

Tangling with Orthodox Tradition in the Modern West: Natural Law, Homosexuality, and Living Tradition

Brandon Gallaher

Pain and Theology

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I find the subject of homosexuality painful. I find this subject difficult. I do not normally comment on how anything affects me personally in an academic context. But this is an exception. At least part of what brought me to Orthodoxy more than twenty-five years ago from my native evangelical Anglicanism was a combination of exhaustion at the endless debate about homosexuality and a sense that the changes my native church was then undergoing were a slippery slope out of classical Christianity. It was also painful because my foster brother—a figure I idolized as a teenager—is gay and has lived with HIV for decades.

But I could not escape this subject by becoming Orthodox and I now find the controversy has caught up with Orthodoxy. And this should come as no surprise. Let us speak the truth in love. Gay people worship side by side with us. Gay people commune us and confess us and very many have ordained us. I studied to be a priest with various gay men at St. Vladimir’s Seminary—but usually I did not learn they were gay until years later. Some have left the church, some remain and are faithfully celibate and serve at her altars, while some serve and are not celibate, breaking their vows. More recently, there was controversy after

one of my closest friends and a former student married another man, a priest-monk, who was an even older friend, and who requested and was granted deposition from the priesthood and release from monastic vows. They have suffered much spiritually. It is by God’s grace they are still faithfully Orthodox. There are also a sizable number of gay Orthodox theologians. As we all know one another, they are often close friends and colleagues. This theological issue has divided friendships in our small world.

But it would be a mistake simply to leave the discussion at this *ad hominem* and frankly chaotically emotive and raw level. All of the gay folk I know in the Church take Orthodox tradition and doctrine with utmost seriousness. On the one hand, we must respond to this issue with pastoral economy, leading with an aching heart those in need to salvation. On the other hand—and this should be our ultimate task—we must faithfully attempt to give a theological response from the depths of holy Orthodoxy to the dual contested claim that LGBT+ persons are “fearfully and wonderfully made” (Ps. 139:14) by God precisely as LGBT+ persons *and* that, since they are so made by God who blesses their desires and the identity accompanying them, they can enter into committed same-sex unions that are blessed by God and therefore

potentially bless-able by the Church.¹ Is this true? Is this Orthodox? It is our job to try to think through such claims from the ground up. Simply asserting their truth or falsehood with no examination is not theology but fundamentalism, which comes in not only conservative but also liberal forms.

Overview

For me, the key question in the contemporary debate about homosexuality is whether or not Orthodoxy can ever envision committed same-sex unions as “bless-able.” But to answer this question, one must first attempt to understand what is normative sexually in creation, and whether sexuality and gender in the Orthodox understanding are fluid or fixed. I cannot answer that question in this article. What I do want to show is that Orthodoxy,

if it is taken in its traditional form, has a generally critical attitude toward all sexual relations—even those that are in accord with the natural law. So, this article is an attempt to start a searching academic conversation about one of the key theological ideas in the controversy concerning non-traditional sexualities: natural law. I will give a very rough sketch of the basic lines of the history and theology of natural law, attempting to show that it is indeed part of the Orthodox tradition.

Orthodoxy and Natural Law

Most Orthodox think that “natural law” is a distinctively Western, Roman Catholic notion, Thomist in provenance. Here they are not far wrong. It is Thomas Aquinas (1225–74) who gave classic expression to this tradition, but Aquinas did not invent it.

¹ See “For I am Wonderfully Made”: *Texts on Eastern Orthodoxy and LGBT Inclusion*, ed. Misha Cherniak, Olga Gerassimenko, and Michael Brinkschröder (Warsaw: European Forum of Lesbian, Gay, Bisexual and Transgender Christian Groups / Esub-eranza, 2016).



Thomas Aquinas, flanked by Aristotle and Plato, Benozzo Gozzoli, *Triumph of Saint Thomas*. Painted for Pisa Cathedral, 1468–84. Musée du Louvre.

² See James T. Bretzke, "Research Bibliography on the Natural Law" (updated January 2018), <https://www2.bc.edu/james-bretzke/NaturalLawBibliography-ByBretzke.pdf>. For Orthodoxy: Stanley S. Harakas, "The Natural Law Teaching of the Eastern Orthodox Church," *Greek Orthodox Theological Review* 9 (1964): 215–24, and "Eastern Orthodox Perspectives on Natural Law," *American Journal of Jurisprudence* 24, (1979): 86–113, and Paul Babie, "Natural Law in the Orthodox Tradition," in *Christianity and Natural Law: An Introduction*, ed. Norman Doe (Cambridge: Cambridge University Press, 2017), 36–57.

³ Cicero, *On the Commonwealth* 3.33, in *On the Commonwealth and On the Laws*, ed. and trans. James E. G. Zetzel (Cambridge: Cambridge University Press, 1999), 71.

⁴ See Matthew Levering, "Christians and Natural Law," in *Natural Law: A Jewish, Christian, and Islamic Dialogue*, eds. Anver M. Emon, Matthew Levering & David Novak (Oxford: Oxford University Press, 2014), 66–110.

He inherited it from the patristic tradition of both East and West, which drew it from Stoicism (in particular) and, more generally, Greek and Roman legal philosophy (developed by Aristotle, Gaius, and Ulpian, among others).² Thus, we see this sort of thinking in a famous and influential passage of Cicero's *Republic* (in a fragment preserved by Lactantius), in which we learn that "true law is right reason, consonant with nature, spread through all people. It is constant and eternal; it summons to duty by its orders, it deters from crime by its prohibitions."³ Aquinas is quite patristic (not just Augustinian) in this regard. More importantly, behind the whole natural law tradition lies patristic exegesis of Romans:

When Gentiles who have not the law do by nature what the law requires, they are a law to themselves, even though they do not have the law. They show that what the law requires is written on their hearts, while their conscience also bears witness and their conflicting thoughts accuse or perhaps excuse them. (Rom. 2:14–15)⁴

As Aquinas remains the classic Christian expression of the tradition of natural law and his teaching is vastly influential in all theology—indeed, in the Orthodox tradition in its more Latinized forms—let us see what he taught about natural law.⁵

Thomas Aquinas

For Aquinas, the definition of law is "an ordination of reason for the common good" promulgated by the one who has "the care of the community."⁶ Law, for Aquinas, is a "dictate

of practical reason" by a ruler who governs a perfect community, which, in the case of God, would involve the "community of the universe," with God as the promulgator of the law (ST I-II.91.1). It is the "rule and measure of acts" and it induces the person to act or to refrain from acting by its appeal to the actor's reason (law is connected to reason, not to the will, so it is not coercive). Now, reason orders our ends and our ends are the primary source of our prospective action, the measure and rule of the action. Thus, law is identified with the end of any action that faces a human being (ST I-II.90.1). The ultimate end or law with which practical reason is concerned is happiness or the fulfillment of human purpose (ST I-II.90.2).

Law, for Aquinas, is divided into four forms: (1) the *eternal law*, which is the divine "plan of governance of the world" by the reason of God, who is the "ruler of the universe" or "providence" ("he ordains the law for governance of the world he foreknows") (ST I-II.91.1). This providence has the character of divine wisdom, which is the fullness of the divine ideas upon which basis all things are made (ST I-II.93.1)—here, Aquinas is drawing from the tradition of the *rationes seminales* or *logoi spermatikoi*, which is found from Plato through the Fathers and onwards⁷; (2) the *divine law* revealed to humankind, which is divided into the old law given to Moses and the new law of Christ, which fulfills the promise of the old (ST I-II.91.5); (3) the *natural law*, which is the innate law implanted by God in humans "so that they know it by nature" (ST I-II.90.4); and (d) the *human law*, which directs human acts and is ordained for the common good of a political community as its social order by those

who govern the political community (such as the monarch) (ST I-II.95.4).

Natural law is the creature's participation in the eternal law (ST I-II.96.2), which is itself expressed in the divine law of Scripture. Human law falls short of this eternal law, though it is just to the extent that it mirrors the law of God. The light of natural rea-



son, “whereby we discern good and evil is simply the imprint of God’s light in us. And so it is clear that the natural law is simply rational creatures’ participation in the eternal law” (ST I-II.91.2). Natural law concerns those things to which we are inclined, but not spontaneously, so our reason, by contemplating this inborn law, directs us to this end. When we go toward that end, this is good, and when we shun it, this is evil: “And since good has the nature of end, and

evil the nature of the contrary, reason by nature understands to be good all the things for which human beings have a natural inclination, and so to be things to be actively sought, and understands contrary things as evil and to be shunned” (ST I-II.94.2). The example Aquinas gives is taken from Justinian’s *Institutes* (the sixth-century codification of Roman law that is part of the core foundation of Western and Eastern canon law): “The law of nature is that which has taught all animals; a law not peculiar to the human race, but shared by all living creatures.

...Hence comes the union of male and female, which we call marriage; hence the procreation and rearing of children, for this is a law by the knowledge of which we see even the lower animals are distinguished.”⁸ Eastern authorities, therefore, lie at the core of Aquinas’ teaching on natural law, even if the Aristotelian framework of “ends” is distinctive to Western scholasticism.

An action is right or wrong, for Aquinas, depending on whether its end is respected or violated. In the case of sexual intercourse, as long as its end is respected, it is virtuous or right (wrong not obtaining in the act). The end of sexual intercourse is the preservation of the human species, or procreation (ST II-II.153.2). But what if the end of the sex act is violated? We are told this can happen (1) if lust is involved and the act is contrary to right reason, so not respecting the end of the act which is procreation; and (2) if the act is contrary to the natural order or violates the natural law, and here Aquinas mentions not only same-sex sexual relations but masturbation, bestiality, and any form of sex other than coitus—that is, the “missionary position” (ST II-II.154.11).

⁵ The literature here is vast but see Jean Porter, *Natural and Divine Law: Reclaiming the Tradition* (Grand Rapids: Eerdmans, 1999) and *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids: Eerdmans, 2005), and Fulvio di Blasi, *God and the Natural Law: A Rereading of Thomas Aquinas*, trans. David Thunder (South Bend, IN: St Augustine’s Press, 2006).

⁶ Thomas Aquinas, *Summa Theologica* I-II.90.4, in *Thomas Aquinas: Treatise on Law*, ed. and trans. Richard J. Regan (Indianapolis/Cambridge: Hackett, 2000) (hereafter cited in text as ST). Also see D. J. O’Connor, *Aquinas and the Natural Law* (London: Macmillan, 1967).

⁷ See Plato, *Timaeus*, 29a–b, 30d–31a; Alcinous, *Didaskalikos*, 9 and 16–17; Origen, *On First Principles* 1.2.2, and *Comm. Jn.*, 1.34.243–245; Augustine, *Eighty-Three Different Questions*, Q.46, and *Retractions* 1.3.2; Plotinus, *Enn.* 5 v.7 and v.9; and Dionysius, *Divine Names* 5.8.

⁸ *The Institutes of Justinian*, ed. and trans. J. B. Moyle (Oxford: Clarendon Press, 1967), 1.2.1, 3–4.

Illustrated manuscript of Thomas Aquinas, *Summa Theologica*. Venice, 1479. Brown University Library.

⁹ Justin Martyr, *Dialogue with Trypho* 93.1, in *Dialogue with Trypho (Selections from the Fathers of the Church, Volume 3)*, trans. and ed. Thomas B. Falls, Thomas P. Halton and Michael Slusser (Washington, DC: Catholic University of America Press, 2003), 144.

¹⁰ Irenaeus, *Against the Heresies* 4.15.1, in vol. 1 of *The Ante-Nicene Fathers*, ed. Alexander Roberts, James Donaldson, and A. Cleveland Coxe (New York: Christian Literature Publishing Co., 1885; repr. Grand Rapids, MI: Eerdmans, 1987), hereafter cited in text as AH.

¹¹ *Saint Gregory Palamas: The Homilies*, trans. Christopher Veniamin (Dalton, PA: Mt Thabor Publishing, 2009), Homily 1.7–8, 17; compare John of Damascus, *The Orthodox Faith*, in *St John of Damascus: Writings*, trans. Frederic H. Chase, *The Fathers of the Church* 37 (Washington, DC: Catholic University of America Press, 1981), 1.1, 166; and 1.3, 168–170.

Patristic Witness

The patristic tradition—and here I am speaking primarily of the texts of the Greek patristic corpus—lacks the Aristotelian framework employed by Aquinas, with its discourse of causation and ends. However, it very much holds to there being a natural law that concerns all manner of ethical activity, including sexual relations. It likewise holds that that natural law can be rationally discerned within one’s conscience and the order of creation, and that the law comes from God, who wills it as the Creator (as for Aquinas, there is no divorcing of God from the natural law he enjoins—as is the danger, arguably, with the new classical natural law theory of John Finnis and Germain Grisez). However, in contrast to the Western traditions following the scholastics, in the patristic tradition the natural law is largely taken for granted and generally not elaborated in rigorous fashion, though it is often drawn upon when discussing sexual ethics or the inborn moral sense of all human beings from Adam onwards. Justin Martyr (ca. 100–65) is typical when he tells us that God shows every “race of men that which is always and in all places just, and every type of man knows that adultery, fornication, murder, and so on are evil. Though they all commit such acts, they cannot escape the knowledge that they sin whenever they do so.”⁹

Irenaeus of Lyons (ca. 130–202), pioneering a move repeated right down to Aquinas, ties the primordial natural law of the universe to the law of Scripture. Before granting the written law to the Israelites—first to Noah and then to Moses with all its ritual prohibitions—God first gave them the

Decalogue, which is simply “natural precepts” that he had “implanted” in humanity from the beginning and which are necessary for salvation.¹⁰ This sort of position is adopted much later by Gregory Palamas (1296–1359) who argues that there is firstly the “natural law, our own conscience, a steady plumbline, an upright judge and an unerring teacher,” and then it is echoed by the “teaching given by creation,” which bears witness from the smallest amoeba to the most complex organism to the direction given to it by its God and Creator. The written law of the Decalogue given in the Pentateuch and interpreted and proclaimed by the Prophets was simply given to assist the inborn natural law and the law of the book of nature.¹¹

Returning to Irenaeus, in Christ, we are told, those laws of the Mosaic covenant which were given for instruction or even punishment were cancelled by the “new covenant of liberty” and those laws “which are natural, and noble, and common to all” were increased and widened (AH 4.16.5). We are no longer bound by sin and death but are made free for God in our soul and body because he was first free for us in Jesus Christ. This is because, in Christ, we have a new outpouring of the Spirit (AH 4.33.15), which is the new covenant of liberty (AH 3.10.4). This does not abolish the natural law (expressed in the Decalogue) but extends it in the form of a gospel “law of liberty” (James 1:25). In this new dispensation, we are made righteous “following God without fetters” (AH 4.13.2), so that we zealously obey our Father in heaven out of sheer love and joy. Not only do we abstain from adultery, as slaves are required to do, but, as sons, we abstain even from adulterous thoughts (See AH 4.16.5).

Thus, the obedient freedom of Christ is very different from the obedience demanded by the Law, which was that of slavery or the innate promptings of the natural law. Gregory Palamas likewise observes that Jesus did not just enjoin his disciples to go “and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit” (Matt. 28:19), but also “teaching them to observe all that I have commanded you” (28:20). Baptism, let alone belief in Jesus as one’s Savior, is not sufficient “to make a person a disciple of the gospel; keeping God’s commandments, all of them, is also necessary.” And we are enjoined to keep the “whole law” of Christ (James 2:10) but this law, Christ’s law, “is a law of liberty, for through holy baptism he has made us free from the law of sin and death” (Rom. 8:2).¹² Natural law, for fathers like Irenaeus and Gregory, is part of the basic theological grammar of salvation history.

John Chrysostom (ca. 349–407) interprets Paul’s “conscience” which bears witness (Rom. 2:14–15) and the accomplishing of the law by the Gentiles who have its requirements “written on their hearts” to be the natural law written in the conscience or “reasonings of nature”: “For the conscience and reason doth suffice in the law’s stead.”¹³ God made humanity independent and able innately to choose virtue and avoid vice, for even before the law was given nature was entrusted to providence and knew what was good and what was bad. One will remember here Aquinas’ identification of the eternal law with providence, which is expressed in the natural law. We also see an echo of this in John of Damascus (676–749) who calls the conscience “the law of

the mind” and writes that by contemplating nature we can see God’s guidance of his creatures.¹⁴ As Gregory Palamas says, “If we concentrate our minds within ourselves, we will need no other teacher to understand what is good. If, through our senses, we rightly turn our mind [*nous*] outside ourselves, ‘the invisible things of God are clearly seen, being understood by the things that are made,’ as the apostle says [Rom. 1:20].”¹⁵

The Word and Words of God

We see a similar teaching on an in-born natural law in Basil the Great (330–379), but for him the natural law is wed to a further Stoic notion of the *logoi spermatikoi*, just as is the case in Aquinas with the Eternal Law. Basil holds that virtues exist in us by nature and that the soul has affinity with them not by education but simply by nature itself. Vice, likewise, is something the soul instinctively avoids since vice is a sickness of the soul and virtue its health. He says that the “untaught law of nature” makes us choose that which is advantageous to us. Thus, we know innately the Golden Rule:

“Do you know what good you ought to do your neighbor? The good that you expect from him yourself. Do you know what is evil? That which you would not wish another to do to you.”

Basil elaborates on this idea, but here natural law is quite close to our modern sense of “instinct” as an inner compulsion or necessity that allows for the continuation of the human race:

Thus, without having need of lessons, the soul can attain by herself to what is fit and conformable to

¹² *Saint Gregory Palamas: The Homilies*, Homily 38.7, 301.

¹³ John Chrysostom, *The Epistle to the Romans*, Homily 5, in vol. 11 of *The Nicene and Post-Nicene Fathers*, Series 1, ed. Philip Schaff (Grand Rapids: Eerdmans, 1980), 364–365.

¹⁴ John of Damascus, *The Orthodox Faith*, 4.22, 388.

¹⁵ *Saint Gregory Palamas: The Homilies*, Homily 1.7, 17.

¹⁶ Basil of Caesarea, *The Hexameron* 9.3–4, in vol. 8 of *The Nicene and Post-Nicene Fathers*, Series 2, ed. Philip Schaff and Henry Wace (New York: Scribner’s Sons, 1895).

¹⁷ Basil the Great, "Long Rules: Selections," *On the Human Condition*, ed. and trans. Nonna Verna Harrison (Crestwood, NY: SVS Press, 2005), Q.2, Ans. 1, 112–113.

¹⁸ Maximus the Confessor, *Ambiguum* 7.16, in *On Difficulties in the Church Fathers: The Ambigua*, vol. 1, ed. and trans. Nicholas Constatas (Cambridge, MA: Harvard University Press, 2014), 94–97.

nature. Hence it comes that temperance everywhere is praised, justice is in honour, courage admired, and prudence the object of all aims; virtues which concern the soul more than health concerns the body. Children love your parents, and you, parents provoke not your children to wrath. Does not nature say the same? Paul teaches us nothing new; he only tightens the links of nature. If the lioness loves her cubs, if the she wolf fights to defend her little ones, what shall man say who is unfaithful to the precept and violates nature herself; or the son who insults the old age of his father; or the father whose second marriage has made him forget his first children?¹⁶

In another text, Basil argues that love toward God is not taught but implanted in us at our "first fashioning" as a "seed-like principle," and it is this natural principle that is the "starting point of our appropriation of love as our own. Having received this seed, let us cultivate it with diligence at the school of God's commandments and nurture it with skill. And having grown, it is brought to perfection by the grace of God." He exhorts us to "hasten zealously to awaken the spark of divine love hidden within" us. With this seed comes the power to bring it into action and attain every commandment. God gives us both the knowledge how to follow him—the natural law or seed of love—and with it the power to live a life of virtue or to twist that power and follow evil.¹⁷ With Basil we see very clearly that the natural law is tied closely to divine providence in the form of the inborn seeds of love by which God guides us ever more closely to union with him in Christ.

The thinker who most develops this sort of natural law reasoning (insofar as it is a species of theological contemplation of providence and its divine guidance to attain the full stature of Christ) is Maximus the Confessor (580–662), with his teaching on the *logoi*. I want to argue that Maximus' use of the *logoi* is a form of natural law reasoning. The *logoi* are the innumerable "pre-existing" eternal divine reasons, or, variously, ideas, principles, possibilities, intentions, and even "wills" of and for each created thing that exists or may exist. The extensive sense in which Maximus uses the concept of the *logoi* very much covers what we saw earlier with Basil, where the seeds were as "laws" or "rules" guiding the person's development as well as energizing the person for virtuous action in and for the good. As plans for created things—as divine providence, which God primordially contemplates—the *logoi* are the means, the laws or wills, by which God through his Spirit guides each thing's orderly development. Together the *logoi* find their coherence and are "contained" in the one creative Word (*Logos*) of God, described in John 1, as the God who infinitely transcends all created things:

By his word (*logos*) and his wisdom he created and continues to create all things—universals as well as particulars—at the appropriate time. We believe, for example, that a *logos* of angels preceded and guided their creation; and the same holds true for each of the beings and powers that fill the world above us. A *logos* of human beings likewise preceded their creation, and—in order not to speak of particulars—a *logos* preceded the creation of everything

that has received its being from God.¹⁸

When God creates, he *externalizes* the eternal providential ideas of creation, these laws or wills, which he has been eternally contemplating. He sows his ideas, actualizes the possibilities, and realizes his divine intentions. Now everything has its *logos*, not only particular creatures—such as Peter and the angel Gabriel—but, if we are to take Maximus at his word, universals. Thus, more general realities such as religious communities or even nations might each have a *logos* of its being. The multiplicity of the *logoi* account for the multiplicity of the universe and the orderliness of the universe is accounted for by the lawfulness of its divine principles as laws or wills.

Here we have a key distinction. First, there is the *logos* or “principles of all the beings that exist essentially” and eternally and immovably within God and then are sown in creation. And second, there is the *tropos* or actual expression in the creature’s life of its purpose which can follow closely the principle of its being (*logos*) or diverge from it and distort the creature’s life. Thus, the mode of being (*tropos*) of any creature can move in conjunction with its possession of its *logos* or at variance from it, depending on the creature’s cultivation of its virtue and the degree to which it cleaves to God’s will or law for it.¹⁹ Thus, a man may ignore the natural law regulating his being or he may grow up in light of it into the fullness of the stature of Christ. The *logoi* or principles of all things can be perceived through contemplation, which images the divine eternal contemplation of the *logoi*.²⁰ But for this *theoria* to take place there must be a purification or *ascesis* of the

heart. There must be the cultivation of love and the virtues.

All *logoi* ultimately find their coherence in Christ. They dwell within him and he is present within each of them in eternity and in creation. The *Logos* is the center of a circle, and the many *logoi* are as the radii of that circle, like spokes on a wheel.²¹ The one divine *Logos* is many *logoi* and the many *logoi* are one *Logos*, who dwells within all things, guiding them through his Spirit:

The many *logoi* are one *Logos*, seeing that all things are related to him without being confused with him, who is the essential and personally distinct *Logos* of God the Father, the origin and cause of all things, *in whom all things were created, in the heavens and on earth, visible and invisible, whether thrones or dominions or principalities or authorities: all things were created from him, through him, and return unto him* [Col. 1:16, Rom. 11:36].²²

Maximus is quite explicit about the ethical import of the *logoi*. By cleaving to Christ, the divine *Logos*, and by contemplating his witness in Scripture, we come to an awareness of the *logoi* of the commandments of the one *Logos*, roughly the extension of the Decalogue spoken of earlier by Irenaeus, which is latent in the virtues:

We go from abstention from evils through *fear* to the practice of the virtues by *strength*; from the practices of the virtues to the discretion of *counsel*; from discretion to the habitus of the virtues, or *knowledge-by-experience*; from the habitus of the virtues to the *knowledge* of the principles (*logoi*) in the virtues;

¹⁹ Maximus the Confessor, *Ambiguum* 42, in *On Difficulties in the Church Fathers: The Ambigua*, vol. 2, ed. and trans. Nicholas Conostas (Cambridge, MA: Harvard University Press, 2014), 148–149.

²⁰ *Ibid.*, 37, 78–89.

²¹ Maximus, *Ambiguum* 7.20, in *On Difficulties*, vol. 1, 100–103; compare Dionysius the Areopagite, *On the Divine Names* 5.6.

²² Maximus, *Ambiguum* 7.20, in *On Difficulties*, vol. 1, 94–95.

Image: Saint John Chrysostom. Russia, sixteenth century. Hillwood Museum, Washington, DC.

²³ Maximus the Confessor, *Ad Thalassium* 54, cited in Paul Blowers, "Aligning and Reorienting the Possible Self: Maximus the Confessor's Virtue Ethics," *Studies in Christian Ethics* 26.3 (2013): 342.

²⁴ Maximus the Confessor, *Quaestiones et Dubia* 190, in *St. Maximus the Confessor's Questions and Doubts*, trans. Despina D. Prassas (DeKalb: Northern Illinois University Press, 2010), 136.

²⁵ Chrysostom, *Romans*, Homily 4, 355, 357–58.

from this knowledge to the habitus transformed to the principles (*logoi*) so known, which is the same as *understanding*; and from this understanding to the simple, precise contemplation of universal truth. . . . Ascending through the eyes of faith, or illuminations, we are drawn together toward the divine unity of *wisdom*. And we ourselves gather this differentiation of gifts, which was instituted for us, together with the particular ascents in the virtues, toward the [divine] Cause of those gifts, and, in cooperation with God, neglect none of them, lest by becoming gradually negligent, we make our faith blind and sightless, devoid of illuminations by the Spirit through our works.²³

By the potency of faith—a potency expressed dimly in the operation of the virtues in the Christian life, and indeed, supported by the *logoi* themselves, which foreshadow and conduce to future benefits—the Coming One (John 11:27) pours forth his grace to us from the future.²⁴ In other words, the natural law or the *logoi* of the commandments is itself always speaking of the one *Logos* whose rule of the kingdom is love.

Homosexuality

What should be clear by now is that Orthodox tradition holds to some form of what we see later in Aquinas with his teaching on natural law. This notion is capacious—it might be called “natural law reasoning” or a “contemplation of divine Providence” and its compassionate direction and rule of our lives. But it certainly took into consideration sexual relations, for the fathers just as it did for Aquinas.



nas. So can we say that, according to the fathers, homosexual relations are ruled out, based on their being in contradiction to the natural law?

John Chrysostom, in a famous and influential homily on Romans 1:26–27, rails in the most incendiary language against homosexuality. It should be said here that by “homosexuality” I do not mean “gay identity,” since the very notion of an elaborated psychic identity based on same-sex attraction simply did not exist in the late antique world. Chrysostom says that those who engage in same-sex activity are “driven into this monstrous insanity.” They are “worse than murderers,” since a homosexual “ruins the soul with the body”; worse than eunuchs, who “mutilate nature”; and “a semblance of Hell. . . . Consider how

great is that sin, to have forced Hell to appear before its time.”²⁵ What runs through this homily is the language of natural law.

Chrysostom again and again says in more and more elaborate forms that those guilty of the “mad lust after males” dishonor “that which was natural,” running after that which is “contrary to nature,” and that it is “contrary both to law and nature.”²⁶ That which is contrary to nature, like same-sex acts, is, he claims, a sort of parody of pleasure, as it is disgusting and immensely revolting, unlike “genuine pleasure . . . which is according to nature.” Such false parodic pleasure happens when God abandons one (he is thinking of Rom. 1:26) and “all things are turned upside down,” with one’s teaching being “Satanic” and one’s life “diabolical” — which is to say, based on parody and conscious rebellion against one’s Creator and his law. Same-sex pleasure is a desire that will not follow the proper natural course established by its Creator and does not abide within proper limits. Thus, for Chrysostom, “everything which transgresses the laws by God appointed, lusts after monstrous things and not those which be customary,” and here he compares same-sex acts to being hungry but eating earth and small stones or drinking muddy water when thirsty.

The “lawless love” of homosexuality is the work of the devil (as the consummate rebel who would tempt man to be as God, making his own laws, being a law unto himself), and it causes a war in nature by separating from one another the sexes, who are one flesh, and rejoining them in a diabolical parody: “[The devil] thus sundered the sexes from one another,

and made the one to become two parts in opposition to the law of God. . . . These same two parts he provoked to war against themselves and against one another.”²⁷ The devil, with same-sex love, aims to de-create nature. He sees that it is the natural desire which draws the sexes together, so he attempts to cut this tie “so as to destroy the race,” through humanity’s “copulating unlawfully” and being at war with one another. But where does the intensity of the lust in homosexuality come from? Chrysostom says (and here he echoes Paul and the idolatry motif of Romans 1) it is from the “desertion of God,” which is fueled by the utter lawlessness of those rebelling against him, itself a form of “luxury; of not knowing God. For as soon as any cast out the fear of him, all that is good straightway goes to ruin.”²⁸

Heterosexuality and Virginity

Before we jump to easy conclusions, we must note that it would be a mistake to think the traditional position on sexual relations argues for some sort of idealization of heteronormative family life. The same traditional position that is scathing of gay sex cannot be said (without considerable exegetical massaging of texts) to “celebrate” the unitive nature of sexual relations that are according to the natural law found in heterosexual marriage. Once again, I would argue that Aquinas’s position on sexuality is in accord with the basic patristic position. Both reflect a pre-modern Christian sensibility towards sexuality. If one wishes to accept the tradition that condemns same-sex sexual relations, then one must also accept its rather jaundiced opinion of heterosexual sexual relations. What Orthodoxy offers us is a totally premodern ascetical package.

²⁶ Ibid.

²⁷ Ibid., 356.

²⁸ Ibid., 356, 358.

²⁹ Gregory the Great, *Pastoral Rule* 27, in *The Book of Pastoral Rule*, trans. and ed. George Demacopoulos (Crestwood, NY: SVS Press, 2007), 171.

³⁰ *Ibid.* 27, 172.

³¹ *Ibid.* 27, 173–174.

³² John of Damascus, *The Orthodox Faith*, 4.24, 396.

³³ John of Damascus, *The Orthodox Faith*, 4.24, 396–97.

³⁴ See Bryce Rich, “Beyond Male and Female: Gender Essentialism and Orthodoxy” (PhD dissertation, University of Chicago, 2017), 57–96, and Valerie A. Karras, “Patristic Views on the Ontology of Gender,” in *Personhood: Orthodox Christianity and the Connection between Body, Mind, and Soul*, ed. John T. Chirban (Westport: Bergin & Garvey, 1996), 113–119.

³⁵ John of Damascus, *On The Orthodox Faith*, 4.24, 394.

We see this basic position famously in hagiography with the cult of the virgin martyr, but also in the many lives of married saints who chose to live as brother and sister—that is to say, virginity is a higher and more perfect calling than marriage, and sex is primarily for the purpose of procreation.

In the sixth-century *Book of Pastoral Rule* by Gregory the Great (540–604), we are told that the married should be advised by the spiritual father “that they come together for the purpose of producing children, but when they become immoderately enslaved by intercourse, they transfer the occasion for procreation to the service of pleasure.” There follows a discourse arguing that the couple need to be guided away from too much attention to the pleasure of the sexual act. He advises “frequent prayer” to extinguish “the inclusion of passions that defile the honorable pretext of intercourse” (*Pastoral Rule* 27).²⁹ There is an elaborate exegesis by the Dialogist of Lot’s fleeing the fires of Sodom to the city of Zogora, which we are told was to “reject the unlawful pleasures of the flesh” in order to arrive at the safety of an intercourse where one does “not engage in the pleasures of the flesh beyond what is necessary for the procreation of children.” Married life is not far from worldly activity and one needs therefore to copulate “continently.”³⁰ (As a father of four, I am unclear what this may mean—but then again, Gregory is, like so many Fathers, merely speculating about unknown territory.) Celibacy is a “grace” and a “greater good” as it is apart from the “yoke of [the] carnal union” which leads to “earthly anxieties.” One should only seek the “port of marriage” if one is in a tempest of temptation and likely to drown.³¹

Gregory is not alone here. I will not rehearse the whole Orthodox tradition, with its marked ascetical bent, which more often than not sees sexual relations (even of a lawful and natural kind) as involving “pollution.” One last example shall suffice: we see the same sort of teaching as found in the Dialogist in John of Damascus. He writes that virginity is the “habitual state of the angels,” and its “glory” is Christ who was himself the true and perfect virgin, born of a virgin “without any carnal union” and begotten eternally from a Father “without coition.” Marriage was blessed by Christ through his presence at the marriage feast of Cana, but virginity is “better than good.” Virginity is not a law because all cannot abide its perfection. The Damascene then says that marriage is good as it results in children and it does away with “fornication and by licit intercourse prevents the frenzy of concupiscence from being excited to illicit actions.”³² Here we see nothing of the “unitive” aspect of marriage: though it does appear in the tradition (for example, in the marriage crowning), it is not the first aspect the fathers mention when marriage comes up. Rather, they focus on procreation and being saved from the fires of lust. Marriage, then, is certainly good but, in a surprising move for us who have in our ears the language of “fruitfulness” (“fruit of the womb”) in the marriage ceremony, the Damascene says that virginity is better than marriage, since it is characterized by “the fecundity of the soul and offers prayer to God as a seasonable fruit.”³³ But this should not be a surprise, for the Damascene—like Philo, Gregory of Nyssa (arguably), John Chrysostom, Maximus the Confessor, and John Scotus Eriugena (but not Augustine or Ephrem the Syrian)—argues that hu-

manity prior to the fall was originally sexless.³⁴ God, with foreknowledge that humanity would fall and would need the human race to continue, created the division between male and female. Even after the division of the sexes and prior to the fall, the Damascene tells us, “virginity was practiced in paradise.” Sex happens immediately after the fall: “To keep the race from dwindling and being destroyed by death marriage was devised, so that by the begetting of children the race of men might be preserved.”³⁵ It is very hard to get a theology of complementarity out of a theological vision that sees the division of the sexes as a sort of pre-lapsarian, post-lapsarian, second-best Plan B.

Conclusion

So, what does this all mean? Pre-modern teaching on sexuality (which contemporary Orthodoxy says it espouses) most certainly does not support the blessing of gay unions, let alone gay individuals’ claiming that they were created by God with an in-born desire for the same sex which is naturally expressed in sexuality—that is, *if* those gay people engaging in sexual activity in committed same-sex relationships can indeed be said to be identical with those engaging in the homosexual activity that the fathers knew. (In fact, to me it seems that committed same-sex relationships are a genuine *novum* in Christian history—though the genital acts are of course nothing new. So the question is then: does the addition of self-sacrificial love to these sex acts change their “unnatural” character? And this essay is but a clearing of the ground to answer this question.) But *simultaneously and equally importantly*, the very same patristic tradition often displays

a dismissive attitude towards the sexual union of traditional opposite-sex (male-female) marriage. It acknowledges—often with the caveat that this is a Plan B—that marriage was intended from the beginning by God with the creation of male and female, but this is so that man is given “a helper and for the continuation of the human race” as the betrothal service puts it.³⁶ Virginity is the higher state and, as we are all aware, it bestows real power in Orthodoxy. Too many folk, especially in North America, attempt to make Orthodoxy a “family-friendly” bastion of traditional values, celebrating the “traditional family,” except with even more kids, longer services, more fasting, breast-feeding until kids are four years old, a refusal to vaccinate, and home-schooling until university. Call it Granola Orthodoxy or Crunchy-Con Traditionalism.

But Orthodoxy in its traditional form, as we have seen, is quite different from this Granola Traditionalism. It is radically eschatological and even anti-family. It is an emergency *ascesis*, attempting to produce the necessary oil for the requisite lamps, that aims at ever-closer union with the bridegroom as the door to his bridal chamber slowly swings shut forever—and its highest levels assume virginity as a sort of necessity. Even if it is an over-statement to claim that Orthodoxy is anti-family, at best it is often suspicious and even patronizing towards family life. Now, if this does not resemble the experience of most of us today with Orthodoxy, then—and this is really my main point—it is because contemporary “pro-family” Orthodoxy is perhaps as much a modern creation as anything imagined by those few faithful Orthodox Chris-

³⁶ “Service of Betrothal,” trans. Ephrem (Lash), <https://web.archive.org/web/20160404145908/http://www.anastasis.org.uk:80/betrotha.htm>.



Father Georges Florovsky, 1946.

³⁷ See Brandon Gallaher, "The Orthodox Moment: The Holy and Great Council in Crete and Orthodoxy's Encounter with the West: On Learning to Love the Church," *Sobornost*, 39.2 (2017): 26–71, and "Orthodoxy and the West—The Problem of Orthodox Self-Criticism in Christos Yannaras," in *Polis, Ontology, Ecclesial Event: Engaging with Christos Yannaras' Thought*, ed. Sotiris Mitralaxis (Cambridge, UK: James Clarke & Co, 2018).

tians who would redefine marriage to include alternative sexualities.

There is so much of Orthodox tradition that is alien to us, and often we purposefully ignore it when it clashes with our chosen modern sensibility—our particular lifestyle, be it "liberal" or "conservative." How many Orthodox would uphold today the idea that there is a determinate "nature," not described by science but available to all just by reflection, and that this nature has certain rationally ascertainable laws that order all our activity from sex to death—an idea which I hope to have shown is found in the tradition? I would think that most Orthodox are natural law agnostics and the way they proceed is as if nature is first how science describes it and then how they interpret it in light of their own desires and aspirations. To be blunt: should we pay attention to the natural law reasoning of the fathers if we ignore their outdated cosmologies? When it comes to the tradition, we all pick and choose. We must pick and choose with tradition! But the question is: what are the appropriate bounds of that theological picking

and choosing? What does and does not constitute a normative standard in the tradition? What are the bounds of the perpetual reinvention of tradition? At what point does the "living tradition" (*zhivoe predanie*) beloved of modern Russian theologians so differ from what went before that it is, in fact, a different reality and even becomes moribund—a false tradition, a false distortion of Orthodoxy?

What we need in Orthodox theology today is more consciousness of our continuous reinvention of tradition. This imperative is part of trying to understand the premodern vision of Orthodoxy as moderns who are separated from its world by the colossus which is the modern West, with its profoundly anti-Christian and apostate character.³⁷ But to be so conscious, we also need more theological thought-experimentation, and in this way to find our answers to contemporary modern Western challenges to Orthodoxy, not through regurgitating the many failed Western theological responses to contemporary problems in an Eastern context (and I myself would include here the *theological* responses of many Western churches to homosexuality, even though we have much to learn from them pastorally). I will explain further what I mean by "experimentation" in a moment. But first, all of what I am saying assumes—and this is crucial for the Orthodox who suffer today from a sterile "patristicism"—that theology is not a mere repetition of the past sayings, formulae, and ideas of the fathers, but an attempt to reimagine the essence of their thinking in contexts (for example, committed same-sex relationships) which are new and thus unknown to them. This essence of tradition is patristic "vision," "living

tradition,” or “the mind or *phronēma* of the fathers,” which we are called to acquire. Father Georges Florovsky put it this way:

Just yesterday the question was put to me, in my Patristic seminar, by one of the participants: we enjoy immensely, he said, the reading of the Fathers, but what is their “authority”? Are we supposed to accept from them even that in which they obviously were “situation-conditioned” and probably inaccurate, inadequate, and even wrong? My answer was obviously, No. Not only because, as it is persistently urged, only the *consensus patrum* is binding—and, as to myself, I do not like this phrase. The “authority” of the Fathers is not a *dictatus papae*. They are guides and witnesses, no more. Their *vision* is “of authority”, not necessarily their words. By studying the Fathers we are compelled to *face the problems*, and then we can follow them but creatively, not in the mood of repetition. . . . So many in our time are still looking for authoritative answers, even before they have encountered any problem. I am fortunate to have in my seminars students who are studying the fathers because they are interested in creative theology, and not just in history or archaeology.³⁸

This means, in practice, that there is a fair bit of theological thinking out loud that must happen if the theologian is to come to a faithful contemporary expression of tradition, and there will be proposed expressions of that tradition that simply fail to do justice to the basic structure of divine teaching, because they are false or, better put, do not save the appearances, theologically lacking too many basic notions. Here, perhaps we have committed same-sex unions blessed by the Church. But here perhaps *also* is found the family-friendly heteronormative Granola Orthodoxy mentioned earlier. To ascertain the truth, we must experiment. I sometimes say to my students that in order to understand a theological position, one must be willing to take it apart in order to put it back together again—like a clock radio—and one way of doing this is by rehearsing opposed positions, trying each on in turn, as one would a pair of clothes, inhabiting it to find out if it is the right fit—if it, indeed, truly fits the body of the Church, which is the body of the living Christ. Let us now experiment and in this way, following the holy fathers, face the real problems, answering them creatively in the mode of living tradition and not producing yet another failed theology of repetition. *

³⁸ Brandon Gallaher, “Georges Florovsky on reading the life of St Seraphim,” *Sobornost* 27.1 (2005): 62, and collected in *The Patristic Witness of Georges Florovsky: Essential Writings*, eds. Brandon Gallaher and Paul Ladouceur (London: Bloomsbury–T&T Clark, forthcoming).



Dr Brandon Gallaher is Lecturer of Systematic and Comparative Theology at the University of Exeter and his publications include *Freedom and Necessity in Modern Trinitarian Theology* (Oxford, 2016) and (with Paul Ladouceur) *The Patristic Witness of Georges Florovsky: Essential Theological Writings* (T&T Clark-Bloomsbury, forthcoming). He is CO-Principal Investigator with Aristotle Papanikolaou (Fordham University) of a three year project funded by the British Council, “Contemporary Eastern Orthodox Identity and the Challenges of Pluralism and Sexual Diversity in a Secular Age.” Dr Gallaher served as a Theological Subject Expert in the Ecumenical Patriarchate Press Office at the Holy and Great Council of Crete in June 2016.