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THE BIBLE AND NORMATIVE EXPERIENCES OF QUEER MARRIAGE

IN THE UNITED STATES:

THE INTERCONNECTED INFLUENCES OF SCRIPTURE, LAW, AND QUEER CONTEXT

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THE BIBLE AND NORMATIVE EXPERIENCES OF QUEER MARRIAGE
IN THE UNITED STATES:
THE INTERCONNECTED INFLUENCES OF SCRIPTURE, LAW, AND QUEER CONTEXT

A
THESIS

Presented to the Faculty of the Department of Theology at
St. Mary's University in Partial Fulfillment of the
Requirements for the Degree of
MASTER OF ARTS IN THEOLOGY

By

Ross H. Potter Jr.

San Antonio, Texas

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Abstract

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Ross H. Potter Jr.

St. Mary's University, 2023

Thesis Advisor: Karri L. Alldredge, Ph.D.

This thesis explores the relational influences between scripture, law, and queer context as they drive understandings of queer marriage norms in the United States. Emphasis is placed on the role that particular scriptures play in teasing out meaning from the various lived experiences of queer communities over the last century. These lived experiences, in turn, have influenced both approaches to scriptural interpretation and religious and legal norms surrounding the acceptance of queer people and their marriages within society. By utilizing queer biblical interpretation in dialogue with these influential biblical passages and legal and social norms that have developed in the United States, this work intends to acknowledge the value that comes from holding space for each area of influence while recognizing their connectivity to supporting both queer marriage and continued dialogues that ensure intentional, respectful, and meaningful participation in the ever-evolving process.

Keywords: Bible, biblical interpretation, queer interpretation, law, marriage, queer, queer marriage, legal, *Obergefell v. Hodges*

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Introduction

This thesis explores the relational influences between biblical scriptures, law, and queer context. Using queer biblical interpretation to analyze the parallel normative developments in biblical texts and law in the United States, a pattern of interconnected influence appears that drives a wide range of understandings of what it means to participate in queer marriages. Beginning with a general historical overview for contextualizing the methodology, this background supplies a foundation for better understanding the scope of scriptural interpretations and legal analyses to be considered. After a breakdown of the components of the overall methodology is an application of queer biblical interpretation to a range of biblical texts, as informed by the social and legal contexts of various queer communities over time. This interpretive work further informs the biblical and socio-normative context from which our most recent understandings of legal protections for queer marriage are made. By understanding this constant development of dialogues building to degrees of social, biblical, and legal acceptances of queer marriage, an assessment of impact is speculated for the future of queer marriage and its influence on normative changes in the United States. The ultimate goal is to use queer biblical interpretation in dialogue with legal analysis to acknowledge the interrelated influences between biblical scripture, law, and queer context, and further encourage intentional engagement of these comingled influences to foster meaningful, and hopefully queer-affirming, dialogue.

Context for Queer Contextualism

As this is a thesis centered on biblical interpretation and the contextual approach of queer criticism, it is important to establish the historical context of the work being done. Acknowledging that norms develop over a period of time, rather than instantly, the historical period covered will range from the years leading up to the Lavender Scare in the 1950s and 1960s to the

implementation of the 2015 United States Supreme Court decision in *Obergefell v. Hodges* and present day. This survey of United States history and changes in socio-political climate is meant to serve as a general context upon which additional layers of religious and legal contexts will be placed to provide understandings of how queer criticisms address the last 70+ years of biblical, legal, and moral normative developments across the nation.

In the years leading up to the Lavender Scare of the 1950s, the first and second world wars led to greater interactions between gays and lesbians, respectively, but also introduced contemporary socio-political discriminations against queer people. World War I introduced the idea of homosexuals as a threat to national security when an Austrian colonel sold military secrets to adversaries to pay for a lavish lifestyle. The United States government ultimately adopted this act of foreign treason as an example for supporting the need to discriminate against homosexual as a means of protecting the safety of the nation.¹ Though the entrance of the United States into World War II led to the development of queer networks and afforded gay men greater chances of finding one another, the government ideology of homosexuals as a security threat and group worthy of discrimination continued for decades.² These discriminatory practices were most evident in the period following World War II known as the Lavender Scary.

Officials within various administrative agencies in the federal government, as well as members of Congress, such as Senator Joseph McCarthy, perpetuated the Lavender Scare as a way of expelling queer people from any and all forms of federal employment.³ Early responses to federal discrimination against queer people in employment were led by various iterations of the

¹ Eric Cervini. *The Deviant's War: The Homosexual vs. the United States of America* (New York, New York: Farrar, Straus, and Giroux, 2020), 32.

² Cervini. *The Deviant's War*, 12; *PRIDE*, episode 1, "1950s: People Had Parties," produced by FX Productions, Killer Films, and Vice Studios, released May 14, 2021, on FX, <https://www.fxnetworks.com/shows/pride>.

³ Cervini. *The Deviant's War*, 32.

Mattachine Society and the Daughter of Bilitis.⁴ These early queer collectives took different social and political approaches but generally tended towards assimilationist rhetoric, declaring that homosexuals were socially respectable.⁵ Assimilationist organizations had their limitations though, and ultimately lacked a truly inclusive approach as they discredited trans and nonbinary identities in an attempt to promote “polite ‘gay’ society.”⁶ This rhetoric would contribute to transphobia that persists today. Beyond exclusionary approaches to trans identity, the Mattachine Societies had other policy limitations, chiefly limited discussions on lesbian issues, conflicting approaches to classifications for homosexuality, and uncertainty regarding expectations for gay marriage.⁷

The mid- to late- 1960s saw the development of more “radical” and inclusive organizations and movements that pushed for greater social liberation and challenges to heterosexual understandings of moral normativity.⁸ These organizations took cues from the civil rights movement leading to protesting and increasingly unified action. One major bridge between the civil rights movement and gay liberation movement was Bayard Rustin, a self-identified homosexual that coordinated the March on Washington for Martin Luther King Jr.⁹ His contributions to contemporary approaches to civil disobedience and non-violent protests in the United States provided models for a shift from riots, like those at Compton’s Cafeteria and the Stonewall Inn, to civil protests in the form of pride marches and public protests.¹⁰ Among the more

⁴ Cervini. *The Deviant’s War*, 69, 115.

⁵ Cervini. *The Deviant’s War*, 72.

⁶ Cervini. *The Deviant’s War*, 188-89.

⁷ Cervini. *The Deviant’s War*, 116, 140.

⁸ The LGBTQ History Project, “COME OUT!: The NY Gay Liberation Front Speaks: Forgotten LGBTQ Actions: 1970” (THE LGBTQHP, October 2, 2023), <https://www.lgbtqhp.org/post/come-out>.

⁹ National Museum of African American History and Culture. “Bayard Rustin” (The Smithsonian Institution. Accessed November 21, 2023), <https://nmaahc.si.edu/bayard-rustin>.

¹⁰ Nicole Pasulka, “Ladies In The Streets: Before Stonewall, Transgender Uprising Changed Lives” (*NPR*, May 5, 2015, sec. Code Switch), <https://www.npr.org/sections/codeswitch/2015/05/05/404459634/ladies-in-the-streets-before-stonewall-transgender-uprising-changed-lives>.

inclusive organizations of the late 1960s were the LGBT youth organization Vanguard and Gay Liberation Front (GLF), an organization that formed after Stonewall that particularly focused on challenging the national norms surrounding marginalized communities.¹¹ Though the 1960s saw numerous forms of abuses against queer people by law enforcement, politicians, religious communities, and social groups, the decade saw a turning of the tides in the form of the landmark Supreme Court case *Griswold v. Connecticut*.¹² The case indicated a constitutionally protected right to privacy that would expand in future decades to benefit various members of the queer community.¹³

The 1970s brought the first Pride marches and retaliations from the Christian right and anti-feminists in the form of early manifestations of culture wars that continue to this day. Within the Pride movement, queer women played valuable roles in distinguishing the unique needs of lesbians as well as the intersectional perspectives and experiences of queer women of color.¹⁴ Despite these progressive advances running alongside the feminist movement, queer people and especially queer women faced backlash from anti-queer endorsers such as Betty Friedan, Phyllis Schlafly, and Anita Bryant.¹⁵ These anti-queer endorsers operated in conjunction with numerous others to

¹¹ Sophia Manolis, “Vanguard Then and Now: An Evolution of Gay Youth Activism in the Tenderloin” (FoundSF, 2021), https://www.foundsf.org/index.php?title=Vanguard_Then_and_Now:_An_Evolution_of_Gay_Youth_Activism_in_the_Tenderloin; The LGBTQ History Project. “COME OUT!”.

¹² Cervini. *The Deviant’s War*, 266; Pasulka, “Ladies In The Streets”; Emma Cieslik, “Servant of God: How a 1960s Magazine Addressed Gay Men’s Spiritual Needs” (National Museum of American History - Behring Center, The Smithsonian Institute, May 6, 2022), <https://americanhistory.si.edu/explore/stories/servant-of-god>.

¹³ *Griswold v. Connecticut*, 381 U.S. 479 (1965).

¹⁴ *PRIDE*, episode 1-6.

¹⁵ 1969 The Year of Gay Liberation, “Radicalesbians” (New York Public Library - Online Exhibition Archive, Accessed November 21, 2023) <http://web-static.nypl.org/exhibitions/1969/radicalesbians.html>; Arbora Johnson, “Phyllis Schlafly” (National Women’s History Museum, Accessed November 21, 2023) <https://www.womenshistory.org/education-resources/biographies/phyllis-schlafly>; Jillian Eugenios, “How 1970s Christian Crusader Anita Bryant Helped Spawn Florida’s LGBTQ Culture War”, (NBC News, April 13, 2022) <https://www.nbcnews.com/nbc-out/out-news/1970s-christian-crusader-anita-bryant-helped-spawn-floridas-lgbtq-cult-rcna24215>.

advocate for a New Right that promoted conservative Christian moral and social standards as an opposing force rooted in rhetoric like the “laws of God” and “normal majority.” Attempting to retain a claim on moral normative structures and authority across the nation, anti-queer advocates made continuous appeals to Christian morality and the need to promote the nuclear family. Against these anti-queer socio-religious advocates that sought to influence both social norms and politics stood LGBT+ leaders like Harvey Milk, Rev. Troy Perry, Audre Lorde, and Robin Tyler.¹⁶ The end of the decade saw a major uptick in the collective action of the national queer movement with the 1979 National March on Washington for Lesbian and Gay Rights, attended by over 75,000 queer people and allies.¹⁷

1981 saw the beginning of the AIDS Crisis in the United States resulting in the mysterious death of approximately 130 gay men by the end of the year.¹⁸ By the middle of the decade roughly 12,000 people had died of AIDS related causes in the United States while government leaders remained largely silent in addressing public concerns of the LGBT+ community.¹⁹ The Christian right took advantage of queer deaths to solidify a position within the culture wars as members of the Moral Majority advocated for conservative moral norms and claimed that AIDS was a punishment of queer people sent by God.²⁰ The AIDS Coalition to Unleash Power (ACT UP) directed political action within the queer community to create greater public awareness surrounding the AIDS Crisis while also advocating for those impacted.²¹ One key act of ACT UP during the eighties included the Stop the Church Action, which challenged Catholic churches’ intervention with the New York City public education system’s provision of AIDS and condom

¹⁶ *PRIDE*, episode 3, “1970s: The Vanguard of Struggle.”

¹⁷ Amin Ghaziani. 2008. *The Dividends of Dissent: How Conflict and Culture Work in Lesbian and Gay Marches on Washington* (Chicago: The University of Chicago Press).

¹⁸ *PRIDE*, episode 4, “1980s: Underground.”

¹⁹ *PRIDE*, episode 4, “1980s: Underground.”

²⁰ *PRIDE*, episode 4, “1980s: Underground.”

²¹ ACT UP, “ACT UP Accomplishments 1987-2012,” (Accessed November 21, 2023), <https://actupny.com/actions/>.

education.²² Individuals also played key roles in advocating for queer rights and support. Ann Northrop left a career in national media to educate members of the NYC community on issues associated with homosexuality and AIDS.²³ Flawless Sabrina, Jack Doroshow, continued to support queer, trans, and gender-nonconforming people through the creativity and tight-knit nature of drag culture.²⁴ These advocates and many others saw the dark period of the early AIDS crisis and continued to show queer joy despite continued adversity and public abuses.

The 1990s brought the peak of the AIDS Crisis and the Defense of Marriage Act (DoMA) under President Clinton. By 1992 just under 200,000 people had died of AIDS in the United States, finally resulting in government action and the development of medications for the treatment of HIV infections. Despite hard fought support for medical treatment of AIDS, the LGBTQ+ community took hits in federal rights with the release of “Don’t Ask, Don’t Tell” and DoMA. Don’t Ask, Don’t Tell discriminated against queer members of the United States military by restricting military service and threatening discharge of those who were openly queer.²⁵ DoMA declared a federal standard of marriage rooted in cisgendered heteronormative understandings of a union between one man and one woman.²⁶ Both of these policies pushed back against notions of queer equality on the federal level.

The 2000s to the present day have seen a range of change in religious and legal norms related to queer identity and experience. Various denominations across the United States have formalized stances either in support of or in opposition to membership within the LGBTQIA+

²² ACT UP, “The ACT UP Historical Archive: Stop the Church Action 10 Year Anniversary Action,” (Accessed November 21, 2023), <https://actupny.org/YELL/stopchurch99.html>.

²³ *PRIDE*, episode 4, “1980s: Underground.”

²⁴ *PRIDE*, episode 4, “1980s: Underground.”

²⁵ Human Rights Campaign, “Repeal of ‘Don’t Ask, Don’t Tell’ – HRC,” (Accessed November 21, 2023) <https://www.hrc.org/our-work/stories/repeal-of-dont-ask-dont-tell>.

²⁶ Defense of Marriage Act (DoMA), Pub. L. No. 104-199, 1996 U.S.C.C.A.N. (110 Stat.) 2419, *declared unconstitutional* by United States v. Windsor. 570 U.S. 744 (2013).

community. Progressive movements by Pope Francis and the Episcopal Church have fostered positive developments through dialoguing favorably toward the blessing of queer unions, while Christian evangelicals have advocated for heteronormative standards in both their church communities, as well as in national and international politics.²⁷ Outside of various church approaches, the political and legal community has seen fluctuations for and against queer identity with the federal declaration of anti-sodomy laws as unconstitutional in *Lawrence v. Texas*, followed by the federal legalization and protection of same-sex marriage in *Obergefell v. Hodges* and the Respect for Marriage Act. More recent developments in national norms have included increased legislation against queer people, especially transgender and nonbinary people, and increases in violence and threatened violence against members of the LGBTQIA+ community. Most recently, the gap between conservative Christians and the queer community was shaken by the release of *303 Creative LLC v. Elenis*, opening opportunities for discrimination against members of the LGBTQIA+ community based on religious exemptions in public accommodations.²⁸ Regardless of the turbulent nature of queer rights in the United States, both religiously and legally, it is the context from which this thesis is approached and considered.

Methodology: Queer Biblical Interpretation and Legal Analysis

The two key areas of study utilized in this thesis are biblical interpretation and legal analysis. Each area has unique elements that both distinguish and join their respective approaches,

²⁷ The Associated Press, “Pope Suggests Blessings for Same-Sex Unions May Be Possible,” (*NPR*, October 3, 2023, sec. Religion), <https://www.npr.org/2023/10/03/1203170334/pope-suggests-blessings-for-same-sex-unions-may-be-possible>; Pew Research Center, “Religious Groups’ Official Positions on Same-Sex Marriage,” (Pew Research Center’s Religion & Public Life Project (blog), December 7, 2012) <https://www.pewresearch.org/religion/2012/12/07/religious-groups-official-positions-on-same-sex-marriage/>; Caleb Okereke, *How U.S. Evangelicals Helped Homophobia Flourish in Africa*, *Foreign Policy*, (Mar. 19, 2023), <https://foreignpolicy.com/2023/03/19/africa-uganda-evangelicals-homophobia-antigay-bill/>; Chris Lehmann, “The Vanguard Party of the Christian Right,” (*The Nation*, October 5, 2023), <https://www.thenation.com/article/society/alliance-defending-freedom/>.

²⁸ *303 Creative LLC v. Elenis*, 600 U.S. 570 (2023).

making them particularly useful as a pairing for exploring the ways biblical texts and legal texts interact with one another and as contributing elements to moral normative developments around queer marriage in the United States.

Biblical interpretation is the bringing of a methodology or set of methodologies to a biblical text to see how the interpretive approach can reveal more about the text and its corresponding formation, development, and uses.²⁹ This thesis focuses more particularly on the field of queer biblical interpretation, a subfield of contextual criticism that applies queer theory to reveal how a “queering”³⁰ of text can yield new meanings and uses for members of the LGBTQIA+ community and those seeking to understand how queer identity is related to scripture. The queering of texts promotes making strange that which is assumed or typically accepted as familiar.³¹ Queer interpretation operates to both challenge heteronormative norms and constructions, while also affirming the unique lived experiences and identities within the queer community.³² Within queer biblical interpretations are particular styles and forms including apologetics, strict theoretical analysis, and resistance readings, amongst others.³³ Contextual criticisms are rooted in the positionality, or “context,” of the interpreter and consciously accept identity and cultural influences as components that inform the exploration being done.³⁴ By adding a layer of queer theory, queer biblical interpretation looks at the context of diverse queer communities and explores biblical texts and ideas from LGBTQIA+ perspectives. Examples of this methodology include

²⁹ Corrine L. Carvalho, *Primer on Biblical Methods* (Winona, Minnesota: Anselm Academic, 2009), 22.

³⁰ “Queering” or “queering of text,” as used in this thesis, will generally denote the application of queer theory and related tools to introduce queer perspectives into a work for purposes of exploring how that work is applicable or relevant to different contextual positions within the LGBTQIA+ community.

³¹ Robert E. Goss and Deborah Krause, “The Pastoral Letters: 1 and 2 Timothy, and Titus,” in *The Queer Bible Commentary*, eds. Deryn Guest et al. (London: SCM Press, 2006), 684.

³² Goss and Krause, “The Pastoral Letters,” 684-85.

³³ Goss and Krause, “The Pastoral Letters,” 684-85; Ken Stone, “1 and 2 Samuel,” in *The Queer Bible Commentary*, eds. Deryn Guest et al. (London: SCM Press, 2006), 206.

³⁴ Carvalho, *Primer on Biblical Methods*, 66-67.

readings of Genesis that challenge the heteronormative creation of Adam and Eve and the reading of biblical texts for the purpose of validating various forms of queer intimacy and relationship structures.³⁵ Further time and effort will be dedicated in later sections to the fleshing out of particular examples of this methodological work. Presently, it is important to acknowledge that queer interpretation uses a range of different sources and materials to bring biblical texts into conversation with elements that comprise and influence both queer identity and experience. This work attempts to push past typical boundaries of contextual methods to open opportunities for exploring notion of “otherness” in relation with the text.

Legal analysis, distinct from biblical interpretation, deals with legal texts and documents and generally asks how a particular source contributes to an authoritative stance on a particular subject. Legal texts and documents include a wide range of materials with an equally diverse range of authoritative values and applications. These works encompass local government ordinances; state case law, statutes, agency regulations, and constitutions; and federal case law, statutes, agency regulations, and the United States Constitution, to name a few.³⁶ Legal authority, or the “weight of authority” of a given text, is generally reviewed based on accepted legal principles that establish the supremacy of one source over another. Despite the expansive range of legal principles guiding this field of work, this thesis is more so concerned with the application of three of these principles for purposes of illuminating the role legal texts play in the work of biblical interpretations dealing with queer marriage in the United States. These three principles include: vertical federalism, horizontal federalism, and *stare decisis*. Vertical federalism is concerned with

³⁵ Michael Carden, “Genesis/Bereshit,” in *The Queer Bible Commentary*, eds. Deryn Guest et al. (London: SCM Press, 2006), 26-29; Robert E. Goss, “Ephesians,” in *The Queer Bible Commentary*, eds. Deryn Guest et al. (London: SCM Press, 2006), 637-38.

³⁶ Ashley Matthews, “LibGuides: First Year Legal Research Guide: Sources of Legal Authority,” (George Mason University, Accessed November 21, 2023) <https://libguides.law.gmu.edu/first-year-legal-research/legal-authority>.

the ability or power of the federal government to regulate state governments and the ability or power of state governments to challenge federal regulations. Horizontal federalism, or the horizontal separation of powers, includes two concepts: the authoritative boundaries federal and state governments have over the regulation of individuals and the authoritative boundaries between different branches or institutional bodies within the same level of government.³⁷ The third key legal principle utilized in this thesis is *stare decisis*, a doctrine meaning “to stand by things decided,” which holds that previous judicial decisions with “binding authority” generally retain their authoritative value and set a “precedent” which later judicial decisions should apply or build upon.³⁸ Utilizing these three key legal principles, a source can begin undergoing the process of analysis to determine its value and relevance within the broader legal system that guides the United States and the people within its jurisdiction.

Beyond the distinctions made between biblical interpretation and legal analysis, both fields of study may be paralleled to reveal the ways in which they influence and are influenced by one another and various communities within the United States. These two areas of work perform three parallel functions: critical analysis of texts, positional valuation of texts within given settings, and exploration of alternative purposes and values of texts. Critical analysis of texts is performed both in isolation and as part of greater collections to explore the interplay between the inherent and comparative values of materials. Positional valuation of texts explores the relative value of a document, or the like, within a given setting, affording opportunities to explore how valuations hold up in alternative settings. These alternative settings provide positions from which the

³⁷ Scott Dodson, “Vectorial Federalism,” (20 *Georgia State University Law Review* 393-458 (2003), January 1, 2003), <https://scholarship.law.wm.edu/facpubs/722>; Legal Information Institute, “Separation of Powers,” (Cornell Law School, Accessed November 21, 2023), https://www.law.cornell.edu/wex/separation_of_powers.

³⁸ Legal Information Institute, “Stare Decisis,” (Cornell Law School, Accessed November 21, 2023), https://www.law.cornell.edu/wex/stare_decisis.

assumedly familiar can be viewed as strange and evaluated for scope of applicability. Lastly, explorations of alternative purposes, in conjunction with recontextualizing texts, expand the value of texts beyond those likely contemplated by their authors or developers. Combined, these parallel attributes operate in the formation of moral normative experiences and developments within the United States. Morally normative experiences are those experiences that over time contribute to acceptable standards and understanding within a particular context. By referencing past experiences when faced with new situations, individuals within a society can evaluate the situation and judge the value of the various possible outcomes. These presumptions and analyses of individuals then work in conjunction with one another to make up a broader range of societal experiences that begin to reflect commonalities that influence societal acceptability of various actions, ideas, beliefs, events, and experiences.

Assessing the Parallels: Applying Methodology to Evaluate Compounding Impact

Drawing parallels between biblical scriptures and the highly politicized and legally-influenced history of queer identity and experience in the United States, this section applies queer biblical interpretation to dialogue the two areas of study. More particularly, placing biblical scriptures in dialogue with the historical queer contexts discussed by decades in *Context for Queer Contextualism* highlights how a queering of the text reveals alternatives to anti-queer interpretations that contribute to both biblical norms and legal norms. These interpretations are then placed in further conversation with the work of other queer theologians to present alternative views and emphasize points of similarity and limitations. Lastly, each contextual interpretation is evaluated to reveal the ways in which scriptures can influence the norms surrounding queer marriage in the United States.

The Pre-1950s – Malakoi and Arsenokoitai (1 Corinthians 6:9-11)

Prior to the rise of the Lavender Scare in the 1950s and 1960s, translation work and theological developments in the “clobber texts,” such as Genesis 19 and 1 Corinthians 6:9-11, began to take hold in the United States. These clobber texts operated and continue to operate as anti-queer interpretations meant to claim rejection and dissatisfaction by the Divine of queer sexual acts and identity. Of particular interest in this period are the English translations of 1 Corinthians 6:9-11, which address the introduction of the word “homosexual” into contemporary versions of the Bible in the western world and abroad. 1 Corinthians 6:9-11 saw the term arsenokoitai be translated to the English word “homosexual” in 1946 thanks to developments in the Revised Standard Version.³⁹ Of particular interest is the ways in which various English translations of the Bible used today either accept, reject, or modify this translational shift.

9 Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived. Neither fornicators, nor idolaters, nor adulterers, nor homosexuals, nor sodomites, **10** nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners will inherit the kingdom of God. (1 Corinthians 6:9-11, NKJV)

9 Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived; neither the immoral, nor idolaters, nor adulterers, nor sexual perverts, **10** nor thieves, nor the greedy, nor drunkards, nor revilers, nor robbers will inherit the kingdom of God. (1 Corinthians 6:9-11, RSV).

³⁹ Randolph Baxter, “The Illumination of Context: The Bible and Homosexuality,” (September 2014), <https://disciplesallianceq.org/wp-content/uploads/2017/09/Bible-and-Homosexuality-English-2017.pdf>.

9 Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, **10** Nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of God. (1 Corinthians 6:9-11, KJV)

9 Do you not know that wrongdoers will not inherit the kingdom of God? Do not be deceived! The sexually immoral, idolaters, adulterers, male prostitutes, men who engage in illicit sex, **10** thieves, the greedy, drunkards, revilers, swindlers—none of these will inherit the kingdom of God. (1 Corinthians 6:9-11, NRSVUE)

The New King James Version retains the use of the words “homosexuals” and the heteronormatively coterminous “sodomites” for English translations of the Greek malakoi and arsenokoitai. (1 Corinthians 6:9-11, NKJV) This pairing not only maintains antiqueer sentiments about the ability of queer people to enter into heaven, but further contributes to the association of acts of sodomy as only occurring between two partners of the same sex, more generally between homosexual men. The Revised Standard Version and King James Version move away from the more explicit use of homosexual and instead opt for the phrases of “sexual perverts,” “effeminate,” and “abusers of themselves with mankind,” respectively. (1 Corinthians 6:9-11, RSV; 1 Corinthians 6:9-11, KJV). These phrases, though adapted after the initial translation to homosexual, retain the antiqueer sentiments and norms present in the United States during the first half of the 20th century. “Sexual perverts” and “abusers” draw similarities with historical references to queer people as “deviants” and “sexually ill criminals” that contributed to socio-

political norming in the U.S. of queer people as immoral and threatening.⁴⁰ These contributions to socio-political norms in turn led to increased enforcement of anti-sodomy and morality laws against queer people.⁴¹ The translation to “effeminate” implicates stereotypes of feminine nature and forms as more fragile and susceptible to persuasion, stemming from heteropatriarchal interpretations and explanation of Eve in Eden. This harmful scriptural norming of stereotypes frustrates the integrity of those with feminine identities and expressions both inside and outside the queer community. This emphasis on fragility and susceptibility parallels antiqueer rhetoric that led to the Lavender Scare, where government officials and media claimed homosexuals were more susceptible to blackmail and therefore a threat to national security.⁴²

The New Revised Standard Version Updated Edition takes an alternative approach to the other provided translations and arrives at “male prostitutes” and “men who engage in illicit sex.” (1 Corinthians 6:9-11, NRSVUE) This translation does not carry the same contemporary normative associations with homosexuality, as the phrases are ascribable to both heterosexual and queer identifying people. This shift then draws the notions of sinfulness and morality away from sexual orientation towards issues of sexual transactions and illicit acts. The use of “illicit” becomes especially significant in the United States as it implies that sexual acts accepted within laws and customs are not limitations on entrance into the kingdom of God.⁴³ Where same-sex sexual acts are legal across the United States, references to “illicit” acts are subject to a new interpretation and the establishment of newer and more inclusive norms.⁴⁴ Where consensual queer sexual acts are legal and the people participating in those acts do not violate other provisions in 1 Corinthians 6:9-

⁴⁰ Cervini. *The Deviant's War*, 32, 38.

⁴¹ Cervini. *The Deviant's War*, 21.

⁴² Cervini. *The Deviant's War*, 31-32.

⁴³ Oxford English Dictionary, “Illicit - Quick Search Results,” (Oxford University Press, Accessed November 21, 2023) <https://www.oed.com/search/dictionary/?scope=Entries&q=illicit&tl=true>, (Defining illicit as “not sanctioned by law, rules, or custom”).

⁴⁴ *Lawrence v. Texas*, 539 U.S. 558 (2003).

11, it can be assumed that those provisions do not act to bar admission into heaven as assumed and normed from antiqueer translations of the same passage. This shift away from a focus on sexual orientation as the source of transgression aligns with Holly Hearon's work in the *Queer Bible Commentary* (2006). Hearon holds that *malakoi* and *arsenokoitai* are participants in a list of vices concerned with "excess and exploitation." Disturbing the typical fixation on homosexual activities as improper imagines queer sexuality as properly ordered when practiced consensually and not to an excess that detracts from following God's plan for creation. The issues at hand are not then rooted in sexual orientation, and Hearon argues not in sexual activity generally. Such a reading of 1 Corinthians rejects queerness as an inherent source of vice and by connection rejects the antiqueer sentiments that lead to the Lavender Scare in the first half of the 20th century.

In relating the scripture to queer marriage norms in the United States, rejection of antiqueer clobber texts, particularly those that try to claim queer existence as a fundamental vice and bar to heaven, allows for the liberation and acceptance of queer identity and experience. When queer people begin to live authentically, they can also begin to form positive relationships with other queer people. This shift in focus was seen in some of the earliest formally organized considerations of queer marriage in the United States, when the leader of the D.C. chapter of the Mattachine Society affirmed that "homosexuality or homosexual activity is normal, moral, and worthy of equal status with heterosexual marriage... ." ⁴⁵ The ability of queer people to find affirmation of identity, or at least not explicit rejection, within scripture creates space for consideration of relationship formation. This space in turn establishes a new goal or desired normative standards of equality, as seen in the long-fought battle for federal recognition of same sex marriages in the U.S. and continued Christian denominational challenges.

⁴⁵ Cervini. *The Deviant's War*, 140.

The 1950s – The Guilt of Humankind (Romans 1:18-32)

The 1950s saw the official introduction of the Lavender Scare, the call by federal politicians and national media outlets for the removal of all homosexual and queer federal employees from their current positions. This panic was brought on by an unsubstantiated fear that homosexual employees presented a threat to national security.⁴⁶ When charges were raised and enforced, justification generally relied on appeals to morality, scripture, and acceptability compared to the illness of homosexuality.⁴⁷ Antiqueer rhetoric of the Lavender Scare that considered homosexuality an illness and heterosexuality as healthy mirrors the fixation of Romans 1:24-28 with homosexual intercourse as unnatural and heterosexual intercourse as natural. Romans describes homosexuality as the exchanging or giving up of a natural state of natural heterosexuality. In a society where what is observed as natural is generally accepted as normative and part of an inherent order, the jump from scriptural norm to legal norm requires little to no mental gymnastics. The scripture calls homosexual acts unnatural and worthy of a “penalty” while the Lavender Scare argued homosexuality is an illness, or breach of natural order, that should be punished with the loss of access to jobs or potential criminal penalties depending on the homosexual acts. Romans may be queered and read alternatively to reject heterosexuality as the only objective natural order to human sexuality. In doing so the text can be read as heterosexuals rejecting their natural sexuality for an unnatural expression, similar to queer people attempting to pass as heterosexual and cisgender during the 1950s and beyond in order to avoid losing their jobs and general access to employment. If the inherent sexuality of a person is considered as ordered or natural, then the issue is not one of sexual acts but of humans rejecting their naturally ordered sexuality by engaging in acts that do not conform with or affirm their identity.

⁴⁶ Cervini. *The Deviant's War*, 31-32.

⁴⁷ Cervini. *The Deviant's War*, 21, 35.

Queer apologists in the 1950s, such as early members of the Mattachine Society of Washington and the Daughters of Bilitis, approached similar scriptural and natural order arguments by arguing the morality and rightness of homosexuality.⁴⁸ These arguments generally attempted to follow contemporary notions of “acceptability politics” and emphasized that homosexuality did not discredit or inhibit their humanity and equality with heterosexual people.⁴⁹ Though attempting to make space for the public and open existence of queer people within society, the work of queer apologists downplayed the uniqueness or “otherness” of queer identity that would give rise to the queer liberation movement of the 1960s. The work of Thomas Hanks affirms the need to reorient the key issues of Romans by looking from a contextual criticism perspective that considers the author as repressed homosexual.⁵⁰ Reading the text this way argues that the issue is not one of sexuality, but similarly to 1 Corinthians 6, is concerned with acts of “exploitation, injustice and violence.”⁵¹ This interpretation style can afford opportunities for affirming queer experiences rooted in self-acceptance of one’s natural identity and engaging in consensual acts that are ordered towards one’s identity and God’s vision of accepting the “other,” as seen in the acceptance of Gentiles in the Gospels.⁵² Limitations of this work may be seen in integrating substantial evidence of the suppressed homosexuality of the author of Romans.

Applying readings of Romans and queer apologist work in the 1950s to queer marriage norms in the United States, the shift to explicit arguments of morality and normativity to queer identity and queer sexual acts provided a rejection of the early iterations of a political moral majority. By rejecting the status quo and acknowledging that legal and political arguments against

⁴⁸ Cervini. *The Deviant’s War*, 65, 113.

⁴⁹ Cervini. *The Deviant’s War*, 72.

⁵⁰ Thomas Hanks, “Romans,” in *The Queer Bible Commentary*, eds. Deryn Guest et al. (London: SCM Press, 2006), 585.

⁵¹ Hanks, “Romans,” 583.

⁵² Hanks, “Romans,” 585.

homosexuality stood on poorly substantiated moral footing, early queer activists during the Lavender Scare made room for the development of new normative exploration and acknowledged that the dismantling of exclusionary moral appeals would serve to dismantle exclusionary legal practices. Queer apologists of the period likely envisioned that the way forward towards a more accepting society required a two-step method of challenging legal restrictions and challenging the scriptural texts they drew from for moral and normative appeals. This work not only began the legal drive towards LGBTQIA+ equality in the United States, but also introduced one of the earliest iterations of Pride by accepting queer identity as “moral[,] ... good, right, and desirable”⁵³

The 1960s – Sodom and Gomorrah (Genesis 19)

No period in the contemporary fight for queer liberation and acceptance is quiet as foundational in the ideas of society than that of the 1960s. This decade saw the early development of the “radical” acceptance of the unique otherness of queer identity, a shift away from apologist and assimilationist viewpoints of the 1950s.⁵⁴ Additionally, it saw queer rioting against oppression and injustice, most famously in the form of the Stonewall Riot that led to the first pride marches in the 1970s.⁵⁵ Similarly, few scriptural texts are as fundamental and foundational to an anti-queer interpretation of the Bible than that of the story of Sodom and Gomorrah. This passage from Genesis has typically provided a footing for anti-queer interpreters to justify the punishment of queer activity, basing the interpretation, yet again, on the sex and gender of those participating in the sexual acts and not on the nature of the acts. Genesis may be queered to challenge the nature of the sexual acts instead of the orientation or gender of the participants. In doing this the issue

⁵³ Cervini. *The Deviant's War*, 65.

⁵⁴ The LGBTQ History Project, “COME OUT!”.

⁵⁵ Pasulka, “Ladies In The Streets”.

becomes one based on the abusive nature of the people of Sodom and their desire to sexually assault or abuse Lot's guests. This type of reading moves beyond looking at the acts as punishable because of the gender of the participants, and instead acknowledges that all forms of sexual abuse are acts of oppression and injustice, regardless of the gender, sex, and sexual orientation of those involved. Applying this to the context of those in the queer liberation movement in the 1960s, it acknowledges that queerness is not inherently a cause for punishment and challenges those that use scripture to justify systemic abuses and injustice as acting counter to the desires of the Divine.

Michael Carden interprets the Sodom and Gomorrah narrative in Genesis in light of traditional interpretations in Judaism, holding that the punishment of the cities is for their injustice towards outsiders, particularly for the use of sexual violence to signal unwelcomeness to those outside the city.⁵⁶ By bringing Genesis 19 into dialogue with Judges 19, Carden further emphasizes the issue scripture takes with sexual abuses and not the orientation of those committing the abuses as popularized by those wielding the narrative of Sodom's destruction as a clobber text. Discrediting the parallel abuse of a woman in Judges to justify a homophobic position taken up in readings of Genesis 19 both serves as a challenge to anti-queer interpretations and patriarchal interpretations more generally. Carden further acknowledges that the abusive application of anti-sodomy messages near only homosexuals did not arise in Western traditions until the work of Peter Damian in the 11th century.⁵⁷ This later development, in opposition to more longstanding Judaic traditions signals strongly in favor of contextual interpretations emphasizing the Divine taking issue with sexual abuses and not explicitly with homosexuality.

With the fundamental shift in the queer liberation movement came a rejection of abusive heteronormative religious and legal standards and a desire for unique and liberated queer identities.

⁵⁶ Carden, "Genesis/Bereshit," 37.

⁵⁷ Carden, "Genesis/Bereshit," 37.

Queer biblical interpretation serves to highlight the value that comes from a strong foundation and the ability to challenge and destabilize the foundation of traditions and interpretations that seek to marginalize and oppress those treated as sexual others. 1960s queer liberation work took nods from the Civil Rights Movement and set into motion the contemporary understandings of queerness in the United States that hold value in the uniqueness of each diverse queer experience. All the “others” that make up the LGBTQIA+ community, when living in their diverse and authentic nature provide new foundations for increasingly diverse and valuable forms of queer relationships. Where assimilationist movements prioritized homosexual relationships over other queer connections, the work started in 1960s queer liberation rejected acceptance within heteronormative boundaries and opened doors for new and inclusive formulations of queer marriages.⁵⁸ Marriages and relationships that recognize transgender and gender-queer identities, as well as non-homosexual queer identities, provide valuable spaces to build a broader and more inclusive foundational norm from which theologians can see scripture as affirming a wide range of valuable connections. As marriage, both secular and religious, became a goal later on for many queer people, it became necessary to look at various “foundations” to find room for building new norms and expanding against traditionally exclusionary and oppressive interpretations.

The 1970s – Ruth and Naomi (Ruth 1)

Developments within the feminist movement in the 1970s did not provide uniform inclusivity and saw divisions across the lines of sexual orientation and race. The Lavender Menace movement arose from lesbians challenging respectability politics in the feminist movement and antiqueer feminists such as Betty Friedan. Black lesbians further sought emphasis of their intersectional identity, moving away from white lesbians and feminists that did not promote

⁵⁸ The LGBTQ History Project, “COME OUT!,” (Describing homophile organizations’ focus on homosexuality while other liberation orgs moved toward more progressive approaches).

inclusivity across racial lines or diverse expressions of queer-fem identities.⁵⁹ Not only breaking from mainstream feminism, lesbians and queer-fem people more broadly pushed for space within the gay rights movement, recognizing that women and queer-fem people have needs and interests not addressed in spaces dominated by queer men. In looking to the narrative of Ruth and Naomi, scripture can hold space for exploring biblical understandings of feminine relationality that emphasize the experiences of women while providing a model for queer-fem unions.

Mona West opens a dialogue of queer relationality between Ruth and Naomi that parallels the experiences of queer women in the 1970s, particularly around ideas of self-affirmed value away from patriarchal norms and establishment of safe spaces. In a historical period where the value of women in society relied on status as either a virgin able to marry or a child-bearing wife for a man, Ruth and Naomi formed a new relationship pathway while navigating the legal system that ordered their society.⁶⁰ West recognizes that navigation around legal standards is part of the queer experience and necessary for the affirmation of relationships.⁶¹ This legal navigation echoes the work of lesbians in the 1970s navigating legal and social norms in the establishment of new movements and relationship standards, both communally and particularly.

West's work draws closest to explorations of queer marriage norms in the United States through her engagement of the Hebrew word *davka*. *Davka* refers to the clinging of Ruth to Naomi and is the same word used in Genesis for describing the clinging of man to his wife.⁶² Looking to Genesis as a scriptural source for much of contemporary marriage norms, the use of the same word to describe the connectivity of a heterosexual and homosexual relationship provides space to

⁵⁹ *PRIDE*, episode 3, "1970s: The Vanguard of Struggle."

⁶⁰ Mona West, "Ruth," in *The Queer Bible Commentary*, eds. Deryn Guest et al. (London: SCM Press, 2006), 190-93.

⁶¹ West, "Ruth," 192.

⁶² West, "Ruth," 193.

challenge norms while utilizing the current legal system. Lesbians and queer-fem people today, like Ruth and Naomi before them, navigate the particularities of a legal system routed in hetero-patriarchal norms. In building on the efforts of feminists, lesbian activists, and lesbian activists of color, contemporary understandings of marriage not rooted in heterosexual or patriarchal ideologies may provide affirming relationship norms for the broader queer community by deconstructing normative boundaries and allowing for formation of more authentic and diverse relationships.

The 1980s – David and Jonathan (1 and 2 Samuel)

The 1980s brought a new challenge for the queer community in the United States, especially among queer men. The AIDS Crisis caused devastating impacts to the queer community and United States more broadly, with effects continually felt even today.⁶³ By queering the narrative of Jonathan and David in 1 and 2 Samuel, scripture can shine light on the challenges of gay relationships in the 1980s in the wake of the AIDS Crisis and a national society that continually challenged the validity of queer relationships. By looking at David and Jonathan as partners in a homosexual relationship and Saul as a representation for homophobic family members, socio-political norms, and anti-queer Christian movements in the eighties, dialogues begin to open around the capacity of scripture to provide spaces of integrity for queer relationships.

The relationship between David and Jonathan as homosexuals takes queues from language in 1 Samuel describing the binding of their souls to one another as a symbol of love, the willingness of Jonathan to prioritize his relationship with David over his relationship with his father Saul, and language in 2 Samuel 1 where David describes Jonathan as a “beloved ... passing the love of women.” (1 Samuel 18:1, 20:17; 2 Samuel 1:26, NRSVUE) Contextualizing their narrative within

⁶³ KFF, “The HIV/AIDS Epidemic in the United States: The Basics,” (June 7, 2021), <https://www.kff.org/hiv/aids/fact-sheet/the-hiv-aids-epidemic-in-the-united-states-the-basics/>.

queer relationships impacted by the onset of the AIDS Crisis in the United States, Saul may be seen as symbolic of external challenges and adversity. Images of two souls being bound together evoke ideas of partners sharing in common experiences or in a singular unified experience. This sharing of an experience between partners aligns with the experiences of queer men in partnerships navigating uncertainties during the beginning of the AIDS Crisis, when people were uncertain of causes, modes of transmission, and options for treatment. The ability of queer men in the eighties to bond over shared experiences of trauma mimics the relationality between David and Jonathan, two men who continued to forge a relationship despite the inescapable pressures brought on by Saul. The uncertainty of HIV transmission is like Saul's desire to drive a wedge between David and Jonathan with continued attempts to kill David ultimately leading to the death of his own son. (1 Samuel 19:9-10, 31:2-4, NRSVUE) Saul also symbolizes homophobic family members that increased tensions between maintaining family relationships and pursuing a meaningful and supportive gay relationship. (1 Samuel 19:1-7, NRSVUE) This type of wedge-driving drove gay men to rely on one another more heavily due to lack of family support. Lastly, the unitive nature between David and Jonathan is seen in David's mourning of Jonathan as a tragic loss, describing their love as "wonderful" and beyond that of a typical heterosexual relationship. (2 Samuel 1:26, NRSVUE) Like gay men losing their partners to AIDS in the eighties, David was unable to save Jonathan despite their desire to protect one another as evidenced in 1 Samuel 20:4, 41-42.

Ken Stone's analysis of the relationship between David and Jonathan in 1 and 2 Samuel acknowledges the ability of scripture to be queered to explore potentially "homoerotic" connotations in conjunction with historical understandings of political arrangements between the pair.⁶⁴ Stone emphasizes the uniqueness of the "love" between David and Jonathan being

⁶⁴ Stone, "1 and 2 Samuel," 205-08.

compared to “the love of women.”⁶⁵ Despite multiple theologians holding that “love” ascribes political characteristics on the relationship between Jonathan and David, Stone argues that political characterization does not explicitly rule out the potential for homoerotic connotations.⁶⁶ Queering David and Jonathan 's relationship can provide insight into scriptural understandings of same-sex relationships in the Old Testament but may be limited due to incomplete understandings of historical norms of the period. Ultimately, the narrative of David and Jonathan alongside those of gay men in the eighties shows how increasing space for publicly witnessed same-sex relationships can foster the ability of two men to intimately support one another when faced with traumatic experiences and societal uncertainty. The desire of gay men to support one another, like David and Jonathan, during the beginning of the AIDS Crisis further moved the Pride movement from one focused on basic rights of health and safety towards future desires for legally recognized and protected relationship statuses.⁶⁷ Like the binding of souls, the bonds made between gay men in the AIDS Crisis evidenced the need for recognizing long-term and loving intimate homosexual relationships.

The 1990s – The Centurion and the Servant (Matthew 8:5-13 & Luke 7:1-10)

The Gospel of Matthew and the Gospel of Luke both provide narratives about the centurion and his servant, both describing the centurion as an advocate acting on behalf of his servant for a healing by Christ. The distinctions between the two narratives, in which both place the faith and humility of the centurion at center, provide comparative space for exploring queer usage of the word “partner” that initiated in the 1980s and gained more widespread use through the 1990s. The onset of the AIDS Crisis in the 1980s increased the need for queer couples to achieve equivalent

⁶⁵ Stone, “1 and 2 Samuel,” 206.

⁶⁶ Stone, “1 and 2 Samuel,” 207.

⁶⁷ ACT UP, “ACT UP Accomplishments 1987-2012.”

status with heterosexual couples, as many queer people faced hospitalization and death. “Partner” became a term for emphasizing the significance of queer relationships, particularly among homosexual men, to health care providers that generally stigmatized members of the queer community and prevented bedside access to HIV-positive patients receiving treatment.⁶⁸ The effectiveness of partner led to expanded uses across the queer community in the nineties as a means for challenging anti-queer stigmatization and achieving greater recognition of queer relationships as equally valid when compared to their heterosexual counterparts.

The relationship between the centurion and the servant in the Gospel of Matthew more closely resembles the advocacy of a partner for their hospitalized loved one in the nineties. In Matthew the centurion speaks directly with Jesus and exhibits faith and humility by stating “Lord, I am not worthy to have you come under my roof, but only speak the word, and my servant will be healed.” (Matthew 8:6, NRSVUE) Jesus provided healing to the servant due to the centurion’s demonstration of faith, similarly medical providers were more likely to allow access to HIV-positive patients once a partner had conveyed the significance and value of the relationship. In Luke the centurion also demonstrates unequaled faith in Jesus but does so by sending elders and friends to advocate on his behalf. This advocacy parallels the increase in allyship and advocacy for the acceptance of queer relationships in the nineties. As more than gay men within the queer community began using the term partner, the value of the term expanded and began contributing toward normative shifts that would later evolve to place homosexual and heterosexual relationships on more equal footing. The elders and friends in Luke can be queered to recognize allyship within and beyond the queer community but ultimately, it is the faith of the centurion and queer partners advocating during the AIDS Crisis that led to more beneficial healings of those in

⁶⁸ News.com.au, “Debate Rages over Whether Straight Couples Should Use the Term ‘Partner,’” (March 3, 2023), <https://nypost.com/2023/03/03/debate-rages-over-whether-straight-couples-should-use-the-term-partner/>.

need.

Thomas Bohache queers the Matthew narrative of the centurion and his servant by highlighting how the centurion approached with a “humility” associated with recognition that same-sex relationships were not given normative acceptance during the period in which the story was written or meant to take place.⁶⁹ This humility highlights how queer people had to operate against heteronormative boundaries and norms to access and support their partners. Robert E. Goss queers the narrative in Luke by emphasizing terms such as *doulos* (servant), *pais* (youth), and *entimos* (dear) to disrupt theological assumptions of heterosexuality and pederasty.⁷⁰ This disruption makes space for a kind of “homonormative” assumption that not all relationships in the scripture had to conform to heteronormative ideals to be considered as valid or valuable at the time when they were written. Dialoging the work of these two theologians opens further opportunities for contextual work that examines how “humility” can be shifted away from origins in societal norms and conventions to a humility centered on recognizing the Divine nature of Christ.

The queering of the centurion and his servant in conjunction with queer experiences in the nineties demonstrates how a lack of access to religious or legal marriage for queer people obstructed their ability to readily navigate medical and end-of-life care for their partners. It is during the nineties that the Defense of Marriage Act (DoMA) legalized a national heteronormative understanding of marriage.⁷¹ This legal standard in conjunction with theological support for a heterosexual ideal established a formal heteronormative boundary that required further disruption, or queering, to make way for broader recognitions of the validity of queer marriages.

⁶⁹ Thomas Bohache, “Matthew,” in *The Queer Bible Commentary*, eds. Deryn Guest et al. (London: SCM Press, 2006), 512.

⁷⁰ Robert E. Goss, “Luke,” in *The Queer Bible Commentary*, eds. Deryn Guest et al. (London: SCM Press, 2006), 537-38.

⁷¹ Defense of Marriage Act (DoMA), Pub. L. No. 104-199, 1996 U.S.C.C.A.N. (110 Stat.) 2419, *declared unconstitutional* by *United States v. Windsor*. 570 U.S. 744 (2013).

The 2000s – “With man like with woman...” (Leviticus)

& Creation of man and woman (Genesis)

The 2000s saw the first legally recognized same-sex marriage in the United States in 2004 and the continuation and development of legal challenges for queer recognition and protections that began in the 1990s and earlier.⁷² The increase in queer visibility, with great influence by advances in communication technologies and social media, also brought a resurgence and expansion of politicized religious movements that considered queer rights as “against God.”⁷³ The resurgence of anti-queer Christian sentiments in the wake of expanding legal challenges in support of queer people brought a return to traditional clobber-texts, with appeals to notions of man and woman in Genesis and appeals to the statutes and ordinances implemented by God seen in Leviticus.⁷⁴ These appeals to clobber-texts not only bolstered conservative Christians to challenge the theological validity of queer marriages and experiences, these interpretations further encouraged more explicit desires for formalizing anti-queer theological norms in the areas of state and national legal rights and protections.⁷⁵

Queering of the appeal to Genesis’ references to man and woman can explore a range of alternatives to heteronormative marriages and relationships, including exploration of the first human in creation as an androgynous being that was divided into male and female components, the absence of language claiming man and woman as the only two forms of humanity, and

⁷² Andrew Glass, “First Same-Sex Marriage in U.S., May 17, 2004,” (POLITICO, May 17, 2018), <https://www.politico.com/story/2018/05/17/first-same-sex-marriage-in-us-may-17-2004-586604>.

⁷³ *PRIDE*, episode 6, “2000s: Y2gay.”

⁷⁴ Nina Totenberg, “Justices Rule For Anti-Gay Protesters At Funerals,” (*NPR*, March 2, 2011, sec. Law), <https://www.npr.org/2011/03/02/134194491/high-court-rules-for-military-funeral-protesters>; Zach Schonfeld, “A Brief History of ‘Adam and Eve, Not Adam and Steve,’” (*Newsweek*, July 1, 2015), <https://www.newsweek.com/surprising-history-phrase-adam-and-eve-not-adam-and-steve-348164>.

⁷⁵ *303 Creative LLC v. Elenis*, 600 U.S. 570 (2023); American Civil Liberties Union, “Mapping Attacks on LGBTQ Rights in U.S. State Legislatures,” (November 3, 2023), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights>.

interpretations of the relationship between man and woman as a punishment for original sin.⁷⁶ Queering of appeals to Leviticus can disrupt the argumentation of anti-queer Christians seeking to make the statutes and ordinances of God the explicit statutes and ordinances of the United States and the individual states within it. Placing Leviticus 18:22 under review with the entire book of Leviticus introduces a broader range of rules and requirements established by God, including the killing of a wide range of violators of the law. (Leviticus 20, NRSVUE) Queering these statutes increases the difficulty of making a normative and much less legal appeal towards anti-queer laws in the United States that would also equally require the stoning and burning to death of other violators of the statutes of God. (Leviticus 20:27, 21:19, NRSVUE)

Michael Carden's exploration of the creation narrative in Genesis emphasizes the ambiguity of the text and its numerous possible translations. This ambiguity extends to the creation of humans, where various traditions hold space for other genders and sexes outside of male and female norms imposed by contemporary Christians in the western world.⁷⁷ David Tabb Stewart provides a queer interpretation of Leviticus that destabilizes anti-queer appeals to gender norms by acknowledging scriptural understandings of the ungendered nature of the Divine and the possibility of humanity and sexuality being subjected to statutes that go beyond a strict male and female binary.⁷⁸ Between Carden and Stewart it is possible to see openings in scripture that affirm a broader queer community and disruption of a strict heteronormative appeal, even if their collective work does not address the ridged statutory requirements imposed in Leviticus. By queering and disrupting clobber texts in support of legal and theological movements supporting queer marriage, it became possible for members of the queer community to actively incorporate

⁷⁶ Michael Carden, "Genesis/Bereshit," 26-29.

⁷⁷ Carden, "Genesis/Bereshit," 26-27.

⁷⁸ David Tabb Stewart, "Leviticus," in *The Queer Bible Commentary*, eds. Deryn Guest et al. (London: SCM Press, 2006), 79-81.

and work with scriptures that were once thought to strictly affirm the goals and norms desired by anti-queer Christians. Such work provided an increasing confidence to fight for more inclusive religious norms and legal protections that could promote the widespread recognition of queer marriages.

The 2010s to Present – Two become one flesh (Genesis) & Transgender Gaze at Genesis

The last thirteen years of history in the U.S. have seen a wide range of changes in normative understandings of marriage both in various Christian denominations and in the state and national legal systems. These changes include denominational divides over the recognition of queer marriages and state and national laws establishing protected recognitions of queer marriages, despite a lack of general consensus among those living in the United States. Queering scripture to explore these normative shifts can provide new insights into the progress that has been made and the continued need for growth and work.

The formation of man and woman in the second telling of creation in Genesis and their subsequent sin makes room for a queer understanding of a scripture typically utilized to support heteronormative standards and ideals. Reading the creation of male and female forms as described in Genesis 1 with Genesis 2 contemplates a potentially androgynous singular form from which they were both created. This androgynous or queer origin of humanity disrupts the appeal to a strict heteronormative ideal. Expanding this disruption to the narrative of original sin, the heterosexual relationship or marriage between man and woman is seen as imperfect. The desire of woman for her husband exists despite him being the cause of her birth pains. The lack of effective communication and support of man for his wife when she is tempted is further emphasized in his blaming of her instead of accepting that he was present at the time she was deceived. (Genesis 3:12, NRSVUE) Overall, the relationship between man and woman is not definitively rooted in a

singular gendered and sexed understanding, much less does their relationship provide a symbol for a perfectly ordered connection that is free of faults and imperfections. Queering the created nature of man and woman and their sin opens space for non-cisgender people to receive more general recognition of their particular identities and further opens the ability of all people, regardless of gender or sexuality, to enter into meaningful relationships.

The queer theological works of Michael Carden and Samuel Ross in the book of Genesis emphasize the value of expanding beyond the experiences of cisgendered homosexuals when exploring the affirmative capacities of scripture. Carden explores the various gendered forms and natures within the creation narratives and Ross uses a “trans gaze” to expand the story of Tamar into a space of transgender and gender-diverse affirmation.⁷⁹ Collectively, their works recognize that queering of biblical texts should not be limited to the replacement of heteronormative standards with cisgender normative standards. In looking to the role of scriptures in establishing marriage norms, it is important to hold space for all people within the queer community that seek to participate in marriages or other meaningful relationship structures, regardless of their gender, sex, or sexual orientation. Though queering may not always provide an explicitly queer-affirming interpretation, it is important to make and retain spaces for all people, especially those that are treated as the “other.” Where biblical texts are subjected to destabilizing interpretations, it is valuable to acknowledge that unstable scriptures should not be held as normative bases for anti-queer and marginalizing interpretations and actions, especially in a country with an ever-evolving religious and socio-political climate.

⁷⁹ Michael Carden, “Genesis/Bereshit,” 28; Samuel Ross, “A Transgender Gaze at Genesis 38 – Journal for Interdisciplinary Biblical Studies,” (Journal for Interdisciplinary Biblical Studies, 2020), <https://jibs.hcommons.org/2022/07/20/ross-transgender-gaze/>.

Obergefell v. Hodges: The Culmination of Changes and Its Impact on the Future

No individual piece of law in the United States provides a more substantial and fundamental shift in the rights of queer people to be married than that of the 2015 U.S. Supreme Court case *Obergefell v. Hodges*.⁸⁰ With a substantial review of how biblical interpretation is woven through the historical context of the current religious and socio-political arenas that attempt to grapple with queer marriage right in the United States, it is time to engage *Obergefell v. Hodges* and its indication of how norms rooted in biblical scripture are in dialogue with the U.S. legal system. The next subsections will provide a review of the case and the brief legal history leading up to it and how the legal right to same-sex marriage impacts the future of biblical interpretations, legal analysis, and normative standards.

Review of *Obergefell v. Hodges*: Culminating in a New Legal Norm

The developments in law leading up to the 5-4 decision in *Obergefell* include a range of legal materials, including the U.S. Constitution and amendments, state constitutions and amendments, federal and state caselaw, and federal and state statutes. The timeline presented below is a non-exhaustive list of major sources of law contributing to the majority opinion that recognized a fundamental right to marriage for same-sex couples in the United States.

⁸⁰ *Obergefell v. Hodges*, 576 U.S. 644 (2015).

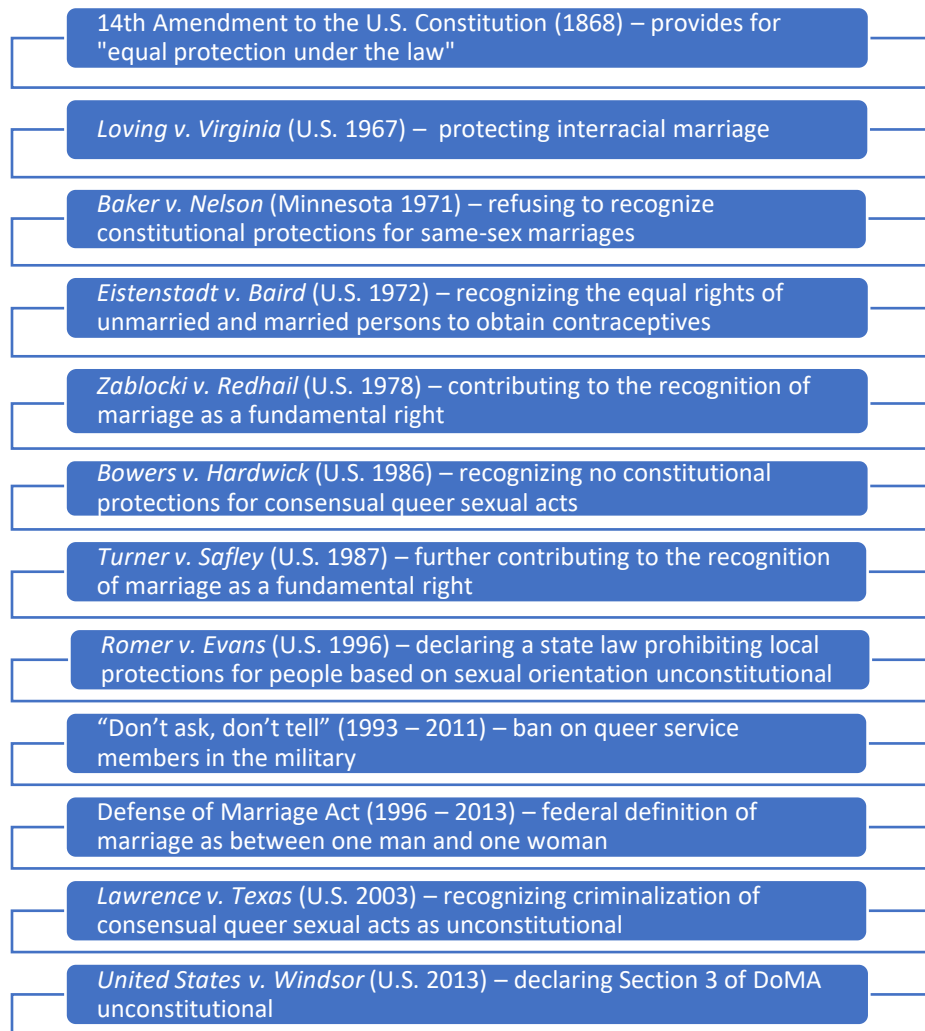


Figure 1. Developments in U.S. Law Relating to Queer Marriage
 source Ross Potter (November 24, 2023).

Of note are the ways in which the developments in the law parallel the shifts in normative experiences of queer people in the United States and the related tensions between those participating in queer liberation work and those advocating for anti-queer Christian positions. Beginning with foundational protections afforded by the Due Process and Equal Protection Clauses of the 5th and 14th Amendments, developments in the legal recognition of queer rights went from fighting for access to the right to work during the Lavender Scare to declaring federal

protections for consensual queer sexual acts and a broader federal definition of marriage.⁸¹ These normative shifts in the law not only relate to the contextual experiences of the people they impact, they also present a space for dialoguing with the shifts in scriptural interpretations that equally impact the normative experience of queer people in the United States. A review of the opinions of the Supreme Court justices in dialogue with methods of scriptural interpretation can provide insight into the ways scripture, society, and law collectively influence one another.

The Majority Opinion

The majority opinion of the U.S. Supreme Court in *Obergefell* emphasizes “four principles and traditions” that support the fundamental nature of marriage as a right worthy of protection for same-sex as well as opposite-sex couples under the United States Constitution.⁸²

First, the Court acknowledges a “right to personal choice regarding marriage is inherent in the concept of individual autonomy.”⁸³ The Court relies on the principle of *stare decisis* to incorporate ideas of the “fundamental importance” of marriage, the foundational nature of marriage to “matters of family life,” and the role the “enduring bond” of marriage plays in other pursuits in life.⁸⁴ This string of argumentation aligns with the queering of 1 Corinthians 6:9-11 and Genesis 38.⁸⁵ Recognizing a legal right rooted in choice parallels the ways in which a queer interpretation of 1 Corinthians shifts the emphasis from the sexual orientation of an act to the consensual nature of an act. As both move towards an emphasis on freedom of choice, it is possible

⁸¹ U.S. Const. amend. V; U.S. Const. amend. XIV; *United States v. Windsor*, 570 U.S. 744 (2013); For additional historical background on the Lavender Scare refer to the materials provided in the section on “Context for Queer Contextualism.”

⁸² *Obergefell*, 576 U.S. at 665, 675.

⁸³ *Id.* at 665.

⁸⁴ *Id.* at 666 (citing *Loving v. Virginia*, 388 U.S. 1 (1967); *Zablocki v. Redhail*, 434 U.S. 374 (1978); *Windsor*, 570 U.S. 744.

⁸⁵ For comparisons to the queering work in 1 Corinthians 6:9-11 and Genesis 38 look to subsections “The Pre-1950s – Malakoi and Arsenokoitai (1 Cor. 6:9-11)” and “The 2010s to Present – Two become one flesh (Genesis) & Transgender Gaze at Genesis.”

to see how they work in conjunction with the emphasis on individualism and individual freedoms that is foundational to the sociopolitical structure of the United States. The work of Samuel Ross in applying a trans gaze to Genesis 38 highlights the Court’s recognition that marriage provides access to additional freedoms. Where Tamar struggles to make her way through society without the protection of marriage or the raising of a family, the Court similarly acknowledges that marriage provides access to “expression, intimacy, and spirituality” as well as federal and state legal rights and protections based on marital status.⁸⁶ The connections between marriage and access to rights, recognized in scripture and law, are inherent in the normative expectations of married couples generally seeking a form of public recognition of their commitment to one another, either secular, religious, or both.

Second, the Court argues “that the right to marry is fundamental because it supports a two-person union unlike any other in its importance to the committed individuals.”⁸⁷ This legal argument is supported by dignifying a couple’s “commitment to each other.”⁸⁸ Such a commitment is evident in the queering of the relationships between Ruth and Naomi and David and Jonathan, respectively.⁸⁹ The commitments of Ruth clinging to Naomi and refusing to leave her and the continued commitment held between David and Jonathan, despite consistent adversity, evidence the ways in which queer interpretations of biblical marriages are rooted in demonstration of elevated and intimate commitment in place of formal ceremonies. Social and political actions taken by the Human Rights Campaign and American Civil Liberties Union demonstrate the desire to provide equal access to marriage regardless of sexual orientation and dissatisfaction with the

⁸⁶ Ross, “A Transgender Gaze at Genesis 38.”

⁸⁷ *Obergefell*, 576 U.S. at 666.

⁸⁸ *Id.* at 667 (citing *United States v. Windsor*, 570 U.S. 744 (2013)).

⁸⁹ For comparisons to the queering of the narratives of Ruth and Naomi and David and Jonathan, respectively, look to subsections “The 1970s – Ruth and Naomi (Ruth 1)” and “The 1980s – David and Jonathan (1 and 2 Samuel).”

secondary-status of civil unions. The rejection of alternatives to marriage by national movements and the arguments of legal practitioners and theologians collectively emphasize the unique and elevated status associated with marriage.

Third, the Court recognizes that “the right to marry ... safeguards children and families and thus draws meaning from related rights...”⁹⁰ This echoes and further emphasizes the relationship between a queering of Genesis 38 and the legal link between marriage and the accessibility of other rights and protections contemplated in the first principle of the majority opinion. The legal emphasis of marriage as a protector of children and families draws additional connections to queer readings of the creation narratives in Genesis, where the union between two people is directly connected to procreation and the raising of children. Though many queer couples do not have the ability to procreate without access to artificial reproductive technologies (ARTs) and other similar services, the legal recognition of marriage in the U.S. has increased access to ARTs and adoption services for queer couples. This access is also coupled with a range of protection and rights afforded to parents and their children. By recognizing same-sex marriages in the context of childrearing and family formation, society has shifted the norm of family units and opened possibilities for more children to join in loving and supportive families.⁹¹

Finally, the Court appeals to “the Nation’s traditions [which] make clear that marriage is a keystone of our social order.”⁹² No appeal in the majority opinion more explicitly acknowledges the relationship between societal norms and legal argumentation. This explicit recognition that a particular temporal position of society within a broader understanding of developed traditions is a

⁹⁰ *Obergefell*, 576 U.S. at 667.

⁹¹ *Id.* at 668 (stating “As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples.”).

⁹² *Id.* at 667, 669.

mirror to the contextual work done within queer biblical interpretation. The methodologies present in both the fourth principle of the Court and queer biblical interpretation as a discipline both emphasize the importance of a contextual approach. By centering their arguments on issues of importance and explaining the rationale for their beliefs from the positions they take in society, the legal and theological authors both claim value in positionality within society through their particular vantage points.⁹³ This comingling of methodological approaches and insights provided by a shared national context proves that, whether directly or indirectly, the areas of religion and law are influential actors upon society that are further informed and influenced by the society they help in developing.

The Dissents

Though the majority recognizes the rights of same-sex couples to get legally married, the dissenters hold out alternative understandings of the value and validity of same-sex marriage. While there are a range of substantive and procedural arguments made in each of the four dissents, this subsection will focus on reviewing those substantive arguments that more directly implicate scriptural and social developments in the United States.

Scriptural implications in the dissents tend towards referrals to natural orders and designs that promote the defining of marriages to be unions between one man and one woman.⁹⁴ These appeals are intertwined with the traditionally accepted, and now substantially destabilized norms, of providing a legal priority to religious practitioners over the rights of queer people. Despite the attempt of at least one dissenter to claim that their analysis is not influenced by religious

⁹³ Carvalho, *Primer on Biblical Methods*, 66-67.

⁹⁴ *Obergefell*, 576 U.S. at 667, 689 (Roberts, C.J., dissenting) (describing the natural order of marriage as between man and woman... regardless of “religious doctrine”); *Obergefell*, 576 U.S. at 667, 726 n. 4; 735 (Thomas, J., dissenting) (citing man’s obligation to the “law of nature and law of God”; appealing directly to Genesis and that “all humans are created in the image of God”).

interpretations, another dissenter explicitly makes two appeals to Christian understandings of God as authoritative reasons for rejecting the legalization of same-sex marriage.⁹⁵ The intertwining of influences of biblical scriptures on society, such as the creation narratives in Genesis, and then appeals to societal norms rooted in religious interpretations of such narratives readily indicates that the dissenters either directly or indirectly participate in the interconnective system of influences also evidenced in the majority opinion. If both the dissents and majority opinion are reliant on appeals to scriptures or social systems founded on scriptures, it then appears that the legal work of utilizing the arguments becomes one of differing contextual interpretations, with one camp seeking to follow the path of queer liberation readings and the other camp hoping to retain a normative hold on society based in “clobber text” style interpretations.

A Post Obergefell v. Hodges World

With the converging influence of scripture and law on normative developments within society and the influences of sociopolitical systems, as part of context, on understandings of scripture and law, it is apparent that a ruling as substantial as that in *Obergefell v. Hodges* must have some degree of influence on both scriptural interpretations and normative shifts in society. The capacity of the case to provide any degree of influence is limited only by its contextual and temporal boundaries as they relate to the human beings that incorporate, reject, or modify its messages and byproducts.

Looking to influences on scriptural interpretations, the passing of *Obergefell v. Hodges* coincides with the continued development of Christian denominational uncertainties around the recognition of same-sex marriages by various church communities in the United States. Two such points of tension influencing the United States are the potential for a Catholic study of blessings

⁹⁵ *Id.*

for same-sex unions, as distinct from the sacrament of marriage, and the splintering of the United Methodist Church over the enforcement of teachings on sexuality and marriage.⁹⁶ The degree of influence of *Obergefell* may not be readily assessable in isolation with these two traditions deeply connected to traditional scriptural understandings of marriage, but the platform it has provided for queer liberation work and corresponding adverse responses is a likely contributor to increased tensions. Regardless of degree, the increasing dialogue around Christian recognitions of queer marriages has invited a wide range of Americans to return to scripture, either to seek new insight or affirm previously held understandings.

In relation to law, *Obergefell* continues to invite dialogue around legal rights for various portions of the queer community in the United States. These include the passing of the Respect for Marriage Act, further supporting queer marriage protections, the U.S. Supreme Court ruling in *303 Creative LLC v. Elenis*, opening space for potential religious challenges to queer rights, and the largest increase in introduction and passage of anti-queer legislation in U.S. history, especially around the rights of trans and gender nonconforming people.⁹⁷ Similar to its scriptural influence, *Obergefell* is a likely contributor to increased and shifting tensions as well as a contributor to increasing desires for dialoguing across various ideological boundaries.

Lastly the influences of *Obergefell* on normative experiences in society include increased accessibility to marriage for queer people and the broadening of protections for queer people and their families based on legal protections and rights associated with legal married status. With legal protections comes space and time for participating in normative experiences that shift societal

⁹⁶ The Associated Press, “Pope Suggests”; Jason DeRose, “Congregations Leave United Methodist Church over Defiance of LGBTQ Bans,” (*NPR*, July 29, 2023, sec. Religion), <https://www.npr.org/2023/07/29/1190910312/congregations-leave-united-methodist-church-over-defiance-of-lgbtq-bans>.

⁹⁷ Respect for Marriage Act, 28 U.S.C. § 1738C; *303 Creative LLC v. Elenis*, 600 U.S. 570 (2023); American Civil Liberties Union, “Mapping Attacks on LGBTQ Rights.”

norms. Though the queer community always faces a range of new challenges, the protections afforded by *Obergefell* establish a national space and platform for further supporting the normative acceptance of various queer experiences within society. From queer couples picking up their kids from school to trans and gender nonconforming people having legal and social recognition of their desired names and markers, the lived experiences of queer people are both influenced and influential in the process of transforming norms that promote broader notions of acceptance and community.

Conclusion

Evidenced in this exploration are the continual influences of biblical scripture, law, and society on one another over time. Where scripture-informed religious and social conventions supported anti-queer sentiments in the early 20th century, those sentiments catalyzed the queer liberation movement that pushed for changes in scriptural interpretations, laws, and social norms. The changes brought about by the queer liberation movement also encouraged counter-movements and pushback which are now part of the daily dialogues around religious, scriptural, and legal acceptances of a range of queer rights, protections, and experiences. Where this multifaceted dialogue will drive the United States is not certain, but engaging each area while acknowledging their influential relatedness is necessary for ensuring intentional, respectful, and meaningful participation in the process.

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