

# Examining the church and anti-sodomy laws

## – Rev. Dr. John Holder

### Appendix B

Examining the church and anti-sodomy laws across the Commonwealth The Most Rev'd and Dr. John Holder, Bishop of Barbados, Archbishop of the West Indies October 12, 2017

For better or for worse, human sexuality is a topic that never moves from centre stage in our lives. We may want to ignore its presence, but it is there and envelopes our lives in several ways.

A good supportive marriage and family life that take us to the very core of the human sexuality issue, can create for us positive feelings towards sexuality.

We are confronted by it in a negative way in the practices of prostitution, child sexual abuse, rape, pornography etc. Traditionally, another expression of sexuality is often cast among the negative ones. This is homosexuality.

Homosexuality is as ancient as it is transnational, transracial, and transcultural. Numerous studies have been done on this expression of human sexuality throughout history. These studies indicate that it was present in ancient Africa, as it was in Europe, Asia and the Americas. It is in ancient Egypt that is, in ancient Africa, that scholars have detected what appears to be a same sex male couple probably living together living around 2400 BC

These were Khnumhotep and Niankhkhnum. *They were Ancient Egyptian royal servants. They shared the title of Overseer of the Manicurists in the Palace of King Nyuserre Ini, sixth pharaoh of the Fifth Dynasty, and they were buried together at Saqqara and are listed as “royal confidants” in their joint tomb. (wikipedia)*

The pair are portrayed in a painting in a ‘nose-kissing position’ that has been described as the ‘most intimate pose in Egyptian art’. In spite of evidence of its presence in antiquity, and its prevalence, homosexuality ends up in the negative category of sexual expressions for a number of reasons.

Given the fact that over the years procreation has been the primary focus of the sexual act, – a fact that is more about biology and the survival of the species, than about religion – and is the expression of sexuality that religion links to the divine intention, a sexual practice like homosexuality that biologically precludes procreation , has created acceptance difficulties for many persons and institutions through history

These acceptance difficulties are manifested not only in religion and in a broad band of social mores, but also in law. Seventy six countries are listed in some publications as still having laws ‘Sodomy’ laws, that make homosexual practice a crime punishable by imprisonment.

Ten countries in the Caribbean with varying penalties for homosexual practice are among the seventy-six. These are: Antigua & Barbuda – 15 years; Dominica -Dominica – 25, Grenada – 10, Guyana – 20 to life, Jamaica – 10 , St Kitts & Nevis – 10, St Lucia – 10 , St Vincent & the Grenadines – 10 , Trinidad & Tobago – 25 and Barbados, life. (<https://www.buzzfeed.com/saeedjones>)

The titles and wording of the Laws make interesting reading. In Jamaica Article 76 of the

Offences against the Person Act, entitled the ‘Unnatural Crime,’ says,

*Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned & Kept to hard labour for a term not exceeding ten years.*

Article 77 states:

Whosoever shall attempt to commit the said abominable crime, or shall be guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanor and being convicted thereof, shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour.

In Trinidad, The Offences against the Person Act 13 (1) reads:

*A person who commits the offence of buggery is liable on conviction to imprisonment for twenty-five years.*

And Article 13(2) defines 'buggery'

In this section "buggery" means sexual intercourse per anum by a male person with a male person or by a male

Let me read the Barbados law against the background of section 23(1) and (2) of the

Constitution of Barbados

*23 (1) Subject to the provisions of this section—*

*(a) no law shall make any provision that is discriminatory either of itself or in its effect; and*

*(b) no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.*

*(2) In this section the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed, whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not afforded to persons of another such description.*

Note: No mention here of the difference of sexual orientation.

And then there is Section 9 of the Sexual Offences Act of 2002 (9) that reads:

*Any person who commits buggery is guilty of an offence and is liable on conviction on indictment to imprisonment for life.*

It has been argued that these laws are based on the 1861 British law. We would however be fully aware that England set about in the 1950's to examine criminalization of homosexuality and produced the Wolfenden report. ([https://en.wikipedia.org/wiki/wolfenden\\_report](https://en.wikipedia.org/wiki/wolfenden_report))

The report recommended that

*"Homosexual behaviour between consenting adults in private should no longer be a criminal offence".*

As pointed out:

*The recommendations eventually led to the passage of the Sexual Offences Act 1967, applying to England and Wales only, that replaced the previous law on sodomy contained in the Offences against the Person Act 1861 and the 1885 Labouchere Amendment which outlawed every homosexual act short of sodomy. The Act did not become law until a decade after the report was published in 1957*

We may note the typical English cautious approach in ten year trek from 1957 – the publication of the Wolfenden report to 1967 – the passage of the Sexual Offences Act.

We may well ask why is it then that the ten Caribbean countries, all former colonies of England have persisted with the law? There can be several answers to this question. I think that one answer must be linked to the religious culture that has dominated this region. There is also a second reason, one that I will address as well.

Religion has functioned in many capacities in shaping the lives of the people of this region. It has functioned to legitimize oppressive systems as it has been a source of comfort and hope that has allowed us to survive these systems and struggle for our liberation.

It has functioned in assisting us to create some sharp divides between right and wrong as it has functioned to confuse the same divide. But whatever position is taken, religion brings an abundance of passion to the discussion of any issue. No other area generates this passion as much as human sexuality.

In the discussion of human sexuality in general and the Sodomy law – the prohibition against the act of homosexuality – in particular, these many sides of religion surface. In this context, religion often becomes the instrument of division rather than one of healing and enlightenment as it ought to be.

In the discussion in Christianity, there is often a mad rush to the Bible, seeking support for the many varied and conflicting perspectives. In the Caribbean among a vast majority of our people, whether they attend Church or not, the Bible is the yardstick by which all human issues are to be measured, especially moral issues. It is seen as containing solutions to varied human challenges, with sexuality among them.

It seems therefore, that given the centrality of the Bible in the life of the Church, and in the life of Caribbean people, and given the fact that I am probably more competent in biblical exegesis than in the interpretation of law, I see my primary task this morning as one of creating a sensible functional biblical framework for a discussion of the Sodomy/homosexual issue. There can hardly be a Christian discussion of any issue without a reference to the Bible.

I will attempt to demonstrate that the Bible can function as a sensible, important reference point in a discussion of the human sexuality issue, with special reference to the sodomy law. I will attempt to address some of the stories and texts that can so easily be high jacked by opposing sides each with a claim to exclusive support. We will try to stay clear of the type of exegesis and interpretation that creates far too many intellectual and downright common sense gaps in Biblical interpretation.

Let us then embark upon this journey to see how religion in general and the Bible in particular address this highly emotive issue. My hope is that after this journey, we would have seen some new perspectives on how in our discussion religion in general and the Bible in particular can be a source of light and guidance rather than a tool of condemnation and rejection.

The Bible is a product of religion. It emerged within a context of numerous religious traditions and experiences and was influenced by many of them. It may be sensible therefore to take a brief look at the approach to human sexuality in this wider context before we venture into the Bible.

If as pointed out by Freud, the two vital drives in humanity are the drive for self-preservation and the drive towards procreation – the preservation of the species, then we would be expected to see the numerous issues and concerns emanating from these vital human drives significantly affecting the flow of human history, and reflected in the literature of the world.

Tom Horner in a discussion of the sexuality of the Ancient Near East, argues the

*...the sexual mores of the Bible must have been influenced – tremendously influenced – by the sexual mores of the peoples and nations in whose midst the same Bible was produced (Gerig : Horner – Jonathan loved David)*

He goes on to argue that

*..... among peoples (like the) Babylonians, Egyptians, Assyrians, Canaanites and other peoples, in whose midst the Bible was produced,.....homosexuality existed alongside heterosexuality to a greater or lesser degree (Gerig: Horner – Jonathan loved David)*

It is therefore useful to explore the presence of the human sexuality theme within this

Ancient Near Eastern context before we venture into the Biblical tradition, and from it all hopefully gather some insights that should guide us in our approach to human sexuality and the 5 sodomy law. We do so ever mindful of Freud's identification of sexuality as one of the two vital (dominant) drives in humanity.

Human Sexuality in the Religion of the ANE

In much of the pre-Bible literature that constitutes the Ancient Near eastern background to the biblical tradition, sexuality is an experience of both the gods and the mortals. Indeed, the gods

Of the Ancient Near East were depicted as highly active sexual beings and were often identified as divine couples.

Ishtar and Tammuz was the divine couple in Mesopotamia religion, Isis and Osiris in Egypt, Cybele and her young lover was the divine couple in Asia Minor, and in the Ugaritic myth, Anath can sometimes appear as the consort of El.

The sexuality theme is often explored in the religious literature of the ANE through the theme of fertility and consequently, in relation to heterosexual behaviour.. One of the places where it is to be found is in the Akkadian myth of the descent of Ishatar the god of fertility to the nether world – the underground world of the dead.

The descent of Ishtar throws the process of fertility into chaos. It is put on hold. Fertility of man and beast is under the absolute control of the gods. Sexuality is therefore not alien to the gods. It is a gift that ensures procreation and consequently survival.

The nether world is not however a place free of sexual activity. Even here there can be sexual engagement among the gods. This is reflected in the Akkadian myth of Nergal and Ereshkigal.

In this myth, the refusal of the god Nergal to bow to the god Namar is counted as an insult and he is obligated to go to the nether world to apologize to the goddess Ereshkigal who is the queen of mankind.

Within a somewhat fragmentary text, there is the story of a sexual encounter between Nergal and Ereshkigal. They remained in bed for seven days, a number that seems to suggest the completion of a cycle (cf. Creation story).

Nergal's involvement in the sexual act seems to be understood not only as recompense for what he has done wrong, but as a way to reclaim his status as a god.

There is however the question of whether we should read Nergal's sexual encounter with Ereshkigal as punishment. If we do, then the sex act can be interpreted as a negative. It becomes a punishment for those, even the gods who do not follow the accepted way (cf. Gen.3 and 6)

The link between the gods and sexuality is also explored in one of the best known pieces of ANE literature, the Epic of Gilgamesh, a poem from ancient Babylon (c.2000 – 1700 BC). One of the chief characters of the Epic is Enkidu the son of the goddess Aruru. Enkidu seems half beast half human. He however encounters a woman the 'harlot-lass' who has been directed to his favourite water-place to initiate the encounter. After some flaunting by the girl, there is a sexual encounter between the girl and the half-beast:

This seven-day sexual encounter is however dramatically transforming. We can again note the seven day cycle of completion. The transformation is such that Ekdiku is rejected by the other 6 beasts with whom he shared company before his sexual encounter with the harlot-lass. His sexual experience creates a condition that separates him from his fellows (cf. Gen.3 and 4)

This rift provides the opportunity for the harlot -lass to assert a measure of control over Ekdiku.

The power of the harlot-lass is her sexual prowess that enables her to conquer. Hers is the power of sex. There is the suggestion here that Enkidu's sexual encounter has not only create a divide between himself and the wild animals but has also catapults him into the realm of the gods (cf. Gen.3:22). But sexuality has also done something that is critical to the man-woman power relationship: It seemed to have given the woman greater power of control. (cf. Gen)

The sexual experience is here presented as a gateway to the world of the gods. One cannot but compare Gen. 3:22 where new knowledge holds open the possibility of the man and the woman becoming gods. In this section of the Gilgamesh epic the sexual experience is seen as one that leads to the recovery of and indeed the qualification for divine status.

The sexuality theme in the literature of the ANE is not however restricted to myths, epics and narratives. It is also present in the legal tradition. The primary function of these laws is to set the boundaries within which there is to be engagement in sexual activity, and to identify the penalties when these boundaries are violated. It was a question of imposing a measure of control and management upon one of humanity primary drives as identified by Freud.

The laws of Eshnunna (c.2000 B.C) and the Code of Hammurabi (1728- 1686 B.C) represent two of the outstanding legal collections in the ancient world. We also have access to one of the earliest collection the laws of Ur-Nammu that date from the reign of the Mesopotamian king Ur Nammu who ruled from 2111- 2095 B.C, and a collection of Sumerian laws that date from around 1800 B.C. In these collections of laws there are laws that seek to regulate human sexual behaviour.

Many of these laws address human sexuality issues. Behind these laws there is the assumption that human sexuality cannot be a free for all endeavour. There is the need for laws to control what can be a volatile and disruptive human experience. The young and vulnerable women of the community must therefore be protect from this primary human drive.

The ANE literature we have identified, deals primarily with heterosexual behavior. But some of the legal traditions do address homosexuality. There is a Hittite law from c.1700 B.C, that states:

*If a man .... violates his son, it is a capital crime (section 189c)*

The same law applies to Father/daughter or mother/son incest. (Gerig)

But as Harry Hoffner who has done a lot of good work in Hittite studies, points out, the man who engages in a homosexual act with his son is guilty of urkel (illegal intercourse) because the partner is his son, not because there are of the same sex. The crime is incest not homosexuality. There is a similar approach in Assyrian law where homosexuality only becomes a crime when it is rape. (cf. Bruce LGerig – Homosexuality in the Ancient Near East, Beyond Egypt. Homosexuality and the Bible Supplement – [epistle.us/hbarticles/neareast.html](http://epistle.us/hbarticles/neareast.html)))

## Conclusion

There are numerous laws in the literature of the ANE that address the problems that arise

because of sexual relationships. They all seem to be built on the assumption there is the need for

Abundance space, great constraint, and an overabundance of respect if the many turbulent issues that sexuality can generate are to be managed and so prevent them from tearing the community apart.

There is the acceptance that homosexuality is an expression of human sexuality. There seems to be no outright condemnation of homosexuality (cf.Gerig)

## Human Sexuality in the Biblical Tradition

It is against this religious background and within this literary and religious context with its dominant sexuality themes that we can approach the Old Testament discussion on sexuality. We begin with Gen 2:18-25, the first creation story. Here there is a reflection on the man-woman relationship. It is depicted as a mysterious relationship. It seems as if man and woman can be so close that the woman is like a rib, that is, part of the man.

This mysterious relationship is the creation of Yahweh (2:21). The man had no say in it at all – he was fast asleep when it originated. Out of ish (man) comes ishshah (woman). This connection results in such a power attraction to each other that the man readily leaves (deserts) his primary household to start a new one with the woman:

Therefore a man leaves his father and his mother and clings to his woman, and they become one flesh. (Gen 2:24)

The Hebrew word for flesh – basar can also be used as a euphemism for the male sexual organ. If so, then sexuality is introduced into the discussion in vs.24. The ‘clinging’ can also be read as a euphemism for sexual activity. As such therefore human sexuality is not a curse as we may later read into Gen. 3: 16, but it is an integral part of Yahweh’s great act of creation.

It is all of Yahweh. It is Yahweh who arranges things so that the man can have the woman as his companion. It all comes with a deep sense of innocence:

*And the man and his wife were both naked, and were not ashamed. (2;25)*

The nakedness that can be the precursor to sexual activity is nothing to be ashamed of. It is part of the world created by Yahweh. This reflects a powerful positive understanding of human sexuality. Sexuality is a powerful magnet that draws the man and the woman to each other. The power of the passion keeps them together.

There seems to be more an emphasis on companionship and support than procreation. (This understanding of

human sexuality as a 'non – procreational' activity is a base for the argument for contraception, and can even lend some support to some gay and lesbian relationships.)

When we examine the second creation story, that of the Priestly writer (Gen. 1; 1 – 2:4a), there is not the emphasis on companionship but on the increase of the population. There is the command:

“Be fruitful and multiply’....,

The command of vs 28, *pheru urebu umile’u et ha’ares* (be fruitful and multiply and fill the earth) consists of three imperatives. It is an unconditional command in the Hebrew. Here, sexuality is a gift of Yahweh, a gift to be put to work. It is functional. It is given for one expressed purpose and this is procreation.

This link between sexuality and procreation understands procreation as the power Yahweh gives to humanity that allows us to be partners in creation. With sexuality comes power. But it is not as in the case of Enkidu in the Gilgamesh epic the power to enter into the realm of the divine.

The creation story in Gen 2 depicts the ideal. It sets up the stage where everything is going to plan, Yahweh’s plan. We are soon taken off this stage and in chapter three led into the world of harsh (sexual) reality. In 3:1-7 we have an account of the loss of the innocence of 2: 25 and in 3:8-23 we are given the consequences of this new development. Both are connected to sexual activity.

Gen. 1-3 contains several understandings of sexuality:

1. It is not a divine attribute, that is, Yahweh (God) does not engage in sexual activity
2. It is a gift of God to man linked to God’s act of creation
3. One of its purposes is procreation (Gen 1:27-28), another is companionship (Gen.2)
4. It creates a mysterious pull and control on a man that motivates him to leave his primary household and start a new one with a woman (Gen.2:24)
5. It is a gift of God yet it can be manipulated by the serpent (evil) with disastrous consequences (Gen 3:1-7)
6. It is the divine intention that it should not disrupt or destroy man’s primary pristine state of innocence
7. Disruption of the state of innocence transforms sexuality into a source of agony and domination
8. Its primary purpose of procreation now becomes associated with pain

In all this there is a measure of ambiguity about sexuality .This ambiguity is evident in our next story in Gen.16:1-6, the Abraham story. There is also in the Abraham story, the conviction that the power of Yahweh can utilize human sexuality for his specific purpose and take it beyond its functional barrier as established by nature. This is reflected in Gen.18: 11

*Now Abraham and Sarah were old, advanced in age; it had ceased to be with Sarah after the manner of women*

Yahweh here is putting human sexuality to work for its primary purpose of procreation when all the signals from the body clock indicate that this is not possible. Sexuality can be used by Yahweh as the basic material for miracle (cf. birth of Samuel, Samson; cf. birth of Jesus). He has the power to override the laws of nature.

We must note and retain for discussion this very profound and important point that Yahweh’s use of sexuality is not restricted by traditional boundaries, even by those imposed by biology and nature. Christians celebrate this on Christmas day in tradition of the Virgin Birth.

This point that can be central to the Christian approach to the Sodomy law, is reflected in two other relationships. One is that of Moses’ marriage to a black woman, a Cushite (Num.12 – Cush: modern day Sudan). This is done

to the consternation of his brother and sister. Then and now, we can understand marriage as sexual engagement.

That Aaron and Miriam do not accept their new sister-in-law could be interpreted to mean their rejection of a nontraditional sexual relationship. (sounds like a 'Guess who is coming to dinner' senario) For them, there should be no sexual crossing over into another race or religion. If so, then sexuality as understood by them should function along strictly ethnic and racial lines. The great gift of God is in danger of being high jacked to support a narrow racist position.

The writer of the story goes all out to demonstrate that Aron's and Miriam's rejection of the African wife of Moses is totally against the will of Yahweh. He can deal with differences in relation to human sexuality. The important point is made: God's great gift of sexuality should not be subjected to and be distorted by race or other human barriers.

There is another story that tells of an unusual interracial sexual relationship that makes the same point, and an even more important point. This is the story of Ruth and Boaz. On the instigation of her mother -in-law, young Ruth sets out to entice older Boaz into sexual activity:

*When Boaz had eaten and drunk, and he was in a contented mood, he went to lie down at the end of the heap of grain. Then she came stealthily and uncovered his feet and lay down. (3:7)*

Ruth uses her sexuality to gain a measure of control over the older, rich – probably intoxicated Boaz and so attain a level of economic security for herself and her mother-in-law Naomi. The unusual, nontraditional, and devious, are all drawn into the sexual act here and the writer does not add any condemnation. If he does not, why should we. It is presented as of the will of Yahweh. Yahweh can deal with the nonconventional activities of human sexuality.

### The Story of Sodom and Gomorrah

It is the conviction of the power of God to override the sexual limitations imposed by nature as is reflected in the Abraham/Sarah story (cf. birth of Samuel and Samson), and the acceptance of nontraditional sexual behavior as seen in the Moses and Ruth stories, that lead us to the story that has been used as a platform for the rejection of another nontraditional, sexual relationship, homosexuality. Let us take a look at this story.

As soon as the word homosexuality is mentioned in Biblical studies, we may want to make a bee line for the story of Sodom and Gomorrah. Here is one of the favourite hunting grounds for those who want to use the Bible to condemn homosexual behavior, and find support for the retention of the sodomy law.

The use of this story to do this is fraught with the danger of imposing our convictions, and a bigotry about this practice onto the story. This use, or should I say misuse of the story, is built on awful exegesis. Indeed, the word 'Sodomy' as a designation for homosexuality rejects a sensible understanding of the story that is based on sound scholarship. The story is found in Gen.13:5-13; and 18:16 – 19:29 and is being used to make THEOLOGICAL POINTS, NOT a HISTORICAL, or a BIOLOGICAL one. It is not making points about SEXUAL ORIENTATION.

The ancient ruins of a city might have been the basis for the story about the destruction of Sodom and Gomorrah .The city is accorded a dreadful reputation. In 13:13 we are told, that the men of the city were wicked, great sinners against the LORD.

The story in Gen 18:16 – 19:29 is identifying what for the writer are several strands of evil in Sodom. In the Old Testament, this city functions as the epitome of evil. It is like Babylon that is Rome in the book of Revelation.

The evil of the city is identified at several levels. The primary level is the refusal of the people of the city to be hospitable to Lot's guests who are strangers. The fact that both Abraham and Lot are also strangers, in a new land

searching for a place to rest compounds the guilt of the men (people) of the city. The men of Sodom reject one of the basic elements of human decency, the compassion that should be extended to the stranger (cf Ex.23:9; Lev. 19:33; Deut.24:19-21)

Vs. 4 identifies another level of evil in the list of convictions held against the city. It describes the ambush of Lot's house by the men of the city. This can be read as a violation of an Old Testament law that seeks to ensure that the space of one's home is not entered into and destroyed for what may seem to be seen by the intruder as a legitimate cause (cf. Deut.24:10-11. Cf. need for search warrant).

The story depicts a state of panic by the men of the city. The panic is generated by the entry of strangers into the city towards the end of the day. The issue here seems to be one of security. We may note the place where Lot first meets the strangers. This is in the sa'ar (gate). There is imagery here of a secure city surrounded by a wall and with a gate to monitor and control the entry of strangers.

But sa'ar has another meaning in the Old Testament. It is the judicial court, the seat of justice in the city. It represents the assurance of the dispensation of justice for those who live in the city. But it is also the assurance for the most vulnerable, the strangers, the fatherless and the widows (cf. Amos5:12, 15)

That Lot meets these strangers at the gate and allows them entry into the city suggest that they have been duly processed, cleared, and constitute no threat to the city. There is however the question of authority to allow strangers to enter the city. Does Lot hold this authority?

The reaction of the men of the city in vs5 suggests that this is not the case. If so the request of vs, ..... *they called to Lot, "Where are the men who came to you tonight? Bring them onto us, so that we may know them."*

may simply be a case of ensuring that the strangers are no real threat to the city.

We may note however, the use of the time of day that is ba'erev (evening) in vs.1 becomes halay'lah (night) in vs. 5 This development can undoubtedly heighten the idea of security risk. Who knows what threats can enter the city under the cover of darkness?

This reading of the story would avoid the overloading of the word yada (to know) to ensure that there is a sexual interpretation. The word is used in the Old Testament to mean simply acquaintance or as a euphemism for sexual intercourse. The latter meaning is often conveyed in the past tense (English). In the story of Lot and the strangers the verb is in the qal imperfect, translated as future tense. This right away rules out reading yada here as sexual intercourse.

Of the one hundred and sixty-nine times this verb is used in the Old Testament , only on six occasions is it used as a euphemism for sexual intercourse (Gen.4:1; 4:17; 4:25; 38:26; 2Sam. 11:16; Jer.2:8). There is no solid reason why its usage in Gen.19:5 should automatically be added to these to make the seventh.

Neither is there any automatic support for the homosexual interpretation when Lot offers his daughters to the men as a substitute for handing over the strangers. This is a very clever ploy given the fact that Lot is in serious trouble, being seen by the crowd as in violation of the security measures of the city. There is surely a connection between the point that the crowd consisted (only/primarily) of men (19:4) and the offer of two young girls.

Men then are like men now. A pretty attractive woman can be the greatest and most effective distraction even in the case of a grave security matter. The espionage and escapades of real life and fiction are filled with such stories.

There is yet another dimension to the story that is not often addressed. This is a clash of the two realms, the divine

and the human. 19:1 describes the two strangers as *hamale'akim* which should be rendered correctly as messengers (of Yahweh) and not anachronistically as angels.

They are from the divine realm and have been legally cleared at the gate by Lot and their status should provide automatic clearance of all the security demands. The men of the city unaware of the strangers divine status are bent on subjecting them to the same level of scrutiny and investigation as they would any human stranger entering their town.

The above reading of the story of Sodom and Gomorrah would free it of any significant input into the sexuality debate, or the debate of this conference. It ceases to be ammunition for those who support the retention of sodomy law. According to this reading, the story will not be able to make any significant input into the discussion on the biblical approach to homosexuality.

We are therefore inclined to accept the argument of D.S. Bailey who informs us that

*The homosexual conception of this sin (of Sodom and Gomorrah) first appeared in the second century BC among Palestinian rigorists and patriots and seems to have been inspired by hatred of the Greek way of life.*

On the basis of this reading it is difficult if not impossible to use the Sodom story to venture into any meaningful discussion on human sexuality, especially a discussion of homosexuality. It provides no support for the retention of the Sodomy law.

As we move on,

We must note and retain for discussion this very important point that Yahweh's use of sexuality is not restricted by traditional boundaries, even by those imposed by biology and nature. Christians celebrate this on Christmas day in tradition of the Virgin Birth.

The Holiness Code

It is in Lev.18:22 and 20:13 that we find a condemnation of homosexual behaviour in the Old Testament. Indeed it is the only condemnation of the practice. Whereas the practice is condemned in 18:22, it is accorded the death penalty in 20:13. One is led to ask the question: Why the condemnation and harsh punishment?

It is surely no coincidence that of the three legal codes in the Old Testament, that is, the Covenant Code (Ex. 21-23), the Code of Deuteronomy ( Deut. 12-26) and the Priestly Code (Lev17-26), the latter is the only one to mention homosexuality and pronounce the death penalty on those who engage in this form of sexual activity. There are a number of reasons for this.

The first reason relates to the context of the final shaping of the priestly material in the Pentateuch. This occurred in Babylon, the very heart of an alien and probably hostile culture The Jewish community in Babylon was an exiled community having been plucked away from its roots in Palestine and set down against its will in an alien land.

Babylon was the symbol of judgement and disgrace. In the midst of these conditions however, the exiled priests became the rallying point for survival and continuity. These concerns are reflected in the priestly material in several ways. They are reflected through the divine command to the community in the creation story in Gen 1: 1 – 2:4a. In 1: 27- 28a we read

*So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it:*

It is in relation to this text that we can read the strong prohibitions against homosexuality. In Lev18:22 and 20:13. This type of sexual relationship could be interpreted as a threat to the very survival of the Jewish community in Babylon. There was therefore no place for homosexual activity in an exiled community that was heavily conditioned by a possibility of annihilation.

This community now obsessed with a sense of survival had to reproduce itself and keep on doing so. Homosexuality in this context was nothing short of self-destruction. It is no coincidence therefore that the prohibition against homosexuality now becomes part of the divine law delivered to Moses by Yahweh at Sinai, and the penalty of violation is death.

In order to legitimize and indeed strengthen a prohibition that was seen as crucial for the survival of the Jewish community in Babylon, the Priestly writers, as in the case of the Sabbath law, resorts to the well- established Sinai and legal traditions. They draw Moses into the picture as Yahweh's agent and as a pillar of support that the community dare not question. The law against homosexuality is pronounced and the community can only follow.

There is little room for any different approach. Undoubtedly there must have been many of examples of this sexual expression within Babylon, and even within the Jewish community. There would hardly be a law against homosexuality unless this type of sexual relationship was present within the community.

There would hardly be laws about driving on a particular side of the road unless there were vehicles to drive. The law according to the priestly tradition laid down the rules. There was to be no variation. This will be met by death.

Homosexuality is deemed to be contrary to traditional sexual behaviour and would therefore be diametrically opposed to the priestly traditional approach to life. Given the Priestly understanding of life and the world, this type of sexual activity could not be accommodated or tolerated. The strict right/ wrong, clean/unclean approach of Priestly thinking left no room for this. This priestly factor when applied to human behaviour in general and homosexuality in particular leaves no room for deviation in thought or practice.

## Summary

In the Old Testament, we have found only two prohibitions against homosexuality. These are in Lev 18: 22 and 20:13, with the latter having death as the penalty for breaking this law. These address a specific set of conditions and so cannot be extracted from the context of the priestly writer and transformed into a universal edict in the category of the laws of the Medes and Persians. They cannot be transformed into a base for the retention of sodomy laws.

They must be held alongside the understanding of Yahweh as a God who can deal with untraditional sexual relationships whether there be those of Moses and Ruth, and can even adjust nature and the body clock to do so as in the case of Abraham and Sarah.

We go into our discussion of the New Testament response to homosexuality with the reminder that emerges out of our discussion of human sexuality within the Old Testament:

We must note and retain for discussion this very important point that God's use of sexuality his gift to humanity, is not restricted by traditional boundaries, even by those imposed by biology and nature. Christians celebrate this on Christmas day in tradition of the Virgin Birth.

## New Testament

When we move into the New Testament, the references to homosexuality are few. There are no references in the Gospel tradition. In the teachings for Jesus, Sodom and Gomorrah stand as symbols of evil. In Mat.11:23-24 there is a reference to Sodom that reflects the traditional mould of the evil city. To emphasize how far from God the city of Capernaum is, Sodom is cited as having a better chance of being saved than Capernaum. These references cannot be treated as rejection of homosexual activity and as support for the Sodomy law.

A lack of any references to homosexuality in the teachings of Jesus leaves somewhat of a blank in determining how Jesus would have treated such persons. Not that he might not have encountered this in his ministry. There is little room for conjecture. The nearest we can get is looking at how he relates to persons who were engaged in nontraditional sexual behavior.

One such person is mentioned in Luke 7:37-38

*And behold, a woman of the city, who was a sinner, when she learned that he was at table in the Pharisee's house, brought an alabaster flask of ointment, 38 and standing behind him at his feet, weeping, she began to wet his feet with her tears, and wiped them with the hair of her head, and kissed his feet, and anointed them with the ointment.*

That the woman is described as 'a woman of the city, who was a sinner' suggest that she was probably a prostitute. The story reflects St. Luke's presentation of Jesus as one who welcomes the sinful and the outcasts into the kingdom. Here Jesus accepts the woman in spite of her non-traditional/unaccepted sexual behaviour. His pronouncement of the forgiveness of her sins is the culmination not the start of the acceptance process.

There is a story in St. John 4 that tells of Jesus' dealing with someone involved in nontraditional sexual behaviour. It is a story about Jesus' encounter with a woman from Samaria at a well. She is described as having had a number of marriages – and is now simply 'shacking up' with someone's husband.. The evidence is clear, she should have been condemned strongly by Jesus. But she is not. St. John refrains from adding a line of condemnation, in keeping with his understanding of Jesus.

Here as in St.Luke 7, Jesus is presented as dealing with non- traditional sexual behaviour without condemning the persons involved into hell fire. A lack of condemnation does not of course translate into a position of condoning the behaviour. Of course it can be argued that we are here dealing with deviant heterosexual behaviour and not homosexuality. But it seems to me however that there is surely a pattern of response of Jesus that does not lead him down a road of bitter condemnation.

The same cannot be said of St. Paul in his dealing with homosexuality. One however must take seriously the context within which Paul's pronouncements of the issue is addressed. The context is Greek culture that had become notorious for lax sexual behaviour. Romans and I & II Corinthians can be read as a response to this context in which the Christian understanding of human sexuality was a minority opinion.

St. Paul in these writings clearly identifies the popular way that is diametrically opposed to the new Christian way. In Rom. 1:18 – 32, there is an extensive list telling of the behaviour of those who follow the other way. Paul mentions:

- a) Suppression of the truth (vs 18)
- b) The worship of images (vs23)
- c) The dishonouring of their bodies among themselves (vs24)
- d) The exchanging of the truth about God for a lie (vs 25)
- e) And then the accusation in vss 26 and 27:

For this reason God gave them up to dishonorable passions. Their women exchanged natural relations for unnatural, and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in their own persons the due penalty for their error.

How should we read these verses? Should there be read as simply another element of unacceptable conditions being cited by St. Paul, or are they to be singled out as the worse of the elements?

There is surely no evidence to support the latter position. The whole unit vss. 18-27 constitutes a statement about the threats to the new Christian way. One can compare here the position of St. Paul in the context of a struggling group of Christians in Rome, with that of the Priestly writer struggling within the Jewish community in Babylon for identity and survival.

There is an issue of survival at work in this section of Romans. The Church can only survive if there is a total rejection of the way of the non Christian. The survival motif is reflected in references to 'the wrath of God' (vs 18) and in the phrase 'God gave them up....' (Vss 24, 26) which is a euphemism for self destruction.

St. Paul argues that the behaviour of the non-Christians, that includes homosexuality, contributes to the incurring of the wrath of God and self destruction. In other words, the behaviour of non-Christians like that of the Babylonians must be rejected if the Church at Corinth like the Jewish community in Babylon is to survive. If the concern here is primarily one of survival then it may be difficult to isolate one element of the threat to survival and treat it as St. Paul's primary concern.

There is yet another dimension to the denouncing of homosexuality in Romans that cannot be overlooked. As early as 226 B.C there was a Roman law *lex Scantinia* that made homosexuality a punishable offence. Although it has been argued, that this law was not applied with any rigidity, yet its existence indicates the legal position of the Roman authority towards homosexuality. We have not ascertained how rigidly the law was applied in the days of Paul, but the presence of the law, could have led Paul to denounce homosexuality, given his advice in Rom 13 to the Christians in Rome, asking them to be good and obedient Roman citizens.

When we turn to the first epistle to the Corinthians, in ch.6:9-10 after stating that the unrighteous will not inherit the kingdom of God, St. Paul goes on to identify them:

Do you not know that wrongdoers will not inherit the kingdom of God? Do not be deceived! Fornicators, idolaters, adulterers, male prostitutes, sodomites, thieves, the greedy, drunkards, revilers, robbers—none of these will inherit the kingdom of God.

The word of interest here is the Greek word *arsenokoites* that is rendered 'male prostitutes' in the RSV. This word means someone who engages in homosexual activity. This translation (NRSV) links it to prostitution.

That this type of behaviour is one mentioned among many that are the type to be avoided by Christians, again seems to suggest that the homosexual is not identified as being worse, or better than the others. It however remains a practice that is to be rejected by the Christians at Corinth.

In I Tim 1:8-9 there is a discussion on the purpose of law. It exist, according to the writer, not for the just, but for *the lawless and disobedient, for the ungodly and sinners, for the unholy and profane, for murderers of fathers and murderers of mothers, for manslayers, immoral persons, sodomites, ( arsenokoites ) kidnapers, liars, perjurers, and whatever else is contrary to sound doctrine,*

The list is long if not impressive and is structured around the ten commandments. It cites what distinguishes the non-Christian from the Christian. Homosexuality is mention using the popular understanding of Sodom. But it is one among many. It is not identified as the worse among a batch of practices that should be rejected by Christians.

## Summary

This survey of the biblical references to homosexuality indicate that such references are sparse. When they do occur, they do so within a context where the primary concern seems to be the survival of the group that is under attack. As such, the practice becomes one of threats to the survival of the group.

What our survey of the Biblical literature demonstrates is the limited number of times homosexuality is addressed in the Bible. In the five times this is done, the context is the driving force in the interpretation. That there are the cases of nontraditional sexual encounters that are not condemned, surely indicates a conviction of the writers of the Bible that there is space in God's relationship for the accommodation of the nontraditional.

Our journey through the Bible does not provide us with any overwhelming rejection of homosexuality. Given the varied context within the practice is rejected it is difficult to treat these as providing any universal condemnation.

Context is the key to help us to understand the rejection of homosexual behaviour as is present in Lev, Romans and I Corinthians, and to a lesser extent, I Tim. It seems to me that to let go of the context is to convert these references into the type of weapon against homosexuals that they were not intended to be. This practice must be placed within the wider area of human sexuality and all the varied problems and tensions this create for human relationships

We can therefore conclude:

1. The writers of the Bible understand human sexuality as a gift of God
2. Like most societies ancient and modern, they acknowledged the need for laws and traditions to control, monitor and direct the power generated by human sexuality
3. Heterosexual behaviour is treated as the norm as ordained by God
4. There is no reference to homosexuality in the Gospels
5. Homosexuality and this sexual expression is addressed only on two occasions in the Old Testament (Lev.), and three in the New (Rom. I Cor. Tim)
6. There is the Old and New Testament nontraditional sexual relationships that are not condemned ( Moses marriage to a black woman, Ruth's seduction of Boaz, Jesus's acceptance of the affection of a prostitute, and his making the woman with the many husbands who was shacking up with someone else's husband, into an evangelist)

## The Caribbean Context

All this would suggest that what many persons see in the Bible as providing unequivocal support for the retention of the sodomy law does not do so. When placed in their appropriate context, the texts do not provide this support.

If we accept that context determines interpretation and response, as I have argued, then we cannot ignore the context as we seek for the better understanding of an issue that will guide our response to the issue. Just as we take this on board in our interpretation of the Bible, and in many other areas, we must do so as we discuss the sodomy law in the Caribbean.

The Caribbean context, with its varied and complex cultural layers, is as important for any Discussion on the region's approach to the Sodomy law, as the biblical context is for understanding and interpreting the biblical text.

At the start of this presentation, we asked why the former English colonies all maintain the sodomy law on their statute books. We put forward the argument that the religious culture of the region may be responsible for this.

We went on to examine one of the pillars of this religious culture, and discovered that the Bible is not as strong a support for the law as popularly believed and popularly claimed.

So we must venture beyond the Bible and beyond religion. When we do so we are left with several strands of Caribbean culture that do not lend support to the removal of the law. There still remains therefore a strong resistance to the removal of the sodomy law, not with any argument from the legal tradition but from several more emotive elements of Caribbean culture. The least not being its sexual culture.

It is still the wish of almost every Caribbean man and woman to be a parent and eventually, a grandparent. We all know the tease we got from our parents about telling us it is time we give them a grandchild. We do the same to our children. Having children is central to Caribbean life. As in the work of the Priestly writer the one act in the minds of many Caribbean parents that stands as a barrier to having grandchildren is homosexuality. This is our second reason for the reluctance to oppose the Sodomy law in the Caribbean.

I think that the reluctance of the former English colonies of the Caribbean to abolish the sodomy law may more be a cultural one rather than a strictly legal, or even a moral/cum religious one. Even the discussion of the law should not be extracted from context.

The cultures of the world, that provide for their members particular understanding of the world, all travel at their own pace. The pace of one may not be transformed into a universal law to which all others in the world must comply. This can be difficult positions to accept.

This conference is a facilitation of the continuation of the discussion of the presence of the Sodomy law in this region. We must accept that participants are not at the same spot. However, when we do not engage in discussion we resort to words and actions that speak of rejection and discrimination, and even annihilation and destruction and justify these actions.

We speak in religious language of hell fire and damnation. We become stuck in the mud of intolerance where no one can make progress. We forget that the two virtues so soundly established in the Old Testament and proclaimed by Jesus in the New are love and compassion.

I strongly believe that we should continue the discussion. We need to move beyond intolerance and only discussion can help us to do so. We should not close the doors to any side, to any opinion. This region is going to take some time to work through the issue. We must take this time and protect our freedom to travel at our pace. But we cannot close the door to discussion.

As a student of the Bible I am intrigued that the writers of the Exodus story claim forty years of travel from Egypt to the land of promise. This has more to do with an understanding that it takes time and a lot of time to make a transition from one condition, one understanding, to another that is the complete opposite, than with miles or kilometres.

Here is a model for us as we grapple with the issue of the sodomy law here in the Caribbean. Let us not see the pace of the journey as a waste of time or as a failure. It surely is not. No change in thinking is easy. But change is always possible. As we engage in discussion, We must note (and retain for discussion) the very important point that God's use of sexuality his gift to humanity, is not restricted by traditional boundaries, even by those imposed by biology and nature. Christians celebrate this on Christmas day in tradition of the Virgin Birth.