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*Lessons of the Jerusalem Council for the Church's Debate  
over Sexuality*

**Abstract**

In the contemporary issue of same-sex marriage within the United Methodist Church, the Jerusalem Council's decision-making process to include Gentiles in Acts 15 has been appealed to as a model for the church to redefine and reshape its current interpretation of scripture. This article demonstrates how the hermeneutical approach of the Jerusalem Council, which made use of Old Testament understandings of Torah-authority, especially using Leviticus 17-18, did not aim to redefine or change the meaning of the Torah, but to use it for guidance and direction. Applying such a method to the current issue of same-sex marriage would be incompatible with this hermeneutical decision-making process of the early Church.

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“To require of Gentile Christians obedience only to the four commandments which the Law itself imposes on them is not to set aside the authority of the Law but to uphold it.”<sup>1</sup>

The United Methodist Church is deeply divided over same-sex practices. Church trials for ministers who have performed same-sex weddings against the express intent of church discipline and polity threaten to tear the church apart. Bishop Sally Dyck offered the following comments last November to members of her annual conference.

In Acts 15, the early church found itself in a conflict over the law as well as accepted and deeply held assumptions and traditions about who people are (circumcised or uncircumcised). It was a visceral reaction by some against Paul and others who were reaching out to the (uncircumcised) Gentiles. They stood on the side of the law but the church found a way to be together that seemed to work. I don't think it changed all the hearts and minds of the Jewish Christians but at least it wasn't impeding the outreach to the Gentiles. (Please read the chapter to see what they did and how they did it.) ... I will be announcing in the near future some evening, open gatherings where we can discuss how we can reframe this conversation, based on Acts 15.<sup>2</sup>

Was the problem addressed by the Jerusalem Council in Acts 15 “a conflict over the law” as Bishop Dyck suggests? Is the process for decision-making in Acts 15 helpful for our current impasse? It has long ago been questioned whether the analogy with first-century Christians in Acts 15 is appropriate or pertinent enough to override all other factors in the debate.<sup>3</sup> Indeed, the analogy is *prima facie* dubious because the Jerusalem Council was considering the nature of salvation itself while the current debate is over an attempt to redefine Christian sexual ethics. Nevertheless, because the Council has been used so frequently in recent discourse especially in the popular media, I turn to a fresh examination of the details of Acts 15 in order to explore its message and possible contributions to the church's current debate over same-sex practices. Has it been accurately used in the debate? If not, what then are the lessons of Acts 15 for today's debates?

In an article entitled “Welcoming in the Gentiles: A Biblical Model for Decision Making,” Sylvia C. Keesmaat traces a number of dynamics involved in making the decision to include the Gentiles in the church.<sup>4</sup> She concludes that “the central importance of hospitality” drives the narrative,

providing the background for the kinds of new friendships (such as Peter and Cornelius) making it possible for the Christian leadership in Jerusalem to hear each other and discern the voice of the Holy Spirit. The result was a ruling against Pharisaic Christians who argued that circumcision was required for Gentile believers, even though their argument appeared to have both scripture and tradition on their side. Keesmaat relies heavily from time to time on the older work of Luke Timothy Johnson, so my comments here will occasionally address his arguments as well.<sup>5</sup>

### 1. *The Bible as Unfinished Drama or Unfinished Authority?*

Keesmaat begins by raising the question of the nature of the Bible and its authority (pages 30-34). Her answer acknowledges diverse genres in the Bible, but relies on her doctoral supervisor, Professor N. T. Wright, in asserting that scripture “comes to us overwhelmingly as a narrative” (31). She emphasizes that the narrative is “an unfinished drama,” and that “we are in the middle of it.” With Wright, Keesmaat avers that, in order to live faithfully in the drama, we Christians today need (a) to be faithful to the story that preceded us and (b) to be creative in our living of the story. Christian integrity requires both fidelity to and creativity from the biblical drama. By the latter, Keesmaat means primarily the ability to discern how the biblical drama unfolds in new cultural situations, and in the light of new workings of the Holy Spirit. It is precisely this struggle for integrity that engaged the church at the Jerusalem Council in Acts 15.

Of course, Wright’s “unfinished drama” is widely accepted and used today, and this is not the place to explore further its implications.<sup>6</sup> For our purposes, it is enough to note here that Keesmaat simplistically equates the unfinished *drama* with an unfinished *authority*. What I mean by this is that she has assumed a position that Wright himself has critiqued in J. D. G. Dunn’s approach; that is, as a “cavalier freedom” in the way Christians approach the text. Dunn argued that Jesus and Paul treated the Old Testament with a cavalier freedom, and so we are free to do the same with the New Testament. Wright objected that Dunn’s approach is anachronistic because we are still living in the unfinished drama of the New Testament period, whereas Jesus and Paul were living in a different dispensation (for lack of better word). He objects further that Dunn’s approach is simplistic because it fails to appreciate fully the foundations upon which Jesus and Paul reacted as they did to the Old Testament proscriptions, such as circumcision and food laws.<sup>7</sup> I believe Wright’s criticisms of Dunn are

correct, and should be applied here precisely to Keesmaat's understanding of the unfinished drama and unfolding authority of the Bible.

The description of the Bible as an unfinished drama is a useful metaphor. But the degree to which we emphasize our creativity in continuing the Bible as an unfinished authority for our day is open for critique. Clearly, when the church begins to consider itself determinant in the process, creating a new authority that overturns scripture and tradition, one can raise an objection that the church has turned the Bible into nothing more than an historical witness to God's redemptive activity in the past rather than an acting and living authority from that past to our present.<sup>8</sup>

Before moving onto the specifics of Keesmaat's treatment of Acts 15, I note further an irony in the way she explains how today's Christians are to live into the Bible as our story. She turns to Deuteronomy 6:5-9 in a beautiful description of the role of the story of the Bible in our lives.

[E]very moment of every day is supposed to be filled with Torah, with the story of who God is and what God has done. This story fills your very being, so that you cannot help talking about it to your children at home and to everyone you meet, no matter where you are. When you are awake, you tell the story; when you are asleep, you even dream in its symbols and metaphors. It is on your hand, so that you see it enacted in all that you do, and on your forehead, so that others see it in all that you think and say. Your home and your life in the public square are to be shaped by it. ... [W]e need intentionally to try to live out the narrative of scripture in our personal and (perhaps more importantly) our communal lives as a precondition of engaging in discussion of any issue. (32)

Of course, the only problem is that Deuteronomy 6:5-9 is not about a story. Ironically, this beautiful text is explaining the only logical and natural response any Israelite should make upon hearing the words of the Shema: "Hear, O Israel, YHWH is our God, YHWH alone." Her discussion has made the fundamental category mistake of confusing Torah-instruction with Torah-narrative. And the great irony of this portion of the discussion is that most agree today that the Shema is especially focused on the first of the Ten Commandments, listed in the previous chapter (Deut. 5:7). This way of explaining how our imagination should be shaped by the story, according to Keesmaat, is not about a story at all, but about legal instruction, which ironically, Keesmaat will argue no longer applies to modern Christians. And perhaps this also subtly critiques the pressing

of any metaphor too far. Yes, the Old Testament is largely a narrative. Yet ancient Israelites would likely have found the idea that it can be reduced to a metanarrative to be reductionistic, especially as this may miss the intent of “torah,” as we shall see.

When it comes to bringing the biblical drama to culmination in Jesus, Keesmaat turns to Mark 10:32-45 to illustrate the way biblical authority has been transformed by Jesus. The story of James’ and John’s lust for authority – as the Lord’s right- and left-hand commanders – is worldly authority, using violence and tyranny. But followers of Jesus are to exercise a servant authority that lays down life for others. This, claims Keesmaat, is “the way the story comes to its climax” (33).

The problem once again, however, is that Torah has been reduced to a story, and in this case, conveniently wrapped up in the disciples’ lust for power. But if we understand “torah” as I believe the Bible itself does ubiquitously, we would turn more naturally to the Sermon on the Mount. Here is where we learn specifics of the way Torah-authority is fulfilled in Jesus. Surely, this is where we learn that Jesus fulfills the Torah rather than abolishing it, and that not a single stroke of the Torah will pass away until all is accomplished. Because of Jesus, in fact, it is possible for believers to exceed the righteousness of the scribes and Pharisees, although it remains for the rest of the New Testament to explore how this is possible.

Here I hope to have shown simply that there is a difference between picking up and continuing the unfinished *drama* of the Bible, on the one hand, and picking up and continuing the unfinished *authority* of the Bible, on the other. Determinacy of authority is the biblical canon itself, and not simply the church’s ability to discern new revelation from God. The church is to interpret, and at times it may discern new illumination. But revelatory authority is determined first by the text, and such authority is particularly relevant where confirmed by the church’s tradition and teachings.<sup>9</sup>

## 2. *The Problem: The Origin of the Conflict Addressed by the Jerusalem Council*

Keesmaat next identifies the problem of Acts 15 as one of conflict in the early church over the conversion of the Gentiles (pages 34-36).<sup>10</sup> She begins by asserting that the demand for them to be circumcised – “according to the custom of Moses” – was a way for Pharisaic Christians to ensure the Gentiles were leaving idolatry behind because it was essentially a commitment to keep the whole Torah (Acts 15:1 and 5).

It might generally be objected that the presenting issue for the Council was whether Gentiles must come to Christianity through Judaism. More specifically, I suggest here that Keesmaat has rightly identified the *legal aspect* of Torah, but not the more *general instructional* nature of Torah. And this objection to Keesmaat's approach brings us immediately to the heart of the disagreement about the way the Jerusalem Council is being used in the church today. In a word, it comes down to a common misunderstanding of the word "torah" (*tôrâ*). Like the ancient Pharisaic Christians, many readers of Acts 15 today have unfortunately perpetuated a narrow and reductionistic understanding of "law" as reflected in the demand itself: "It is necessary for [the Gentiles] to be circumcised and ordered to keep the law (*ton nomon*) of Moses" (Acts 15:1).

It may seem a trite assertion to make here, and one that most beginning seminarians have learned, but I cannot emphasize enough the wide semantic field of the word *tôrâ* in the Old Testament itself. It has been argued, rightly in my view, that Deuteronomy's use of *tôrâ* reflects the term's reservoir of numerous semantic variations. As the ideological "center of the Old Testament," Deuteronomy's nuances of *tôrâ* illustrate the legal, prophetic, didactic, and sapiential elements of the term, and set a trajectory of a rich and wide semantic field of meanings for the rest of the Old Testament.<sup>11</sup> Deuteronomy's unifying use of *tôrâ* led subsequently to its use for the Pentateuch itself as Greek *ho nomos*, famously attested in the second century BCE in the prologue to Sirach, with its references to "the Law and the Prophets and the other books."<sup>12</sup>

Some have considered the Septuagint (LXX) the point in time when *tôrâ* became *nomos*, a purely nomistic understanding of law, but I am not of the opinion that this is the Septuagint's fault.<sup>13</sup> In that case, when did the overwhelmingly positive understanding of *tôrâ* as didactic, life-giving, and life-sustaining blessing in the Old Testament come to be reduced to a codified list of legally binding stipulations or *nomos*?<sup>14</sup> The meaning of "law" in Second Temple Judaism and the New Testament is an exceedingly complex topic, far beyond the task I have set for this investigation. It is enough to say at this point that we must be careful not to place the blame for this reductionistic *nomos* at the feet of the halakic tradition of the Mishnah and Talmud, which traditions were surely only trying to be true to the *tôrâ* in the face of Hellenism and the ethnic and political oppression of the Diaspora.

At the same time, it must be admitted that it is possible to miss or minimize the all-encompassing Deuteronomic *tôrâ*, while taking up instead the particularizing senses of the Pentateuch's priestly traditions on the way to a reductionistic *nomos*. While we may never be able to trace the transition in history from didactic *tôrâ* to nomistic *tôrâ*, it is clear that in the New Testament itself, both concepts are present.<sup>15</sup> In any case, one cannot speak of a comprehensive law versus gospel dichotomy in the New Testament (Matt 5:17) that culminates in a displacement of the didactic *tôrâ*. Instead, the New Testament represents the coming of Messiah as inaugurating an era that renders obsolete any misperceived soteriological benefits of the law. In this way, the New Testament retrieves the Old Testament's understanding that the law is not the means of salvation, but its consequent blessings (just as Abraham was circumcised *after* his faith; Romans 4:9-12).

In other words, the tension in the New Testament is not between its new saving grace and the Old Testament's *tôrâ*, but between saving grace and the statutory and reductionistic appropriations of *nomos*. And it is precisely here that I believe Keesmaat and others reading Acts 15 today have misdiagnosed the problem of Acts 15. She is correct to point out that the specific legal requirement of circumcision may have been a way of ensuring that Gentiles would keep "the whole of Torah" (36). But she has minimized the general instructional nature of *tôrâ*, by accepting the soteriological reading of the Judaizers and Pharisees, as stated in the initial objection that caused the crisis: "Unless you are circumcised according to the custom of Moses, *you cannot be saved*" (Acts 15:1).<sup>16</sup> They have reduced Moses to the nomistic traditions of the priestly texts, while missing the didactic *tôrâ* of the Old Testament itself. And Peter's logic, which eventually won the confidence of the Jerusalem Council, is a direct refutation of their convictions.

<sup>8</sup> And God, who knows the human heart, testified to them by giving them the Holy Spirit, just as he did to us; <sup>9</sup> and in cleansing their hearts by faith he has made no distinction between them and us. <sup>10</sup> Now therefore why are you putting God to the test by placing on the neck of the disciples a yoke that neither our ancestors nor we have been able to bear? <sup>11</sup> On the contrary, we believe that we will be saved through the grace of the Lord Jesus, just as they will. (Acts 15:8-11)

The presenting problem before the Council was how to respond to a nomistic and soteriological understanding of Moses, one that I believe is not supported by the Old Testament traditions themselves. Peter transcended the debate by focusing on the definition of salvation itself, for both Gentiles and Jews (“...we will be saved..., just as they will”). The Gentiles are not saved by means of keeping the *nomos*, and furthermore, neither are we Jews! Peter has rightly placed the didactic *tôrâ* over against the constraining *nomos*, just as the Pentateuch itself sees the *tôrâ* coming subsequent to the saving acts of the Ten Plagues, the crossing of the Red Sea, and the covenant at Sinai. The Gentiles do not need to “keep the *nomos* of Moses” (15:1) in order to be saved; rather, they have already been saved, and the question now is how the *tôrâ* of Moses relates to them. It would never have occurred to Peter, Paul and Barnabas, James, or anyone else at the Jerusalem Council, in my view, to raise the question *if* the *tôrâ* of Moses relates to the Gentiles at all (see below).

Ultimately, then, this distinction between the didactic *tôrâ* and the statutory *nomos* raises the problem of hermeneutical theory. Peter and the Council essentially concluded, “We Jews don’t keep Torah either, not any longer.” They had come to understand the *tôrâ* of Moses in a new and different way, for a new era, inaugurated by the arrival of Messiah. They saw a certain continuity with the *tôrâ* for it was still the word of God for the new church, while also acknowledging a distinct discontinuity in the requirement to “keep the law of Moses” as demanded by the Pharisees (15:1). In other words, this is as simple as the old maxim we use with students in beginning hermeneutics; the Old Testament law is God’s word for you, not God’s command to you.<sup>17</sup> The Council moved quickly to affirm the *tôrâ* of Moses as God’s word for them, as we shall see below.

### *3. The Process: The Decision-Making Methods of the Jerusalem Council*

The specific process of decision-making is next taken up as an example for today’s church. The implication is that, to be truly biblical, today’s church will follow a similar procedure in deciding moral and ethical questions raised by our new cultural context. The assumption here is analogical: today’s church must decide to include LGBTQ believers in the church just as the Jerusalem Council decided to include Gentiles.

Keesmaat describes the process generally as one of the “doing of theology” in which a narration of God’s work in the world, Peter’s experiences with Cornelius (Acts 10-11), takes center stage.<sup>18</sup> Paul and

Barnabas follow with stories of their own about God's work among the Gentiles. Keesmaat finds significance in Paul's reliance on a narrative of his experiences among the Gentiles, telling of "all the signs and wonders" (Acts 15:12), rather than a critical argument against circumcision as we know Paul was capable of giving (Gal. 5:2-6). Reliance on narrative, on the telling of the stories of God's work in the world, becomes a central feature of doing one's theology.

Next, Keesmaat observes that James responds to the narratives of God's work among the Gentiles by appealing to scripture, specifically to Amos 9:11-12 (Acts 15:16-17). She finds great significance in the words introducing the quote from Amos, *καὶ τούτῳ συμφωνοῦσιν οἱ λόγοι τῶν προφητῶν*, "and with this the words of the prophets agree" (Acts 15:15, obscured by the NRSV's "this agrees with the words of the prophets"). From this unusual introduction, she concludes, "scripture is seen to agree with the contemporary working of the Spirit, not the other way around" (38). In other words, James turns to scripture to confirm the new thing that God is doing among the Gentiles. She concludes that James "made the remarkable move of allowing the Old Testament to be illuminated and interpreted by the narrative of God's activity in the present" in deciding not to require circumcision for the Gentile believers. She concludes that, given the small number of texts in the Bible that appear to condemn same-sex practices, we might use scripture as James used the book of Amos in order to draw attention away from those texts, as he drew attention away from circumcision per se. This will aid us in focusing instead on the experience of the Holy Spirit in the lives of gays and lesbians in order to produce a new reading of the scriptures as a whole, as James focused on the experiences of the Gentile believers. At the Jerusalem Council, the witness of the Holy Spirit in believers' experience was confirmed by scriptural witness *as the scripture was reinterpreted in light of that experience* (Keesmaat, 39; emphasis hers).

In response to this theological process for decision-making, I need first to call attention to Keesmaat's passing reference to the idea that James and the Council might have drawn upon "many scriptural texts that could be used to make a case *against* admitting the Gentiles." She notes further that other Old Testament passages "insist on the need for circumcision for those Gentiles who want to join the community of Israel" (39). In a note, she appeals to the instructions for the institution of Passover, where foreigners or aliens residing with the Israelites are permitted to celebrate

the Passover only after being circumcised (Exodus 12:43-49) and to the institution of circumcision in the covenant with Abraham (Gen. 17).<sup>19</sup> But these texts are related to the constitution of national Israel, and none are related to the prophetic texts detailing the future day when Gentiles will be gathered into the kingdom of God. Isaiah, Jeremiah, Ezekiel, Zechariah and others (and perhaps Jonah as well) foretell the ingathering of Gentiles, and none of these mention circumcision as a prerequisite to their inclusion in the kingdom of God. Clearly a case can be made that the leadership in Jerusalem understood better than the Pharisaic party that the Old Testament made a clear distinction between (1) foreigners and immigrants who wished to be identified as Israelites and to join the Israelite ethnic people of God; as distinct from (2) the future day when all nations would be drawn to God in faith. This is a possibility not under consideration in Keesmaat's treatment.

My central criticism, however, of Keesmaat's approach has to do with the hermeneutical principle involved in the "doing of theology" in this way. On these points, I find an especially close affinity between her arguments and those of Luke Timothy Johnson, and so I take a brief detour to address features of his important treatment.<sup>20</sup> Johnson focuses especially on the freedom we have as the children of God to interpret scripture. As Christians, the scripture has authorized us to exercise certain freedoms of interpretation. Johnson avers this has two implications for our reading of the Bible's condemnations of same-sex practices.

First, Johnson like Keesmaat and others draws attention to the relative paucity of texts in the Bible condemning same-sex practices.<sup>21</sup> In our freedom as interpreters, we should evaluate the number of such condemnations by comparison with the Bible's extensive and detailed condemnation of economic oppression at virtually every level of tradition, which should leave us with the impression that the Bible's "off-handed rejection of homosexuality appears instinctive and relatively unreflective."<sup>22</sup> My response is to suggest that surely the amount of material in the Bible devoted to economic oppression, among the Old Testament prophets for example, is commensurate with the recurring and intractable issue caused by social injustice in their society. This was a concern Israel's prophets returned to over and over again, mostly because their audience failed to grasp the sinful nature of their behaviors in light of the Torah's instruction. By contrast, it might be argued that the Torah's instructions on sexual behavior were not "unreflective," as Johnson avers, but were not frequently

repeated because they were already widely understood, if not universally obeyed. Furthermore, it might be equally argued that Leviticus 18:22, for example, is highly reflective of Israel's context by issuing a call to holiness of life in contrast to that of the Egyptians behind them or the Canaanites before them (Lev. 18:2-5 and 24-30). And in comparison to ancient Near Eastern attitudes to same-sex practices, an excellent case can be made for Israel's deep theological reflection in these prohibitions.<sup>23</sup>

Second, Johnson focuses on our freedom as interpreters to assess the contexts of the Bible's proscriptions of homosexuality in light of general warnings against *porneia* (any form of sexual immorality), and especially free to consider "the grounds on which the texts seem to include homosexuality within *porneia*, namely that it is 'against nature,' an abomination offensive to God's created order."<sup>24</sup> He argues that for many, the acceptance of homosexuality is an acceptance of creation itself, and is not a vice that is chosen. He asks, "If this conclusion is correct, what is the hermeneutical implication?" I will argue below that in fact, the Apostolic Decree issued by the Jerusalem Council warned Gentile believers against *porneia*, not on the grounds that it was "against nature," but ironically enough, on the grounds of the *tôrâ* of Moses, specifically Leviticus 18. And so it is not correct that the condemnation of same-sex practices is rooted in creation alone, but is also rooted in *tôrâ* instruction. It should also be observed that Johnson's discussion at this point begs the question of essentialism, which assumes that homosexuality itself is a biological fixity.<sup>25</sup>

Returning to Keesmaat's view of the process of decision-making in Acts 15, we may raise a few additional questions. First, why should today's readers of scripture assume we have the freedom to interpret scripture in the same way as James and the Jerusalem Council? The problem of modeling our hermeneutical approach after New Testament characters is fraught with difficulties because they used a distinctive interpretive model from the first-century, and we are modern and postmodern readers living in the wake of the Enlightenment. We have entire courses of study and scores of secondary literature devoted to reading strategies for Christians reading our Bibles. It strikes me as problematic to propose that we have the freedom, indeed that we are authorized by the Bible itself, to take freedom and to interpret the Bible in the same manner that the New Testament authors interpreted the Old Testament. Simply put, we are not New Testament authors.

Second, I think it is also safe to conclude that Peter, Paul and Barnabas, James, and everyone else at the Jerusalem Council, including the Pharisaic party, understood that the Gentiles were not eligible to become members of *ancient Israel*. The Council itself was not ancient Israel. If ancient Israel had still existed in the first century as an ethnic and political entity, perhaps the requirement of circumcision would have been an important requirement. But the fact is, the Council members understood ancient Israel no longer existed. The arrival of Messiah had changed everything, inaugurating a new era of salvation history, a new “dispensation” for lack of better term that is in fact still ongoing. That new era was identified by them, as James’ use of Amos 9 shows, as the period of Gentile ingathering, and therefore their relationship with the *tôrâ* of Moses has also changed. Moses has not been superseded or discarded as obsolete, except for the misconstrued nomistic interpretations, which were really only bastardized versions of the *tôrâ* anyway. In the new era, Christians would come finally to grasp *tôrâ* as it was intended all along, as useful for teaching, for reproof, for correction, and for training in righteousness (2 Tim. 3:16).

In sum, the process for decision-making at the Jerusalem Council did not involve lifting the readers of the text above and/or against the text; experience did not become a trump card over scripture in Acts 15. We may speak of freedom in the “doing of theology” that considers meanings of old texts for new contexts and new situations. But we are not free to make experience an arbiter over scripture. Our freedom has distinct boundaries, which hermeneutical principles govern, putting limitations on our freedom.

#### *4. The Parameters: The Conclusion of the Jerusalem Council*

Keesmaat turns finally to a consideration of the Council’s decision, especially as issued in the Apostolic Decree of verses 28-29 (and compare verse 20). She avers that the issue in this declaration was idolatry, and especially everything related to idol worship in the Roman Empire, so that “idolatry was at the heart of the worship that the Gentiles now had to abandon” (40).

While not requiring circumcision for new Gentile believers, the apostles decided upon four prohibitions: (1) they could not eat food offered to idols, or (2) blood, or (3) meat from strangled animals, and (4) they must abstain from sexual immorality. Of the fourth prohibition, *porneia*, Keesmaat says the following.

[*Porneia*] had a wide variety of overtones: adultery, sex for hire, temple prostitution. All of these ways of behaving betray a sexuality rooted in the idolatrous practices of the empire, a sexuality characterized by promiscuity, instant gratification, and consumption. Instead, the Jerusalem Council called these Gentile believers to a sexuality rooted in commitment and faithfulness, a sexuality that creates and builds up community rather than tearing it apart. (Page 41)

While I do not doubt the Council would have agreed with Keesmaat's assessment that they were calling for sexual faithfulness, one wonders if this is all that we can say about the use of *porneia* in this Apostolic Decree. New Testament scholarship has expended a good deal of energy trying to discern how the Council arrived at these four specific prohibitions.<sup>26</sup> While there can be no doubt they were concerned about idolatry among the Gentiles, I have been persuaded by the arguments of Richard Bauckham that these four prohibitions are based concretely on Leviticus 17-18, and especially on the recurring phrase "the aliens who reside" (NRSV) among the ancient Israelites. The apostles appear to have systematically searched these two chapters of Mosaic *tôrâ* and found five occurrences of the phrase (Leviticus 17:8,10,12,13; 18:26). These occurrences explain what non-Israelite foreigners were obligated to do while living in ancient Israel. And the four things prohibited in Leviticus are then repeated in the exact order as listed in the official version of the Apostolic Decree in Acts 15:29.<sup>27</sup> If Bauckham is correct about this association, and I believe he is, then a good deal more can and should be said about the use of *porneia* in this text.<sup>28</sup>

Again, if Bauckham is correct, then it certainly can no longer be asserted, as it often is in popular and pastoral-theological discussions, that Acts 15 is an example of the early church placing aside the Mosaic law in order to be inclusive of new people in the church. Note especially the substantiation of these four prohibitions in the conclusion of James' speech. "For in every city, for generations past, Moses has had those who proclaim him, for he has been read aloud every sabbath in the synagogues" (Acts 15:21). The substantiating nature of the sentence is marked by the conjunction γὰρ, "for, since." James finds support for the prohibitions of the Decree by observing that the Gentiles are surely aware of Moses, and perhaps even vaguely aware of the content of Mosaic *tôrâ*. This is an appeal to the perfectly reasonable and fair nature of imposing these

four requirements on the Gentile believers; they would have already been familiar with these details. Regardless of the extent to which the Gentiles knew the Mosaic *tôrâ*, this Apostolic Decree was certainly not placing it aside or superseding its authority. On the contrary, the Jerusalem Council was turning to the *tôrâ* as a definitive and irreplaceable authority, and seeking in its pages guidance on how it relates to the Gentile believers. Indeed, they understood Mosaic *tôrâ* as God's word for a new day, if not God's *nomos* to be obeyed in every particular. Bauckham's conclusion is noteworthy.

Acts 15:16-18 establishes that Gentiles do not have to become Jews in order to belong to the eschatological people of God, and so authorizes James' decision announced in Acts 15:19. The proviso in Acts 15:20 is not an arbitrary qualification of this decision, but itself follows, with exegetical logic, from Acts 15:16-18. If Gentile Christians are the Gentiles to whom the prophecies conflated in Acts 15:16-18 refer, then they are also the Gentiles of Jer. 12:16; Zech. 2:11/15 [Eng. 2:11; Heb 2:15], and therefore the part of the Law of Moses which applies to them is Leviticus 17-18.<sup>29</sup>

The apostles sought and found principles in *tôrâ* for a new formulation of Christian sexual ethics. Ironically, they were not overturning Mosaic *tôrâ* but relying on it for guidance. Again, Bauckham: "Just as the conversion of the Gentiles has been made known by God in prophecy from long ago (Acts 15:17b-18 = Isa. 45:21), so the laws which apply to them are not novel inventions, but have been read out in the synagogues in every city from ancient times" (Acts 15:21).<sup>30</sup> It could even be said, based on Acts 15:21, that the Apostolic Decree shows "the law of Moses continues to be valid for Jews as Jews and for Gentiles as Gentiles."<sup>31</sup>

Thus the specific understanding of *porneia* in the Decree, and one to be required of the new Gentile believers, was more than a general condemnation of idolatry by calling for sexual purity that shuns the promiscuity of the Roman Empire (Keesmaat). In a concrete way, the Apostles were relying on the sexual purity laws of Leviticus 18 to articulate a minimum sexual ethic. In this way, the Apostolic Decree is more relevant to our debate than merely a means of distancing the Gentiles from promiscuous Roman practices. The foundation of the new Christian ethic for Gentiles was, in fact, Mosaic *tôrâ*.

### 5. *Conclusions: The Lessons of the Jerusalem Council*

What then can we say about the relevance of the Jerusalem Council for the church's contemporary debate over human sexuality? First, we need to acknowledge that the Old Testament data on human sexuality cannot be swept away or dismissed as irrelevant to our current debate. Many attempt to exclude the proscriptions of Lev 18:22 and 20:13 as statutory *nomos*, and therefore irrelevant for today's Christians. But their value as didactic *tôrâ* cannot be jettisoned or cut from our canon; these texts mean something, and our debates must deal with all the biblical data in one way or another. If it is true that the Apostolic Decree of Acts 15:28-29 was dependent upon Leviticus 17-18, then the first Christians at the Jerusalem Council relied on the didactic *tôrâ* to devise a new Christian sexual ethic for Gentiles. As Mosaic *tôrâ*, these data cannot be ignored.

This first conclusion of our investigation relates to the assessment of Christopher R. Seitz about the last forty years of debate over same-sex practices. Seitz identifies three separate and distinct phases in the church's understanding of scriptural statements on same-sex practices.<sup>32</sup> (1) By reevaluating the exegetical details, scholars argued the texts condemning same-sex practices had been misunderstood for centuries, concluding they were condemning rape, pederasty, or cult prostitution. Since the biblical authors had no context in which to evaluate faithful, same-sex commitment, these texts were deemed irrelevant for our context. This phase was marked by confidence that we had finally come to understand the texts, and we were able now to correct the misreadings of the past. Although one occasionally still hears such arguments in the popular-level discussions, this approach to same-sex references in scripture is now largely abandoned in the scholarship, because it is clearly eisegetical in its assumptions. (2) Next, in light of the paucity of biblical statements about same-sex practices, it was argued that scripture offers little to go on, and provides instead a rough guide for decision-making in the church. The Jerusalem Council's decision in Acts 15 has played a significant role in this phase. The first-century church in Acts 10-15 in the decision to include Gentiles is said to be analogous to today's debates over acceptance of LGBTQ Christians in all aspects of church life, including the blessing of same-sex marriages, ordination, and what is usually termed "full inclusion." My investigation of the hermeneutical principles used in this approach raises significant challenges to the analogy as an interpretive model, especially as sufficient to overturn scriptural and traditional mandate. (3) Finally, in the third phase, some argue the scriptural

texts prohibiting same-sex practices are clear but irrelevant to our current debate. The argument is that monogamous, faithful homosexuality, which Luke Timothy Johnson calls “homosexual holiness,” was simply not known in antiquity.<sup>33</sup> We cannot expect the authors of the Bible to sanction and bless such relationships or to speak to our world today on this issue because it was developmentally beyond the range of their religious progression.

Seitz astutely observes that the trajectory of these three phases is paralleled by a reduction of the church’s scripture to “a book of religious development, from one Testament to the next,” and ultimately, to our enlightened modern times.<sup>34</sup> The Bible loses all canonical authority in such an approach, which reduces scripture merely to a resource for thinking about doctrine and practice. It essentially reduces scripture to an historical document about God’s revelation in the past instead of an inspired canon as the foundation for our theological reflection.<sup>35</sup>

The second conclusion of our analysis raises a question about the way Keesmaat and others refer to the “process” of decision-making, as though mimicking a process in the early church is an appropriate model for today. The method of exegesis used by the authors of the New Testament is not one we can or should model in our own reading of scripture.<sup>36</sup> Similarly, the process of decision-making used in the early church, although perhaps instructive on a number of levels, is not an authoritative or inspired model for the church’s decision-making today. The process of exegesis is not the object of inspiration. But the result of ancient exegesis as written and preserved in the canon is the object of inspiration. We are not free to interpret the Bible the way first-century Christians exegeted the Old Testament. Our freedom in Christ has distinct and liberating elements for interpreting God’s truth for our world. But we have hermeneutical boundaries around that freedom, which establish equally distinct limitations to our freedom when it comes to overturning longstanding scriptural and traditional precedents.

A possible third conclusion to be explored is the definitive nature of conciliar decisions. Further investigation and theological reflection is needed to evaluate the degree to which formal, conciliar decisions made by the church can be reevaluated or reconsidered by later groups. While equally difficult decisions were reached by later ecumenical church councils, especially those of Nicaea (325 AD) and Chalcedon (451 AD), I find little to validate the idea that subsequent generations of believers were free to return and reconsider those decisions. Indeed, in these cases it appears

the saints moved forward without coming back time and time again to reconsider the question, opening old wounds and challenging the previous decisions. Perhaps we need an understanding of such church councils that agrees that once a controversy has been thoroughly debated, all sides have been heard, and the saints have decided, there comes a time to move forward in the work of the church.

## Endnotes

Many thanks to several colleagues who helped with this project, especially Fredrick J. Long, Thomas Lyons, Jason A. Myers, Lawson G. Stone, Ben Witherington, and to this journal's editor Robert Danielson. I have benefitted from their comments but have not adopted every suggestion, which leads me to remind the reader that responsibility for the views expressed here is mine alone.

<sup>1</sup> Richard Bauckham, "James and the Gentiles (Acts 15.13-21)," in *History, Literature and Society in the Book of Acts* (ed. Ben Witherington; Cambridge: Cambridge University Press, 1996), 154-184, esp. 179.

<sup>2</sup> Bishop Sally Dyck, "Open Letter to the Northern Illinois Conference," November 19, 2013. <http://myemail.constantcontact.com/Bishop-Dyck-s-Open-Letter-to-NIC.html?soid=1101858679078&aid=9DAyXoMc1O0>

<sup>3</sup> Richard B. Hays, *The Moral Vision of the New Testament: Community, Cross, New Creation: A Contemporary Introduction to New Testament Ethics* (San Francisco: HarperSanFrancisco, 1996), 396.

<sup>4</sup> Sylvia C. Keesmaat, "Welcoming in the Gentiles: A Biblical Model for Decision Making," in *Living Together in the Church: Including our Differences* (eds. Greig S. Dunn and Chris Ambidge; Toronto: ABC Pub., 2004), 30-49, esp. 42.

<sup>5</sup> Luke Timothy Johnson, *Scripture and Discernment: Decision Making in The Church* (Nashville: Abingdon Press, 1996), which is itself a revision of *Decision Making in the Church: A Biblical Model* (Philadelphia: Fortress Press, 1983).

<sup>6</sup> Found, of course, in several of his writings, but we note especially N. T. Wright, "How Can the Bible Be Authoritative?," *Vox Evangelica* 21 (1991): 7-32. For discussion, see Ben Witherington, *The Living Word of God: Rethinking the Theology of the Bible* (Waco, Tex.: Baylor University Press, 2007), 30-34.

<sup>7</sup> Wright, "Authoritative," 20, and esp. note 6. He is critiquing James D. G. Dunn, *The Living Word* (Philadelphia: Fortress Press, 1988). The question of the way New Testament authors used the Old Testament continues to be a debated

issue; see, e.g., Richard B. Hays, *The Conversion of The Imagination: Paul as Interpreter of Israel's Scripture* (Grand Rapids, Mich.: Eerdmans, 2005); Stanley E. Porter and Christopher D. Stanley, eds. *As It Is Written: Studying Paul's Use of Scripture* (SBLSymS 50; Atlanta, GA: Society of Biblical Literature, 2008); G. K. Beale and D. A. Carson, eds. *Commentary on the New Testament Use of the Old Testament* (Grand Rapids, Mich.: Baker, 2007).

<sup>8</sup> Christopher R. Seitz, *The Character of Christian Scripture: The Significance of a Two-Testament Bible* (Grand Rapids, Mich.: Baker Academic, 2011), 190. Richard N. Longenecker has argued convincingly that the New Testament authors' creative exegesis is no authorization for today's Christians to engage in our own "creative," "existential," "imaginative," or "ecclesial" readings of scripture, whether such readings claim to be inspired by Christ living within us, by the Holy Spirit illuminating us, or by the church conditioning us. He warns further that such has often been attempted in church history, usually with disastrous results. Richard N. Longenecker, *Biblical Exegesis in the Apostolic Period* (2nd ed.; Grand Rapids, Mich.: Eerdmans, 1999), xxxviii.

<sup>9</sup> [Then Cardinal] Joseph Ratzinger, "Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons (1986)," in *Homosexuality in the Church: Both Sides of the Debate* (ed. Jeffrey S. Siker; Louisville, Ky.: Westminster John Knox, 1994), 39-47, esp. 40-41.

<sup>10</sup> The next three section-titles of my investigation will follow Keesmaat's outline as it relates to Acts 15: the problem, the process, and the parameters.

<sup>11</sup> Felix García López and Heinz-Josef Fabry, "tôrâ, instruction, teaching," *TDOT* 15:609-46, and on Deuteronomy's use especially, see pages 640-43.

<sup>12</sup> The prologue has three such references. On Sirach in general, see T. C. Vriezen and A. S. van der Woude, *Ancient Israelite and Early Jewish Literature* (trans. Brian Doyle; Leiden/Boston: Brill, 2005), 532-38. Against the atomizing tendencies of individual instructions in the priestly materials of the Pentateuch, which led subsequently to rabbinic casuistry, Deuteronomy, and to some extent Hosea and Isaiah, developed the idea of the unity of tôrâ, which then led to its use not only of the Pentateuch as a whole but of the entire Old Testament canon; G. Liedke and C. Petersen, "tôrâ instruction," *TLOT* 3:1415-1422, esp. 1421-1422; Gerhard von Rad, *Old Testament Theology* (trans. D. M. G. Stalker; New York: Harper, 1962), 1:221-223.

<sup>13</sup> García López and Fabry, *TDOT*, 15:643.

<sup>14</sup> On the general tenor of the OT regarding tôrâ, see Peter Enns, "Law of God," *NIDOTTE* 4:893-900, esp. 896-97. Recently, Joshua Berman argued that we ought to assume a "common-law approach to jurisprudence" when reading Israelite law rather than the "statutory approach" that came to dominate the west in mid-nineteenth century Europe; Joshua Berman, "The History of Legal Theory and the Study of Biblical Law," *Catholic Biblical Quarterly* 76 (2014): 19-39. This article has enormous implications for how ancient Israelites perceived their legal collections in the Pentateuch, and for the way today's Christians ought to view them.

<sup>15</sup> D. J. Moo, "Law," *DJG*, 450-461; F. Thielman, "Law," *DPL*, 529-42.

<sup>16</sup> And it is surely misleading to say, as Keesmaat does, that “the Pharisees who opposed Paul had both scripture and tradition on their side” (36). They certainly had the first-century interpretation of *nomos* on their side. But this interpretation reduced circumcision to a statutory act, against the Old Testament itself, which always understood circumcision as a spiritual reality (Deut 10:16; 30:7; Jer 4:4; 9:25). Moreover, the emphasis on circumcision is restricted largely to the ancestral and Mosaic periods. Few prophets foreseeing the ingathering of Gentiles think of circumcision as a requirement for them.

<sup>17</sup> Although exceedingly simplistic, this useful maxim needs to be fleshed out in precise exegetical method. See especially the process we call “evaluation” of the canonical message of Scripture (also known as “appropriation”); David R. Bauer and Robert A. Traina, *Inductive Bible Study: A Comprehensive Guide to the Practice of Hermeneutics* (Grand Rapids, Mich.: Baker Academic, 2011), 279-325. For how this relates specifically to Old Testament law for today’s Christian reader, see Christopher J. H. Wright, *Old Testament Ethics for the People of God* (Downers Grove, Ill.: Inter-Varsity Press, 2004), 314-25; Bruce C Birch, *Let Justice Roll Down: The Old Testament, Ethics, and Christian Life* (1st ed.; Louisville, Ky: Westminster/John Knox Press, 1991), 157-172; and William W. Klein, Craig Blomberg and Robert L. Hubbard, *Introduction to Biblical Interpretation* (2nd ed.; Nashville: Nelson, 2003), 341-351. It could also be argued that *legally*, none of the laws of the Old Testament are binding upon Christians, while in a *revelatory and pedagogical sense*, all of them are binding upon Christians; David A. Dorsey, “The Law of Moses and the Christian: A Compromise,” *Journal of the Evangelical Theological Society* 34 (1991): 321-334.

<sup>18</sup> Keesmaat, “Welcoming the Gentiles,” 37-38; for some of this discussion, she relies on Johnson, *Scripture and Discernment*, 98-108.

<sup>19</sup> She also lists Gen 34 in this category, which might strictly speaking be considered irrelevant in this discussion. One would need more serious consideration of Jer 12:16 and Zech 2:15 [Eng 2:11], for example.

<sup>20</sup> See Johnson, *Scripture and Discernment*, 145-46.

<sup>21</sup> He lists the following as relevant to the debate, which he says define homosexuality as a vice and cannot be ignored: Lev 18:22; Wis 14:26; Rom 1:26-27; 1 Cor 6:9. On the inadequacy of making the case based on the paucity of texts, see my critique in Bill T. Arnold, *Seeing Black and White in a Gray World: The Need for Theological Reasoning in the Church’s Debate over Sexuality* (In All Things Charity: A Series; Franklin, Tenn.: Seedbed Publisher, 2014), 71-73 and 98-102.

<sup>22</sup> Johnson, *Scripture and Discernment*, 146.

<sup>23</sup> Richard M. Davidson, *Flame of Yahweh: Sexuality in the Old Testament* (Peabody, Mass: Hendrickson Publishers, 2007), 134-42.

<sup>24</sup> Johnson, *Scripture and Discernment*, 146.

<sup>25</sup> For definition and critique of essentialism, see David F. Greenberg, *The Construction of Homosexuality* (Chicago: University of Chicago Press, 1988), 482-499.

<sup>26</sup> An interesting case can be made that the council members had the Noahide commandments in view, which were considered to be universal and binding on Gentiles; David Instone-Brewer, “Infanticide and the Apostolic Decree of Acts 15,” *Journal of the Evangelical Theological Society* 52 (2009): 301-321, esp. 307-8. It is possible they saw Lev 17-18 as confirming the Noahide commandments, so that both were in view. But the evidence for the Leviticus connection is more convincing, in any case. I am unconvinced by the argument that “strangling” in the Apostolic Decree relates to infanticide among the Gentiles. On the Mishnah’s seven laws of Noah in Jewish tradition, and what we may call “natural law” as “the universal common sense of the human race, as well as the foundation of its uncommon sense,” see J. Budziszewski, *What We Can’t Not Know: A Guide* (Dallas, Tex.: Spence, 2003), 15. It is in the written *tôrâ* that the elementary principles of the moral law known by nature are “elicited, elucidated, and elaborated by tradition” (Ibid., 25).

<sup>27</sup> Bauckham, “James and the Gentiles,” esp. 172-178. See also Richard Bauckham, “James and The Jerusalem Church,” in *The Book of Acts in Its Palestinian Setting* (ed. Richard Bauckham; *The Book of Acts in Its First Century Setting* 4; ed. Bruce W Winter; Grand Rapids, Mich. / Carlisle, UK: Eerdmans / Paternoster Press, 1995), 415-480, esp. 458-59; I. Howard Marshall, “Acts,” in *Commentary on the New Testament Use of the Old Testament* (eds. G. K. Beale and D. A. Carson; Grand Rapids, Mich.: Baker, 2007), 513-606, esp. 593-94; and Joseph A. Fitzmyer, *The Acts of the Apostles: A New Translation with Introduction and Commentary* (Anchor Bible 31; New York: Doubleday, 1998), 556-558.

<sup>28</sup> Ben Witherington has critiqued Bauckham’s analysis as straining the evidence because of a lack of blood-strangulation in Leviticus 17-18; Ben Witherington, *The Acts of the Apostles: A Socio-Rhetorical Commentary* (Grand Rapids, Mich.: Eerdmans, 1998), 460-67. Witherington’s critique focuses on lexical connections, which assumes Bauckham’s argument is dependent upon formal intertextuality. As I understand Bauckham, however, he is not suggesting intertextuality or a formal textual echo between Acts 15:28-29 and Lev 17-18, but rather a first-century example of halakic argumentation. On the other hand, I do not think Bauckham’s association of εἰδωλοθύτων with Lev 17:8-9 is necessarily incompatible with Witherington’s treatment of it as meat sacrificed to idols and eaten in a pagan temple; Ben Witherington, “Not So Idle Thoughts About Eidolothuton,” *Tyndale Bulletin* 44 (1993): 237-254. The Council would likely have understand the latter as a continuation of the former.

<sup>29</sup> Bauckham, “James and the Gentiles,” 177.

<sup>30</sup> Ibid. 177-78.

<sup>31</sup> Earl J. Richard, “The Divine Purpose: The Jews and the Gentile Mission (Acts 15),” in *Society of Biblical Literature 1980 Seminar Papers* (ed. Paul J. Achtemeier; Chico, Calif.: Scholars Press, 1980), 267-282, esp. 273.

<sup>32</sup> Seitz, *Character of Christian Scripture*, 176-77.

<sup>33</sup> Johnson, *Scripture and Discernment*, 148.

<sup>34</sup> Seitz, *Character of Christian Scripture*, 177.

<sup>35</sup> By contrast, a more nuanced and sophisticated “redemptive-movement hermeneutic” will consider the differences between the Bible’s views of women and slavery, on the one hand, and same-sex practices on the other. Such a hermeneutic traces an *absolute* movement from the ancient culture to the biblical text on the question of sexuality, but on the questions of women and slavery it discerns a *preliminary* movement. The role of the church today is to continue the absolute movement of the Bible on sexuality in order to be redemptive, just as it must advance the preliminary movement begun in the biblical ethic related to women and slavery; William J. Webb, *Slaves, Women and Homosexuals: Exploring the Hermeneutics of Cultural Analysis* (Downers Grove, Ill.: InterVarsity Press, 2001), 30-41.

<sup>36</sup> “Our commitment as Christians is to the reproduction of the apostolic faith and doctrine, and not necessarily to the specific apostolic exegetical practices”; Longenecker, *Biblical Exegesis*, xxxv.