

D.S. Bailey and “the Name Forbidden among Christians”

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“Without sexuality there can be no full humanity,” declared Emil Brunner in *The Divine Imperative*.¹ His statement appeared in the context of discussing Christian marriage, especially in the light of Pauline theology, and with the acknowledgment that neither in marriage nor in sexual experience itself does a person become fully human. Sexuality, it is true, does reveal part of our response to God and our understanding of the order of creation. In 1937, however, when the first English edition of the book appeared, neither Brunner nor members of the pre-war Church of England could have realized the immense turmoil to come, involving the meaning of both humanity and sexuality after the war.² The issue of homosexuality, in particular, provided an important forum and focal point.

The 1957 work of the Wolfenden Committee caused substantial attention to be paid to the issues of homosexuality and prostitution.³ Ten years later, the Sexual Offences Act of 1967 was passed,⁴ allowing homosexual acts committed by two consenting members of the same sex, both over the age of twenty-one, in the privacy of their homes. Yet the Wolfenden Committee paved the way for this legal enactment, bringing

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¹ *The Divine Imperative: A Study in Christian Ethics*, trans. Olive Wyon (London: Lutterworth, 1937), 356. Note that the same year the first English publication appeared of Havelock Ellis, *Sex in Relation to Society* (London: Heinemann, 1937), which was vol. six of the *Studies in the Psychology of Sex*, and which first appeared in English in 1918 (Philadelphia: Davis).

² For a general history of the English attitude regarding sexuality during the era, see such books as Jeffrey Weeks, *Sex, Politics and Society: The Regulation of Sexuality Since 1800* (London: Longman, 1981), esp. chap. 12, Weeks, *Coming Out: Homosexual Politics in Britain from the 19th Century to the Present* (London: Quartet, 1977), H. Montgomery Hyde, *The Other Love: An Historical and Contemporary Survey of Homosexuality in Britain* (London: Heinemann, 1970).

³ *Report of the [Wolfenden] Committee on Homosexual Offences and Prostitution* (Cmd. 247; HMSO), 1957. See the Sexual Offences Act, 1956, Section 13: “It is an offence for a man to commit an act of gross indecency with another man, whether in public or private, or to be a party to the commission by a man of an act of gross indecency with another man, or to procure the commission by a man of an act of gross indecency with another man.”

⁴ Sexual Offences Act, 1967.

an issue to a head which had not received as much attention since the trials of Oscar Wilde. Although well over two hundred witnesses appeared before the Committee, what became especially noteworthy was the substantial participation of the clergy and members of the medical profession, arguing that change in the law was overdue.

A significant role was played by the Church of England. Not only did Anglicans help to establish the call for reform in the law, but they also produced influential publications that explored the biblical, theological, and moral aspects of homosexuality and homosexual acts, producing sufficient evidence to refute a number of erroneous views about the subject in the Judeo-Christian tradition and in western society.

The Church of England committee that addressed the homosexual questions, as well as provided testimony to the Wolfenden Committee, was the Moral Welfare Council.⁵ In 1952, after two well-known gentlemen were arrested for importuning and tried,⁶ the members of the Moral Welfare Council voted that the subject of homosexuality and the law was "timely," especially given the fact that the two convicted gentlemen received unusually severe prison sentences under the law.⁷ This admitted severity under certain archaic laws, combined with the increasing awareness of homosexual practices in England, suggested that ecclesiastical attention was due.

Under the guidance of the Rev. Dr. Derrick Sherwin Bailey (1910-84), a group of clergy, doctors, and lawyers studied the existing materials on homosexuality. They then produced a privately printed pamphlet titled *The Problem of Homosexuality*.⁸ This interim report, written by Bailey, signalled the first twentieth-century extended treatment of homosexuality by an ecclesiastical body. Not only did it examine the current medical, psychological, and sociological literature, but it also sought to address the role of the Church of England in the issue of reforming the law. The Moral Welfare Council recognized the role of the

⁵ No adequate history of the Moral Welfare Council and its antecedents exists. The modern Council was established in the 1920s to work with prostitutes and the homeless. With the advent of the Second World War, its duties became much more diversified, as its 1947 Constitution indicates, so that it "shall act as a central council of the Church which aims at the co-ordination of thought and action in relation to the place of sex, marriage and the family in the Christian life. Its activities shall fall under the following heads:—1. Educational work; 2. Protective work; 3. Remedial work."

⁶ Peter Wildeblood, once diplomatic journalist of the *Daily Mail*, and Lord Montagu were arrested and tried, convicted and imprisoned. See Peter Wildeblood, *A Way of Life* (London: Weidenfeld & Nicolson, 1956); and Peter Coleman, *Christian Attitudes to Homosexuality* (London: SPCK, 1980), esp. 162f.

⁷ Coleman, *Christian Attitudes*, provides a fair historical presentation of the situation.

⁸ *The Problem of Homosexuality: An Interim Report by a Group of Anglican Clergy and Doctors*, produced for the Church of England Moral Welfare Council by the Church Information Board [for private circulation], 1954.

State in regulating society, but it was clearly the case that the rights of the homosexual were being violated, and this issue needed to be addressed.

This essay will examine the Anglican response to the problem of homosexuality during the 1954–55 period. The formal work of the Moral Welfare Council will be considered in the three major documents it prepared: *The Problem of Homosexuality* (1954), *The Homosexual, the Law, and Society* (1955), and *The Homosexual and Christian Morals* (1955), all of which were written by Bailey, as was the enormously influential *Homosexuality and the Western Christian Tradition* (1955), still reprinted today.⁹

Bailey's writings helped the Church of England to respond to the theological issue of homosexuality, to homosexuals themselves, as well as to the laws of England. This 1954–55 period in the Moral Welfare Council provided important conceptual guidelines for subsequent discussions about homosexuality, not only in the Church of England but throughout Christendom. Examination of Bailey's writings is especially pertinent and timely, given the renewed debates in the Church about homosexuality and homosexual acts, and especially for the current generation more familiar with John Boswell's influential *Christianity, Social Tolerance, and Homosexuality* (1980) than the foundational work of Bailey.

I

The 1954 publication of *The Problem of Homosexuality* attracted considerable attention. Copies were circulated in churches and theological colleges, and also to members of Parliament. Sections of the pamphlet were quoted in the House of Lords.¹⁰ It has even been suggested that the pamphlet brought about the call for a public inquiry by the British government into homosexuality. Because the pamphlet received so much attention, it is worth close examination.

The Problem of Homosexuality is divided into five sections. The first sought to define the "condition" of homosexuality, trying to identify the distinctions among the bisexual, pervert, casual, and habitual adherents to homosexual practices. These distinctions are still seen as falling under the general heading of pervert, that is, to the person who turns from a

⁹ The three documents were compiled in *Sexual Offenders and Social Punishment: Being the Evidence Submitted on Behalf of the Church of England Moral Welfare Council to the Departmental Committee on Homosexual Offences and Prostitutions, with Other Materials Relating Thereto* (London: Church Information Office, 1956), subsequently referred to here as SO. The book *Homosexuality and the Western Christian Tradition* (London: Longmans, Green, 1955; reprinted Hamden, Conn.: Archon, 1975) is hereinafter referred to as HWCT.

¹⁰ See the Introduction to SO; also Coleman, *Christian Attitudes*, 163.

natural attraction for those of the opposite sex to a temporary desire for venereal pleasure with a member of the same sex and who transgresses both natural and civil law. But what needs to be considered is the authentic condition of the invert—the homosexual who does not necessarily commit homosexual acts, but a person with a peculiar attraction for those of the same sex. In other words, the homosexual, whether pervert or invert, must be theologically regarded as a sinner, a person who has turned from the natural order of God's creation. This condition, though, may be psychological in orientation, not just as a genital fixation, as would be the case with the pervert, or a total aversion to members of the opposite sex, a fallacy held by many about homosexuals. The pervert recognizes motivations, whether for ephemeral venereal pleasure (and perhaps financial gain); the invert seeks to be recognized for what he or she is—without preconceived moral expectations.

In the second section the pamphlet explored the various theories of inversion. Physically, the invert is seen to be normal. Whether the condition stems from an unhappy childhood or a particular attachment to one parent, the actual cause cannot be determined. It is agreed that most people experience an attraction for someone of the same sex during youth. That some people do not establish heterosexual relationships in the maturing years would be considered a sign of emotional immaturity; even that consideration, however, does not say much about the aetiology of the homosexual condition. In fact, even the homosexual condition cannot readily be perceived outside of the frank admission of the individual or the social consequences of behavior, especially against the law.

These actions give rise to the inevitable moral and religious aspects of a society: the subject of section three. The point is made that the invert should not be blamed for the condition, nor punished; but "we may expect him by the grace of God to resist the temptations to which his condition gives rise, and to come to terms with his 'condition.'"¹¹ Heterosexual love is unquestionably the norm because "It is connected with God's purpose in creating Man as a male-female duality."¹² This ordinance culminates in the idea of *henōsis*—the one-flesh union, a theme stressed throughout Bailey's writings.¹³ The homosexual cannot achieve this type of union, despite the claims of Alfred Kinsey, who wrote of how the homosexual responds to the same psychological sexual stimuli as does the heterosexual. One critical aspect of the *henōsis* is that it can

¹¹ SO, 13.

¹² *Ibid.*

¹³ In particular, see *The Mystery of Love and Marriage. A Study in the Theology of Sexual Relations* (London: SCM, 1952).

lead to procreation and the development of the family unit, an integral part of humanity and God's command to go forth and multiply.

This does not mean, though, that the homosexual is encouraged to marry. This would present no solution because the spouse would never experience the *henōsis*. Homosexual marriages could not be tolerated because of their failure to allow the *henōsis* and therefore the procreating of offspring, and because of the sociological reality that most homosexual unions tend to last no more than four years.

The invert, according to the pamphlet, warrants sympathetic understanding:

He is confronted with the "tragic" alternative of doing his duty (the will of God) and suffering a sense of sexual deprivation in the doing of it, or of following his sexual inclinations at the expense of his conscience.¹⁴

In other words, the invert deserves sympathy and acceptance for his or her condition. When homosexual acts are involved, however, then the Church must respond differently:

It is a matter of Christian experience that faithful acceptance of a difficult way of life in response to a moral demand always finds reinforcement in a powerful movement from God towards man.¹⁵

The homosexual, according to the pamphlet, has traditionally found avenues for productive service in society through such vocations as art, drama, teaching, welfare services, and the ministry. Turning to man in service is turning to God, as well as to the moral law, for the homosexual.

Homosexual acts, though, are sins against God—in no uncertain terms. Sodomy—and the term is used in a general sense—means an immoral use of the sexual organs, especially when young children are involved.¹⁶ The Moral Welfare Council thought that the sodomite should confront his sin; for it is his guilt that will prove an incipient means of dealing with homosexual acts, at least in one of three ways:

1. He can rationalize the whole sinful situation so that it seems to pertain to only one particular circumstance. This therefore allows the sod-

¹⁴ *SO*, 15.

¹⁵ *Ibid.*

¹⁶ Civil and canon law use the term *sodomy* for a variety of sexual offenses, and not just those between members of the same sex. See Vern Bullough, *Sexual Variance in Society and History* (Chicago: University of Chicago Press, 1976); Michael Goodich, *The Unmentionable Vice: Homosexuality in the Later Medieval Period* (Oxford: ABC-Clio, 1979); "Sodomy in Ecclesiastical Law and Theory," *Journal of Homosexuality* 1 (1976); "Sodomy in Medieval Secular Law," *ibid.*

omite to continue with a self-deception of regarding only particular acts, never considering them in light of his own humanity.

2. He can continue in doing what he knows is wrong, living with a perpetually uneasy conscience. Inevitably, however, stress will result, resulting in serious (and inevitable) consequences.
3. He can confront his sin and accept it for what it is. From the recognition of weakness comes the desire for cleansing.

The Church, of course, seeks to promote the third possibility. The confession of sin commences the process of reconciliation. After this confession, moral reinstatement and divine liberation result. The invert must refrain from his old habits and ever-present instincts. He must guard against associating with perverts in particular, the "occasions of sin," and he must earnestly desire to rejoin the Christian community. The sacraments will provide

the divine provision for this emergency, and many an invert who has passed through such a religious revolution has in his own experience come gradually to enter into that of St. Paul; "Nothing is beyond my powers, thanks to the strength God gives me."¹⁷

The contemporary reader may consider this account of reconciliation as seeming unduly simplistic. In terms of the history of the Christian church, such is not the case. If anything, the Moral Welfare Council of 1954 was attempting to restore some of the power attached to the ancient penitentials. More about their structure will be said later. The immediate point is that the Church offers the invert a place, just as it seeks to offer all Christians a refuge. This does not mean that anyone ultimately escapes the moral demands of a society, whether homosexual or heterosexual, but that in a sacramental context forgiveness is always possible.

After the treatment of morals and religion, the pamphlet concludes with the crucial topic of the law and the male homosexual. Here the Moral Welfare Council demonstrated its understanding of the past laws that defined homosexual acts.¹⁸ On the one hand, the Council objected to the fact that there was inequality in the existing law: males arrested for importuning received severe punishment; females were hardly bothered. Life imprisonment also seemed unusually cruel. On the other hand, the prevailing law encouraged blackmail; the underworld domain of both inverts and perverts flourished because society allowed them no freedom.

¹⁷ SO, 18.

¹⁸ SO contains a fairly detailed compilation of the relevant sections of law pertaining to homosexuality, as well as statistical information on the increase in homosexual offenses in England and Wales, to indicate that reform in the law was necessary.

Arrest, publicity, trial, and ruin of career were vivid realities. In even more drastic occasions, inverts were known to commit suicide from fear of exposure.

These factors only encouraged citizens to view homosexuality with mixed reactions. Frequently only the activities of the pervert were known, the invert misunderstood entirely. As the pamphlet revealed, many inverts lived lonely and deprived lives because of an intense fear of detection: even as inverts, moral judgments were pronounced upon them. No matter what their conduct, their label spoke louder than their actions.

The Council produced an effective pamphlet in *The Problem of Homosexuality*. It caused public attention, both secular and ecclesiastical, to begin to be paid to the issues involving justice in the private realm of sexual conduct. If the English laws were not prosecuting individuals for fornicating or committing adultery—heterosexual offenses against moral laws—then similar policies had to be enforced in the private conduct of the homosexual. It meant a change in the law and an examination of religious, moral, and legislative principles, all of which would be undertaken in the following years.

That the Church of England should produce such a study deserves more attention. Sigmund Freud and Havelock Ellis, for example, had published sexual studies since the beginning of the twentieth century.¹⁹ Further, specialized groups, such as the British Society for the Study of Sex Psychology, began to appear in the early 1920s. But churches were reluctant to become involved in controversial sexual issues, except with such notable exceptions as birth control and the rise in divorces. To produce a study on homosexuality meant acknowledging the unavoidable need for a theological understanding of the "condition."

This 1954 pamphlet might take on a different significance when contrasted with the remark made by Otto Piper in his book *The Christian Interpretation of Sex* (1942) when he frankly admitted that "innate homosexuality faces us with a very difficult and thus far insoluble problem."²⁰ Piper went no further with the point. The Moral Welfare Council was likewise unable to resolve the difficulties; yet its presentation of the available material concerning inversion, a term borrowed from Ellis, showed a desire to articulate more about homosexuality in a Christian context.

¹⁹ Sigmund Freud, *Three Essays on the Theory of Sexuality*, trans. and ed. James Strachey (London: Hogarth, 1974). First printed in German in 1905. Freud's book acknowledged his indebtedness to Ellis's earlier work, especially his *Sexual Inversion*, in the chapter on sexual aberrations.

²⁰ Otto A. Piper, *The Christian Interpretation of Sex* (New York: Scribner, 1941; London: Nisbet, 1942), p. 143.

Bailey knew that *The Problem of Homosexuality* was no more than a preliminary work.²¹ Many of its central themes—inversion, *henôsis*, sexual justice, and moral responsibility—would be repeated, sometimes clarified or reconsidered, in the rest of his publications. The point, though, must be reiterated that the pamphlet, no matter how incipient its presentation and seemingly simplistic its arguments, had a formidable impact on the political and ecclesiastical realms. It also demonstrated that the Church of England felt a responsibility to address this controversial topic, which concerned not just the question of sexuality but the definition of humanity as well.

The pamphlet also introduced Bailey's participation in a field explored by few theologians. Brunner had written nothing, Piper but little,²² and Barth only a few passing condemnatory remarks in his *Church Dogmatics*, first published in 1951.²³ The subject of homosexuality was avoided in almost the classic stance of "the name forbidden among Christians." Bailey's inductive work combined such diverse elements as sociology, law, and medical opinion in order to approach the subject without dogmatic or scriptural arguments, the past mode of argumentation. In fact, the pamphlet commenced with a statement that additional materials would be forthcoming to treat the biblical, historical, theological, and moral aspects of homosexuality in England. He meant for his study to be as thorough as possible.

The pamphlet, along with other calls for reform from various influential groups, created the requisite pressures on Parliament. On 28 April 1954 a departmental committee was established, formally constituted on 26 August with Sir John Wolfenden as head.²⁴

II

On 30 March 1955 three members of the Council were interviewed by the Wolfenden Committee. Bailey wrote both of the items submitted as formal evidence; they appeared, with several additional articles he wrote, in *Sexual Offenders and Social Punishment*. In the evidence presented, whether written or spoken, Bailey said they were aware of their Christian responsibilities in coming forth to testify, yet they did not see their immediate function as dealing with morality and theological opinion. Instead, their role was to present a look at current justice toward

²¹ *SO*, Introduction.

²² Piper, *Christian Interpretation of Sex*, 143, 190, 210.

²³ Karl Barth, *Church Dogmatics*, trans. G.W. Bromiley, III/4 (Edinburgh: Clark, 1978), 166.

²⁴ Coleman, *Christian Attitudes*, 166.

the homosexual from the perspective of the Church of England. As Bailey wrote,

The church's prime responsibility, both to Christians and to the nation as a whole, was to secure as far as possible an intelligent, unbiased, and calm discussion such as might lead eventually to a solution of the whole problem consistent with the well-being of society and the demands of equity.²⁵

Because of certain religious assumptions, scientific ignorance, and biased societal impressions about homosexuality, the homosexual in England was confronted with difficulty. As in the earlier publication, so here the point was made that homosexual acts were not the only consideration in defining homosexuality. The nature of the invert *sui generis* needed attention. Yet where the pamphlet had sought to be precise in defining the four classifications of homosexuals (bisexual, pervert, casual, and habitual) and then treating the invert, the formal evidence submitted in *The Homosexual, the Law, and Society* spoke in considerably broader terms, stressing contributory factors such as the effect of an unhappy marriage on the inverted child, a faulty relationship in the family, death, divorce, or prolonged war service.

Bailey believed that homosexual practices themselves were neither more nor less harmful than heterosexual practices. The point was that only fallacious reasoning would convict the invert of a crime, whether by social ostracism or by the even more serious reality of imprisonment. Prosecution was bad enough; persecution of the invert, intolerable. Exposure and social ruin loom in the back of all homosexuals' minds, and thus there is considerable loneliness complicated by the omnipresent threat of blackmail and the truth that suicides occur upon detection.

For these reasons the homosexual must be protected by justice, not penalized. The Council could not accept the inequality in the law where female homosexuals were relatively unpunished while male homosexuals were severely punished with five- or ten-year imprisonments. As the report stated:

It is the responsibility of society at large to see that those of its members who are handicapped by inversion are assisted to a constructive acceptance of their condition, and are helped to lead useful and creative lives—thus benefitting both themselves and the community, to the service of which their special gifts can often make an important contribution.²⁶

²⁵ SO, 25.

²⁶ *Ibid.*, 36.

Reform of the law might secure justice and understanding for the invert, but that will not solve the admitted problem of homosexuality. Only until better marriages and happier family relationships are established in a more settled and secure condition of life will its main causes be eliminated. Expressed in a different way, the invert must always be considered in relation to the family; to consider the invert solely in relation to himself or herself is to say little about their "condition" and the role they might assume in society and in the Church.

The formal report to the Wolfenden Committee did not contain a section later included in the published report and deserving attention here.²⁷ In this section the Council discussed the moral and religious aspects of homosexual practice. Their recommendation was that the Church of England must demonstrate leadership in the homosexual issue. Theological and pastoral work were needed in addition to the basic concern of reforming the law; the Church should use its influence to protect the invert as well as to educate the public about the nature of the invert. The State must have a means of protecting the private rights of the individual as well as a proper means of disciplining transgressors. In other words, the homosexual must be accepted in the Church: homosexual acts condemned are to be handled effectively in the rites of the Church of England. Unless the Church can offer such love and support for the homosexual, then its attitude will appear to prefer a discussion of theodicy over a concern for individual Christians.

Critics of this stance by the Council accused the Church of being too lenient. Yet the power of the evidence submitted comes from the admitted recognition of the rights of both heterosexual and homosexual. The Church must not be the only party concerned with moral judgments, nor are moral judgments its sole concern. This realm belongs to individuals and, to a certain extent, to the State as well. A pastoral responsibility must be paramount in the Church if the homosexual, whether male or female, practicing or non-practicing sexually, is to be a part of it. Such a pastoral attitude would enable the Church to speak forth, both to its people and to any laws of the land that might seem unfair.

In this regard, the Council made three specific recommendations: (1) that certain sections of various laws providing harsh penalties for importuning be reconsidered or repealed; (2) that any male or female caught in a homosexual act with someone under the age of consent, or in circumstances constituting a public nuisance, or involving assault, be penalized; and (3) that better facilities for such prisoners be made available, where suitable professional care, spiritual as well as psychological, can be offered. A minor note was also attached to the recommenda-

²⁷ Ibid., 63-79.

tion, raising the age of consent from sixteen to seventeen (eventually it would be made twenty-one, ostensibly to protect the State from undue concern over homosexual offenses in the military service).

The attitude displayed in this particular evidence deserves comment. As was noted earlier, *The Homosexual, the Law, and Society* was not written as an explicitly theological essay; on the contrary, the reader must search long and hard to discover any particular theological position presented, except in the section on morals and religion, which was not a part of the formal evidence submitted. In this regard, Bailey has crafted a statement without precedent in the Anglican Church on the topic.

III

In addition to the evidence mentioned, which was technically presented by the entire Council, Bailey offered what was called "personal evidence": his book *Homosexuality and the Western Christian Tradition*. For the first time, a theologian had assembled the corpus of materials dealing with homosexuality and the Christian church. The intention of the book was to examine the historical and theological factors that contributed to the formation of the traditional western Christian attitude to homosexuality and homosexual practices. Anthropologists and cultural historians, psychologists and social scientists had all discussed the reality of homosexuality in the world, ranging from Bronislaw Malinowski's classic *The Sexual Life of Savages in North-West Melanesia* (1929), to Margaret Mead's *Coming of Age in Samoa* (1929), to the decisive two volumes of A. C. Kinsey on male (1948) and female (1953) sexuality.²⁸ Now a theologian approached the topic. His scholarship in this regard remained the unsurpassed treatment of the subject until the 1980 publication of Boswell's *Christianity, Social Tolerance, and Homosexuality*.²⁹

In some ways, Bailey's work explicitly responded to a quotation by the famous British jurist Sir William Blackstone:

The crime against nature was one which the voice of nature and of reason, and the express law of God, determine to be capital. Of which we have a signal instance, long before the Jewish dispensation, by the destruction of two cities by fire from heaven: so that this is an universal, not merely a provincial precept.³⁰

²⁸ See Graham Heath, *The Illusory Freedom: The Intellectual Origins and Social Consequences of the Sexual "Revolution"* (London: Heinemann Medical, 1978), chap. 1.

²⁹ John Boswell, *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century* (Chicago: University of Chicago Press, 1980). Boswell refers to Bailey's book in an extended footnote on p. 4, *et passim*.

³⁰ *HWCT*, 153.

Bailey was unconvinced that nature, reason, and the express law of God could be effective agents of condemnation against homosexuality. English society had, for too long, promulgated its hostility on such traditional evidence and attitudes; but what, he demanded, was really being said? By turning to Scripture and law, to the original sources themselves, the actual conscious and unconscious aspects of "the tradition" could be pinpointed.

Without question, the Bible—and, in particular, the story of Sodom—shaped much of the traditional attitudes about homosexuality in the Judeo-Christian heritage. Bailey, though, demanded that the relevant text in Gen 19:4-11 be reconsidered. The story itself is well known and shall not be retold here. Instead, let us consider the crucial text: "Bring them out unto us, that we may know them" (Gen 19:5). Countless generations assumed the line meant that the residents of Sodom desired to commit homosexual acts upon Lot's guests. Yet Bailey argues that such an interpretation was without doubt contrary to the author's intention.

In the first place, based on an extended study of the Hebrew verb *yadha*, which can mean sexual contact as well as the social act of cognizance, Bailey argued that the scriptural citations of *yadha* in a coital fashion occur fewer than ten times, and these all indicate heterosexual intercourse. In the second place, several more plausible accounts of the author's intention can be advanced on careful exegesis. The interpretation favored by Bailey involved hospitality: Lot was a *ger*, a foreigner in Sodom, implying certain liabilities; it was therefore possible that the residents were alarmed by the presence of the visitors and sought to *know* their *bona fides*. Whatever the precise case, Bailey concluded that "It is clear that the destruction of Sodom and Gomorrah was an historical event, and that it was due to natural and not supernatural causes."³¹

Even more important than the actual narrative was how "the tradition" in Judaism and Christianity assumed in later periods that homosexuality was the topic in Genesis 19. Certainly Sodom was depicted throughout the Old Testament as a symbol of utter destruction, but nowhere does Scripture identify Sodom's sin explicitly with homosexual practices. After reviewing extensive corroborating texts of the period, from Scripture and historical accounts, Bailey concluded that the narrative was nothing more than a post-Exilic Jewish interpretation devised and exploited by patriotic rigorists for polemical motives.³² Such a conclusion still did not speak to how the Christian attitude was developed through the succeeding centuries. The fact that there are only six explicit references to homosexuality in the entire Bible (five refer to males, one to

³¹ HWCT, 8.

³² HWCT, 60.

females, one to a general condemnation) would not justify the harsh attitude common to many people.

Bailey assumed that the scriptural writers were only addressing homosexual perverts. The Bible did not speak to the psychological state itself, and hence the invert went unrecognized. The consequences were serious. Rabbis were unsympathetic to transgressors; early Christians, equally antagonistic. By assembling classical and biblical source materials, Bailey was able to undermine many of the common assumptions about homosexuality in religion, such as the case that most of the English Bibles mistranslated the terms normally associated with sexual deviance as in 1 Corinthians 6:9f—"effeminate" and "abusers of themselves with men."³³

He next focused his attention upon the question of the law and homosexuality. Theodosius and Justinian exerted a tremendous influence when they codified the civil practices, not only on western society, but also on the development of ecclesiastical law. To the time of Justinian, the major law concerning homosexuality was the *lex Scantinia*. This law punished homosexual offenses by imposing a heavy fine; and it revealed the extent to which the Romans considered homosexual offenses. Justinian, though, issued the first *novellae* against homosexual acts in 538. Where Theodosius spoke of the "unnaturalness" of the act and imposed a fine, Justinian emphasized that unnatural lusts would be punished by the law—but only if the accused would not repent and confess his sin. The point at hand was that the law recognized the ecclesiastical privilege in dealing with homosexuality. It must also be stressed that Bailey did not believe there was a "veritable crusade" against homosexuality among the Christian emperors because only four edicts appeared in the course of two hundred years.³⁴ The law in the Christian West might thereby be seen as remarkably ancillary to the structures imposed by the church on this question.

This did not imply that all the church fathers had lenient ideas about homosexuality. Tertullian wrote:

All other frenzies of the lusts which exceed the laws of nature and are impious towards (human) bodies and the sexes we banish, not only from the threshold but also from all shelter of the Church, for they are not sins as much as monstrosities.³⁵

Augustine and Chrysostom supported this general sense, functioning as hostile critics of perverted activities, using Sodom and Gomorrah as the divine example of transgression and its punishment. Thus the church

³³ See Boswell, *Christianity*, 344–52.

³⁴ *HWCT*, 79.

³⁵ *HWCT*, 82.

fathers and the councils responded exclusively to the pervert. Of particular importance was the development of the penitentials in this regard. These penitentials, originating primarily in Wales, presented a detailed means of evaluating both homosexual offenses and concomitant penalties. It must be noted that heterosexual and homosexual offenses were treated with equal zeal.

Bailey did not see the medieval church as being overly concerned with homosexuality, although historians and theologians tended to cite from the penitentials for proof of such a concern. According to Bailey's findings, less than a hundred references to homosexuality appear in all of the penitentials. This would hardly be adequate evidence for suggesting that Christians held an especial vendetta against the practicing homosexual. Certainly the homosexual was denounced as one guilty of grave sin; but he (or she) was not singled out any more than the adulterer was by comparison. Reconciliation with God and man could result through the penitentials. The major shortcoming of this approach, according to Bailey, came from its failure to address homosexuality itself, referring instead to specific homosexual acts. This situation will be addressed shortly.

The subject of English law attracted much attention in *Homosexuality and the Western Christian Tradition*. Bailey believed that local attitudes through the centuries would illuminate another facet of modern assumptions about homosexuality in England. He quoted from the thirteenth-century *Fleta*, one of the earliest accounts of law in the country:

Those who have dealings with Jews or Jewesses, those who commit bestiality, and sodomists, are to be buried alive, after legal proof that they were taken in the act, and public conviction.³⁶

By the year 1290, when the document was written, homosexuality was identified as being a distinctly Jewish problem—and hence its being “the name forbidden among Christians”—and unknown in England. What was noteworthy about the *Fleta* was its identification of sexual transgressions with such an item as talking or doing business with a Jew. In 1533, through, a major change occurred. Under Henry VIII “buggery,” as the document retitled sodomitical acts, was still punishable by death; yet now the law alone held responsibility for trying and punishing the culprit. The church no longer could either intervene or usurp the role of punisher and forgiver through the penitential system.

Bailey believed that this sixteenth-century development radically altered the perception of homosexuality in England. It meant that for over

³⁶ HWCT, 145.

three hundred years capital punishment was enacted upon the homosexual offender. Not until 1861 did English law remove the death penalty, and not until 1885 did homosexuality come under the control of criminal law. That the criminal stigma had been attached to homosexuals indicated to Bailey that England had no sympathy for the invert. In more direct terms, the law had commanded responsibilities for which it was totally unsuitable for administering. In the twentieth century more information had been uncovered about the various forms of homosexuality, and indeed of homosexual acts. Without question, moralists, pastors, and psychiatrists were needed as spokesmen, not the law. Bailey thought that the Church especially had much to offer in the way of rectifying several of the dangerous attitudes about homosexuality that had been perpetuated in its name. In some ways, the law had fallen victim to these incorrect attitudes, ironically enough, contorting them even more, influencing public opinion, and increasingly forcing the invert to grow in fear.

The biblical, historical, and legal discussion in the book was undergirded by the assumption that the extent of homosexual practices and perversion in a society indicated its general picture. Bailey believed adamantly that the so-called problem of homosexuality was produced by the corruption in society and, equally as important, the abandonment of moral responsibility in the field of heterosexual relationships. His academic interest in this situation led to his writing *The Man-Woman Relation in Christian Thought* four years later.³⁷ It also influenced his important contribution to the 1958 Lambeth Conference on *The Family in Contemporary Society*.³⁸ For Bailey, the heterosexual relationship was the standard, homosexuality aberrant. Only in the context of the family can the rightful nature of creation be established; both law and the Church must work for this man-woman balance.

The balance, admittedly, does not result easily. Homosexuality has not only called the family into question; it has also forced the law and Church to reconsider the definitions of humanity. Part of this work entailed understanding better the phenomenon known as inversion. By Bailey's estimate, Scripture spoke only of those who commit homosexual offenses, not of inversion itself. Therefore, to assume that the dictates of both right reason and nature can be determined in how one both identifies and judges the homosexual is difficult, Bailey found, contrary to Blackstone's forthright declaration quoted earlier, because such oft-cited sources as the Sodom and Gomorrah narrative tell us little. As Bailey declared, "The question of sexual inversion takes us from the anomalies in

³⁷ (London: Longman, 1959).

³⁸ *The Family in Contemporary Society: Report of a Group Convened at the Behest of the Archbishop of Canterbury* (London: SPCK, 1958).

the western tradition to its deficiencies as a guide to the handling of modern problems."³⁹ In other words, inversion itself must be considered morally neutral. The invert, mindful of this condition, can be a valuable member of society and the Church, and this attitude must be inculcated in modern thinking. Unfortunately, the Christian tradition offered little in the way of assistance, if only in offering scriptural citations to identify the invert and his role in the world. The prejudices, based on a misconceived understanding of the homosexual throughout history, has not helped in promoting a positive reason for welcoming the homosexual. As Bailey reiterated in no uncertain terms, "Our tradition gives us no assistance; nor gives us direction for comprehending inversion."⁴⁰

He was acutely aware of this point as he began to respond to homosexuality in the 1950s. His interpretation of homosexuality and the western Christian tradition was expressly placed into the English context—precisely because of the Wolfenden Committee. Recognizing this explicit theological purpose will defend Bailey from Boswell's criticism in which he acknowledges that Bailey's work still stands as the major work on the subject, even if his scholarship has been superseded, especially on the point of his interpretation of *yadha* as hospitality, but that the book suffers from its "negative sanctions."⁴¹

Bailey placed his scholarship as "personal evidence" with the Wolfenden Committee, aware of the political and theological climate of the time, trying to frame his work in the perspective of law and Church. That Boswell would not recognize these intentional cultural limitations is understandable. Placed in the context of the 1950s, the book supplied information which neither the psychiatrist nor lawyer would know. This information from a theologian could be seen as interpreting the mindset of a nation about homosexuality through the course of many centuries. That it still promotes controversy and critical response indicates its success.

The formal evidence submitted to the Wolfenden Committee in *The Homosexual, the Law, and Society* and *Homosexuality in the Western Christian Tradition* still did not indicate any particular theological or ethical consideration of homosexuality in 1955. The formal report submitted by the Moral Welfare Council argued for reform of the law on the grounds of justice—homosexuals deserved equal protection with heterosexuals. The personal evidence submitted by Bailey placed homosexuality in its biblical and theological perspective in the course of the Judeo-Christian development. But, as has been mentioned, Bailey and the other members of the Council recognized that their responsibility was in a

³⁹ HWCT, 75.

⁴⁰ HWCT, 169.

⁴¹ Boswell, *Christianity*, 4.

clearly reasoned exposition of how the Church of England regarded a need for a reform in the law.

IV

In 1955 Bailey wrote another article precisely on the topic "The Homosexual and Christian Morals." It first appeared in a widely circulated volume of essays entitled *They Stand Apart* and was subsequently published by the Church of England with the formal report submitted to the Wolfenden Committee and several essays by Bailey in *Sexual Offenders and Social Punishment*.⁴² This article completed the logical progression of articles on the problem of homosexuality, providing the first major theological response to the difficulty, earlier mentioned by Piper, of labelling and responding to invert and pervert homosexuals by the Church.

Bailey first recapitulated the common themes of his work, including his interpretation of Genesis 19 and the distinctions between invert and pervert. He argued that the scriptural failure to understand inversion should be seen as an admitted concern for twentieth-century England because of the Judeo-Christian heritage that permeated so many of its institutions and common attitudes. Yet Bailey was quick to note that the silence of Scripture did not suggest that moral judgments could not be made. How these moral judgments could be made, in fact, became the challenge and duty for the modern Christian.

His approach therefore began with a re-examination of the existing law, rather than a treatment of the natural law or the nature of revelation in Scripture. He suggested that the Act of 1533, instigating the death penalty, was a retrograde step, which subsequent laws did not reverse, and which signalled a serious misreading of Christianity, both in the sixteenth century and up to his own day. In fact, Bailey believed the British law represented a departure from the developed Christian usage and tradition of the Middle Ages. From this admission Bailey then strived to establish the ecclesiastical position in its history and theological significance so that the ethical import might be developed in a contemporary attitude, reconstructed in great parts, toward homosexuality.

Categorically, homosexuality was perceived by the Bible as an abomination, a reversal of what was sexually natural, ordained by God. The immediate problem was that moral judgments were passed on sodomitical transgressions, never on the condition of inversion. In this

⁴² John Tudor Rees and Harley Verneau Usill, eds., *They Stand Apart: A Critical Survey of the Problem of Homosexuality* (London: Heinemann, 1955).

case, the penitentials in Christian tradition had a definite system for responding to the pervert. Sodomy and fellatio were commonly punished with the same impositions as fornication, incest, infanticide, homicide, and adultery. But there was no explanation in these documents as to how the penitential system functioned, that is, how the transgressions were conceptually conceived; and certainly no attention devoted to the condition of homosexuality itself.

Turning to Thomas Aquinas provided the next step in seeking to develop a theological understanding of inversion and perversion. According to Aquinas, a moral act is one consonant with right reason.⁴³ Since procreation was the proper end of all venereal acts, signifying that coitus was necessary between man and woman, homosexual acts were *contra naturam*, by definition, and inconsistent with right reason. This right reason, though, would also include the problem arising where venereal pleasures between man and woman resulted in premature ejaculation; thus, the meaning of the sexual act can be unnatural, lustful, and sinful with heterosexuals or homosexuals, depending on the act. Therefore a person can understandably have homosexual regards for another, Aquinas admitted, at least in an especial regard for him or her, as one Christian might have for another in the love of Christ—but not when it leads to the attainment of forbidden pleasures.

Aquinas' "objective attitude," in Bailey's words, strongly influenced Bailey's own approach. In the first place, Bailey attempted to unseat the popular notion of sex as a physical or venereal term, normally referring to pleasure. Instead, he sought to reinstate its original meaning of referring to the relationship between man and woman. Right reason meant that the sexual organs could only be involved in heterosexual contact in the henotic bond of marriage. In terms of objective morality, homosexual acts are contrary to the will of God for human sexuality, as established in Scripture and reason, and therefore sinful.

But, in the second place, how does the objective attitude address the invert? What of the argument that whereas homosexual desires were natural to him or her it must be the will of God? Bailey stood firm: "The normal and divinely ordained human condition is the heterosexual, and homosexuality, strictly speaking, is an aberration."⁴⁴ "Aberration," however, did not mean a *moral* opinion, for the subject may not be necessarily responsible or culpable: "Inversion can no more be regarded as God's will for a person than can, for example, deformity or mental deficiency."⁴⁵ Undoubtedly the discussion would have to involve a consideration of free will and the homosexual.

⁴³ SO, 73.

⁴⁴ SO, 75.

⁴⁵ Ibid.

As Bailey defined it, the question became one of the relationship between the objective morality of an act and the moral culpability of the agent. Bailey cited a traditional example of stealing. What would be the degree of blame assigned to the burglar, the kleptomaniac, or the person in desperate need? According to Bailey, the invert existed in a precarious situation, caught between a religious tradition and the demands of society. His response to the question of stealing would indicate his approach to sexual attitudes. On the one hand, if he refrained from sexual acts with someone of the same sex, then he would be obeying the established tradition; if he sought to be honest with himself and engage in sexual, venereal pleasures, then he would be violating the order of creation.

Conscience played a large part, to be sure, although it could not always be trusted even if obeyed. It was authoritative but not infallible. Education became important. Knowledge and conscience do not alter the objective fact of sin. They only determine the extent to which a sinful act was morally imputable. So what was the role of morality here? Bailey insisted that two kinds of sin must be distinguished: formal sin—that committed knowingly or in vincible ignorance, and material sin—that committed in invincible ignorance, good faith, and clear conscience.

The law and the Church can express objective morality: the law, through its expression of enacted opinion; the Church, through the proclamation of the gospel. The casuist can interpret aspects of the law and ecclesiastical proclamation, but this interpretation can produce a double standard, as in the case of the existing law where males were penalized more than females. Moral responsibility became important to respond to inequalities, recognizing all the while the various sins that influence decisions and fall short of objective morality.

Bailey acknowledged that the invert possessed moral responsibility. In freedom he must decide what action to take in regard to sexual abstinence or practice. The Church must assume the homosexual understands the ramifications of decision. The complication occurs, however, because studies indicated that some inverts did not possess an intuitive conviction that homosexual acts were immoral. This finding implied that the objective was neither innate nor heeded knowledge. This signified the importance of formal and material sin in the theological response.

If a person were to indulge in homosexual practices, knowing they were wrong, then he would have committed a formal sin. In many cases, this distinction will involve the pervert rather than the invert, and the agent of a formal sin may be blamed morally. The invert, though, must be seen as in a state of invincible ignorance and not held morally accountable. This distinction allowed Bailey to reiterate the necessity of the objective morality, the allegiance to heterosexual sex in marriage as the

will of God and the condition for the *henōsis*. Awareness of sin brought both invert and pervert into a theological perspective in the eyes of the Church, permitting discipline and sacramental offering.

Just because the invert earned the distinction, as it were, of not being culpable, in a sense, subjective laxity would not be permitted by the Church regarding sexual practice. The invert was called to celibacy and to service in the family of Man. Here Bailey treated the difference between *crime* and *sin*. Crime signified conduct of which the State disapproved, and for which a penalty will be demanded; sin, a free transgression of the law of God by thought, word, deed, or neglect to what is enjoined therein.⁴⁶ An inevitable tension existed between the two: a crime did not necessarily imply moral wrongdoing, while sin cannot be punished by the State. Thus the Church can prove an effective agent in calling for moral restitutions or changes in legal practice. The reality of sexual immorality becomes an especially sensitive issue because the law must pass judgment, and hence establish the crimes of the State, while the Church must ever seek to correct the transgressions of the individual and bring about reconciliation in the Church.

The invert would sin in sexual practice while the pervert would not only sin but commit a crime as well. Bailey's point here was to protect the invert. By and large, society had made the invert the scapegoat, in his estimation, the supposedly key factor in why the moral problems in England had swelled and the family itself seemed threatened. Such was not the case. And unless the society was willing to condemn adulterers and fornicators, as well as homosexuals, then it had to re-evaluate its attitudes and especially its laws.

The Homosexual and Christian Morals examined how the Church defined homosexuality and homosexual practices from a theological perspective. Bailey wrote what must be regarded as a significant contribution, although it is far from definitive when viewed from a later era. For example, his treatment of Aquinas considered only one aspect. Current opinion about Aquinas stresses his ambiguous conclusions about homosexuality. In another way, his conclusion about the vincible and invincible factors could have opened up another way in precisely defining how the Church of England could respond, whether in renewing certain penitential practices, or offering a different form of support to the invert who seeks to be honest to the society and the Church. In defense of Bailey, however, his article did open up the subject. He did seek to explore homosexuals as more than "sexual irregularities."⁴⁷ He avoided a casuistry, or behaviorist methodology, and kept his discussion on the theo-

⁴⁶ SO, 82.

⁴⁷ SO, 78.

retical level, recognizing the sinner as human being, trying to respond with an honest, integrated Christian theology. Far from conclusive and systematic, the article did tackle a difficult subject and concluded his major work on the topic during the important period 1954–55.

V

Obviously the role of the family in post-war Britain concerned many thinkers. But Bailey's writings provided the most systematic theology of sexuality—and humanity—from 1941 to 1961. His writings on homosexuality have attracted the most attention. His most immediate concern was legal—the reform of the law. As part of his overall theology, his response to the problem of homosexuality led him to consider it using biblical, historical, medical, sociological, and moral aspects. Although opposed to homosexual practices, he deeply believed in the rights of the homosexual invert. This belief enabled him to approach the topics of humanity and sexuality with critical insights. As he wrote in *The Homosexual and Christian Morals*:

Heterosexuality and homosexuality are not alternative human conditions, nor is the invert (man or woman) a sort of *tertium quid* between male and female; he is an anomaly whose sexual disorientation bears its own tragic witness to the disordering of humanity by sin.⁴⁸

The theologian thereby has a means of response through the recognition of sin and the means of forgiveness. In this case, by seeking to understand the disorientation of the homosexual—whatever its causes and whatever it subsequently implies about God's will or the issue of theodicy—the theologian can learn more about the will of God as it pertains to man and woman.⁴⁹

Although no extended analytical essay has been written on Bailey's writings, his influence on the Church of England, primarily through his work on the Moral Welfare Council, was extensive even if curiously neglected for over two decades. As we have seen, the 1954–55 period was an especially critical one for his influential work at the time.

Ten years afterwards, Helmut Thielicke wrote in his *Theological Ethics* about Bailey (and the psychiatrist Theodore Bovet):

⁴⁸ SO, 76.

⁴⁹ In 1953 Bailey published "Sexual Relationship and the Command of God," *Churchman* 67 (1953): 81–89, in which he argued that sex must be seen as part of the creative purpose of God and as revealed in Scripture. This does not mean that man and woman can ever comprehend their sexuality, but in relationship to God its purpose becomes clearer. This is one of the few articles in which Bailey cites Barth.

It is significant that the only two theological or lay-theological authors who have explicitly pursued the problem of homosexuality and orientated themselves in the medical literature without desiring to compromise the normative criteria of theology—thinking of these criteria not as *given* doctrinaire propositions, but rather *seeking* for them—both recognize the exclusive competence of the physician and the pastor and reject that of the criminal judge. This should give us pause.⁵⁰

In 1955, however, Bailey's publications produced much discussion, much of it controversial, because of their attempts to deal theologically and realistically with the difficult problem of homosexuality. Derrick Sherwin Bailey helped the Anglican Church to come of age regarding sexuality and humanity. His name should not be one forgotten among Christians.

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⁵⁰ Helmut Thielicke, *Theological Ethics: Sex*, trans. John W. Doberstein (Grand Rapids: Eerdmans, 1979), 274.