

Research on the New Testament and Early Christian Literature May Assist the Churches in Setting Ethical Priorities

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The hashtags #BlackLivesMatter and #SayHerName remind non-African Americans of issues that black communities in the United States have long faced: disproportionate police killings of black persons of all genders, mass incarceration of black and brown persons, economic and educational disadvantages, discrimination in housing, racial and sexual stereotypes that harm both rape complainants and defendants, and so on. I view these issues through a deep lens into history, extending back from Jim and Jane Crow through to religiously sanctioned legal slavery, behind that to the Vatican-approved onset of the Portuguese and Spanish slave trades with West Africa, canon-law sanctioned slavery going back from the Middle Ages to late antiquity, and to the Christian Bible, both testaments of which tolerate slavery. To be sure, Christians were at the forefront of opposing slavery in the eighteenth and nineteenth centuries, and many other factors have played a role in arriving at the current situation. Nevertheless, the Bible and the ancient sources of canon law served as justifications for the slavery whose legacies linger.

My mentor Krister Stendahl's concept of the "public health" aspect of New Testament studies has inspired me to undertake research that may limit harm caused to marginalized persons through specific uses of the New Testament and further the values of human dignity and equality as these interact with the Bible. To that end, most of my research has consisted of historically grounded, close analysis of New Testament, contemporaneous, and other ancient texts, each of which has some relevance for contemporary public and religious debates. I see my work as part of a broader mosaic of scholarly contributions that, together, can provide solid historical depth and religious literacy in contemporary policy discussions. I am reflecting here on how I, as a biblical scholar, respond to structural racism and other contemporary forms of inequality.

As I contemplated current racial and gender inequities and considered how I, as a scholar of the New Testament and of Jewish and early church history in the Roman period, could contribute to solving these pressing ethical problems, I determined that collaboration was the best way to observe connections and contrasts, thereby creating a deep historical picture. Within the Feminist Sexual Ethics Project that I direct, a group of outstanding scholars specializing in several religious traditions and periods of history and in ethics, theology, and law, and activists in the areas of US incarceration practices and contemporary slavery made that possible. In addition, artists in dance, music, and poetry, as well as musicologists, helped audiences to shift their vision, to see the world around them in new ways.

Collaborators sought to address the nexus of slavery, religion, and sexuality, especially as it has impacted women and girls. The collaboration resulted in *Beyond Slavery: Overcoming Its Religious and Sexual Legacies* (2010), as well as an archive of the public conference on the Feminist Sexual Ethics Project's website.¹ The team of scholars, artists, and activists investigated this issue beginning with the Bible and the ancient Near East and extending through to early Christianity; the Talmud; early Islamic jurisprudence; sixteenth-century Valencia; US slavery, including the use of the Bible in antebellum slavery debates; contemporary incarceration practices in the US; welfare reform; reparations for slavery; contemporary cultural depictions of slavery; a reading of the Bible and the Qur'an on slavery by a formerly enslaved woman; and poetry inspired by these themes.

The researchers ascertained that sexual access by masters to enslaved women and girls and, although far less frequently acknowledged, to men, boys, and persons of other genders, has de facto characterized the slavery systems analyzed. While the Qur'an and early Islamic jurisprudence explicitly allowed a master sexual access to his enslaved women and girls, which the jurists then regulated by obligating masters vis-à-vis the slave-woman or slave-girl and the child of such a union, the Jewish and Christian Bibles, the Talmud, and the ancient sources of canon law did not prohibit such sexual access even as they showed awareness that such contact occurred in their own communities. By discouraging, but not prohibiting, masters from having sex with their enslaved females, early Christian religious leaders created a tension between slavery and chastity and marital fidelity. That tension haunted Christian concepts of sexual morality until slavery's abolition. Much more seriously, Christian toleration of masters' sexual use of their enslaved laborers was always a potential part of these forced labor relations. In the Roman world, however, a master could normally manumit his slave-woman and marry her. That

¹Bernadette J. Brooten, ed., with the editorial assistance of Jacqueline L. Hazelton, *Beyond Slavery: Overcoming Its Religious and Sexual Legacies* (New York: Palgrave Macmillan, 2010); Feminist Sexual Ethics Project, videos of the conference "Beyond Slavery: Overcoming Its Religious and Sexual Legacy," <http://www.brandeis.edu/projects/fse/conferences/beyond-slavery/index.html>.

drastically changed with the invention of slavery as a race-based institution in the early modern era, which eventually opened the way to antimiscegenation statutes that prohibited interracial marriage but not sexual contact. These statutes prevented a white man from entering into a serious relationship with a black woman that included mutual rights and responsibilities. Sexual exploitation reminiscent of slavery, however, remained a viable option. The Ku Klux Klan, a Christian terrorist organization, employed sexual terror against the African American population with impunity. Today, black women who experience rape are less likely to report it to law enforcement and, if they do report it, face greater hurdles than white women in the criminal justice system. A long view of history enables one to see in the current situation echoes of slavery and of Jim and Jane Crow.²

In addition to collaborative work, I have published on the severe challenges faced by enslaved families in early Christianity and on early Christian canons on sexual activity, rape, and/or choice of marital partner with respect to enslaved women, free married women, widows, and virgins dedicated to God.³ I am currently extending this into a monograph on enslaved women and female slaveholders in early Christianity. The ancient sources burst the mold of early Christian slavery as a benign institution and of female slaveholders as kinder and gentler than their male counterparts. Medieval Latin canon law incorporated early canons on slavery, gender, and sexual behavior from the synods of Elvira and of Gangra and the canonical letters of Basil of Caesarea, thereby creating authoritative slave law for the Roman Catholic Church until 1918. Some Eastern churches likewise took up some of these canons, ensuring their long-term influence on churches' stances on slavery. I aim for this research to become a small tessera in a larger mosaic of the long history of enslaved women and female slaveholders that can inform contemporary discussions.

The African American Policy Forum, cofounded and directed by Kimberlé Crenshaw, draws attention, in general, to the plight of black girls and women in the United States and, through the #SayHerName campaign, to the killing, raping, and beating of black girls and women by police. Against the background of a slavery

²See video clips of the 2012 Feminist Sexual Ethics Project's conference, "Disrupting the Script: Raising to Legal Consciousness Sexual Assaults on Black Women," convened by Anita F. Hill and myself, as well as reviews of the research underlying the conference, <http://www.brandeis.edu/projects/fse/conferences/disrupting-the-script/index.html>; and <http://www.brandeis.edu/projects/fse/sexual-violence/black-women.html>.

³See Bernadette J. Brooten, "Early Christian Enslaved Families (1st–4th C.)," in *Children and Family in Late Antiquity: Life, Death and Interaction*, ed. Christian Laes, Katariina Mustakallio, and Ville Vuolanto, *Interdisciplinary Studies in Ancient Culture and Religion* 15 (Leuven: Peeters, 2015) 111–34; and Brooten, "Enslaved Women in Basil of Caesarea's Canonical Letters: An Intersectional Analysis," in *Doing Gender, Doing Religion: Fallstudien zur Intersektionalität im frühen Judentum, Christentum und Islam*, ed. Ute E. Eisen, Christine Gerber, and Angela Standhartinger, WUNT 302 (Tübingen: Mohr Siebeck, 2013), 325–55.

that was sanctioned by most nineteenth-century Christians and opposed by only a small number of active Christian Abolitionists, and against nearly a century of segregation tolerated by Christians, I view the current struggles of African Americans as a pressing ethical issue for the churches. Exegesis of biblical passages on slavery, viewed in the full context of what one can know about the life circumstances of slavery from a range of ancient historical sources, can provide the churches with tools for facing up to legal institutions that contributed to current inequities. Churches and other Christian institutions have also begun to investigate their own denominational histories, the histories of their specific congregations, and the histories of their universities and religious orders, all of which is salutary and gives hope for the future.

Both #BlackLivesMatter and #SayHerName are explicitly inclusive with respect to sexual orientation, gender identity and expression, and several other identities. This stance puts them at odds with a number of Christian groups, for whom a marriage consisting of a female and male defined as such at birth is the only biblically acceptable setting for sexual contact. Such Christians are increasingly defining marriage and a pro-life stance with respect to the unborn as the central questions of Christian ethics. Accordingly, many Christians see opposition to same-sex marriage and to any other rights accorded to lesbian, gay, bisexual, queer, and comparable individuals or groups and, most especially, to any rights granted to transgender individuals or groups as epitomizing Christian religious freedom to live according to the Bible and tradition. If groups of Christians define abortion and LGBTQ rights as the most foundational ethical questions, then issues such as racism and the long-term effects of slavery and its aftermath, sexual and other gender-based violence, massive incarceration, police killings, anti-Muslim and anti-immigrant sentiments, war and militarization, fair working conditions, climate change, and healthcare for all will be peripheral.

After having written *Love between Women: Early Christian Responses to Female Homoeroticism* (1996),⁴ I turned to the topic of slavery, and especially to sexual violence and coercion within slavery, precisely in order to help shift church attention away from opposing consenting same-sex relations between adults and toward reflecting on sexual violence within slavery and on its long shadow over present society. Many more church people are now discussing the history of slavery than when my collaborators and I began our work and when other historians increasingly revised previous views through new archival research and new methodological approaches.

In *Love between Women*, I had examined Paul's condemnation of female homoeroticism in Rom 1:26–27. Paul defines sexual contact between females and between males as a result of human beings having “exchanged the glory of the immortal God for images” (Rom 1:23). He depicts these unnatural sexual

⁴Bernadette J. Brooten, *Love between Women: Early Christian Responses to Female Homoeroticism* (Chicago: University of Chicago Press, 1996).

encounters as “impurity,” “degrading,” “degrading passions,” and “unnatural” (vv. 24, 26–27). Romans 1:32 states that all who do such things (i.e., the behaviors described in the vice list of vv. 29–31, as well as the same-sex sexual acts of vv. 26–27) “deserve to die.” Considering both other Pauline statements on women and on marital relations and other Roman-period responses to female homoeroticism, nearly all of which were negative, I concluded that Paul likely condemned such relations for the same reasons as a number of others in the Roman world did. These reasons included the views that women are passive by nature and meant to subordinate themselves to men and that such relations overturn the social order and are monstrous and unnatural. I then tested my interpretation by examining early Christian writers’ readings of Rom 1 and their discussions of female homoeroticism more generally and found that they confirmed my construal of the text. Unlike many others working hard to create acceptance within the churches for LGBTQ persons, I did not claim that Paul, properly understood, may well have accepted same-sex sexual intimacies and relationships of the type that we know today. Ancient sources depicted consenting relationships, including long-term ones, between adult women, and Paul, in his extensive travels, could have encountered such relationships. Similarly, unlike others, I did not claim that Paul could have had no concept of an inborn sexual orientation. Indeed, some in the Roman world, specifically in the realms of medicine and astrology, claimed that a same-sex orientation could be caused by the seeds mingling improperly with each other in the womb or by the configuration of the stars under which one was born. I engaged scholars from a number of backgrounds, including those who believe that the churches should not treat same-sex relationships on a par with heterosexual ones, and I agreed with them on some points. Similarly, I critically engaged scholars elsewhere on the theoretical and ideological spectrum. Subsequent to the book, many more Christians have come to accept LGBQ and, increasingly, transgender individuals as equals. Some of my arguments may have had an impact, although I think that the view that Paul, were he only here today to see loving same-sex relationships, would have accepted them, has probably swayed more people. That interpretation allows one to hold to the authority of these Pauline passages, even while arguing that they do not apply today. In contrast, my arguments challenged the authority of this text by illustrating the vision of gender relations embedded within it, a vision of female subordination that many Christians no longer hold. I consciously did not interpret these texts in such a way that they would line up with what I would have liked them to say. I tried instead to respect Paul by understanding his words as those from a stratified society in the distant past, one in which I would not wish to have lived. In pointing out, however, that some interpretations might be more comfortable to the Christian church audiences whom advocates for LGBQ equality wish to persuade, I am not on those grounds arguing against such interpretations. Because scholarship is critical engagement, debate, and the weighing of the respective merits of each argument, we need a range of interpretations.

Perhaps the single most important aspect of my research for what became *Love between Women* was that I continued to work on it in the face of very significant opposition to the topic itself. Whereas some tried to dissuade me through disciplinary means, others would simply ask whether I did not wish to go on to other topics. Both methods made me realize that I had my finger on the pulse of a topic that others wanted to avoid, not for scholarly reasons but for theological or ideological ones. I recognized that the very act of continuing to devote my best intellectual energies to this topic itself constituted activism and resistance. That, together with the comparable acts of many other scholars in a range of fields, may have had more impact on the move toward greater acceptance in the churches, in society, and under the law than any single argument in any of our publications.

Competing visions of the top priorities for Christian ethics gained prominence in the 2016 U.S. presidential election. Inner-Evangelical debates illustrate divergent paths, based at least in part on differing biblical interpretations. For some Evangelical leaders, the very top priorities are (1) creating marriages consisting of one man and one woman who were designated as male and female at birth as the only settings in which sexual contact should occur, and (2) protecting the life of the unborn at every stage. While these leaders might articulate such other political concerns as the right to bear arms, a more restrictive immigrant policy, repeal of the Affordable Care Act, school vouchers, and less government regulation, in this election the top priorities usually took center stage. In “Trump’s Moral Character and the Election,” leading white Evangelical ethicist Wayne Grudem delineates these:

What if we fail to vote against the liberal support for abortion rights, government imposition of gender confusion on our children, hate speech laws used to silence Christians, and government-sanctioned exclusion of thousands of Christians from their lifelong occupations because they won’t bow to the homosexual agenda—will our failure to oppose these evils also destroy our Christian witness for the future?⁵

Grudem can make a biblical case for these positions. In contrast to such other ancient texts as Ps.-Phoc. 184 (“Nor should a woman destroy the fetus growing in her uterus”), the Christian Bible nowhere proscribes abortion, but many believe that such passages as Luke 1:41 (“When Elizabeth heard Mary’s greeting, the child leaped in her womb” [NRSV]) function as a prohibition. One could find biblical opposition to gender fluidity in Gen 1:27 (“male and female God created them”) and Deut 22:5 (prohibition on cross-dressing). Further, the Bible forbids male–male (most likely anal) intercourse and sexual relations between females and

⁵Wayne Grudem, “Trump’s Moral Character and the Election,” *Townhall*, 9 September 2016, <http://townhall.com/columnists/waynegrudem/2016/10/09/trumps-moral-character-and-the-election-n2229846>.

between males (Lev 18:22; 20:13; Rom 1:26–27; and perhaps 1 Cor 6:9 and 1 Tim 1:10).

What moves to the periphery if abortion and LGBT acceptance are the lynch-pins of Christian religious liberty? Grudem writes that Trump's "many years of business conduct show that he is not racist or anti-(legal) immigrant or anti-Semitic or misogynistic."⁶ Many of the approximately 81 percent of white, born-again/Evangelical Christians who voted for Donald Trump may have had these same priorities. Perhaps some of the approximately 60 percent of white Roman Catholics and the approximately 61 percent of Mormons who voted for Trump did so, in part, based on comparable ethical priorities.⁷

In "A Declaration by American Evangelicals Concerning Donald Trump," a multiracial group of nearly eighty Evangelical Christian female and male leaders sets very different priorities: "racism strikes at the heart of the gospel," "[r]acism is America's original sin," and "Mr. Trump's racial and religious bigotry and treatment of women is morally unacceptable to us as evangelical Christians, as we attempt to model Jesus' command to 'love your neighbors as yourself.'"⁸ For this group and the large number of persons who signed its petition, Matt 25:31–46, especially the "stranger" in the person of refugees and immigrants, is central. While many of the signatories may hold that acceptance of LGBT rights or a right to an abortion runs contrary to the Bible, racial bigotry, bigotry toward Muslims, lack of care for the poor and the vulnerable, public humiliation of persons with disabilities, and disrespect for women are the decisive factors. Although this statement does not name US slavery, its view of racism as "America's original sin" and the call for "a long-needed repentance from our racial sin" point in that direction.

In writing first *Love between Women* and then turning toward slavery, I hoped to help bring about precisely this shift toward what I view as the most pressing moral issues facing society to which Christians can and must contribute. Even though perhaps only a very small number of these Evangelical leaders have ever read anything that I have written or encountered our collaborative work, we participate together in a broader shift in ethical priorities. A conversation on an airplane or with a dean or my nephew may be as important as a book in helping to reorient these priorities. Similarly, seeing the discrepancy between a race-neutral

⁶Wayne Grudem, "Why Voting for Trump is a Morally Good Choice," *Townhall*, 28 July 2016; retracted on 8 October 2016; reinstated on 19 October 2016, <http://townhall.com/columnists/waynegrudem/2016/10/09/trumps-moral-character-and-the-election-n2229846>.

⁷Gregory A. Smith and Jessica Martínez, "How the Faithful Voted: A Preliminary 2016 Analysis," Pew Research Center, 9 November 2016, <http://www.pewresearch.org/fact-tank/2016/11/09/how-the-faithful-voted-a-preliminary-2016-analysis/>.

⁸"A Declaration by American Evangelicals Concerning Donald Trump," <https://www.change.org/p/donald-trump-a-declaration-by-american-evangelicals-concerning-donald-trump>; also reported upon in, among other places, *Los Angeles Times*, 7 October 2016, <http://www.latimes.com/nation/politics/trailguide/la-na-live-updates-trailguide-more-than-75-evangelicals-call-trump-1475849049-htmllstory.html>.

statute and its racist implementation has helped to reorient my scholarship. For example, I now view exhortations to enslaved persons in the New Testament or ancient canons concerning slavery more realistically.

The lives of black persons of all genders will only matter to all once non-black persons make it so. If I can learn to take the lead from scholars and activists of African origin and engage their scholarship and insights, I may be able to contribute to that project. Kimberlé Crenshaw has profoundly shaped my work, and I express deep gratitude to collaborators Adrienne Davis, Dorothy Roberts, Emilie Townes, Dwight Hopkins, Mia Bay, Barbara Savage, Sylvester Johnson, Frances Smith Foster, Florence Ladd, Nancy Rawles, Mende Nazer, Monique Moultrie, Anita Hill, Intisar Rabb, Traci West, Régine Jean-Charles, Jennifer Nash, Janice Liddell, Vanessa Adams-Harris, Jasmine Johnson, and, most of all, my dear friend Sheila Briggs, for your generosity in working with me and for all that each of you has taught me.

In closing, I want to note that the work of scholar-activists requires nonactivist research. In order to delineate the history of ancient Mediterranean responses to female homoeroticism, to interpret the sources of early canon law, and the like, I need the best editions of ancient texts and artifacts, the most precise dating, the most detailed commentaries, and so on. Furthermore, only the very best libraries contain all of the resources necessary to understand the arcane sources needed to write the history of marginalized persons. For any other period of history on which I or we work, we need both foundational research and innovative questions. Thus, many scholars may already be contributing to the larger project of the “public health” aspect of biblical studies.