

The Christian, Homosexuals and the Law

by Jack W. Provonsha

Changing attitudes toward homosexuality—expressed both by the freedom with which homosexuals campaign for acceptance and by the way this is being granted by previous religious and legislative adversaries—are placing many thoughtful Christians in a dilemma. For they may well be inclined to react to examples of prejudice, deprivation and oppression with compassion—even passion. It is characteristic of Christians who are fully informed by their moral sources to be on the side of the underdog—almost instinctively. The oppressed and downtrodden have from the beginning usually been able to rally Christians to their support.

On the other hand, such persons are likely to be outraged at the present open flouting of centuries-honored standards of conduct. The Bible not only provides the historic origins of the word Sodomy, but also lists other more explicit as well as implicit injunctions that are most difficult to explain away. For example:

You shall not lie with a male as with a woman. (Lev. 18:22 RSV)

If a man lies with a male as with a wo-

man, both of them have committed an abomination; they shall be put to death, their blood is upon them. (Lev. 20:13 RSV)

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 of their error. (Rom. 1:26, 27 RSV)

Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived, neither the immoral, nor idolaters, nor adulterers, nor homosexuals, nor thieves, nor the greedy, nor drunkards, nor revilers, nor robbers will inherit the kingdom of God. (I Cor. 6:9, 10 RSV)

But the thoughtful Christian also is committed to the conviction that no one should be blamed, condemned or even looked down upon for something over which he has no control. Such a person deserves helpful understanding and genuine acceptance. And the Christian knows, if he is informed, that a homosexual may not have chosen to be a homosexual. At least for some homosexuals, their condition is something they discover rather than choose.

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The causes of homosexuality are obscure as we all know. Although it is not necessary to review all the different theories here, it is probable that the state is at least in part situationally conditioned—for example, conditioned by the absence of heterosexual role models at crucial identity moments. But it is also possible that other factors predispose at least some individuals to homosexuality. What these things are is presently unclear, although the following quotations suggest interesting possibilities:

Is homosexuality one way by which nature controls population levels? On-going research at Villanova University indicates that the answer just might be yes. Dr. Ingeborg L. Ward there has conducted tests with rats at the Pennsylvania institution showing that maternal stress during pregnancy—caused by the flashing of bright lights and restraint in a plexiglass tube—prevents most of the male offspring from functioning as normal males. She hypothesizes that the increased amounts of ACTH [adrenocorticotrophic hormone] the mothers produce under stress reach the developing fetus and stimulate androstenedione secretion by the adrenal cortex and decrease testosterone production by the gonads. Androstenedione then competes with testosterone for the same receptor sites that mediate differentiation of sexual behavior, and wins out. Since androstenedione is a much less potent androgen than testosterone, the maleness of the rats is correspondingly less pronounced. Most of them refuse to copulate with estrous females, and they show a high rate of lordotic response to male advances. Dr. Ward speculates that stresses from a crowded environment could also trigger the phenomenon.¹

The male homosexual may be an endocrinous deviate long before he becomes a behavioral deviate. By analyzing the 17-ketosteroids in a day's production of urine of 44 active homosexuals and 36 heterosexuals, Los Angeles endocrinologist M. Sydney Margoese finds a clear-cut endocrinous difference that matches up about 90 percent of the time

with independent behavioral judgments of two psychiatrists.

Based on these findings, the team theorizes that the homosexual may be shaped in the womb when gender identification is determined by the influence of male sex hormones on the brain. Testosterone then imparts the sex drive. And the way a person metabolizes testosterone gives direction to that drive. Thus, social and psychological factors, arriving late in the game, may just be secondary influences.²

Sex identity thus seems to involve many factors—some possibly prenatal. But the point remains that while homosexual *behavior* may frequently involve volition, that may not be so for the *state* itself—at least for persons at the exclusively homosexual end of the homoheterosexual spectrum. Presumably, persons nearer the bisexual center of the spectrum might, within limits, have more control over this part of their lives. Perhaps

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this is the way to deal with the Pauline statements. If Romans and First Corinthians are read carefully, they suggest an element of volition. Possibly, the passages only refer to individuals who do have a choice. On any other grounds, a serious conflict appears, arguing condemnation, rather than acceptance, for persons who cannot help themselves. And that expresses bigotry and intolerance, both essentially non-Christian attitudes.

Another consideration of which the Christian moralist is aware is the fact that in history religious people who have supported their beliefs through civil power have perpetrated numerous horrors. The thoughtful Christian

knows by now that the proper sphere of social legislation is to protect the victims of criminal or other malicious actions. Social legislation only applies when the exercise of one person's rights infringes on the rights of another. Whatever may be the additional functions and duties of education and exhortation, "victimless crimes" are generally not the law's business.

It is on this basis that laws governing the private sexual behavior of consenting adults have generally been falling by the wayside—as well they might if such activities are in fact "victimless." But that is one of the questions I wish now to pursue. To begin, let me turn to a different, but related, issue which will, I believe, illuminate our discussion of homosexuality.

One of the most universally proscribed of all the possible human sexual liaisons is incest. Almost all cultures have treated incest with horror, disgust and abhorrence. Probably the reason for rejecting it so forcefully is that—due to the propinquity of the sexes in the family, the apparently normal Electra and Oedipal attachments of mother-son, father-daughter, etc.—it is such a universal threat. What is interesting is that in spite of the new moral picture in other areas, one still does not hear advocacy of incestuous alignments.

One might say, of course, that incest differs from homosexuality in the possibility of offspring. According to every study, such offspring face a vastly increased incidence of fetal abnormality—directly proportional to the degree of consanguinity. That is true, but to make the point, suppose we eliminate that possibility. Would our liberation friends want to eliminate laws governing incestuous sexual behavior involving consenting adults, provided they were sterile or agreed to abort their issue—say, sexual behavior between a postmenopausal mother and her grown son or between a vasectomized father and his grown daughter? Would they perhaps favor solemnized marriages between such persons? Why not?

To most of the world the notion is inherently repugnant. But think about it for a moment. If "victimless crimes" are not to be

the subject of social regulation, why not permit incest between consenting adults not involving childbearing?

Most of us would find incest, even on these terms, disturbing—possibly because, in fact, the victim or victims are not the obvious ones. The social order itself may be the victim. What is threatened here is the family structure and thus a basic fabric of society. Experiments such as complex marriages, open ended marriages and sexual communes are questioning the viability of the traditional family. Still, the majority opinion remains that no structure has yet been discovered that adequately substitutes for a "Mom and Dad" who care about each other enough to remain faithfully committed to each other year after year.

It is such an enduring configuration of persons in interaction that gives children the secure sense of acceptance and identity that is the optimal context for personality health. The culture is probably secure enough to survive a measure of experimentation, but if too many people become involved in the new, bizarre "family" patterns, we may be in for real trouble down the pike.

Incidentally, in a recent study of incest published in the October 1974 issue of *Human Sexuality* almost every case of incest investigated revealed the family structure of those involved to be in serious difficulty. Which came first, the hen or the egg, is of course not clear. The two seemed to go together. But according to this study such behavior was unlikely in a healthy family setting and the occurrence of incest jeopardized whatever family remained.

We are speaking of homosexuality, of course, and not of incest but the two issues parallel each other in certain particulars, mainly in revealing that victimless crimes may not in fact be victimless. They may have only a different victim from the anticipated. A society's norms, and thus the social order itself, may be what are threatened.

This may be illustrated by two statements from leading figures in the homophile movement. The first from Dr. Franklin E.

Kameny of Washington, D.C., who is an astronomer and physicist with a Ph.D. from Harvard. At the time he made this statement, he was president (and founder) of the Mattachine Society of Washington, D.C., (a homosexual organization). In a chapter entitled “Gay Is Good” in the book *The Same Sex*,³ Dr. Kameny asserts

that homosexuality is not an inferior state, that it is neither an affliction to be cured nor a weakness to be resisted, that it is not less desirable for the homosexual than heterosexuality is for the heterosexual; that the homosexual is a first-class human being and first-class citizen, entitled, by right, to all of the privileges and prerogatives of his citizenship, and to all of the God-given dignity of his humanity—as the homosexual that he is and has a moral right to continue to be; that homosexuality is nothing to be ashamed of, nothing to be apologetic about, nothing to bemoan, but something around which the homosexual can and should build part of a rewarding and productive life and something which he can and should enjoy to its fullest, just as heterosexuality is for the heterosexual. Homosexuality per se cannot properly be considered a sickness, illness, disturbance, disorder, or pathology of any kind, nor a symptom of any of these, but must be considered as a preference, orientation, or propensity, not different in kind from heterosexuality, and fully on par with it. In their entirety, the problems of the homosexual as such are — or stem directly from — problems of prejudice and discrimination directed against this minority by the hostile majority around them Homosexuality can only be considered to be as fully and affirmatively moral as heterosexuality. It thus follows that homosexuality, both by inclination and by overt act, is not only not immoral, but is moral in a real and positive sense, and is good and right and desirable, both personally and societally.

The second statement is from Barbara B. Giddings, a former editor of *The Ladder*, *A Lesbian Review*. Writing in the same book a chapter entitled “The Homosexual and the Church,” she says,

Homosexuality is not a sickness, not an impairment, not a failure, not an arrested development, not a flaw, not an incompleteness, not a distortion, not a sin or a sinful condition. It is not something to be regretted in any way; it is not something to be resigned to or endured.

The majority of homosexuals would not change even if they could. More important, they *should* not change even if they could. What the homosexual wants — and here he is neither willing to compromise nor morally required to compromise — is acceptance of homosexuality as a way of life fully on par with heterosexuality, acceptance of the homosexual as a person on par with the heterosexual, and acceptance of homosexuals as children of God on an equal basis with heterosexuals.

Therefore, we are not interested in compassion, or in sympathy as unfortunates. We do not wish to be looked down upon. Our homosexuality is a way of life as good in every respect as heterosexuality.⁴

“It is wrong to deprive persons of opportunity to fulfill themselves But it is necessary that both homosexuals and heterosexuals be prevented from weakening social structures on which society depends for viability.”

What is being openly advocated here is the total acceptance of homosexuality as a legitimate alternative to the heterosexual family. Now, this advocacy might not affect exclusive homosexuals at the extreme end of the spectrum. But such a notion generally accepted might greatly condition the attitudes and behavior of persons more nearly at the center of the spectrum, people for whom sexuality more clearly involves volition.

Moreover, it changes the meaning of sexuality. Let me say more of this. A Christian moralist bases his perception of right and wrong on a certain understanding of the

human person—including the person's ability to deal with "meanings" and "values" as well as with objects. An act is right or wrong often in terms of the meaning of the act rather than the mere fact that it takes place. Human beings may thus be defined not only as *Homo Sapiens*, the thinker, and *Homo Faber*, the maker, but more importantly for ethics as *Homo Symbolicus*, the one who uses symbols. That is, people are able to read meanings into actions or objects.

Now, a symbol, whether an action or an object, is for human beings the means to an end other than itself, referring to it, standing for it, modifying or creating attitudes toward it. Symbolic meanings, moreover, are the basis for civilization — for intellection, communication, for economic and social interaction. In our present context, the sexual relation may point beyond itself and condition attitudes toward certain social values which serve the common social good.

By tradition and association, sexuality has been the prime reinforcer of the social unit, the family. Traditional Christian teaching has on this basis usually limited legitimate sexual expression to the context of the permanent commitment of two persons—the husband and wife who may in the course of their sexuality become father and mother and thus an enduring constellation of persons (we call family) in which, ideally, healthy growth and maturation of offspring may occur. Sexuality in such a context symbolizes trust, openness, permanence—the cement that binds two lives and those of the progeny into an enduring unity. And the durability of the larger society depends on the degree to which the integrity of these units is maintained by a majority of its members.

Sexuality can, of course, come to have other meanings. It can serve purely hedonistic ends, and be dissociated from love and commitment; Hugh Hefner, for example, holds that it is not necessary to *be* in love to *make* love. And as the pill has shown, sexuality can also be dissociated from procreation, so as to selectively control the creation of a family or, as is frequently the case, to separate sexuality from family altogether. This latter may cause sexuality to lose its capacity to be a symbol for family trust and permanence.

Now, it may be no accident that freer sexuality, the dissolution of the family and such movements as gay liberation occur simultaneously. They may belong to the same general phenomenon. I hold that this development should give us all pause. To me, it seems terribly important that there be resistance in every legitimate way to the dissolution of a social structure so important to the future of our civilization. Such resistance should, of course, be directed to its proper ends. It is a miscarriage of justice to deny homosexuals their rights in unrelated areas—the right to meaningful employment and to the same level of personal fulfillment we demand for others. As for private behavior not involving individual victims, it is usually not the law's business. But public expression and advocacy of such private behavior may be, particularly if it involves persons of immature judgment. Otherwise what is all of that R and X rating of movies about?

In summary, it is wrong through prejudice and bigotry to deprive individuals of the opportunity to fulfill themselves in every way consistent with membership in a healthy society. No one should be denied the chance to contribute to that society with all his native gifts simply because he is a homosexual—or a heterosexual, for that matter.

But it is also necessary that both homosexuals and heterosexuals be prevented from weakening the social structures upon which the society depends for its long-run viability. Heterosexual sins in this sense can be as destructive as homosexual sins and both must be placed under appropriate strictures if the health of a society is to be preserved. The social order itself may become the victim of these so-called "victimless crimes." If we deny to our children the chance to experience and, in turn, to pass along to their children a fairly clear picture of what an enduring family is about or if we allow persons whose attitudes and behavior are inimical to the family, to weaken the family by modifying its necessary norms, we hazard our children and thus society's future.

Therefore, while it may be admitted that

laws ought not to become involved in matters which are none of their business — again, exhortation and education may go much farther — laws *should* protect “victims,” especially when the social order may itself be the victim.

A Christian should always be willing to grant acceptance and support to persons who are simply different—and especially when that difference is through no choice of their own. But that does not include a willingness to allow such persons to undermine the things most people value for their children and their children’s children. This means among other things that society has the right to ask homosexuals and heterosexuals alike to mind their manners. And if they cannot or will not, that is, if they by their overt behavior or public advocacy promote a life

style that undermines society’s valued institutions (in this case, the family), society has not only the right but also the duty to restrain them—for example, to deny them access to youth role-modeling positions. These roles include positions such as being parents, teachers, youth leaders, etc. But let us repeat this applies equally to advocates of heterosexual deviance. Parents who are concerned about the social values of their children have the right to insist that such persons keep their mouths shut and their clothes on in the presence of immature children.

NOTES AND REFERENCES

1. *Medical World News*, February 11, 1972, p. 13.
2. *Medical World News*, April 23, 1971, p. 4.
3. Ralph W. Weltge, ed., *The Same Sex*, Boston: Pilgrim Press, 1969, pp. 130, 143.
4. *Ibid.*, p. 143.