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Incompatible: The Construction of the Homosexual Subject in American Mainline Protestantism

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LOYOLA UNIVERSITY CHICAGO

“INCOMPATIBLE”: THE CONSTRUCTION OF THE HOMOSEXUAL SUBJECT
IN AMERICAN MAINLINE PROTESTANTISM

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

PROGRAM IN THEOLOGY

BY

JOHN J. ANDERSON

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For my wife Kelly

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ABSTRACT

Many American mainline Protestant denominations discriminate against gays and lesbians or have discriminated against them in recent history by denying ordination to “self-avowed practicing homosexuals.” This dissertation analyzes such ordination policies and their enforcement in ecclesial courts in three denominations, the United Methodist Church, the Presbyterian Church (USA), and the Evangelical Lutheran Church in America. Moving from a theoretical framework that integrates Michel Foucault’s theories of discourse and subjectivity with Christian body theology, this dissertation argues that the language of the “self-avowed practicing homosexual” discursively produces a homosexual subject that does violence to gays and lesbians in these churches.

The rhetoric of homosexual practice functions in a way that condemns the homosexual person even as it claims to condemn only homosexual acts. The language of avowal intervenes in the coming out experience of gays and lesbians by placing one’s coming out in the context of the prohibition of homosexual practice (and personhood). Coming out, then, is an admission of guilt that defines the homosexual as incompatible with ordained ministry and the Christian faith. By placing gays and lesbians in this situation, the rhetoric of the “self-avowed practicing homosexual” is no more than a self-fulfilling prophecy: it produces the homosexual subject that it claims merely to identify, thereby creating the terms under which gays and lesbians are found culpable.

CHAPTER ONE
SEXUAL ORIENTATION AND ORDINATION IN
AMERICAN MAINLINE PROTESTANTISM

“I know that, by telling the truth about myself,” Irene “Beth” Stroud told her congregation in her coming out sermon, “I risk losing my credentials as an ordained minister.”¹

Beth Stroud was ordained in the United Methodist Church (UMC) in 1997. She came out to her bishop in March 2003 as a lesbian in a covenanted relationship with another woman, and preached her coming out sermon shortly thereafter at First United Methodist Church Germantown in Philadelphia, Pennsylvania.

She preached on peace. In John’s Gospel, Jesus appeared to the disciples after his crucifixion. They had locked themselves in a room, hidden themselves from the world, for fear of how their own people would perceive them. Jesus’ message was brief and powerful: “Peace be with you.” Stroud spoke of the peace that she found by finally embracing her sexuality, but also recognized that peace cannot be confused with complacency. After all, the disciples did not stay in that locked room forever. Inner peace compelled Stroud to be true to herself not just privately, or with her congregation,

¹ Irene Elizabeth Stroud, “Walking in the Light”, April 27, 2003.

but in every aspect of her public life. Such authenticity, however, came with risk, and so she acknowledged that coming out could jeopardize her ordination.

She was right. That summer, her bishop initiated a complaint process, charging Stroud with “practices declared by the United Methodist Church to be incompatible with Christian teaching.”² What followed was a juridical rollercoaster: first, a trial by jury convicted her of the charges; then an appellate court overturned the verdict; and, finally, the highest court of the UMC reversed the appeal decision and defrocked Beth Stroud in October 2005, two and a half years after she initially came out to her bishop.

Beth Stroud is a self-avowed practicing homosexual, and, in the eyes of the UMC, this fact makes her incompatible with Christian teaching and unfit for ordination.

She is not alone.

Many gay and lesbian ordination candidates and clergy in other mainline Protestant denominations have also experienced the weight of church discipline due to their sexual orientation. Even in denominations that have changed their ordination policies in recent years to allow openly gay clergy, many gays and lesbians in those denominations have had much of their adult lives shaped by their churches’ years of refusal to recognize their calls to ordained ministry.

Take, for example, Bradley Schmeling. He was ordained in the Evangelical Lutheran Church in America (ELCA) in November 1989 and defrocked by the denomination’s highest judicial body in July 2007 for being in a relationship with another

² *The Book of Discipline of the United Methodist Church, 2008* (Nashville, TN: United Methodist Publishing House, 2008), ¶ 2702b.

man. At the time, the ELCA considered his relationship status “conduct incompatible with the character of the ministerial office.”³ In 2009, the ELCA overturned that policy, allowing gays and lesbians in “publicly accountable, lifelong, monogamous same-gender relationships”⁴ to be ordained. As a result, Schmeling was reinstated to the roster of clergy in 2010. He now serves his congregation, St. John’s Lutheran Church in Atlanta, Georgia, without fear of ecclesial discipline, but up until now, he had lived under the reality that if he ever chose to act on his sexual orientation—if he decided to “practice” his sexuality—he would likely be charged and tried by his church.

It is hard to know the toll that such a predicament takes on a person. It is as though the ELCA demanded of Schmeling that he constantly choose between being gay and being an ordained minister. For him, this was an impossible choice. As he said to his congregation the Sunday following his defrocking, “Twenty-two years ago I started seminary and, as many of you probably understand, my identity has been bound up in my call to serve the church.”⁵ He could not walk away from his call any more than he could stop being gay.

And there is Lisa Larges, who entered the ordination process in the Presbyterian Church (USA) [PC (USA)] in 1985. At that time, homosexual behavior disqualified a person from becoming ordained in the PC (USA). After completing seminary, she

³ ELCA Church Council, *Definitions and Guidelines for Discipline*, 1993, b.4. The practice of homosexuality is no longer considered conduct incompatible with the ministerial office, which is reflected in the revised version of the *Definitions and Guidelines*. See ELCA Church Council, *Definitions and Guidelines for Discipline*, 2010.

⁴ ELCA Church Council, *Candidacy Manual* (Chicago: Office of the Secretary of the ELCA, 2010), 17.

⁵ Bradley Schmeling, “Sermon, Sixth Sunday after Pentecost”, July 8, 2007.

informed her ordination committee that she was a lesbian, and, because she did so, she went back and forth through her denomination's judicial system. The ordination committee continued with her ordination process, until the highest court of the PC (USA) stopped the process in a ruling issued in 1992. She sought ordination again more than ten years later, this time in a different presbytery. As before, the presbytery agreed to proceed with her candidacy. But, also as before, a church court blocked her candidacy for ordination because of her status as a lesbian in a 2009 decision.

The PC (USA) removed its policy banning self-acknowledged practicing homosexuals from ordination in June 2011, meaning Larges' pursuit of her call to ordained ministry will likely enter a new phase very soon. What cannot be undone, however, is that for twenty-six years Larges was denied ordination because of her sexual orientation.

These are but a few stories of openly gay and lesbian men and women within mainline Protestantism in America today who are struggling or have struggled to follow their calls to ordained ministry while simultaneously living openly and honestly about their sexualities. It is a struggle because, in seeking to serve the body of Christ, their own bodies have become a place of ecclesial adjudication, a place where their denominations have exercised a power that is both homophobic and heterosexist. Any power exercised out of fear and prejudice is sure to inflict harm, and this is certainly the case with Protestant policies about homosexuality. Indeed, the policies studied here are violent for how they perpetuate the fear and suspicion—both externalized and internalized—of gays and lesbians.

My dissertation investigates this violence. To do so, I examine the policies and court proceedings of three American mainline Protestant denominations—the UMC, ELCA, and PC (USA)⁶—that force or did force gays and lesbians to choose between public authenticity and ordained ministry. My project, therefore, is a textual analysis, examining both the vocabulary employed to exclude gays and lesbians from ordination and how that vocabulary is interpreted and enforced in ecclesial judicial processes. I focus on ordination policies because the hearings that result from them prosecute a gay or lesbian person or, in some cases, the church that ordains or installs that person. Furthermore, hearings that concern the ordination of homosexuals—whether it is the homosexual individual or the congregation being tried—focus intently on the status and sexual expression of the homosexual in question.

Another important issue in the movement for gay rights is same-sex marriage. To be sure, same-sex marriage is a crucial issue and is linked to homosexual ordination in that the current marriage policies of many mainline Protestant churches are also a form of discrimination against gays and lesbians. In this project, though, I address same-sex marriage only as it relates to ordination policies (i.e. the heterosexual definition of marriage is used to label any homosexual sexual activity as sinful because it cannot take place within a church-sanctioned marriage). As with the ordination policies, same-sex marriage has become of subject of judicial discipline—with one key difference. The

⁶ Another major mainline Protestant denomination that could be discussed in this dissertation is the Episcopal Church. However, a study of the Episcopal Church would necessarily include a global dimension, as the Anglican Communion is currently facing potential schism over the issue of homosexuality. The focus of my dissertation centers on the religious attitudes toward homosexuality in American mainline Protestantism. While such global dialogue is important, it is beyond the scope of this project.

court trials resulting from the performance of a same-sex marriage ceremony prosecute the clergyperson performing a same-sex marriage—gay or straight—and not the two people getting married. The trials certainly relate to the rhetoric of the self-avowed practicing homosexual—as in ordination policies, the foundation of the ban on same-sex marriage is the condemnation of homosexual practice—but they do not adjudicate the exact language found in the ordination policies, and so do not focus on the moral status of homosexuality and homosexual “practice” in the same way. While it is an important topic of investigation and related to my own, it does not receive extended treatment in this dissertation.

My analysis of policies banning self-avowed practicing homosexuals from ordination shows that the overt exclusion of gays and lesbians from ordained ministry is not the only way these policies harm gays and lesbians in the church. This is because the language of these policies and its enforcement in church courts do more than simply identify a category of homosexual persons who are ineligible for ordained ministry. This rhetoric also produces a homosexual subject, a particular conception of what homosexuality is and who the homosexual is. This assertion is based on the conviction that the discourse on homosexuality taking place in these churches is more than the sum of its parts. To say this differently, the cumulative effect of these policies and their deployment in church courts goes beyond the intentions of the denominations that adopted them and, quite likely, many of the persons who lobbied for them.

As I will argue, the homosexual subject created by Protestant discourse about the self-avowed practicing homosexual is founded on a dichotomy of being and acting,

where the very fact that one identifies as a homosexual forecloses any possible acceptable expression of one's sexuality. And yet, at the same time, the rhetoric also conflates homosexual identity with homosexual conduct, so that identifying as a homosexual also associates one with the "practice" that is prohibited. This conflation becomes apparent in the court decisions that adjudicate these ordination policies. It is a catch-22, one that is made worse by the fact that the language of "self-avowal" asks gay and lesbian clergypersons to define themselves in relationship to it. When gay and lesbian clergy and ordination candidates come out to their denominations, it is always contextualized by the prohibition of homosexual practice. Avowing that one is a homosexual becomes a confession, an admission of guilt in the eyes of one's church.

These policies do real violence to gays and lesbians because this homophobic conception of the homosexual infects how others perceive them and sometimes—and most tragically—how gays and lesbians perceive themselves.⁷ Thus, the lives of gays and lesbians are harmed because their sexual subjectivity is entangled in an oppressive understanding of homosexuality. Subjectivity, as Ronald Long defines it, is "the product of learning to think and handle the self in terms of the societal practices and conceptualities of the culture in which a person lives."⁸ Even for gays and lesbians who

⁷ Melissa M. Wilcox notes that this internalizing of oppression is rooted in cognitive dissonance, where Christian identity and queer identity seem mutually exclusive. The result sometimes is that the individual suppresses any trace of queer identity to ease the dissonance. See Wilcox, *Coming Out in Christianity: Religion, Identity, and Community* (Bloomington, IN: Indiana University Press, 2003), 153f. For another good discussion of the nature of internalized oppression, see Leanne McCall Tigert, *Coming Out Through Fire: Surviving the Trauma of Homophobia* (Cleveland, OH: United Church Press, 1999).

⁸ Ronald E. Long, "The Sacrality of Male Beauty and Homosex: A Neglected Factor in the Understanding of Contemporary Gay Reality," in *Que(e)rying Religion: A Critical Anthology*, ed. Gary David Comstock and Susan E. Henking (New York: Continuum, 1997), 268.

reject negative perceptions of homosexuality, the presence of this homosexual subject in church discourse is a factor in their daily lives. The gay or lesbian self, in other words, is always forced to confront and grapple with the homosexual subject of Protestant discourse.

In analyzing the discourse surrounding gay and lesbian ordination, my project brings together postmodern theories of gender and sexuality and Christian sexual ethics. The former provides insight into how discourse forms our understanding of categories like sex and sexuality and a critique of theories that assume these categories are natural, where “natural” connotes changelessness or fixedness. Within Christian sexual ethics, I draw on theories of embodiment and sexual justice not only to form (alongside postmodern theory) my analysis but also to facilitate the progression from analysis to constructive proposal. The integration of these two bodies of literature forms the questions I bring to the texts considered in this dissertation. These questions, fourfold, serve as investigative starting points: 1) What assumptions about human sexuality and/or homosexuality are behind the language in question? 2) What sort of homosexual subject do these texts discursively produce? 3) How do they impact the lives of gays and lesbians within these churches? And 4) do they also create possibilities for renewal and revision regarding the Christian tradition’s treatment of homosexuality?

I should also include a brief word about terminology. LGBT (lesbian, gay, bisexual, transgender) is a common acronym used today, and it highlights the importance of coalition building as part of the pursuit of justice, as well as the need for community in one’s life. It is an important designation, but one that I seldom use in this dissertation.

The ordination policies studied here deal specifically and only with homosexuality.⁹

They do not address bisexuality or transgenderism, and so I do not speak at length about them in my analysis. This is not to say that bisexuality and transgenderism are somehow less important, nor is it to suggest that there are no connections between homosexuality, bisexuality, and transgenderism. Neither of these are the case. But the strength of any analysis is tied to its level of specificity. To use terminology that is broader than the subject being analyzed would only obfuscate my conclusions. Therefore, I refer only to gay men and lesbians throughout my dissertation.

A Brief Note on Historical Context

Before describing the language and documents that comprise the subject of my analysis, it is important to note that these texts have been produced in an interesting convergence of events. The second half of the twentieth century witnessed the merging of churches from similar Protestant traditions into larger denominational bodies. The three denominations studied in this dissertation all came into existence during that time. The UMC began in 1968 with the union of the Evangelical United Brethren Church and the Methodist Church. Two Presbyterian denominations, the Presbyterian Church in the United States and the United Presbyterian Church in the United States of America, merged in 1983 to form the PC (USA). The ELCA began in 1988, bringing together the American Lutheran Church, the Association of Evangelical Lutheran Churches, and the

⁹ Only one ecclesial court ruling from these three denominations, that I am aware of, deals with a person who is transgender, and I am not aware of a case that addresses bisexuality. In a case concerning an elder in the UMC who underwent a gender change, the UMC Judicial Council did not address whether gender change is a chargeable offense under church law. That issue, the council claimed, was not before the court. See *UMC Judicial Council Decision 1074* (2007).

Lutheran Church in America. When these mergers took place, the new denominations drafted the official documents outlining the policies and guidelines that govern them.

Also during this period, gays and lesbians in the United States were coming out in large numbers and beginning to identify publicly as homosexuals. Prior to the late 1960s/early 1970s, the precursor to the gay rights movement, the homophile movement, had been gaining momentum and organizing nationally, but its emphasis was more on social support and internal professional networking, less on political organization or social visibility. The Stonewall Riots of June 1969 changed all that. When New York police officers raided the Stonewall Inn, a gay bar in Greenwich Village, the patrons resisted and rioted in the streets. The episode made headlines and mobilized the gay community across the country. Activism became the crux of the modern gay rights movement, and coming out became not just a significant personal milestone, but a political act as well.¹⁰

The increasing visibility of gays and lesbians soon impacted mainline Protestantism, as clergy and seminarians challenged their denominations by publicly coming out and continuing to practice or pursue ordained ministry.¹¹ Such public gay and

¹⁰ I am obviously painting the narrative of gay and lesbian organizations in broad strokes. This basic storyline of Stonewall as the start of the modern gay rights movement is found in numerous works by gay historians, most notably the groundbreaking history by John D'Emilio, *Sexual Politics, Sexual Communities: the Making of a Homosexual Minority in the United States, 1940-1970*, 2nd ed. (Chicago: University of Chicago Press, 1998). It should be pointed out, though, that other historians argue that the earlier homophile movement was more politically active than previously thought. See, for example, Martin Meeker, "Behind the Mask of Respectability: Reconsidering the Mattachine Society and Male Homophile Practice, 1950s and 1960s," *Journal of the History of Homosexuality* 10 (January 2001): 78-116.

¹¹ For example, a United Methodist minister, F. Gene Leggett, came out to his colleagues at the Southwest Texas United Methodist Annual Conference in 1971. When the conference voted to suspend him from ordained ministry, the Gay Liberation Front, an organization founded in the wake of the Stonewall riots, rallied outside the conference to protest the vote. See "Homosexual Minister Is Ousted By Southwest

lesbian activism compelled the three denominations that occupy this study to begin or revamp a dialogue about homosexuality and the Christian tradition while they were also developing their governing documents and denominational identities.

The convergence of these three denominational formations with a burgeoning discourse about the moral and legal status of homosexuality gives the tenor of this discourse a contextual importance for my project. Beginning in the early 1970s, discussions of homosexuality and treatment of homosexuals shifted from a position of intolerance to one of tolerance. The 1973 decision of the American Psychiatric Association to remove homosexuality from its list of mental disorders is a good example. This decision stopped the pathologization of homosexuality but did not provide an explicit affirmation of it. National political dialogue began to parallel this decision. While antigay rhetoric still circulated at the time and still exists today, it is less common for people to publicly describe gays and lesbians as sick or deviant, and persecution or hate crimes against homosexuals are condemned by most public figures. In short, a shift in discourse occurred that, on the one hand, did not grant homosexual relationships social and legal validation but, on the other hand, made it more difficult—or at least politically incorrect—to publicly censure or condemn homosexuals *qua* homosexuals.

In many ways, the stances on homosexuality that emerged from the UMC, the PC (USA), and the ELCA reflect this attitude. These denominations have not condemned homosexuality as a sexual orientation per se, and each, in fact, has passed resolutions condemning the harassment of gays and lesbians. They have, however, passed

Texas Methodists,” *New York Times*, June 3, 1971. Leggett's ordeal is discussed at more length in chapter four.

resolutions that condemn the “practice” of homosexuality. This stance has led to prohibitions against clergy or ordination candidates who openly identify as “practicing homosexuals.” Thus, the UMC, PC (USA), and ELCA occupy or recently occupied a tenuous middle ground in the debate about homosexuality, a straddle-the-fence position. These churches are places where—supposedly—it is not sinful to be gay, only to act gay.

“Practice” and “Avowal” as Linguistic Axes of the Analysis

The language of homosexual practice is one of the foci of my analysis. It is found in each of the policies studied here. The UMC is perhaps clearest in its policy, stating, “self-avowed practicing homosexuals are not to be certified as candidates, ordained as ministers, or appointed to serve in The United Methodist Church.”¹² The ELCA policy, which was overturned at the 2009 Churchwide Assembly (the national gathering of the church), was also very direct. In its *Definitions and Guidelines for Discipline of Ordained Ministers* the ELCA stipulated: “Practicing homosexual persons are precluded from the ordained ministry of this church.”¹³ The PC (USA) arrived at the same prohibition by a less direct route. In 1997, the church officially banned practicing homosexuals from ministry by adding section G-6.0106b to its Constitution. This section was removed from the Constitution in 2011. It read:

Those who are called to office in the church are to lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage between a man and a woman, or chastity in singleness. Persons refusing to repent of any self-acknowledged practice which the

¹² *2008 Book of Discipline*, ¶ 304.3.

¹³ *Definitions and Guidelines for Discipline*, 1993, b.4.

confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of the Word and Sacrament.¹⁴

Here, the denomination's heterosexual definition of marriage was used to deny gay and lesbian clergy and ordinands any legitimate sexual expression. To remain ordained or get ordained, they must either be "unpracticing" or repent from such "practice."

This vocabulary of sexual "practice" has a taxonomic force, whereby the "practicing homosexual" is labeled as sinful, incompatible, or unacceptable. What constitutes practice in the eyes of these denominations is more difficult to determine than one would imagine. It is easy to assume that "practice" refers to sexual activity. In fact, all three denominations either explicitly define it this way or strongly suggest such a definition. By that understanding, a clergyperson could date or begin a relationship with someone of the same sex as long as sexual activity was not involved. Technically speaking, she or he would not be a "practicing homosexual." But it is difficult to imagine any of these three denominations permitting such same-sex romance. "Practice," then, proves to be a category more nebulous than one would expect. This taxonomy is rendered even more ambiguous because the church documents never explicitly state whether "non-practicing homosexuals" are entirely compatible with Christian teaching or qualified for ordained ministry.

What is not ambiguous, though, is that the creation of the category of the "practicing homosexual" enabled these denominations to submit gay and lesbian clergy

¹⁴ *The Constitution of the Presbyterian Church (USA), Part II: Book of Order, 2009-2011* (Louisville, KY: The Office of the General Assembly, 2009), G-6.0106b.

to their respective court systems. Homosexual practice—whatever that means—became a chargeable offense and the subject of judicial discipline.

Another focus of my analysis is on the language of avowal. Denominations have used this language to signify that the “practicing homosexual” cannot be prosecuted—or, at least, not be found guilty of wrongdoing—unless she or he has confessed or come out to an official in the denomination. On this point, the wording varies somewhat from one denomination to the next. The UMC uses the language of avowal, stating “self-avowed practicing homosexuals are not to be certified as candidates, ordained as ministers, or appointed to serve in The United Methodist Church.”¹⁵ The PC (USA) used the phrase “self-acknowledged” instead of “self-avowed” (see above quotation). These phrases function very similarly. “Self-avowed” is a stronger phrase than “self-acknowledge”; it suggests an unprompted assertion, whereas “self-acknowledge” admits the possibility of the claim being elicited by someone or something. Both, though, place emphasis on the individual willingly identifying as a practicing homosexual. The ELCA used different language. Before the actions of the 2009 Churchwide Assembly, one of its standards for ordination was that clergy “who are homosexual in their self-understanding are expected to abstain from homosexual sexual relationships.”¹⁶ “Self-understanding” does not have the same connotation as “self-acknowledgement” or “self-avowal.” It refers to one identifying oneself as homosexual, but does not necessarily refer to the confession of homosexual practice. It does, however, stress the individual’s role in confirming one’s

¹⁵ *2008 Book of Discipline*, ¶ 304.3.

¹⁶ ELCA Church Council, *Vision and Expectations: Ordained Ministers*, 2005, 13.

sexual identity, for a person could not be prosecuted for being homosexual in someone else's understanding. Furthermore, the discussion of this policy in the ELCA judicial process suggests that coerced disclosure of homosexual practice or outside accusations against a clergyperson would not be admissible as evidence.¹⁷ Thus, while the three phrases used by these denominations are not identical, referring to these phrases collectively as the language of "avowal" is justified because the effects of these three phrases are largely the same: judicial proceedings against a "practicing" gay or lesbian minister are usually only initiated after the disclosure of homosexual practice by the minister in question.

It should be noted that the language of avowal is, perhaps, rooted in a desire to avoid accusations against clergy and ordinands. This not only prevents something like a gay witch-hunt from taking place but also implies that ecclesial trials are never meant to determine whether someone is a homosexual. But this very fact reinforces the homosexual closet in powerful ways. It pressures homosexual clergy to keep silent about their relationships or their sexual orientation all together and creates an atmosphere where only heterosexuality is granted visibility. As Melissa Wilcox stated in her sociological study of LGBT religious communities, in most mainline Protestant denominations, "the best homosexual is one who is publicly indistinguishable from (single) heterosexuals."¹⁸

Furthermore, for those gay and lesbian clergy who disclose their sexual orientation and agree to remain celibate or "nonpracticing," we must ask if identifying as

¹⁷ For example, see *In the Matter of Disciplinary Proceedings against the Rev. Bradley E. Schmeling* (ELCA Discipline Hearing Committee of the Southeastern Synod 2007).

¹⁸ Wilcox, *Coming Out in Christianity*, 106.

a homosexual does not also generate a deep-rooted suspicion by others about one's private conduct. The ambiguity of sexual practice lends itself to intense speculation about whether an openly gay individual is indeed "non-practicing." To what extent is practice simply assumed? If there is any merit to this question, then it becomes clear that the homosexual subject constructed by this language is a person who is either open also about sexual practice, and, thus, vulnerable to ecclesial prosecution and discipline, or silent about sexual practice, and, thus, dishonest and inauthentic.

The language of practice and avowal forms the axes around which my analysis moves. But the documents containing this language are, in many ways, only the beginning. The language provides a legal basis for discipline, and the ecclesial courts are the places where that discipline occurs and takes shape. The courts of these denominations are charged with interpreting official teachings and guidelines, and so words like "practice" and "avowal" find their meaning and power in the interpreting authority of the courts. The body of legal documents—court decisions, trial transcripts, and written statements—that emerges from these judicial processes produce a discourse on polity, theology, and sexuality that enforces heterosexist ordination policies through the defrocking of practicing gay and lesbian clergy, while simultaneously providing a space for gay and lesbian clergy to voice their resistance to the same policies.

For gays and lesbians called to ordained ministry in these denominations, this language has made it difficult to live authentically as a sexual person. By analyzing the language and showing its harmful, even violent, effects, I hope to contribute a critique of

ecclesial language on homosexuality that will help bring about sexual and social justice for gays and lesbians within these denominations, the church universal, and society.

Theoretical and Ethical Starting Points

As mentioned above, the lens of my analysis integrates postmodern theories on sexuality and gender with Christian sexual ethics. I will review this literature in detail in chapters two and three before proceeding to an analysis of homosexual “practice” in chapter four and “avowal” in chapter five, but here it is necessary to introduce several theoretical concepts and ethical convictions that undergird my project.

Theoretical concept 1: Sexuality has a history. Michel Foucault asserted in his seminal work, *History of Sexuality, Vol. 1*, that sexuality is “not to be thought of as a natural given,” but rather as “a name that can be given to a historical construct.”¹⁹ Sexuality is inseparable from the contingencies of human history and the fallibility of the human condition, and, thus, has historical origins and has changed over time. This concept is fundamental in any discussion of sexuality, but it is often overlooked or simply paid lip service. Ergo, its implications are not fully appreciated.

Kathy Rudy has noted how uninformed historical understandings of sexuality (or lack thereof) can lead to heterosexist policies in the church. She states that at the root of discriminatory policies is the assumption that homosexuality is *transhistorical*, i.e. homosexuality as a concept and as a phenomenon has a coherent and stable existence across history. This perspective accepts as self-evident that “we all know exactly what

¹⁹ Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley (New York: Vintage, 1990), 105.

homosexuality is and can identify it both in today's milieu and throughout history."²⁰ The result is that mainline Protestants on both sides of the issue accept that the word "homosexuality" refers to the same thing today as it did in the biblical world. The fact that the word itself is an English translation of the original Greek, or that the word was first used only in the mid-nineteenth century is irrelevant.

Rudy finds this assumption spurious and harmful, and I agree. It does not account for how same-sex sexual activity has carried many different meanings throughout history. I contend, though, that there is a deeper assumption at work in mainline Protestant debates about sexuality that reveals the importance of understanding sexuality as a historical concept. The transhistorical understanding of homosexuality becomes particularly potent when considered alongside a larger assumption, that heterosexuality is *ahistorical*. According to this view, heterosexuality is transhistorical—it exists as a stable and coherent reality within history—but, more importantly, it is also ahistorical—it exists above or outside of history as the relational pattern ordained and created by God. To remove heterosexuality from the reaches of historical inquiry and analysis sets it as the thing against which other sexualities are compared. Therefore, if a form of sexual

²⁰ Kathy Rudy, *Sex and the Church: Gender, Homosexuality, and the Transformation of Christian Ethics* (Boston: Beacon Press, 1997), 87. A scholarly example of this mindset is John Boswell, *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century*, 8th ed. (Chicago: University Of Chicago Press, 2005). This groundbreaking book represents the impulse towards historical anachronism fostered by identity politics. Concerning homosexuality and the history of Christianity, this impulse is a double-edged sword. While, on the one hand, it gives gays and lesbians a sense of historical continuity and legitimacy, it also provides a footing for the applications of biblical texts that condemn homosexuality or same-sex sex acts to contemporary life.

expression, orientation, or desire does not conform to heterosexuality, it is labeled sinful and a byproduct of the Fall.

The Fall is a crucial theological category, because many evaluations of non-heterosexual sex rely on the distinction between a prelapsarian and postlapsarian human condition. The most important moment of the history of Christian theology concerning this distinction is, perhaps, Augustine's assertion that Adam and Eve would still have engaged in sexual activity had the Fall not occurred. Several earlier theologians had claimed that the command to "be fruitful and multiply" would have been fulfilled somehow without sexual intercourse; it was interpreted spiritually, not carnally. Augustine disagreed, claiming that male-female intercourse was a part of God's intended created order, and would have occurred concupiscence-free if not for the original sin of Adam and Eve.²¹ The theological implication of Augustine's view is that, while Adam and Eve certainly existed within history (indeed, they are responsible for one of the definitive moments within a Christian narrative of history), God's plan for heterosexual intercourse did not. Thus, some claim, heterosexuality is not subject to historical development or criticism, while other sexualities are.

Much contemporary Christian theology, then, treats heterosexuality as an ahistorical expression of God's intention for humanity, and not as a historically rooted concept. The prohibitions against gay and lesbian ordination result from this

²¹ Augustine's mature positions on the existence of prelapsarian intercourse are stated in his anti-Pelagian writings and also in *City of God*, Book 14. Compare Augustine's view to Gregory of Nyssa, for example, who believed that not just intercourse, but sexual differentiation itself was a consequence of the Fall. Other early theologians like Ambrose and Jerome held similar views. For a brief comparison of these views with Augustine's, see Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity* (New York: Columbia University Press, 1988), 399-403.

heterocentrist theology, the effects of which are summarized by Lisa Larges in her written objection to the PC (USA)'s ordination policy: "It [the ordination policy] raises one category of persons, heterosexual persons, above all others and thereby makes an idol of heterosexuality."²²

Theoretical concept 2: Reality is constructed, in part, by discourse. Many postmodern scholars have asserted that language and texts have enormous influence on our lives, both individually and socially. This influence comes from the belief that we do not know ourselves or the world around us as they are naturally or essentially, but that our self-understanding and our understanding of the world is conditioned by social and cultural factors. This social construction of reality is heavily reliant upon discourse, for, when we speak, we do not do so in a vacuum. Rather, we rely on an already-established discourse that makes what we say intelligible to those who hear us. In this way, discourse delimits how we interpret and communicate. Language, however, has a creative function as well. We often do not merely repeat what already exists in discourse, but repeat it *with a difference*. We imbue our language with values, meanings, and associations that expand or alter the values, meanings, and associations we inherit. In this way, our language not only describes a thing but also contributes to its formation or construction. Thus, Michel Foucault insists that discourses must be treated "as practices that systematically form the objects of which they speak."²³

²² Lisa Larges, "Statement of Departure from G-6.0106b and Affirmation of Essentials of Faith and Polity", 2007, 3.

²³ Michel Foucault, *The Archaeology of Knowledge and The Discourse on Language*, trans. A. M. Sheridan Smith (New York: Pantheon Books, 1972), 49.

Judith Butler articulates this idea concisely in a discussion of the impact of discourse on the human body: “there is no reference to a pure body which is not at the same time a further formation of that body.”²⁴ Thus, the social construction of the body means that our bodies are not simply our personal property or the vessels of a sacrosanct agency. Our bodies have a social existence that is interpellated to a large degree—some say entirely—by discourse.

Discourse, therefore, is an incredibly productive, creative phenomenon. It also goes hand-in-hand with my first theoretical starting point, because discursive processes are also historical and sexuality is also formed by discourse. The origins and development of the terms homosexual and heterosexual in the mid- to late-nineteenth century are a good example of how these two concepts are intertwined. These terms were initially used within various scientific disciplines to study and diagnose sexual behaviors in order to better understand what was “normal” and “abnormal.” Fields like medicine and psychology, for example, generated a massive amount of literature about sexual behaviors and predispositions. The important thing to note is that, while over time the terms homosexual and heterosexual came to represent two opposing eroticisms defined by the sex/gender of the object of one’s desire, this is not always what they meant. The term homosexual predates heterosexual, and was used to describe different behaviors,

²⁴ Judith Butler, *Bodies that Matter: On the Discursive Limits of “Sex”* (New York: Routledge, 1993), 10. There are several studies that illustrate Butler’s point. Anne Fausto-Sterling, for example, has shown that scientific studies and descriptions of the human body are influenced heavily by cultural assumptions about gender, thereby forming how we think about and understand male and female hormones, genitalia, etc. See Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (New York: Basic Books, 2000). Others have made similar claims. See Emily Martin, “The Egg and the Sperm: How Science Has Constructed a Romance Based on Stereotypical Male-Female Roles,” *Signs* 16, no. 3 (April 1, 1991): 485-501.

desires, or predispositions that were considered perverse. As a result, the term heterosexuality was developed to describe a universal, human sexual predisposition from which some persons deviated. Neither term initially referred to what we think of today as a sexual identity or orientation. However, over the later decades of the nineteenth century and earlier decades of the twentieth century, the categories of homo- and heterosexual became so widely used, they formed a binary of same-sex and other-sex eroticism that encompassed everyone. You were one or the other. As the terms took on a more popular usage, the normalizing impulse that inspired their invention stayed with them.²⁵

Why mention this here? Because it highlights the role that discourse plays in shaping our perceptions of those around us. By inventing the terms homosexual and heterosexual, labeling the former abnormal and the latter normal, and by using these terms as the ultimate heuristic for understanding human sexual desire, scientific discourse gave heterosexism a new legitimacy and staying power. In fact, one scholar particularly important in my analytical method, Eve Kosofsky Sedgwick, considers the homosexual/heterosexual binary one of the most defining narrative structures of the twentieth (and now twenty-first) century.²⁶ This narrative does not simply describe some natural or innate and universal aspect of humanity, but, rather, constructs a certain way of perceiving different sexual behaviors and desires that did not previously exist.

²⁵ For a short history of the origins of the terms homo- and heterosexual, see Jonathan Ned Katz, *Gay/Lesbian Almanac: A New Documentary* (New York: Harper & Row, 1983), 147-150.

²⁶ See Eve Kosofsky Sedgwick, *Epistemology of the Closet*, 2nd ed. (Berkeley, CA: University of California Press, 2008).

For the purposes of this dissertation, then, I ask how the ecclesial and theological language about homosexuality participates in this already-established narrative of homo/hetero sexualities. My argument is not that ecclesial discourse fundamentally alters that narrative. Rather, at a time when many in American society are challenging the social meanings inherent in the homo/hetero narrative (i.e. the abnormality of homosexuality and normality of heterosexuality), these church policies reify those social meanings not by labeling homosexuals themselves as deviant or abnormal, but by classifying homosexual practice as incompatible with Christianity, and, thus, refusing gays and lesbians many forms of public affirmation or validation that these churches extend to heterosexuals. This process mandates that being a homosexual must be discussed and evaluated separately from acting homosexual. It thereby creates a homosexual subject defined by a bifurcated sexual existence.

There is another aspect of the role of discourse in shaping our realities that is useful not just for critique but also for offering a constructive alternative. Foucault writes on the inherent instability of discursive power: “Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart.”²⁷ When mainline Protestant discourse describes and creates such a bifurcated homosexual subject, it draws attention to itself, the harm it inflicts, and, most importantly, to the gays and lesbians defying that invented subject with the integrity and faithfulness of their own lives. The policies that ban or banned gays and lesbians from ordained ministry gave gays and lesbians a space to focus their resistance to their

²⁷ Foucault, *The History of Sexuality*, 101.

churches' prejudices. The fact that the policies in the ELCA and PC (USA) have been overturned is evidence of this fact.

Ethical conviction 1: a Christian sexual ethics must be based on an embodied understanding of the human person. Since the publication of James Nelson's *Embodiment: An Approach to Sexuality and Christian Theology* in 1978, many Christian theologians and ethicists have drawn on embodiment theories to reevaluate the Christian tradition's basic view of human sexuality as a hindrance to Christian discipleship. Nelson argued that that view is steeped in dualisms that place mind over body and spirit over flesh. In this system, reason and philosophical abstraction are superior to emotions and bodily sensation. Embodiment theory seeks to eliminate that dualism by integrating theoretical knowledge with bodily knowledge. Nelson asks: "What does our experience as sexual human beings mean for the way in which we understand and attempt to live out the faith?"²⁸ The western notion of self typically refers to an independent faculty of cognition—e.g. Descartes' "*Cogito ergo sum*"—but Nelson insists we are more than that, we are bodyselves. Bodily experiences influence how we think and how we know, just as theoretical speculation can shape how we interpret our experiences. The hierarchy of mind over body, then, is not only epistemologically shallow, but simply not true to human experience.

Therefore, theological theorizing does not reverberate only in the abstract. The transcendent is not also ethereal. It does not exist in some vacuous realm of spirit. The

²⁸ James B. Nelson, *Embodiment: An Approach to Sexuality and Christian Theology* (Minneapolis, MN: Augsburg Publishing House, 1978), 9.

transcendent echoes in the body, and, thus, sex and sexuality connect us to the transcendent. Applying this to my topic, it becomes clear that theological and ethical claims about the practice of homosexuality have very real, very bodily consequences. If we do not take those consequences into account, then we deny ourselves the bodily knowledge that is essential for forming our moral knowledge. Furthermore, the most important source for this dissertation is not a philosophical or ethical theory, but the witness of gay and lesbian clergy and ordinands who experience the effects of these denominations' heterosexist policies. Their stories inspire my project, but, more than that, my project would be empty without them. Embodiment theories highlight the necessity of listening to the individuals touched by the injustice of anti-gay policies.

Ethical conviction 2: a Christian sexual ethics must be motivated by a vision of social and sexual justice. Sexuality has often been ignored by theories of justice because it is bracketed off as a private matter, and, thus, not something that should be affected by legislative processes or public dialogue in general. The work of Beverly Wildung Harrison has revealed the falsehood of this assumption,²⁹ and others have written about sexuality as a sphere of justice. Marvin Ellison, for example, combines social ethics with the methods of modern liberation theologies to produce a powerful premise:

“Injustice...distorts the humanly good desire for intimate connection and remolds it as a perverted desire for possession and control.”³⁰ He convincingly phrases sexuality as a

²⁹ Beverly Wildung Harrison, “Sexuality and Social Policy,” in *Making the Connections: Essays in Feminist Social Ethics*, ed. Carol S. Robb (Boston: Beacon Press, 1985), 83-114.

³⁰ Marvin M. Ellison, *Erotic Justice: A Liberating Ethic of Sexuality* (Louisville, KY: Westminster John Knox Press, 1996), 2.

justice issue, and argues that sexism and homophobia must be eradicated for justice to exist for sexually marginalized and disempowered groups.

Justice, then, becomes the thing by which the fruitfulness of my other theoretical and ethical starting points is measured. Do they aid the work of justice? Do they contribute to the eradication of sexual prejudices that oppress the lives of gays and lesbians in the church today? I believe they can and do. If we are to build a more just church and society, we must first understand the complex systems of injustice that exist. To the extent that these starting points aid us in this endeavor, they are indispensable in the work of justice. And so, by using them as the foundation for my analysis, I hope to reveal the ways that discourse in American mainline Protestantism about homosexuality commits violence against gays and lesbians by making their bodies a site where ecclesial, disciplinary power is exercised unjustly.

Incompatible Subjects: A (Hetero)Sexual Theology of Contradictions

“Incompatible” has a straightforward meaning in most of the policies studied in this dissertation, but, in reality, it is a double entendre. On the one hand, the word describes how many mainline Protestant churches understand homosexuality in relation to Christianity and ordained ministry. While it is true that these denominations only qualify the practice of homosexuality as incompatible, it raises the question: can a person’s sexuality be compatible with the Christian tradition if the genuine expression of that sexuality is inherently incompatible? I do not believe so. Incompatible, then, is the epithet imposed by the implications of this language on gay and lesbian personhood *in*

toto. It is more than a description of certain acts or expressions, it is an entry point to a theological anthropology within which gays and lesbians occupy an abject position.

On the other hand, “incompatible” also describes how this homosexual definition fits into the overall sexual theologies of these mainline Protestant denominations. They describe sexuality as a “good gift” from God or as “created good for expressing love and generating life, for mutual companionship and pleasure.”³¹ But how can this be the case for gays and lesbians if their denomination’s policies foreclose any expression of that gift? For these churches to claim that sexuality is good but that the expression of *homosexuality* is bad forces on gays and lesbians the plight of Tantalus, experiencing an *eros* that is always present yet unfulfillable.

More and more gay and lesbian clergy name this situation unjust and oppressive and have refused to abandon their callings to ordained ministry, and the fact that the ELCA and PC (USA) now allow “practicing” gays and lesbians to be ordained is a testament to their resolve. Their lives have challenged the heterosexism in their churches and have drawn attention to the contradictory nature of this double entendre. But, for now, the policies remain active in the UMC and other churches not addressed here, and gays and lesbians are defined as incompatible with the Christian faith within these denominations. This dissertation shows how such policies are, in actuality, self-fulfilling prophecies, creating the incompatible subjects they claim merely to identify. Exposing and critiquing the effects of these policies will, hopefully, hasten their repeal and make

³¹ Both the UMC and PC (USA) describe sexuality as a good gift from God. See *2008 Book of Discipline*, ¶ 161G; Presbyterian Church (USA), *Presbyterians and Human Sexuality* (Louisville, KY: Office of the General Assembly, 1991). The latter document is from the ELCA. See ELCA Church Council, *Sexuality: Some Common Convictions* (Chicago: Office of the Secretary of the ELCA, 1996).

way for denominational policies about homosexuality that are consistent with the understanding of human sexuality as a good gift to *all* persons.

CHAPTER TWO

MICHEL FOUCAULT:

THE PRODUCTION OF SUBJECTS / THE CREATION OF SELVES

We are told from a very early age not to let words hurt us. I recall saying often as a child, “Sticks and stones may break my bones, but words will never hurt me.” That is, words will never hurt me *emotionally* (of course, we grow up and realize that that is not true). But what about our bodies? Can words hurt them as well? This question is crucial, for I claim in this dissertation that the language of the “self-avowed practicing homosexual” creates the homosexual subject it claims merely to identify, and that the subject created does violence to the lives and bodies of gays and lesbians in the church and society. How can language have such an effect? How is it that something like a ban on the ordination of “self-avowed practicing” homosexuals can harm the sexual subjectivity of gays and lesbians?

In one sense, the answer to this question is obvious: the language works through prohibition. It excludes certain actions from the realm of moral goodness and certain persons from positions of authority in the church. This level of operation is important and will play a significant role in my analysis. Equally important, though, is a second way the language functions. The ban on practicing gay and lesbian clergy also operates by constituting, to a certain extent, the homosexual subject about which it makes a moral judgment. This claim, of course, begs questions about the relationship between language,

identity, and the body. While all the complexities of this relationship cannot be explored in this dissertation, the most salient features of it can be delineated in a distinction between different understandings of the self that I will refer to as the “self” and the “subject” for the sake of simplicity.¹

The “self” as I use the term here, going at least as far back as Descartes’ *cogito*, is best understood philosophically as a conscious being that can think and act independently from external influences and discover truths about the world around her or him. This notion of self correlates with an understanding of reality as objective in nature—we study and learn about what and how things *are*—and an understanding of language as descriptive in nature—we use language only as a communicative tool. The center of this system is the human mind in all its autonomy and, perhaps above all else, the mind’s ability to achieve certainty of knowledge.² The “subject,” however, is a strong departure from the self, a departure that begins with a different understanding of reality, power, and language. Whereas the self uses language to describe reality in an (presumably) objective fashion, the subject is always already immersed in a world created by language (Heidegger and then Derrida) and power relations (Foucault). Language, therefore, is not a descriptive phenomenon, but a force that structures the world we live in. Language

¹ The usefulness of these terms for an extended discussion of the topic is questionable. My purpose here is to paint in broad strokes as a general introduction and the terms are helpful in that regard. To be sure, there are figures throughout the modern period whose definitions of the self do not fit either description perfectly, but the dichotomy of self and subject is heuristic nonetheless.

² For a discussion of the role of certainty in modern epistemology, see Charles Taylor’s discussion of Descartes. Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1992), 144.

creates subjects, and subjects can only speak within the discursive systems they inhabit.³

A stark reversal has taken place in the shift from self to subject: the self is an author of language; the subject is the product of language, a vehicle through which language speaks.

To be sure, this shift is tenuous. Debating the merits and demerits of these positions has been and remains a fundamental question for contemporary scholars. Critics of the “self” argue that its detached objectivity is not only naïve, but benefits those in society who inhabit spaces of social privilege, for their interpretations of reality are the ones accepted as true. Critics of the “subject” claim that this approach denies or severely limits the agency of individuals either through the determinative force of a universal, semiotic system (as posited by structuralism) or the infinite regression that results from dismantling such a system (as is often the case with deconstruction and poststructuralism).

It is in the context of this debate that I turn to the main scholar influencing my methodology, Michel Foucault. Foucault’s career spanned many of the developments in the ideas of the selfhood and subjectivity, and his corpus contains a gradual blending of these concepts. However, both his disciples and his detractors often overlook the breadth of his corpus, mostly because scholars who have utilized his works often focus on one moment in his career. For example, any scholar who utilizes Foucault’s articulation of power will draw from his nascent thoughts on this subject in *Discipline and Punish*

³ Martin Heidegger, for example, stated, “Language is the house of Being. In its home man dwells.” Heidegger, “Letter on Humanism,” in *Basic Writings*, ed. David Farrell Krell, revised ed. (New York: Harper, 2008), 217.

(1975),⁴ as well as his fuller elaboration of it in *The History of Sexuality, Volume 1: An Introduction* (1976, hereafter, *The History of Sexuality*). This focus is certainly appropriate, but Foucault's ideas of power are rooted in a particular era of his life and give only a snapshot (albeit a crucial one) of his intellectual strategies and priorities. Or a scholar researching the history of medicine will focus on one of his earlier works, like *The Birth of the Clinic* (1963). In each scenario, the broad development of Foucault's thought is neglected in favor of foregrounding the idea or subject matter that is most important for one's project. Such a synchronic approach is, perhaps, justifiable. Foucault's corpus is difficult to synthesize, especially since there are several moments in Foucault's career where he seems to reject or significantly alter his previous positions.

Nevertheless, a brief survey of Foucault's career is an important undertaking for this dissertation, for it will flesh out the complicated relationship between institutional discourse and sexual subjectivity. My project analyzes discourse, but will only be successful if I can show how this discourse harms the lives of gays and lesbians in church and society. I must demonstrate that language has real and substantive effects on bodies and bodily experiences. While it is tempting to synchronically isolate Foucault's *The History of Sexuality*, since sexuality is the subject of the discourse in question, to do so would limit the scope of my analysis. Taking Foucault's entire career into account, we see that he moved from a focus on discourse that almost completely neglected the body to

⁴ The publication dates provided in parentheses refer to the publication of the original, French edition for the purpose of representing the true chronology of Foucault's works. The dates found in footnotes refer to the English translations.

an emphasis on bodies and bodily practices.⁵ This movement combines the concepts of the self and the subject that had emerged in continental philosophy. Foucault stressed in much of his work the view that individuals are subjects⁶ immersed in and produced by discourse. Never abandoning this theoretical position, Foucault began to emphasize that the individual is also a self, not transcendent in nature, but able to reflect on the condition of his/her existence and reshape it. Subjectivity, in other words, does not foreclose agency. If there is an overall point in this methodological movement, it is that we must first comprehend the ways in which power operating through discourse has made us unwilling subjects if we are to fashion a meaningful existence for ourselves.

The following discussion of Foucault's methodology lays the groundwork for describing specific aspects of his analyses that I will utilize in my dissertation. I will highlight two aspects of Foucault's theoretical repertoire that are crucial for analyzing the language of "practice" and "avowal" in mainline Protestantism. These are the

⁵ Some have viewed this transition as a sign that Foucault discovered fatal flaws in the methodology of his earlier works, archaeology, and, thus, abandoned it for his Nietzschean method of genealogy. Others claim the shift was less an abandonment of archaeology than a recognition of its limitations. According to the latter view, archaeology did not fail so much as it proved inadequate for the sort of analyses Foucault wanted to conduct. I lean toward this view and find that the two ends of the spectrum of Foucault's corpus--an archaeology driven project that wholly subsumed the subject into totalizing discourse and a genealogy driven project that, by the end of Foucault's life, emphasized the freedom of the self--are not so much contradictory as they are complimentary. For examples of these two views, see Hubert L. Dreyfus, Paul Rainbow, and Michel Foucault, *Michel Foucault: Beyond Structuralism and Hermeneutics*, 2nd ed. (Chicago: University of Chicago Press, 1983), especially chapter four; and Eric Paras, *Foucault 2.0: Beyond Power and Knowledge* (New York: Other Press, 2006).

⁶ Foucault has rightly been criticized by feminist scholars for the overt maleness of the "subject" of his historical analyses. He seemed unable or unwilling to consider gender as a significant factor of analysis. See Lynn Hunt, "Foucault's Subject in the History of Sexuality," in *Discourses of Sexuality: From Aristotle to AIDS*, ed. Domna C. Stanton (Ann Arbor, MI: University of Michigan Press, 1993), 78-93. For feminist adaptations and criticisms of Foucault, see especially Jana Sawicki, *Disciplining Foucault: Feminism, Power, and the Body* (New York: Routledge, 1991); Caroline Ramazanoglu, ed., *Up Against Foucault: Explorations of Some Tensions Between Foucault and Feminism* (New York: Routledge, 1993); Margaret A. McLaren, "Foucault and the Subject of Feminism," *Social Theory & Practice* 23, no. 1 (1997): 109-127.

disciplinary process that Foucault calls individualization, and the role that he assigns to Christian confession in the development of Western sexual subjectivity.

I will also describe how two other theorists have utilized and expanded Foucault's theories in ways that have important implications for my dissertation, namely Eve Kosofsky Sedgwick and Judith Butler. These scholars are indispensable for a postmodern analysis of sexual discourse and, while a separate chapter (or dissertation) could be written for each, my treatment of them here is restricted to how their works relate to Foucault's and how they influence my own analysis.

I will conclude this chapter with a critique of Foucault that will segue into chapter three. Foucault's position at the end of his life is in need of an important critique if it is to play a significant role in a *Christian* ethical analysis. His discussion of the independent subject is invested with an ethical position that the individual strive for personal liberation. Highly individualistic, this ethic lacks a form of accountability to any sort of community, and shows the degree to which Foucault's "subject" was distinctly male and socially mobile. Foucault's ethics, then, needs an anchor. I suggest that theologies of embodiment provide such a mooring for Christian ethics: they dovetail with Foucault's later works in their focus on bodily realities, but are accountable to the Christian community. This convergence of Foucaultian and embodiment theories is the subject of chapter three.

Archaeology and Genealogy: From Discourse to the Body

If one were forced to place Foucault's corpus under one umbrella category, one might say Foucault's works are concerned with the production of knowledge. How does

something come to be thought of as an object of knowledge, or acclaimed as “true”?

Over the course of his life, he approached this question from different perspectives, but one can trace a trajectory in his thinking that moved from an abstract, discursive view of knowledge and truth, to one grounded in the body and the self. This movement is an important framework for my dissertation, for it reveals both the role of discourse in shaping sexual identity and subjectivity and the role of individuals *qua* agents in interacting with, responding to, and challenging those discourses. These two things, however, seldom exist without tension, and Foucault’s works are no exception. In some of his earlier works, discourse drowns out any serious consideration of the body and materiality. In his later works, however, the discursive and the bodily exist in Foucault’s works as interlocutors, and each is given voice by one of his two major methodologies, archaeology and genealogy, respectively. Foucault began his career exploring the limits of archaeological method and emphasized the role of discourse seemingly to the neglect of the body and the self. He employed it in three of his works from the 1960s—*Madness and Civilization* (1961), *The Birth of the Clinic*, and *The Order of Things* (1966).

Foucault offered his fullest—and, at times, most convoluted—explication of the role of discourse in the production of knowledge and truth in modern society in his work, *The Archaeology of Knowledge* (1969).

The Archaeology of Knowledge was Foucault’s attempt to describe comprehensively the method employed in his earlier works. The book expatiates how archaeological method approaches and analyzes discourse. The reason for this discursive emphasis is that Foucault, influenced by structuralism (though he eschews this influence

by using the term archaeology), believes that discourse plays a preeminent role in the formation of knowledge. There are, of course, various ways to understand the role of discourse in this formation. Positivism stresses that knowledge is formed through a process of rational discourse determined by the subject matter, i.e. the object structures the field of knowledge studying it. One critic of positivism, Jürgen Habermas, argues that knowledge is structured by the interests of those producing the knowledge, rather than the object being studied.⁷ Here, then, the social and political context of the subjects shapes what counts as legitimate knowledge. In *The Archaeology of Knowledge*, Foucault rejects both of these positions, disavowing any role to both objects and subjects of knowledge.

To explain Foucault's puzzling position, it is important to understand how he describes discourse. Recognizing that discourse is an incredibly "polymorphous" phenomenon, Foucault seeks to outline what brings unity to different discourses and what does not. Or, more accurately, he wants to show that many notions about what unifies discourse are false.⁸ Within this context, he stresses that the objects of knowledge cannot provide any unity or structure to discourse and the formation of knowledge. Discursive unity emerges from a system of relations established between institutions, social and economic processes, systems of norms, etc., and "these relations are not present in the

⁷ For Habermas' discussion of the role that the subjects of discourse have in producing knowledge, see Jürgen Habermas, *Theory of Communicative Action, Volume 1: Reason and the Rationalization of Society*, trans. Thomas McCarthy (Boston: Beacon Press, 1985); for a concise interpretation of Habermas' theory, see James Johnson, "Habermas on Strategic and Communicative Action," *Political Theory* 19, no. 2 (May 1991): 181-201.

⁸ Foucault, *Archaeology of Knowledge*, 21-30.

object.”⁹ Indeed, to begin with objects as prediscursive things, and ascribing to them a fixed or stable identity that influences the formation of discourse, is backwards. Rather, Foucault is concerned “to substitute for the enigmatic treasure of ‘things’ anterior to discourse, the regular formation of objects that emerge only in discourse.”¹⁰ Here, Foucault makes clear the productive potential of discourse. Discourses do not merely represent or describe the objects of which they speak. They “systematically form the objects of which they speak.”¹¹

He makes a similar claim about subjects. While it is true that discourse requires speakers, Foucault has no confidence in the unity or coherence of the thinking, speaking subject. The subject cannot serve as the locus for discourse, seeing as how it is comprised of such a complex system of relations. One cannot look to a prediscursive subject bringing intelligibility or authority to a system of discourse. Foucault writes, “discourse is not the majestically unfolding manifestation of a thinking, knowing, speaking subject, but, on the contrary, a totality, in which the dispersion of the subject and his discontinuity with himself may be determined.”¹² Foucault’s analysis in *The Archaeology of Knowledge* operates, in other words, “without reference to a cogito” and thereby purges itself of all “anthropologism.”¹³

⁹ Ibid., 45.

¹⁰ Ibid., 47.

¹¹ Ibid., 49.

¹² Ibid., 55.

¹³ Ibid., 122 and 16.

Having undermined the role of both the speaking subject and objects of knowledge, he insists that the production of knowledge must be understood through an analysis that treats discourse as an autonomous phenomenon. The main concept Foucault uses to describe this autonomy is “exteriority.” Exteriority is a methodological assumption that Foucault hopes will allow him “to restore statements to their pure dispersion,”¹⁴ i.e. the assumption that discourse can and should be separated from any context that the authors of discourse or the objects of which discourse speaks may provide. Stepping outside of discourse reveals, Foucault claims, that there is no inside in the first place.

What is the purpose of this perplexing claim that discourse is a series of events that must be analyzed in a vacuum? Foucault believes that doing so will reveal a theme of discontinuity in discourse that has remained hidden. The very things that have imposed a sense of continuity on the history of discourse are the notions that discourse emerges from the transcendental cogito of the speaking subject or the transcendental nature of the object being spoken about. Exteriority sets these things aside to observe discontinuities, ruptures, breaks, mutations, and transformations occurring in discourse. Thus, Foucault’s archaeological project, though clearly structuralist in some of its assumptions, is also deconstructive; his basic aim is to initiate “a decentering that leaves no privilege to any centre.”¹⁵

¹⁴ Ibid., 121.

¹⁵ Ibid., 205.

To be sure, there are benefits to Foucault's archaeological analysis. The unities that traditional historical narratives purport, when studied from an archaeological perspective, become fictions; archaeology reveals this by isolating and defamiliarizing the discourses that we have accepted as true.¹⁶ When used constructively—which Foucault does concern himself with in *The Archaeology of Knowledge*—this process can open a space for new perspectives to emerge.

However, *The Archaeology of Knowledge* is inadequate as a methodology because of a flaw in the internal logic of the work. If archaeology requires the disappearance of the subject in order to analyze discourse as an autonomous phenomenon, then it also requires the disappearance of the author. That is, archaeology must be anonymous, for reference to an author can provide the same false unity to discourse as reference to a subject. This fact draws attention to something fairly obvious: archaeology is itself an example of discourse, and the detachment that Foucault claims as a necessary component of archaeological analysis is not entirely possible. Foucault himself seemed ambivalent at times in *The Archaeology of Knowledge* about how truly autonomous language is. At points, his equivocation becomes obvious, as when he claims that discourse “is treated not as the result or trace of something else, but as a practical domain that is autonomous (although dependent), and which can be described at its own level (although it must be articulated on something other than itself).”¹⁷ The parenthetical statements are telling.

¹⁶ Dreyfus, Rainbow, and Foucault, *Beyond Structuralism and Hermeneutics*, xxv.

¹⁷ Foucault, *Archaeology of Knowledge*, 121-122.

This criticism leads to another. Foucault's form of analysis is simply not sufficient for a project rooted in normative ethics. Archaeology as described in *The Archaeology of Knowledge* amounts to a discursive reductionism, where nondiscursive realities are described and given meaning only by the network of discursive relations of which they are a part. In discussing medical discourse, for example, he names nondiscursive practices (the touching finger, the observing eye), but then suggests that they become intelligible or coherent only because they are used by clinical discourse.¹⁸ In other words, physical, bodily practices and realities are only intelligible and analyzable as they become appropriated by discourse. An ethical analysis must concern itself with bodily realities and offering suggestions for improving those realities. Archaeology by itself cannot achieve this goal.

The strength of Foucault as a scholar is perhaps his recognition of these limitations, which came almost immediately. In his inaugural lecture at the Collège de France in 1970, *The Discourse on Language*, Foucault had already shifted the way he would speak about discourse. This lecture is often under-analyzed by scholars, however. Hubert Dreyfus and Paul Rainbow, for example, suggest that Foucault went into a "self-imposed silence" following the publication of *The Archaeology of Knowledge* due to the flaws that became apparent in that work.¹⁹ Their suggestion treats his lectures as items that can be glossed over by scholars in favor of his book-length publications. What Foucault changes about his archaeological analysis in *The Discourse on Language* is his

¹⁸ Ibid., 53-54.

¹⁹ Dreyfus, Rainbow, and Foucault, *Beyond Structuralism and Hermeneutics*, 100.

view of the autonomy of discourse. His hypothesis in that lecture is that “in every society the production of discourse is at once controlled, selected, organized and redistributed according to a certain number of procedures.”²⁰ Key here is that Foucault is connecting discourse to a society. No longer is it completely decontextualized; discourse relates to the particular societies where they occur, and this relationship has some role in controlling, selecting, organizing, and redistributing them.

Since his earlier insistence on discourse’s autonomy led him to reject so thoroughly the importance of the subject in discourse analysis, it is no surprise that Foucault re-introduces the subject in *The Discourse on Language*. He does this somewhat cryptically through a discussion of the will to knowledge. The will to knowledge is a basic desire to know, to discover truth—a desire that imposes certain limitations on what can be said or accepted as legitimate, and, therefore, the will to knowledge acts as a system of exclusion. While this will to knowledge is not easy to pinpoint and seems intangible—he described it during his first course as “anonymous and polymorphous”²¹—it is, nevertheless, a will. While this is a far cry from the treatment of practices of the self that Foucault turns to at the end of his career, it is the beginning of an important shift. As Foucault scholar Eric Paras explains:

This move engendered two deformations in the archaeological perspective. It placed historical and geographical limits on what had seemed to be a metahistorical—and hence universally applicable—approach to knowledge. And...it put nondiscursive aspects of knowledge production...squarely on the

²⁰ Foucault, *The Discourse on Language*, 216.

²¹ Michel Foucault, “The Will to Knowledge,” in *Ethics: Subjectivity and Truth*, ed. Paul Rainbow (New York: The New Press, 1997), 12.

research agenda. Discourse was no longer to be treated, even provisionally, in its autonomy.²²

Foucault's notion of archaeology still centered on an exploration of the discontinuities of history and discourse, and the systems of exclusion created by discourse, but he now also made room for materiality, albeit a discursively dominated form of materiality that he called "incorporeal materialism."²³

Foucault's transition away from the notion of autonomous discourse moved further with his publication of an essay titled "Nietzsche, Genealogy, History" (1971). Here, Foucault introduces genealogy, originally used by Friedrich Nietzsche in works like *On the Genealogy of Morals*, as an important methodological tool. Beginning with this essay, Foucault is laying the groundwork for his treatment of bodies in his two larger works from the 1970s, *Discipline and Punish* and *The History of Sexuality*. This essay continues the archaeological themes of discontinuity and the understanding of discourse as a series of events, but incorporates the method of genealogy in a way that has significant consequences for Foucault's understanding of the body.

Part of Nietzsche's genealogical method dealt with a critical delving into the past, a reaching down into human history in order "to demonstrate that the past actively exists in the present, that it continues secretly to animate the present, having imposed a predetermined form to all its vicissitudes."²⁴ Nietzsche's word for this was *Herkunft*,

²² Paras, *Foucault 2.0*, 50.

²³ Foucault, *The Discourse on Language*, 231.

²⁴ Michel Foucault, "Nietzsche, Genealogy, History," in *Language, Counter-Memory, Practice: Selected Essays and Interviews by Michel Foucault*, ed. Donald F. Bouchard (Ithaca, NY: Cornell University Press, 1977), 146.

which Foucault maintains is best understood as *descent*. Foucault believes this genealogical imperative of descent leads inevitably to the body. Descent, he claims, “attaches itself to the body”; it reveals that the body is not something that remains untouched by history, but bears its marks and is comprised of past events:

The body—and everything that touches it: diet, climate, and soil—is the domain of the *Herkunft*. The body manifests the stigmata of past experience and also gives rise to desires, failings, and errors. . . . The body is the inscribed surface of events (traced by language and dissolved by ideas), the locus of a dissociated Self (adopting the illusion of a substantial unity), and a volume in perpetual disintegration. Genealogy, as an analysis of descent, is thus situated within the articulation of the body and history. Its task is to expose a body totally imprinted by history and the process of history’s destruction of the body.²⁵

This passage about the body was not possible in *The Archaeology of Knowledge*, because Foucault in that work was unwilling to admit any active role for the body. To be sure, the body is discussed in the above quotation primarily as a passive object, receiving the imprint of past events, but it is also active in that it “gives rise” to certain things. Foucault emphasizes this minor, active role of the body at the end of his career, but here he mentions it only peripherally. The body’s passivity, as we shall see, is also emphasized in *Discipline and Punish* and *The History of Sexuality*, but the mere suggestion that the body is not only the passive recipient of a series of discursive events, but also an active agent, is a departure from Foucault’s treatment of the subject and nondiscursive objects in *The Archaeology of Knowledge*.

Foucault also draws on Nietzsche’s assertion that genealogy aims at producing *wirkliche Historie* or “effective history.” Effective history differs from traditional history

²⁵ Ibid., 147-148.

in that its founding assumption is that there are no constants, whereas traditional history posits a natural development in history or narrative of unfolding progress. By rejecting this, effective history continues archaeology's emphasis on discontinuity. This, too, has consequences for the body, for the assumed unity of history is essentially a confidence in the unity and transcendence of the Western "man." Therefore, when this unity is troubled, it reverberates in the individual:

History becomes "effective" to the degree that it introduces discontinuity into our very being—as it divides our emotions, dramatizes our instincts, multiplies our body and sets it against itself. "Effective" history deprives the self of the reassuring stability of life and nature...²⁶

As is now clear, genealogy shares many of the goals or assumptions of archaeology, but, in method, genealogy delves into the material world in a way archaeology does not. For this reason, genealogy allows for a consideration of strategies, and the genealogist is able to hold and actively move toward practical objectives. In fact, this is the point of genealogy. Genealogy, Foucault claims, "allows us to establish a historical knowledge of struggles *and to make use of this knowledge tactically today.*"²⁷ Effective history is an examination of the past with an eye toward changing the present.

Genealogy also leads Foucault to a subject that received little explicit attention in his previous works: power. Archaeology's detached analysis and its assertion that discourse is autonomous seemed to isolate Foucault from a serious discussion of power. With the modern subject disappearing behind the functions of discourse, Foucault's early

²⁶ Ibid., 154.

²⁷ Michel Foucault, "Two Lectures," in *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon (New York: Pantheon Books, 1980), 83. Emphasis added.

description of archaeology ignored or at least greatly minimized the idea that power influences what subjects think, say, and do. The influence of Nietzschean genealogy changed that.

Foucault credited Nietzschean genealogy with establishing a philosophy of power that was neither rooted in nor tied to political theory.²⁸ Nietzsche opened the door for thinking about power outside of the usual scheme of one party ruling over another, and he accomplished this largely through his adoption of what is now called a hermeneutic of suspicion. Nietzsche believed that we place labels on power relations that make them seem something other than what they are, and reserve the label of power for only one exercise of power—the exercise that creates domination.²⁹ Following Nietzsche by rejecting this definition of power as something only always negative, Foucault argues that power is present in all forms of relations; it is ubiquitous.

He began to develop this theory in his courses at the Collège de France in the early 1970s and integrated it into his work *Discipline and Punish*. There, Foucault argues for the omnipresence of power:

This means that these [power] relations go right down into the depths of society, that they are not localized in the relations between the state and its citizens or on the frontier between classes and that they do not merely reproduce, at the level of individuals, bodies, gestures and behaviour, the general form of law or government....Lastly, they are not univocal; they define innumerable points of

²⁸ Michel Foucault, "Prison Talk," in *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon (New York: Pantheon Books, 1980), 53.

²⁹ Friedrich Wilhelm Nietzsche, *The Will to Power*, trans. Walter Arnold Kaufmann and R. J. Hollingdale (New York: Random House, 1967), 407; for a good discussion of Foucault's appropriation of Nietzsche, see Keith Ansell-Pearson, "The Significance of Michel Foucault's Reading of Nietzsche: Power, the Subject, and Political Theory," in *Nietzsche: A Critical Reader*, ed. Peter R. Sedgwick (Oxford, UK: Blackwell Publishers, 1995), 13-30.

confrontation, focuses of instability, each of which has its own risks of conflict, of struggles, and of an at least temporary inversion of the power-relations.³⁰

The negative definition of power—associated with domination—is not adequate because power exists everywhere, whether domination is present or not. Furthermore, the negative definition of power wrongly suggests that for liberation to be achieved, power must simply be removed or overthrown. Foucault rejects this idea, insisting that, while power can repress, it can also produce at the same time. This is the basis for Foucault’s formulation of power/knowledge, “that power produces knowledge...that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.”³¹

The theory of power that emerges from Foucault’s newfound emphasis on genealogy alters how he discusses discourse in relation to the body and the human subject. Whereas his works from the 1960s, culminating in *The Archaeology of Knowledge*, emphasized discourse to the exclusion of the body, his works throughout most of the 1970s incorporate the body more directly. In his two major works from this period, *Discipline and Punish* and *The History of Sexuality*, Foucault holds the body at arm’s length. That is, Foucault discusses how power operating through discourse affects the body and the subject, but does not suggest any significant possibilities of individual bodies or subjects exercising power. He discusses the body and the subject more in these

³⁰ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Pantheon Books, 1977), 27.

³¹ Ibid.

works because of his use of genealogy and the development of his theory of power, but he mostly denies an active role to the body and the subjects despite these methodological tools.

Discipline and Punish is a study of the development of penal systems in the west, and Foucault uses the word “discipline” to describe a particularly modern form of regulatory technologies. He notes that around the seventeenth and eighteenth centuries, torture faded as an acceptable form of criminal punishment because the utility of it was no longer clear. As societies moved toward participatory government (Foucault especially has in mind post-revolutionary France), there was a shift in emphasis from the people as subjects of an absolute sovereign to citizens of a republican society. In the former, punishment was useful in that it subjugated criminals to the authority of the sovereign, restoring the proper order of society. In the wake of the political developments of the eighteenth and nineteenth centuries, however, the individual became a citizen whose responsibility it was to contribute to society, the economy, and, to a lesser degree, governance. Punishment was apt for producing obedient subjects, but not responsible, fruitful citizens. Penal systems changed as a result, and began emphasizing ways to transform criminals into good citizens (both in terms of obedience and economic productivity), and reinsert them into the social body to produce a better society.³² The

³² As Foucault states: "Throughout the eighteenth century...one sees the emergence of a new strategy for the exercise of the power to punish. And 'reform', in the strict sense...was the political or philosophical resumption of this strategy, with its primary objectives: to make of the punishment and repression of illegalities a regular function, coextensive with society; not to punish less, but to punish better...to insert the power to punish more deeply into the social body." See Foucault, *Discipline and Punish*, 81-82.

modern prison was born as the place for such reforms to occur. Foucault refers to the technologies developed to actualize these reforms as discipline.

Discipline reveals a power that operates through various strategies and technologies (both of which occur on a corporeal level, i.e. not on the level of detached discourse) as well as through a heightened discourse about the criminal and criminality. These discursive modalities of power are employed on the body and have effects on the body. Bodies were trained and brought under observation and control in a way that made them docile. A docile body is one that “may be subjected, used, transformed and improved,” with the ultimate goal being to establish “in the body the constricting link between an increased aptitude and an increased domination.”³³ Discipline imposed docility on bodies in the name of political economy. This effect was brought about through a large variety of techniques and strategies that link power directly to the body. Daily routines, forms of physical exercise, methods of observation were calculated to produce the ideal transformation in an individual, i.e. making bodies simultaneously productive and subservient. The “technologies of the body” that emerged from the penal reforms could never have been the subject of Foucault’s earlier works, driven by archaeological abstraction. Foucault’s discussion of technologies of the body shows that he was interested in how power affects individuals in society. But this research program did not discuss power in its manifold operations, only the expression of power as domination.

Foucault further develops his theory of power in his next major work, *The History*

³³ Ibid., 136 and 138.

of Sexuality. As we shall see, however, his discussion of subjects and bodies still treats them mostly as docile recipients of repressive power. The few times in this book that Foucault gives individuals an active role, he describes them as active participants in their own repression, duped by power's ruse. Before we delve into what this ruse is and how it occurs, though, we must explore Foucault's more mature articulation of power, as well as his understanding of sexuality.

Foucault had already noted in *Discipline and Punish* that all relationships contain power relations. In *The History of Sexuality*, though, he delineates the implications of this statement. Power, Foucault claims, is multiplicitous. It does not emerge from one, monolithic source.

The omnipresence of power: not because it has the privilege of consolidating everything under its invincible unity, but because it is produced from one moment to the next, at every point, or rather in every relation from point to another. Power is everywhere; not because it embraces everything, but because it comes from everywhere.³⁴

If power did not come from everywhere, if it came from a singular source (government, church, etc.) and exerted dominance over all others, then the potential for a total overthrow of oppressive forces would be possible. The source of oppression could be clearly identified and strategies of resistance could be formed and enacted. Within a Foucaultian notion of power, however, oppression is more elusive and reasserts itself at one point while being subverted at another. The concomitant operations of oppression and subversion are made possible by this theory of power because, like oppression, resistance is a form of power as well. Thus, Foucault asserts that "resistance is never in a

³⁴ Foucault, *The History of Sexuality*, 93.

position of exteriority in relation to power.”³⁵ The expression of power, then, creates matrices of oppression and subversion.

The History of Sexuality is an exploration of how the body becomes the site for a deployment of regulatory power, what he calls bio-power.³⁶ Foucault demonstrates one way that bio-power operates when he analyzes and rejects what is called the repressive hypothesis. Foucault examines sexuality much as he examined punishment in his previous book. As a result, Foucault starts with a radical assumption: sexuality is a historically constructed concept.³⁷ There had certainly been scholars in the past who argued for the constructed quality of gender,³⁸ but sex and sexuality had most often been left as a part of nature, something that remained historically constant. Foucault’s claim allows an entirely different sort of analysis of human sexuality. Sexuality, as Foucault defines it, is a way of interpreting, organizing, and regulating sexual desires, anatomy, and acts—not an aspect of personhood that has inherent characteristics. It is important to note that the form of sexuality that Foucault is describing is a modern one, its origins dating back to the eighteenth century. Foucault finds that modern sexuality has often been discussed only in terms of repression, that Victorian society in the West has imposed a prudish silence on sex, and that we are basically sexually oppressed as a people.

³⁵ Ibid., 95.

³⁶ Ibid., 140-143.

³⁷ Ibid., 105.

³⁸ For example, Simone de Beauvoir famously claimed that "one is not born, but rather becomes, a woman" in 1949. See de Beauvoir, *The Second Sex*, trans. H. M. Parshley (New York: Vintage, 1989), 267.

It is this perception of Victorian repression—the repressive hypothesis—that Foucault investigates with his Nietzschean cynicism. He claims that the Victorian repression of sexuality is a façade that becomes exposed as such in light of what Foucault terms the “incitement to discourse.” It is true that, in the Victorian era, certain words were deemed inappropriate to utter and the boundaries of discretion were rigorously defined. Despite this restriction, however, Foucault detects a “veritable discursive explosion”³⁹ concerning sex during this same period. While talking about sex became improper in many contexts, it became not only acceptable, but imperative in many others. “This is the essential thing,” Foucault states, “that Western man has been drawn for three centuries to the task of telling everything concerning his sex.”⁴⁰

The development of this telling, the expansion of sexual discourse, is easy to trace in light of what has already been said about disciplinary discourse. The fascination with observing prisoners, studying them, finding the delinquent lurking behind the criminal act, parallels the development of sexual discourse. Sexual acts became merely physical manifestations of something deeper, more profound, and around this underlying cause of sex emerged a discourse seeking to uncover the “truth” concerning sex. To uncover it, though, people had to have a motivation for disclosing the details of their sexual selves. And so speech about sex was linked to a notion of progress through an increase in knowledge. Foucault finds the origin of this connection in the Christian practice of confession, which we will learn more about later, but for now it suffices to note that

³⁹ Foucault, *The History of Sexuality*, 17.

⁴⁰ *Ibid.*, 23.

sharing the intimate knowledge of one's sex life was associated with a project of diagnosing and treating "aberrant" sexualities in the name of promoting healthy (i.e. "normal") sexuality. In this process, Foucault speaks of individuals as active agents, not just docile bodies. The individual speaks from his own experience, tells his own story, and makes an active contribution. But here, the individual has been inveigled into contributing to his own repression. The incitement to discourse is a mechanism of a power that aims to normalize the population, and the subject appears active only insofar as he is actively complicit in his own subjection. Normalizing power, Foucault argues, is so effective at hiding its mechanisms that we do not know when we are affected by it. This is the overall point of the book. We think sex was repressed in the Victorian era, but sexual repression diminishes the more we discuss sex openly, the more we deploy sexual discourse. With his concluding sentence, Foucault asserts that thinking this way is naïve: "The irony of this deployment is in having us believe that our 'liberation' is in the balance."⁴¹

Therefore, even as he presents his most mature articulation of power, Foucault cannot escape his own tendency to limit the agency of the subject; power remains personified as a negative entity, tricking us into thinking we are working toward our liberation when we speak of sex. After the 1976 publication of *The History of Sexuality*, though, we see a shift in Foucault's emphasis and tone. His work in *Discipline and Punish* and *The History of Sexuality* dealt with the strategies of power, but always from the perspective of institutional or governmental discourse. For the remainder of his

⁴¹ Ibid., 159.

career, he took interest in the techniques that individuals used to understand and express themselves.

To be sure, the influence of discourse remained, but Foucault now asked how individuals interacted with the discourses that have such a large influence on their lives. Eric Paras summarizes this change in Foucault's treatment of the subject: "The individual, no longer seen as the pure product of mechanisms of domination, appears as the complex result of an interaction between outside coercion and techniques of the self."⁴² The individual in Foucault's last works, then, is an integration of the autonomous self of modern philosophy and the produced subject of postmodernity. This view emerges in Foucault's lectures at the Collège de France, as well as in interviews. It was so significant a development in his thought that Foucault decided to completely reorganize his project on the history of sexuality. The introduction to volume two, *The Use of Pleasure* (1984), outlines his theoretical and methodological changes. These writings complete Foucault's movement from the abstract and immaterial nature of archaeological analysis to the practical, bodily character of genealogy. This is not to say that Foucault abandoned the former at the end of his life. As we shall see, he integrates the strengths of archaeology into genealogy.

In the introduction to *The Use of Pleasure*, Foucault admits that he ran into several problems in his initial attempts to move forward from volume one, and his troubles revolve around the use of archaeology and genealogy in his research. He lists three axes that structure his investigation of modern sexuality: "(1) the formation of

⁴² Paras, *Foucault 2.0*, 94.

sciences (*savoir*) that refer to it, (2) the systems of power that regulate its practice, (3) the forms within which individuals are able, are obliged, to recognize themselves as subjects of this sexuality.”⁴³ In some ways, these axes illustrate the different contributions that archaeology and genealogy make in Foucault’s work.

The first axis is firmly rooted in the archaeological analysis that drove his works from the 1960s. Foucault discusses power in *Discipline and Punish* and *The History of Sexuality* as it emerges from discourse and influences the body and subject, and so the second axis connects the projects of archaeology and genealogy. The last axis is one that Foucault had not explored in depth up to this point in his career, and it became the thing that he would focus on until his death in 1984. It also shows the degree to which his thought had developed since his earliest publications. The third axis required Foucault “to look for the forms and modalities of the relation to self by which the individual constitutes and recognizes himself *qua* subject.”⁴⁴ This quotation reveals a marked difference in how Foucault theorized the self. The self that Foucault began to study after the publication of *The History of Sexuality* is one that is neither purely passive nor active only through complicity (conscious or unconscious). Foucault now speaks of the self as a full-fledged agent seeking to understand and articulate itself *within* the discourses and power relations that seek to define and normalize it. Foucault states this best in an interview shortly before his death: “Thought is freedom in relation to what one does, the motion by which one detaches oneself from it, establishes it as an object, and reflects on

⁴³ Michel Foucault, *The History of Sexuality, Volume 2: The Use of Pleasure*, trans. Robert Hurley (New York: Vintage Books, 1990), 4.

⁴⁴ *Ibid.*, 6.

it as a problem.”⁴⁵ Individuals have the ability to recognize themselves *qua* subjects of discourse, and then can problematize that discourse.

Foucault’s reformulated project on the history of sexuality is an attempt to see how this process had been done in different historical periods. He conducts this study by integrating archaeology and genealogy in a way that is particularly important for my dissertation. He centers his revamped history of sexuality on “the desiring subject” and how individuals practice a “hermeneutics of desire” as they seek to understand themselves as sexual subjects.⁴⁶ While this approach does not dismiss the notion of bio-power as described in *The History of Sexuality*, it does, to some degree, reverse the direction of investigation. Rather than interpreting individuals primarily through the structural discourses which individuals inhabit, he asks what individuals do with those discourses, what practices—discursive and non-discursive—individuals develop to decipher their own sexual subjectivity. Foucault also makes an important connection between this process of understanding oneself as a subject of sexual desire and discovering in that desire “the truth of their being.”⁴⁷ This connection will be explored below in the discussion of confession, but, for now, it is important to note that Foucault believes there is more at stake than understanding different historical constructions of desire. Foucault believes he is analyzing a—perhaps *the*—fundamental element in the history of subjectivity in the West.

⁴⁵ Michel Foucault, “Polemics, Politics, and Problematizations: An Interview with Michel Foucault,” in *Ethics: Subjectivity and Truth*, ed. Paul Rainbow (New York: The New Press, 1997), 117.

⁴⁶ Foucault, *The Use of Pleasure*, 5.

⁴⁷ *Ibid.*

Foucault believes the hermeneutics of desire is best uncovered through a combination of archaeological and genealogical analyses. He states, “this analysis of desiring man is situated at the point where an archaeology of problematizations and a genealogy of practices of the self intersect.”⁴⁸ We have made sexual desire a problem in different ways across time, and, through archaeology, Foucault proposes to isolate them in order to “problematize” them by introducing discontinuity into a narrative of sex that is often treated as transhistorical. Details are presented for analysis that remained hidden under the hegemony of meta-narrative. The archaeological analysis of these forms is complemented by a genealogical examination of the techniques and practices through which individuals subjected themselves to moral standards or, sometimes, sought to reform or resist moral standards.

In short, Foucault’s final publications, *The Use of Pleasure* and *The Care of the Self* (1984), were exercises in analyzing the effects of society-wide discourses in conjunction with the efforts of individuals to fashion for themselves an existence that bears more than just the imprints of those discourses. Behind this project was Foucault’s desire to create modes of resistance to various forms of repression. This process must begin by understanding that we are embroiled in discourses that form our subjectivity in fundamental ways. The individual, however, is able to make use of power for his or her own purposes. And it is through developing techniques and practices of resistance within these discourses (for we cannot simply step outside of them) that we can create lives of meaning and beauty. As he said in a lecture from 1974, “We are subjected to the

⁴⁸ Ibid., 13.

production of truth through power and we cannot exercise power except through the production of truth.”⁴⁹ The subject may only emerge as a production of discourses beyond the individual’s control, but the self emerges in Foucault’s later works as the creation of an individual who uses power to produce one’s own truth. To return to the dichotomy of self and subject that I presented at the start of this chapter, Foucault at the end of his career showed that he had not jettisoned the self in the process of describing individuals as products of power relations and disciplinary discourse. The individual contains elements of both, and only by understanding the nature of one’s subjectivation can one seek to emerge from it.

My dissertation seeks to do something very similar by focusing on how Protestant discourses about homosexuality have constructed an oppressive form of gay and lesbian sexual subjectivity. We live in a society defined by heterosexism, and the church policies examined are local expressions of that. They create the context in which gays and lesbians are asked to decipher themselves as sexual subjects; they define the relationship that a homosexual should have toward his or her own body. A diversity of responses has emerged from this context: celibacy, the closet, open resistance. Many different paths to fashioning oneself as a moral subject in the shadow of the label “incompatible.” Some of these paths promote the abundant life to which Christians are called, and some do not. All, however, grapple with a church that seeks to make homosexuality invisible. Foucault’s project is not without its flaws, but it does provide the tools for analyzing the harmful effects of this situation and evaluating the best response. However, beyond his

⁴⁹ Foucault, “Two Lectures,” 93.

methodological framework, Foucault offers observations that are particularly germane for my project. If his methodology can be likened to a toolbox, we turn now to two specific tools found within it.

Prohibition and the Production of Individuals

At the start of this chapter, I mentioned that the prohibitions against practicing gay and lesbian clergy function in at least two ways. The first is through direct exclusion, and is enforced by an ecclesial judicial system. The second is by producing the homosexual subject it claims merely to describe. This operation is possible because, to a large degree, an image of the homosexual subject already exists in society as a whole, and so the church policies are able to rely on the acceptance of certain homosexual tropes. More than that, though, this operation is enacted by an increase in localized (i.e. intra-denominational) dialogues about homosexuality. Foucault provides an illustration of how such discourses can produce individuals in *Discipline and Punish*.

We have already discussed how modern discipline creates docile bodies, but the effects of discipline are more fundamental than the outward appearance of docility. Foucault also argues that discipline shapes the fundamental constitution of individuals. The goal is not simply to direct the actions of individuals, but to change their desires and dispositions. “Discipline makes individuals,” Foucault states. “It is the specific technique of a power that regards individuals both as objects and as instruments of its exercise.”⁵⁰ Foucault believes discipline so deeply affects the constitution of individuals that he claims the study of penal discipline belongs to a genealogy of the modern soul.

⁵⁰ Foucault, *Discipline and Punish*, 170.

By “soul,” he does not mean the transcendent or immortal element of the human person.

For Foucault, the soul is a historical construct:

This real, noncorporeal soul is not a substance; it is the element in which are articulated the effects of a certain type of power and the reference of a certain type of knowledge, the machinery by which the power relations give rise to a possible corpus of knowledge, and knowledge extends and reinforces the effects of this power. On this reality-reference, various concepts have been constructed and domains of analysis carved out: psyche, subjectivity, personality, consciousness, etc....The man described for us, whom we are invited to free, is already in himself the effect of a subjection much more profound than himself. A ‘soul’ inhabits him and brings him to existence, which is itself a factor in the mastery that power exercises over the body. The soul is the effect and instrument of a political anatomy; the soul is the prison of the body.⁵¹

This is an incredibly broad claim, that disciplinary power has formed the modern soul.

Foucault makes clear that the effects of discipline reach far beyond the walls of the modern prison. We live in a disciplinary society—what Foucault calls the carceral archipelago—where the effects of discipline have been transmitted into the entire social body.⁵²

It is ironic, then, that Foucault finds one of the basic techniques of discipline to be an intense process of individualization. By this, Foucault means that discipline works by setting the individual apart as something to know and categorize. To study the individual is to observe and examine it so that the increased knowledge of the individual may lead to better strategies and technologies of reform. This is what Foucault means when he writes, “In becoming the target for new mechanisms of power, the body is offered up to

⁵¹ Ibid., 29-30.

⁵² Ibid., 297.

new forms of knowledge.”⁵³ The criminal in the modern prison is a classic example of this. As prison reforms were implemented, an entirely new field of sciences emerged to study inmates. These discourses were not interested in the specific act for which the prisoner was incarcerated. Rather, they were interested in his life and his character: What was it about his soul that made him commit a crime? The result of these discourses was the creation of an identity based upon criminal dispositions deep within the individual—the delinquent. Foucault explains:

Behind the offender, to whom the investigation of the facts may attribute responsibility for an offence, stands the delinquent whose slow formation is shown in a biographical investigation. The introduction of the ‘biographical’ is important in the history of penalty. Because it establishes the ‘criminal’ as existing before the crime and even outside it. And for this reason, a psychological causality, duplicating the juridical attribution of responsibility, confuses its effects.⁵⁴

Criminology claimed to have identified the soul of the offender: the delinquent. What Foucault’s analysis points out, however, is that the “discovery” of the delinquent is actually an illustration of the productive power of discourse. The delinquent was not discovered after all; he was constructed by scientific discourses motivated by a will to knowledge—knowledge of the incarcerated.

The disciplinary regime that gave rise to the production of the delinquent employed three basic operations in its study of inmates: hierarchical observation,

⁵³ Ibid., 155.

⁵⁴ Ibid., 252.

normalization, and examination.⁵⁵ These methods highlight the individualization that disciplinary power brings about. Normalization, for example, may at first be understood as something that homogenizes society. This may be the overarching goal, but it operates in the interim by dividing the population, individualizing those who do not fit into the norm, and offering these individuals up to intense study and scrutiny. Based on this division, “abnormal” individuals are subjected to examination. These examinations further individualize their subjects. Groups must be parsed, classifications created, conditions diagnosed, and treatments prescribed. In all of this process, it is important to remember that the “normal” are not subjected to the same inspection. Instead, disciplinary discourse treated “normal” persons, which, in this case, means law-abiding citizens, as a control group, that to which the incarcerated must be compared. As Foucault points out, this pattern suggests that individualization operates in a “descending” manner. Foucault elaborates:

In a system of discipline, the child is more individualized than the adult, the patient more than the healthy man, the madman and the delinquent more than the normal and the non-delinquent. In each case, it is towards the first of these pairs that all the individualizing mechanisms are turned in our civilization; and when one wishes to individualize the healthy, the normal and law-abiding adult, it is always by asking him how much of the child he has in him, what secret madness lies within him, what fundamental crime he has dreamt of committing.⁵⁶

It is the less powerful that are individualized in society, set apart for examination.

In *The History of Sexuality*, Foucault adds to this list the homosexual and the

⁵⁵ Chris Scharen has discussed these three instruments together with Max Weber's theory of bureaucracy in an analysis of the ELCA candidacy process. See Scharen, *Married in the Sight of God: Theology, Ethics, and Church Debates Over Homosexuality* (Lanham, MD: University Press of America, 2000).

⁵⁶ Foucault, *Discipline and Punish*, 193.

heterosexual, and describes how the homosexual has been individualized by medical and sexual discourse. He notes that modern discourse on sexuality took heterosexual monogamy as its norm and sought to reinforce it. He bases this on the fact that heterosexuality seems immune from examination: “the legitimate couple, with its regular sexuality, had a right to more discretion. It tended to function as a norm, one that was stricter, perhaps, but quieter.”⁵⁷ Sexual expressions or activity that disrupt the heterosexual couple, then, become the subjects of intense scrutiny, and so the group that came to be scrutinized the most and for the longest period of time is the one that appeared to the professional observers of the nineteenth century as the opposite of heterosexuality. This led to what Foucault describes as “an *incorporation of perversions* and a new *specification of individuals*.”⁵⁸ The homosexual in medical discourse—just like the delinquent in criminological discourse—was defined less by actions and more by inner dispositions:

As defined by the ancient civil or canonical codes, sodomy was a category of forbidden acts; their perpetrator was nothing more than the juridical subject of them. The nineteenth-century homosexual became a personage, a past, a case history, and a childhood....Nothing that went into his total composition was unaffected by his sexuality. It was everywhere present in him: at the root of all his actions because it was their insidious and indefinitely active principle...it was consubstantial with him, less as a habitual sin than as a singular nature. We must not forget that the psychological, psychiatric, medical category of homosexuality was constituted from the moment it was characterized...less by a type of sexual relations than by a certain quality of sexual sensibility, a certain way of inverting the masculine and the feminine in oneself. Homosexuality appeared as one of the forms of sexuality when it was transposed from the practice of sodomy onto a kind of interior androgyny, a hermaphroditism of the soul. The sodomite had been

⁵⁷ Foucault, *The History of Sexuality*, 38.

⁵⁸ *Ibid.*, 42-43.

a temporary aberration; the homosexual was now a species.⁵⁹

With the advent of nineteenth century sexology, Foucault detects a sea change in how same-sex acts and desire have been understood and constructed.

This passage has received much attention over the years, and its appropriators have been as fervent as its critics. The dominant interpretation, as noted by David M. Halperin, has been that Foucault is establishing a temporal line of demarcation: prior to the nineteenth century sex was thought of only in terms of acts and since that time sex has come to represent something fundamental about one's identity.⁶⁰ Halperin suggests that Foucault's passage does not foreclose the possibility of multiple historical connections between sex and identity across different eras of Western civilization, but scholars have interpreted it that way because they mistake Foucault's claim for an historical assertion, when it should be understood as an example of discursive analysis.⁶¹ Foucault is providing an example of how power operates through discourse in ways that are productive, not simply negative or prohibitory. Abnormal sexualities were implicitly prohibited by the very fact that they were labeled abnormal, but this was not power's primary mode of operation. Rather, the discursive mechanisms of power worked by increasing the visibility of these new perversions and requiring that they be implanted

⁵⁹ Ibid., 43.

⁶⁰ David M. Halperin, "Forgetting Foucault: Acts, Identities, and the History of Sexuality," *Representations* 63 (Summer 1998): 95; Mark D. Jordan challenges Foucault's historical claim by exploring medieval discussions of sodomy, showing that the sodomite had taken on a kind of character or identity within Christian penitentials. He corrects Foucault, stating that "the idea that same-sex pleasure constitutes an identity of some kind is clearly the work of medieval theology, not of nineteenth-century forensic medicine." See Jordan, *The Invention of Sodomy in Christian Theology* (Chicago: University of Chicago Press, 1997), 163-164.

⁶¹ Halperin, "Forgetting Foucault," 111.

into bodies, incorporated into individuals. The difference between these two modes of power is that prohibition is not concerned with details. It operates through law, which is announced from afar. This new manifestation of power probes every facet of the individual, and, thereby, exerts its normalizing influence through an intimate connection with the species it has invented. Foucault refers to this operation of power as an “instrument-effect” because the power effects the very thing its instruments seek to regulate.⁶² Halperin summarizes Foucault’s description of this new manifestation of power as “the historical triumph of normalization over law.”⁶³

It is important to place Halperin’s quote in context by considering what Foucault has in mind when he discusses “the law,” for it would seem that he places normalization and prohibition at odds with one another. Were this true, it would obviously cause problems for my analysis, which deals with the prohibition of homosexual practice. Foucault’s notion that power vis-à-vis normalization has eclipsed power vis-à-vis the law is rooted in a historical period, when the category of homosexual was just coming into existence, and homosexuality as a sexual orientation had yet to gain traction in society. To speak of homosexuality as repressed by the law during Foucault’s period of analysis is anachronistic, for, as Foucault scholar Didier Eribon notes, “to speak of repression is to imagine that whatever reality is repressed...would have preexisted whatever discourse seized on it in order to pick away at it or prohibit it.”⁶⁴ The prohibitive language I

⁶² Foucault, *The History of Sexuality*, 48.

⁶³ Halperin, “Forgetting Foucault,” 99.

⁶⁴ Didier Eribon, *Insult and the Making of the Gay Self*, trans. Michael Lucey (Durham, NC: Duke University Press, 2004), 278.

analyze takes the concept of sexual orientation as a given. In this context, prohibition of homosexual “practice” does not work separately from normalization, but in conjunction with it. The details of homosexual existence that Halperin suggests are overlooked by law in the nineteenth century are enveloped in the language of “practice.”

The irony is that in order to normalize aberrant sexualities, the medical discourses of the late nineteenth century actually gave them a kind of permanent reality that they did not have before. By inscribing these “perversions” into embodied subjects and establishing them as a species, medical discourses unknowingly created the conditions for resistance. Foucault does not trace this development in his introductory work, but the “homosexual species” (the object subject of medical examination) gave way to an identity that opposes the heteronormative assumptions of its invention and provides the foundation for a movement of social and political resistance, a fact that supports Foucault’s claim that oppression and resistance are inextricably linked.

Confession, Avowal, and the “Truth” of Sexuality

Foucault’s discussion of individualization as a mechanism that produces subjects for the purpose of regulation and normalization is an important tool in my analysis. A second tool that stands out from Foucault’s work is his theory about the function of Christian confession in the formation of subjectivity in the West. As stated earlier, in *The History of Sexuality*, Foucault rejects the repressive hypothesis by describing what he calls an “incitement to discourse” and links this “discursive explosion” to the obligation to speak the truth concerning sex. Foucault claims that the origins of this obligation lie in the Christian practice of confession, and this assertion has implications for how the

language of avowal functions within prohibitions of homosexual ordination.

Foucault argues that there have been two ways that societies have produced the “truth of sex.” One is *ars erotica*, which he associates with eastern societies. Here sex is treated as an erotic art that links truth to pleasure. Sexual pleasure is experienced not as part of a moral law but on its own terms. Pleasure signifies only itself, and the truth found in it is passed down by one who has mastered the art. The art is esoteric, to be sure, for an indulgence in the secrets of pleasure cheapens it; pleasure is more intense when kept in reserve, its truth held and shared secretly. But Foucault does not find any evidence for this form of sexual truth production in the West. Instead, he finds a different system, a *scientia sexualis*. This procedure for producing truth about sex also relies on secrecy, but in a very different way. The secrets of sexual pleasure are not to be learned from a master, but confessed to a priest. According to Foucault, the confession—the injunction to tell everything one thinks, desires and does—is at the heart of the West’s procedures for producing the truth, not just of sex, but truth in general. “The confession has spread its affects far and wide....Western man has become a confessing animal.”⁶⁵

Confession functions by transforming acts labeled sinful into discourse. A key development in the practice of confession was an increasing importance, not just on confessing acts committed, but also the thoughts and desires behind them.⁶⁶ Everything

⁶⁵ Foucault, *The History of Sexuality*, 59. Bob Plant questions Foucault's notion that we have become confessing animals, relying on Wittgenstein's discussion of prelinguistic behavior to suggest that it is more accurate to say we have not become, but always were, such animals. See Plant, “The Confessing Animal in Foucault and Wittgenstein,” *Journal of Religious Ethics* 34, no. 4 (2006): 533-559.

⁶⁶ Foucault's discussion of the history of confession has been called into question. Pierre Payer, for example, has suggested that Foucault places too much importance on the Fourth Lateran Council and the Council of Trent, and thinks that Foucault should have emphasized the role of early monastic asceticism.

impacting one's state of purity had to be told; acts were only external manifestations of the more significant inner-stirrings. (We have seen a similar observation in Foucault's analysis of the modern prison.) This emphasis, and the discourse it generated, had an impact on the Christian—and Western—approach to sex:

Discourse, therefore, had to trace the meeting line of the body and the soul, following all its meanderings: beneath the surface of the sins, it would lay bare the unbroken nervure of the flesh. Under the authority of a language that had been carefully expurgated so that it was no longer directly named, sex was taken charge of, tracked down as it were, by a discourse that aimed to allow it no obscurity, no respite.⁶⁷

And the goal of this “taking charge of sex” was not simply to hear about people's desires, but to transform them under the guidance of the confessor.

Confession reverberates far beyond the institutional church. Just as Foucault posited the emergence of a carceral archipelago in *Discipline and Punish*, he sees confessional discourse permeating all facets of Western society.⁶⁸ In fact, it is so ingrained that we no longer recognize the origins of our desire to confess. Foucault writes:

Payer bases his comments on Foucault's *The History of Sexuality* but overlooks the fact Foucault does emphasize earlier Christian sources in interviews, essays, and course lectures at the College de France. For Payer's appraisal, see “Foucault on Penance and the Shaping of Sexuality,” in *Que(e)rying Religion: A Critical Anthology*, ed. Gary David Comstock and Susan E. Henking (New York: Continuum, 1997), 130-137.

⁶⁷ Foucault, *The History of Sexuality*, 20.

⁶⁸ Foucault states: "It is, I think, an absolutely crucial moment in the history of subjectivity in the West, or in the relations between subjectivity and truth when the task and obligation of truth-telling about oneself is inserted within the procedure indispensable for salvation, within techniques of the development and transformation of the subject by himself, and within pastoral institutions." See Foucault, *The Hermeneutics of the Subject: Lectures at the College de France 1981-82*, ed. Frederic Gros and Arnold I. Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2005), 363-364; However, it should be noted that Foucault viewed Freudian psychoanalysis as the main inheritor of confessional practice outside the institutional church. See Foucault, *The History of Sexuality*, 56.

The obligation to confess is now relayed through so many different points, is so deeply ingrained in us, that we no longer perceive it as the effect of a power that constrains us; on the contrary, it seems to us that truth, lodged in our most secret nature, “demands” only to surface....Confession frees, but power reduces one to silence; truth does not belong to the order of power, but shares an original affinity with freedom...⁶⁹

We must be careful to note that Foucault is assuming the voice of those who have been duped by the “internal ruse of confession.”⁷⁰ Not only do we desire to confess without knowing why, but, Foucault argues, we mistakenly believe that liberation is achieved through that process. Modern man, the “confessing animal,” associates truth with the act of confession and sees power as that which inhibits the surfacing of truth.

The *scientia sexualis* makes confession necessary if one is to know, to discover the truth about oneself. In *The History of Sexuality*, Foucault provides an introduction to this idea. He intended to elaborate upon it in a volume “Confessions of the Flesh,” which was near completion at the time of his death, but his will ordered the unfinished manuscript be destroyed. However, we do have significant interviews and materials from the courses he taught at the Collège de France which provide the crux of his concern with confession. Confession is predicated on the notion of sin, that certain acts are prohibited. Thus the essential difference between *ars erotica* and *scientia sexualis*: the former is based on method, the mastering of sexual techniques, while the latter is based on rules and operates through the internalization of those rules. What Foucault found troubling, then, is that within confession there was a relationship between sexual prohibition and the

⁶⁹ Foucault, *The History of Sexuality*, 60.

⁷⁰ Ibid.

truth of sex. In order to discover the truth of oneself, one had to acknowledge the legitimacy of prohibition and define oneself in relationship to it. The constitution of sexuality in the West, Foucault argues, is produced by this troubling relationship:

“...sexuality is related in a strange and complex way both to verbal prohibition and to the obligation to tell the truth, of hiding what one does and of deciphering who one is.”⁷¹

Truth through renouncing the flesh, which Foucault roots in ancient Christian asceticism, became for Christianity the central technology of the self, i.e. how one makes sense of oneself. Foucault believes that Christians (and Westerners more generally) find themselves in a cycle of self-discovery and renunciation:

The more we discover the truth about ourselves, the more we must renounce ourselves; and the more we want to renounce ourselves, the more we need to bring to light the reality of ourselves. That is what we would call the spiral of truth formulation and reality renouncement which is at the heart of Christian techniques of the self.⁷²

In light of this cycle, what Foucault also describes as “the link between the obligation to tell the truth and the prohibitions weighing on sexuality,” he framed his investigation of Christianity around one question, “How had the subject been compelled to decipher himself in regard to what was forbidden?”⁷³ This question must be placed in the context of his reformulated project on the history of sexuality. In other words, how did this relationship between sexual prohibition and the truth of oneself contribute to a uniquely

⁷¹ Michel Foucault, “Technologies of the Self,” in *Ethics: Subjectivity and Truth*, ed. Paul Rainbow (New York: The New Press, 1997), 223.

⁷² Michel Foucault, “Sexuality and Solitude,” in *Ethics: Subjectivity and Truth*, ed. Paul Rainbow (New York: The New Press, 1997), 178.

⁷³ Foucault, “Technologies of the Self,” 224.

Christian “hermeneutics of desire,” a uniquely Christian configuration of sexuality as a domain of moral experience?

This question is of key importance for my analysis. Foucault, by discussing confession in these terms, makes a fundamental connection between the terms “practice” and “avowal.” In the heterosexist milieu of contemporary society and church, “practice” has emerged as the language that codifies the prohibition of gay and lesbian sexual expression, and “avowal” demands that gays and lesbians define themselves in relationship to it. Furthermore, this prohibition is all the more potent because it has become more visible as prohibitions or taboos relating to heterosexual “practice” have eroded. Protestant denominations have been describing (hetero)sexuality in language that is increasingly positive and affirming over the past several decades, while at the same time publicly labeling homosexuality as incompatible with Christian teaching. The phrase “self-avowed practicing homosexual,” then, is a complex summation of different operations of power. On the one hand, “practice” enforces a moral definition of homosexuality that individualizes gays and lesbians as objects to be analyzed and subjected to discipline. Within a dimorphic structure of sexual orientation, the law functions as a tool of normalization, seeking to hide homosexuality by prohibiting the practices that would make it visible. On the other hand, “avowal” demands that those gays and lesbians who refuse to remain invisible define themselves according to a prohibition that embodies a suspicion of their sexual subjectivity. The overall effect is similar to what Foucault describes as psychagogy, a term that he distinguishes from pedagogy. Psychagogy is “the transmission of a truth whose function is not to endow any

subject whomsoever with abilities, etcetera, [that is pedagogy] but whose function is to modify the mode of being of subject to whom we address ourselves." This psychagogic modification of the subject is achieved not through a recognition of the divine within oneself, but through a continual and fundamental suspicion of oneself.⁷⁴ The language of avowal stipulates that gays and lesbians ask themselves, "What is the 'truth' of my sexuality?" and that they answer this question within the context of the prohibition of homosexual practice.

Foucault and the Development of Queer Theory

If queer theory has a patron saint, it is Michel Foucault. Foucault's works, especially *The History of Sexuality*, are unquestionably a centerpiece of the queer theory canon, and his life and thought have been chronicled not only by biographers but hagiographers as well.⁷⁵ Beyond Foucault, though, two scholars are viewed as foundational to the discipline for their contributions to the study of gender and sexuality: Eve Kosofsky Sedgwick and Judith Butler. It is not possible here to review the myriad contributions of these scholars or their import for my analysis. Nevertheless, some of their theories must be recognized before proceeding. Broadly speaking, both share Foucault's belief that society and individuals are constructed to some degree by discourse and both conduct analyses of gender and sexuality that are poststructuralist and

⁷⁴ Foucault, *The Hermeneutics of the Subject*, 407-408.

⁷⁵ For an example of the former, see Didier Eribon, *Michel Foucault*, trans. Betsy Wing (Cambridge, MA: Harvard University Press, 1992); for the latter, see David M. Halperin, *Saint Foucault: Towards a Gay Hagiography* (New York: Oxford University Press, 1995). It should be noted that Halperin states--accurately, I think--that Foucault would oppose much of what queer theory has become. By becoming established and institutionalized, it "seems to have forfeited, in this process, much of its political utility." See *Saint Foucault*, 113.

deconstructive in tone. Regarding their specific theories of note, I will confine my comments to the aspects of their work that bear on the two analytical tools that I have discussed from Foucault, the process of individualization and the connection between confession and subjectivity.

Sedgwick's influential book *Epistemology of the Closet* (1990) asserts that "many of the major nodes of thought and knowledge in twentieth century Western culture as a whole are structured—indeed fractured—by a chronic, now endemic crisis of homo/heterosexual definition."⁷⁶ Among the characteristics that Sedgwick finds in the homo/heterosexual definition is a two-fold effect that is contradictory in nature. It is a contradiction "between seeing homo/heterosexual definition on the one hand as an issue of active importance primarily for a small, distinct, relatively fixed homosexual minority (what I refer to as a minoritizing view), and seeing it on the other hand as an issue of continuing, determinative importance in the lives of people across the spectrum of sexualities (what I refer to as a universalizing view)."⁷⁷

The language of sexual orientation, then, at once minoritizes homosexuals as, in Foucault's words, "a species" and yet simultaneously makes the gender of one's object choice a universal hermeneutic of sexual acts. The incoherence of minoritizing and

⁷⁶ Sedgwick, *Epistemology of the Closet*, 1.

⁷⁷ Sedgwick, *Epistemology of the Closet*, 1; These terms minoritizing and universalizing are meant as alternatives to, but not equivalents of, the binary of essentialist and constructivist. Sedgwick feels both terms in the latter binary wrongly seek a cause of homosexuality, though in very different ways, and this project is wrongheaded. She argues that her terms allow an analysis of the same problem without needing any theory of homosexuality (*Epistemology of the Closet*, 40). Regarding such a theory, Sedgwick states elsewhere, "I have none and I want none." See Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* (Durham, NC: Duke University Press, 2003), 61.

universalizing discourses is often hidden by separating them, so that only one is emphasized at a time. But one is never effected by only one at a time. The impact is always a fusion of the two. Sedgwick uses an example from the legal context of the time of the book's publication. On the one hand, the U.S. Supreme Court case *Bowers v. Hardwick* (1986)⁷⁸ allowed states to prohibit acts that they defined as "sodomy," and, on the other hand, a circuit court case used the category "homosexuality" to argue that the homosexual is a person protected under the Equal Protection Clause of the Fourteenth Amendment. As Sedgwick notes, "to be gay in this system is to come under the radically overlapping aegises of a universalizing discourse of acts and a minoritizing discourse of persons...the former of these prohibits what the latter protects."⁷⁹

Sedgwick's exploration of this double-bind can be used to build on Foucault's notion of disciplinary discourses that individualize certain groups, especially in the context of today's prohibitions of homosexual practice. On the one hand, the language of practice claims not to be homophobic or heterosexist because it applies to acts, not orientation, and, as we shall see, several ecclesial courts rely on this (il)logic to claim that the prohibitive language is not discriminatory. On the other hand, the language of practice, in conjunction with the heterosexual definition of marriage, also claims that there is something unique about homosexuality that deserves special attention. Homosexual practice is a *real phenomenon* separate from any other type of sexual practice. Sedgwick's concept of minoritization, then, is akin to Foucault's concept of

⁷⁸ The Supreme Court overturned *Bowers v. Hardwick* in the 2003 case *Lawrence v. Texas*.

⁷⁹ Sedgwick, *Epistemology of the Closet*, 86.

individualization, in that they both describe a process of being set apart in a heterosexual taxonomy of sexual dispositions. Sedgwick's concept of universalization shows how the oppressive force of the former concepts are buttressed by a process that conceals homosexual discrimination within a discourse that claims to bear relevance for all.⁸⁰

Sedgwick also discusses binaries like secrecy/disclosure and public/private that contribute to an analysis of the homosexual closet and the language of avowal. If Foucault provides an important connection between avowal and confession, allowing us to ask how the language demands that gays and lesbians define themselves primarily by a renunciation of their sexualities, then Sedgwick's work allows us to ask how the language imposes a silence on those who refuse to avow, and what the effects this silence has on subjectivity and identity. To be sure, Foucault mentions that silence is a function of discourses, but he does not develop this notion extensively. Sedgwick suggests that the silence of the closet and its ostracism of homosexual expression out of the public realm is perhaps the fundamental element of the homo/heterosexual definition that she interrogates in her works.⁸¹

Judith Butler, who draws on Foucault more extensively than Sedgwick, contributes to an analysis of avowal by directly discussing and expanding Foucault's

⁸⁰ This point is particularly important because, Sedgwick argues, it shows that even discourses that claim to be antihomophobic operate within the minoritizing/universalizing dichotomy. As much as some try to resolve the incoherence of this dichotomy, they only succeed in reifying it. She writes: "A higher *valuation* on the transformative and labile play of desire, a higher *valuation* on gay identity and gay community: neither of these, nor their opposite, often far more potent depreciations, seems to get any purchase on the stranglehold of the available and ruling paradigm-clash." See Sedgwick, *Epistemology of the Closet*, 85-86.

⁸¹ For Foucault's discussion of silence and discourse, see *The History of Sexuality*, 27; for Sedgwick's discussion of silence, privacy, and the closet, see *Epistemology of the Closet*, 3; and *Tendencies* (Durham, NC: Duke University Press, 1994), 10-11.

theory about confession. Her discussion of confession is especially important because she illustrates the ways in which confession is a bodily act and directly impacts the body. She notes that speech, in general, is a bodily act, but “whatever is said not only passes through the body but constitutes a certain presentation of the body” and is “a certain synecdoche of the body.” The guilt implied by the context of a confession, therefore, is felt in the body, has effects on the body. Confession achieves this because “the body that speaks its deed is the same body that did its deed, which means that there is, in the saying a presentation of the body, a bodying forth of the guilt, perhaps, in the saying itself.”⁸²

Butler explores this idea in a different context by discussing the U.S. military policy “Don’t ask, don’t tell.” The policy fuses conduct and status by claiming that homosexual status carries a propensity of conduct, understanding “such status as always culminating in an act.”⁸³ In this way, the confession of homosexual status becomes a confession of homosexual practice. Furthermore, the act of confession—to say, “I am a homosexual”—recognizes the authority of the confessor to define what that status is.

Butler writes:

The term is to remain a term used to describe others, but the term is not to be used by those who might use it for the purpose of self-description....The term ‘homosexual’ thus comes to describe a class of persons who are to remain prohibited from defining themselves; the term is attributed always from elsewhere. And this is, in some ways, the very definition of the homosexual that the military and the Congress provide. A homosexual is one whose definition is to be left to others, one who is denied the act of self-definition with respect to his or her sexuality, one whose self-denial is a prerequisite for military service.⁸⁴

⁸² Judith Butler, *Undoing Gender* (New York: Routledge, 2004), 172-173.

⁸³ Judith Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1997), 106.

⁸⁴ *Ibid.*, 105.

It is this loss of control over one's body and one's self that is most injurious, and, while "Don't ask, don't tell" is not perfectly analogous to the language analyzed in this dissertation, there is a similar suspicion involved and an identical attempt to wrest the definition of homosexuality out of the hands of those being defined as homosexuals.

Of course, all of Butler's arguments move from her theory that gender and sexuality are performative, not innate. Gender is not what one *is*, but what one *does*.⁸⁵ If this is even partially true—and I believe that it is—it begs the question: How can the prohibition of homosexual practice—not a single practice, or a set of practices, but *practice*—do anything but harm gays and lesbians in a fundamental way? After all, the language analyzed here may produce a homosexual subject, but this discursive subject comes into conflict with the ways gays and lesbians understand themselves. That is to say, as gays and lesbians in the church seek to assert self-identities in their public lives, they are forced to confront the fact that the actions by which they assert these identities (or, at least, their sexual identities) are labeled incompatible with their faith and prohibited. While I do not have the space to discuss Butler's theories of performativity and subjectivity at more length⁸⁶, this summary is sufficient to show that Butler

⁸⁵ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 2nd ed. (New York: Routledge, 1999), 33; all of *Gender Trouble* is an exploration of this notion, and her follow-up to it clarifies and elaborates what she means by gender performativity. See *Bodies that Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993).

⁸⁶ I will note that Butler sees the relationship between oppressive power and the assertion of a self in similar terms to that of Foucault. To be sure, Butler is critical of Foucault in a number of ways, but she holds the view that an oppressive power establishes the terms by which individuals articulate themselves as selves. As Butler writes: "The power imposed upon one is the power that animates one's emergence, and there appears to be no 'one' without ambivalence, which is to say that the fictive redoubling necessary to become a self rules out the possibility of strict identity." One way that her view differs from Foucault's is that hers is less optimistic about the freedom of the individual to shape or change the discourses that one inherits, the

articulates a relationship between being and doing—or, for the focus of this dissertation, let us say a relationship between sexual identity and sexual practice—that reveals part of the way these ordination policies inflict or inflicted harm.

The Limits of Foucault for Christian Ethics

For all the contributions he makes to a critique of sexuality, the utility of Foucaultian theory has often been called into question. One serious critique of Foucault revolves around the issue of resistance. As already noted, underlying Foucault's ethics is a desire to resist the forms of normalization that he thinks permeate modern society. And yet, many of Foucault's proponents have criticized him for offering only a weak form of resistance. Edward Said makes this observation, claiming that Foucault's theory of power as complex matrices of relations creates an "unmodulated minimization of resistance."⁸⁷ Even if the power to resist is as ubiquitous as the power to oppress, Foucault seems to suggest that any attempt to organize politically leads to collusion with forces of domination.⁸⁸

In feminist scholarship, this critique has been taken very seriously. Many feminist scholars have found in Foucault's work the tools to distinguish between appeals

discourses that impact how we understand ourselves, when compared to Foucault's view as he expressed it toward the end of his life. See Judith Butler, *The Psychic Life of Power: Theories in Subjection* (Stanford, CA: Stanford University Press, 1997), 198.

⁸⁷ Edward Said, "Foucault and the Imagination of Power," in *Foucault: A Critical Reader*, ed. David Couzens Hoy (Cambridge, MA: Blackwell, 1991), 154.

⁸⁸ Kendall R. Phillips agrees with Said's assessment and notes that this "minimization" became evident in Foucault's failure "to articulate the grounds for a sustained political reform effort." See Phillips, "Spaces of Invention: Dissension, Freedom, and Thought in Foucault," *Philosophy and Rhetoric* 35, no. 4 (2002): 330.

to experience that essentialize women and those that do not,⁸⁹ but many have also recognized the limitations of Foucault for feminist politics. Johanna Oksala, for example, notes that Foucault's inability to offer a traditional route to political resistance is due to his view of the subject and the body. She interprets Foucault's theory of the body as one that—in its most mature representations—starts with an experiential body that is neither a material object nor a purely discursively produced, passive body. Foucault, according to Oksala, puts forth a sexual ethics of bodies and pleasures that works at “the limits of intelligibility” and, thus, “cannot be properly named or described at all.”⁹⁰ Existence at the limits of intelligibility is a form of resistance for Oksala, because it is only here that normative practices and discourses can be contested. However, Oksala recognizes that such an existence is not conducive to large-scale political resistance. It is an embodiment that occurs within the individual and is unable by itself “to rearticulate the cultural meanings of women's experience.”⁹¹

Oksala's recognition of the limits of Foucaultian ethics draws attention to the individualism in Foucault that renders his work by itself incapable of providing the framework for my dissertation. Foucault best defined his own ethics in an interview he

⁸⁹ Joan W. Scott offers a good analysis of the role of experience and favors a Foucaultian approach to experience. She summarizes: "Experience is, in this approach, not the origin of our explanation, but that which we want to explain. This kind of approach does not undercut politics by denying the existence of subjects; it instead interrogates the processes of their creation and, in so doing, refigures history and the role of the historian and opens new ways for thinking about change." See Scott, "The Evidence of Experience," *Critical Inquiry* 17, no. 4 (Summer 1991): 797.

⁹⁰ Johanna Oksala, "Anarchic Bodies: Foucault and the Feminist Question of Experience," *Hypatia* 19, no. 4 (2004): 110; Foucault discusses "bodies and pleasures" at the end of *The History of Sexuality* as an alternative to the current normalizing configuration of human sexuality. See Foucault, *The History of Sexuality*, especially 157-159.

⁹¹ Oksala, "Anarchic Bodies," 113.

gave the final year of his life, and the title given to this interview in its English translation is descriptive of Foucault's ethical framework: "The Ethics of the Concern of the Self as a Practice of Freedom." Here, Foucault stresses that the idea of morality as a law, a code to receive and live by, is in decline, or at least should be.⁹² What he is interested in, rather, is an aesthetics of existence—the creative expression of the self, embodied by what he calls "practices of freedom." This statement is ambiguous, and only receives some clarity when Foucault discusses how practices of freedom might take shape in relation to sexuality. He writes: "With regard to sexuality, it is obvious that it is in liberating our desire that we will learn to conduct ourselves ethically in pleasure relationships with others."⁹³ This emphasis on pleasure had a strong aesthetic component, interpreting life as a work of art, and the goal of the individual is to create or invent oneself with this in mind.

This is not to say that there was no sense of community—or something larger than the individual—in Foucault's thought. As Timothy O'Leary has noted in a summary statement of Foucault's ethics: "That art of freedom, the aesthetics of existence, is the hard-won skill (*techne*) of analyzing, untying and reconstituting the forms of individual *and collective* life which we inherit."⁹⁴ Foucault, then, did intend for the ethical life to be one that reverberated into one's community or society in general. However, this is not

⁹² Foucault here echoes the view of Nietzsche. See especially Friedrich Wilhelm Nietzsche, *On the Genealogy of Morals and Ecco Homo*, trans. Walter Kaufmann (New York: Vintage Books, 1989), 161.

⁹³ Michel Foucault, "The Ethics of the Concern for Self as a Practice of Freedom," in *Ethics: Subjectivity and Truth*, ed. Paul Rainbow (New York: The New Press, 1997), 284; Foucault also speaks of the role of pleasure in an interview titled, "An Ethics of Pleasure," in *Foucault Live: Interviews, 1961-84*, ed. Sylvère Lotringer (New York: Semiotext(e), 1996), 371-381.

⁹⁴ Timothy O'Leary, *Foucault and the Art of Ethics* (London: Continuum, 2002), 170. Emphasis added.

the same as saying that the ethical life is accountable to something larger than oneself.

For Foucault, determining how to create oneself and determining what the beautiful and pleasurable life looks like is rooted entirely in the individual. In fact, Foucault seems suspicious of any power that does not emerge from the individual's quest for meaning.

This dissertation, a project emerging from my commitment to the church, cannot adopt Foucault's ethical individualism. As a critic he is cogent. As an ethicist, he lacks accountability to a community. In the next chapter, I integrate theologies of embodiment into my Foucaultian framework because, rooted in and accountable to the community of the church, it serves as a strong corrective to Foucault's ethical individualism.

CHAPTER THREE

THE BODY AND THE DIVINE

In the previous chapter we explored how the works of Michel Foucault demonstrate the effects that discourse has on the body. The body, Foucault declares, is a site of power—a place where power (discursive and otherwise) is exerted on the body, and a place where the individual can exercise a power of resistance. In what follows, we pair this notion with another—the body as a site of the divine.¹ We will explore the body as a site of the divine through body theology, a corpus of scholarship that takes the critical reflection on embodiment as the starting point for theology and ethics. Body theology explores the connections between the body and the divine, and demonstrates how the designation of the “self-avowed practicing homosexual” harms gays and lesbians in a religious context.

It is compelling to pair body theology with Foucault for several reasons. Obviously, body theology dovetails well with Foucault’s attention to the body. More importantly, though, body theology corrects for the individualism that pervades Foucault’s ethics. Foucault’s ethics lack the capacity to make normative claims on others, and so is insufficient by itself. Body theology is rooted in the concrete

¹ Foucault, no doubt, would object to this inclusion of the divine, but this is where Foucault and I part ways. As a Christian ethicist, my analysis of language is more than a philosophical critique; it is an analysis informed by the Christian faith and offered for the sake of moving the church and its members closer to the abundant life that is the heart of the Gospel.

community of the church, and, thus, one who takes body theology seriously will always be accountable to more than oneself. For the theologian of embodiment, the transformation and liberation of the individual is one goal moving toward the larger goal of transforming and liberating society as a whole. One might argue that body theology is not unique in this; Christian theology and ethics of any kind is ultimately rooted in the church and, therefore, would provide the same corrective to Foucault as body theology. While there is merit to that argument, I would point out that body theology, as we shall see, relates the necessity and importance of community in ways that other theological movements have not, mainly by linking the creation of a just community to the proper understanding of embodiment. And here is where body theology's importance is acute. As Diane L. Prosser MacDonald has noted, Foucault at no point defines "what might constitute healthy, human relatedness."² Body theology does just that.

It should also be noted that, whereas body theology serves as a corrective to the aforementioned flaw in Foucault's ethics, Foucault serves as a corrective to a flaw in the overall attitude that body theology takes toward the body. As we will see, body theologians tend to be incredibly optimistic about one's ability to experience the body as good. They certainly acknowledge power structures that obstruct one's ability to experience the body as good (e.g. patriarchy), but in their efforts to put forward an alternative, positive vision of the body, body theologians are overly confident in the degree to which people may switch one vision of the body for another. Foucault's

² Diane L. Prosser Macdonald, *Transgressive Corporeality: The Body, Poststructuralism, and the Theological Imagination* (Albany, NY: State University of New York Press, 1995), 81.

assessment of the influence of power on the body is more sobering and reminds us that overcoming oppressive views of the body is seldom as easy as choosing a conception of the body that is more appealing. My own view strives to meet somewhere in the middle. A Christian ethic must always hope for personal and social transformation, but a Panglossian worldview distorts our understanding of reality and obstructs meaningful change. Combining Foucault and body theology holds much prospect, then. To summarize this prospect in the context of my analysis, Foucault provides the theoretical underpinnings of how language harms, and body theology demonstrates the shapes that that harm takes in a religious context as well as providing the basis for making normative proposals.

This chapter is divided into five sections. The first explores the intellectual context in which body theology emerged and summarizes its basic objectives. Sections two and three detail two of the major themes present in body theology: the body as the locus of relationality and the body as a source of theological and moral knowledge. These sections should not be viewed as an exhaustive account of the contributions made by theologians of embodiment. Rather, they describe the aspects of body theology that are most germane for my own project, for they show that, by defining the sexual feelings and experiences of gays and lesbians as untrustworthy, the policies studied here restrict the degree to which gays and lesbians are able to contribute to the theology and mission of the church. Section four examines one weakness found in the works of many or most body theologians, namely that body theologians are often overly confident in the ability of an individual to experience one's body as good. Section five concludes the chapter by

suggesting how body theology and the work of Foucault can be integrated into a Christian ethical analysis.

The Origins and Objectives of Body Theology

Before explicating the content of body theology in more detail, it is important to note the milieu in which body theology emerged as well as its primary goals. In many disciplines within the humanities and social sciences during the twentieth century (especially the second half of the twentieth century), scholars have incorporated the everyday experience of individuals into the subject matter and/or methodologies of their respective fields.³ The “cultural turn” in historical studies, for example, emphasized that the study of cultural practices on a micro level was just as crucial an element in the unfolding of human history as major events like wars and political movements.

Christian theology and ethics witnessed a similar development over the course of the twentieth century. There has been a growing recognition among Christian scholars that sources of Christian teaching like scripture and the larger tradition are not sufficient by themselves for making moral judgments today. James Gustafson, for example, has argued that general human experience can serve as a basis for answering ethical questions, and numerous appraisals of the role of experience in Christian ethics have been published in recent decades.⁴ However, the issue of human experience as both an object

³ For a good treatment of this shift in Western intellectual history, see Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1992).

⁴ James M. Gustafson, *Christ and the Moral Life* (Chicago: University of Chicago Press, 1968), 9; Donald L. Gelpi, *The Turn to Experience in Contemporary Theology* (Mahwah, NJ: Paulist Press, 1994); George P. Schner, “The Appeal to Experience,” *Theological Studies* 53, no. 1 (March 1992): 40-59; Margaret A. Farley, “The Role of Experience in Moral Discernment,” in *Christian Ethics: Problems and Prospects*, ed. Lisa Sowle Cahill and James F. Childress (Cleveland, OH: Pilgrim Press, 1996), 134-151; Susan L. Secker,

of study and a component of scholarly method has been addressed most compellingly by liberation theologies. Since the second half of the twentieth century, theological movements have formed around the experience of marginalized groups. Liberation theologies have asserted that it is not enough to include human experience as a factor in theological and ethical method. We must ask whose experience is to be included and prioritized. Movements like black theology, feminist theology, womanist theology, mujerista theology, queer theology, and others highlight the indispensability of human experience in moral deliberation and discernment; and each has, in different ways, dealt with the meaning and nature of the human body, and how oppressive power harms the bodies of the marginalized in distinct ways. To take just one example, Kelly Brown Douglas has shown how white culture, driven by a fear of black sexuality, created images of black women and men (e.g. the Jezebel, the violent black buck) that portray black sexuality as dangerous. In the face of these manifestations of racism, African Americans have repressed their own sexualities, because to express sexuality too openly would make them more vulnerable to the stereotypes.⁵

Body theology has its origins in this methodological shift, a fact that can make it difficult to establish body theology as a category. Indeed, many scholars that I describe

“Human Experience and Women’s Experience: Resources for Catholic Ethics,” *Annual of the Society of Christian Ethics* (1991): 133-150; Christian Batalden Scharen, “Experiencing the Body: Sexuality and Conflict in American Lutheranism,” in *Sexuality and the Sacred: Sources for Theological Reflection*, ed. Marvin M. Ellison and Kelly Brown Douglas, 2nd ed. (Louisville, KY: Westminster John Knox Press, 2010), 34-47; see also Aana Marie Vigen's conclusion to Patricia Beattie Jung and Aana Marie Vigen, *God, Science, Sex, Gender: An Interdisciplinary Approach to Christian Ethics* (Urbana, IL: University of Illinois Press, 2010), 241-257; for a treatment of experience as a consideration of secular moral philosophy, see Cheryl Misak, “Experience, Narrative, and Ethical Deliberation,” *Ethics* 118 (July 2008): 614-632.

⁵ Kelly Brown Douglas, *Sexuality and the Black Church: A Womanist Perspective* (Maryknoll, NY: Orbis Books, 1999), esp. chapter 2.

in this chapter as body theologians would describe themselves first as feminist theologians, queer theologians, etc. before identifying themselves as theologians of embodiment. Nevertheless, body theology does have a recognizable identity among the various theological movements named above. Body theology takes as its starting point not the experience of oppression due to gender or ethnicity or any other characteristic (though these are taken into account as well), but, rather, the oppression of the body as a category. The oppression of the body is deeply rooted in Western thought, namely in the dualism of mind over body. Dating back to Greek philosophy, the mind and the body have been placed in an antagonistic relationship. In Plato's *Phaedo*, the mind is viewed as the superior part of the human soul, meant to rule over its "baser" components, which include emotions and bodily desires like sexual desire. The goal in life, then, was to exert the mind to control the body; the body was merely a necessary and temporary habitation of the soul.

The effects of this mind/body dualism are myriad. For starters, it is the intellectual foundation for fearing and repressing our own bodies, and this, in turn, has led to a negative valuation of human sexuality over the centuries. In theology and ethics (academe in general, really), this dualism has asserted not only that knowledge is only formed deductively, but also that elements of human experience not associated with the mind (e.g. emotions, desires) are deemed irrational and unfit for intellectual disputation.

In many ways, therefore, the mind/body dualism contributes to our alienation from our bodies.⁶ Body theology assumes the task of overcoming body alienation.

Body alienation harms how we understand ourselves and each another. In a religious context, body alienation means the denial of the body's holiness, something that Carter Heyward refers to as the root of all evils.⁷ As extensive as the harm of body alienation is, it must be said that it has had an especially harmful effect on marginalized groups. For example, feminist scholars maintain that, not only has male-dominated Western thought separated the mind from and defined it as superior to the body, but that it has also associated the mind—i.e. the thinking subject—with the masculine. Luce Irigaray, for example, deconstructs the Western canon, stating that “the subject has always been appropriated by the ‘masculine,’” and woman, as a result, renounces her distinctness if/when she accepts such a theory of the subject.⁸ In a theological context, Rosemary Radford Ruther describes how the Christian notion of salvation has long been

⁶ It should be noted, however, that there are instances where examining our emotions, desires, etc. from a place of detachment can be helpful. After all, it would be wrong to correct the mind/body dualism by asserting that all bodily feelings are good. Take, for example, pedophilia. Someone who suffers from pedophilia may likely describe and experience that sexual desire as good. Helping that person step back from the desire and realize its destructive consequences, and helping that person resist acting on that desire may require the sort of control of mind over body that the mind/body dualism advocates. Be that as it may, what needs to be identified as wrong is the total subordination of the body to the mind.

⁷ Carter Heyward, *Our Passion for Justice: Images of Power, Sexuality, and Liberation* (New York: Pilgrim Press, 1984), 139.

⁸ Luce Irigaray, *Speculum of the Other Woman*, trans. Gillian C. Gill (Ithaca, NY: Cornell University Press, 1985), 133.

thought of as an escape from the body or from nature. Consequently, salvation, for women, entails a flight from the feminine.⁹

Related to the ways in which body alienation perpetuates sexism are the ways in which it perpetuates heterosexism and homophobia. Both forms of oppression are integrally linked to the disparagement of the body and a patriarchal understanding of gender roles, and heterosexism is often manifested somewhat differently for gay men and lesbians. For gay men, there has long been a negative association with being penetrated during anal intercourse. To assume this role (to be a “bottom”) was to assume the role of the woman, which was inferior to the “masculine” role of the one penetrating.¹⁰ For this reason, gay men have been labeled effeminate, which, within the mind/body dualism of Western culture, is tantamount to saying they are “failed men, no better than females.”¹¹ For lesbians, the very meaning of the word “lesbian” has been hijacked by male dominant

⁹ See especially Rosemary Radford Ruether, *New Woman, New Earth: Sexist Ideologies and Human Liberation* (New York: Seabury Press, 1975), 13-14; and Ruether, *Sexism and God-talk: Toward a Feminist Theology*, 2nd ed. (Boston: Beacon Press, 1993), chapter 3.

¹⁰ Associating the “passive” role in sex with feminization has a long history. For example, while Greeks had an appreciation for male-male sex and love as a high form of personal devotion, the Romans had a less sanguine appraisal of such relationships. They interpreted male-male sex as an assertion of power of one man over another, usually between master and slave. The “passive” partner, then, was in a shameful position. As Louis Crompton writes of Roman attitudes on this subject, “to submit to penetration was to be feminized and humiliated.” Being penetrated was seen as a defeat, and, thus, the Roman elite viewed male sexual “passivity” as a threat to the state. Evidence of this attitude came also in Roman laws that punished the passive partner in male-male sex but not the active. Skipping forward more than a few centuries, a negative association with being penetrated was evident in the gay subculture of New York in the early twentieth century. George Chauncey notes that the term “fairy” was used in a demeaning way to refer to gay men who assumed the woman’s role in sex. See Crompton, *Homosexuality and Civilization* (Cambridge, MA: Belknap Press of Harvard University Press, 2003), 80, 132-134; and George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1995), 47-48.

¹¹ Beverly Wildung Harrison, *Making the Connections: Essays in Feminist Social Ethics*, ed. Carol S. Robb (Boston: Beacon Press, 1985), 140.

society to mean a non-compliant female. Clearly, the very idea of lesbianism so threatens male control that the term is used as a pejorative to reassert dominance over women.¹²

Both manifestations of homophobic oppression depend upon the abjection of the body. The culture of “compulsory heterosexuality”¹³ alienates gays and lesbians from their bodies by controlling how their bodily experiences are to be interpreted.

The ways in which body alienation has impacted the lives of gays and lesbians in the church is illustrated by the sociological work of Dawne Moon. Moon’s book, *God, Sex, and Politics: Homosexuality and Everyday Theologies*, studies congregations debating the acceptableness of same-sex relationships and shows how homophobia and heterosexism employ the division of mind (or soul) and body.¹⁴ The members of the congregations that participated in the study associated homosexuality with the physical and the bodily, and placed it at odds with spirituality. When gays and lesbians came out in a congregation and sought public recognition of same-sex relationships, other church members viewed them as introducing something unspiritual into a sacred space. In essence, this distantiation of queer sexuality from spirituality says that one part of an LGBT individual’s personhood is incompatible with another.¹⁵

¹² Patricia Beattie Jung and Ralph F. Smith, *Heterosexism: An Ethical Challenge* (Albany, NY: State University of New York Press, 1993), 100; Ellison, *Erotic Justice*, 54-55.

¹³ This term is widely used today but was originally used by Adrienne Rich. See Rich, “Compulsory Heterosexuality and Lesbian Existence,” in *Blood, Bread, and Poetry: Selected Prose 1979-1985* (New York: W. W. Norton & Company, 1994), 23-75.

¹⁴ Dawne Moon, *God, Sex, and Politics: Homosexuality and Everyday Theologies* (Chicago: University of Chicago Press, 2004).

¹⁵ Several other sociological studies also illustrate how attitudes of Christians toward homosexuality set homosexuality contrary to spirituality. Thus, for LGBT Christians, their sexualities are in conflict with

Body theology, aimed as it is at overturning the mind/body dualism, is an important resource for responding to such objections. Body theology is not reserved, however, for academicians. Indeed, the everyday theologies of gay and lesbian Christians who affirm both their faith and their sexualities as good are more influential in congregational and denominational debates than professionally trained theologians and ethicists. Moon notes the challenge that gays and lesbians pose to the hierarchy of mind over body:

To the extent that church members associated homosexuality with the body, openly gay members highlighted the fact that church members go to church in their bodies, and not just with their souls. As they did so, they brought out the physical and other material distinctions that separate people into hierarchies.... They are challenging the church to come up with a new basis for transcendence, one that does not depend on a spirit/body opposition, one that can acknowledge hierarchies and address them, rather than render them unspeakable.¹⁶

Negating the mind/body dualism will ultimately take place not in theological treatises (though they are important too!) but in congregational and individual practices.

In light of the fact that body alienation is the foundation for so many forms of oppression in church and society, including the oppression of gays and lesbians, body theology becomes a crucial theological resource. One of the central concepts of body theology attempts to correct for this alienation and is articulated by James Nelson in his 1978 book, *Embodiment: An Approach to Sexuality and Christian Theology*. Here, Nelson argues that we should not view ourselves as minds inhabiting bodies, but rather as

their spirituality. See Wilcox, *Coming Out in Christianity*, 153; Amanda Udis-Kessler, *Queer Inclusion in the United Methodist Church* (New York: Routledge, 2008), 104.

¹⁶ Moon, *God, Sex, and Politics*, 178-179.

bodyselves.¹⁷ To see oneself as a bodyself requires that one reject the mind/body dualism of Western philosophy and theology. From this recognition, we realize that we can no longer isolate the mind as the sole fountain of knowledge. The body as a whole is a source of knowledge, and, therefore, what we feel, sense, and desire moves to the center of the process of Christian moral discernment. By recognizing this, Christian theology can do away with the hierarchical dualisms that have permeated its historical development. While embodiment is not restricted to any one sphere of human experience, body theologians have often focused on sex and sexuality, mainly because countless theologians and church authorities have described sex as the basest of human desires and actions and, so, it is in the most need of reappraisal. In this context, Nelson points out how an integration of embodiment influences the *doing* of theology. As theologians, he notes, we have long asked, “what does Christian faith have to say about our lives as sexual beings?” But body theology insists that we pair this question with another, equally important one: “what does our experience as sexual human beings mean for the way in which we understand and attempt to live out the faith?”¹⁸ It is this question that identifies what is unique about body theology, and it has produced equally unique theological insights.

For example, the focus on experience has led theologians of embodiment to expand the doctrine of incarnation, suggesting that God’s embodiment in Jesus Christ should shape how we regard our own embodiment. In orthodox Christian theology, the

¹⁷ Nelson, *Embodiment*, 8.

¹⁸ *Ibid.*, 8-9.

doctrine of the incarnation is an exploration of the humanity of Jesus Christ, emphasizing that Christ was both fully God and fully human, without either being compromised.

Within the earliest elaborations of this doctrine is the positive assertion that the sacred and the carnal are not mutually exclusive elements, as evidenced by the rejection of the Docetic notion that Christ's humanity was apparent and not real. Yet, theologians of the early church fell short of implying that the human body is capable of making positive contributions to the work of the church. To be sure, the human body played an important role in Christian discipleship, but the emphasis was overwhelmingly on controlling the body, especially through sexual renunciation. Paul makes this point in 1 Thessalonians 4:3-4 and then develops it further in 1 Corinthians 7. The body is made holy by purging it of its passions.¹⁹ Peter Brown, in his study of sexual renunciation in the early church, shows how this conflicted view of the body was born out in the writings and lives of many theologians, martyrs, and ascetics.²⁰ In short, there is within the Christian tradition the paradoxical notion that the way to honor our bodies is to reject them.

¹⁹ See Dale B. Martin's assessment of Paul's understanding of the body and sex in *The Corinthian Body* (New Haven, CT: Yale University Press, 1999); and *Sex and the Single Savior: Gender and Sexuality in Biblical Interpretation* (Louisville, KY: Westminster John Knox Press, 2006), 65-76.

²⁰ See Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity* (New York: Columbia University Press, 1988). To take just one example, Brown discusses a connection that Origen made between the incarnation of Christ and the possibility for human nature to move toward and even become divine. For Origen, it was of great importance that Christ descended into a virgin body (both in the sense that his mother was a virgin and that he himself remained a virgin). The virgin body, for Origen, "was a physical symbol that reflected without distortion the purity of the spiritual world." Christ's incarnation, then, provided, among other things, an example of how to join the holy and the divine. For human beings, this was a process of transformation that occurred over time; but the key point for our purposes is that "the 'human nature' that was on its slow way to the divine was a nature most clearly revealed in bodies untouched by sexual experience." See Brown, 174-176.

Body theology, however, insists that the incarnation affirms that not only is the body not contrary to the divine, it is actually a site of the divine. Christians look to Jesus Christ as the highest revelation of God, and the fact that this revelation is embodied means that our own embodiment is not simply a temporary, perishable vessel. The incarnation *qua* divine revelation means, in Nelson's words, that embodiedness is "the norm of God's presence, the measure of our humanity."²¹ Thus, God is experienced today in and through our bodies just as Christ was experienced by those who saw him in the flesh.²² The incarnation was not just a one time, historical event; it signaled how God chooses to relate to us in the world. The incarnation is, thus, "repeatable and continuing."²³ Nelson summarizes the implication of this renewed understanding of incarnation:

God is uniquely known to us through human presence, and human presence is always embodied presence. Thus body language is inescapably the material of Christian theology, and bodies are always sexed bodies, and our sexuality is basic to our capacity to know and experience God.²⁴

²¹ Nelson, *Embodiment*, 35.

²² Lisa Isherwood also makes this point by discussing the incarnation as "flesh made word." See Isherwood, *Liberating Christ: Exploring the Christologies of Contemporary Liberation Movements* (Cleveland, OH: Pilgrim Press, 1999), 142-145.

²³ Nelson, *Embodiment*, 36; Lisa Isherwood criticizes Nelson's discussion of incarnation for harboring dualistic concepts, despite Nelson's efforts to reject such concepts. She claims that his discussion of Christ's presence in the world today depicts his presence as something already achieved that waits to be recognized by those who have the vision to see it. Isherwood, influenced by process theology, finds it better to imagine Christ's presence in the world today as something that is constantly being realized in the bodies of believers. Given Nelson's description of the incarnation as "repeating and continuing", Isherwood's critique does not strike me as a fair reading of Nelson. See Isherwood and Elizabeth Stuart, *Introducing Body Theology* (Cleveland, OH: Pilgrim Press, 2000), 45. (While the book is coauthored, Isherwood wrote the chapter in which the critique of Nelson is offered.)

²⁴ Nelson, *Embodiment*, 36.

The Christian faith is an incarnate faith, and, thus, it is as bodyselves that we experience the divine and participate in its reality. In other words, bodily experience is revelatory of God.²⁵

But what does a theological and ethical reflection on the body reveal about the language used to bar gays and lesbians from ordained ministry? In short, since these reflections show the degree to which we experience God and participate in the life of the church as bodyselves, they also demonstrate the degree to which language that denies the legitimacy of gay and lesbian bodily experiences does violence to gays and lesbians, as well as the church in general. To “flesh out” this claim, I distill the contributions of body theology into two larger themes—the body as the locus of our relationality and the body as the source of theological and moral imagination—that have emerged from the works of Nelson and other body theologians. These themes are not independent of one another; in fact, they are complementary, and they prove that the ordination prohibitions in question are incompatible with a theological anthropology that defines sexuality as God-given and good.

The Body as Source of Relationality

If there is a dominant leitmotif that has emerged over the decades from the “body” of body theology, it is that the body is the locus of our lives in relation with others and with God. Reflections on the body have shown that we experience deep within us a longing to be in relation with others. Body theologians make this point especially in the context of sexuality and the erotic. As sexual beings, we are drawn into a life-in-

²⁵ James B. Nelson, *Body Theology* (Louisville, KY: Westminster/John Knox, 1992), 50; See also Nelson, “On Doing Body Theology,” *Theology & Sexuality* 1, no. 2 (March 1995): 38-60.

relation—relation with other individuals, with communities, and with God. Such an expansive understanding of sexuality means sexuality cannot be relegated to what we do with our genitals, as it has been for much of the Christian tradition. Reflections on sexuality from those who choose celibate lifestyles make this point abundantly clear. For example, Keith Clark, a Capuchin monk, describes numerous meaningful relationships with family and friends as manifestations of his sexuality “because they all had to do with establishing and maintaining a relatedness and connectedness to other human beings in varying degrees of personal intimacy.”²⁶ Sexuality, thus, shapes much more than sexual relationships; it suffuses the ways in which we relate to the world.

James Nelson provides one of the earliest explorations of this relation-oriented understanding of human sexuality. Sexuality is a dimension of our selves that pervades all the relationships in our lives. We communicate in and through our bodies, expressing our hopes, fears, pains, and pleasures with the people we encounter. But, more than this, we feel in our bodies a longing to share these experiences with others. This longing points to God’s intention for humanity—we exist for one another and for God. Therefore, Nelson writes, “the mystery of our sexuality is the mystery of our need to reach out to embrace others both physically and spiritually. Sexuality thus expresses God’s intention that we find authentic humanness in relationship.”²⁷ When we are

²⁶ Keith Clark, *Being Sexual...and Celibate* (Notre Dame, IN: Ave Maria Press, 1986), 19; for other reflections on celibacy as an expression of sexuality, see Donald Goergen, *The Sexual Celibate* (New York: The Seabury Press, 1974); and Margaret A. Farley, “Celibacy Under the Sign of the Cross,” in *Sexuality and the U.S. Catholic Church: Crisis and Renewal*, ed. Lisa Sowle Cahill, John Garvey, and T. Frank Kennedy (New York: The Crossroad Publishing Company, 2006), 126-143.

²⁷ Nelson, *Embodiment*, 18.

harmonized as bodyselves—when we do not fall into the trap of alienating our bodies—we are open to one another in powerful ways.

Nelson finds this potentiality to be especially acute in sexually intimate relationships. The experience of sexual pleasure reunites the self and the body in the individual, overcoming the dualism of mind over body. But, more than that, Nelson writes, “in my own experience of body-self reunion I simply, and miraculously, experience reunion with the beloved other.”²⁸ However, desire in general—not just desire for a sexual partner—is an expression of openness to others. We communicate much of our feelings for others through sensuality; the impulse to embrace one another and touch one another is a powerful mediator of relationships as well as a reminder that with intimacy comes vulnerability. For this reason, sexuality is integral to community: healthy sexuality seeks community through mutual relationship and participation, whereas repressed or wounded sexuality inhibits or destroys community by withdrawing from others or by seeking ownership and control (e.g. patriarchal sexuality) rather than participation.²⁹

Another poignant way to discuss the relational nature of the bodyself is through a focus on the erotic. *Eros* has often been denigrated within the Christian tradition as a lesser form of love. Theologians in the past (and present, for that matter) have depicted it

²⁸ Ibid., 89.

²⁹ Nelson, *Embodiment*, 35; Beverly Wildung Harrison, *Making the Connections: Essays in Feminist Social Ethics*, ed. Carol S. Robb (Boston: Beacon Press, 1985), 149-150. Linell E. Cady implies this point in her description of love. She argues that love entails incorporating the other into one's "expanded self." Sexual love embodies this self-expansion in powerful ways. Linell E. Cady, “Relational Love: A Feminist Christian Vision,” in *Embodied Love: Sensuality and Relationship as Feminist Values*, ed. Paula M. Cooley and Sharon A. Farmer (New York: HarperCollins, 1988), 140.

as an acquisitive and selfish form of love and contrasted it with *agape*, which they depict as a superior, selfless form of love. They have argued that the ultimate expression of agapic love is the crucifixion of Christ, the ultimate form of sacrifice. Furthermore, since God saw fit to express love for humankind in this way, *agape* is depicted as godly love. *Eros*, then, is defined as the selfish, human alternative to *agape*.³⁰

Other theologians and ethicists have sought to redeem *eros* from such a marginalized value. Mark D. Jordan, for example, finds the exploration of *eros* to be a necessary step in understanding and expressing *agape*.³¹ However, most of the theological and ethical works that reclaim *eros* as a source of religious significance have emerged from feminist scholarship. I will not survey all of these works,³² but will focus instead on what I consider to be the most significant of them, Carter Heyward's *Touching Our Strength*. Heyward argues for a sexual theology that is grounded in and pursues justice. Justice has long been defined as a virtue that deals with how we relate to others. Aristotle, for example, defines justice in general terms as virtue in relation to someone

³⁰ Anders Nygren is the best representation of this view. See Nygren, *Agape and Eros*, trans. Philip S. Watson (Philadelphia: Westminster Press, 1953). Another theologian who has contributed an assessment of *agape* and *eros* is Gene Outka. Outka does not believe that *eros* or self-love is completely opposed to *agape*, but does see justification for subordinating the former to the latter. See Outka, *Agape: An Ethical Analysis* (New Haven, CT: Yale University Press, 1977).

³¹ Mark D. Jordan, "God's Body," in *Queer Theology: Rethinking the Western Body*, ed. Gerard Loughlin (Oxford, UK: Wiley-Blackwell, 2007), 290.

³² For other Christian feminist treatments of the erotic, see Anne Bathurst Gilson, *Eros Breaking Free: Interpreting Sexual Theo-Ethics* (Cleveland, OH: Pilgrim Press, 1995); Audre Lorde, "Uses of the Erotic: The Erotic as Power," in *Sexuality and the Sacred: Sources for Theological Reflection*, ed. James B. Nelson and Sandra Longfellow (Louisville, KY: Westminster John Knox Press, 1994), 75-79; Rita Nakashima Brock, *Journeys by Heart: A Christology of Erotic Power* (New York: Crossroad Publishing Company, 1988); Marvin M. Ellison, though not feminist depending on how one defines the category, has also written a strong treatment of the erotic from a liberationist perspective. See Ellison, *Erotic Justice: A Liberating Ethic of Sexuality* (Louisville, KY: Westminster John Knox Press, 1996).

else.³³ Heyward expands upon this tradition from a feminist perspective, placing justice in the realm of radical relationality. “In this realm,” she writes, “justice is right relation, and right relation is mutual relation.” Justice involves mutual love, joy, and respect. “To experience ourselves genuinely as friends: This is justice.” Furthermore, justice is not simply a term dealing with the social order; it is infused with the divine. God and justice—neither can be understood fully without the other. Indeed, for Heyward, God is “our relational power—our power in mutual relation.”³⁴ Thus, in Heyward’s sexual theology founded on a vision of justice as right relation, the bodyself is the place where the divine becomes incarnate; it is the ground of God’s presence within and among us.

Central to recognizing and pursuing divine justice, then, is a robust appraisal of the erotic. Heyward argues that to divide love into categories of divine and human—*agape* and *eros* (and *philia*, though Heyward does not use this term with much frequency)—is to misunderstand what love is. Love is both divine and human at once, not either/or. Thus, rather than relegate the erotic to second-class status, Heyward celebrates it as crucial to a Christian understanding of love.

The erotic is our most fully embodied experience of the love of God. As such, it is the source of our capacity for transcendence, the “crossing over” among ourselves, making connections between ourselves in relation. The erotic is the

³³ Aristotle, *The Nicomachean Ethics*, trans. J. A. K. Thomson, revised ed. (New York: Penguin Classics, 1976), 173.

³⁴ Carter Heyward, *Touching Our Strength: The Erotic as Power and the Love of God* (San Francisco: Harper & Row, 1989), 22-23. Heyward's association of justice with friendship is potentially problematical. For example, Beverley Wildung Harrison assigns a crucial role to anger in the pursuit of justice (see the next section of this chapter) and, while anger would certainly fade were justice achieved, it is certainly possible that the state of justice would not include feelings of friendship toward someone who was a perpetrator of injustice.

divine Spirit's yearning, through our bodyselves, toward mutually empowering relation, which is our most fully embodied experience of God as love.³⁵

If the framework of Heyward's theology is a vision of justice as mutual relation, then the erotic is what makes us long for and move toward that vision. The erotic helps us sense that mutuality is something we already experience but will experience more fully in the future. Thus, the movement of the erotic within us is both immediate and eschatological.

These theological descriptions of the body as the locus of our lives in relation provide specific examples of what is at stake in discussing and writing denominational policies concerning human sexuality. There is a fundamental connection between how we view our bodily desires and how we experience God and participate in the life of the church. For this reason, a crucial element of spiritual and social life is being able to value and trust one's own experience of embodiment. To be sure, there are many factors that harm how one experiences embodiment,³⁶ and this dissertation claims that the homophobic and heterosexist language prohibiting gays and lesbians from ordination is

³⁵ Ibid., 99. Like her association of justice with friendship, Heyward's association of the erotic with mutuality is not free of problems either. She has written elsewhere that every relationship must be fully mutual, and uses the therapist-client relationship as an example of a relationship where mutuality is devalued and hierarchy is encoded into professional ethics. I disagree with Heyward's argument on this point and think that her understanding of relationship is oversimplified at times. Not all relationships are the same; some, maybe most, might call for full mutuality as Heyward describes it, while others require boundaries that make full mutuality impossible and even counter-productive. See Carter Heyward, *When Boundaries Betray Us: Beyond Illusions of What is Ethical in Therapy and Life*, 2nd ed. (Cleveland, OH: Pilgrim Press, 1999). For a review that is critical of Heyward's challenge to professional boundaries, see Joretta L. Marshall, "Review: When Boundaries Betray Us: Beyond Illusions of What is Ethical in Therapy and Life," *Journal of Pastoral Theology* 4 (Summer 1994): 121-123.

³⁶ The works by Christian scholars that identify and address these factors are many. One particularly important work in the context of body theology is Christine E. Gudorf, *Body, Sex, and Pleasure: Reconstructing Christian Sexual Ethics* (Cleveland, Ohio: Pilgrim Press, 1994). Her book engages body theology and, starting from the concept of bodyself, develops a notion of bodyright, the right to control one's own body. Gudorf claims that the lack of recognition of bodyright is one of the worst consequences of the mind/body dualism. See Gudorf, 162.

one such factor. Because the language operates not only through labeling homosexual acts incompatible with the Christian faith, but also by creating an image of the homosexual that casts suspicion on homosexuality as a sexual orientation, it effectively demands that the bodily experiences of gays and lesbians not be trusted. When such is the case, the ability of gays and lesbians to express their relationality fully and openly is compromised, and the church becomes less a place of communion and more a place of exclusion and objectification. Furthermore, if, as Heyward argues, God is experienced most deeply in the erotic, then the foreclosure of homoerotic expression damages or severs the connection between queer bodies and the divine. God is not experienced as immanent and incarnate, but, rather, as detached and aloof.

The Body as Source of Theological and Moral Imagination

Another theme that has emerged from body theology is the body as a site of theological and moral imagination. This claim is at heart an epistemological one, asserting that the body is inseparable from how we think, know, and imagine. It suggests that the dichotomous struggle between thinking and feeling is not only false but harmful and that the process or state of knowing is fundamentally embodied. In other words, bodily knowledge is a mode of theological and moral knowledge. Note that this claim is not the same as asserting that bodily experience should be included in the formation of theological and moral assertions; it goes beyond such a statement. Bodily knowledge is not simply something to be known, though it is also that. *It is how we know.*

Embodiment is both an objective source to be considered in and an epistemological foundation of theological and moral discernment. Carter Heyward, for example, states

that our sensuality is a type of knowledge that connects us to God. “Our senses and the feelings that are generated by them,” she writes, “become primary spiritual resources. In knowing one another through our senses, feelings, and intelligence—and intuition is a form of intelligence—we come to know God.”³⁷ Likewise, James Nelson states that “Moral knowledge... is bodily knowledge: if we cannot somehow feel in the gut the meanings of justice and injustice, of hope and hopelessness, those terms remain abstract and unreal.”³⁸ Body theology, thus, emphasizes the myriad ways that we arrive at knowledge through our bodies and not despite them. Relying on the work of science historian Donna Haraway, Gary David Comstock argues that we must include “embodied objectivity” as a significant contributor to theological and moral dialogue. Embodied objectivity relies on “situated knowledge,” which emerges from our experiences in our particular social situations.³⁹ Pain, pleasure, sadness, joy, anger, etc. offer their own forms of knowledge that cannot be achieved or arrived at through disembodied thinking detached from the particularities of our lives.

Nelson contrasts disembodied thinking with an approach to knowledge grounded in embodied community. Building from his aforementioned understanding of sexuality, he says that communion is the deepest expression of our sexuality. It is also crucial for the task of theology and ethics because communion is how we experience or arrive at

³⁷ Heyward, *Touching Our Strength*, 94.

³⁸ Nelson, *Body Theology*, 43.

³⁹ Gary David Comstock, *Unrepentant, Self-affirming, Practicing: Lesbian/Bisexual/Gay People within Organized Religion* (New York: Continuum, 1996), 26-27; Carter Heyward makes a similar point about the role of social location. To acknowledge that you speak from a particular place is not only intellectually honest, she claims, but intellectually empowering. See Heyward, *Touching Our Strength*, 9-10.

knowledge. In fact, for Nelson, communion is knowledge.⁴⁰ He finds that when our concept of knowledge, especially theological knowledge, is not approached as embodied communion, we likely succumb to a subject-object dichotomy that views knowledge as possession; we approach knowledge acquisitively, rather than experientially. Regarding knowledge as possession cannot but impact the relationship between the individual, the community, and God. Nelson writes,

God is no longer experienced, when this happens, as vital indwelling presence, permeating and giving life to the relationships and the basic stuff of everyday life. When God is only object over against subject, immanence recedes. And when immanence fades, even God's transcendence becomes less real.⁴¹

Thus, denying the role that our bodies play in the formation of knowledge and communion affects the very core of Christian spirituality because our ability to detect the presence of God in our lives is stymied.

Beverly Wildung Harrison provides perhaps the strongest illustration of how we know with and through our bodies. She asserts unequivocally that “all our knowledge, including our moral knowledge, is body-mediated knowledge.”⁴² Furthermore, to appreciate bodily knowledge, feelings and emotions—both of which have been denigrated in the Christian tradition and Western civilization—have to be taken

⁴⁰ Nelson, *Embodiment*, 35.

⁴¹ Nelson, *Embodiment*, 34; Elisabeth Moltmann-Wendel also stresses the ways in which the subject-object dichotomy distort our understanding of thought and knowledge. For her, embodiment offers an alternative epistemology, one that relies on "participatory consciousness" that operates in and through the world, rather than through an objectivity that is (presumably) detached from the world. Moltmann-Wendel, *I am my Body: A Theology of Embodiment* (Continuum International Publishing Group, 1995), 86.

⁴² Beverly Wildung Harrison, “The Power of Anger in the Work of Love: Christian Ethics for Women and Other Strangers,” in *Weaving the Visions: New Patterns in Feminist Spirituality*, ed. Judith Plaskow and Carol P. Christ (New York: HarperCollins, 1989), 218.

seriously.⁴³ Feelings are too often dismissed as too subjective and, therefore, unreliable as a source of knowledge. Harrison rejects this notion, claiming that the confusion results from assuming that respecting feelings means treating them as ends in themselves. Harrison does not define feelings this way, and instead insists that feelings are basic ingredients “in our relational transaction with the world.”⁴⁴ She offers anger as a powerful example. Anger is “a feeling-signal that all is not well in our relation to other persons or groups or to the world around us. . . . To put the point another way: anger is—and it always is—a sign of some resistance in ourselves to the moral quality of the social relations in which we are immersed.”⁴⁵ Harrison’s point is cogent. Too often, oppressive systems and acts are justified by the abstract rationalization of the privileged (examples of the abstract justification of oppression abound: Africans are better off as slaves in the civilized New World than free persons on the “dark continent”; women are passive in nature and, thus, not fit for public leadership; the only function of sex is procreation and, thus, homosexuality is unnatural), and the outrage expressed in word and deed by the oppressed is paternalistically dismissed as hysterics. Anger is not recognized for what it often is—the *knowledge* that something is unjust—and the disembodied rationalism of those who have authority is deemed true. Harrison connects the bodily knowledge of anger to the work of Christian love. Anger is not an end in itself, but moves the

⁴³ A reappraisal of the role of emotions is taking place in secular philosophy as well. For more recent treatments of the subject, see Robert Solomon, *True To Our Feelings: What Our Emotions are Really Telling Us* (New York: Oxford University Press, 2001); and Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (Cambridge, UK: Cambridge University Press, 2001).

⁴⁴ Harrison, “The Power of Anger in the Work of Love,” 219.

⁴⁵ *Ibid.*, 220.

individual toward acts of love. Thus, when we deny our anger and ignore the moral knowledge it represents, we undermine our capacity to love, and our capacity to imagine a just world.

Thus, body theology demonstrates that our moral knowledge is formed in part from our bodily experiences, not despite them, and that our bodies are the center of how we relate to others interpersonally and communally. That being the case, since, as I argue, the ecclesial language analyzed in this dissertation casts suspicion on the bodily experiences of gays and lesbians, it also severs the connection between queer bodies and Christian morality. The bodily experiences of gays and lesbians are not admitted to the witness of the church or are viewed as contrary to that witness, and, thus, the ability of gays and lesbians to contribute theologically and morally to the church is diminished. Moral knowledge and moral imagination are essential for the church to be a prophetic voice in society. And, as Marvin Ellison reminds us, “Respect for the body is foundational to moral life.”⁴⁶ The language of “self-avowed practicing homosexual” betrays a deep and fundamental disrespect to the bodies of gays and lesbians, and so damages the moral power and prophetic witness of the church in society today.

Before moving on, it is worth emphasizing that what is at stake is the very personhood of gays and lesbians in the eyes of the church. As this dissertation argues, the ordination policies that prohibit gays and lesbians from ordination do more than simply describe a “type” of homosexual who is barred from ordained ministry. They produce a homosexual subject rooted in a suspicion of homosexuality and a negative

⁴⁶ Ellison, *Erotic Justice*, 41.

judgment of acts associated with homosexuality. The “self-avowed practicing homosexual” is, then, a discursive production that allows church authorities to denigrate the personhood of gays and lesbians and call into question their sexual subjectivity. And, since this homosexual subject is interiorized by many gays and lesbians, it also deeply impacts the individual subjectivity of gays and lesbians. The phrase “self-avowed practicing homosexual”, to borrow the terminology of Didier Eribon, is an “insult” that “creates an interior space of contradiction in which are found all the difficulties a gay person will meet before being able to assume his or her identity, before being able to accept being identified with or identifying with other gay people.”⁴⁷ In many ways, then, to deny the bodily experiences of gays and lesbians any moral or theological validity is to deny them their personhood and subjectivity.

This point is illustrated well by Paula M. Cooley. In her book *Religious Imagination and the Body: A Feminist Analysis*, Cooley provides an in-depth account of how the socially constructed facets of the human body can be a source of immense harm. *Religious Imagination and the Body* is not an example of body theology per se, though Cooley’s works have engaged theologies of embodiment.⁴⁸ Nevertheless, the book’s conviction that religious experience is intimately connected with our bodies gives it a strong connection with body theology.

At the center of Cooley’s argument is her conception of the body. She foregrounds a postmodern understanding of the body that emphasizes the ways in which

⁴⁷ Eribon, *Insult and the Making of the Gay Self*, 69.

⁴⁸ See, for example, Paula M. Cooley and Sharon A. Farmer, eds., *Embodied Love: Sensuality and Relationship As Feminist Values* (San Francisco: Harper & Row, 1987).

language and symbols construct how we value and interpret our own bodies and the bodies of others. To use her language, the body is at once a location of human imagination (we imagine through our bodies) and an artifact of human imagination (our bodies are constructed and/or interpreted by our own imagination and the imagination of others). The basic question explored in *Religious Imagination and the Body* is, what is the relationship between “*the ‘bodied’ imagining subject and the body as cultural artifact?*”⁴⁹ Cooley finds that this relationship, which she explores in the context of religious experience and expression, produces tension and carries with it the potential for both oppression and resistance. Furthermore, it always unfolds in a context of value, which, Cooley finds, “reflects power arrangements that often stand in dissonant relation to the experiencing subject.”⁵⁰ (Her argument sounds very Foucauldian on this point, though she rarely references him. In any event, the similarities with Foucault’s discussions of the body and power make Cooley’s work particularly germane for my project.) Indeed, Cooley describes the body as a crucible of conflicting values where bodily experiences are either granted or denied epistemological legitimacy.⁵¹

Cooley’s argument has numerous implications, all of which cannot be explored here. What is of particular importance for analyzing the language of “practice” and “avowal” is the way in which the dual nature of the body regarding religious imagination (i.e. the body as location and artifact of religious imagination) creates the potential for

⁴⁹ Paula M. Cooley, *Religious Imagination and the Body: A Feminist Analysis* (Oxford, UK: Oxford University Press, 1994), 7. Italics are the author’s.

⁵⁰ Ibid.

⁵¹ Ibid., 43.

harm. The underlying issue for Cooley is the authoritativeness of human experience.

That the experiences of some are not considered authoritative, Cooley argues, is rooted in the dual nature of the body regarding imagination. The body as artifact of imagination makes it susceptible to being shaped by external forces (e.g. general forces like culture, but also specific ones like a hegemonic group), while the body as location of imagination grants the individual a level of subjectivity that potentially shapes how oneself and others interpret one's body. The relationship between the two is never complete and it is an open question as to which aspect plays a greater role in self-perception and the perception of others. What Cooley focuses on is how one affects the other, and she offers a powerful explanation for how the separation of the imagination from the "body lived" harms an individual's subjectivity and sometimes results in a total denial of personhood.

On the one hand, too much sensation, particularly pain, destroys the capacity to imagine self, world, and the possibility of transcendent realities; in short, extreme sensation annihilates even the possibility of subjectivity for the sufferer... On the other hand, extreme distantiation of the imagination from the body that locates it threatens or actually destroys the capacity of an imagining subject to recognize the subjectivity of another; the body of another ceases to signify potential and actual status of the other as subject as well as object of cognition. Under these latter circumstances the other, reduced solely to object, serves as icon to support a fiction of power, an assertion of hegemony... In short, extreme distantiation between the body lived and the imagining subject produces an identification of the body imagined with whatever or whoever is other at the expense of the other's subjectivity.⁵²

To put Cooley's argument in the context of my own study, the icon is the "self-avowed practicing homosexual," which is used by the denominations to support compulsory heterosexuality, "the fiction of power." The icon does not recognize the subjectivity of

⁵² Ibid., 62.

the persons it is meant to signify, and those persons experience a form of suffering and oppression that may very well diminish their ability to imagine themselves as something other than the icon that objectifies them.

A Caveat for Theologians of Embodiment

For all the positive contributions of body theology, it is not without its weaknesses. The tendency in body theology is to see the body as a place of liberation. This makes sense, for body theologians often begin with the observation that the body has been and is oppressed in the Christian/Western tradition. Despite this oppression, body theologians claim, there is an inherent goodness and sacredness to the body, and so reflecting on our embodiment in a positive light can liberate ourselves to experience our bodies as we are meant to. Many body theologians do note that embracing embodiment involves risk, especially for those whose bodies are subjected to a greater degree of oppression based on race, ethnicity, gender, or sexual orientation.⁵³ Nevertheless, body theology is marked by an optimism in the individual's ability to draw on positive assessments of the body to liberate one's own experience from oppression. If one can grasp and put into practice the correct understanding of embodiment, then one can experience one's body as good and fulfilling. However, the optimism placed in the body can cause body theologians to overlook problems inherent in the body. In short, body theologians are at times overconfident in the liberating potential of embodiment. The dangers of this overconfidence become clear when we consider, first, the physical

⁵³ Lisa Isherwood discusses embodiment as risk from a feminist perspective. See Isherwood, "The Embodiment of Feminist Liberation Theology: The Spiraling of Incarnation," *Feminist Theology* 12, no. 2 (January 2004): 140-156.

limitations of the body, which affect how one regards embodiment; and, second, the limitations that negative constructions of the body impose on the experience of embodiment. Though the latter consideration is more apropos of this dissertation, both establish the boundaries of body theology's influence by highlighting the limitations of or problems inherent in different bodies and bodily experiences.

Physical and mental disabilities can shape one's experience of the body in ways that are negative or painful. Jackie Leach Scully explores the reality of embodiment from this perspective. "Not all embodiment is good," she writes, and genetic disabilities illustrate her point powerfully.⁵⁴ While the treatment of disabled persons by individuals and society can exacerbate their suffering or limitations, genetic disorders add a predetermined quality to the suffering and/or limitations that a disabled person may experience. She writes:

It is much harder to conceive of God's amazing gift of cystic fibrosis, and it becomes offensive to use that language about Lesch-Nyhan syndrome, or any of the other numerous genetic conditions where the person affected has neither the intellectual ability nor, often, the lifespan to come to any metaphysical conclusions of their own.⁵⁵

For some, the body is a physical obstacle—regardless how the disability is perceived socially—to abundant life, and it is this form of impaired bodily experience that body theologians are apt to neglect.⁵⁶ They often overlook the simple fact that not all bodies

⁵⁴ Jackie Leach Scully, "When Embodiment Isn't Good," *Theology & Sexuality* 5, no. 9 (September 1998): 12.

⁵⁵ *Ibid.*, 23.

⁵⁶ Be that as it may, it should also be noted that the body is also a necessary component of our movement toward the abundant life. Even a person who is severely physically disabled cannot experience the

are the same. A similar point can be made about the ways that physical impairments are often treated as negatively impacting one's embodiment. Consider, for example, the debate over cochlear implants for persons who are deaf. While some view the possibility of giving a deaf person the ability to hear as a great improvement to that person's life, others claim that such a view is predicated on the demeaning notion that deaf persons are in need of repair and argue that deafness should be treated as part of one's identity rather than a disability.⁵⁷ In any case, body theologians who too quickly make assumptions or generalizations about the physicality of embodiment risk overlooking certain bodily limitations and/or demeaning people who live with those limitations.

Scully's discussion reveals the limitations of body theology's characteristic optimism toward the body, and deserves a more thorough consideration than this dissertation allows room for.⁵⁸ Nevertheless, raising Scully's point begs a question that bears on the subject of this analysis. Scully shows that what one person points to as liberating can be experienced by another as oppressive or, at least, restrictive. Is the same true when we move to the less tangible realm of sexual desire and the erotic? Is it

abundant life apart from the body. To separate the abundant life from bodily existence in that way is to separate our eschatological hope from the incarnate character of Christian spirituality and discipleship.

⁵⁷ For more on this issue, see Shelli Delost and Sarah Lashley, "The Cochlear Implant Controversy" (presented at the Drury University Interdisciplinary Research Conference, Springfield, MO, April 1, 2000), <http://www.drury.edu/multinl/story.cfm?ID=2442&NLID=166>, accessed October 18, 2010.

⁵⁸ For recent theological and ethical explorations on the limits and possibilities of physical and mental disabilities, see Jennie Weiss Block, *Copious Hosting: A Theology of Access for People with Disabilities* (New York: Continuum, 2002); Thomas E. Reynolds, *Vulnerable Communion: A Theology of Disability and Hospitality* (Grand Rapids, MI: Brazos Press, 2008); Nancy L. Eiesland, *The Disabled God: Toward a Liberatory Theology of Disability* (Nashville, TN: Abingdon Press, 1994); Deborah Beth Creamer, *Disability and Christian Theology: Embodied Limits and Constructive Possibilities* (Oxford, UK: Oxford University Press, 2009).

possible that the celebration of human sexuality found in embodiment-centered theologies is naïve, or unknowingly perpetuating sexual oppression?

In her book *Constructing the Erotic*, Barbara Blodgett suggests that, in some contexts, the answer to that question is yes. Blodgett offers a critique of several authors discussed above in an effort to propose a sexual ethic for adolescent girls. She does not identify her object of criticism as body theology, per se, but the scholarship she engages—what she terms “feminist theologies of the erotic”⁵⁹—fits into my own description of body theology, and from her critique we can identify a problem to avoid when doing body theology. Blodgett claims that feminist theologians of the erotic oversimplify human sexuality in a harmful way by reducing it—and, in some ways, personhood in general—to the erotic and by being overconfident in the ability of the erotic (rightly understood, of course) to compel us toward fullness in life. The goal of these theologians, then, is to free the erotic from patriarchal and heterosexist forces that repress it. In short, as Blodgett summarizes, the conviction underlying these theologies is: “To liberate the erotic is to liberate the person.”⁶⁰ Thus, feminist theologians of the erotic put forth a narrative of sexuality that is a simple movement from oppression to liberation. This is not to say that feminist theologians of the erotic suggest that liberation is easy to achieve. The narrative is simple in that it claims to have identified the nature of sexual oppression and the key to its liberation. This (over)confidence in the power of the erotic, Blodgett argues, is why feminist theologies of the erotic are ultimately

⁵⁹ Barbara J. Blodgett, *Constructing the Erotic: Sexual Ethics and Adolescent Girls* (Cleveland, OH: Pilgrim Press, 2002), 3. Blodgett analyzes many of the theologians mentioned in n. 155.

⁶⁰ *Ibid.*, 17.

unsuccessful in formulating a workable sexual ethics. She states, “We must admit that however much we want to affirm the goodness of the erotic, it may not always be entirely seemly and may occasionally be maddening...While it may no longer be taboo, neither will the erotic ever be the key to all liberation.”⁶¹

Blodgett supports this argument by examining how adolescent girls understand the erotic, demonstrating that, for many girls, the erotic cannot help them navigate their sexualities and make sexual choices because the erotic is itself the problem. Consider the world of conflicting expectations that adolescent girls face:

On the one hand, within many communities the assumption still operates that girls who act on their erotic impulses and desires are wrong to do so, whether because sex is dangerous terrain for them or because double standards still suggest that girls who desire sex are depraved. On the other hand, even where these assumptions are not in place, the distinction between which impulses and actions girls are free to act on and which ones are wrong has become significantly blurred. Girls still hear, for example, that they should save themselves (that is, reserve the act of intercourse) for Mr. Right, and yet they see the scorn men give to women who wait.⁶²

The erotic and its correlative relationality are beset with risks for adolescent girls. Thus, *eros* cannot serve as its own moral guide, as feminist theologians try to suggest. Rather than embracing the erotic, Blodgett concludes, “These girls seem to need some relief from their self-imposed burden of finding and sustaining intimate relationships (at least romantic ones),” and she suggests a paradigm of “friendly distrust” to protect adolescent girls from harmful sexual experiences.⁶³

⁶¹ Ibid., 9.

⁶² Ibid., 6.

⁶³ Ibid., 148 and 185. Blodgett's suggestion that there are times when a healthy distrust of the erotic is needed is important for it can be employed fruitfully in others ways. There are erotic feelings like

This dissertation does not address adolescent sexuality directly, but Blodgett's argument is important because she identifies a tendency that is present in body theology. On the one hand, most body theologians acknowledge that our bodily experiences are socially constructed to some degree. On the other hand, body theologians too often do not discuss the constructed quality of our bodies and sexualities critically enough. Blodgett's criticism of feminist theologians of the erotic illustrates this situation. Feminist theologians of the erotic argue that women have long suffered from an essentialism that defined female sexuality in patriarchal terms. Their discussion of the erotic is a project grounded in social construction; it is an attempt to re-construct sexuality and/or sexual orientation in a way that is free from the sexist, misogynistic, and heterosexist aspects of patriarchy. However, by describing the erotic with an unbridled optimism, these theologians essentialize their own interpretation of the erotic, suggesting that once women uncover the true nature of the erotic, they can embrace it to liberating ends. Such a view undermines their affirmation and use of social construction theories, and many body theologians tend to make this same mistake. Theories of social construction are often marshaled for the purpose of refuting oppressive construals of sexuality and gender, but then fade into the background or disappear altogether. Once they have separated themselves from the patriarchal and heterosexist confines of an essentialist view of gender and sexuality, body theologians freely re-cast gender and sexuality in a positive light to show how these categories can contribute to the flourishing

pedophilia, an example I also used in note 129, that should be foreclosed because they are inherently immoral, and for someone suffering from such feelings, distrust of the erotic might be necessary or at least prudent. The theological implication of this statement is that there are times when the erotic does not move us closer to God or into community with one another. Anyone drawing on body theology, then, must be careful not to assume that the concept of the erotic serves as its own heuristic in all moral situations.

of individuals and communities. I am not opposed to this type of argument. In fact, it is a crucial exercise of the moral imagination, without which our understanding of sexuality would be impoverished. But an uncritical or perfunctory use of social construction theory can perpetuate or complicate oppression, rather than overturn it.

Of course, there are theologians and ethicists of embodiment that integrate social construction in ways that avoid this pitfall. Christine Gudorf, for example, distances herself from responses to oppression perpetrated by the Christian tradition that do not grapple with it in critical ways. In making the case that Christian spirituality should be grounded in embodiment, Gudorf writes, “Perhaps the first thing to be observed is that the dominant cultural narrative in our post-modern society—the narrative of therapeutic well-being—is, in many ways, an inadequate reaction to many of the more repressive, neurotic, and masochistic (and, of course, then, sometimes sadistic) inclinations in traditional Christian spirituality.”⁶⁴ To be clear, she is not equating “therapeutic well-being” with the methods of body theologians, but her statement does show an awareness of the fact that, due to the complicated nature of oppression, one’s response to oppression must be nuanced. One implication of social construction theory is that identity is constantly being constructed and reconstructed, and for this reason one’s response must also be revisited frequently. Dismantling oppression also means constructing new ways of understanding our bodyselves that perhaps open as many new questions as they close older forms of oppression. Take, for example, Gudorf’s rejection of sexual dimorphism. In place of the male-female paradigm for understanding sex and gender, she suggests a

⁶⁴ Gudorf, *Body, Sex, and Pleasure*, 205-206.

polymorphic paradigm. This paradigm is necessary, she states, but it also complicates how we navigate the terrain of identity, which in turn impacts our ability to identify and address forms of oppression. As she writes, “a paradigm of polymorphous sexuality gives us much less guidance in constructing/analyzing/envisioning our own sexual identity, much less help in discovering/understanding/naming objects of our sexual desire.”⁶⁵ Thus, Gudorf recognizes that addressing oppression is vital yet dangerous business, and living into our solutions to one problem may lead us into others.

When integrating body theology into one’s theological and ethical method, then, one must be wary of views of the body that are too simple or idealistic. Foucault’s theory of the body is helpful in this regard.

Integrating Foucault and Body Theology

Having described the most relevant contributions of body theology as well as its weakness, it remains to discuss more fully how body theology and the work of Foucault can be integrated in fruitful ways. As stated at the start of this chapter, the two bodies of work serve as mutual correctives. To summarize this relationship: Foucault’s theories qualify the confidence that body theology places in the potential for bodily liberation, and body theology qualifies Foucault’s cynicism toward the possibility of large-scale liberation. The relationship between Foucault and body theology, then, is fraught with tension, though this tension need not lead to a vicious cycle of indecision. As much overlap as there is between them, they resist one another constantly. Where body

⁶⁵ Christine E. Gudorf, “The Erosion of Sexual Dimorphism: Challenges to Religion and Religious Ethics,” in *Sexuality and the Sacred: Sources for Theological Reflection*, ed. Marvin M. Ellison and Kelly Brown Douglas, 2nd ed. (Louisville, KY: Westminster John Knox Press, 2010), 159.

theologians engage a personal exploration of sexuality that moves from the individual to the interpersonal and to the community—an ever-expanding movement from one’s own body to the body of Christ—Foucault pushes back, approaching the body from the level of discourse, emphasizing that discourse shapes and influences the most personal aspects of our lives. And where Foucault views society as an obstinate labyrinth of discursive systems and, thus, treats resistance and liberation as a matter of personal aesthetics, body theology pushes back with the conviction that, since our bodies connect us to the divine, and since the divine is interwoven throughout creation, bodily liberation does indeed contain the potential to reverberate throughout the church and society in order to establish sexual and social justice.

One underlying assumption of my method is that this tension is fruitful. It challenges me to combine a discursive analysis of denominational statements and court decisions with the stories of those affected by them. What remains is an analysis of the language in question, and we will begin with the notion of sexual “practice.”

CHAPTER FOUR
THE RHETORIC OF HOMOSEXUAL PRACTICE

When, in 1984, the United Methodist Church (UMC) passed a resolution prohibiting “self-avowed practicing homosexuals” from serving as ordained ministers,¹ the policy faced an immediate challenge from those who opposed it. Citing another policy of the UMC that prohibits discrimination based on race or status,² opponents of the new ordination standard argued that it violated the anti-discrimination policy by discriminating against gays and lesbians on the basis of their status as homosexuals. In light of this concern, the UMC Judicial Council was asked to rule whether the prohibition of “self-avowed practicing homosexuals” from ordained ministry was constitutional. In a decision made that same year, the Judicial Council upheld the prohibition. The Council did not, however, try to deny that homosexuality should be protected as a status. Instead, it stated that status was not the issue. One member of the Council, James M. Dolliver, noted in a concurring opinion, that “while, arguably, to be a homosexual is to be within a protected status...[the UMC] does not per se bar homosexuals from ordained ministry.” Rather, the prohibition “is directed toward those persons who are ‘self-avowed practicing

¹ *2008 Book of Discipline*, ¶ 304.3.

² *Ibid.*, ¶ 16.1 and 16.14.

homosexuals,' which is an entirely different thing."³ In other words, since a homosexual can still be ordained, albeit a non-practicing homosexual, the standard cannot be said to discriminate against homosexuals. The ordination standard addresses conduct, not sexual orientation.

Dolliver's remark is telling. He demarcates homosexual identity from homosexual conduct in order to regulate homosexual expression without condemning—or, at least, appearing to condemn—homosexuals. This way of speaking about homosexuality is characteristic of Protestant debates on the issue that have taken place over the past four decades. Protestant churches have sought to prohibit homosexual practice while affirming the inherent dignity of homosexuals as persons.⁴ The proponents of the prohibition of homosexual practice, then, do not intend to discriminate against or condemn gays and lesbians as a group. Most often, proponents are motivated by a desire to remain faithful to what they feel is the appropriate interpretation and application of the Bible and the Christian tradition, and at the same time respect changing medical and cultural views that understand homosexuality to be a legitimate sexual orientation. This balance often results in an emphasis on actions over sexual orientation, which many claim is a reflection of the Bible's references to same-sex sexual activity.⁵

³ *UMC Judicial Council Decision 544* (1984). The texts of all Judicial Council decisions are available at http://archives.umc.org/interior_judicial.asp?mid=263.

⁴ The UMC, for example, begins its statement on homosexual practice by reminding the reader that "all persons are individuals of sacred worth, created in the image of God." See *2008 Book of Discipline*, ¶ 161F. The ELCA and the PC (USA) and their predecessor denominations make similar statements. These statements are summarized later in this chapter.

⁵ Robert A. J. Gagnon best represents this view. His book, *The Bible and Homosexual Practice*, focuses on "same-sex intercourse or homosexual practice, as opposed to homosexual orientation," and argues that this emphasis is "a reflection of the Bible's own relative disinterest toward motives or the orientation of same-

The rhetoric of homosexual practice, thus, is used to shift the focus from the personhood of the individuals in question to particular actions that may be subjected to church discipline.

I obviously disagree with the basic assumption that homosexual practice is inherently condemnable. Sexual activity should be evaluated by the same standard, be it homosexual, heterosexual or otherwise. Making that case, though, is not the main subject of this dissertation. I argue that the language of practice—together with the language of avowal, to be discussed in the next chapter—participates in the construction and perpetuation of an oppressive view of homosexuality and the homosexual subject. The discursive consequences of this language, then, are not limited by the intentions of its authors. This chapter examines the different ways that the rhetoric of homosexual practice functions or did function within denominational policies and ecclesial courts. These functions are two-fold and related to one another in a paradoxical way. I have already alluded to the first: the language of homosexual practice is used to separate homosexual conduct from the status of identifying as a homosexual. The language of homosexual practice, however, also operates by doing the exact opposite—it conflates homosexual conduct and identity. That is, homosexuality as an identity is so closely associated with prohibited homosexual practice in public debate and church discipline that the distinction between the “practicing” and the “non-practicing homosexual” is

sex impulses." Gagnon, *The Bible and Homosexual Practice* (Nashville, TN: Abingdon Press, 2002), 37-38. It should also be noted that Gagnon errs when he implies that homosexual intercourse and homosexual practice are interchangeable. The phrase "homosexual intercourse" is too phallogocentric to be interchangeable with the phrase "homosexual practice." Gagnon's error is an example of how sexism and heterosexism often work in tandem. Even within the gay rights movement, women have often made the charge that the issues nearest and dearest to gay men have dominated the movement's agenda.

nugatory. Thus, the claim that the prohibition of homosexual practice does not discriminate against gays and lesbians is disingenuous.

These paradoxical functions of the rhetoric of homosexual practice put forth a convoluted definition of the homosexual subject. At its core, this homosexual subject is one for whom sexuality is something that is part of one's deepest sense of self—indeed, it defines the homosexual self—yet also something that can be turned on and off, made visible and invisible, by choosing to act like a homosexual or choosing not to. And so, for the homosexual subject that emerges from debates about homosexual practice, sexual identity and sexual expression relate to one another in a complex and oppressive way.

This chapter analyzes the language of homosexual practice in the context of this relationship and is divided into five sections. The first section explores the separation/conflation of homosexual conduct and identity in secular law and public policy. Far from an exhaustive survey of this phenomenon, this section is meant to provide parallel illustrations of how I argue the language of homosexual practice functions in mainline Protestantism. For example, legal arguments made by the U. S. Supreme Court in cases like *Bowers v. Hardwick* (1986) demonstrate the ease with which criminalized acts associated with a marginalized identity (i.e. sodomy and homosexuality) can be construed so broadly as to encompass any perceived expression of that identity. These illustrations also lend credence to the idea that the language of homosexual practice in mainline Protestantism functions by separating and conflating homosexual identity and conduct. Church policies regarding homosexuality, like their secular counterparts, are mirrors of cultural changes in people's attitudes toward

homosexuality. So, if the separation/conflation of homosexual identity and conduct has occurred in secular law, its occurrence in ecclesial courts is to be expected.

The second section introduces how the separation/conflation of homosexual identity and conduct has occurred in Christian theology. The way of speaking about homosexuality that is captured by the language of homosexual practice has a history, and it is important to understand the theological origins of it, if one is to understand its subsequent theological development. To illustrate this theological position, I will describe and critique the discussion of homosexuality by Helmut Thielicke in his work *The Ethics of Sex*, first published in English in 1964.⁶ Thielicke's work holds much relevance for this study. The language of homosexual practice did not emerge in a vacuum, but developed and is developing over time. "Homosexual practice" entered the mainline Protestant lexicon in the late 1960s and 70s, and Thielicke's work provided the theological moorings for theologians and church leaders seeking to chart a middle way on the issue of gays and lesbians in the church. That *The Ethics of Sex* was influential in Protestant theological circles in America at that time is evidenced by its numerous reviews in professional journals, and the fact that it still receives attention from scholars today is a testament to its enduring impact.⁷

⁶ Helmut Thielicke, *The Ethics of Sex*, trans. John W. Doberstein (New York: Harper & Row, 1964).

⁷ For examples, see William Edward Hulme, "The Ethics of Sex," *Pastoral Psychology* 15, no. 141 (February 1, 1964): 63-65; James B. Nelson, "The Ethics of Sex," *Theology and Life* 8, no. 4 (December 1965): 308-309; J. W. Stettner, "The Ethics of Sex," *Journal of Religion and Health* 4, no. 4 (July 1, 1965): 376-377; Roger Lincoln Shinn, "The Ethics of Sex," *Union Seminary Quarterly Review* 20, no. 2 (January 1965): 203-205; P. G. Schrotenboer, "The Ethics of Sex," *Westminster Theological Journal* 29, no. 1 (November 1966): 107-110; C. G. Rutenber, "The Ethics of Sex," *Journal of Pastoral Care* 20, no. 3 (1966): 177-318. And, for a recent exploration of Thielicke's discussion of homosexuality, see James M. Childs, "Eschatology, anthropology, and sexuality: Helmut Thielicke and the orders of creation revisited," *Journal of the Society of Christian Ethics* 30, no. 1 (Spring/Summer 2010): 3-20.

Thielicke provided guidance for denominations taking up the issue of homosexuality by dividing his treatment of homosexuality into two parts—a theological evaluation and a moral evaluation—in a way that mirrors the separation of homosexual status from conduct. The thing that separates Thielicke from his predecessors and many of his contemporaries on this point is his assertion that homosexuality is an unchosen constitution or predisposition. He evaluates homosexual acts as morally different from heterosexual acts because they are inherently opposed to God’s created order. Separating the assessment of homosexuality into theological and moral categories thus lays a theological foundation for separating homosexual identity from homosexual conduct in the church documents that began to appear in the years following the English publication of Thielicke’s work. Thielicke’s discussion, however, also demonstrates how the division collapses in upon itself. The “constitutional homosexual,” in Thielicke’s description, is clearly a sexual subject uniquely inclined/destined to act on that constitution. Thielicke, then, is relevant to this analysis historically and theologically: his work introduces into Protestantism a theological framework for separating homosexuality and homosexual conduct, and illustrates how easily this separation breaks down.

The third and fourth sections trace the development of the language of homosexual practice in the UMC, PC (USA), and the ELCA. Section three looks first at the official policies as they have developed over the years and examines how these policies operate within the ordination processes and ecclesial courts. Section four considers recent developments in the PC (USA) and the ELCA that admit the possibility of practicing gays and lesbians being ordained.

The final section interprets the development and deployment of the language of homosexual practice through the lens developed in chapters two and three. As discussed in chapter two, Foucault's discussion of how disciplinary discourse individualizes its subjects is particularly germane to an analysis of homosexual practice, and I discuss the separation/conflation of homosexual identity and conduct as an example of individualization. The contributions of body theology reveal how the language of homosexual practice cuts gays and lesbians off from the life of the church. Because it is prohibited and because it is conflated with homosexual identity, the language of homosexual practice creates a homosexual subject who is abject on a theological and moral level and alienated from the life of the church.

The Separation/Conflation of Identity and Conduct in Secular Law and Society

Some of the clearest examples of how homosexual practice is conflated with homosexual identity come from U. S. Supreme Court decisions. Consider, for example, analyses of how the status of being a homosexual in secular society carries with it the presupposition of "practice." While sodomy laws in the United States were struck down by the 2003 Supreme Court decision *Lawrence v. Texas*, legal cases prior to this decision reveal how being a homosexual makes one susceptible to being charged with certain homosexual acts. The circumstances of the 1986 Supreme Court decision *Bowers v. Hardwick* illustrate the slippage from being a homosexual to being a practicing homosexual.

The case involved the arrest by Atlanta police officer K. R. Torick of Michael Hardwick and another man for being engaged in oral sex in the privacy of Hardwick's

bedroom. Hardwick was charged with committing acts of sodomy, which was criminalized under Georgia law. What is interesting, however, is that, while he was arrested for a particular act, the arrest was the last in a series of events that occurred prior to Hardwick's arrest.⁸ Hardwick initially encountered Officer Torick outside the gay bar where he was a bartender. Torick saw Hardwick throw away a beer bottle in a trashcan outside the bar, and then proceeded to question him. Hardwick mentioned to Torick that he was a bartender at the bar, which immediately identified him as a homosexual. Officer Torick then ticketed Hardwick for drinking in public. Due to a discrepancy on the ticket concerning when he was to appear in court, Hardwick was not present on his court day. Torick came by Hardwick's apartment with a warrant the following day—which was technically impossible because it should have taken Torick forty-eight hours to get the warrant processed—but Hardwick was not home. Learning of Torick's visit, Hardwick immediately went to court and paid the fifty-dollar fine. Almost one month later, Torick returned to Hardwick's home and entered Hardwick's bedroom, where he found him engaged in oral sex with another man. When Torick mentioned he had a warrant for Hardwick's arrest, Hardwick said the warrant couldn't be any good because he had paid the fine. Torick arrested him and his partner anyway, and charged them under Georgia's sodomy law.

The details of *Hardwick* reveal how the criminalization of homosexual acts often has less to do with the act itself, and more to do with a fear of homosexuality and

⁸ For my summary of the underlying events of *Hardwick*, I rely on Kendall Thomas, "Beyond the Privacy Principle," *Columbia Law Review* 92, no. 6 (October 1992): 1431-1516.

homosexuals. The law pertaining to homosexual acts, in other words, becomes a vessel for persecuting gays and lesbians for being homosexual. As legal scholar Kendall

Thomas notes about the series of events leading up to Hardwick's arrest:

In my view, this aspect of the case provides some basis for a belief that the officer's visit on the day of the arrest had less to do with what Hardwick had done, than with his discovery some weeks before of who and what Hardwick was. Had Michael Hardwick not first been ascribed a homosexual *identity*, it is unlikely that he would ever have been observed or arrested for engaging in prohibited homosexual *acts*.⁹

Thomas argues that this connection between being identified as homosexual and then arrested for engaging in homosexual acts has drastic legal and social consequences. It effectively "interdicts (homo)social identity *and* (homo)sexual intimacy" and "enjoins homosexual existence *and* homoerotic acts."¹⁰

Thomas is not alone in identifying how the prohibition of homosexual acts is tantamount to discriminating against homosexuals as a group. As Francisco Valdes writes in his study of sexual minorities in the military: "...despite the intuitive sense of distinction between sexual orientation and sexual behavior generally, American law and society collapse status into conduct strategically in order to rationalize and exonerate the punishment of the disfavored status of homosexuality. Indeed, conduct becomes a means to an end."¹¹ The now-repealed military policy "Don't Ask, Don't Tell" (DADT) is a

⁹ Ibid., 1440.

¹⁰ Ibid., 1441; Janet R. Jakobsen and Ann Pellegrini make the same argument in their rhetorical analysis of *Hardwick*, noting that "homosexual identity itself seemed to become an actionable form of homosexual practice." Jakobsen and Pellegrini, *Love the Sin: Sexual Regulation and the Limits of Religious Tolerance* (Boston: Beacon Press, 2004), 36.

¹¹ Francisco Valdes, "Sexual Minorities in the Military: Charting the Constitutional Frontiers of Status and Conduct," *Creighton Law Review* 27 (1994): 385; Valdes also writes of the conflation of practice and

perfect illustration of status collapsing into conduct, where saying one is a homosexual is likened to a form of sexual act.

This conflation is possible, in part, because of the elasticity of terms like sodomy and homosexual practice. In a religious context, Mark D. Jordan notes that since the invention of the term sodomy in early medieval theology, it has been used to mean “whatever anyone wanted it to mean.”¹² In many legal cases, sodomy has been construed broadly as homosexual conduct, a category that is easily manipulable. The minority opinion of the 1996 Supreme Court case *Romer v. Evans*, written by Justice Antonin Scalia, demonstrates how broadly homosexual conduct can be construed. The majority opinion struck down a Colorado constitutional amendment that overturned all state and local anti-discrimination ordinances protecting gays and lesbians from discrimination based on sexual orientation.¹³ In his dissent, Scalia casts gay and lesbian political speech as a form of homosexual conduct, and the Supreme Court had argued in *Hardwick* that homosexual conduct does not fall under the purview of Constitutional protection.¹⁴ The

identity in Valdes, “Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of 'Sex,' 'Gender,' and 'Sexual Orientation' in Euro-American Law and Society,” *California Law Review* 83, no. 1 (January 1995): 1-377.

¹² Jordan, *The Invention of Sodomy*, 163.

¹³ Seemingly a victory for gay rights advocates, legal scholars and queer theorists have suggested that the decision is too broadly argued to offer definitive protection from discrimination for gays and lesbians and, furthermore, it is “thunderously silent” on *Hardwick*. *Evans'* silence on *Hardwick* has, of course, been remedied by *Lawrence v. Texas* (2003). See William N., Jr. Eskridge, *Gaylaw: Challenging the Apartheid of the Closet* (Cambridge, MA: Harvard University Press, 1999), 141 and 206; and Jakobsen and Pellegrini, *Love the Sin*, 36.

¹⁴ See Jakobsen's and Pellegrini's analysis of Scalia's argument in, Jakobsen and Pellegrini, *Love the Sin*, 37-43.

rationale for Scalia's argument seems to be that homosexual conduct is defined less by the specific action being done and more by the sexual orientation of the person doing it.

As Scalia's argument makes clear, the consequences of criminalizing homosexual practice in the American legal system restricts not just the private actions of gays and lesbians, but how they represent themselves in public as well. The rhetoric of homosexual practice, then, reinforces the notion that public space is heterosexual space. Feminist and queer theorist Cheshire Calhoun argues this point in her book, *Feminism, the Family, and the Politics of the Closet: Lesbian and Gay Displacement*. She agrees that homosexual practice is conflated with homosexual identity, and finds that the conflation has the effect of pressuring gays and lesbians to remain closeted by displacing them from the public sphere and prohibiting queer speech.¹⁵ Calhoun shows how this is the case by comparing discrimination against public gay and lesbian identity to discrimination against other, more visible identities like gender and race. She asks us to imagine a military policy similar to DADT, but one that bans women from publicly identifying themselves as women.

Women would be subject to discharge both for engaging in womanly activities (say, joining the National Organization for Women or wearing women's clothing) and for making the self-identifying statement: "I am woman".... While not discriminating on one level (one may be a woman), this fictional policy clearly discriminates on another. It would burden women with the task of managing their public identities so that they appear to be men. And it would prohibit women from doing what men may do, namely, represent themselves as having the identities that they do have.¹⁶

¹⁵ Cheshire Calhoun, *Feminism, the Family, and the Politics of the Closet: Lesbian and Gay Displacement* (Oxford: Oxford University Press, 2000), 82.

¹⁶ *Ibid.*, 90.

The illustration is striking in how it asks one to imagine a woman who cannot act publicly like a woman, and the relevance of the illustration hardly needs to be pointed out. When homosexual practice is criminalized (in civil law) and/or banned (among clergy in mainline Protestant churches) and at the same time conflated with homosexual identity, then gays and lesbians are in the same position as the woman in Calhoun's analog. The one difference being that it is easier for a gay or lesbian person to pass as straight than a woman to pass as a man.

Calhoun takes the illustration even further. Gender is a constitutive part of the speaking subject, she argues. And so prohibiting a woman to speak qua woman does not simply limit what a woman may say, but it denies that a woman may speak at all. Calhoun claims that the same can be said of sexual orientation, and, thus, "prohibiting lesbian, gay, and bisexual self-representation in the public world not only restricts the content of speech, but more importantly denies that lesbian, gay, or bisexual subjects may speak at all. Only heterosexuals, real and pseudonymous, may."¹⁷

The impact of discrimination on self-representation leads Calhoun to problematize the way we speak of legally protected statuses like gender, race, and sexual orientation. With respect to sexual orientation, she argues, we need to distinguish between the right to *be* gay or lesbian in public and the right to *represent* oneself in public as gay or lesbian. Status-based anti-discrimination policies protect the former but do little to protect the latter. As we shall see, the claim that policies prohibiting practicing homosexuals from ordination are not discriminatory is open to a similar

¹⁷ Ibid., 93.

critique. While technically a gay or lesbian person can be ordained in these denominations, the degree to which a homosexual is free to represent her or himself as a homosexual is limited by the ambiguity of what homosexual practice is, the idea that a homosexual is guilty by association of being a practicing homosexual, and the ever-present threat of ecclesial discipline.

The Separation/Conflation of Identity and Conduct in Christian Theology

Helmut Thielicke's discussion of homosexuality in *The Ethics of Sex* represents both the historical and theological origins of the homosexual identity-conduct distinction in mainline Protestantism. Thielicke argues that a Christian evaluation of homosexuality must be two-fold. One must first understand homosexuality as a "predisposition" or "constitution" and ask what the theological standing of such a condition is. The moral evaluation of homosexual behavior is a separate matter. Thielicke, thus, divides the theological from the ethical: the theological evaluation speaks to the personhood of the constitutional homosexual, and the moral evaluation to the way a homosexual chooses to express that personhood.

Perhaps the clearest way to understand the uniqueness of Thielicke's discussion of homosexuality at that time is to provide a counterpoint. Thielicke takes Karl Barth to task for his discussion of homosexuality in *Church Dogmatics, III, 4*. There, Barth offers an explanation of homosexuality rooted not in a predisposition beyond the control of the individual, but a conscious choice to refuse to recognize God's will for humanity. When such a choice is made, the man-woman relationship is disregarded for "the ideal of a masculinity free from woman and a femininity free from man." Barth sees this as a

turning inward to oneself, where one feels so fully satisfied with himself that he neglects to consider his fellow human being. Barth continues

And because nature or the Creator of nature will not be trifled with, because the despised fellow-man is still there, *because the natural orientation on him is still in force*, there follows the corrupt emotional and physical desire in which—in a sexual union which is not and cannot be genuine—man thinks that he must seek and can find in man, and woman in woman, a substitute for the despised partner....But the decisive word of Christian ethics must consist in a warning against entering upon the whole way of life which can only end in the tragedy of concrete homosexuality.¹⁸

The homosexual is still at heart heterosexual, as the italicized portion makes clear, and, thus, Barth seems not to consider the possibility of one having a homosexual “constitution,” as Thielicke states. I am not trying to toss Barth’s short treatment of homosexuality into the debate over whether homosexuality is chosen or genetic or whatever (a debate that I feel is fraught with more pitfalls than potential¹⁹). I mean simply to draw attention to the fact that, because Barth views homosexuality as the result of one’s disregard for God—a conscious choice that one makes during one’s lifetime—homosexuality is condemned a priori as sinful. Barth conflates but does not separate homosexual identity and conduct. A homosexual is one who commits homosexual acts, and so condemning the latter, by implication, condemns the former.

¹⁸ Karl Barth, *Church Dogmatics, III, 4* (London: T & T Clark, 1961), 166. Emphasis added.

¹⁹ To argue one way or the other always risks alienating those who experience their sexual orientation differently, and the idea that arguing that homosexuality is natural will diminish homophobia and heterosexism is not necessarily well-founded. In fact, some would say the “homosexuality is natural” argument simply plays into a binary understanding of sexual desire that ultimately supports heterosexism. For a good discussion of these issues, see Mary McClintock Fulkerson, “Gender-Being it or Doing it? The Church, Homosexuality, and the Politics of Identity,” in *Que(e)rying Religion: A Critical Anthology*, ed. Gary David Comstock and Susan E. Henking (New York: Continuum, 1997), 188-201; and Laurel C. Schneider, “What If It Is a Choice? Some Implications of the Homosexuality Debates for Theology,” in *Sexuality and the Sacred: Sources for Theological Reflection*, ed. Marvin M. Ellison and Kelly Brown Douglas, 2nd ed. (Louisville, KY: Westminster John Knox Press, 2010), 197-204.

Thielicke criticizes theologians like Barth for making the statement that “homosexuality is sinful.” He claims that their error is to project their own anti-homosexual prejudices into their assessment of homosexuality, and this leads to evaluating homosexuality the same way one evaluates homosexual conduct. Rather than rejecting homosexuality outright, Thielicke argues, the Christian theologian and ethicist must take seriously the notion that homosexuality can be or is a constitutional predisposition. That being the case, Thielicke asks a question unique for his time and vocation:

What is the person who is so constituted by “fate” to think of himself from the theological point of view? This is after all the real question. And then how shall he act on the basis of this self-understanding?²⁰

Thielicke’s answer to the first question is that the homosexual need not think of himself as more sinful or corrupt than anyone else, because homosexuality is a predisposed condition for which the homosexual is not culpable. Thus, he makes the analogy that just as original sin is to be distinguished from the actualization of a concrete sin, so is the homosexual predisposition to be distinguished from homosexual acts.²¹ Thielicke’s analogy is fitting for his argument because he sees the homosexual constitution as a product of the disordered state of this postlapsarian world. It is a “symptomatic participation in the fate of the fallen world,” and, Thielicke claims, this fact means that

²⁰ Thielicke, *The Ethics of Sex*, 272.

²¹ *Ibid.*, 282-283.

homosexuals should not be evaluated as inherently more sinful than “us ‘normal’ persons.”²² As he writes

The predisposition itself, the homosexual potentiality as such, dare not be any more strongly depreciated than the status of existence which *we all* share as men in the disordered creation that exists since the Fall (*post lapsum*). . . . Consequently, there is not the slightest excuse for maligning the constitutional homosexual morally or theologically.²³

Theologically, then, Thielicke prefers to speak of all humanity bearing the same fallen status, with no room for singling out one group of persons over any other. For this reason, Thielicke argues that homosexuality as the phenomenality of one’s existence is immune from the condemnation that is leveled against homosexual acts.

While Thielicke’s discussion of homosexuality as a predisposition is noteworthy for its “qualified acceptance”²⁴ of the homosexual, the heterosexist underpinnings of his theological anthropology are not difficult to detect. Thielicke stresses that homosexuals and heterosexuals share the same postlapsarian existence, but by no means does this place both sexual orientations on equal footing. Theologically speaking, heterosexuality is good because it is part of the orders of creation. Indeed, Thielicke’s theological sexual anthropology is based on the view that the sex differentiation referenced in the first chapters of Genesis carries normative weight; it establishes God’s intention for man and

²² Ibid.

²³ Ibid., 283.

²⁴ This is the phrase used by James Nelson to characterize Thielicke's position. See Nelson, *Embodiment: An Approach to Sexuality and Christian Theology* (Minneapolis, MN: Augsburg Publishing House, 1978), 196.

woman to be together.²⁵ Thus, while the expression of heterosexuality always occurs in this fallen world and is mired by sin, the heterosexual's sexuality rests on the sure footing of God's intention for humankind. The expression of homosexuality is also sinful, but homosexuality as an orientation is rooted not in God's intention, but human sinfulness. It is a "distortion or depravation"²⁶ of the created order of the sexes.

This theological difference cannot be underestimated, for it has an immense impact on Thielicke's description of the homosexual and his moral evaluation of homosexual practice. Thielicke's discussion of the theological and phenomenological situation a homosexual finds himself in depicts an individual who has little choice in how he conducts himself sexually. Indeed, the constitutional homosexual, beset as s/he is with a sexuality in discord with God's intention for creation, is troubled by "the slippery ground of his existence" and caught in "a situation of permanent conflict." He goes on

The temptations of the homosexual which we have described are so great that we must appreciate why it is that Christian theologians often despair in the face of the minimal chances of being able to live ethically with homosexuality and achieve an acceptable partnership. And we ourselves do not venture to credit these chances with anything more than being a possible exception.²⁷

The implication of this description of homosexual personhood, which Thielicke does not seem to appreciate, is that the sovereignty of the moral agent is compromised by a homosexual constitution. The homosexual is not in complete control of his or her actions, and is defined by an inherent, dubious capacity to give in to sexual temptations and engage in homosexual practice.

²⁵ Thielicke, *The Ethics of Sex*, 4.

²⁶ *Ibid.*, 283.

²⁷ *Ibid.*, 287.

To Thielicke's credit, he displays a pastoral sensitivity to homosexuals that many of his contemporaries did not. Since he believes homosexuality is a predisposition, he rejects the idea that homosexuality is something that can be cured and finds it unfair to ask a homosexual simply to repress homosexual feelings. He recommends instead rigorous spiritual guidance for those few homosexuals who are willing to accept it. Under such guidance, homosexuals may be able to attain a "relative ethical order" if they can maintain homosexual relationships that are marked by the same characteristics as responsible heterosexual relationships.²⁸ Here, though, the theological evaluation of homosexuality places severe limitations on such homosexual relationships. Because homosexuality is outside the orders of creation and its existence is directly attributable to human sinfulness, these tolerated homosexual relationships "cannot be an open and public thing."²⁹ Tolerating certain homosexual relationships is simply a way to make due while we reside in the penultimate character of this fallen world.

Thus, the homosexual, in Thielicke's mind, is one who must come to terms with an abnormal sexual predisposition, yet does not possess the ability to do so without the proper religious guidance and care. The ethical possibilities for the homosexual are very few, and the chance that a homosexual will come to live ethically within the confines of such a questionable sexual predisposition is remote. Here, then, in a theological and ethical assessment of homosexuality written at a time of changing medical, political, and cultural understandings of homosexuality, the delineation of a homosexual predisposition

²⁸ Ibid., 288.

²⁹ Ibid., 285.

from homosexual conduct is paired with the notion that homosexuals are bound to act on their sexual predisposition, a consequence of its origins as a departure from God's created order. The things that Thielicke intends to evaluate separately are elided in the course of his analysis. This elision undermines Thielicke's claim that the homosexual predisposition is theologically and morally neutral, and establishes a heterosexist definition of the homosexual subject at a time when mainline Protestant denominations were beginning to discuss how to respond to the growing visibility of gays and lesbians in church and society.

The Separation/Conflation of Identity and Conduct in Mainline Protestantism

The division of homosexuality into a homosexual identity and homosexual conduct that Thielicke helped introduce in modern Protestant theology and ethics soon found its way into American publications in theology and ethics, and then into the initial statements on homosexuality adopted by the UMC and the predecessor denominations of the PC (USA) and the ELCA. Consider briefly an example from American Christian scholarship around that time. The first edition of *A Dictionary of Christian Ethics*, published in 1967 by Westminster Press, included an entry for homosexuality. Actually, it was a dual entry for homosexuality and "homosexuality." The entry treats these two terms as separate yet related phenomena.

Homosexuality is a personal condition, not a kind of behaviour (for which the term *homosexuality* is used here)... Homosexuality generally disposes the subject to self-expression in physical acts with others of the same sex, and when moral or social restraints are weak or absent there may be occasional or habitual indulgence in some kind of homosexuality.³⁰

³⁰ Sherwin Bailey, "Homosexuality and Homosexuality," ed. John MacQuarrie, *A Dictionary of Christian Ethics* (Philadelphia, PA: Westminster Press, 1967), 152.

The entry supports the idea that homosexuality as a condition is to be evaluated separately from homosexual behavior.

This division took on a certain utility in light of the changing views of the medical establishment regarding homosexuality and the rise of the modern gay rights movement. As the gay rights movement began to coalesce in the late 1960s, especially following the 1969 Stonewall Riots, gays and lesbians began to reject publicly the stigma attached to being gay. Frank Kameny, for example, coined the term “Gay is good” (inspired by the phrase “Black is beautiful”) to offer an understanding of homosexuality not defined by frameworks of pathology or sin. The gay community was becoming more visible in society and arguing for equal rights and equal protection under the law.

Coinciding, not coincidentally, with these political and cultural movements was a shift in the official position of the medical community regarding homosexuality. The pathological definition of homosexuality fell out of favor with the medical community in the 60s and early 70s, culminating in the decision of the American Psychiatric Association to remove homosexuality from its list of mental disorders in 1973. Homosexuality was no longer a medical condition to be treated. Mainline Protestant denominations took the opinions of the medical community seriously, and so the question became how to balance biblical authority and the consensus of the professional community. As Heather White has noted in her historical study of modern Christian views of homosexuality, the separation of conduct from the sexual orientation itself played a crucial role in this regard:

The distinction between homosexuality as a neutral orientation and homosexual conduct as a sinful breach of Christian teachings functioned in more complicated ways to provide Protestant churches a provisional stance amid conflicting frameworks of medical science and biblical morality...By distinguishing orientation from practice, they could continue to embrace medical frameworks that questioned homosexual pathology while also upholding doctrines of homosexual sinfulness.³¹

Thus, the language of homosexual practice provides a vocabulary that takes seriously the modern concept of homosexuality as a deeply ingrained, non-pathological aspect of personhood, but also considers biblical references to homosexuality as a binding proscription of homosexual conduct.

Mainline Protestant denominations in America began adopting statements regarding homosexuality around the same time that codified this vocabulary. These statements embodied the division of homosexual identity and conduct by, on the one hand, expressing the need to protect gays and lesbians from violence and discrimination in the church and society and asserting the basic human dignity of gays and lesbians as creatures of God; and, on the other hand, stating unequivocally that homosexual practice was against Christian teaching.

Along these lines, the UMC passed a resolution in 1968 that included a statement arguing for the decriminalization of sex acts between persons of the same gender, a sentiment that is rearticulated in a passage from the *Book of Discipline* that advocates for respecting basic human rights and civil liberties for gays and lesbians.³² Furthermore, the

³¹ Heather Rachelle White, "Homosexuality, Gay Communities, and American Churches: A History of a Changing Religious Ethic, 1946-1977" (PhD diss., Princeton University, 2007), 107.

³² United Methodist Church, "Resolution on Health, Welfare, and Human Development (1968)," in *The Churches Speak On: Homosexuality*, ed. J. Gordon Melton (Detroit, MI: Gale Research Inc., 1991), 240-241; *2008 Book of Discipline*, ¶ 162J.

UMC amended its *Book of Discipline* in 1972 with a statement on homosexuality that affirms that homosexuals no less than heterosexuals are persons of sacred worth, but labels the practice of homosexuality incompatible with Christian teaching.³³ This statement was incorporated into the UMC's ordination standards in 1984, when the General Conference adopted ¶ 304.3, banning self-avowed practicing homosexuals from ordination.

The United Presbyterian Church in the United States of America (UPCUSA)—a predecessor denomination of the PC (USA)—used the entry from the *Dictionary of Christian Ethics* in its statement on human sexuality adopted in 1970, stating, “There is a difference between homosexuality as a condition of personal existence and homosexuality as explicit homosexual behavior.” The document relies on Thielicke's *The Ethics of Sex* to articulate where homosexuality as an identity stands, theologically speaking. It notes that, while Scripture does not single out homosexuality as more heinous than other sins, it is indicative of “man's refusal to accept his creatureliness.”³⁴ This statement did not address the ordination of gays and lesbians, but the UPCUSA took up this issue in its 1978 statement, “The Church and Homosexuality.” Regarding ordination, the denomination stated: “...our present understanding of God's will precludes the ordination of persons who do not repent of homosexual practice.” But it also made clear that homosexuals who repent of homosexual practice—either by

³³ The location of this statement within the *Book of Discipline* has changed over the years. In the 2008 *Book of Discipline*, it is found at ¶ 161F.

³⁴ The General Assembly of the UPCUSA, “Sexuality and the Human Community,” 1970, 18. The document references the *Dictionary of Christian Ethics* for its use of the word “homosexuality.”

adopting a celibate way of life or redirecting their sexual desire toward heterosexual relationships—can be ordained. What is more, a non-practicing homosexual who seeks ordination is encouraged to disclose his or her sexuality.

Indeed, such candidates must be welcomed and be free to share their full identity. Their experience of hatred and rejection may have given them a unique capacity for love and sensitivity as wounded healers among heterosexual Christians, and they may be incomparably equipped to extend the church's outreach to the homosexual community.³⁵

This statement shows the degree to which the denomination sought to protect homosexual orientation from the label “sinful,” which it confers on homosexual practice. Two years after the PC (USA) was formed, a ruling of the General Assembly Permanent Judicial Commission (GAPJC), the denomination's highest court, declared that the 1978 statement was “definitive guidance” for the church, giving it the force of law.³⁶ In 1993, the General Assembly, the denomination's highest legislative body, reinforced the GAPJC's decision by making the 1978 statement an “Authoritative Interpretation” of the Constitution of the PC (USA). This Authoritative Interpretation set the ordination standard regarding homosexuality until the General Assembly amended the Constitution in 1997 by adopting G-60106b, a clause that prohibited persons from ordination who refuse to repent from a practice—i.e. homosexual practice—that the PC (USA) considers sinful. That policy was tweaked in 2006 by a policy that allowed gays and lesbians to seek ordination by stating their disagreement with the discriminatory policy and was

³⁵ The General Assembly of the UPCUSA, “The Church and Homosexuality,” 1978, 60.

³⁶ See, *Blasdell, et al. v. Presbytery of Western New York, Remedial Case 197-09* (GAPJC 1985). The texts of all GAPJC decisions are available at <http://oga.pcusa.org/gapjc/decisions/decisions.htm>.

altogether revoked in June 2011, opening the door for gays and lesbians to seek ordination.

Several predecessor denominations of the ELCA passed legislation during the 1970s and 80s similar to those of the UMC and the Presbyterian denominations. The Lutheran Church in America issued a statement in 1970 that identified homosexual behavior, not homosexuality, as sinful,³⁷ and the American Lutheran Church adopted a statement in 1980 that stated more explicitly the distinction between sexual orientation and behavior. It stated: “We believe it appropriate to distinguish between homosexual orientation and homosexual behavior. Persons who do not practice their homosexual erotic preference do not violate our understanding of Christian sexual behavior.”³⁸ This document also expressed concern that members of the church decry injustices committed against gays and lesbians and affirmed their basic human dignity. When the ELCA formed in 1988, the ordination of gays and lesbians was a very public, very controversial topic, and the denomination soon established standards for ministry that prohibited the practice of homosexuality.³⁹ The central document was the *Definitions and Guidelines for Discipline*, which labeled the practice of homosexuality “conduct incompatible with

³⁷ Lutheran Church in America, “Sex, Marriage, and Family (1970),” in *The Churches Speak On: Homosexuality*, ed. J. Gordon Melton (Detroit, MI: Gale Research Inc., 1991), 112-113.

³⁸ The American Lutheran Church, *Human Sexuality and Sexual Behavior* (Minneapolis, MN: The American Lutheran Church, 1980), <http://www.elca.org/What-We-Believe/Social-Issues/Social-Statements/JTF-Human-Sexuality/Faithful-Journey-Resources/Historical-Documents/Predecessor-Church-Body-Statements/alc1980.aspx>.

³⁹ For an examination of the circumstances surrounding the creation of the ordination policies of the ELCA, see Christian Batalden Scharen, *Married in the Sight of God: Theology, Ethics, and Church Debates Over Homosexuality* (Lanham, MD: University Press of America, 2000), chap. 4. I will discuss Scharen's work at more length later in the chapter.

the character of the ministerial office” and subject to discipline. The 2009 Churchwide Assembly changed the denomination’s policies regarding homosexuality, making it possible for gays and lesbians to be ordained in some circumstances. These changes will be discussed in the next section along with the Presbyterian policies already mentioned.

These documents formalized the position that being homosexual is protected as a status, but acting homosexual is sinful. However, while the denominations that prohibit the practice of homosexuality do so in order to separate conduct from status, the language of homosexual practice participates in a larger cultural and legal history that conflates homosexual identity with certain sexual acts. The practicing homosexual that emerges from this history is one for whom sexual orientation is set aside as a defining characteristic of personhood—over and above other characteristics—and sexual practice is isolated as a nonessential and troublesome aspect of personhood. And, despite the fact that theologians and denominational bodies have described homosexuality as an inner disposition—something that one is—they have also associated the status of being a homosexual so closely with same-sex sexual activity and erotic expression that being a homosexual implies acting like one.

This view of homosexuality makes or did make the conflation of identity and practice an unstated and ever-present condition of the homosexuality debate in these denominations, something that becomes especially problematic when carrying out church discipline. To put it simply, the conflation enables a rhetorical bait and switch, where condemnation and prohibition of homosexual practice effectively condemns homosexuals for being homosexual. The line between person and practice, which proponents of these

ordination policies declare to be clear and justifiable, is obscure at best. Since the UMC, PC (USA), and ELCA, or their predecessor denominations, began drafting statements about homosexuality in the 1970s, numerous examples have emerged from church policies and judicial hearings that demonstrate how a policy regarding homosexual practice comes to define homosexuals as persons.

In the UMC, the conflation of identity and practice has occurred in various ways in the decisions of the Judicial Council. An early instance of ecclesial discipline against an openly gay UMC minister provides an illustration of this conflation. In 1971, the year prior to the UMC adopting legislation calling homosexual practice “incompatible with Christian teaching,” F. Gene Leggett, an ordained minister in the Southwest Texas Annual Conference, announced at a meeting of the Conference that he was a homosexual. The following month, “in light of this statement *and its implications*,”⁴⁰ the Conference suspended Leggett’s ordination, finding him “unacceptable in the work of the ministry.”⁴¹ This action did not initially involve church courts because of the UMC’s practice of annually appointing clergy, meaning that each year an Annual Conference reaffirms (or does not) each clergyperson’s ordination credentials. The Conference then asked the Judicial Council to rule on the constitutionality of its action, and the Judicial Council upheld Leggett’s suspension. Leggett only stated that he was a homosexual, but his colleagues were troubled by the *implications* of such a statement. What, one must ask, were the implications of Leggett stating that he was a homosexual? That he would

⁴⁰ *UMC Judicial Council Decision 351* (1972). Emphasis added.

⁴¹ “Homosexual Minister Is Ousted By Southwest Texas Methodists.”

represent himself in public as a homosexual? That he would engage in homosexual sex? Whatever the answer, Leggett's suspension shows how just *being* a homosexual makes one susceptible to church discipline.

Of course, Leggett's suspension occurred before the ban on homosexual practice was established. But the introduction of this ban, allowing discipline to focus—presumably—on actions rather than status, only changed the situation slightly. As mentioned in the analysis of U. S. Supreme Court decisions, one of the factors that allows identity and practice to be separated in theory but conflated in practice is the fact that terms like “sodomy” and “practice” are ambiguous and easily manipulable. While it is easy to assume that practice refers to sex with someone of the same sex or gender, the term has proven harder to define than that in the UMC. Since the 1984 adoption of ¶ 304.3 banning self-avowed practicing homosexuals from ordination, at least nine decisions of the Judicial Council⁴² either emphasize the need for the General Conference or Annual Conferences (the General Conference is the national legislative body of the UMC and Annual Conferences are regional legislative bodies) to define the phrase “self-avowed practicing homosexual” or adjudicate the definitions offered by different Annual Conferences.

Some of these decisions deal directly with the correct understanding of “self-avowal,” to be discussed in the next chapter, but two decisions are particularly important regarding the definition—or lack thereof—of homosexual practice. The first, decided in

⁴² *UMC Judicial Council Decisions* 544 (1984), 702 (1993), 708 (1994), 722 (1994), 725 (1994), 764 (1995), 837 (1998), 920 (2001), and 1020 (2005).

1995, dealt with a definition of the phrase “self-avowed practicing homosexual” that was adopted by an Annual Conference, the California Pacific Conference. The Conference’s definition read, in part:

A self-avowed homosexual is one who makes it known by affirming publicly that she/he engages in genital sexual behavior with a person of the same gender....“Practicing” does not mean behavior such as friendship or persons living together as roommates, socializing or meeting with homosexuals, or speaking in support of or agreement with homosexuality.⁴³

Though it does not address the basic injustice of prohibiting homosexual practice, a definition such as this would go along way to prevent ecclesial rulings comparable to cases in secular law like *Bowers v. Hardwick* and *Romer v. Evans* (analyzed earlier) that interpreted sodomy so broadly as to include any public representation of one’s status as a homosexual. The Judicial Council ruled the definition was invalid, but chose not to address the portion of the definition that dealt specifically with homosexual practice. Instead, it stated that the definition was invalid because its definition of “self-avowal” was insufficient insofar as it did not specify to whom the avowal is to be made. The Council continued: “The failure of the definition to include such identification renders the definition invalid. For this reason, *it is unnecessary to address the other questions presented.*”⁴⁴ One of those questions, of course, dealt directly with the definition of practice. That the Council turned down an opportunity to clarify what homosexual practice refers to is curious, since it took the initiative to give guidance concerning how to proceed in defining self-avowal. If the Council placed an importance on defining the

⁴³ *UMC Judicial Council Decision 764.*

⁴⁴ *Ibid.*, emphasis added.

phrase “self-avowed practicing homosexual,” as it had stated it had in Decisions 544 and 702, its inaction regarding a proposed definition of homosexual practice is inexplicable.

The irony of the attention the Judicial Council has paid to defining properly the language of ¶ 304.3 is that it has also maintained that, in the absence of any precise definition or in the presence of multiple definitions, ¶ 304.3 is no less enforceable. In 2005 the California-Nevada Annual Conference passed a statement that addressed the language of homosexual practice. It read: “The California-Nevada Annual Conference hereby specifically refuses and declines to define the word ‘practicing’ or ‘practicing homosexual.’”⁴⁵ After its passage, a member of the Annual Conference submitted a query to the conference bishop asking if the item called into question the enforceability of ¶ 304.3. The bishop responded that it did not, and the Judicial Council was then asked to review the bishop’s ruling on the matter. In Decision 1020, the Judicial Council ruled, “the refusal of an annual conference to define ‘practicing’ or ‘practicing homosexual’ does not void or violate the enforceability of ¶ 304.3.”⁴⁶ This ruling would make sense if ¶ 304.3 offered a definition of homosexual practice. If it did, there would be no reason for an Annual Conference to offer its own definition. But ¶ 304.3 does not. A footnote to ¶ 304.3 offers a definition of the entire phrase—“‘Self-avowed practicing homosexual’ is understood to mean that a person openly acknowledges to a bishop, district superintendent, district committee of ordained ministry, Board of Ordained Ministry, or clergy session that the person is a practicing homosexual”—but the definition is silent on

⁴⁵ *UMC Judicial Council Decision 1020*.

⁴⁶ *Ibid.*

what does and does not constitute homosexual practice. It is concerned only with specifying what constitutes self-avowal. Thus, there seems to be no official definition.

At the very least, the lack of a definition of homosexual practice in the UMC makes it unclear what is being prohibited and what is being prosecuted in disciplinary cases. An example from the *Book of Discipline* further demonstrates this ambiguity. In a section that lists offenses with which ordained ministers may be charged, all offenses but one name specific actions: sexual abuse, harassment, racial discrimination, etc. The one exception concerns homosexuality. “Being a self-avowed practicing homosexual” is a chargeable offense in the UMC.⁴⁷ The wording suggests that it is not a specific act, but being a specific kind of person—the kind of person who commits such acts—that is a chargeable offense in the UMC. The convoluted wording of this passage indicates the difficulties in pinpointing what homosexual practice means and reveals the ways that prohibiting homosexual practice is more about the sexual orientation of the individual than it is the specific sexual acts being forbidden.

The confusion created by the wording of the *Discipline* and the ambiguity surrounding the precise definition of homosexual practice blur the division between identity and practice, the crux of the contention that homosexuals as a group are not discriminated against by the ordination policies banning self-avowed practicing homosexuals. The practicing homosexual, in other words, becomes indistinguishable from the non-practicing homosexual. Being a homosexual places one in danger of being charged with homosexual practice.

⁴⁷ 2008 *Book of Discipline*, ¶ 2702.

We find a very similar situation in the PC (USA) during the years it prohibited gays and lesbians from ordination. Between the denomination's formation in 1983 and the overturning of its heterosexist ordination policy in 2011, numerous decisions of the GAPJC, despite the court's efforts to protect homosexuality as a status, created circumstances that allowed gay and lesbian ordinands, ministers, and church officers to be questioned and/or disciplined based on the knowledge that they were homosexual. One of the first significant cases in this judicial history involves Lisa Larges. Larges' struggle to become an ordained minister began before the current ordination policy of the PC (USA), G-6.0106b, was adopted in 1996, and her struggle continues still today. Larges became a candidate for ordination in 1986 in the Presbytery of the Twin Cities Area. Over several years, she completed the preliminary requirements for ordination (e.g. ordination exams). In 1991, prior to the final interview with her Committee on Preparation for Ministry (CPM), she informed the CPM that she was a lesbian. The CPM conducted the interview and voted to continue with her ordination process. Later that year, the CPM recommended to the Presbytery that Larges be certified as ready to receive a call. The Presbytery, aware that Larges had identified herself as a lesbian, certified Larges as ready to receive a call. After the vote, thirty-two members of the Presbytery who voted "no" filed a complaint with the Permanent Judicial Commission (PJC) of the Synod of Lakes and Prairies—the synod to which the Presbytery of the Twin Cities Area belongs—arguing that the certification of Larges was "irregular" and should be revoked. The Synod PJC ruled that the provisions of "The Church and Homosexuality" that

banned “self-affirming, practicing homosexuals” from ordination⁴⁸—which, since these events occurred prior to the 1996 adoption of G-6.0106b, provided definitive guidance on ordination standards regarding homosexuality—applied to Larges and that, therefore, her certification was irregular and should be rescinded. The Synod PJC was aware that Larges had identified herself as a lesbian and not as a “practicing lesbian,” but it argued that it found sufficient evidence to believe her to be a “practicing homosexual,” though no such evidence was presented. Since the evidence was never produced, it seems the rationale of the Synod PJC was that her sexual orientation made her accountable for homosexual practice, regardless of whether or not she was currently “practicing.” One study collecting data on ordination standards asserts that the Synod PJC “made a judgment call guessing as to what Ms. Larges *might* do in the future, not on any *activity* she was doing at the time.”⁴⁹

The Presbytery promptly appealed the Synod PJC’s decision to the GAPJC. In the decision, *LeTourneau, et al. v. The Presbytery of the Twin Cities Area* (hereafter *LeTourneau*), the GAPJC acknowledged that Larges never claimed to be a practicing lesbian but nevertheless upheld the Synod PJC’s decision to revoke Larges’ certification for ordination. The GAPJC was careful to point out that Larges was to remain a candidate for ordination, but her presbytery could not certify her as “ready to receive a call” until Larges had satisfactorily shown that she was not a practicing homosexual. The

⁴⁸ The United Presbyterian Church in the USA, *The Church and Homosexuality*, 264.

⁴⁹ North Como Presbyterian Church, *Ordination Standards: Biblical, Theological, and Scientific Perspectives* (Lincoln, NE: iUniverse, Inc., 2005), 159, emphasis in the original. I rely on this work for my summary of the Synod PJC decision in the case of Lisa Larges.

decision affirms, in other words, the notion that a homosexual orientation is reason enough for a presbytery to refrain from certifying a candidate as ready to receive a call. And, again, the rationale seems to be that being a homosexual arouses a reasonable suspicion that one is also/will become a practicing homosexual. To this end, the GAPJC stated, “Sexual orientation and practice is relevant to a candidate’s qualifications for ordination and must be investigated by a presbytery’s [CPM] when, as here, the candidate has taken the initiative in declaring his or her sexual orientation.”⁵⁰ The 1992 GAPJC clearly viewed homosexual identity as something that calls one’s fitness for ordination into serious question. Larges was guilty of homosexual practice until proven innocent, and her CPM had not conducted sufficient inquiries to sustain her innocence.

G-6.0106b, the policy adopted in 1997 that prohibited “self-acknowledged practicing homosexuals” from ordination, clarified the church’s ordination standards somewhat and made it more difficult—though not impossible—for sexual orientation alone to keep someone from ordination. Indeed, a 2000 GAPJC decision basically overturned part of the rationale of the 1992 GAPJC, ruling that a gay ordinand who was currently celibate but who also stated he would not refrain from homosexual practice were he to enter a relationship with another man in the future was not in violation of G-60106b because the clause only applies to actions being committed, not actions that may be committed in the future.⁵¹ This standard was solidified even further in the 2002 decision *Ronald L. Wier v. Session, Second Presbyterian Church of Ft. Lauderdale, FL*

⁵⁰ *LeTourneau, et al. v. The Presbytery of the Twin Cities Area, Remedial Case 205-4 2-3* (GAPJC 1992).

⁵¹ See *John S. Sheldon et al. v. Presbytery of West Jersey, Remedial Case 212-12* (GAPJC 2000).

(hereafter *Wier 2*).⁵² Nevertheless, the 1992 GAPJC represents the ease with which sexual orientation can be associated and conflated with sexual practice. A homosexual is surely a practicing homosexual, so assumed the Presbyterian courts in the early 1990s. That the language of homosexual practice operates this way is evidenced by the number of cases that have been initiated based on the mere fact that a candidate for ordination was a self-acknowledged homosexual, although not a “self-acknowledged practicing homosexual.” Most of these cases in the PC (USA) have not resulted in any change in the candidacy of the ordination candidate, but the sheer number of cases where wrongdoing is asserted due to one’s sexual orientation shows that the effects of the language of homosexual practice are not confined to the decisions of the GAPJC.

One direct consequence of the GAPJC’s decision in the 1992 case regarding Lisa Larges was to set a judicial precedent allowing CPMs to question ordination candidates about their sexual orientation and, presumably, their sexual history. Coming out to one’s denomination not only could, but should entail an investigation of orientation and practice, according to the 1992 GAPJC. Over time, this imperative to question gay and lesbian candidates about their sexualities was upheld by the GAPJC, though the specific circumstances under which an investigation becomes warranted has changed from case to case.

A key decision in this history is *Wier 2*. This decision, which involved the ordination of a church member to the office of deacon or elder (the decision does not

⁵² See *Ronald L. Wier v. Session, Second Presbyterian Church of Ft. Lauderdale, FL, Remedial Case 214-5* (GAPJC 2002). A case of the same name was heard by the GAPJC several years earlier, hence the numeration in the abbreviated title.

specify which), the GAPJC upheld the responsibility of an ordaining body to question ordination candidates regarding homosexuality, and the way it did so highlights the convoluted nature of the identity/conduct distinction. On the one hand, the GAPJC seemingly offered protection to gay and lesbian candidates from unwarranted, invasive questions by ordaining bodies. It emphasized that the ordination standard in G-6.0106b stipulates that only those who refuse to repent from “self-acknowledged practice” are disqualified from ordination, and that such self-acknowledgment must be “plain, palpable, and obvious”⁵³ before any special inquiry is warranted. The GAPJC stressed this point to prevent a recurrence of what happened in the *LeTourneau* case from 1992, where Lisa Larges was charged based on the suspicion that she would engage in homosexual practice at some point. To file charges against someone under these circumstances, the GAPJC argued in *Wier 2*, is “to single out a category of persons above and beyond other persons as more likely to sin.”⁵⁴ By making this statement, the GAPJC is essentially making the case against conflating sexual orientation and practice, something that had not been done before in the PC (USA).

On the other hand, the GAPJC then provides justification, as in the 1992 case, for questioning a candidate concerning his or her sexual orientation and potential practice.

Since the ordaining and installing governing body best knows the life and character of the candidate, initial and further inquiry as to compliance with all the standards for ordination and installation belongs to that governing body. If that governing body has reasonable cause for inquiry based on its knowledge of the life and character of the candidate, it has the positive obligation to make due

⁵³ Ibid., 4.

⁵⁴ Ibid.

inquiry and uphold all the standards for ordination and installation. Consideration for inquiry is to be made solely on an individual basis....Therefore, if notwithstanding the requirement of individualized inquiry based on reasonable cause, a governing body makes a line of inquiry to a candidate without reasonable cause, all candidates currently before that governing body must undergo the same inquiry.⁵⁵

The language in this statement shows that, despite providing a strong definition for what constitutes self-acknowledgement, the GAPJC did not do much to guard how an ordaining body might go about getting a candidate to acknowledge homosexual practice. If an ordaining body had reason to suspect someone of homosexual practice, then making inquiries of that individual was the ordaining body's positive obligation. If the ordaining body did not have reasonable cause, questions could still have been asked, but must have been asked of everyone being considered for ordination to avoid singling out, in the GAPJC's own words, "a category of persons above and beyond other persons as more likely to sin."

It is easy to see how these guidelines could have been abused. If an ordaining body, for example, was considering three persons for ordination, and one of them was known or thought to be a homosexual, just ask specific questions of all three candidates to avoid appearing discriminatory. Whether or not this was the intention of the GAPJC, some have interpreted it just this way.⁵⁶ And despite the fact that the GAPJC spoke against investigating someone simply because of his or her sexual orientation, the ruling

⁵⁵ Ibid., 4-5.

⁵⁶ Roche Francois Vermaak, "A Historical Study of the Polity of the Gay and Lesbian Ordination and/or Installation, and Same-sex Marriage Debates in the Presbyterian Church (USA) and its Predecessor Churches" (PhD diss., University of Pretoria, 2009), 308.

included guidelines so broadly construed that the possibility for such an inquiry was still very much alive.

The latitude that the GAPJC granted ordaining bodies in *Wier 2* to question ordination candidates about homosexual practice—with or without reasonable cause—was scaled back by a decision issued the following year. In *Presbytery of San Joaquin v. Presbytery of the Redwoods* (hereafter *San Joaquin*), the GAPJC first affirmed the comments in *Wier 2* that sexual orientation could not by itself prohibit someone from ordination. It then made clear that ordaining bodies must have reasonable grounds to conduct special investigations of candidates, and the reasonable grounds “must include factual allegations of how, when, where, and under what circumstances the individual was self-acknowledging a practice which the confessions call a sin.”⁵⁷ *Wier 2* had stated something very similar, but the loophole it opened—that ordaining bodies could investigate candidates about homosexual practice without reasonable cause as long as they asked questions of all candidates—was effectively closed by the GAPJC in 2003.

That is, the loophole was closed from 2003 to 2006, when the GAPJC issued another decision that seemingly overturned portions of *San Joaquin*. The circumstances of the 2006 GAPJC decision, *Colonial Presbyterian Church v. Grace Covenant Presbyterian Church*, began in 2004 with the election of church officers at Grace Covenant Presbyterian Church (hereafter, Grace Covenant). Between the election and installation of said officers, members of the Committee on Ministry (COM) of Heartland

⁵⁷ *Presbytery of San Joaquin v. Presbytery of the Redwoods; and Edgar T. Hart, et al. v. Presbytery of the Redwoods, Remedial Case 215-8, 6* (GAPJC 2003).

Presbytery, to which Grace Covenant belonged, expressed concern over one officer-elect who was “thought to be a lesbian.”⁵⁸ The COM met with representatives from Grace Covenant to discuss the officers elected but did not report any concerns about the officers elected. The ordination and installation of officers took place at Grace Covenant several weeks after the meeting.

Several months later, the session of Colonial Presbyterian Church (hereafter, Colonial), another church in the presbytery, requested from the session of Grace Covenant that the church address an alleged delinquency in the ordination of one or more of its elders. Grace Covenant did not comply, at which time the session of Colonial submitted a complaint to Heartland Presbytery that the election, ordination, and installation of an elder at Grace Covenant was irregular and delinquent. The PJC of Heartland Presbytery dismissed the case without holding a trial, arguing that the complainant did not state a claim upon which relief could be granted. In short, because there was not a claim that homosexual practice had occurred—as stated earlier, the case was initiated because one elected officer was thought to be a lesbian, not a practicing lesbian—there was no cause to question whether the election, ordination, and installation of the elder was constitutional. Colonial challenged that ruling, appealing to the PJC of the Synod of Mid-America. The Synod PJC upheld the ruling of the Presbytery PJC, and used the precedent from *San Joaquin* to argue its case, citing that decision’s assertions that sexual orientation was not sufficient grounds for a special investigation of ordination candidates and that factual allegations of the self-acknowledgement of homosexual

⁵⁸ *Session of Colonial Presbyterian Church, Kansas City, Missouri v. Session of Grace Covenant Presbyterian Church, Overland Park, Kansas, Remedial Case 218-1 2* (GAPJC 2006).

practice was necessary if an investigation was to be made.⁵⁹ Colonial appeared to be acting off of the belief that one elected elder was a lesbian and did not provide any evidence that said elder had self-acknowledged homosexual practice.

Colonial, however, appealed to the GAPJC. The GAPJC overturned the decisions of the Synod and Presbytery PJC's, applying the *Wier 2* ruling to argue that Grace Covenant knew enough of the "life and character of the candidate" to inquire of the candidate in question whether she was willing to comply with the ordination standard in G-6.0106b. To be clear, the GAPJC ruling was very narrow in scope; it suggested that, based on a 2003 decision that stated the alleged facts of a complaint must be assumed true when a PJC is deciding on whether the complaint has enough merit to warrant a trial,⁶⁰ the lower court rulings were wrong to dismiss the case without holding a trial. It ordered that Heartland Presbytery PJC look into the examining practices of Grace Covenant and, if necessary, hold a trial.

In issuing this ruling, the GAPJC did not seem to consider the fact that the complaint did not suggest that homosexual practice was self-acknowledge by the elected elder. Furthermore, *Wier 2* and *San Joaquin* stated that the ordaining body was in the best position to decide if a candidate needed to be questioned to determine his or her readiness for ordination. Grace Covenant did not see the need to examine the elder-elect on her fitness for ordination regarding G-6.0106b, yet, the GAPJC basically ruled that

⁵⁹ See the summary of the Synod PJC decision in, Vermaak, "Historical Study," 355.

⁶⁰ See *Daniel J. McKittrick v. Session of the West End Presbyterian Church of Albany, NY, Remedial Case 215-5* (GAPJC 2003).

Colonial should have been able to initiate a trial, even without producing any evidence to suggest that Grace Covenant had reasonable grounds to investigate the elder in question.

These rulings in the PC (USA) judicial system show that, while the denomination maintained a distinction between homosexual orientation and homosexual practice, the distinction often had little practical consequence. Prior to the 1997 adoption of G-6.0106b, the conflation of homosexual orientation and homosexual practice had been made explicit in the *LeTourneau* decision, which prevented Lisa Larges from being declared ready to receive a call simply because she was a lesbian. From 1997 to 2011, during which time the language of G-6.0106b precluded self-acknowledged practicing homosexuals from ordination, the association between being a homosexual and practicing one's homosexuality became more tacit. GAPJC decisions tried to stress that sexual orientation was not a bar to various ordainable offices in the church, but it also gave committees that supervise and approve candidates for ordination leeway to investigate candidates who were gay. The investigations were clearly meant to determine if the candidate in question is a practicing homosexual and, thus, ineligible to hold a church office. But the lack of clarity in terms of when such an investigation was appropriate created an environment where any gay or lesbian candidate for ordination was treated as a potential practicing homosexual. While candidates may have had a good feel for whether a committee overseeing their ordination processes would have insisted on conducting such an inquiry into their personal lives, the surfeit of church court cases dealing with this very question—not all of which have been discussed here—prove that there was a legitimate cause for concern. After all, many of the cases were initiated by

persons who were not a part of the ordination process and who were simply concerned that an ordained officer in the church was in violation of G-6.0106b. Thus, during the time that the PC (USA) expressly prohibited practicing homosexuals from being ordained and provided the opportunity for gay and lesbian candidates to be questioned about whether they were practicing, there was little or no respite for gays and lesbians from the suspicion that the policy and its judicial enforcement embodied. A gay or lesbian who was ordained or a candidate for ordination was always at risk of having his or her sexual subjectivity brought under ecclesial adjudication. The neat division between “homosexual” and “practicing homosexual” was, thus, meaningless from the perspective of the person who does not feel protected by it.

The role that examination played in the PC (USA) has a counterpart in the ELCA. To be sure, after the 2009 Churchwide Assembly, where the ELCA adopted a new ordination policy that allows room for different views of homosexuality to coexist within the denomination, the harmful consequences of the language of homosexual practice and the examination of gay and lesbian candidates have diminished. These considerations will be discussed in the next section along with a policy that was active in the PC (USA) from 2006 to 2011, but the history of the prohibition of homosexual practice in the ELCA prior to the 2009 Churchwide Assembly is nevertheless important for several reasons. Because the condemnation of homosexual practice is still an accepted view in the ELCA, the language will continue to be a part of the denomination’s dialogue, and understanding how it has already functioned may illumine how it will continue to function in conservative Synods of the church. Furthermore—and perhaps more importantly in light

of the argument of this dissertation—the discursive consequences of the rhetoric of homosexual practice impact more than just those on whom it is exercised in the ordination process or in disciplinary hearings.

As Chris Scharen has shown in his study of the ordination process in the ELCA,⁶¹ the formation of the ELCA in 1988 coincided with the issue of gay and lesbian ordination receiving national attention within the denomination. The attention began when three seminarians at Pacific Lutheran Seminary in Berkeley, California, who were candidates for ordained ministry came out as openly gay. The episode galvanized leaders in the denomination to clarify the ordination process so as to ensure the exclusion of practicing homosexuals. The immediate response was to subject the three seminarians to a special examination about their fitness for ministry (i.e. their willingness to remain celibate), after which they were removed from the list of active candidates for ordination. The long-term response was to develop a document governing the candidacy process, which evolved into what is now called *Vision and Expectations: Ordained Ministry in the Evangelical Church in America*. Scharen makes an important observation about the functionality of this document within the candidacy process:

...the introduction of a “special examination” about sexuality during candidacy interviews has been at the heart of developing documents—including *Vision and Expectations*—allowing direct questioning of the candidate’s familiarity with the church’s position without “inappropriate” questions about personal life. Under the guise of respectability, the committee members don’t ask; the documents carry the questions by which the candidates question and shape themselves. The document itself takes on the disciplinary role of inquisitor.⁶²

⁶¹ Scharen, *Married in the Sight of God*, chap. 4.

⁶² *Ibid.*, 117. Scharen's observation obviously applies to the version of *Vision and Expectations* prior to the 2009 Churchwide Assembly. *Vision and Expectations*, along with the *Definitions and Guidelines for*

The institutionalization of candidacy procedures introduces anonymity to the production of candidates, allowing individuals overseeing the candidates to defer to the policy when faced with questions regarding the ordination of gays and lesbians.

Scharen's study focuses on candidates for ministry, which is why he names *Vision and Expectations* in the above quote. However, if we broaden Scharen's focus to the disciplining of clergy in addition to the production of suitable candidates, we can add the ELCA document *Definitions and Guidelines for Discipline* to his observation. Before this document was revised in light of the 2009 Churchwide Assembly, it defined the practice of homosexuality as conduct "incompatible with the character of the ministerial office." When a bishop prior to the 2009 Churchwide Assembly was confronted with a clergyperson who was a "self-acknowledged practicing homosexual," she or he could defer to the *Definitions and Guidelines* as the judge in such matters. It was the duty of the bishop to file charges under such circumstances.

A case in point is the trial and defrocking of Brad Schmeling in Atlanta, GA.⁶³ Ordained in 1989, Schmeling entered the roster of clergy in the Southeastern Synod of the ELCA in 2000. At that time, he acknowledged to his bishop that he was gay, though he also stated that, as a single gay man, he was in compliance with the ELCA's ordination standards. He began a relationship with another man in 2005, and reported

Discipline and the *Candidacy Manual*, were revised in April 2010 by the ELCA Church Council to reflect the policy changes made in 2009.

⁶³ After the changes to the ELCA's ordination policies at the 2009 CWA, Schmeling applied for and was granted reinstatement as an ordained minister. Also, it should be noted that Schmeling's case is not the sole example of how these ordination documents function. The disciplinary hearings of Ross Merkel and Steve Sabin, both of which resulted in defrocking, further illustrate this point.

this to his bishop, Ronald B. Warren, in 2006. Warren filed charges against Schmeling in August of that year and, in a letter to the clergy of the Southeastern Synod, explained that Schmeling was in violation of the *Definitions and Guidelines* and that his own actions as bishop were determined by this document.⁶⁴

The deferral to ELCA documents continued in Schmeling's ecclesial trials. In his trial before the Discipline Hearing Committee (DHC), the presentation of the facts of the case defined Schmeling in the terms of these documents:

Pastor Schmeling is, in the Language of Definitions and Guidelines, a practicing homosexual person. In the language of Vision and Expectations, he is an ordained minister in his self-understanding who is not abstaining from homosexual sexual relationship.⁶⁵

Schmeling argued before the DHC that this language did not require the DHC to defrock him; the ELCA Constitution stipulated that disciplinary hearings could also result in private censure or suspension. The DHC disagreed. It lamented its decision and even advised the ELCA to revise *Vision and Expectations* and *Definitions and Guidelines* so as to remove the language that precluded practicing homosexuals from ordained ministry. Nevertheless, the DHC felt that "the stipulated facts leave them no choice but to determine that the Rev. Bradley E. Schmeling is a practicing homosexual person within *Definitions and Guidelines* section b.4 and is therefore precluded from the ordained ministry of this church."⁶⁶ Schmeling appealed this decision to the Committee on

⁶⁴ Ronald B. Warren, "Letter from Bishop Ronald B. Warren to the Rostered Clergy of the Southeastern Synod", August 8, 2006.

⁶⁵ *In the Matter of Disciplinary Proceedings against the Rev. Bradley E. Schmeling*.

⁶⁶ *Ibid.*

Appeals, which upheld the DHC's decision to remove Schmeling's ordination credentials.⁶⁷

Just as ELCA documents carry out the examination of ordination candidates, the documents also preside over disciplinary hearings as judge and jury. And this observation is not restricted to the ELCA. Decisions from the courts of the UMC and the PC (USA) contain similar deferrals to ordination policies. It is not uncommon for courts to explain that the courts are not making moral judgments about homosexuality or homosexual practice, but are simply carrying out the duties with which they have been charged. Under the "guise of respectability," as Scharen puts it, ecclesial bodies enforce discriminatory ordination policies while holding them at arms length. In the context of this chapter, which argues that the rhetoric of homosexual practice produces a homosexual subject for whom sexual identity and conduct are simultaneously separated and conflated, this observation reveals one way that this homosexual subject has been sustained in each of these denominations even as popular support for the policies in question has waned. The incompatibility of the practicing homosexual with ordained ministry is established in the documents of the church, and courts and ordination committees need only defer to them. Each deferral, though, strengthens the conflation of identity and conduct that the rhetoric of homosexual practice embodies.

Homosexual Practice and the Protestant Conscience

The ordination policies of the PC (USA) and the ELCA have both shifted in recent years in ways that permit the possibility of gay and lesbian ordination. In fact, the

⁶⁷ *Committee on Appeals Decision Regarding Bradley Schmeling* (ELCA Committee on Appeals 2007).

policies of the PC (USA) have shifted twice in only five years. The PC (USA) completely reversed its anti-homosexual ordination policy in 2011, but before that development, it adopted a policy in 2006 that did not overturn G-6.0106b but allowed gay and lesbian candidates to pursue ordination by declaring a scruple from the denomination's teachings as long as the scrupled teaching was not considered an essential of Reformed faith and polity. In the ELCA at the 2009 Churchwide Assembly, the denomination adopted a resolution that puts forth four acceptable positions on the matter of homosexuality and the ordination of practicing homosexuals. The rationale for enumerating four different positions was to allow room for all within the denomination to honor their consciences on the matter of homosexuality and the ordination of gays and lesbians. Both policies focus on a basic tenet of Protestantism, the centrality of the Christian's conscience in matters of faith and morality.

The PC (USA) adopted a new "Authoritative Interpretation" at the 2006 General Assembly that followed the final report of the Theological Taskforce on Peace, Unity, and Purity of the Church,⁶⁸ which recommended allowing ordination candidates to declare a scruple or departure of conscience from the denomination's ordination standards. The ordaining body could have allowed the candidate to proceed in the ordination process if it decided that the scruple did not violate an essential of Reformed faith and polity. Between the adoption of this policy in 2006 and the overturning of the ban on gay and lesbian clergy in 2011, gay and lesbian ordination candidates tested the scrupling policy by declaring scruples with G-6.0106b, and, in just a few short years, the

⁶⁸ The full text of the report is available at <http://oga.pcusa.org/peaceunitypurity/finalreport.htm>. Accessed March 1, 2011.

PC (USA) witnessed a judicial and legislative roller coaster regarding the status of G-6.0106b within the denomination.

Numerous gay and lesbian candidates in the PC (USA) sought ordination under the 2006 scrupling policy by declaring a scruple with G-6.0106b. The scruples of two candidates, Lisa Larges and Paul E. Capetz, were initially approved by their respective Committees on Ministry, but their progress in the ordination process was stalled by a 2008 GAPJC ruling. That ruling, *Bush et al. v. Presbytery of Pittsburgh*, shut the door (temporarily) on scrupling G-6.0106b. The circumstances of the case involved a resolution passed by the Presbytery of Pittsburgh which declared that the standards for ordination were considered to be essentials of faith, thereby foreclosing the possibility of declaring a scruple with G-6.0106b. While the GAPJC declared the resolution unconstitutional, it did so only on the grounds that such a resolution was confusing and unnecessary and thus an obstruction to constitutional governance. However, the GAPJC basically agreed with the Presbytery's interpretation, stating that G-6.0106b is a part of the ordination standards that place limits on the conscience and cannot be scrupled.

...the church has required those who aspire to ordained office to conform their actions, though not necessarily their beliefs or opinions, to certain standards, in those contexts in which the church has deemed conformity to be necessary or essential. Section G-6.0106b contains a provision where conformity is required by church officers "to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or in chastity in singleness." The church has decided to single out this particular manner of life standard and require churchwide conformity to it for all ordained church officers. Therefore, the specific "fidelity and chastity" standard in G-6.0106b stands in contrast to the provisions of G-6.0106a, including those concerning faith, discipleship, belief and manner of life in the church and the world, and also the remainder of G-6.0106b. The candidate and examining body must follow G-6.0108 in reaching a determination as to whether the candidate for office has departed from essentials of Reformed faith and polity, but that determination does not rest on

distinguishing “belief” and “behavior,” and does not permit departure from the “fidelity and chastity” requirement found in G-6.0106b.⁶⁹

The GAPJC suggests that, as a standard of behavior, G-6.0106b could not be scrupled by candidates. It interpreted the actions of the 2006 General Assembly as relevant only concerning matters of faith or belief, not behavior. The GAPJC reaffirmed this view in another ruling issued the same year.⁷⁰

Months later, participants at the 2008 General Assembly sought to address these GAPJC rulings by amending the Authoritative Interpretation adopted in 2006. They passed Item 05-12, which stipulated that a candidate can declare a scruple from an ordination standard “in matters of belief *or practice*,”⁷¹ presumably overturning the GAPJC decision *Bush v. Presbytery of Pittsburgh* from earlier that year. This action by the 2008 General Assembly does not ensure that a candidate’s scrupling of G-6.0106b will be accepted; each candidate’s declaration of departure must still be evaluated on an individual basis by his or her ordaining body. But it clarifies that a candidate is allowed to scruple G-6.0106b.

After the 2008 General Assembly, Paul E. Capetz’s scruple of G-6.0106b moved forward. Capetz’s case was a unique test, though, because he was not seeking ordination but reinstatement. Capetz was ordained in 1991, and his ordination was held in the Presbytery of the Twin Cities, where he served as associate professor at United

⁶⁹ *Randall Bush et al. v. Presbytery of Pittsburgh, Remedial Case 218-10* (GAPJC 2008).

⁷⁰ *Barlow J. Buescher et al. v. Presbytery of Olympia, Remedial Case 218-09* (GAPJC 2008).

⁷¹ Emphasis added. The full text of Item 05-12 can be read at <http://oga.pcusa.org/constitutionalservices/ad-op/note22.htm>. Accessed February 11, 2011.

Theological Seminary. After G-6.0106b was adopted in 1996, Capetz struggled to reconcile his sexual orientation and his status as an ordained minister. While he was not in violation of the ordination policy, he applied to the Presbytery to be removed from the list of ordained ministers in objection to the celibate life that was imposed on him.⁷² The Presbytery granted his request. After the authoritative interpretation allowed candidates to declare a scruple against specific ordination standards, Capetz applied for reinstatement in August 2007. The COM of the Presbytery approved the request, and three individuals thereafter filed charges against the Presbytery, arguing that the *Bush* decision nullified Capetz's scruple and request for reinstatement. The Synod PJC, which heard the case before the 2008 General Assembly, upheld the reinstatement because *Bush* was not relevant (it applied to ordination, not reinstatement).⁷³

The case was appealed to the GAPJC, and it ruled in 2009 that Capetz's reinstatement to the office of ordained minister was in order. However, despite the fact that Capetz had declared a scruple regarding G-6.0106b, the GAPJC ruled that Capetz, who was not in a relationship at the time of his request for reinstatement and subsequent trial, would still have to abide by the standard elaborated in G-6.0106b: "Having been restored to the exercise of the office of Minister of Word and Sacrament, Capetz is fully accountable under all standards and requirements for ministers of Word and Sacrament to abide by the Constitution of the PC (USA), including G-6.0106b." Furthermore, the

⁷² Capetz has published a strong critique of Protestant ordination standards that impose celibacy on gays and lesbians. See Paul E. Capetz, "Reformation Views on Celibacy: An Analogy for Gay Protestants Today," in *The Embrace of Eros: Bodies, Desires, and Sexuality in Christianity*, ed. Margaret D. Kamitsuka (Minneapolis, MN: Fortress Press, 2010), 115-131.

⁷³ For a summary of this Synod PJC decision, see Vermaak, "Historical Study," 416-417.

GAPJC stated it could not rule on whether the *Bush* decision of 2008 still applied in light of the Authoritative Interpretation adopted by the 2008 General Assembly.⁷⁴ So, while the decision was essentially a victory for Capetz in that it approved his restoration to ordained ministry, the court's equivocation on the heart of the issue provided little clarity going forward. If one was allowed to disagree with an ordination standard but still had to abide by that standard, the policy of scrupling seemingly had little practical significance where standards of behavior are concerned.

The candidacy of Lisa Larges unfolded in similar fashion when she scrupled G-6.0106b in 2007. Concurrent with the judicial and legislative tug-of-war of 2008, Larges' Presbytery examined her departure and decided to move her forward in the ordination process, declaring her "ready for examination, with a departure." Members of the Presbytery who opposed this action filed charges against the Presbytery. The case made its way to the GAPJC, which issued its ruling in 2009. As in the Capetz case, the GAPJC's ruling was essentially a victory for Larges, in that it upheld the Presbytery's declaration that Larges was ready for examination. However, also as in the Capetz case, the decision left many questions unanswered. Larges was also not currently in a relationship when she scrupled G-6.0106b and, therefore, was not in violation of the behavioral standard she disagreed with. In the Capetz case, the GAPJC declared that he would have to abide by the standard even though he declared a scruple with it. The GAPJC did not make a such an explicit statement in the Larges case, but it did remind the

⁷⁴ *David Bierschwale, et al. v. Presbytery of the Twin Cities Area, Remedial Case 219-08* (GAPJC 2009).

Presbytery that, “Freedom of conscience for officers of the church is bound by standards of the church.”⁷⁵

The scrupling policy of the PC (USA) opened a door for gays and lesbians to move toward ordination while remaining true to their consciences, and was celebrated by LGBT advocates within the denomination. Nevertheless, during the years when that policy was in place, the status of gays and lesbians was far from clear. After all, the official policy of the denomination had not changed. G-6.0106b was still the official ordination standard, and candidates who scrupled it placed themselves at odds with the denomination’s official position on homosexual practice. Furthermore, it should be noted that the freedom to declare a departure from G-6.0106b did not mean that one’s ordination committee would accept the departure. It is safe to assume that a gay or lesbian candidate whose membership was in a conservative presbytery would not have been able to declare a scruple against G-6.0106b with any success. The GAPJC had consistently stated that the ordination committee is in the best position to evaluate individual candidates, and the decision of an ordination committee not to accept one’s departure from G-6.0106b would in all likelihood have been upheld by the GAPJC.

The ELCA adopted legislation in 2009 that was similar to the PC (USA)’s scrupling policy. The denomination began an ambitious study and discernment process on human sexuality that led to the publication and circulation of the three part series, *Journey Together Faithfully*, and a social statement on human sexuality that came to be

⁷⁵ *Naegeli, et al. v. Presbytery of San Francisco, Remedial Case 219-11* (GAPJC 2009).

called *Human Sexuality: Gift and Trust*.⁷⁶ This social statement was brought before the 2009 Churchwide Assembly and was adopted by a two-thirds majority with minor amendments.⁷⁷ It embodies the Lutheran principle that the Christian is free, but Christian freedom is orientated always toward the neighbor. The social statement states: “we therefore seek responsible actions that serve others and do so with humility and deep respect for the conscience-bound beliefs of others.”⁷⁸ To respect the different conscience-bound beliefs⁷⁹ within the ELCA regarding homosexuality, *Human Sexuality: Gift and Trust* delineates four different acceptable positions on homosexuality and the role of gays and lesbians in the church. (This approach differed from that of the PC (USA)’s scrupling policy in that the official position of the PC (USA) did not change; it only allowed individuals to dissent from the official position. In the ELCA, rather, there is no longer one official position on homosexual relationships.) The four positions range from the belief that homosexual behavior is sinful and gays and lesbians must remain celibate to the belief that scriptural references to homosexuality do not address the understanding of sexual orientation that we experience today and same-sex relationships

⁷⁶ The documents produced by this ten-year study process can be found at <http://www.elca.org/What-We-Believe/Social-Issues/Social-Statements/JTF-Human-Sexuality/Faithful-Journey-Resources/Historical-Documents.aspx>. Accessed February 12, 2011.

⁷⁷ The Churchwide Assembly of the ELCA, “Human Sexuality: Gift and Trust,” 2009. This document is online at <http://www.elca.org/What-We-Believe/Social-Issues/Social-Statements/JTF-Human-Sexuality.aspx>. The page numbers in all subsequent references to this document are from the pdf downloaded from the website.

⁷⁸ *Ibid.*, 11.

⁷⁹ The online *Journal of Lutheran Ethics* has focused several issues on the concept of conscience in the Lutheran tradition. See volume 10, issue 11 (Nov. 2010) and volume 11, issue 1 (Feb 2011), available at <http://www.elca.org/What-We-Believe/Social-Issues/Journal-of-Lutheran-Ethics.aspx>.

can be celebrated by the church and held to the same ethical standards and status as heterosexual marriage.⁸⁰ (Note that the latter does not explicitly bestow the title “marriage” on same-sex couples.)

In order to implement the changes made to church policy, the ELCA made revisions to its ordination documents—*Vision and Expectations*, *Definitions and Guidelines*, and the *Candidacy Manual*—to allow for individuals in “publicly accountable life-long monogamous same-gender relationships” to pursue ordination. The ELCA Church Council completed these revisions in April 2010. The revised version of the *Candidacy Manual* states that in order to respect differing opinions on the matter of homosexuality, it may be necessary for a candidate to transfer to a synod that is willing to ordain someone in a publicly accountable lifelong monogamous same-gender relationship.⁸¹ Part of the ordination process—for heterosexuals and homosexuals alike—involves providing proof that one’s relationship is held to public accountability within the church, and the *Candidacy Manual* lists six different categories of acceptable evidence. The document also acknowledges that the circumstances of same-sex couples might vary a great deal (e.g. differing state laws regarding same-sex relationships), and the list is not so much a checklist as suggested guidelines to be considered on an individual basis. Most importantly, the document emphasizes: “Insofar as it is possible heterosexual and homosexual applicants and candidates shall be treated equitably.”⁸²

⁸⁰ Church in Society Unit of the ELCA, *Human Sexuality: Gift and Trust*, 11.

⁸¹ ELCA Church Council, *Candidacy Manual*, 19.

⁸² *Ibid.*

Since these changes were integrated into the candidacy and ordination documents, openly homosexual ministers in committed relationships have indeed been able to enter the candidacy process or be reinstated to ordained ministry. Bradley Schmeling, who was defrocked in 2007 for being in a committed relationship with another man, and Darin Easler, who left his parish call in 2003 and was removed from the clergy roster after being without a call for three years, were both reinstated in the summer of 2010 due to the change in policy. Two other ministers previously defrocked for being practicing homosexuals, Ross Merkel and Steven Sabin, were approved for reinstatement the same summer into the Sierra Pacific Synod. That Synod has also approved for ordination six pastors from Extraordinary Lutheran Ministries, an organization that has provided a parallel process for credentialing openly gay and lesbian candidates for ordination. In December 2010, two more openly gay men, Jay Wiesner and Stephen Keiser, were added to the clergy roster by the Southeastern Pennsylvania Synod.⁸³

To be sure, questions still remain, especially regarding synods not willing to consider someone for ordination who is in a same-gender relationship. If that person is not able to transfer to another synod due to geographical constraints, what options are available to him or her? Nevertheless, the 2009 policy of the ELCA has been implemented more smoothly than was the scrupling policy of the PC (USA). In my

⁸³ For reports of these events, see ELCA News Service, "Bradley Schmeling, Darin Easler to be Reinstated to ELCA Clergy Roster," May 4, 2010, <http://www.elca.org/Who-We-Are/Our-Three-Expressions/Churchwide-Organization/Communication-Services/News/Releases.aspx#&&SearchCriteria=schmeling&a=4716>; ELCA News Service, "Two Dismissed Pastors, Others Welcomed to ELCA Clergy Roster," May 25, 2010, <http://www.elca.org/Who-We-Are/Our-Three-Expressions/Churchwide-Organization/Communication-Services/News/Releases.aspx?a=4530>; Lutherans Concerned, "Revs. Jay Wiesner, Stephen Keiser to be received onto ELCA roster," December 8, 2010, <http://www.lcna.org/news/410-news-2010-12-08>. All articles accessed March 1, 2011.

opinion, the reason for this difference is that the official stance of the ELCA regarding homosexual practice has changed, whereas the official position of the PC (USA) under the 2006 scrupling policy did not. Under that policy, PC (USA) candidates and former clergy were able to declare a scruple with G-6.0106b, but they placed themselves at odds with their denomination by doing so. ELCA candidates and former clergy who are in publicly accountable lifelong monogamous same-gender relationships have more denominational support.

The fact that the changes the PC (USA) made to its ordination policies from 2006 to 2011 did not significantly alter the way the rhetoric of homosexual practice functioned within the denomination (especially its judicial system) reveals the strength and tenacity of that rhetoric. During that five-year period, the GAPJC declared in at least one case that an ordained minister who declared a scruple to G-6.0106b must still behave according to that sexual standard, implying that the prohibition of homosexual practice remained in place. The change in the ELCA is more significant than was the scrupling policy of the PC (USA). Since one of the denomination's official positions on homosexuality allows partnered gays and lesbians to be ordained, the *Definitions and Guidelines* no longer lists homosexual practice as conduct incompatible with ordained ministry. However, because the position that homosexual practice is sinful is still an accepted position in the ELCA, it is still and will continue to be present in church dialogue on the issue. But if, as it seems, homosexual practice is not in and of itself a chargeable offense, the rhetoric of homosexual practice loses some of its force. This observation is even truer in the PC (USA) today, since it has overturned its ban on gay and lesbian clergy without also

declaring the opposition to gay and lesbian ordination an acceptable position within the denomination.

Foucault, Body Theology, and the Rhetoric of Homosexual Practice

Since the emergence of the homosexual subject in modern society—that is, the establishment of same-gender desire as a definitive aspect of one’s identity—Christian theology and mainline Protestant churches have defined this subject in negative terms. Initially, Christian theologians that bothered to mention homosexuality condemned homosexuality as sinful (e.g. Karl Barth’s treatment of homosexuality in *Church Dogmatics*) and denominations simply ignored its existence, at least insofar as their official policies were concerned. Eventually, theologians like Helmut Thielicke took up “the question of homosexuality” in a way that sought to divide an evaluation of homosexuality as a constitution from specific homosexual behaviors, even though this division rested upon a heterosexist sexual anthropology. Protestant churches began to adopt social statements and ordination policies that codified this definition of the homosexual subject, seeking to honor the personhood of homosexuals while prohibiting homosexual practice.

Despite the intentions of these theologians and denominations to evaluate homosexuality and homosexual conduct separately, the rhetoric of homosexual practice enacts a conflation of homosexual identity and conduct. The consequences of this separation/conflation can be analyzed fruitfully as a form of disciplinary power that Foucault referred to as individualization, described in chapter two. Power that individualizes, in short, acquires knowledge of individuals by making each of them a case

to be studied and uses this knowledge to place individuals into categories that facilitate discipline. As Foucault wrote, disciplinary power imposes “a technique for constituting individuals as correlative elements of power and knowledge.”⁸⁴ The prohibition of homosexual practice sets this power in motion and, therefore, is the key element in the homosexual subject that emerges from mainline Protestantism. It establishes the impetus for clergy, ordination committees, and laity to gain knowledge of gays and lesbians who make themselves visible in the church. The key question: Is she or he a practicing homosexual? This question embodies the separation of homosexual identity from conduct and enacts a homosexual taxonomy in mainline Protestantism, where homosexuals are one of two kinds: practicing or non-practicing.

The need to ask this question generates discourse about homosexuality at every level of the denomination. Many of the documents cited here are decisions of the highest courts in these three denominations, but these decisions are the culmination of a series of events—accusations, public and private debate, and trials—that begin on a very local level. A minister comes out to a congregation, an ordination committee is confronted by the homosexual orientation of a candidate, a congregation disagrees with the decision of another congregation to install a gay member as deacon, and so on. These events and the discourses they begin make the prohibition of homosexual practice an ever-present fact in the lives of these churches. They also ensure that debate about homosexuality in the church centers on homosexual practice. The question most important to those overseeing ordination candidates and disciplinary processes is not, “Should homosexual practice be

⁸⁴ Foucault, *Discipline and Punish*, 194.

considered wrong?,” but “Is this person a practicing homosexual?” The prohibition structures the church’s response to its gay and lesbian members.

Furthermore, the ubiquity and structure of church discourse about homosexuality produces and perpetuates the key component of the individualization of homosexuals: sexuality and the practice of sexuality is made the primary and determinative trait of the identity of gays and lesbians in the church. If one identifies as homosexual, every other part of one’s life and sense of self is eclipsed by it. The same is not true for heterosexuality, the norm to which homosexuality is compared. It is the default sexuality; one need not even explicitly identify as heterosexual. That is what you are until you state otherwise, and you are afforded much more discretion, sexually speaking.⁸⁵ Since heterosexual identity is assumed and, therefore, remains mostly unspoken, it blends into one’s identity as part of the whole. Even in the ELCA, which has begun ordaining gays and lesbians who are in relationships, homosexuality is still treated as a special case, requiring special rules and accommodations. Debates about homosexuality in the ELCA, then, will likely continue to describe homosexuality in a way that isolates sexuality as the thing that defines the homosexual, not just as a sexual person, but as a person.

Thus, despite the fact that these denominations wish to evaluate homosexual practice and the homosexual person separately, the prohibition of homosexual practice has more to do with the sexual orientation of the practitioner and not the character of the

⁸⁵ Foucault makes this point in his discussion of heterosexual monogamy and the legitimate couple. See Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley (New York: Vintage, 1990), 38.

person or practices in question. In the 2005 decision of the UMC Judicial Council that resulted in the defrocking of Beth Stroud, two members of the Council offered a minority opinion that illustrates this point. The authors of the minority opinion, Susan T Henry-Crowe and Beth Capen, argue that ¶ 304.3 of the *Discipline*, the ordination standard that prohibits homosexual practice, establishes an a priori judgment of homosexual candidates. “Only in ¶ 304.3,” they write, “is there a prohibition which relates to prejudged ‘conduct’ prior to examination of character. Is this not categorical discrimination?”⁸⁶ Lisa Larges, in her statement of departure from the PC (USA)’s ordination standard G-6.0106b, also makes this point. She argues that the standard in G-6.0106b makes an idol of heterosexuality, and “by elevating this standard above any others it has caused our church to be mired in inappropriate and scandalous inquiries into the sexual acts of persons seeking ordained office.” Heterosexual practice is not condemned outright, and identifying oneself as a heterosexual does not generate the suspicion of one’s candidacy for ordination. But the prohibition of homosexual practice creates this environment for gay and lesbian candidates and clergy, and so the impact of such a policy reaches far beyond those individuals on whom it is officially exercised. Larges, again, explains: “[G-6.0106b] has unjustly prevented untold numbers of gay, lesbian, bisexual, and transgender persons called by God to serve the church from the possibility of fulfilling that calling,” and “has caused others to live in fear and under the constant threat of judicial actions.”⁸⁷

⁸⁶ *UMC Judicial Council Decision 1027* (2005).

⁸⁷ Larges, “Statement of Departure.”

The prohibition of homosexual practice is, ultimately, not concerned with distinguishing homosexual identity from homosexual practice, and the homosexual that emerges from the enforcement of this prohibition looks the same regardless what taxonomic category s/he occupies. The language of homosexual practice blurs what is important. The non-practicing homosexual is in the same situation as the practicing homosexual, and so the categories are a ruse. They do not differentiate between the practicing and non-practicing homosexual. The real differentiation is between the homosexual and the heterosexual. What really matters is sexual orientation—that is what defines not just the character of a person’s sexual expression, but the person in general.

Perhaps the irony of the argument of this chapter is that the conflation of conduct and identity is not in and of itself a bad thing. Divorcing being from acting in such a strong way is something criticized by body theology. To think of who we are as something separate from how we choose to express who we are is to root our sense of self in the abstract, detached from the daily realities of our lives. But the conflation of homosexual identity and conduct is made oppressive by the prohibition of homosexual practice. If one’s sexual identity is viewed as the definitive aspect of one’s identity as a whole, and if that identity is defined by a practice labeled sinful and incompatible with Christian teaching, then the homosexual’s subjectivity is truly abject in character. Returning briefly to Thielicke’s theological anthropology is illuminative on this point. If homosexuality is born out of human sinfulness and defines the homosexual subject, then the homosexual subject is so defined by sin that the abundant life to which Christ calls us

seems like a tantalizing fantasy to the homosexual. Scott D. Anderson, another Presbyterian who scrupled G-6.0106b while the that policy was active, noted in his statement of departure from G-6.0106b that the categorical prohibition of homosexual practice has such an effect.

...the message it sends to gay and lesbian believers everywhere is that no matter how hard we might work and strive to conform our lives to the shape of the Gospel, we are disqualified on the basis of unchosen aspects of *who we are* from ever being able to respond to the call of God. This comes dangerously close, I believe, to telling gay and lesbian believers that Jesus Christ has nothing to offer people like me.⁸⁸

The prohibition of homosexual practice, to Anderson, gives the Gospel a distinctly heterosexual form. The reflections of one minister who was ousted from the UMC, Rose Mary Denman, expresses something similar. She writes that she assumed she was heterosexual for so long “because to stand in relationship to God and the Church was seen as synonymous with being heterosexual.”⁸⁹

The comments of these individuals who have felt the weight of sexual prohibition concur with the basic assumption of body theology that we experience the divine through our bodies. That being the case, the conflation of homosexual identity and conduct and the prohibition of homosexual practice alienate gays and lesbians from the life of the church. The prohibition sends a clear message that the church is a space for heterosexuals, whether real or pseudonymous, and the reality of being gay or lesbian is

⁸⁸ Scott D. Anderson, “Affirmation of Conscience Regarding G-6.0106b”, November 2008.

⁸⁹ Rose Mary Denman, *Let My People in: A Lesbian Minister Tells of Her Struggles to Live Openly and Maintain Her Ministry* (New York: William Morrow and Company, Inc., 1990), 182.

denied any validity. Consider some of Lisa Larges' comments in her statement of departure from G-6.0106b. She writes:

[G-6.0106b] denies the dignity and lived experience of same-gender loving people....It removes sex from the context of intimacy and covenantal relationship and denies the fullness and richness of committed loving relationships between persons of the same gender....It denies the full humanity of lesbian, gay, bisexual, and transgender persons by focusing solely and exclusively on one part of their lives.⁹⁰

Larges distills into a few short sentences what is truly at stake—the full humanity of gays and lesbians. If church policy lifts up the sexuality of homosexuals as the defining trait of their personhood only to deny them the lived experience of that sexuality, are homosexuals fully human in the eyes of those who espouse these policies?⁹¹

And so we are confronted with the falsehood of the claim that homosexual practice can be categorically condemned without condemning homosexuals as persons. The rhetoric of homosexual practice defines the homosexual in terms of prohibited sexual expression, and the language of avowal demands that gays and lesbians define themselves this way as well. It is to that language that we now turn.

⁹⁰ Larges, "Statement of Departure."

⁹¹ If this question sounds hyperbolic, note that it is a question that has been asked before by others writing from marginalized positions. Catharine A. MacKinnon, for example, has asked this question from a feminist perspective. See MacKinnon, *Are Women Human? And Other International Dialogues* (Cambridge, MA: Belknap Press, 2007).

CHAPTER FIVE

COMING OUT UNDER THE PROHIBITION OF HOMOSEXUAL PRACTICE

In 1996, when the PC (USA) introduced the amendment that would become G-6.0106b, prohibiting self-acknowledged practicing homosexuals from ordination, there was much speculation about what “self-acknowledgment” might mean. One commentator declared that the phrase opened a “titanic-sized loophole” because it seemed to apply “only to those who admit their ‘guilt.’”¹ Though “titanic” is somewhat of an overstatement, this individual is partially correct. If a gay or lesbian minister or ordinand remains in the closet, it is possible, maybe likely, that she or he will avoid disciplinary hearings.

One might wonder why a denomination that wanted to prevent practicing gays and lesbians from being ordained would include language that allowed for such a loophole. The answer to this question is relatively (perhaps deceptively) straightforward. The denominations that adopted such language have done so to ensure that they will neither initiate nor tolerate a gay witch hunt, for lack of a better phrase. They want to avoid a situation where people feel empowered to speculate about the sexual orientation of ministers, ordinands, and church officers. Court hearings, in other words, are not meant to determine whether the accused is homosexual. On the surface, then, the

¹ Frank B. Baldwin, “A Few More Questions on Amendment B,” <http://home.earthlink.net/~valewis/questions.html>.

language of avowal is meant to protect gays and lesbians from being outed. This is not always the case. There are examples of bishops asking clergypersons about their sexual orientation and relationship status when that clergyperson had not volunteered the information.² In examples such as this, if the minister answers that she is indeed a practicing homosexual, charges are likely filed as a result. In a technical sense, it is still the avowal and not the bishop's suspicion that initiates disciplinary hearings. But even when the language of avowal appears to have the intended effect of preventing people from speculating about the sexuality of clergy and ordinands, it contributes to the oppression of gays and lesbians in deeper ways.

This chapter explores the consequences of the language of avowal. As discussed in chapter two, Foucault's discussion of the Christian practice of confession is particularly illuminating for understanding these consequences. In a heteronormative culture, coming out as gay or lesbian always, perhaps, feels like a confession, but within the Protestant denominations studied here, avowing that one is a homosexual is framed by the very concrete prohibition of homosexual practice. Thus, for all the positive implications of coming out of the closet, to call coming out in these churches a form of confession is not a stretch.³ Confession plays a constitutive role in shaping how we

² For example, Steve Sabin, who was defrocked in the ELCA in 1998 and was recently readmitted to the roster of clergy, tells in an interview that his trial process began when his bishop asked him directly if he was in a relationship with another man. See Pam Walton, *Call to Witness*, DVD (Pam Walton Productions, 2000).

³ This is especially true given how Foucault uses the word "confession." As he remarked in an interview, "What I mean by 'confession'...is all those procedures by which the subject is incited to produce a discourse of truth about his sexuality which is capable of having effects on the subject himself." See Foucault, "The Confession of the Flesh," in *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon (New York: Pantheon Books, 1980), 215-216.

understand ourselves with regard to sex. In particular, confession links the power of prohibition with an obligation to speak the truth concerning oneself. Foucault's thesis in *The History of Sexuality* is that disciplinary power functions not by repressing or silencing discourses on sex but, rather, by multiplying them. Sex, once turned into discourse, is observable and, thus, able to be regulated. With this relationship in mind, I argue that the language of avowal oppresses by structuring the coming out experience of gays and lesbians in these churches. Ideally, coming out is a moment when gays and lesbians are able to put forth an authentic and healthy sexual identity. But because coming out under the prohibition of homosexual practice opens the possibility of ecclesial discipline, coming out is contextualized by homophobia and heterosexism. In short, avowal stipulates that gays and lesbians ask themselves, "What is the 'truth' of my sexuality?" and that they answer this question within the context of the prohibition of homosexual practice.

Of course, if I treat the act of avowal as a confession, that begs the question: what exactly is being confessed? The phrase "self-avowed practicing homosexual" suggests that the confessant is admitting to being not just a homosexual, but a *practicing* homosexual. This line of thinking connects to the argument critiqued in the previous chapter—that the ordination policies in question are not discriminatory because they pertain to the avowal of a certain practice and not a type of person—and so we see the importance of understanding the effects of the rhetoric of practice before addressing those of avowal. In light of chapter four's analysis, it is clear that what is being avowed is murky at best, for the rhetoric of homosexual practice does not provide the clear

distinction between being and acting that its proponents claim. In fact, Björn Krondorfer notes in his study of male confessional writings that coming out implies sexual activity in the minds of many.

Even if a gay man never talks about his private life in public, the heterosexual mentality will associate his ‘coming out’ declaration with performing particular sexual activities. Such short-circuiting effect of the ‘gay’ label—which reduces the range of human possibilities to a particular sexual practice—functions quite independently of individual life choices...⁴

Avowing one’s sexual orientation is tantamount to a confession of sexual practice. The language of avowal, then, has repercussions even for gay and lesbian clergy and ordinands who remain celibate, or non-practicing (or whatever one wants to call it), because under the logic of the rhetoric of homosexual practice, if you are a homosexual, you always have something to confess.

To connect this chapter further with the previous one, if the rhetoric of homosexual practice places gays and lesbians in a double-bind, whereby their sexuality is used to define their personhood and yet they are denied any legitimate expression of that sexuality, then the language of self-avowal places them in yet another: the double-bind of authenticity. Authenticity is a cherished goal for everyone, but most especially for gays and lesbians who are sometimes treated as or assumed to be heterosexuals until coming out. But under the prohibition of self-avowed practicing homosexuals from ordination, authenticity is also a ploy, for the thing one must do in order to live authentically makes

⁴ Björn Krondorfer, *Male Confessions: Intimate Revelations and the Religious Imagination* (Stanford, CA: Stanford University Press, 2010), 192.

one immoral in the eyes of one's church. Negotiating this catch-22 is the predicament that gays and lesbians are forced into by the language of avowal.

We must also note before proceeding that confessional discourse is at once personal and institutional in nature. The language of avowal institutionalizes the coming out experience; it puts that experience firmly under the institution's gaze. To say this another way, if chapter four was about the language that the denominations use to define gay and lesbian subjects, then chapter five is about these institutions' attempts to shape the speech that gays and lesbians use to define themselves, and how gays and lesbians respond to those attempts. In most instances in these denominations where a minister has been subjected to a disciplinary trial, the trials were initiated by the minister's act of coming out to someone in the church, usually a bishop. So the trial begins with what is interpreted by the church as an admission of guilt by the accused. Coming out, then, is a confession that makes the homosexual the one who puts the enforcement of the prohibition of homosexual practice into motion. Yet, coming out is deeply personal too. It is ultimately the individual who speaks, and so institutional discourse alone does not capture how the language of avowal operates. We must foreground the voices of gay and lesbian clergy to hear the impact that the language of avowal has on gay and lesbian subjectivity. Their voices reveal that the language of avowal operates less as a protection of gays and lesbians and more as a subtle exercise of power, one that, at the very least, produces a public display of anti-homosexual church discipline, thereby buttressing a particular conception of the homosexual subject. More than that, though, it encourages the internalization of a homophobic definition of homosexuality, coercing many gays and

lesbians in church and society to hate themselves and remain closeted.

This chapter is divided into five sections. The first section reflects on the religious significance of coming out for gays and lesbians in the church. That coming out is a significant spiritual moment hardly needs to be argued. The proliferation of spiritual and liturgical resources for gay and lesbian Christians—almost all of which entail meditations on and sacred rituals for coming out—are evidence enough.⁵ But to gloss over this fact is to risk underestimating or not fully understanding what is at stake. For this, we turn to queer theologians who have written about coming out from a theological and spiritual point of view. Coming out is an effort to craft one's identity in an intentional way and, in a religious context, this includes claiming who one is as a creature made in the image of God. Since the language of self-avowal structures part of the coming out experience for gays and lesbians, evaluating the full impact of this language requires an understanding of the role that coming out plays in one's experience of faith.

The second section explores how the language of self-avowal is used in denominational documents. We must ask what kind of speech regarding homosexuality do these denominations encourage and discourage? And whom do they authorize to do

⁵ Elizabeth Stuart, *Daring to Speak Love's Name: A Gay and Lesbian Prayer Book* (New York: Penguin, 1993); Kittredge Cherry and Zalmon Sherwood, eds., *Equal Rites: Lesbian and Gay Worship, Ceremonies, and Celebrations* (Louisville, KY: Westminster John Knox Press, 1995); Elizabeth Stuart, ed., *Religion is a Queer Thing: A Guide to the Christian Faith for Lesbian, Gay, Bisexual and Transgendered People* (London: Cassell, 1997); Chris Glaser, *Coming out As Sacrament* (Louisville, KY: Westminster John Knox Press, 1998), chap. 7; Geoffrey Duncan, *Courage to Love: Liturgies for the Lesbian, Gay, Bisexual, and Transgender Community* (Cleveland, OH: Pilgrim Press, 2002); William George Storey, *A Book of Prayer for Gay and Lesbian Christians* (New York: The Crossroad Publishing Company, 2002); Leanne Mccall Tigert and Maren C. Tirabassi, *All Whom God Has Joined: Resources for Clergy and Same-Gender Loving Couples* (Cleveland, OH: Pilgrim Press, 2010); Scott Haldeman, "Can't Turn Around! Liturgies for National Coming Out Day," published online by the Human Rights Campaign and available at <http://www.hrc.org/documents/haldeman-DV.pdf>.

the talking? To be sure, these Protestant denominations do not have the power to regulate all instances of speech that occur within their churches. Their democratic forms of governance ensure that many different voices are heard at all levels of church leadership. But, to the extent that they can, what forms of speech about homosexuality are encouraged and discouraged? What is consistent in all three denominations during the periods when the gay and lesbian ordination prohibitions are/were in place is that each tries to force speech about homosexuality within the context of the prohibition of homosexual practice. Furthermore, the only form of speech about homosexuality that is required by these denominations is that which comes from gay and lesbian clergy and ordinands in the guise of a confession.

This analysis, however, cannot simply examine coming out from the perspective of institutional language. Coming out is, after all, a deeply personal thing, and examining avowal as confession makes it crucial to take into account just how the avowing subject avows. In a confession, after all, the subject is both the speaker and the subject of the speech; that is what makes it a unique form of speech. To this end, section three explores how gays and lesbians have depicted the coming out process in a religious context by examining the coming out sermons of two mainline Protestant clergy. The first coming out sermon analyzed is by Daniel Geslin, a minister in the United Church of Christ (UCC). The UCC was the first American church to ordain an openly gay man—William R. Johnson in 1972—and has since passed numerous progressive policies regarding the church and homosexuality, most recently its adoption of a same-sex marriage resolution in 2005. Thus, Geslin's coming out sermon is preached from a place of relative security;

he is not threatened by reprisal from his denomination. This sermon provides a counterpoint to the second: Beth Stroud's coming out sermon, preached to her UMC congregation shortly after she disclosed her sexual orientation and relationship status to her bishop. The congregation itself was and had been supportive of her as an ordained, practicing lesbian, but her denomination was not. At the time the sermon was delivered, charges had not yet been filed, but Stroud and her church had every reason to believe they would be. How does the prohibition against homosexual practice shape the way Stroud presents herself at this pivotal moment in her life?

This question probes the oppressive aspect of coming out in a heterosexist church: sexuality, sexual identity, and sexual history are all powerful and deeply personal things. The demand to confess these things, to make them public when one's denomination will interpret such an act as an admission of guilt, can have a profound impact on the confessing subject. Of course, those who preach a coming out sermon do so because they have decided that it is worth jeopardizing their ordination credentials; it also means they do not accept their denomination's definition of homosexuality. The deepest impact of avowal, then, is unseen. It is in the many who remain closeted, who remain pseudonymous heterosexuals in the eyes of their denominations, colleagues, and parishioners. But, as we shall see, even in a coming out sermon, the effect of avowal is present in the constant dissonance between the public self and private self—the struggle for authenticity.

Section four examines what has remained in the background for much of this dissertation. Coming out is a form of resistance. As Björn Krondorfer notes, the nature

of any confession is multifarious. Speaking specifically of male confessions, he notes that making a confession is a submission to certain norms yet, at the same time, it opens up “the possibility of questioning what is perceived as normative masculinity, creating alternative spaces for men to reveal something about the variety of their intimate lives....Dominant ideals of manliness and masculinity can be undone by critical and self-reflective investigations.”⁶ Similarly, despite the ways denominations try to frame the coming out experience for gays and lesbians, many gays and lesbians have the courage and the support (support from their congregations, family, friends, etc.) not only to come out as gay or lesbian but also to publicly defy their denominations’ policies. Just as the denominations’ policies put forth a definition of the homosexual over and against how gays and lesbians define themselves, gays and lesbians resist this by asserting an identity of their own and, in the process, make themselves vulnerable to church discipline.⁷ An exploration of coming out sermons illustrates part of this resistance.

Finally, section five offers a conclusion to the dissertation, bringing together the analyses from this and the previous chapter and offering an answer to the question, “Who is the self-avowed practicing homosexual in mainline Protestantism?” In light of my analysis, I also offer thoughts on the power of language and the importance of understanding its theological foundations and implications. In short, words matter. They

⁶ Krondorfer, *Male Confessions*, 5.

⁷ This form of resistance is an illustration of Foucault’s formulation of power and the relationship between oppression and resistance. Resistance is not exterior to oppression, but is a form of power that operates in relation to oppression. Regarding the construction of the “self-avowed practicing homosexual,” the fluidity of sexual identity is the domain of power-knowledge where oppression and resistance interact. For his discussion of the relational character of power, see Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley (New York: Vintage, 1990), 94-96.

often carry more meaning than we realize and have consequences beyond our intentions.

In the case of the rhetoric of the self-avowed practicing homosexual, this has certainly proven true to the detriment and harm of gays and lesbians and to the church.

The Spiritual and Theological Significance of Coming Out

It is a truism to say that coming out is a significant moment in the life of a gay man or lesbian. Nevertheless, the dynamics of this experience need to be elaborated because they illustrate the difficulties and dangers that gays and lesbians face as they navigate their way through a homophobic and heterosexist society and church.

Coming out is necessary for an authentic life. However, we would be wrong to think that authenticity is something easily achieved once and for all, because coming out is not a single event, but something that occurs many times in the lives of gays and lesbians. Patricia Jung and Ralph Smith, for example, describe various stages of coming out—coming out to oneself, one’s parents and friends, one’s employer and colleagues, etc—and others have made similar observations about the plurality of the coming out experience.⁸ Coming out, though, is not only a process; it is one that is always incomplete. Foucault scholar Didier Eribon describes the situation that gays and lesbians find themselves in by virtue of being queer.

Doubtless there is no gay person so “open” that he or she has not, at one moment or another, made compromises with the closet. This is why coming out is never

⁸ Patricia Beattie Jung and Ralph F. Smith, *Heterosexism: An Ethical Challenge* (Albany, NY: State University of New York Press, 1993), 173-174; Ronald E. Long, “The Sacrality of Male Beauty and Homosex: A Neglected Factor in the Understanding of Contemporary Gay Reality,” in *Que(e)rying Religion: A Critical Anthology*, ed. Gary David Comstock and Susan E. Henking (New York: Continuum, 1997), 267; Michael J. Hartwig, *The Poetics of Intimacy and the Problem of Sexual Abstinence* (New York: Lang, 2000), 233-4; Carter Heyward, *Touching Our Strength: The Erotic as Power and the Love of God* (San Francisco: Harper & Row, 1989), 33.

done only once and for all. Rather it is a point of departure, a kind of “ruling ideal” that shapes one’s conduct but can never be fully attained. The closet is structured in such a way that you are never simply either in or out, but always both in and out, more or less in or more or less out depending on the particular instance and your own evolution. You can never be fully in the closet to the extent that, as we have seen, the closet can always become a sort of “open secret.” There is always at least one person who seems to know, whom you know knows, or whom you suspect must know. And you can never be fully out of the closet, for at any moment you can once again find yourself in the situation of having to disguise what you are or of simply not feeling like making things perfectly clear. Thus the decision no longer to pretend, to be open about what you are, can only be the beginning of a necessarily interminable process...”⁹

Eribon refers to this unease of perpetually straddling the closet’s threshold as “the definition of the very structure of gay identity.”¹⁰ If the closet plays such a strong role in shaping gay and lesbian identity, the ways that the institutional church shapes the religious space in which gays and lesbians come out cannot be overlooked.

Despite the interminableness of coming out, the high point(s) of the process is when one’s personal and public identities are in harmony. It is of great importance, then, to note that the anti-gay policies studied here impact the coming out process most visibly at precisely this moment. It is when a gay or lesbian clergyman or ordinand comes out publicly that the church intervenes.

In a religious context, queer theologians have described coming out as intentional acts of identity formation and intensely spiritual. Ronald Long, for example, writing specifically from a gay male perspective, describes the coming out experience as an act of tremendous courage “to begin to dare to live a life that makes one so obviously

⁹ Eribon, *Insult and the Making of the Gay Self*, 113-114.

¹⁰ *Ibid.*, 114.

vulnerable.”¹¹ It is also an intentional way of shaping one’s identity. Long is critical of gay theology’s heavy reliance on Foucault—he claims that Foucault overestimates the “determinateness and determination of language”¹² and leaves too little room for individual agency, an interpretation of Foucault that I critique in chapter two—and argues that identities are “strategic acts of self-interpretation by which a self brings itself into determinate focus.”¹³ To come out, then, is to begin to interpret oneself in a non-homophobic, non-heterosexist way, and to present that self-interpretation in public. For Long, accepting his identity as a gay man—and he feels this is true for many if not most gay men, constituting the shared core of gay male identity—entails accepting a susceptibility to masculine beauty. Indeed, he calls masculine beauty sacred in that to neglect this aspect of reality would result in a diminishment of life. Consequently, he defines a gay man’s coming out as his “refusal to live a life that belies the sacrality of what he holds sacred.”¹⁴ Therefore, coming out is a positive and crucial spiritual act for Long because remaining in the closet is tantamount to a rejection of something sacred.

Or, to put it another way, coming out fundamentally alters how one relates to the sacred. Carter Heyward, working from her framework of justice as right relation, describes coming out in this fashion. It is a relational process: the closet is a place where one’s relational life is kept hidden, and so coming out means coming into one’s relational

¹¹ Long, “The Sacrality of Male Beauty and Homosex,” 268.

¹² *Ibid.*, 270.

¹³ *Ibid.*, 270-271.

¹⁴ *Ibid.*, 273.

power. This power occurs on the level of the individual—to name oneself is to take control of one’s self-understanding—but it also reverberates in one’s community. As Heyward writes, “For you to come out will contribute to the well-being of us all insofar as you are participating in shaping the Sacred among us.”¹⁵

These acts of self-interpretation require language. Eugene Rodgers, Jr., argues this point through a reflection on Thomas Aquinas’ discussion of the vices of lying and homosexuality. Rodgers considers these two subjects alongside one another because, first, they are two places in Aquinas’ corpus where he seems to favor an appeal to natural law over an appeal to the virtues¹⁶ and, second, when considered together they make an interesting case for gays and lesbians to come out of the closet, at least from Rodgers’ modern interpretation of them. Aquinas classifies lying and homosexuality in a somewhat similar fashion. Lying, as a vice against truth, counters the nature of the mind (since lying is enunciating something contrary to what the mind adheres to as true) and same-sex sex acts, as a vice against nature, counters the truth of the body. Aquinas’ reasons for this similarity in classification are complex, as Rodgers describes in more detail in his essay, but the basis may ultimately rest on Aquinas’ understanding of Paul. Paul associates same-sex sex with lying in Romans 1:24 and, based on Aquinas’ Romans Commentary, Rodgers surmises that “for Aquinas the ‘natural virtue’ of truth telling

¹⁵ Heyward, *Touching Our Strength*, 24.

¹⁶ This fact is noteworthy, Rodgers argues, because Aquinas almost always chooses to express the wrongness of an action in the language of virtue, not the language of law. Rodgers, “Bodies Demand Language,” in *Queer Theology: Rethinking the Western Body*, ed. Gerard Loughlin (Oxford, UK: Wiley-Blackwell, 2007), 178.

seems to have applied to bodies as well as speech, and told against homosexuality.”¹⁷

Thus, Rodgers extrapolates from Aquinas the principle that our bodies, as well as our words, must adhere to truth.

If one applies that principle to a positive conception of homosexuality, Rodgers believes we find an imperative for gays and lesbians to come out.

Homosexuality, one infers, is for Thomas in some respects a lie of the body. We might today adopt the similar reasoning to an opposite conclusion: heterosexual activity by gay and lesbian people is exposed when their bodies give them the lie, and coming out is the bringing into community, the semiotic offering, of the body’s truth telling....The communicative acts of coming out certainly entail self-definition, but these acts of signification come through surrender to an interpretive community. Coming out is opening one’s life to be told by others....Coming out articulates the sign-giving character of human, bodily life.¹⁸

Bodies demand language, but not just any language. Bodies demand truthful language and, for Rodgers, gay and lesbian Christians meet that demand when they come out to the community of the church and affirm their sexualities as good.

Rodgers does not use the word “sacrament” to describe the religious significance of coming out, but others have. Benjamin Perkins, for example, claims coming out is a sacramental journey, and believes framing coming out in this manner can bring attention to the plight of closeted gays and lesbians in powerful ways.¹⁹ Chris Glaser offers a more sustained discussion of coming out as sacrament. He argues that in a Christian context coming out can and should be thought of as the unique sacrament that gays and lesbians

¹⁷ Ibid., 184.

¹⁸ Ibid.

¹⁹ Benjamin Perkins, “Coming Out, Lazarus’ and Ours,” in *Take Back the Word: A Queer Reading of the Bible*, ed. Robert E. Goss and Mona West (Cleveland, OH: Pilgrim Press, 2000), 196-205.

offer the church. He is not suggesting that coming out should be made an official sacrament of the church—as a Presbyterian, he affirms the Reformed tradition’s recognition of two sacraments, baptism and communion—but is speaking more generally. He defines a sacrament as “a means of grace...an objective *expression* of God’s unconditional love, as well as a subjective *experience* of that love *to those who believe and participate in those rituals*,”²⁰ but just as frequently he speaks broadly of sacrament as the sacredness of life—that God is revealed in all living things. Coming out is sacramental, for Glaser, because it reveals the presence of God in the lives of gays and lesbians and invites others to experience God in a new way. Glaser sums up the comparison this way: “At their best and deepest level, sacraments renew life, relationships, community, and communion with God. At its best and deepest level, coming out means a new life, fresh and refreshed relationships, access to a new community, and increased intimacy with God.”²¹

Glaser makes numerous, more specific comparisons between coming out and sacrament. A sense of community is essential to both. Any sacrament presupposes a community that values and participates in the ritual. To be sure, not all members of the community participate with the same level of belief; but the key point is that a sacrament communicates the sacred, and communication requires giving and receiving. So too, coming out implies a community that hears and responds to the one coming out. It is “a

²⁰ Glaser, *Coming Out As Sacrament*, 6.

²¹ *Ibid.*, 11.

sacrament that may be shared with one other person, a community, a congregation, a denomination, or the world.”²²

Glaser also dwells on the relationship between sacraments and time. Sacraments bear elements of the past, present and future. There are sacraments that occur at particular times in one’s life (e.g. baptism) and others that are repeated through out one’s life (e.g. communion). Coming out mirrors this as well. As already stated, coming out is not a one-time act, but a process that unfolds over one’s life. Glaser notes that that is so “not only because there are always new people to whom the sacred in our lives may be revealed, but also because overcoming all impediments to ‘celebrating’ our holiness requires a lifetime.”²³ For this reason, Glaser sees an analogy between coming out and the Christian notion of sanctification. Overcoming one’s own and others’ homophobia and heterosexism is a form of freeing oneself from sin and maturing in faith.

We notice at least two things from these reflections from queer theologians on coming out that bear on the analysis of avowal. First, coming out emerges from these reflections as a moment in the life of a gay or lesbian Christian that holds great spiritual significance. Coming out in general is obviously important, but these scholars show how interconnected coming out is with one’s spiritual and religious life. In a way, this comes as no surprise when one considers the implications of body theology. Coming out has fundamental social consequences. As Heyward notes, the closet hides one’s relational life, and so coming out brings that life into one’s communities. Body theology reveals

²² Ibid., 8.

²³ Ibid., 11.

the falseness of dividing the social from the spiritual, and so coming out necessarily has theological and spiritual consequences. Again, Heyward: “Locked within ourselves, holding secrets and denial, we embody not merely the fear of our relational possibilities; we also embody the rejection of the sacred ground of our being, which is none other than our power to connect.”²⁴

Second, these scholars also show the degree to which coming out is an intentional crafting of one’s personal and public identity. One theoretical assumption of this dissertation is that identity is a socially constructed and fluid thing, shaped at first by factors beyond one’s control but also eventually by one’s intentional choices and actions. Coming out is a way for an individual to take control of one’s identity, to assert over and against people’s assumptions and expectations, “This is who I am!” It is a naming of oneself. Considered this way, we have to conclude that to out someone else, regardless of the intentions behind the act, robs the person outed of the opportunity to take control of his or her identity.²⁵ Furthermore, to insert oneself uninvited into another’s coming out process, to try to influence that sacred process in ways that the person coming out might oppose, has a similar effect.

²⁴ Heyward, *Touching Our Strength*, 21.

²⁵ Some have made the case that outing is justifiable because of the negative effects that the closet has on the individual living within it as well as the negative effects it has on the LGBT community. These arguments typically refute the notion that the right to privacy is paramount. While I do not have time to elaborate my own argument, I will say that privacy is only one way to frame the issue, and perhaps not the most important. Rather than asserting a right to privacy as grounds for condemning the act of outing, the issue is better framed by the notion of identity. An individual has a right to one's own identity, and robbing someone of this right is not justifiable in the context of outing. For arguments for and against outing, see Timothy F. Murphy, *Gay Ethics: Controversies in Outing, Civil Rights, and Sexual Science* (New York: Haworth Press, 1994), pt. 2; see also, Warren Johansson and William A. Percy, *Outing: Shattering the Conspiracy of Silence* (New York: The Haworth Press, 1994).

To put it another way, “This is who you are” or “This is who s/he is” are very different statements with different consequences from “This is who I am.” In a religious context, the differences in these statements can carry profound theological implications. When the institutional church imposes an identity on gays and lesbians grounded on a heteronormative theological anthropology, it relegates them to an inferior position within God’s created order, as though heterosexuals were created more in the image of God than homosexuals. Similarly, to come out in church is to say not only that you are proud to be gay or lesbian, but that you believe God loves you as a gay or lesbian person. The slogan “Gay is good,” in this context, becomes a theological anthropology (one, perhaps, that has not yet been articulated in theological scholarship). In short, coming out is a theological assertion, and the church and the individual who comes out too often struggle against one another for ownership of that assertion.

Self-Avowal in Denominational Policies and Court Proceedings

While the effects of the language of self-avowal are best illuminated by the gay and lesbian clergy and ordinands whom it impacts, we must also ask how the language of avowal is discussed in institutional discourses. It is there that we catch a glimpse of the different ways that these institutions have sought to control discourse about homosexuality and shape the act of coming out. It is perhaps important to note at the outset that the language of self-avowal has not occupied the center of the homosexuality debates in the denominations studied here the way the rhetoric of homosexual practice has. The key issue has always been the moral status of homosexual practice. But an examination of avowal in institutional discourse highlights the fact that the language

brings focus to bear on the role of the gay or lesbian individual in the ordination and disciplinary processes. Such attention places a burdensome onus of authenticity on gays and lesbians. This onus is burdensome because it forces clergy, ordinands, and church officers to choose between living an authentic, public life and following their calls to ministry—and this choice is one that heterosexuals do not face. We find this to be the case when we examine the documents with the following questions in mind: What sorts of speech about homosexuality are encouraged and discouraged, and who does the speaking?

The UMC, more than the PC (USA) and ELCA, has sought to regulate what is and is not said about homosexuality. The references to homosexuality found in the *Book of Discipline* tell the story. These passages function, first of all, to label homosexual practice incompatible with Christian teaching and then to prohibit such practice (see ¶ 161F, ¶ 304.3, and ¶ 2702.1). Taken together, these passages also explain who is permitted to speak with validity about homosexual practice in the UMC and under what circumstances. For example, sections ¶ 613.20 and ¶ 806.9 of the *Discipline* list the responsibilities of committees that oversee the financial matters of the denomination. Among these responsibilities, it is stipulated that church funds may not be apportioned “to any gay caucus or group, or otherwise use such funds to promote the acceptance of homosexuality or violate the expressed commitment of The United Methodist Church ‘not to reject or condemn lesbian and gay members and friends.’” This passage was originally passed in 1976 without the final clause that denies funds for anti-gay groups within the church. The final clause, however, does little to blunt the intention of the

statute. Funds can, of course, be used to promote positive discussions of human (hetero)sexuality, but not homosexuality. The imbalance speaks volumes. It essentially denies LGBT organizations any legitimate status within the church, and treats the voices of gays and lesbians with suspicion. The overall effect of this financial regulation is to ensure that the UMC does not fund discussions of homosexuality for which it does not also establish the terms.

The boundaries of ¶ 613.20 and ¶ 806.9 were tested when the Minnesota Annual Conference passed legislation permitting domestic partner benefits for lay employees (obviously, such benefits could not be offered to ordained employees, who are not supposed to have domestic partners) provided that the lay employees pay for those benefits. Members of the annual conference challenged the benefits plan, claiming that permitting them “promoted the acceptance of homosexuality.” In a 2007 Judicial Council decision, the domestic partner benefits plan was upheld, but only because no church funds were used to pay for the benefits. Since the decision isolates the use of church funds as central to the case, it suggests that, were the domestic partner benefits plan paid for with church funds, the plan would indeed “promote the acceptance of homosexuality” and, therefore, constitute a violation of the *Discipline*.²⁶ This decision demonstrates one way that affirming “speech” about homosexuality is discouraged within the various bodies of the UMC.²⁷

²⁶ *UMC Judicial Council Decision 1075 (2007)*.

²⁷ It should be pointed out that there are examples of ministers, congregations, and Annual Conferences speaking out in support of LGBT persons without being censored. In the cases that have reached the Judicial Council, two Annual Conferences--the Desert Southwest Annual Conference and the California-Nevada Annual Conference--adopted resolutions titled “We will not be Silent” that protested the stance of

If ¶ 613.20 and ¶ 806.9 attempt, to the extent that they can, to ban gay and lesbian speech in the denomination, then it is interesting to note the one passage in the *Discipline* that encourages gays and lesbians to speak for themselves. It is in the language of self-avowal. The phrase “self-avowed practicing homosexual” emphasizes the role of the individual homosexual in the enforcement of the ordination prohibition. The practicing homosexual is admonished to confess, to turn her sexual experience into discourse and subject herself to ecclesial discipline. Taken as a whole, the passages in the *Discipline* that refer to homosexuality deny gays and lesbians the ability to speak positively on their own behalf. Gay and lesbian speech is confined to confession. They may speak if by doing so they admit their guilt. To say this another way, the *Discipline* restricts homosexual speech so that it always occurs within the context of the prohibition of homosexual practice.

The discussion of “self-avowal” in UMC Judicial Council decisions reinforces the way the *Discipline* highlights the obligation of gays and lesbians to come out. In the first case to come before the Judicial Council regarding the prohibition of “self-avowed practicing homosexuals” from ordained ministry, *Decision 544* (1984), the Council expressed concern that there was not a clear definition of “self-avowal” (and “practice,” discussed in the previous chapter) and charged the General Conference to provide a

the denomination regarding LGBT persons in the church and encouraged congregations to welcome LGBT persons in leadership roles in the church. In both cases, the Judicial Council stated that the resolutions did not violate the *Discipline* and were allowed to stand. Presumably, the Judicial Council could not nullify these decisions because 1) they did not involve the appropriation of conference funds and 2) they avoided using the specific language of the *Discipline's* ordination prohibition. These cases reveal the limits of the UMC's ability to regulate speech about homosexuality. See *UMC Judicial Council Decisions 913* (2001) and *1028* (2005).

definition. This concern was echoed in *Decision 702* (1993), citing the denomination's regard for due process. If ministers are to be afforded due process in any complaint proceedings, the Judicial Council argued, the term self-avowal must have a clear meaning.

In several decisions, the Judicial Council provides guidance to the General Conference regarding what a definition of "self-avowal" would minimally include. In *Decision 722* (1994), it stipulated that "an adequate definition of 'self-avowal' must address the question of to whom the avowal shall be made so that identification is not dependent on the testimony of others." We see here a concern to exclude hearsay or outside testimony from the prosecution of gay and lesbian clergy, affirming the observation made earlier that the intention of the language of "self-avowal" is to ensure that church courts do not become a place to speculate about an individual's sexual orientation. Furthermore, the most important element of the phrase "self-avowal" is the person to whom the avowal is made, something that is reinforced in *Decision 764* (1995) and *Decision 837* (1998). To whom must the practicing homosexual confess for the confession to be legitimate? The UMC General Conference answered this question by adding a footnote to the ordination prohibition at ¶ 304.3 of the *Discipline*, defining "self-avowed practicing homosexual" as a person who "openly acknowledges to a bishop, district superintendent, district committee of ordained ministry, Board of Ordained Ministry, or clergy session that the person is a practicing homosexual." The confession must be made to an individual or group that has authority over the clergyperson or ordinand.

Beyond the language of the *Discipline* and the Judicial Council decisions adjudicating that language, the UMC has discouraged affirming speech about homosexuality in another, more obvious way. In 1988, the UMC called for a four-year study of human sexuality in an attempt to move past the controversy created by the ban on gay and lesbian clergy. The commission presented its report to the 1992 General Conference, which stated that there was not sufficient evidence to come to a clear conclusion about the biological, psychological, and theological grounds of homosexuality as a sexual orientation and recommended that the denomination remove the language from the *Discipline* that condemned homosexual practice. It also recommended in light of the persecution that gays and lesbians face in society that the UMC add language to the *Discipline* strongly supporting gay and lesbian civil rights. The report was incredibly contentious. The General Conference normally votes to accept reports such as this—an action that merely enters the report into the official minutes of the conference—and then takes up the recommendations in separate resolutions. Delegates, however, were afraid that the word “accept” might suggest approval, and so they voted to “receive” but not “accept” the report. The condemnation of homosexual practice was left intact, but the General Conference did pass a resolution supporting gay and lesbian civil rights. The rejection of that report sent a clear message that the policy could not be challenged easily, and no new study has been initiated since that time.

Two things stand out from the discussion of self-avowal that has taken place within the UMC. First, the denomination has made it clear that, for a practicing homosexual to be charged with an offense, she or he must come out as a practicing

homosexual to a person or group in a position of official authority over her or him.

Second, the attention paid to clarifying “self-avowal” stands in contrast to the lack of attention paid to clarifying what does and does not constitute homosexual practice, as noted in my discussion in chapter four of *Judicial Council Decision 764*. In short, establishing the exact nature of the “offense” seems less important than establishing protocol to facilitate gay and lesbian confessions of guilt.

Before the PC (USA) overturned its ban on gay and lesbian clergy with the passage of Amendment 10-A in May 2011, the PC (USA) had several things in common with the UMC in terms of how speech about homosexuality had been discouraged at times and permitted at others. Like the UMC, and around the same time, the PC (USA) called for a task force to study human sexuality—though the controversy surrounding homosexuality precipitated it—only to reject the work of the task force in no uncertain terms. As the task force began to find consensus on a justice-seeking framework for the report, its chairs began to receive pressure from denominational leaders to tone down its work because rumors of the task force’s progress proved to be unsettling.²⁸ The task force issued its report in 1991, titled *Keeping Body and Soul Together: Sexuality, Spirituality, and Social Justice*. Among other things, the report linked sexuality and justice in a way that affirmed homosexuality the same as heterosexuality. Tensions erupted following the report’s publication and it quickly became the most widely read

²⁸ Marvin M. Ellison and Sylvia Thorson-Smith, eds., *Body and Soul: Rethinking Sexuality as Justice-Love* (Cleveland, OH: Pilgrim Press, 2003), 6. This anthology was published as a reflection on and expansion of the 1991 report *Keeping Body and Soul Together*. Its editors and some of its contributors served on the original task force for that report.

report issued by a PC (USA) task force, selling over one hundred thousand copies.²⁹ In his “Beliefs” column for the *New York Times*, Peter Steinfelds called the report “radical” and “dead on arrival” within the denomination.³⁰ He was right. At the 1991 General Assembly, delegates voted overwhelmingly not to adopt the report and none of its specific recommendations were considered.³¹

The *Book of Order*, unlike the UMC’s *Discipline*, does not mention homosexuality at all. There are references to sexual orientation, but the constitution does not get more specific than that. Even G-6.0106b, the now-overturned prohibition of self-acknowledged practicing homosexuals from ordained ministry, simply prohibited by implication. It declared that marriage is an institution between “a man and a woman” and that clergy must remain chaste in singleness. For a clergyperson to be charged, the person must self-acknowledge a sinful practice. It is, perhaps, odd that the 1996 General Assembly that approved this policy did not see fit to name what they were prohibiting. According to William J. Weston, this oddity was the result of the loyalist faction in the denomination (his term for the centrist middle committed to maintaining unity in the church while respecting, though not affirming, its gay and lesbian members) wanting to avoid “the divisive spectacle of prosecutors from one end of the church pursuing

²⁹ James D. Anderson, “The Lesbian and Gay Liberation Movement in the Presbyterian Church (USA), 1974-1996,” *Journal of Homosexuality* 34, no. 2 (1997): 49; Ellison and Thorson-Smith, *Body and Soul*, 8.

³⁰ Peter Steinfelds, “Beliefs,” *New York Times*, May 25, 1991.

³¹ It should be noted that, unlike in the UMC, the rejection of the 1991 report is not the end of the story. The PC (USA) initiated another study process in 2001, which led to the acceptance of the document, “Peace, Unity, Purity: The Theological Task Force for Peace, Unity, and Purity of the Church,” in 2006. The acceptance of this document was a crucial step in the denomination’s journey toward a more just ordination policy.

defendants from the other.”³² Thus, by broadening the new policy so as to raise the standard for heterosexual behavior as well, the hope was to avoid isolating the gay and lesbian minority.

Of course, the impetus for the new policy was the homosexual ordination “problem,” and the enforcement of the policy, as documented in the previous chapter, only reinforces its true intentions. For an evaluation of how the phrase “self-acknowledged” functions in G-6.0106b, we must juxtapose the demurral of the ordination policy to name homosexuality as its true focus with the fixation of the church courts on how and when to investigate gay and lesbian candidates for ordination and installation about their sexuality. The history of these cases was reviewed in the previous chapter, but it is worth repeating that, during the life of G-6.0106b, the GAPJC ruled in numerous cases that ordaining bodies have a positive obligation to investigate a candidate’s sexuality if they have reason to suspect the candidate of homosexual practice.³³ The candidate must self-acknowledge such practice for the ordaining body to take the action of removing the individual from the candidacy process, but, unlike in the UMC, it is not always the self-acknowledgement that initiates such action. Many of the cases in the PC (USA) were initiated by complaints from one church session that another church had installed a homosexual as deacon, elder, etc. The resulting GAPJC decisions delineated the conditions under which an ordaining body should question a candidate, and the goal,

³² William J. Weston, “The Presbyterian ‘Fidelity and Chastity’ Competition as a Loyalist Victory,” *Review of Religious Research* 41, no. 2 (December 1999): 209.

³³ See especially *Ronald L. Wier v. Session, Second Presbyterian Church of Ft. Lauderdale, FL, Remedial Case 214-5* (GAPJC 2002); and *Session of Colonial Presbyterian Church, Kansas City, Missouri v. Session of Grace Covenant Presbyterian Church, Overland Park, Kansas, Remedial Case 218-1* (GAPJC 2006).

it seems, was to get the candidate to make explicit what G-6.0106b only implied:

homosexual practice is a sin.

During the period in the ELCA when the denomination prohibited practicing gays and lesbians from ordained ministry, it too sought to regulate speech relating to homosexuality. The ELCA, like the UMC and PC (USA), also began a study process in the late 1980s, almost immediately after the denomination formed. The study process resulted in numerous drafts of social statements throughout the early 1990s, none of which were ever presented for a vote at Churchwide Assemblies. Thus, instead of adopting a comprehensive social statement, the 1995 Churchwide Assembly called for a message from the Church Council on human sexuality that focused on issues where there seemed to be consensus. The result was the 1996 statement, “Sexuality: Some Common Convictions.” Since this document simply dealt with areas of agreement, homosexuality was only mentioned once to point out that it was an issue on which there was little agreement.³⁴ Like the UMC and PC (USA), then, the initial attempt to produce some form of statement on homosexuality was derailed because the church could not accept the progressive stances of the proposed statements.³⁵

The ELCA also restricted pro-homosexual speech by suspending and/or expelling congregations that violated church policy by calling openly gay and lesbians persons to ordained ministry. The most famous example occurred in the early 1990s when two

³⁴ ELCA Church Council, “Sexuality: Some Common Convictions” (1996), available at <http://www.elca.org/What-We-Believe/Social-Issues/Messages/Sexuality.aspx>.

³⁵ Like the PC (USA), the ELCA initiated another period of intentional study and discernment, resulting in the *Journey Together Faithfully* study series and then the social statement that created space for practicing gays and lesbians to be ordained, *Human Sexuality: Gift and Trust*.

congregations in the San Francisco bay area, St Francis Lutheran Church and First United Lutheran Church, ordained three openly gay and lesbian persons—Jeff Johnson, Ruth Frost, and Phyllis Zillhart—to the ministry of Word and Sacrament. Each of them had refused to submit to the ELCA’s policy that sought to impose celibacy on gays and lesbians and so was not going through the candidacy process. Their ordinations, therefore, were considered irregular by the denomination because they were not on the roster of ordination candidates, and the Sierra Pacific Synod immediately filed charges against the congregations for violating the ELCA’s policies. The result was that both congregations were suspended from the denomination. Their suspension meant that St. Francis and First United were “deprived of certain rights and privileges such as sending voting lay delegates to synod assemblies and petitioning the church.”³⁶ The term of suspension was five years, after which, because neither congregation was willing to abide by the ELCA’s heterosexist policies, both were removed from the roll of ELCA congregations.³⁷ The suspension silenced the congregations in that they were not able to participate in the ELCA’s legislative process. The calling of Johnson, Frost and Zillhart was a form of speech that affirmed gays and lesbians as fit for ordination, and the ELCA could not allow such speech to go unpunished. Thus, the suspension and expulsion of St.

³⁶ *In the Matter of Disciplinary Proceedings against St. Francis Lutheran Church and First United Lutheran Church of San Francisco* (Discipline Hearing Committee of the Sierra Pacific Synod 1990).

³⁷ Since the 2009 Churchwide Assembly, St. Francis Lutheran Church has rejoined the ELCA. First United Lutheran Church has taken a somewhat different course. It sold its facilities in 2007 and became a “church without walls.” It describes itself as a church that “builds on a Lutheran Foundation” but it has not sought re-entry onto the ELCA’s roster of congregations. For more information see the congregations’ websites, <http://www.st-francis-lutheran.org/> and <http://www.fulc.com/index.htm>.

Francis and First United was an attempt to restrict speech about homosexuality that did not advance the ELCA's stance (at that time) on the ordination of homosexuals.

Within the ELCA's disciplinary system, we also see that some of the church's official documents place constraints on how disciplinary bodies were able to speak about gay and lesbian clergy in their decisions. In fact, this issue was Brad Schmeling's primary argument in his case before the Committee on Appeals in 2007. Schmeling's counsel argued to the Committee on Appeals that, while the documents *Definitions and Guidelines* and *Visions and Expectations* both contained proscriptions against practicing homosexuals from serving as clergy, the ELCA's constitution, the supreme governing document of the denomination, contained no such language. Furthermore, the constitution grants discipline hearing committees (DHC) a degree of discretion in hearings, such that the DHC could have chosen to find Schmeling not guilty of "conduct incompatible with the character of the ministerial office."³⁸

The DHC, however, felt constrained by the language of section b.4 of the *Definitions and Guidelines* and, as a result, ruled that Schmeling was guilty of the charges. The DHC's decision is intriguing because the committee members referred to the prohibition of homosexual practice as bad policy and even suggested it might be unconstitutional. Furthermore, they stated that they felt forced to rule against their better judgments.

In the event that the Committee on Appeals determines that paragraph b.4) of *Definitions and Guidelines* is unconstitutional, so that this case should be decided under the standards for ministers established by chapter seven of the constitution

³⁸ See Robert A. Rimbo and Jane E. Fahey, "Statement on behalf of Bradley E. Schmeling", May 7, 2007.

and the procedures for discipline established by chapter twenty of the constitution, then this committee would find, with near unanimity, that there is nothing about Pastor Schmeling's acknowledged and stipulated homosexual relationship that would impede the proclamation of the gospel or the right administration of the sacraments. If relieved of the specific requirements of Definitions and Guidelines and permitted to decide this case under the standards of constitution chapters seven and twenty, this committee would find almost unanimously that Pastor Schmeling is not engaged in conduct that is incompatible with the ministerial office, and would find with near unanimity that no discipline of any sort should be imposed against him.³⁹

When the case was sent up to the Committee on Appeals, it weighed in on the DHC's comments, admonishing the committee for overstepping its bounds by doing more than its charge. By suggesting the policies regarding the ordination of gays and lesbians are bad policy and using Schmeling's case to reveal what is bad about it, the DHC was out of order.⁴⁰ As an official body of the ELCA, it attempted to speak in a way that was contrary to the denomination's prohibition of homosexual practice, and that form of speech was deemed unacceptable.

Lastly, as discussed in the previous chapter, Chris Scharen notes how the candidacy process is based on a series of examinations intended to produce suitable ordinands.⁴¹ Prior to the 2009 Churchwide Assembly, this process demanded that candidates review the heterosexist policies of the church banning homosexual practice and acquiesce to them. This process by its very nature encourages heteronormative speech from ordination candidates and discourages speech that affirms gays and lesbians.

³⁹ *Discipline Hearing Committee for Bradley E. Schmeling* (Discipline Hearing Committee of the Southeastern Synod 2007), 12.

⁴⁰ *Committee on Appeals decision regarding Bradley Schmeling* (Committee on Appeals 2007), 9-10.

⁴¹ Christian Batalden Scharen, *Married in the Sight of God: Theology, Ethics, and Church Debates Over Homosexuality* (Lanham, MD: University Press of America, 2000).

A gay or lesbian clergyperson who has gone through this process, then, has conceded (if only for the purposes of being ordained) to a conception of the homosexual person based on the negation of that person's sexuality. And if and when that clergyperson violates her church's policies concerning homosexual practice, the burden is on her to speak again, identifying herself as incompatible with the ministry to which she is called.

While the language of self-avowal has never been at the heart of denominational debates about the ordination of gays and lesbians, church actions have highlighted the role that it plays in oppressing gays and lesbians in the church. In various ways and to the extent that they are able, these churches have discouraged speech about homosexuality that takes place outside of the terms of the prohibition of homosexual practice. The language of self-avowal must be understood within this situation, for it represents the type of speech about homosexuality that is actually encouraged. If gays and lesbians are to speak about themselves in the church they must do so first by describing themselves in relation to the prohibition of homosexual practice. How gays and lesbians attempt to assert an authentic sexual identity in the face of such language reveals some of its harmful consequences, and it is to this that we now turn.

Coming Out under Prohibition

To analyze avowal as a form of confession places the role of confession in the spotlight. This differs from the analysis of homosexual practice, which showed that the institutional discussion and evaluation of homosexual practice occurs without much, if any, consideration of the experience of homosexuals. In that discourse, scripture and the Christian theological tradition—interpreted through a heteronormative lens—often take

precedent over experience, and so denominations define homosexual practice for homosexuals. With the language of self-avowal, however, the homosexual subject is asked to speak. The institution provides the context of that speech, to be sure, but what gays and lesbians say—how they decide to avow their sexual selves to their churches—is the primary source to analyze in order to see the effects of this language.

Coming out sermons provide one way to see the complex nature of the coming out process and how the prohibition of homosexual practice impacts it. In what follows, I compare two coming out sermons from ministers in somewhat different situations professionally. The first is by Daniel Geslin, a minister at an Open and Affirming church in the United Church of Christ (UCC)—a relatively safe place to share one’s coming out story.⁴² The second is by Beth Stroud, who was stripped of her ordination credentials in the UMC in 2005. Stroud’s sermon was preached in 2003 soon after she came out to her bishop, the action that initiated the trial process that led to her defrocking. Thus, the prohibition of “self-avowed practicing homosexuals” in the UMC is the context for the sermon. To be sure, the coming out stories in these two sermons bear many similarities and illustrate the spiritual and theological significance of coming out as described by the queer theologians discussed earlier. Despite these similarities, the differences found in these two sermons highlight the impact that the prohibition of homosexual practice has on those asked to avow it.

⁴² “Open and Affirming” (ONA) is a designation in the UCC created in 1985 that identifies a congregation as welcoming and supportive of LGBT persons. One study has shown, however, that the ONA label is not always interpreted or acted on by congregations in the same way. In short, some ONA churches take the designation seriously; others don’t. See Christopher P. Scheitle, Stephen M. Merino, and Andrew Moore, “On the Varying Meaning of ‘Open and Affirming,’” *Journal of Homosexuality* 57, no. 10 (2010): 1223-1236.

As any coming out sermon is sure to be, Dan Geslin's sermon, "A Coming Out Story,"⁴³ is autobiographical. His story begins in Minneapolis. It was there that he felt God's call not only to enter the ministry but also to come out of the closet. Following these calls, which Geslin sees as two parts of a whole, meant balancing his fear of people knowing that he was gay with his faith in God. Feeling as though he could not fully answer this call in Minneapolis, he moved to San Francisco. "If I could just get to San Francisco," he writes, "I would be born again into a New Life."⁴⁴ Once there, he enrolled at a Lutheran Seminary in Berkeley.

At seminary, Geslin embraced the dual call of ministry and authenticity. Indeed, he found the language to express why he feels these two things are inseparable:

Going to seminary was as much about being gay as it was about being "spiritual." What I would learn in seminary is that, for me, being gay and being spiritual are the same thing, because that is...who I am. God was calling me by name. In seminary I learned God's name: YWHW—"I AM WHO I AM"—and learning that I am created in I AM's image. God was calling me to become...who I am!⁴⁵

Ministry and sexual orientation are not compartmentalized for Geslin. Both are integral aspects of his identity, and so denying one would mean denying the other. It is not surprising, then, when he describes his love for his partner Raf as sacramental (echoing Chris Glaser).⁴⁶ Indeed, he writes that the first time he and Raf made love was for him a

⁴³ The sermon is published in Olive Elaine Hinnant, *God Comes Out: A Queer Homiletic* (Cleveland, OH: Pilgrim Press, 2007), 33-38.

⁴⁴ *Ibid.*, 34.

⁴⁵ *Ibid.*, 35.

⁴⁶ He writes that his relationship with Raf is sacramental "in that I was able to transfer our relational trust into my relationship with God, in the same way that we transfer being fed in communion to the way God feeds us in community." *Ibid.*, 36.

conversion experience. He relates this to the story from one of the lectionary texts for that Sunday, John 3:1-6, where Jesus tells Nicodemus that one must receive a new birth, a birth of the Spirit, to enter the Kingdom of God. Making love to Raf for the first time was a “new birth” for Geslin, a turning point in his life: “That was the moment when I finally trusted that God has goodness in store for me, even when I cannot see it ahead of time, if only I could come out as a person of faith. That revelation was my ‘born again’ experience.”⁴⁷ If that moment was pivotal in Geslin’s life, it is also the climax of his sermon. It is here that the call that he heard from God—to live openly as a gay man and enter the ministry—is integrated into a whole. It took going to seminary for him to become comfortable with himself as gay, and it took loving another man for him to become comfortable with himself as a person of faith.

When Geslin came into his identity as a gay man called to ministry, he was able to come out to his bishop back in Minnesota confidently, despite knowing that this act would prevent him from being ordained in the Lutheran Church. For our purposes, it is striking to note the relative ease with which he tells this part of his story. There is no build up to this moment. It is not approached with any sense of dread or somberness. As it happens, other than the fact that Geslin tells us he enrolled in a Lutheran seminary, we have no way of knowing that he was Lutheran at the time. Did he grow up Lutheran? Was the church a major part of his upbringing or was its presence in his life more peripheral? We are not given any answers to these questions. The institutional church has remained invisible or deep in the background of his coming out story up to this point.

⁴⁷ Ibid., 37.

And now Geslin does not dwell on it. We do not hear what it was like to have this conversation with his bishop. The event is recounted very matter-of-factly, as though it were one item among many on a to-do list. It had to happen, it's in the past, and now he can say "I am who I am" with confidence and celebration.

Geslin walks us through the events of his life leading up to his coming out, and the fact that he does so from a place of security and affirmation from both his congregation and his denomination colors the way he remembers the first time he came out to himself in the 1980s and to the Lutheran church where he was an ordination candidate. To be sure, there is tension in his coming out story, but it is not between him and the institutional church. It is within himself, or perhaps between him and God. Only as this tension finds some resolution does the church become a character in the story. We hear an unreserved naming of who Dan Geslin is, and an announcement that God, I AM WHO I AM, created him this way and called him good. Relating his coming out story from a safe place allows him, it seems, to focus not on the role of the church he was a part of at the time, but rather on putting forth his own, authentic identity, which he describes as part of his call from God. In short, free from the threat of ecclesial discipline by both time and institutional affiliation, Geslin is in control of how he speaks of his own sexuality and how it relates to his Christian faith.

Stroud's sermon is delivered under very different circumstances. In March of 2003 she disclosed to her bishop that she was a lesbian in a committed relationship with another woman. Many of her parishioners were no doubt already aware of her sexual orientation and relationship, but she formally disclosed this information to her

congregation in a letter dated April 19. She delivered her coming out sermon, “Walking in the Light,” on April 27. Stroud stood at the beginning of a very tumultuous time in her life. She knew that coming out to her bishop would almost certainly lead to charges filed against her. She had officially avowed her homosexual practice and, in the eyes of the UMC, was leading a life incompatible with her faith. And so, as Stroud took her place in the pulpit that Sunday, she no doubt felt the full weight of her actions.

She preached from John 20, and began her sermon with the simple message that Jesus offers to the disciples in the upper room: “Peace be with you.” “Isn’t that just like Jesus,” Stroud writes, “to appear not when we’re out in public putting our best face forward, not when we’re wearing the masks of confidence...but rather to sneak into the private spaces where those masks are down?”⁴⁸ At the outset, then, she indicates to her parishioners that this sermon will delve into the deeply personal. She also introduces Jesus not as an iconic or institutional figure, but as a friend. In fact, she then contrasts her relationship with Jesus with her relationship—if that is the right word—with her denomination.

I have not met Jesus walking through Annual Conference with hundreds of other pastors all wearing a public mask of competence and piety. But I do know Jesus in my inmost self. Jesus comes to me in the relationships where I experience my human brokenness most intimately, and in the personal times of prayer where I am simply myself before God.

The places where the church as an institution looks most like an institution seem to be the places where Stroud feels the most closeted.

⁴⁸ Irene Elizabeth Stroud, “Walking in the Light”, April 27, 2003. Accessible online at <http://trial.bethstroud.info/outsermon.shtml>. Since there is no pagination to reference, all subsequent quotations from Stroud's sermon will not be cited individually.

The distinction between public space and private space is, of course, not surprising. Without using the word, Stroud is describing the closet that she has been coerced to stay in until now by, not her parishioners, but the institutional church. It is also not surprising, then, that she describes public space as a façade, a place where people present themselves falsely. Stroud believes that there was always her true identity waiting to be made public, but she also demonstrates that identity is not singular. We have different identities that we display, different masks that we wear, and the struggle for Stroud is to allow her “inmost self” also to become her public self.

Much of what follows these first paragraphs is the narrative of her life in the closet, her life-long struggle to reconcile who she knows herself to be with who her church assumed and instructed her to be. The UMC has been a constant presence in her life. “The church,” she writes, “is my first memory, my family, my home.” From baptism, to singing “Jesus loves me” in Sunday school, to understanding and accepting herself as a lesbian while in college—all of these events are a part of her story, her struggle to be a United Methodist Christian and a lesbian. Indeed, it was when she came out to herself in college that she confronted the idea that she might have to choose “between being true to myself and being a Christian.”

She wrestled with this choice for some years—attending seminary, leaving, and then attending again. Yet through all of these struggles, the thing that seems to bring her back to the church and accept her call to ministry is her relationship with Jesus. As she stated at the start of her sermon, Jesus is the one who knows her true self and offers her peace. It is that knowledge of Christ and the knowledge that Christ knows her that leads

her to come out to her denomination, despite the possible consequences. As she tells of the moment in her life when she came to this realization, she reads a portion of another lectionary text for that Sunday:

God is light and in God there is no darkness at all. If we say that we have fellowship with God while we are walking in darkness, we lie and do not do what is true; but if we walk in the light as God is in the light, we have fellowship with one another, and the blood of Jesus God's Son cleanses us from all sin.⁴⁹

Stroud uses this scripture to powerful effect, associating the closet with a place of darkness, a place where one is forced to “lie and do not do what is true,” a place absent of true fellowship. (The metaphor recalls Eugene Rodgers’ description of the closet as a “lie of the body.”) For Stroud to be who she is, for her to experience God and fellowship with others fully, she must come out and walk in the light. For her to minister and to live with authenticity, she must bring the public facet of her life, the side of her that her denomination is acquainted with, and the private part of her life into harmony.

And here the sermon crescendos with Stroud expressing her longing: “I want to take that experience of the risen Christ out of the locked room, out of the closet, and into the world where everyone can see it. I want to walk in the light so that Christ might be revealed in my life.” Stroud’s narration of the past events in her life has now arrived at her present desire to live a life completely out of the closet. In a perfect world, this moment in her sermon would be one of rejoicing. It would be followed by the call heard in Geslin’s sermon—and punctuated with exclamation points, as Geslin was fond of doing—for all to be who they are.

⁴⁹ 1 John 1:5-7, NRSV. The translation is modified by Stroud to be gender inclusive.

But she does not move into a celebratory or triumphant tone. Instead, as she expresses this profound desire to be known by others as Christ knows her, she is confronted by the prohibition of homosexual practice. In this moment where Stroud asserts for the first time—at least from the pulpit—her self-defined identity, she is compelled to acknowledge the way in which her denomination seeks to define her. Her next words: “I know that by telling the truth about myself, I risk losing my credentials as an ordained United Methodist minister. And that would be a huge loss for me.” The UMC’s ordination prohibition sets the mood for the occasion. It is why she has not come out sooner and it is why coming out now carries such anxiety. Rather than staying in the moment, the moment when she begins to walk in the light for all to see, she is forced to anticipate how her denomination will interpret her life—that is, how it will interpret *her*—and what consequences this holds for her and her congregation.

As Stroud’s coming out has compelled her to look ahead to the impending conflict with the UMC, most of the rest of her sermon deals with details about what they might experience in the coming days. She introduces her partner and then thanks the church staff that supported her in her decision to come out to the bishop. She reminds the congregation not to treat the UMC or her bishop as enemies. And, knowing that she and her partner will be going through a difficult time, she offers the congregation guidance on how best to minister to her and one another throughout the discipline process. She tells them, “Please remember to slow down. You’re a great church for protest marches. You’re not always so great at casseroles. But this situation may call for casseroles.” It is

as though her coming out is all the protest she can handle right now. What she needs is a quieter form of support.

While Stroud's sermon is not cheerful in tone, it should be noted that it is not sorrowful, either. She concludes by reminding the congregation—and perhaps herself—that while it is important to plan for what was ahead for her and her church, they were sharing a joyful moment that day. What makes the joy in Stroud's sermon different from the joy in Geslin's is the way the institutional church mitigates that joy by compelling Stroud to add a "but..." to every joyful expression. Hear, for example, two of the last sentences that Stroud preached to her parishioners that Sunday: "After all, here I am, *for this Sunday at least, and perhaps for many months to come*, your openly lesbian, fully credentialed, United Methodist pastor. I am excited to be able to give you the gift of my whole self in the fullest expression of my ministry, *for however much time we have*" (emphasis added). Stroud has difficulty celebrating this moment without also conjuring the UMC policies that threaten her ministry.

Foucault's discussion of confession and the process he refers to as *pyschagogy*, provides an interesting lens through which to read these sermons. The *pyschagogic* relationship involves the confessor (the bishop or, more generally, the institutional church) and the confessant (the one coming out). In comparing these two coming out sermons, we have seen how much more present the institutional church is in Stroud's sermon than Geslin's. Yet, we should also note that the main character in Stroud's sermon is without a doubt herself. The church is present as she narrates her struggle to reconcile her sexuality and faith, but its presence is often subtle. If we were to personify

the church as a character in a play, it would be a character who is almost always on stage—sometimes prominently, sometimes not—but speaks seldom. However, it is worth remembering that the institutional church operates in this relationship as the “spiritual guide.” Foucault notes that in the Christian formulation of *pyschagogy*, the spiritual guide does not have to have an overbearing presence in the discourse of truth. It is the guided soul that is ever-present in its own discourse.⁵⁰ In Stroud’s sermon, then, it is understandable if not predictable that she dwells on the details of her life. And, as the UMC’s characterization of the homosexual subject looms silently on the stage of her life, the moment when it moves to center stage becomes all the more illuminating. Stroud confesses her desire for her church to know her as Jesus knows her—the deepest truth of who she is—and then is compelled to note that that same church has imposed a penance on this moment of truth-telling. “The most fundamental and essential cost of truth and of ‘truth-telling’ will be borne by the person whose soul has to be guided,”⁵¹ Foucault writes. The sentence is translated from the French in passive voice, and with good reason. The passive voice denies the “soul that has to be guided” the full empowerment that should accompany coming out to one’s faith community.

The prohibition of “self-avowed practicing homosexuals” impacts Stroud’s ability to control her own coming out sermon, but this point should not be overstated. The fact that she decided to come out to her bishop and to her congregation via a sermon tells us that she has accepted her sexual identity and overcome to a large degree the

⁵⁰ Foucault, *The Hermeneutics of the Subject*, 409.

⁵¹ *Ibid.*, 408.

internalization of homophobia. Indeed, her personal narrative attests to this fact. It also tells us that Stroud has dwelled on the heterosexist and homophobic policies of her church and decided that authenticity—being able to give the gift of her whole self, as she put it—is worth subjecting herself to church discipline and putting her ordination credentials in jeopardy.

The point is that Stroud’s coming out sermon helps to illustrate the larger, often unseen impact that these policies have: if the policy could impact someone who was so comfortable with her lesbian identity and had support from her congregation, imagine, then, the impact on gay and lesbian ministers and ordinands who do not enjoy that kind of support and have not yet reached Stroud’s level of self-acceptance. Their voices cannot testify to the harm the prohibition of homosexual practice has on them because they feel forced to remain silent. This fact reveals the insidious character of the phrase “self-avowed”: by framing coming out as an act of confession, it coerces gays and lesbians to stay closeted while imposing the label incompatible on those who make their sexual orientation public. Authenticity becomes something to be feared because of the consequences associated with it. Rose Mary Denman, who was defrocked for being a “self-avowed practicing homosexual” in the UMC in 1987, discussed in her memoir how, after she came out to her denomination, a group of closeted lesbian clergy expressed frustration with her. They feared her act of coming out would threaten their own secrecy within the church, an idea that was unacceptable to them.⁵²

⁵² Denman, *Let My People in*, 203.

Leanne McCall Tigert, who has conducted a great deal of qualitative research with LGBT Christians, describes this effect as a form of shame. Tigert defines shame as a form of control—and sexual shame a form of sexual control—that operates through the constant threat of exposure, “of being seen by others or ourselves in some diminished way.”⁵³ When shame is pervasive enough, it becomes, in Tigert’s words, toxic. Toxic shame is when one experiences oneself as fundamentally flawed, a feeling that shapes one’s core identity. Furthermore—and echoing the claims of body theology—she states, “Toxic shame is not only a rupture of self with self; perhaps even more significant, it is a rupture of the self with God.”⁵⁴ Those gays and lesbians who have courageously come out in the face of denominational persecution and prosecution have demonstrated the pain that these policies inflict, but it is not an exaggeration to say that we can only guess at the true extent of the harm done.

Coming Out as Protest and Resistance

One facet of the coming out experience that has been in the background for much of this chapter must now be brought to the fore: despite the negative impact that the language of avowal has on gays and lesbians in the church, those who come out to their denominations most often do so in defiance of the ordination policies. Coming out is a form of resistance. Take for example, a salient comment made by Ruth Frost after her ordination and the ordinations of Jeff Johnson and Phyllis Zillhart. In an interview about the ordinations and the trial that ended in the suspension of their congregations, Frost

⁵³ Tigert, *Coming Out Through Fire*, 59 and 64.

⁵⁴ *Ibid.*, 64-65.

remarked: “After the ordination and the publicity that surrounded the ordination and the ecclesial trial, the church no longer controlled who could speak and who would be heard.”⁵⁵ Defying these policies makes one subject to church discipline, but it also forces the church to confront voices of dissent in a very public way. Many members of these denominations most likely do not track all the events that occur at regional and national gatherings, but when a clergyperson is tried in a church court, it makes news. And despite the fact that news today too often consists of sound bytes incapable of communicating the full force of the clergyperson’s resistance, *seeing* someone actually impacted by the policy humanizes the issue even as the legalese of a trial seems to dehumanize it. As more and more ordinands and clergy come out to their denominations, it becomes more and more difficult for churches to maintain control over its own rhetoric.

Here, we must recall Foucault’s discussion of power in *The History of Sexuality*, for conventional thinking would argue that an act of resistance could not also be a source of oppression. It must be an either/or, many would say. But Foucault denies the idea that power is a monolithic thing. Power is everywhere and takes many forms. Oppression and resistance are not clearly distinguished, diametrically opposed forces, as Hollywood epics would have us believe. Judith Butler also makes this point, and the way she approaches the issue is perhaps more helpful. She argues that the resources for resisting an oppressive power are always impure. You are always working from a heteronormative way of knowing, and so you are always implicated to some degree in the

⁵⁵ Pam Walton, *Call to Witness*, DVD (Pam Walton Productions, 2000).

power that you oppose.⁵⁶ The word “queer” is a germane example of this (my example, not Butler's). While the word has been reappropriated by the LGBT community as a positive identity marker, it is still used pejoratively and can stigmatize as well as liberate. The primary meaning and consequence of the word is determined not only by the person using it, but also the people who hear it and the community and culture in which it is spoken. In other words, “queer” signifies both gay pride and gay shame simultaneously.

Similarly, coming out is both a liberating moment for a gay man or lesbian, but the language of self-avowal carries an intentional effort to strip that experience of some of its liberating power. In the case of Beth Stroud, for example, her journey of coming out to her church is known as much for its end result, i.e. being convicted and defrocked, as it is for representing gay and lesbian resistance. This dissertation, in an effort to deconstruct the oppressive nature of the language in question, has focused more on how the phrase “self-avowed practicing homosexual” harms gays and lesbians, but this oppression is far from the whole of the story. Indeed, the reason the anti-gay ordination policies of the ELCA and PC (USA) have been revoked is largely due to the courage of the gays and lesbians in those churches that have come out and spoken against them.

Conclusion: Language, Theological Ethics, and Sexual Subjectivity

The self-avowed practicing homosexual is a construction of the homosexual subject only possible in modern times, though we have seen many of its characteristics before. There are striking similarities, for example, between the homosexual that emerges from mainline Protestant documents and the sodomite, as Mark Jordan

⁵⁶ Butler, *Bodies that Matter: On the Discursive Limits of “Sex,”* 240-242.

describes, that emerged from medieval theology.⁵⁷ Jordan also notes that the shift in Christian speech from the Sodomite to the homosexual demonstrates how churches have sought to continue to speak about sexed bodies as the state began to take an increasingly active role in regulating sexuality.⁵⁸ He is alluding to the invention of the word “homosexual” and to the relationship between sexual knowledge (leading to sexual taxonomies) and state regulation that Foucault referred to as biopower. While here is not the place to develop Jordan’s suggestion in the language of Foucault’s theories of sexuality as an apparatus of state control, I should point out the simple fact that the term “homosexual” was not invented by any Christian church. It emerged in the medical and psychiatric communities and came to classify a form of sexual inversion—whereby the homosexual is a person with an underlying disorder driving him to desire and have sex with persons of the same sex. The homosexual arrived in the English vernacular with a severely compromised sexual agency and, thus, in need of regulation. Churches appropriated this word, a process that occurred rather seamlessly because the intent of the churches, like that of the medical community in the early- and mid-twentieth century, was to regulate persons who exhibit sexual attraction to others of the same sex or gender.

⁵⁷ Compare, for example, my description of the conflation of acts and identity embodied by the concept of homosexual practice with Mark D. Jordan's genealogy of the sodomite in medieval theology (here, Jordan refers specifically to the writings of Peter Damian): “*Sodomia* does not make its appearance as a neutral description of acts. It is a brand that burns condemnation into certain acts. It burns into them as well the presumption of a stable essence, a sameness found wherever the acts are performed....The transition from acts to persons is perhaps what an essence does best. By coining an abstract term to group together a series of acts, Peter Damian has made the inference from acts to agent almost automatic.” Jordan, *The Invention of Sodomy in Christian Theology* (Chicago: University of Chicago Press, 1997), 43-44.

⁵⁸ Mark D. Jordan, *Recruiting Young Love: How Christians Talk about Homosexuality* (Chicago: University Of Chicago Press, 2011), 210. Jordan offers this remark in his conclusion, suggesting it is a story yet to be written.

Of course, the gay rights movement and its predecessor homophile movement offered a competing narrative of the homosexual, and it is in this tumultuous environment that American mainline Protestant denominations began crafting their initial responses to the “problem” of homosexuality. The denominations studied here and their predecessors sought a fuller understanding of homosexuality, but their overarching goal was clearly the regulation of homosexuality within their churches. Adding the qualifier “practicing” to the homosexual was a defensive maneuver. Its purpose was to hold the new political potency of “homosexual” as an identity marker at arms’ length. The argument goes: The church accepts (i.e. tolerates) gays and lesbians but must “listen” to the authority of Scripture, which condemns homosexual acts. But what becomes clear after examining how the policies that codified this argument have been enforced is that we are still dealing with the homosexual who suffers from a weakened sexual agency. Thus, homosexual practice is more than a nebulous constellation of sexual expressions; it is the superficial marker of a corrupted soul.

And the practicing homosexual is distinctly modern because the qualifier is deemed necessary. If the denominations studied here had written policies concerning homosexuality only decades earlier, they might not have found it necessary to distinguish the practicing homosexual from the non-practicing homosexual. By placing the emphasis on homosexual practice, these denominations confused the already confusing relationship between acts and identities. With most sinful longings—say, the longing to hurt someone physically—the moral agent is taught to reject such a longing because to fulfill it is a sin, but is not asked to understand oneself as inherently violent. Here, then, there is a clear

distinction between an action and one's identity. Because churches label homosexual practice sinful yet seek to protect the status of being a homosexual, gays and lesbians are placed in a double-bind. They are not asked to reject their sexual orientation, but are asked to reject the natural expression of that sexual orientation. Of course, the distinction between identity and act collapses in upon itself when churches attempt to enforce their policies, so those gay and lesbian clergy who are technically "non-practicing" are nevertheless viewed with suspicion in the eyes of the church. It is a theological and political convolution that mires gays and lesbians in a lose-lose situation. Any gay or lesbian who tries to reconcile these two things—the interpretation of a homosexual orientation as morally neutral and the condemnation of homosexual practice as immoral—is doomed to failure, and this failure is interpreted by the denomination as an inevitable shortcoming.

The language of avowal demands that gays and lesbians enter this double-bind by describing themselves in relationship to it. As I've argued, self-avowal is a form of confession. But it is a distinctly modern form of confession given what is being confessed and the posture of those confessing it. Those clergypersons and ordinands who avow that they are practicing homosexuals do so with the conviction that they are living a life *compatible* with God's will, and if their denominations label such a life *incompatible* with the Christian tradition, then the problem lies with the tradition and/or the denomination's interpretation of it. At the same time, the avowal is received by the denominations as an admission of guilt—and the offense is not a particular act or set of acts, but being the type of person who might commit such acts. So, while the self-

avowed practicing homosexual has achieved a high level of personal authenticity, that feeling of authenticity is mitigated by the fact that the act of coming out has made her a sex offender in the eyes of church authorities. To complicate this terrain even further, we find another double-bind related to the language of avowal: the self-avowed practicing homosexual is a sex offender, and the practicing homosexual who refuses to avow is a liar.⁵⁹ Gays and lesbians must choose between the two, and those who come out in the face of their churches' stigmatizing label do so because they have the strength and support to assert their self-understanding over and against how they are understood by their denominations.

In other words, avowal is a confession predicated on two very different conceptions of the homosexual subject: the one imposed by the institution and the one announced by the person coming out. In the context of American mainline Protestantism, then, gay and lesbian sexual subjectivity consists of negotiating the space that these two homosexual subjects occupy. To be sure, sexual subjectivity is messy, and negotiating this space is not an either/or that simply requires a choice of which subject to accept and which to reject, because these two competing conceptions of the homosexual subject probably overlap more often than not. Even when one has the strength and support to assert one's own positive self-understanding over and against the understanding of homosexuality imposed by one's denomination, the latter is still present in many ways.

⁵⁹ This situation has been described as a choice between being a liar and being a pervert. For a good discussion of this double-bind and its impact on queer identity, see Kelby Harrison, "The Ethics of Passing: A Theoretical and Practical Analysis" (PhD diss., Northwestern University, 2010), 367-370.

And so, the self-avowed practicing homosexual is a morally bankrupt conception of the homosexual subject produced by the mainline Protestant churches that have adopted and enforced it. Since the language itself creates an environment where gays and lesbians cannot live morally exemplary lives in the eyes of their churches, the self-avowed practicing homosexual is a self-fulfilling prophecy: it establishes the very terms by which gays and lesbians are found culpable and declared to be incompatible with ordained ministry and the Christian tradition.

By drawing attention to the ways in which this rhetoric operates, I have shown that the heterosexist policies are themselves incompatible with the understanding of human sexuality as a good gift from God, and the fact that the PC (USA) and the ELCA have overturned their policies is a sign that many within these churches are becoming aware of this contradiction. Even in the UMC, there are signs that people within the denomination are less supportive of the UMC's policies and disciplinary bodies are less willing to enforce them. In June 2011, Amy DeLong, an openly lesbian UMC minister in Wisconsin, was tried on charges of being a self-avowed practicing homosexual and performing a same-sex marriage. She was found guilty of the latter and suspended for twenty days, but was found not guilty of being a self-avowed practicing homosexual by a vote of 12-1. Many were shocked by the not guilty verdict—there were audible gasps in the courtroom as the verdict was announced⁶⁰—because DeLong initiated her disclosure

⁶⁰ United Methodist News Service, "UMNS Field Journal: Verdict in", June 22, 2011, http://umnsfieldjournal.blogspot.com/2011/06/430-pm-edt-june-22-verdict-in.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+UmnsFieldJournal+%28UMNS+Field+Journal%29.

of her status as a lesbian in a relationship with another woman and has even registered her domestic partnership with the state of Wisconsin.⁶¹

Of course, we must ask which is truer. Is the rhetoric waning in influence? Or are the changes more indicative of a shift in the opinion of clergy, who often have a larger role in shaping and/or voting on changes in policy? Does the rhetoric still hold sway over the many members of these denominations who are not active in the legislative processes? Time will tell, but there are some within these churches who would rather practice the time-honored Protestant tradition of splitting from a church than remain within a church that welcomes openly gay and lesbian clergy. But even if the rhetoric is in fact on the decline, it is imperative that institutional acceptance is accompanied by theological acceptance. Scharen draws attention to this distinction in his study of ELCA ordination and marriage policies. He applauds the work of groups like Extraordinary Luther Ministries that have worked to overturn institutional discrimination, but these efforts are limited in scope without an equally rigorous call for overturning the heterosexist and homophobic aspects of the theologies that buttress the policies.⁶²

I agree with Scharen, and while space has been made for LGBT ordination and the blessing of same-sex unions in the ELCA and PC (USA), there also needs to be a sexual theology that places gays and lesbians on equal footing, anthropologically speaking, as heterosexuals. In the ELCA's *Human Sexuality: Gift and Trust*, for example, none of the four acceptable positions that the document outlines actually

⁶¹ Thomas Lambrecht, "Closing Statement of the Church Counsel", June 22, 2011. Available online at http://www.umc.org/site/c.lwL4KnN1LtH/b.7519397/k.8E10/Amy_DeLong_Trial.htm.

⁶² Scharen, *Married in the Sight of God*, 123.

expresses full equality for gays and lesbians. Marriage is described as a relationship between a man and a woman, and the most progressive of the four acceptable positions on homosexuality does not offer support for same-gender marriage. It states that some members of the ELCA, on the basis of conscience-bound belief, “believe that the neighbor and community are best served when same-gender relationships are lived out with lifelong and monogamous commitments that are held to the same rigorous standards, sexual ethics, and status as heterosexual marriage.”⁶³ Clearly, the intention is to describe same-sex unions in similar language as heterosexual marriage, but the title of marriage is withheld.

Human Sexuality: Gift and Trust does recognize that some within the church conclude that marriage is the appropriate term to use in describing lifelong monogamous same-gender relationships, but it does not say that it will include such a view within the life of the church. Furthermore, it states that such a conclusion “differs from the historic Christian tradition and the Lutheran Confessions.”⁶⁴ The significance of this nuance is that, while homosexual relationships are no longer defined as inherently sinful, they do not receive the theological standing that heterosexual relationships do. *Human Sexuality: Gift and Trust* does not refer to marriage as an order of creation—as we observed in Helmut Thielicke’s theology, discussed in chapter four—but it does highlight Mark 10:6-9, which describes marriage as a divinely-ordained institution between a man and a

⁶³ Church in Society Unit of the ELCA, *Human Sexuality: Gift and Trust*, 11.

⁶⁴ *Ibid.*, 10.

woman. And, in any event, the concept of marriage as an order of creation has deep roots in American Lutheranism.⁶⁵

The double standard is palpable. While homosexual practice is no longer prohibited in the ELCA, it still occupies an inferior position within the denomination's statement on human sexuality. To be sure, *Human Sexuality: Gift and Trust* marks an important step forward for the ELCA and came about through a long process that aimed to create a more just church for gays and lesbians while at the same time keeping the denomination from fracturing. But same-gender relationships are still second-class relationships. They are permitted, and they can even be celebrated in worship. But the us-them mentality perpetuated by the refusal to grant the term marriage to same-gender couples testifies to the hold that heterosexism still has on the church.

If gays and lesbians are still seen as existing outside of God's intentions for creation, then institutional acceptance is, in reality, institutional tolerance. The difference between acceptance and tolerance is embodied by the list of qualifiers—lifelong, monogamous, publicly-accountable—needed in order to make a same-gender relationship credible. The list is meant to mirror the commitment of marriage, but it also places gays and lesbians in the position of always having to prove themselves. If a candidate who is heterosexual states that she or he is married, well, that's that. No more questions asked. But because the title "married" is withheld from gays and lesbians, identifying oneself as having a partner is not sufficient. The ordaining body needs more information. It needs

⁶⁵ See Scharen's overview of that history. Scharen, *Married in the Sight of God*, 55-92.

some proof that the relationship is worthy. In short, queer relationships are not given the benefit of the doubt, while heterosexual relationships are.

In the PC (USA), same-sex marriage is also not permitted at present. Gays and lesbians in partnered relationships are allowed to be ordained, but it is illegal for a clergyperson to preside over a marriage ceremony for two persons of the same gender. In 2008, a GAPJC decision reveals the importance of challenging the theology of marriage that defines marriage as a heterosexual institution. The case involved Jane Adams Spahr, who presided over several wedding ceremonies of same-gender couples in 2004 and 2005. Spahr had been found guilty by a Synod PJC (SPJC) of violating the PC (USA)'s Constitution and was officially rebuked. The GAPJC overturned the decision of the SPJC, removing her censure. While the outcome of the case seems positive, the legal reasoning of the court was deeply offensive. It argued that since the denomination defines marriages as between a man and a woman, it is not possible that Spahr presided over a same-gender marriage. The court writes: "By the definition in W-4.9001, a same-sex ceremony can never be a marriage. The SPJC found Spahr guilty of doing that which by definition cannot be done."⁶⁶ The GAPJC completely denied the reality of what took place and asserted, to put it bluntly, that God cannot give a same-sex couple the blessing of marriage.

Institutional acceptance must be paired with theological acceptance. This analysis of the self-avowed practicing homosexual has shown how the rhetoric puts forth an

⁶⁶ *Jane Adams Spahr v. Presbyterian Church (USA) through the Presbytery of Redwoods, Disciplinary Case 218-12* (GAPJC 2008).

oppressive conception of the homosexual subject, one that has theological grounding in addition to (or in collusion with) its grounding in social and cultural prejudices. If we purge church constitutions, social statements, etc. of references to the self-avowed practicing homosexual but do not challenge the theological tradition of its deep-seated homophobia and heterosexism, then these forms of oppression will only manifest themselves in different ways, couched in different language. Such is the nature of language. It is manipulable and we must choose our words carefully and in a way that promotes the abundant life to which Jesus calls us. All of us.

I suspect that we do not yet have the language to describe human sexuality in such a way. Our vocabulary is so structured by our obsession over the gender of the objects of our desire that it may be some time before we have the right language. If that is the case, I suspect it will be queer theologians and ethicists creating the lexicon. As a heterosexual, I frequently find that it is the arguments and testimonies of LGBT persons that shock me out of my heteronormative way of thinking, and they may well provide the theological and ethical ideas that shape how we as Christians think about and value the sexual diversity found among all of God's children.

For now, though, there is plenty of work to be done deconstructing the many manifestations of homophobia and heterosexism within the Christian tradition that harm how gays and lesbians are viewed by the church, wider society, and, most tragically, by themselves. This is the necessary first step. As Didier Eribon writes, "It is only in becoming conscious of the determinisms that shape conscious and unconscious minds

that individuals can come to constitute themselves as ‘subjects,’ as their *own* subjects.”⁶⁷

May we one day have the theological and moral language—and a church willing to speak it and live by it—that allows everyone to discover their *own* subjectivity as persons made in the image of God.

⁶⁷ Eribon, *Insult and the Making of the Gay Self*, 78.

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VITA

John J. Anderson was born in Gainesville, Florida, and spent his childhood and teenage years in Syracuse, New York, and Mobile, Alabama. He earned his Ph. D. in Theology at Loyola University Chicago, specializing in Christian sexual ethics. Before attending Loyola, he received his Bachelor of Arts in Classics and History at Samford University in Birmingham, Alabama in 2003. From Samford, John went to Yale Divinity School, where he received a Master of Arts in Religion with a concentration in History of Christianity. Upon graduating from Yale, John was awarded the Hooker-Dwight Fellowship for further graduate study.

While at Loyola, John helped coordinate a series of symposia on the intersections of science, sexuality, and Christian ethics, which led to a published anthology titled *God, Science, Sex, Gender: An Interdisciplinary Approach to Christian Ethics* (University of Illinois Press, 2010). He also received an Advanced Doctoral Fellowship through the university. John has presented papers at regional and national meetings of the American Academy of Religion as well as at the annual meeting of the Society of Christian Ethics. In June 2011, he was one of twelve participants in a nine-day seminar on religion and sexuality hosted by Harvard Divinity School.

Since 2008, John has been teaching as an adjunct instructor at Lakeland College in Sheboygan, Wisconsin, where he lives with his wife, Kelly Stone. In June of 2010, they started a family with the birth of their beautiful son, Ashley.