

TRUTH, IDENTITY, AND RECOGNITION: An Overview of Sexuality in Law, Religion, and Society Today

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I. In Memoriam

I would like to dedicate my opening remarks to Alex Hivoltze-Jimenez, who was student at the Boston University Theological School and organizer there in the spring of 2007 of a conference titled “Queering the Church.” Just a few short weeks ago on May 5, 2008, Alex died mysteriously, but apparently peacefully, in his sleep, at the age of thirty-four and of causes as yet undetermined. While a student in the BTI, Alex enrolled in a course titled “Law, Religion, and Social Change” that I taught at Harvard Divinity School. Alex presented his final paper for that class, a theological analysis of the United States Supreme Court’s decision on same-sex relationships in *Lawrence v. Texas*, to several academic audiences, winning an award for the paper at one of them. It was my honor to recommend him to the doctoral program in theology at my alma mater, the University of Chicago, where he was pursuing studies at the time of his death. As I shall indicate below, conversations that I had with him about today’s struggles around sexuality left lasting impressions on my own thinking about the topic. Alex, we value your life, we are grateful to have known you, we so greatly mourn your untimely loss. You were taken from us far too soon.

II. Truth, Identity, and Community

Several years ago, toward the end of my own doctoral studies, I worked as a research associate at the Park Ridge Center for the Study of Health, Faith, and Ethics in Chicago. My two primary areas of research, based on the two projects on which I had been hired to work, were comparative religious perspectives on sexuality and community violence. One of the tasks that I was assigned, as part of our big, multi-year project on religion and sexuality, was to oversee the editing and publication of a collection of essays by some leading religion scholars that would eventually be titled *Religion and Sexuality in Cross-Cultural Perspective*.¹ In pitching that volume to its eventual publisher, I had to think of a way to synthesize and describe what the essays had in common and had to say about sexuality overall—even as their topics and terrain ranged from charismatic Christians in Nigeria to ideologies of fecundism in Japan, from Mesoamerican mythology to hermaphrodites in India, from drag queens in New Jersey to gender rituals in Sudan and on to occultism and reproduction in South Africa.

It turned out that a chapter on myths relating to the sexuality of post-menopausal women, by noted historian of religion Wendy Doniger, was the one that finally clued me in to something that seemed not only common, but maybe even universal in these stories.² What stood out, first of all, in Doniger's description of mythologies of menopause, ranging from North African Bedouins to Canadian Inuits and other groups was the frequency of stories of masking, disguise, and unmasking. These themes were echoed in chapters by the volumes other contributors—female circumcision in Sudan, gay balls in New Jersey, and others as well. What seemed universal about sexuality, aside from the procreative function that tends to occupy much of our

¹ Stephen Ellingson and M. Christian Green, eds. *Religion and Sexuality in Cross Cultural Perspective* (New York: Routledge, 2002)

² Wendy Doniger, "The Mythology of the Masquerading Post-Menopausal Women," in *Religion and Sexuality in Cross Cultural Perspective*, Stephen Ellingson and M. Christian Green, eds, (New York: Routledge, 2002): 83-108

analysis in religious studies in general, and my area of theological ethics in particular, was the way in which sexuality becomes a site for the revelation of our truest selves, our identities, and how we relate not only to sexual partners, but to the wider communities of which we are part. Truth, identity, and community—these were the takeaway points from my cross-cultural work on religion and sexuality.

III. Some Anecdotes

Truth, identity, and community also seem to be some of the most fraught issues around contemporary debates over sexuality—particularly in the churches. Last summer, as I was in the midst of unpacking after my move from Cambridge to Atlanta, I unloaded boxes each evening to nonstop news of Idaho Senator Larry Craig’s attempted homosexual liaison with an undercover police officer in a bathroom in the Minneapolis-St. Paul airport. A couple of months later, I could not resist rushing home from work in order to watch the heavily previewed and promoted interview of Craig and his wife by NBC’s Matt Lauer. What struck me about the interview, was how congenial, mutually supportive, and, for lack of a better word, “normal” the Craigs seemed as Lauer probed the minutiae of the scandal and of the couple’s life together. They seemed to be the perfect, traditional, heterosexual, married couple—if a bit naïve and old-fashioned in spots. But how to reconcile this façade of apparent normality with what seemed to be an emerging truth about Craig’s sexual inclinations? The questions that kept running through my mind were: Does this man even know himself? And, if one does not know or feels compelled to conceal the truth about one’s own identity, how can one have a truthful relationship with a partner or with the wider community? And the Larry Craig incident was not the only such incident that year. It came to light within a year of Evangelical Christian Pastor Ted Haggard’s revelations about his own relationship with a male prostitute.

A few years ago, I visited a friend who had just started a ministry position at a large, suburban Presbyterian church (PC-USA) outside of a major urban area. During the main Sunday service various speakers made references to certain “troubles” that had plagued the congregation in recent weeks and various discussion groups and meetings that were being convened to address the issue. Throughout the service, the precise nature of the “troubles” remained vague. Of course, I had to ask my friend, once we left the church, what had been going on. Apparently, the church had just fired a youth minister after she came out as a lesbian and declared her intent to participate with her partner in a commitment ceremony that was disapproved by the denomination. The minister was apparently much loved by her mostly adolescents in her charge. Many of the congregation’s youth were said to have been devastated by the news of their minister’s imminent departure. The adults of the congregation were deeply divided over the issue, and the sense of fracture was apparent, and really almost palpable, at their services to this witness, even without knowledge of the circumstances. It was clearly a community in distress.

A final anecdote hit even closer to home. I was visiting my parents and attending services at their Episcopal congregation in the Diocese of Western Louisiana. Their Sunday announcements on that occasion featured detailed, if somewhat confusing, information on service and parking logistics for an upcoming Sunday, along with instructions about where to find out if the revised logistics would be in effect. Again, I was the clueless bystander. What had happened was that the congregation had gotten word that representatives of Fred Phelps’ Westboro Baptist Church, an independent church in Topeka, Kansas, that has become infamous for its “God Hates Fags” protests around the country—including, recently and inexplicably, protests at the funerals of Iraq war veterans—had set their sights on my parents’ church as a possible site for an upcoming protest. I was incredulous. My parents’ congregation, while the

oldest of the now three Episcopal congregations in town, is still a small Anglican outpost in a sea of French Catholicism. The local Catholic Church endured its own troubles in the 1980s when a pedophilia scandal emerged in connection with a local priest named Gilbert Gauthier. If one wanted a Protestant audience for religious protest, the Baptist and Presbyterian churches down the street were much larger and well-attended than our small patch of Episcopalian rectitude. Not that I would wish the attention of Fred Phelps and his followers on any group of fellow Christians or on a congregation of any other religious tradition for that matter!

Of course the reason that Phelps and followers were singling out Episcopal churches had to do with the recent appointment of the Reverend Gene Robinson to the bishopric of the Diocese of New Hampshire, a thousand plus miles away from my parents' church but just up the road from where we sit today. Phelps and company were "visiting" Louisiana because there was a major Episcopal bishops conference taking place in the state. This focus on sexuality within my own denomination has, at times, been difficult for me to absorb in my confessional capacity as a church member and in my professional capacity as Christian ethicist trained broadly to reflect on a range of ethical issues. *Why does everything have to be about sex? Is that the only thing we do as human beings that has any moral import? Is all ethics sexual ethics?* I am torn between wanting to value and respect the civilly expressed views of those on both sides of these debates, while at the same time wishing we could, to invoke a popular political slogan, "Move on!"

IV. From Prohibition to Consecration?

My own work in ethics crosses the fields of law and religion. In an important new volume, titled *A Time to Embrace: Same-Gender Relationships in Religion, Law and Politics*,³ William Stacy Johnson, a lawyer and a chaired theology professor at Princeton Theological Seminary, provides a detailed and helpful typology of seven positions on same-sex relationships at work in American churches. These range from the “non-affirming” positions of (1) prohibition, (2) toleration, and (3) accommodation, to the “affirming” positions of (4) legitimization, (5) celebration, (6) liberation, and (7) consecration.

Prohibitionists are the sternest opponents against same-sex relationships and against homosexuality itself. They ground their views in biblical texts that, on their face, inveigh against homosexual activity (Lev. 18:22, 20:18; Rom. 1:26-27). Johnson seeks to deconstruct such texts and offers instead a reconstructive scriptural interpretation of the norms of companionship, commitment, and community applicable to both heterosexual and same-sex relationships.

While prohibitionists condemn same-sex relationships and practices, tolerationists put up with them grudgingly. Tolerantists do not want church or state to prosecute voluntary sodomy and private same-sex relationships. But they also do not want the church or state to grant these parties a status which would deprecate the good of marriage. Their focus is on reconciliation, mostly conceived as gays and lesbians coming, as Johnson puts it, "to accept their sexual orientation as a tragic burden and live life in a sort of Stoic abstinence." (57-58) Gays and lesbians, in this picture, should practice celibacy, and if they aspire to church leadership, they must. The problem, as Johnson puts it in gender-specific terms, is that a gay man who aspires to church leadership "must sacrifice his identity, his integrity, or his calling--and probably at some

³ William Stacy Johnson, *A Time to Embrace: Same-Gender Relationships in Religion, Law and Politics* (Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 2006).

level all three." (61) Tolerance does not go far enough for Johnson, as it leads to an "acceptance of same-gender orientation, but not to an affirmation of same-gender love itself." (28)

Accommodationists go further in making room for same-sex relationships in church and state, so long as the relationships are kept private. They generally support the legal frameworks of civil union or domestic partnership as giving same sex-relationships comparable status to heterosexual ones, and don't see same-sex desire as necessarily inconsistent with ministry. Accommodationists move from reconciliation to redemption "not only of gay people, but ... of the church's own integrity." (66) Among the non-affirming positions, the accommodationist position is one with which Johnson evinces something of an affinity, even though his ultimate argument is for full consecration. While accommodationists share with tolerationists something of a sense that homosexuality is a tragic distortion of nature, Johnson, eager to escape the naturalistic grounds of the prohibitionists, agrees with the accommodationists that "a theology that focuses too much on creation is inadequate." (5) But accommodationists fall short, in Johnson's view because they "refuse to affirm same-gender relationships officially," while making "exceptions for them in private." (67) Such exceptions avoid the harsher effects of the tolerationist position, but they are not good enough. Johnson situates the majority of mainline American churches somewhere in between the tolerationist and accommodationist positions.

It should be noted that one of the intriguing features of Johnson's seven-part typology of responses to same-sex relationships is the way that he sees each position as addressing the theological orders of creation, reconciliation, and redemption. Johnson's affirmation of the accommodationist critique of excessively creation-focused interpretations of sexuality can be taken as having an affinity with my own concern that human beings should be about more than just sex. While Johnson argues that a tolerationist-to-accommodationist range of positions is

most characteristic of the mainline churches in which debates over sexuality have been so heated in recent years, these non-affirming positions are ones that he sees the church as needing to move beyond. To that end, he sketches out the contours of four affirming positions.

The first of these is the legitimizationist perspective. Legitimationists ground their arguments in legal concerns for "fundamental justice and fairness." (72) Much as the law can serve as a vehicle for reconciling us to each other in society, the legitimizationist position emphasizes the order of reconciliation, both of self to gay or lesbian identity and of gay or lesbian selves to church communities, based on the conviction that "God wants more for people than a lonely life of unhappiness." (77) Celebrationists add to this argument concepts resonant in both postmodern discussions of gender and sexuality, affirming a variety of sexualities and sexual orientations as part of the good of creation. Johnson recognizes that the celebrationist position tends to "glorify sexuality inappropriately," (86) and he counsels against reducing same-sex relationships to mere sexuality when so many other goods are at stake. Liberationists use the arguments of liberation theology and emphasize the social construction of sexuality, rather than the more naturalist and essentialist dimensions that are the focus of the celebrationists. Johnson notes affinities between celebrationists and liberationists in the work of philosophers Michel Foucault and Judith Butler, who have influenced academic discussions of same-sex relationships, despite their reduction of sexuality to power and performance and their deprecation of the covenant and community themes that Johnson condones.

The seventh and final position--consecration--is the one in which Johnson has the greatest stake and investment. Drawing on Anglican Archbishop Rowan Williams' essay "The Body's

Grace,"⁴ Johnson calls churches to direct their attention to the fundamental purposes of sexual desire, which are not only transient sexual acts, but committed relationships of joy over time. "[F]or one person's body to experience sexual joy," he writes, "it must be open to becoming the occasion of joy for another. It requires more than sexual performance for this to happen; it requires that the couple be willing to give time to one another in a 'commitment without limits.' Only with the gift of time does the gift of sexuality blossom into all that God intends it to be."

(96) It is this temporal requirement of committed relationships that Johnson finds most compelling as an argument for their consecration and as the best response to the insistence of the non-affirming positions that "human sexuality needs to be ordered in a covenantal context with the intention of it being exclusive and lifelong." (97) It is the power of consecration and commitment to give this particular shape to sexual relationship that leads Johnson to label the consecrationist position a "welcoming, affirming, and ordering" position. (97)

Whether Johnson's argument for consecration of same-sex relationships convinces must be left to individual readers and the religious denominations themselves to decide. According to a detailed August 2007 study by the Pew Forum on Religion and Public Life, 73% of Americans with high religious commitments oppose same-sex marriage and marriage-like arrangements – and within this group, 81% of white evangelicals, 78% of all Catholics, and 64% of all African-Americans of all denominations are opposed.⁵ Some reviewers have criticized in Thompson's historical account a selective sampling, or "law office history," aimed at cast reasonable doubt on the reality that the Western tradition has been normatively opposed to same-sex unions and

⁴ See Rowan D. Williams, "The Body's Grace," in *Theology and Sexuality: Classic and Contemporary Readings*, Eugene F. Rogers, Jr., ed. (Wiley-Blackwell, 2002): 309-21.

⁵ David Masci, "A Stable Majority: Most Americans Still Oppose Same-Sex Marriage," A report of the Pew Forum on Religion and Public Life, April 1, 2008. Accessible online at: <http://pewforum.org/docs/index.php?DocID=290> Accessed June 7, 2008.

practices for nearly two millennia. But Johnson's typology does provide a useful framework for discussion of these issues, particularly in the churches, where it may most need to happen in order for society to be reconciled, much less redeemed.

V. Law, Justice, and Same-Sex Love

United States Supreme Court Justice and former Harvard Law School professor, Oliver Wendell Holmes, maintained "The life of the law has not been logic; it has been experience." In recent years, we have had more experience around same-sex relationships when it comes to the development of the law. Justice Anthony Kennedy, writing for the majority of the Court in the landmark decision of *Lawrence v. Texas*,⁶ which overturned both Texas anti-sodomy laws and a Supreme Court precedent in the earlier case of *Bowers v. Hardwick*,⁷ began the decision with the following observation:

Liberty protects the person from unwarranted government intrusions into a dwelling or other private places. In our tradition the State is not omnipresent in the home. And there are other spheres of our lives and existence, outside the home, where the State should not be a dominant presence. Freedom extends beyond spatial bounds. Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct. The instant case involves liberty of the person both in its spatial and its *more transcendent dimensions*. (562, emphasis added)

In discussing the historical dimensions of the decision and the precedent in *Bowers*, Kennedy maintained:

At the outset it should be noted that there is no longstanding history in this country of laws directed at homosexual conduct as a distinct matter. . . . [T]he historical grounds relied upon in *Bowers* are more complex than the majority opinion and the concurring opinion by Chief Justice Burger would indicate. Their historical premises are not without a doubt and, at the very least, are overstated. It must be acknowledged, of course, that the Court in *Bowers* was making the

⁶ 539 U.S. 558 (2003)

⁷ 478 U.S. 186 (1986)

broader point that for centuries there have been powerful forces to condemn homosexual conduct as immoral. The condemnation has been shaped by religious beliefs, conceptions of right and acceptable behavior, and respect for the traditional family. *For many persons these are not trivial concerns but profound and deep convictions accepted as ethical and moral principles to which they aspire and which determine the course of their lives.* (569, 571 emphasis added)

Based on these arguments about liberty and history, Kennedy proclaimed the Court's decision thusly:

Bowers was not correct when it was decided and it is not correct today. It ought not to remain binding precedent. *Bowers v. Hardwick* should be and now is overruled. The present case does not involve minors. It does not involve people who could be injured or coerced or who are situated in relationships where consent might not be easily refused. It does not involve public conduct or prostitution. It does not involve whether the government should give formal recognition to any relationship that homosexual persons seek to enter. The case does involve two adults who, with full and mutual consent from each other, engaged in sexual practices common to a homosexual lifestyle. The *State cannot demean their existence or control their destiny* by making their private sexual conduct a crime. (578, emphasis added)

There were other significant aspects of the case, as well. Justice Kennedy cited the weight of international human rights norms, specifically precedents from the European Court of Human Rights that invalidated laws proscribing homosexual conduct. This has prompted an ongoing debate among some members of the Supreme Court—Justices Kennedy and Breyer for and Justice Scalia famously against--about whether the United States should be subject to these international norms.

But what seems central is that this is a case of the Court and the law stepping out ahead of society (or at least the churchgoing society surveyed by Pew) in the interests of justice. Other such strides--one thinks of the landmark school desegregation decision in *Brown v. Board of Education*--have become cherished norms in both law and society. But these advances are not without tension and they sometimes come in fits and starts. Reference to the transcendent, religious, moral, and ethical importance of sexual relationships suggests that that religion and

religious bodies can play an important role in such change, either for or against, as well. Most important, the *Lawrence* court's intriguingly open question on the question of recognition of same-sex relation became a gaping hole through which the Commonwealth of Massachusetts would step later that year in the case of *Goodridge v. Department of Public Health*.⁸

Chief Justice Marshall's majority decision in *Goodridge* began, as did Justice Kennedy's in *Lawrence*, with convictions of weighty normativity. But, whereas the emphasis in *Lawrence* was on notions of autonomy, liberty, and privacy, the focus in *Goodridge* is on sociality, dignity, and publicity. Justice Marshall wrote expansively:

Marriage is a *vital social institution*. The exclusive commitment of two individuals to each other nurtures love and mutual support; it brings *stability to our society*. For those who choose to marry, and for their children, marriage provides an abundance of legal, financial, and *social benefits*. In return it imposes weighty legal, financial, and *social obligations*. The question before us is whether, consistent with the Massachusetts Constitution, the Commonwealth may deny the protections, benefits, and obligations conferred by civil marriage to two individuals of the same sex who wish to marry. We conclude that it may not. The Massachusetts Constitution affirms the dignity and equality of all individuals. It forbids the creation of second-class citizens. In reaching our conclusion we have given full deference to the arguments made by the Commonwealth. But it has failed to identify any constitutionally adequate reason for denying civil marriage to same-sex couples. (312, emphases added)

Avoiding neither the weighty matters of religion, ethics, and morality, nor the possibility that our understanding and interpretation of these can change, Marshall continued:

We are mindful that our decision marks a change in the history of our marriage law. Many people hold deep-seated religious, moral, and ethical convictions that marriage should be limited to the union of one man and one woman, and that homosexual conduct is immoral. Many hold equally *strong religious, moral, and ethical convictions* that same-sex couples are entitled to be married, and that homosexual persons should be treated no differently than their heterosexual

⁸ 798 N.E.2d 941 (Mass. 2003)

neighbors. Neither view answers the question before us. Our concern is with the Massachusetts Constitution as a charter of governance for every person properly within its reach. "Our obligation is to define the liberty of all, not to mandate our own moral code." (312, emphasis added)

And on the continuing historical and social relevance of marriage, the Court maintained:

The history of constitutional law "is the story of the extension of constitutional rights and protections to people once ignored or excluded." This statement is as true in the area of civil marriage as in any other area of civil rights. As a public institution and a right of fundamental importance, civil marriage is an evolving paradigm. . . . Marriage has *survived all of these transformations*, and we have no doubt that marriage will continue to be a *vibrant and revered institution*. (34, emphasis added)

Thus, the *Goodridge* decision sought to give legal effect to the idea that marriage, same-sex as well as heterosexual, is not only a crucial relationship in which individuals realize their personal destiny, but also a public good and integrally related to our notion of community.

The recent decision of the Supreme Court of California is even more expansive in focusing not only on the right to same-sex marriage, but also on the crucial forms of recognition that accompany that right. In a consolidation of six same-sex marriage cases into one proceeding,⁹ the California court addressed the question whether the state's statutory scheme giving both heterosexual and same-sex couples the right to enter into an "officially recognized family relationship," but with heterosexual relationships designated "marriages" and the same-sex relationships designated "domestic partnerships," violated the California Constitution. (4) "Official" and "designation" are consummately bureaucratic terms. But substitute "recognition" and "naming" in their place—"a rose by any other name"—and the weight and significance are more apparent. Naming is definition. The power to name is the power to norm. And

⁹ *In re Marriage Cases*, Supreme Court of California, May 15, 2008. Accessible online at: http://media.washingtonpost.com/wp-srv/nation/documents/california_court_overturns_ban_on_gay_marriage_051408.pdf?sid=ST2008051502357 All parenthetical page reference herein refer to this published version of the decision.

recognition is a relationship, not only between individuals and the State, but among people in society. With this in mind the court concluded:

[U]nder this state's Constitution, the constitutionally based right to marry properly must be understood to encompass the core set of **basic substantive legal rights and attributes** and **traditionally associated with marriage** that are so integral to an **individual's liberty and personal autonomy** that they may not be eliminated or abrogated by the Legislature or by the electorate through the statutory initiative process. These core rights include, most fundamentally, the opportunity of an individual to establish—with the person with whom the individual has chosen to share his or her life—an **officially recognized and protected family** possessing mutual rights and responsibilities and entitled to the same **respect and dignity** accorded a union traditionally designated as marriage. As past cases establish, the substantive right of two adults who share a loving relationship to join together to establish an **officially recognized family** of their own—and, if the couple chooses, to raise children within that family—constitutes a vitally important attribute of the fundamental interest in liberty and personal autonomy, that the California Constitution secures to all persons for the **benefit of both the individual and society**. (6-7, unitalicized bold emphases added)

The Court refused the state Attorney General's distinction between "substance" and "form" and its argument that the statutory grant of all of the substantive incidents of marriage to domestic partners did not necessitate that the formal term marriage be applied to their relationship. Even though the Court declined to rule "whether the name 'marriage' is invariably a core element of the state constitutional right to marry," (8) its repeated emphasis on the "official recognition" of families as a means of conferring dignity, respect, and equality upon them inclines in that direction. At subsequent points in the decision, however, the Court raised the name issue again, acknowledging that the "different names for official family relationships" does "raise constitutional concerns" around equality (82) and that the "distinction in nomenclature" is "all the more likely to cause the new parallel institution that has been established for same-sex couples to be considered a marks of second-class citizenship." (118) Indeed, the Court describes the right to marry as the "right of an individual to establish a *legally recognized family* with the

person of one's choice, and, *as such*, is of *fundamental significance both to society and to the individual.*" (57)

VI. Recognizing and Signifying Sex and Love in a Sex-Saturated Culture

One afternoon, Alex, the student in whose memory I began these remarks, stopped by for office hours. There we sat—the queer theologian and the feminist ethicist—hashing out the differences and commonalities in our perspectives. At one point, I expressed both my admiration and trepidation toward the queer movement in the postmodern academy and the politics (or is it the performativity) of sexuality and sexual orientation. After years of struggling, as a feminist in the classic liberal mode, for the right not to be defined by my sexuality, reproductive potential, etc., now everything was about sex. Alex and I speculated widely about whether a post-sexual politics—a shift from creation to reconciliation and redemption—was possible or desirable. At another point, he and I, both members of what has come to be called Generation X, discussed the turns to modesty and chastity in some of the Generation Y, or Millennials, coming up behind us as a response to a culture in which sexuality has been so largely commodified and overdisplayed as to lose meaning and significance. Mostly, though, we talked about a particular idea that he had raised in his term paper, namely that despite the fixation in both law and religion between *conduct* and *status*, a real understanding of sexuality in both law and religion could ultimately only come through an integration of these in a concept of *being*, or what he called “personage.”

Despite its status as a good of creation—and maybe reconciliation and redemption, too—sexuality is all too frequently experienced and witnessed as an unruly, if not outright dangerous, force in the lives of individuals, relationships, and communities today, in ways that have

implications for both heterosexual and same-sex relationships. First-graders are escorted from the playground by police for supposed inappropriate sexual touching.¹⁰ Thong underwear is marketed to elementary-school girls.¹¹ Oral and other forms of sexuality were widely thought to have replaced conventional sexuality among adolescents, at least until a recent study showed teen sex statistics creeping upward for the first time in ten years,¹² and a middle school in Portland, Maine, received news coverage last fall for its decision to offer birth control to students starting at age eleven.¹³ There is a veritable cottage industry of interdisciplinary academics monitoring the sexual habits and concerns of college students and the prevailing “hook-up” relationship culture on campuses across the country.¹⁴ Today’s college students at religious, putatively religious, and secular colleges are now said to be seeking spirituality along with their sexuality as a counter to this trend.¹⁵ Internationally, youth of both sexes, but particularly girls, are being snapped up into an entire industry of sex tourism and sex trafficking driven largely by the proclivities and the power of white, middle-aged, American and European men.¹⁶ Pedophilia and underage sex, now captured by “gotcha” television journalists, seems a near epidemic both at home and abroad. We are raising a generation of young people, both heterosexual and

¹⁰ Brigid Schulte, “For Little Children, Grown-Up Labels as Sexual Harassers,” *Washington Post*, April 3, 2008, p. A01

¹¹ See American Psychological Association, Task Force on the Sexualization of Girls (Washington, DC: American Psychological Association, 2007) Accessible online at <http://www.apa.org/pi/wpo/sexualization.html>

¹² Rob Stein, “Decline in Teen Sex Levels Off, Survey Shows,” *Washington Post*, June 5, 2008, p. A01.

¹³ “Maine Middle School to Offer Birth Control,” *Associated Press*, October 18, 2007. Accessible at: <http://www.msnbc.msn.com/id/21358971/wid/11915773?GT1=10514> Accessed June 7, 2008.

¹⁴ Norval Glenn and Elizabeth Marquardt, *Hooking Up, Hanging Out and Hoping for Mr. Right: College Women on Dating and Mating Today* (New York: Institute for American Values, 2001) Accessible at: http://www.americanvalues.org/Hooking_Up.pdf; Jillian Straus, *Unhooked Generation: The Truth About Why We’re Still Single* (New York: Hyperion, 2006); Laura Sessions Stepp, *Unhooked: How Young Women Pursue Sex, Delay Love, and Lose at Both* (New York: Riverhead Books, 2007); Kathleen A. Bogle, *Hooking Up: Sex, Dating, and Relationships on Campus* (New York: New York University Press, 2008)

¹⁵ Donna Freitas, *Sex and the Soul: Juggling Sexuality, Spirituality, Romance, and Religion on America’s College Campuses* (New York: Oxford University Press, 2008). See also Lauren F. Winner, *Real Sex: The Naked Truth About Chastity* (Grand Rapids, MI: Brazos Press, 2005).

¹⁶ See Bob Herbert, “Bought and Sold,” *New York Times*, November 20, 2006; Peter Landesman, “The Girls Next Door,” *New York Times Magazine*, January 25, 2004.

homosexual, steeped and saturated in a culture that one social critic describes as “pornified”¹⁷ on a twenty-four/seven basis by virtue (or vice) of the internet.

It is a culture that is often as toxic to covenant and community as it is to truth and identity. And the adults—whether heterosexual or putatively heterosexual--are doing no better than the kids. The travails of Senator Craig and Pastor Haggard have already been mentioned. Bill Clinton’s “Lewinsky scandal” has been given new life at various points in his wife’s now-concluded presidential campaign. Earlier this year, the departure of one New York governor, Eliot Spitzer, for adultery with a prostitute, was followed by a more-than-we-need to know preemptive confession by both the current governor, David Paterson, and his wife, of extramarital affairs committed during a period of turmoil in their relationship. So often, it seems that those who cite same-sex marriage as the major threat to marriage really need to look in the mirror and examine their own behaviors. There have been reports that the rate of divorce has leveled off after reaching a peak in the 1980s, but the prevalence and the power of the often cited statistic (whether accurate or not) that half of all marriages end in divorce suggest certain fault lines to marriage as a institution that predate the recent debate over gay marriage. One does not have to be a pop culture maven to appreciate the irony that two of HBO’s top programs on relationships, “Sex and the City” and “Big Love,” were created by gay men.

As a final point, I will note that, in addition to my epiphany several years ago about truth, identity, and community as central themes in understanding sexuality, I have more recently been thinking about the importance of recognition. This is something for a challenge for someone like myself who has been schooled in the political philosophy of liberalism, with its emphases on

¹⁷Pamela Paul, *Pornified: How Pornography is Transforming Our Lives, Our Families, and Our Nation* (New York: Times Books, 2005)

individual autonomy, rights to privacy, and formal justice. It is also a problem from the postmodern position that gender and sexuality are mere performance (albeit heavily socially constructed), which seems to presume a high degree of individual autonomy and agency (when postmodernism is usually seen as challenging liberalism) to project a message about oneself and to have that message received, affirmed, and validated in the way that one wants it to be. Why aren't gay and lesbian couples satisfied when they are afforded a legal structure of civil unions or domestic partnerships—but not full marriage? From a religious standpoint, what is important about the calls of gay and lesbian couples to have their relationships and their families not only “officially recognized” (in the lingo of the California Supreme Court) but socially and spiritually recognized by blessing and consecration in their religion? More and more it has struck me how recognition is relational. Aristotle said the same of justice in elevating it to the top of the cardinal virtues. The need for recognition—of our identities, our relationships, our various communities—puts us into contact with the other. In fact, it requires the other. We are dependent and vulnerable in that way. So to conclude, I want to affirm the framing of this conference in terms of “Covenant, Commitment, and Community” as a framework for getting at these issues of truth, identity, and recognition. I expect that this will be a highly fruitful conference.