for *Christian Century* allowed him 3000 words with which to reply and he took only 1000.

³²Cf., e.g., my discussion of the authority of Levitical law (pp. 120-22); my treatment of the image of women in Judges 19-21 (pp. 97-100); and my handling of chauvinism in biblical texts (pp. 140-41, 301-302 *passim*).

³³*Homosexuality and the Bible*, 449-50.

- (1) a form of sexual intercourse that is
- (2) proscribed
- (3) by both Testaments and
- (4) pervasively within each Testament, at least implicitly,
- (5) severely and
- (6) absolutely, with
- (7) the proscribed intercourse making sense.

Not a single one of Wink's alleged sixteen biblical "sexual mores" passes muster under these principles. What sexual standards do pass muster? The ones that Wink says "virtually all modern readers would agree with the Bible in rejecting: incest, rape, adultery, intercourse with animals." As noted above, the proscription of incest constitutes the closest analogue to the proscription of same-sex intercourse in terms of both content (sex with someone who is too much of a same or like) and magnitude (intercourse that is proscribed absolutely, pervasively, and strongly)—a point that Wink, incidentally, does not contest in his reply.

II. The Weaknesses of Wink's List of 16 Defunct Biblical Sexual Mores

A scan of the elements listed in Wink's list of sixteen defunct biblical sex mores shows how weak these alleged analogies to same-sex intercourse are. Wink adopts a "spray method": everything that has any- thing to do with sex in the Bible, so long as it differs from current practice, is thrown into the mix with no care for delineating between strong and weak analogues. Ten of the sixteen items need only brief attention. The rest merit a more extended discussion: levirate marriage, sexual intercourse during menstruation, polygamy (along with concubinage and sex with slaves), and particularly divorce.

The Ten Weakest Items in the List

In the case of (1) **prostitution**, Wink simply misreads the data: there is no endorsement of prostitution in the Old Testament. Neither the story of Tamar nor the story of Rahab condones prostitution. Of course, there is strong condemnation of prostitution in the New Testament. Paul treats it as an obvious instance of sexual immorality whose apparent sinfulness even the Corinthians might have been able to acknowledge (1 Cor 6:12-20).³⁴ Jesus reached out to female sexual sinners, just as he reached out to tax collectors. Fraternization with the latter certainly did not lead to a softening of Jesus' stance against economic exploitation. Surely, then, his fraternization with the former did not mean that sexual sin of this sort was a light matter for Jesus. Jesus' efforts were aimed at recovering the (morally) lost for God's kingdom. If remarriage after divorce was tantamount to adultery in Jesus' eyes, then prostitution was undoubtedly abhorrent to him.³⁵ Accordingly, prostitution actually belongs to the list of proscribed sexual activities in the Bible that we maintain today.

Many alleged analogues on the list are just plain silly such as (2) **the reluctance to name sexual organs** or (3) **the special concerns about public nudity** expressed by some biblical authors. Modesty in sexual expression remains a contemporary Christian virtue and the graphic sexual character of many biblical texts still has the power to make us blush. *Pace* Wink, Ham in Gen 9:20-27 is not cursed merely for "seeing" his father's nakedness any more than the prohibition in Lev 20: 17 against a man "seeing" his sister's nakedness refers merely to sight (cf. the parallel phrase "uncover the nakedness of" in Lev 18:9 and "lie with" in 20:11-20). Ham is cursed for having sex with his father.³⁶

³⁴Cf. Will Deming, "The Unity of 1 Corinthians 5-6," *JBL* 115 (1996): 289-312, esp. 310-11.

³⁵Cf. *The Bible and Homosexual Practice*, 210-28.

³⁶*Ibid.*, 63-70.

Another specious analogy is (4) the OT view that ***contact with semen or menstrual blood renders one unclean***. Even in the Old Testament, such contact was not in and of itself sinful—except in the case of sex during menstruation, which Wink lists separately and will be treated below. Another obvious point is that ritual uncleanness of this sort was treated as passé already by NT authors.

As regards (5) ***celibacy***, while there is generally a strong expectation of marriage in the Old Testament (with exceptions), there is neither an explicit proscription against nor penalty, imposed for celibacy. The New Testament witness is indeed more affirming of celibacy but is so in view of the urgency of the eschatological moment and the pragmatic consideration of having greater freedom in service to God. There is no radical overhauling of a pointed Old Testament proscription and what shift there is, manifested already in the New Testament, exists partially as a result of the change of covenantal dispensations: the shift to Gentile mission and conversion makes physical procreation less vital for the preservation of God's people.

The concern about (6) ***exogamy*** (marriage to non-Israelites) in the Old Testament, especially in the post-exilic period, also shifts in the new covenant dispensation with the new program of God for active mission to Gentiles. Again, this shift is firmly ensconced already in the New Testament. In addition, the concern for exogamy is in the first instance a concern about exclusive religious allegiance to the God of Israel. A strong reservation about marriage to unbelievers continues in the New Testament (1 Cor 7:12-16, 39; cf. 2 Cor 6:14-18). There are also plenty of positive instances of marriages to Gentile women in the Old Testament, of which the story of Ruth is the prime example.

Wink's listing of (7) the ***"treatment of women as property"*** is also a bad analogy to the Bible's proscription of same-sex intercourse, for many reasons. (a) This is not a proscription of a type of sexual intercourse. (b) There is no biblical proscription against the obverse. (c) "Property" has to be seriously qualified in the same way that treatment of children as property in the Old Testament has to be qualified (i.e., there are numerous ways in which their treatment differs from the treatment of inanimate property or animals). (d) There are many examples of a more liberating dynamic to women within the Bible itself,

particularly the New Testament but also in the Old (e.g., beginning with the Yahwist's attribution of a husband's rule over his wife to the fall [Gen 3:16]). (e) The biblical view of women looks good in comparison to the broader cultural environments out of which this view emerged. Finally, (f) in Christian circles today we do not do away entirely with a sense of belongingness and obligation in marriage; rather we equalize it mutually between husband and wife in a manner already foreshadowed in 1 Cor 7:2-5 and other texts.

(8) **Masturbation** is another weak analogy. (a) There is nothing about masturbation in the Old Testament (the story about Onan "spilling his semen in Gen 38:8-10 is not about masturbation) so its degree of significance is questionable. (b) The one who broadens the law's sphere to include "adultery of the heart" is none other than Jesus (Matt 5:27-28), certainly relevant to the issue of masturbation—at least insofar as stimulation is achieved by thoughts of sexual intercourse with another who is not one's spouse. Jesus' reference to the cutting off of the hand in Matt 5:30 (cf. Mark 9:43) *may* have to do with masturbation, based on later rabbinic parallels. Contemporary ecclesiastical approval of masturbation, then, would be inappropriate. (c) Consistent with this understanding is the fact there is no "masturbation lobby" in the church today advocating that we should celebrate masturbation as part of a broad diversity of sexual expression that God allegedly gives us in Christ. (d) The church's response to masturbation is of one piece with its response to adultery (or fornication) of the heart: the church recognizes it as an ongoing problem—like any attempt to deal with sin in one's thought life. The church does not encourage it or endorse it. However, the fact that it is normally done in private without any direct involvement of, knowledge by, or impact on another does not make it a suitable issue for church discipline. (e) Most—including Wink, I suppose—rightly recognize that, so far as church action is concerned, there is a significant difference between the public effects of someone committing concrete acts of adultery with other persons and the public effects of someone stimulating him- or herself through mental fantasies.

Wink lists (9) **very early marriage**, especially among girls, as another analogue. It is questionable how widespread this practice may

have been in ancient Israel, let alone early Christian circles. Regardless, in ancient cultures a significantly shorter lifespan and a significantly higher infant mortality rate perhaps necessitated some compromises in minimum age requirements for marriage in order to increase the chances for childbearing. Most importantly, since the Bible nowhere mandates marriage at an early age, we do not override any strong biblical proscription when we prohibit marriage to those under the ages of 16, 17, or 18. Even in our own culture we would have to admit that these are not magic numbers: within any given culture some people above the minimum age limit may exhibit less maturity than some a few years below that age limit. Different social mechanisms across cultures, ancient and modern, can also affect maturity levels. For example, the minimum marriage age in our culture is partly conditioned by a relatively lengthy period of schooling. Furthermore, there is no evidence that sexual relationships with prepubescent girls were ever allowed in ancient Israel or early Christianity—one more element that Wink could add to a list of biblical sexual mores that we would agree in rejecting.

(10) ***Birth control*** is not comparable to same-sex intercourse. There are no pointed prohibitions of birth control in the Bible, let alone any of a severe, pervasive, and absolute nature. Some would construe the creation command to be fruitful and multiply as necessarily precluding all birth control but this is not a necessary inference. Scripture does not forbid sex with infertile spouses and in various places celebrates sexual pleasure in marriage in its own right. There is considerably more ambiguity concerning the Bible's posture on this issue than on same-sex intercourse. The degree of abhorrence expressed for same-sex intercourse is a world away.

Levirate Marriage and Sex During Menstruation

(11) What of ***levirate marriage***—the obligation to impregnate a deceased brother's childless wife so that his inheritance rights might be maintained (Deut 25:5-10; cf. Gen 38:8-14; Ruth 2:20; 3:9-13; 4:1-12)? Although not as far-fetched an analogy as the previous nine mores discussed, it too cannot be considered a close parallel to Scripture's proscription of same-sex intercourse.

- a. This is a prescription, not a proscription. Proscriptions as a rule are less demanding than positive prescriptions and therefore more doable (or, better. non-doable”) and fundamental. Sins of commission are normally graver than sins of omission.
- b. The severity of the penalty for non-compliance in Israel’s theocracy (public humiliation) does not approach that for engaging in same-sex intercourse, adultery, incest, or bestiality.
- c. Because this regulation is primarily designed to protect patrimony within the theocratic state of Israel, and indeed the property rights of the husband, it is not surprising that no New Testament author calls for its enforcement. There is no reference to a violation of this rule in New Testament vice lists, or even (to my knowledge) in vice lists in early Jewish and rabbinic texts; nor is there reference to violation of this rule as a prime indicator of human depravity. The New Testament vision of inheriting the kingdom of God is not about maintaining property rights in this world-age. This is precisely the kind of Old Testament sex precept that one would expect to pass away with the change of covenantal dispensations. So the silence of the New Testament is not likely to point to a universally presumed adherence to this command.
- d. Although a social justice component on behalf of the dead man’s childless wife comes across in the Tamar episode (Gen 38), Deuteronomic legislation actually limits the wife’s choices by prohibiting the wife from marrying “outside the family to a stranger (Deut 25:5). The dead man’s wife is arguably more obligated than the dead man’s brother, at least in some circumstances.
- e. The silence of the New Testament on the prescription of levirate marriage has to be qualified somewhat since reference is made to the practice in a snide question about the resurrection put to Jesus by the Sadducees (Mark 12:18-23). Wink states: “Jesus mentions this custom without criticism.”³⁷ However, that Jesus would have had much vested interest in the strict enforcement of this prescription is not likely given the story in Luke 12:13-

³⁷“Homosexuality and the Bible,” 39.

21. There someone asks Jesus to help him in securing his family inheritance, only to have Jesus rebuke the man for his greed and this-worldly interests. Wink himself admits that by Jesus' day the practice had fallen into substantial disuse in Judaism, replaced by a legal device that absolved the woman of this obligation.

- f. Not only is there no meaningful carryover of this prescription into the New Testament, but also even within the Old Testament there is considerable question as to the pervasiveness of this rule. Already it stands in tension with Levitical legislation that treats as incest any sex between a man and his brother's wife (18:16; 20:21).
- g. Finally, the principle of levirate marriage, unlike the proscription of same-sex intercourse, is not grounded in creation structures. And there is nothing "unnatural" about not impregnating a dead brother's childless wife.
- h. Simply put, by all counts levirate marriage does not satisfy the tests that I outlined above for determining a core biblical value in sex ethics—quite unlike Scripture's vested interest in preserving the sex-complementarity of sexual unions.

(12) A better analogy than levirate marriage but still a far cry from the analogies of incest, bestiality, adultery, prostitution, and pedophilia, is the *proscription of sexual intercourse during menstruation* in Lev 18:19; 20:18 (cf. Ezek 18:6; 22:10).

- a. This at least is a proscription of a type of sexual intercourse. It is listed among the forbidden sexual relations in Leviticus 18 and 20, along with the prohibition of male-male intercourse (18:22; 20:13). The offense was regarded as serious by the circles that produced the Holiness Code, though apparently not as serious as male-male intercourse. Leviticus 20 reorders the list of sexual offenses in Leviticus 18 according to penalty: those that were punishable by death imposed by the state (adultery, some types of incest, male-male intercourse, and bestiality) in vv. 10-16 and those that merited "cutting off" from the people (the *kareth* penalty) or divinely-imposed sterility (some types of

incest, sex with a menstruating woman) in w. 17-21. The *kareth* penalty was probably a penalty imposed by God alone, not the community. In the community's understanding it could take many different forms: premature death, a blotting out of the offender's name by terminating the family line, or (possibly) not rejoining one's ancestors in the afterlife.³⁸ We might say that the framers of the Holiness Code regarded intercourse during menstruation as a second-order severe offense, one not requiring immediate action by the community of God, and so at a rung below same-sex intercourse.

- b. Elsewhere in Leviticus, outside the Holiness Code (chs. 17-26), even this divinely imposed penalty is not mentioned. Leviticus 15, a section of material dealing with bodily discharges, states only that the man who lies with a menstruating woman shares her seven-day state of impurity (v. 24)—perhaps in recognition of the fact that a woman's period could commence in the midst of sexual intercourse with her husband.³⁹ A temporary state of ritual uncleanness is not a sin *per se*. People in Israel contracted ritual impurity all the time from a host of things that were not sinful; for example, childbirth, contact with semen in sexual intercourse, contact with a dead person, and bodily discharges owing to disease. Repentance was not an issue. So even within the book of Leviticus there may be different perspectives on the matter.

³⁸Jacob Milgrom, *Leviticus 1-16* (AB; New York: Doubleday, 1991), 457-60.

³⁹Milgrom, in the first volume of his Leviticus commentary (cited in n. 38 above), attributed P's silence concerning penalties to a focus here in ch. 15 "on the effect of impurity on persons and objects and not on divine sanctions for its bearers" (ibid., 940). Milgrom dismissed "out of hand" the supposition that P envisaged no penalty for sex with a menstruating woman. However, in the second volume of his Leviticus commentary, he reversed himself somewhat, acknowledging that this supposition has to be considered a genuine possibility (*Leviticus 17-22* [2000], 1550; but cf. p. 1756). It seems unlikely that, if P had regarded sex with a menstruant as an infraction meriting divine extirpation, he would have been content with saying only that the man "shall be unclean seven days." Another possibility is that Lev 15:24 is dealing with inadvertent acts while 18:19 and 20:18 treat deliberate acts; but this distinction finds no warrant in the text (cf. 15:18 which refers to deliberate acts of sexual intercourse).

- c. In other parts of the Old Testament—outside the book of Ezeiel which has strong affinities to the Holiness Code—we hear not a word about the problem of sex with a menstruating woman.
- d. Consequently, it is not surprising that explicit mention of it does not appear in the New Testament. The best explanation for this omission is simply that New Testament authors lumped the proscription of sex during menstruation with other Old Testament legislation regarding ritual purity that had been abrogated by the new covenant in Christ. Yet adultery, incest, same-sex intercourse, bestiality, prostitution, and premarital sex were not lumped together with defunct purity regulations; rather they were retained under the rubric of *porneia*, “sexual immorality.”
- e. There was probably some residual revulsion in some early Christian circles for sex during menstruation. A case in point was the requirement to “abstain from blood” in the Apostolic Decree (Acts 15:20, 29; 21:25). Yet classification of sex during menstruation under the rubric of *porneia* appears unlikely. Even the Apostolic Decree distinguishes abstention from *porneia* from abstention from blood. Today most people would be queasy and turned off by the thought of deliberate intercourse during menstruation and wonder why a man could not exercise restraint in view of a woman’s discomfort.
- f. To be sure, blood is no longer as numinous and sacred to us as it was to the ancients.⁴⁰ Yet most people rightly recognize that the scientific evidence here is on an entirely different plane than the scientific case for approving homosexual behavior.
- g. As intimated in (b) above, sex with a menstruating woman does not carry with it quite the “unnatural” quality of having sex with one’s parent, or another of the same sex, or an animal. It happens inadvertently, in the course of normal sexual activity. The notion of “inadvertent” incest, same-sex intercourse, or bestiality makes little sense.

⁴⁰Not surprisingly, the sacral quality of blood is particularly highlighted in the Holiness Code, Lev 17:10-16, where the prohibition of sex during menstruation is found.

- h. So, in the end, are there sufficient grounds for considering sex during menstruation as a close analogue to same-sex intercourse? No—it is not a core value of Scripture that is pervasively held, either within or across Testaments. Wink writes as if it is all the same whether a particular proscription exists only in a small part of the Old Testament or is pervasively and strongly upheld throughout Scripture, particularly the New Testament.

Polygamy, With a Note on Premarital Sex

(13) The allowance of **polygamy**—more precisely *polygyny* since polyandry was not allowed in ancient Israel—raises some interesting issues but ultimately falls short as a close analogue to the proscriptions of same-sex intercourse. Wink also lists (14) **concubinage** and (15) **sex with slaves** separately but these really constitute different aspects of polygyny. The system of concubinage permitted men to have secondary wives, or sex with female slaves, without undermining the status of a primary wife. The category of sex with slaves simply adds the dimension of slavery.⁴¹ So how should one address the matter of polygyny?

- a. Polygyny in ancient Israelite society is to be distinguished from fornication (sex without marital or quasi-marital attachment). A man who seduced or seized a virgin who was not engaged to be married was obligated to marry her (Exod 22:16-17; Deut 22:28-29). Sex with an engaged or married woman was a capital offense, punishable by stoning. The importance placed on a woman's virginity prior to marriage would have placed severe restrictions on male promiscuity, at least indirectly. Deuteronomy 22:21 refers to a woman who has had sex with another man prior to marriage as one who has "prostituted herself in her father's house."⁴²

⁴¹ Cf. *The Bible and Homosexual Practice*, 443-48, for why slavery is not a good analogue to same-sex intercourse.

⁴² Since the penalty prescribed is stoning, it is possible, though by no means certain, that only an engaged woman is in view.

- b. Even with the option of polygyny, one wife at anyone time remained the norm in Israelite society. Most treatments of marriage in the Old Testament—law, poetry, or narrative—presume this norm.⁴³ According to the Yahwist, the model in creation is that of two sexually complementary human beings becoming one flesh (Gen 2:20-24). Moreover, when polygyny did occur in the family unit, the norm was just two wives at one time. This is presumed, for example, in the law about the legal rights of the first-born son in Deut 21:15-17 (“If a man has two wives . . .”). It is the introduction of kingship that brings the phenomenon of “many wives” prohibited by Deuteronomic law (17:17). In the main polygyny in ancient Israelite society was an occasional concession to the need for progeny to insure survival and to carry on the family name—so the use of slave concubines by Abraham and Jacob, at the urging of the primary wives. The rivalry and jealousy recounted between wives or between a primary wife and a concubine underscore the problems with polygyny. And, of course, women never had more than one husband.
- c. What this means is that already in the Old Testament a consistent case for monogamy was developing: the precedent in the creation story of Genesis 2, the norm of one wife in Israelite society, internal disputes in polygynous households, and female monogamy. In addition, as the notion of a meaningful existence in an afterlife gained prominence in the Second Temple period, the primary motivation for polygyny—the necessity of progeny as a means to preserving one’s memory after death—took on less significance.

⁴³ For example, Prov 5:18 exhorts husbands to forsake an adulteress and “rejoice in the wife of your youth” (similarly, Prov 18:22). Malachi 2:15 admonishes husbands not to “be faithless to the wife of [one’s] youth.” Ecclesiastes 9:9 encourages husbands to “enjoy life with the wife whom you love, all the days of your vain life that are given you under the sun, because that is your portion in life.” The law pertaining to levirate marriage in Deuteronomy starts out with “the wife of the deceased . . .” (25:5). The prophetic metaphor of God’s relationship with Israel as a marriage also moved in the direction of monogamy.

- d. It is important to keep in mind two additional points. On the one hand, there is no Old Testament prescription of polygyny. Nowhere does the Old Testament require that men have multiple wives. As with divorce, eradicating polygyny does not overturn a core value of the Old Testament. It simply removes a concession to human hardness of heart. On the other hand, there are pointed proscriptions against women having more than one sex partner at one time and against having premarital sex. This was a core value for women; eradicating it, even in the alleged interests of equality for women, would have required a massive overhauling of biblical standards for acceptable sexual intercourse.
- e. Contrary to Wink's understanding, Jesus' prohibition of divorce presumes a prohibition of polygyny.⁴⁴ For the divorce sayings in Luke 16:18 (par. Matt 5:31-32), Mark 10:11-12 (par. Matt 19:9), and 1 Cor 7:10-11 all express concern about a person having sex with another person while one's former sex partner was still alive. The first marriage is valid until the spouse dies, regardless of whether a divorce has taken place. Accordingly, Jesus refers to remarriage after divorce as adultery. To accept Wink's view that Jesus did not call into question polygyny is to believe that serial monogamy was a problem for Jesus but polygyny was not—surely an improbable conjunction. Jesus' teaching on divorce clearly pushed in the direction of one lifetime sex partner, at least “until death do us part.” This is an argument from the lesser to the greater: if even serial monogamy is problematic, how much more polygyny? Furthermore, if one of the main incentives for polygyny was to produce progeny for perpetuating one's identity after death, then Jesus' view of an after-life subverted such an incentive. This comes across in Jesus'

⁴⁴Neither [polygamy nor concubinage] is ever condemned by the New Testament (with the questionable exceptions of 1 Tim. 3:2, 12 and Titus 1:6). Jesus' teaching about marital union in Mark 10:6-8 is no exception since he quotes Gen. 2:24 as his authority . . . , and this text was never understood in Israel as excluding polygamy” (Wink, “Homosexuality and the Bible,” 38).

own celibacy and in sayings such as Mark 3:33-35 (Jesus' true family); 10:29-30 (a hundredfold children); 12:25 (no marriage in heaven); and Matt 19:10-12 (eunuchs for the kingdom). Also, with Jesus' outreach to women came perhaps recognition of male-female inequity in the matter of plural mates. Jesus to a large extent resolved the inequity—but not by allowing women the same sexual freedom that men had. Instead, he placed on men the same high standards for sexual purity that were already imposed on women and then further intensified God's demand on both.

- f. Paul's entire discussion of marriage in 1 Cor 7, where he cites Jesus' divorce saying, also presupposes monogamous marriage structures. For example, he assumes that to be deprived of sex with one's spouse (singular, husband or wife) is to be deprived of all sex, leaving one with no other options to satisfy sexual temptation apart from committing sexual immorality (*porneia*; 7:1-7). Indeed, as with Jesus, the equal claim to conjugal rights by wife and husband (7:2-4) suggests that monogamy is now as binding on men as it always was on women. Marriage for the sake of progeny also recedes; Paul's emphasis is on marriage as the one and only legitimate arena for acting on sexual desires (7:2). Later, in the probably deuteropauline Pastoral Epistles, one of the requirements for the offices of bishop, deacon, and elder is that the man be "the husband of one wife" (1 Tim 3:2, 12; Tit 1:6). Probably this is a reference to not remarrying, even after the death of the first wife (this as an expression of supreme fidelity to one's spouse).⁴⁵ Certainly this presumes that polygyny is also wrong—indeed, a far greater wrong that would probably be prohibited not only to office holders but also to all other believers as well.

⁴⁵Cf. the expression in 1 Tim 5:9: a woman admitted to the list of widows must have been "the wife of one husband," i.e., "married only once" (correctly, NRSV). Jerome D. Quinn, *The Letter to Titus* (AB; New York: Doubleday, 1990), 79.

- g. Added to all this is the fact that there is not a single New Testament text—narrative, metaphor, or exhortation—that hints that polygyny might be acceptable. Forbidding polygyny today does not require us to overturn the New Testament witness. It requires us to affirm that witness.
- h. It has become customary in contemporary debate about homosexual practice to assert that there is nothing wrong with homoerotic relationships so long as they remain monogamous. Monogamy for many has become the higher-order value. From a biblical perspective the ranking is skewed. It is the equivalent of arguing that a sexual relationship between two siblings is not so bad as long as the relationship remains monogamous. Most people would recognize immediately the flaw of such an argument: the non-incestuous quality of sexual relationships is a higher priority than their monogamous character. In fact, a faithful or life-long incestuous union is worse than a short-term incestuous union because it perpetuates what is abhorrent to God. And to assert, as the Corinthians might have (1 Cor 5), that a committed incestuous union is better than having one engage in promiscuous non-incestuous relationships, would surely be a perverse form of reasoning. The same applies, and even more so, to homoerotic relationships. For the authors of Scripture and undoubtedly for Jesus, the sex-complementarity of sexual unions was much more of an essential feature of human sexual expression than monogamy. Only the non-bestial quality of sexual relationships would have been treated as more bedrock. Now I am not arguing, of course, that we should be more open to non-monogamous unions. The New Testament is quite clear on this in my view. My point is rather that, as high as our view of monogamy may be (at least limited serial monogamy), our view on the limitation of sexual unions to males and females should be higher still. Conversely, if homoerotic unions are to be sanctioned, on what grounds would we hold the line on monogamy against “three-somes” or other “plural unions”? Indeed, today we have the unusual circumstance that polygyny is

sometimes prosecuted by civil government while many who have indiscriminate, short-term, and irresponsible sex with far more sex partners are not prosecuted. The church has a much stronger case for endorsing various types of polygamous unions than it does for endorsing homoerotic unions, or even for endorsing the rather limited definition of “promiscuity” adopted by Wink.

- i. An additional word on **premarital sex** is in order. Wink does not include it in his list of sixteen but he does mention it in an earlier part of his article. Wink argues that “the Old Testament nowhere explicitly prohibits sexual relations between unmarried consenting heterosexual adults, as long as the woman’s economic value (bride price) is not compromised.” He cites the poems in the Song of Songs that “eulogize a love affair between two unmarried persons.” “Today,” he says, “many . . . are reverting to ‘biblical’ practice, while others believe that sexual intercourse belongs only within marriage.”⁴⁶ How does one respond to these claims?
 1. The last formulation by Wink, which refers to the acceptance of premarital sex as the “biblical practice,” conveniently ignores the univocal witness of the New Testament against all premarital sex. At points where one detects a double standard in the Old Testament concerning the degree of cultural disapproval for premarital sex—inevitable in a culture that permitted polygyny, the purchase of women for concubinage, and the exclusive right of husbands to divorce—one is obligated to ask how this double standard is to be resolved in Christ. The New Testament is clear: it is to be resolved by proscribing all premarital sex not only for men but also for women.
 2. Wink’s reference to “biblical practice” also misreads or at least overrides the complexity of the Old Testament witness. I have already cited legal texts in (a) above that obligate a man to marry a virgin whom he has seduced and that place a high premium on a woman’s virginity at the time of marriage. The linkage between bridal price and virginity in actual practice itself speaks to the cultural “devaluing” of a woman who has previously had sex with another man.

⁴⁶“Homosexuality and the Bible,” 39.

3. The Song of Solomon raises more questions than answers. It is far too ambiguous a text on which to promote a doctrine of legitimate premarital sex. (a) As it stands, the Song is attributed to and/or sung with reference to King Solomon (1:1; mention is made of “Solomon” six other times, along with three references to the male lover as a “king”). The male lover addresses his beloved as “my bride” (4:8-12; 5: 1) and she alludes to Solomon’s wedding (3: 11). Whatever the original meaning of the poems, arguably the work was accepted into the canon on the assumption that it described the love between a husband (Solomon) and wife. This is its canonical context, which arguably domesticates any earlier meaning. (b) It is far from clear how far the lovers may actually have gone in their love and how much of what is said expresses no more than lovers’ fantasies (note the references to dreams in 3:1-5 and 4:2-8). At one point the male lover likens his beloved to a garden that no one has yet entered (4:12). The young woman is described as facially veiled (4:1, 3), suggesting modesty on her part and imagination on the part of the male lover in describing her erotic attractiveness. The Song also contains a thrice-repeated adjuration to the daughters of Jerusalem that could be read as a warning not to kindle erotic passion until the day of one’s wedding (2:7; 3:5; 8:4). (c) Even if the poems did originally refer to “a love affair between two unmarried persons,” they would not constitute a ringing endorsement of premarital sex. The obstacle to marriage apparently comes not from the young lovers themselves but from the young woman’s brothers who insist that she is too young to be married (1:6; 8:8-9), while she insists that she is ready for marriage (8:10). The two lovers yearn to celebrate their lifelong commitment to one another in public (8: 1-4). In fact, they already regard themselves as married: note again the address “my bride” and the young woman’s comparison of her lover to King Solomon “on the day of his wedding” (3:6-11). (d) The Song of Solomon may represent an honest and open depiction of frustrated youthful erotic passion (similarly, Shakespeare’s *Romeo and Juliet*), just as Ecclesiastes represents an honest and open depiction of human despair amidst the injustices of the world. Endorsement is another matter altogether.

Divorce

Of the sixteen sexual mores cited by Wink, his best hope for a close analogy is *divorce*. The reason is obvious: it is the closest item among the sixteen to a sexual proscription strongly promoted in the New Testament but no longer retained by the church today.⁴⁷ Wink, at least, seems to think so. It is the only “biblical sexual more” among his list of sixteen that is singled out for special mention in his review of my book and in his reply to my response. So he says in his review:

Divorce is another matter that Gagnon slides over. Jesus unequivocally condemns divorce. Gagnon notes that Matthew and Paul each in his own way modified Jesus’ words to make them less rigorous. Yet our churches are full of divorced people. Jesus never mentions homosexuality, but he explicitly condemns divorce. Why, then, does Gagnon single out homosexual behavior for censure, while refusing to treat divorce with the same condemnation as homosexual behavior? Does Gagnon believe that divorced people will, like practicing homosexuals, be damned to hell?⁴⁸

In my response I noted:

There is tension within the canon itself on [this issue]. There is no tension regarding homosexual behavior...Neither scripture nor the contemporary church celebrates divorce as part of the glorious

⁴⁷The reader will note that I say “closest item among the sixteen” to the proscription against same-sex intercourse—not that it is, in fact, a close analogue.

⁴⁸“To Hell With Gays?” 32. The same point is made in his article: “[M]any Christians, in clear violation of a command of Jesus, have been divorced. Why, then, do some of these very people consider themselves eligible for baptism, church membership, communion, and ordination, but exclude gays and lesbians? What makes the one so much greater a sin than the other, especially considering the fact that Jesus never even mentioned homosexuality but explicitly condemned divorce? Yet we ordain and remarry people who have been divorced. Why not ordain and marry gays and lesbians?” (“Homosexuality and the Bible,” 41). Indeed, why not ordain and marry a mother and son, or two siblings, or a “threesome”—“especially considering the fact that Jesus never even mentioned [these types of sexual union] but explicitly condemned divorce?”

diversity of the body of Christ. Divorce and same-sex intercourse share in common the fact that both are forgivable sins for those who repent. The church works to end the cycle of divorce and remarriage, just as it ought to work toward ending the cycle of serial, unrepentant same-sex intercourse.⁴⁹

To which Wink replied:

[Gagnon's] treatment of divorce [in his response] contains some helpful insights, as does his exegesis generally (this is not a "concession," but an acknowledgement of the value of some of his arguments). But Gagnon misses the key point. Moses allowed divorce. Jesus categorically rejected divorce. Paul moderated Jesus' position by allowing a believer to divorce an unbelieving spouse if the spouse wishes to have the marriage dissolved (1 Cor 7:12-16). The Gospel of Matthew liberalizes Jesus' saying on divorce by adding an exception for adultery. Thus we see the church already altering Jesus' commands in the light of new situations. If Gagnon sanctions this modulation of ethical demands within the canon, why shouldn't we today feel authorized, in the light of new knowledge and the prompting of the Holy Spirit, to "judge for yourselves what is right" (Luke 12:57)?⁵⁰

The answer to that final question should be obvious, and yet it is not the answer Wink expects: because the analogy of divorce does not justify a complete overhaul of a pervasive, absolute, and strong core prescription in Scripture. It is as simple as that. Paul and Matthew tinker with Jesus' prohibition of divorce. They do not overhaul it. They do not say—which is what Wink and others advocate for homosexual unions—we should celebrate divorce and provide cultural incentives for people to perpetuate a cycle of divorce and remarriage. Divorce is still a sin. Paul allows for an exception in the case of a marriage to a person who

⁴⁹"Gays and the Bible," 41

⁵⁰"A Reply," 43.

does not believe in the God of Israel and of Jesus Christ. But he does so only in circumstances where the unbelieving spouse *insists* on leaving. The believer is emphatically not to initiate divorce against an unbelieving spouse (1 Cor 7:12-16). As for Matthew, he simply reasons from Jesus' equation of post-divorce remarriage with adultery that a spouse who has engaged in adultery cannot be made an adulterer/ess (Matt 5:31-32; 19:9). Both Matthew and Paul, in the end, maintain strongly Jesus' radical opposition to divorce over against a broader cultural environment that is much more permissive. Consequently, there isn't present here the kind of warrant for radical deviation from a core value of Scripture that Wink needs in order to justify his stance toward homosexual unions. I doubt if anyone else would characterize the program of pro-homosex advocates like Wink as a mere "modulation" of Scripture's stance on same-sex intercourse. It is Wink who misses this key point.

The above would suffice as an immediate response to Wink's arguments. I supply a more detailed argument below:

- a. Unlike the OT position on same-sex intercourse, the OT position on divorce is mixed. On the one hand, the Old Testament allows it for men (Deut 24:1-4; cf. Lev 21:7,14; Deut 21:14).⁵¹ On the other hand, there are currents against divorce already in the Old Testament. First, the Old Testament—consistent with a strong concern for a woman's sexual purity and a wife's fidelity to her husband—makes no provision for divorce initiated by wives. Second, the Old Testament puts some restrictions on a husband's right to divorce his wife, although the extent of those restrictions was subject to debate in Second Temple Judaism and beyond. The pivotal text in Deut 24:1-4 gives as grounds

⁵¹Also Sir 25:26: "If [your wife] does not go as you direct, cut her off from your flesh." Note that even Deut 24:1-4 places a restriction on the husband: he is not permitted to remarry his divorced wife, presumably to preclude hiring out his wife to another man or wife swapping.

for divorce, “because he found in her a nakedness of a thing”—that is, a sexual indecency of some sort. Moreover, Deut 22:19 and 22:29 take away entirely a husband’s right to divorce under certain limited circumstances. Third, Malachi 2:14-16 chastises husbands for being “faithless to the wife of [your] youth” and emphatically declares, “I (Yahweh) hate divorce.” Fourth, the vision of marriage in Gen 1:27 and 2:24, at least as understood by Jesus, is in tension with an allowance for divorce: “What therefore God joined together, let no man (or: human, *anthropos*) separate” (Mark 10:9).⁵² So the Old Testament itself is not of one mind about divorce. By contrast there is no lack of uniformity in the Old Testament’s vigorous opposition to same-sex intercourse. The case for regarding the proscription against same-sex intercourse as a core value in the Old Testament is significantly stronger.

- b. Jesus did away with the tension in the Old Testament by coming down solidly against divorce, for men and not just for women. Part of his motivation may have been a resolve to further equality between men and women in God’s eyes. Yet had this been Jesus’ sole or even primary motivation, he could just as easily have allowed wives the same rights to divorce that husbands had under Mosaic law. Obviously, then, sexual purity was the main concern. He saw that “Moses” had made a concession to human—primarily male—“hardness of heart” in the domain of sexual fidelity and monogamy, and removed the concession. Then he went even further than the OT restrictions on women by declaring that both the person who divorces and remarries and the person who remarries a divorced person commit

⁵²Cf. the prayer of Tobias on his wedding night: “You made Adam, and for him you made his wife Eve as a helper and support. From the two of them the human race has sprung. You said, ‘It is not good that the man should be alone; let us make a helper for him like himself.’ I now am taking this kinswoman of mine, not because of lust, but with sincerity. Grant that she and I may find mercy and that we may grow old together” [Tob 8:6-7 NRSV].

adultery. So Jesus' stance on limiting the number of lifetime sex partners to one appears to be clear. Most pro-homosex advocates then contend that the deviation of current church doctrine and practice from Jesus' teaching on divorce provides a precedent for deviating from the strong New Testament view against same-sex intercourse. However, as the following remarks indicate, there are multiple problems with such a contention.

- c. Wink goes so far as to suggest, both in his article and in his review, that Jesus was *more* staunchly opposed to divorce than to homoerotic intercourse, if indeed he was opposed to the latter at all. Wink has not adequately thought through the matter. Shall we claim that Jesus felt less strongly about bestiality and incest on the grounds that he said not a word about these subjects? Jesus said nothing directly about such extreme forms of sexual immorality simply because the position of the Hebrew Bible on such matters was so unequivocal and visceral, and the stance of early Judaism (Palestinian and Diaspora) so undivided, with the incidence of concrete violations so rare, that nothing needed to be said—unless, of course, he had a different view, which he clearly did not have. There was no reason for him to spend time addressing issues that were not points of contention in his own cultural context and on which he had no dissenting view. Jesus could turn his attention to a sexual issue that was a problem in his society: the threat posed by divorce to the indissolubility of the one valid form of sexual union—the matrimony of one man and one woman. Jesus did not loosen the restrictions on sexual freedom; he tightened them, albeit in the context of an aggressive outreach to the lost.

When Jesus cited back-to-back Gen 1:27 (“*male and female he made them*”) and Gen 2:24 (“*For this reason a man . . . will be joined to his woman [wife], and the two will become one flesh*”) he obviously understood—with all other Jews of his day—that an absolutely essential prerequisite to any valid marital union was that the two participants be male and female, man and woman. That Jesus used these two Scripture texts to focus on the “God made” and the “will be joined”—thereby empha-

sizing the divinely intended indissolubility of the union of male and female, husband and wife—in no way suggests that he regarded the gender of the participants as nonessential. Indeed, the precise opposite conclusion is the only logical and historically reasonable option. Both the Scriptures that Jesus cited with approval and the audience that Jesus addressed presumed the complementary male and female genders of the two participants as an essential prerequisite.

It is also evident, by comparison with bestiality and incest, that Jesus did not regard the monogamous permanence of a given sexual union to be more important than the intra-human, non-incestuous, and heterosexual prerequisites. If the longevity and fidelity of a sexual union had been the most important components for Jesus, then Jesus could not have been absolutely opposed to any form of sexual union, so long as it showed evidence of endurance. But as it is, longevity and fidelity would not have constituted for Jesus sufficient reason to validate incest and bestiality. The same would have held for same-sex intercourse. Bestiality, same-sex intercourse, and incest—in that order—were more severe infractions of God's will for human sexuality than short-term relationships. Only after these prerequisites were met—and others, such as the non-paying, non-coercive, and adult dimensions—would issues such as longevity and fidelity have come into play.

- d. As earlier noted, both Matthew and Paul interpreted Jesus' general prohibition of divorce in such a way that it did not rule out divorce in certain narrow circumstances: for Matthew, in cases where the spouse had committed adultery; for Paul, in cases where an unbelieving spouse was adamant about leaving the marriage after the believing partner's conversion. Whether Jesus would have accepted such exceptions is a matter of historical conjecture. Regardless, Matthew and Paul did not see themselves as radically overhauling Jesus' teaching on divorce; and, in fact and not just in perception, neither of them were radically overhauling it. Their views against divorce remained more, not less, rigorous than those prevailing in the Mosaic law. The

hermeneutical significance of this is that we have some justification in Scripture itself for discerning very limited exceptions to the general prohibition of divorce by Jesus (e.g., when a spouse's life is in danger). Let me stress three caveats that arise from this last sentence: (1) Scripture itself provides the precedent; (2) the precedent does not apply to all of Jesus' sayings but only to this particular ruling; and (3) the precedent is not to be applied in such a way that it nullifies, for all intents and purposes, the general ruling. In the case of same-sex intercourse, much like incest and bestiality and unlike divorce, we have no scriptural precedent for making exceptions. Matthew's and Paul's "modulation" of Jesus' divorce saying (to use Wink's term) provide no basis whatsoever for a radical departure from Scripture's core values for sexual ethics, including its absolute, pervasive, and strong rejection of bestiality, same-sex intercourse, and incest.

- e. Even though the case against divorce in Scripture is not nearly as airtight as the case against same-sex intercourse, the mainline churches today—for all their permissive bents—do not make a radical departure from the teaching of Jesus, Matthew, and Paul on divorce. Mainline churches, to say nothing of churches outside the "mainline," do not regard divorce as an act to be celebrated and repeated. They regard divorce as a sin to be repented of and not repeated. If it is repeated, repentance rather than self-affirmation is again expected. Serial unrepentant divorce is viewed as a grave problem that has serious consequences at least for holding ordained office—and by "serial" I mean something as few as three or four instances of divorce. Divorce and remarriage are not normally *frequentative acts*. If they happen, they normally happen once or twice, and usually after an interval of many years. Same-sex intercourse, however, is normally a frequentative act. Those pushing for the acceptance of homoerotic unions are pushing for the acceptance of unions constituted—I state the obvious—by the regularly practiced homosexual behavior that Scripture strongly forbids. Whereas divorce and remarriage might occur at most a few times in one's life, same-sex intercourse often occurs many times in a single week, sometimes in a single day. Moreover, the church is being

asked to bless—nay, is being bludgeoned into blessing—*unrepentant* homosexual unions. The thought of repenting of the sexual activity that bonds the participants is utterly repugnant to those demanding ecclesial blessing. In this instance we have candidates for ordination who not only have made a mistake or two in the past and want to move on but candidates who want to perpetuate the very behavior that Scripture pervasively deems to be abhorrent to God.

So when Wink asks why we consider divorced people for ordination “but exclude gays and lesbians” the answer is obvious: (1) divorced people are accepted for ordination only on the understanding that they not be serial and unrepentant practitioners of divorce; and (2) those who experience homoerotic impulses can also be ordained so long as they likewise do not affirm, and engage unrepentantly in, the practice of same-sex intercourse. The parallel to a divorced person being ordained, then, is not the ordination of a homosexual person in a “loving” homoerotic union. Rather, the appropriate parallel is the ordination of a homosexual person who may have engaged in same-sex intercourse in the past but who in a spirit of repentance does not intend to repeat such behavior in the future. Conversely, the appropriate parallel to a practicing, self-affirming homosexual person is that of a person who celebrates the act of divorce and hopes for a revolving door of marital partners, who will probably be repeating the cycle in the next few days, and will continue to do more of the same on a long-term basis. Even the most liberal mainline churches would not contemplate for a moment the ordination of the latter type of person; yet we have ardent pro-homosex lobbies in the church pushing for the former.

- f. Divorce differs from same-sex intercourse in another way. Divorce is about the rupture of a union sanctified by God. Some spouses are divorced more or less against their will: they do not initiate divorce, may even fight it for a time, and ultimately have to relent to a partner determined to leave the marriage. In certain circumstances they may be as much the victims of divorce, or nearly so, as the children of divorced parents. Involve-

ment in homoerotic intercourse, on the other hand, is about active participation in an act of egregious sin—unless, of course, one is the victim of homosexual rape, in which case the victim shares no guilt. For all the talk about involuntary homoerotic impulses, homosexual intercourse is ultimately a voluntary and active form of behavior—more like succumbing to the temptation to commit adultery or fornication or, for some, incest or pedophilia. Because in some circumstances it is possible to maintain a perpetrator vs. victim distinction among participants in divorce, but not among participants in consensual homoerotic behavior, a one-to-one correspondence between the proscription of divorce and the proscription of same-sex intercourse breaks down.

- g. We should not always assume that contemporary church deviations from scriptural standards provide adequate warrant for deviations in other areas. Consistency is not always a virtue: there is no virtue in being more consistently disobedient to the will of God. Within the sexual domain, this observation is perhaps nowhere more pertinent than in the case of current ecclesiastical practice regarding divorce and remarriage. Quite apart from the obvious incongruities in comparing current church practice on divorce with the pro-homosex line on same-sex intercourse (cited in a-f above), I shudder at such cavalier remarks as, “We don’t adopt Jesus’ position on divorce so why should we uphold Scripture’s witness against same-sex intercourse?” Does it no longer trouble us that the church has become all too lax in its willingness to permit divorce when Jesus Christ himself, the epitome of God’s love, took a different approach? That divorce in America is now as common (or more so) among Christians as among non-Christians? That we compromise too easily a position to which Jesus had to give careful thought, bucking as he did not only prevailing cultural trends but also the permissiveness of the Mosaic law? Something has gone dreadfully wrong in the Western church. Essentially we have arrived at, and even expanded upon, the Old Testament allowance for divorce that precipitated Jesus’ criticism in the first place. I would much rather see a renewed vision of the utter gravity of the marriage

vow than a capitulation to a standard more akin to an anything-consensual-goes attitude. However, even if mainline churches just maintained current standards on divorce and remarriage, such maintenance would still be a far cry from the kind of hemorrhaging departure from Scripture that accepting same-sex intercourse would require.

- h. Finally, some might argue—though Wink himself does not—that, by Jesus’ definition, remaining in a second marriage while the divorced spouse is still alive perpetuates an adulterous relationship. If the church does not require the dissolution of marriages that follow divorce and are adulterous according to Jesus, why should we require the dissolution of homosexual unions? My initial response would be to reiterate points (a) through (g) above to underscore the significant differences between same-sex intercourse and divorce/remarriage from a biblical and contemporary perspective. Beyond that, I would answer that it is not clear to me that Jesus, or Paul, would have regarded post-divorce marriages as perpetuating adultery for the duration of their existence; nor is it evident to me that they would have required the dissolution of such marriages *after the fact*. I read matters as follows.
 1. I do think that Jesus and Paul would have warned those who contemplated taking divorce action against a spouse that they would be committing adultery if they remarried. Mark 10:11-12 speaks only of the potential adultery for those who initiate divorce proceedings, whether husband or wife.⁵³
 2. I have some doubts about what Jesus and Paul would have said to persons being divorced against their will. To be sure, the second half of the saying in Luke 16:18 and Matt 5:31-32 (Q) states that the man who “marries a divorced woman commits adultery.” Is this something Jesus would have stressed to the husband (but not to the wife) to deter the husband from initiating a divorce, making him responsible not only for his own adultery but for the adultery

⁵³Although Mosaic law speaks only of a husband’s right to divorce, even in Palestinian Judaism there appears to have existed indirect judicial means for a wife to initiate divorce—possibly even direct opportunities in some places or circumstances. Outside Palestine, in the broader Greco-Roman world, women often did exercise a right to divorce.

of his wife's next husband? Did this saying apply only to divorced women who were not divorced against their wills? Paul, after giving the Lord's command that "a wife not be separated from her husband," parenthetically adds: "but if in fact she is separated, she should remain unmarried or else be reconciled to her husband" (1 Cor 7:10-11). The wording suggests that the wife's own alienated affections have played a role in the separation and/or that she has some capacity to restore her marriage. Here the message is clear: she should not be remarried. But what if the wife was divorced against her will and remains reconciled in her heart toward her former husband? What if she can no longer be reconciled to her husband because her husband has remarried? It might not have made a difference given 7:39 ("A wife has been bound for as long a time as her husband lives"). Yet I think there is some ambiguity here.

3. I think that it is very unlikely that Paul would have required a person who came to faith while in a second marriage to dissolve that marriage. Later in 1 Corinthians 7 Paul tells his readers that they should remain in the condition or state that they were in at the time of their calling and not seek to change those circumstances (w. 17-24). Thus, even a believer who came to faith as a person married to an unbeliever should not seek to dissolve that relationship (w. 12-16), although ordinarily a believer should only be married to another believer (7:39; cf. 2 Cor 6:14). Now if it is unlikely that Paul would have required that a new believer dissolve a second marriage entered into before conversion, might he not also have extended the same grace to believers who remarried in ignorance of the teaching of Jesus and Paul? We can push the matter further still: what would Paul have commanded if a believer knowingly went against the teaching of Jesus and Paul by remarrying after divorce? We noted that he added his own parenthetical remark to Jesus' command that a wife not be separated from her husband: "but if in fact she is separated. . . ." Might another parenthetical remark be inferred: "but if in fact she remarries, she should not get divorced any longer"? Demanding divorce as a solution to the problem of divorce is problematic. And remarriage after divorce is not explicitly listed on Paul's vice lists as a form of sexual behavior that could get one excluded from God's kingdom-unless, perhaps, it is presumed under the rubric of adultery. Complicating matters further: What would Paul recommend once children are produced from a second or third marriage?

4. Similar questions arise with respect to Jesus' views. Did Jesus really intend all his divorced-and-remarried hearers to dissolve immediately their current marriages and return to their original spouses, irrespective of the families created in the interim? It does not seem likely. In the Johannine story of Jesus' encounter with the Samaritan woman at the well in John 4, Jesus does not tell the woman to return to her first of five husbands—who at any rate would probably no longer have accepted her. First she had to recognize that Jesus was—from the Johannine perspective—the true Well out of whom flowed the living water of the Spirit. Presumably, from that point on she would begin the sanctified life where she was: marrying the man she was currently living with. Prostitutes, too, would get a fresh start when they returned, like the lost son, to their heavenly Father—despite the fact that they had become “one flesh” with quite a number of men in their past (cf. 1 Cor 6:16). Of course, they would not return to the business of prostitution; but neither would they be made to ‘pay’ for every past wrong. What, then, would have happened if a follower of Jesus had “backslidden” into divorce and remarriage? Perhaps a new slate would begin again, once an acknowledgement of the sin committed had been made.
5. Both Jesus and Paul would probably have exhorted divorced followers not to get remarried and all followers not to marry persons already divorced. I suspect—though I cannot prove it—that the exhortation would have been softened to advice for those who were divorced against their will or whose spouse had committed adultery against them or otherwise abandoned them. For those followers who went ahead and remarried anyway I suspect too that no dissolution of the marriage would have been required; nor would the relationship have been forever regarded as an adulterous union. Depending on the circumstances of the previous divorce, there might have been a call for repentance; that is, for an acknowledgement of the wrong committed in entering the union, particularly from those who had initiated divorce against their former spouse. Possibly, too, for the latter there may have been a limited liminal or probationary period during which the relationship was regarded as adulterous but after which the union would be treated as sanctified by the Lord.

5. Marriage—specifically, the renewed commitment to one person in a faithful, monogamous, and lifelong union—has a way of wringing God’s approval after the fact, so long as it does not violate one of the essential prerequisites for a married union (e.g., that it be non-bestial, non-incestuous, non-homoerotic, and non-pedophilic). Where marriage is concerned, what may not have been in God’s intended will ultimately becomes the will of God.⁵⁴ Even though the mainline churches are more lax toward divorce and remarriage than the scenario suggested above, they at least are not at the opposite end of the spectrum. They continue to recognize divorce as a sin and work towards ending the cycle of divorce and remarriage.
7. However, the church can never accept a sexual union that does not even satisfy the basic biblical prerequisites for marriage. We know exactly what policy Paul would have adopted for those engaged in homoerotic unions because the case of incest in 1 Cor 5 provides the closest parallel (compare the parallel vice lists in 1 Cor 5:10-11 and 6:9-10). The problem of promiscuity and infidelity is substantially addressed and corrected in a remarriage that abides by standards of permanence and fidelity. But the main problems with incest and homoerotic behavior are not in any way addressed or corrected by marriage; for incest and same-sex intercourse are not in the first instance wrong because of a lack of permanence, commitment, or fidelity. Therefore, the appropriate analogy for the church’s response to homosexual unions is not the church’s acceptance of second or third marriages for those previously divorced but rather the church’s rejection of all incestuous unions. In the end the divorce-and-remarriage analogy is a bridge too far for pro-homosex advocates like Wink.

Concluding Observations on Wink’s List of 16

- *A possible dodge by Wink.* Possibly Wink would respond to my analysis of his 16 biblical sexual mores by saying something like: I agree with many of Gagnon’s observations; but that just underscores the importance of hermeneutics that I have been raising for same-sex intercourse. Such a response by Wink,

⁵⁴E.g., the story of David and Bathsheba in 2 Sam 11-12.

however, would be skirting the real issue since I never deny the need for hermeneutical engagement. Indeed, I have done far more of this than Wink has as regards the issue of homosexuality. The real issue here has been, and remains, what constitutes the best parallels to the Bible's utter rejection of all same-sex intercourse.

- *Wink's padding of the results.* Whenever different positions exist within the Bible on a given sex issue—usually as a result of moving from the old covenant to the new—Wink always and only counts current practice against the Bible. For example, there is no condemnation in the New Testament of intercourse during menstruation, of celibacy, or of exogamy. The New Testament does not permit or prescribe prostitution, polygamy, levirate marriage, sex with slaves, or concubinage. So why not include these stances on a list of biblical sexual mores with which contemporary church views and practice are in agreement? Apparently because for Wink to do so would make the list of sexual mores from the Bible that we do follow more numerous than the list that we do not follow. For every valid element in the list of defunct biblical sexual mores has a counterpart within Scripture itself that could be added to the list of mores that we still follow.
- *Recapping the 16 bad parallels.* So after going through the list of sixteen “sex mores” that Wink says we no longer follow, we find nothing on the list that provides a close parallel to Scripture's opposition to same-sex intercourse. Only the four that he says we still follow, plus a few more that he leaves out, provide close parallels. The results of our analysis suggest the opposite of what Wink argues; namely, that we should still be following the Bible's strong, absolute, and pervasive opposition to same-sex intercourse. It is now clear why Wink does not bother to develop criteria for distinguishing between good and bad parallels to Scripture's rejection of same-sex intercourse: to do so would demonstrate the weakness of his list. Here is a case in point: Not a single element on the list can be characterized as a New Testament sexual standard from which the contemporary church has substantially departed. Not one. In Wink's “spray method” it matters not to him whether the example at hand was:

- Carried over from the Old Testament to the New;
- Treated by the Bible as a sin or not;
- Merely a permitted act, an act preferably avoided, or a pointed proscription;
- Pervasively maintained in each of the Testaments or not;
- Categorized by Scripture as a marginal concern or major offense;
- Essentially carried over into our contemporary context or completely rejected.

III. Conclusion

Walter Wink's central argument for why the church should disregard Scripture's strong witness against same-sex intercourse—the claim that “only four of 20 biblical sex mores are still in place for Christians today”—is poorly conceived. Aside from miscounting and misreading much of the data, Wink makes no attempt to distinguish between close and distant analogues to the biblical proscription of same-sex intercourse. Even the issue of divorce proves to be a bridge too far. In the end he overlooks the fact that the closest analogues are the sexual proscriptions to which the church still adheres. His two main generalizations, “the Bible has no sexual ethic” and there are no “absolute sexual precepts universally valid in every time and place,” lead to nonsensical and even harmful corollaries. While appealing to Jesus for his view of love, Wink applies Jesus' love commandment(s) to sexual issues in ways that are at points diametrically opposed to Jesus' own views. His favorite prooftexts, “judge for yourselves what is right” and “love God and do as you please,” actually rebut his own main views about judgment, love, and freedom.

To Wink's credit, he has not tried to make his case for rejecting the Bible's stance on homosexual behavior by silly appeals to the cultic prohibitions against eating shellfish or wearing clothes made of different materials. For the most part he has rightly recognized that the case

for disregarding Scripture's views on same-sex intercourse has to be made from other examples in the area of sexuality.⁵⁵ This is a step in the right direction, even if Wink has failed to take the next step in looking for the closest analogues to a form of sexual intercourse pervasively, absolutely, and strongly proscribed by Scripture across both Testaments. What is needed from Wink and many other pro-homosex advocates in the field of biblical studies and religion generally is greater, not lesser, hermeneutical rigor and precision on the subject of the Bible and homosexual practice.

⁵⁵"Homosexuality and the Bible," 42. I say "for the most part" because of Wink's continued unfortunate appeals to the issues of slavery and patriarchy as good precedents for overturning Scripture's stance on same-sex intercourse (*ibid.*, 47; "To Hell With Gays?" 32; "A Reply," 43).