

Natural Law

Jack B. Rogers

The discussion of homosexuality by heterosexuals is usually founded on assumptions about natural law, or the order of creation. I asked one of the leaders of the homosexual caucus in the Presbyterian Church what was the argument most often presented against them, and he said “natural law.” I take as an example the book by Robert Gagnon, The Bible and Homosexual Practice: Texts and Hermeneutics (Nashville: Abingdon Press, 2000).ⁱ I use this because it is the most recent, and most comprehensive, discussion of the biblical data and because it is written by a New Testament professor at a Presbyterian seminary.

Gagnon says what most heterosexuals believe: “Acceptance of biblical revelation is thus not a prerequisite for rejecting the legitimacy of same-sex intercourse.”ⁱⁱ Behind all of the ancient sources, including the biblical ones, according to Gagnon was “the simple recognition of a ‘fittedness’ of the sex organs, male to female.”ⁱⁱⁱ He refers to “Paul’s own reasoning, grounded in divinely-given clues in nature.”^{iv} The Old Testament Holiness Code also “was responding to the conviction that same-sex intercourse was fundamentally incompatible with the creation of men and women as anatomically complementary sexual beings.”^v

According to Gagnon, pagans, as well as Jews and Christians, find “the material creation around human beings and the bodily design of humans themselves, guiding us into the truth about the nature of god and the nature of human sexuality respectively.”^{vi} Thus Gagnon follows his commitment to natural law consistently to its roots in Thomas Aquinas and Aristotle. He believes that Paul’s reference to “by nature” in Romans 2:14 refers to “the natural faculty of reason implanted by the Creator in human bodies.”^{vii} Paul, according to Gagnon, proclaims that both God and ethical human behavior can be known through observing nature. Calvin, Augustine, and most of the Reformed tradition would have had real theological differences with Gagnon’s methodology. To most American Christians, however, it just sounds like common sense.

Gagnon views all homosexual behavior as willful and sinful.^{viii} He thus reads Romans 1:26-27 backwards. Instead of saying, as Paul does, that one consequence of idolatry is being given up to unnatural sexual behavior, Gagnon turns it around and says that the homoerotic relationship causes the idolatry. He defines same sex-intercourse as idolatry. He writes: “In other words, idolatry is a deliberate suppression of the truth available to pagans in the world around them, but so too is same-sex intercourse.”^{ix} Homosexuality is idolatry, for Gagnon, because it denies the natural law of “the anatomical and procreative complementarity of male and female.”^x Similarly, Gagnon, defines all same-sex eroticism as an “example of human enslavement to passions” and a “denial of God’s reality like that of idolatry.”^{xi} Whereas he presumably would judge heterosexual activity according to its motivation and manner of expression, he simply defines homosexual activity as lustful and denying of God, without consulting either the motivation or manner of expression of real gay and lesbian people.

Gagnon acknowledges that Paul argues from nature that women should wear veils when they pray and that short hair is natural for men and long hair for women. The difference, he says, is that none of the above categories lead to “exclusion from the kingdom of God” but homosexual activity can and in most cases does.^{xii} He declares that same-sex intercourse is the “road that leads to death: physically, morally, and spiritually.”^{xiii} His

clinging argument seems to be: “We all sin but not all sin is equally offensive to God and not all sin is to be treated in the same way.”^{xiv}

This seems to me to be the exact opposite of what Paul argues in Romans 1:29-32. After pointing to idolatry that leads to unnatural sex acts, Paul goes on to list other sins such as wickedness, evil, covetousness, malice, envy, murder, strife. He warns of people who are full of deceit and craftiness, who are gossips, slanderers, God-haters, insolent, haughty, boastful, inventors of evil, rebellious toward parents, foolish, faithless, heartless, and ruthless. Paul then concludes: “They know God’s decree, that those who practice such things deserve to die.” All of these sins are worthy of death, not just unnatural sexual relations.

Paul’s evangelical conclusion in Romans 2-3 is twofold: First, when we pass judgment on others we condemn ourselves, because we are just as guilty (Rms. 2:1). Second, all have sinned and are excluded from the kingdom of God except for the gift of God’s grace which comes through the redemption of Jesus Christ which we receive by faith, not works (Rms. 3:23-25). The worst thing about the natural law argument is that it leads us away from the Gospel, that we are saved by faith in Jesus Christ alone, and that we have knowledge of that salvation in Jesus Christ alone.

Gagnon simply asserts, but does not demonstrate, that “comparisons drawn with such issues as women’s role as church leaders, slavery, and divorce are poor analogues for contemporary disagreement with the Bible’s stance on same-sex intercourse.”^{xv} Others argue this dissimilarity more vigorously but in each case the argument is the same: We now know that there are passages in the Bible that open the door to the end of slavery and the subordination of women, but the condemnation of homosexuality is different because it is uniform in the Bible. Gagnon says: “Quite simply, there is no way to demonstrate that homosexual intercourse, in and of itself, is a good thing.”^{xvi} Not if your mind is made up!

The fact that people who may have endorsed racial segregation, the subordination of women, and the exclusion of divorced persons from church leadership, have now seen the light and changed their minds is not the point. The point is that for 300 years, most good, intelligent, and devout Christians were convinced that African-Americans and women were inferior to white men and unfitted for public service, and that remarriage after divorce was severely restricted. When the general culture holds a worldview that includes such assumptions (based in natural law), it is easy for Christians to argue that the Bible is uniformly opposed to allowing leadership in the church for blacks, women, and divorcés. For 300 years, most people believed that the Bible was utterly clear and spoke uniformly on these matters, as well.

Let me give a few examples, all from noted opinion-makers in the church. James Henley Thornwell, the leading Presbyterian theologian in the South, prior to the Civil War, used the natural law argument in favor of slavery: “Whatever is universal is natural. We are willing that slavery should be tried by this standard. But what if the overwhelming majority of mankind have approved it? What if philosophers and statesmen have justified it, and the laws of all nations acknowledged it.”^{xvii} For Thornwell, the “facts of revelation,” and the “facts of nature” always agree.^{xviii} He contended: “The truth is, the education of the human race for liberty and virtue, is a vast Providential scheme, and God assigns to every man, by a wise and holy decree, the precise place he is to occupy in the great moral school of humanity.”^{xix} Thornwell’s reasoning led to this conclusion: “As long as that race, in its comparative degradation, coexists, side by side, with the white, bondage is its normal condition.”^{xx}

Thornwell's successor as the leading Presbyterian theologian in the South was Robert Lewis Dabney. He asserted a genetic argument for the inferiority of African Americans. Dabney claimed that "we know that the African has become, according to a well-known law of natural history, by the manifold influences of the ages, a different, fixed species of the race, separated from the white man by traits, bodily, mental and moral."^{xxi} He may have been following Thomas Jefferson, who was a bit more cautious in claiming this as a scientific conclusion. Jefferson said: "I advance it therefore as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the white in the endowments both of body and mind."^{xxii}

As late as 1925, a study commissioned by the United States Army War College claimed scientific proof that African Americans were innately unable to operate aircraft because of their limited cranial capacity.^{xxiii} When people assume that the truth is obvious and that they are supported by the laws of nature, then it is easy to find both scientific and biblical proof for one's conclusions.

Natural law and the Bible were combined for 300 years to enforce the subordination of women. Beginning with Aristotle in the 4th century B.C., gender was a means of defining humanity. Women were defined as misbegotten men. For Aristotle, men were like form, women like matter. The male was hot, fertile, perfectly formed, and contributed soul to its progeny. The female was cold, infertile, deformed, and contributed only body to the fetus. Men were rational and wise. Women were irrational and given only to opinions. Man's virtue was to rule and woman's to obey.^{xxiv} The leading Presbyterian theologian in the North for over half the nineteenth century was Charles Hodge. The subordination of women was so obvious in nature and Scripture to Hodge that he used it as an argument in opposition to the abolition of slavery. Hodge exclaimed: "If women are to be emancipated from subjection to the law which God has imposed upon them;... there is no deformity of human character from which we turn with deeper loathing than from a woman forgetful of her nature and clamorous for the vocations and rights of men."^{xxv}

Science was also invoked to demonstrate the inferiority of women. Gustave Le Bon, a founder of social psychology and author of a respected study of crowd behavior in 1895, He wrote:

"In the most intelligent races, as among the Parisians, there are a large number of women whose brains are closer in size to those of gorillas than to the most developed male brains. This inferiority is so obvious that no one can contest it for a moment; only its degree is worth discussion. All psychologists who have studied the intelligence of women, as well as poets and novelists, recognize today that they represent the most inferior forms of human evolution and that they are closer to children and savages than to an adult, civilized man. They excel in fickleness, inconstancy, absence of thought and logic, and incapacity to reason. Without doubt there exist some distinguished women, very superior to the average man, but they are as exceptional as the birth of any monstrosity, as for example, of a gorilla with two heads; consequently, we may neglect them entirely (1879, pp. 60-61)."^{xxvi}

All of the above cited theologians and scientists firmly believed that it was necessary to maintain the status quo of excluding African Americans and women in order to save civilization. Thornwell saw the defense of slavery as the central bulwark in a world conflict between Christianity and Atheism. He announced: "In one word, the world is the

battleground – Christian and atheism the combatants; and the progress of humanity is the stake.”^{xxvii} Dabney, after the Civil War believed that the last hope for civilization was denying African Americans the right to vote in the church and the state. Dabney exclaimed: “Every hope of the existence of Church, and of State, and, of civilization itself, hangs upon our arduous effort to defeat the doctrine of Negro suffrage.”^{xxviii} Hodge expressed the same sense of the ultimate need to maintain the subordination of women. He said: “If in studied insult to the authority of God, we are to renounce in the marriage contract, all claim to obedience, we shall soon have a country...from which all order and all virtue would speedily be banished.”^{xxix} Thus, when we hear cries that ordination of homosexuals would mean the end of Western civilization, we might recall that we have heard such prophecies before. Despite all of the dire predictions, we now can say, not only that all virtue and order have not vanished from the world, but that the world has been enriched by the full inclusion of African Americans and women.

ⁱ Robert Gagnon, The Bible and Homosexual Practice: Texts and Hermeneutics (Nashville: Abingdon Press, 2000). Page numbers refer to the page proofs of the book which Professor Gagnon sent to me.

ⁱⁱ Gagnon, 488.

ⁱⁱⁱ Gagnon, 364.

^{iv} Gagnon, 142.

^v Gagnon, 157.

^{vi} Gagnon, 392.

^{vii} Gagnon, 371.

^{viii} Gagnon, 138-139; 254-255.

^{ix} Gagnon, 254-255.

^x Gagnon, 254-255.

^{xi} Gagnon, 254-255.

^{xii} Gagnon, 308, 328, 489.

^{xiii} Gagnon, 493.

^{xiv} Gagnon, 470.

^{xv} Gagnon, 486.

^{xvi} Gagnon, 453.

^{xvii} Address of the General Assembly of the Presbyterian Church in the Confederate States of America to All the Churches of Jesus Christ Throughout the Earth, Adopted Unanimously at the Organization of the General Assembly in Augusta, Ga., December, 1861 (N.p.: Published by order of the Assembly, n.d.), 15.

^{xxiii} James Oscar Farmer, Jr., The Metaphysical Confederacy: James Henley Thornwell and the Synthesis of Southern Values (Macon, Ga.: Mercer University Press, 1986), 134-135.

^{xix} Address, 15.

^{xx} Address, 14.

^{xxi} Ernest Trice Thompson, Presbyterians in the South, Volume Two: 1861-1890 (Richmond, Va.: John Knox Press, 1973), 200.

^{xxii} Thomas Jefferson, Notes on the State of Virginia (London, 1787), Appendix D, in Jan Ellen Lewis and Peter S. Onuf, Editors, Sally Hemings & Thomas Jefferson: History, Memory, and Civic Culture (Charlottesville: University Press of Virginia, 1999), 265.

^{xxiii} “Tuskegee Airmen,” Microsoft® Encarta® Africana. © & (p) 1999 Microsoft Corporation.

^{xxiv} Sister Prudence Allen, R.S.M. The Concept of Woman: The Aristotelian

Revolution 750 BC –AD 1250 (Grand Rapids: William B. Eerdmans, 1997), 833-84.

^{xxv} Cited in Ronald W. Hogland, “Charles Hodge, The association of Gentlemen and Ornamental Womanhood: 1825-1855,” Journal of Presbyterian History 53, no. 3 (Fall 1975): 247-248.

^{xxvi} Cited in Stephen Jay Gould, The Mismeasure of Man. (New York: W.W. Norton & Company, 1981), 104.

^{xxvii} Farmer, 222.

^{xxviii} “Ecclesiastical Relation of the Negroes,” Speech of Rev. Robert L. Dabney, in the Synod of Virginia, Nov. 9, 1867; Against The Ecclesiastical Equality of Negro Preachers in Our Church, and Their Right to Rule Over White Christians (Richmond: Printed at the Office of the “Boys and Girls’ Monthly,” 1868), 8. Cf. E.T. Thompson, II, 218.

^{xxix} Hogland, 247-248.