

How Natural is Nature? Augustine's Sexual Ethics¹

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Roman Catholic sexual ethics are profoundly misguided, and the problem reaches back centuries into the foundational texts of early Christianity. To grasp the church's false priorities, we need only think of recent headlines. Vatican moves to bar celibate gay men from the priesthood. Catholic priest leaves the mother of his two children to die in bed of a drug overdose. Church lawyers claim that a six-year old boy was contributorily negligent in his being sexually abused by a priest. Church board dismissed accusations of clergy sexual abuse by females. Vatican warns Roman Catholic politicians against enacting laws allowing for same-sex marriage.

How does all of this fit together? Is the church hierarchy simply being inconsistent here? It plans to bar celibate men from the priesthood, allows a heterosexually active priest who leaves his partner in bed to die to remain in active ministry, charges that a six-year old boy is partially responsible for his own abuse, refuses to take seriously the allegations of girls and women, and actively works against loving, consensual, long-term relationships.

Unfortunately, these positions have an internal and deeply entrenched logic. In order to grasp this logic, we need to understand the ethical system and the categories that undergird it. Let me begin with canon law, which classifies clergy sexual misconduct not as an abuse of power, but rather as a violation of clerical chastity. Canon 1395 §2 does impose penalties upon a cleric who commits a sexual sin "with force or threats or publicly or with a minor below the age of sixteen." But canon law imposes harsher penalties upon "a cleric who attempts even a civil marriage," who "incurs an automatic suspension" (canon 1394) and upon a cleric who lives in a long-term relationship with a woman. Clerics who seek long-term relationships with adult women apparently bring scandal upon the church in a way that a priest who secretly rapes a woman or a boy or a girl does not, unless that rape becomes public. In other words, we should not be surprised at bishops' attempts to keep credible allegations of clergy sexual abuse as hidden as possible, lest they bring scandal upon the church. Until the Roman Catholic hierarchy changes canon law to reconceptualize clergy sexual abuse as an abuse of power, rather than as a violation of clerical chastity, and harm to the victim as the problem, rather than public scandal, abuse will continue.

The Roman Catholic hierarchy's interventions in politics show similarly misguided, but ancient priorities. The hierarchy teaches Roman Catholics to oppose contraception, abortion, and sexual love between consenting adults

¹ A version of this piece has appeared in Norwegian as "Naturen, loven og det alminnelige : En systematisk analyse av tidlige kristne forestillinger om seksualitet," in *Naturlig Sex? Seksualitet og kjønn i den kristne antikken*, ed. Halvor Moxnes, Jostein Børtnes, and Dag Øistein Endsjø (Oslo: Gyldendal, 2002) 73–98; a different version will appear as "Nature, Law, and Custom in Augustine's *On the Good of Marriage*," in *Walk in the Ways of Wisdom: Essays in honor of Elisabeth Schüssler Fiorenza*, ed. Shelly Matthews, Cynthia Kittredge, and Melanie Johnson-DeBaufre (New York: Trinity Press International, forthcoming fall 2003).

of the same sex, and it vigorously attempts to influence public policy on these points. Catholic officials vocally oppose abortion, even in the case of rape or incest; work internationally to restrict access to contraception; and speak out against lesbian, gay, and bisexual civil rights. But the bishops do not urge Catholic legislators to enact rape statutes more beneficial to victims or to extend the statutes of limitations for rape or incest. The bishops do not exhort their priests to preach against sexual abuse or wife battering. And the Vatican has not made ending the sexual trafficking in women and girls a top moral priority.

Together, let us take a sobering look at the origins of some of these values. Today, I want to examine one strand of this interwoven ethical system with you, asking the question: What is natural? Who decides it? On what grounds? To answer these questions, I first need to go back into an obscure corner of the ancient Mediterranean, to Daldis in what is today Turkey, to dream classifier Artemidoros (2d C. CE), who documents an ancient system for classifying erotic relations based on cultural values connected with the legal subordination of women, social inequality, and an economy dependent upon slave labor. Next, I will analyze how early church father Augustine of Hippo (4th/5th C. CE) echoes this schema, even as he introduces into the Mediterranean world a profoundly altered vision concerning sexual desire and sexual acts. Like other early Christian leaders, Augustine sometimes rejected or altered ancient Mediterranean cultural conceptualizations and values, but he also wove his own Christian version into the very fabric of his theology and ethics. Augustine's thinking about sex has so profoundly influenced Western Christianity, society, and law, that it deserves special attention. Early Christian and other ancient Mediterranean conceptualizations are simultaneously strangely archaic to our own way of thinking and yet deeply embedded in it. This is nowhere clearer than in the concept of nature.

People in the ancient Mediterranean world, who thought of sexual relations as occurring between two unequal partners, classified sexual acts on the basis of whether they were in accordance with nature, law, and custom. By classifying certain acts as contrary to nature, they meant that all cultures and peoples would always reject them; when they classified other sexual acts as contrary to law, but in accordance with nature, they meant that some cultures might reject these acts, while other cultures might accept them.

In *The Classification of Dreams (Oneirokritika)*, Artemidoros of Daldis classifies and interprets dreams on many subjects. In his section on sexual dreams,² Artemidoros classifies sexual dreams according to three categories: "nature" (*physis*), "law" (the Greek word *nomos* could also be translated as "convention"), and "custom" (*ethos*). Artemidoros's schematization is as follows:

2 *Oneirokritika* 1.78–80; Roger A. Pack, ed., *Artemidori Daldiani Oneirocriticon Libri V* (Leipzig: Teubner, 1963) 86–99; for an English translation, see: Robert J. White, *The Interpretation of Dreams: Oneirocritica by Artemidorus* (Park Ridge, NJ: Noyes, 1975). For a fuller discussion, see Bernadette J. Brooten, *Love Between Women: Early Christian Responses to Female Homoeroticism* (Chicago: University of Chicago Press, 1996) 175–86.

(1) **Natural, legal** (or conventional), **and customary** (*kata physin, kata nomon, and kata ethos*) includes: intercourse of a man with his wife or mistress; with prostitutes; with a woman whom the male dreamer does not know; with his male or female slave; with a woman known to him and well-acquainted with him; this category also includes the penetration of a female dreamer by a man known to her; intercourse between a richer man and a poorer man, or an older man and a younger man; and masturbation (i.e., for a man to stroke his own penis).

(2) **Illegal** (or unconventional) (*para nomon*): consists primarily of incest, which means that incest is illegal, but natural. Sexual relations between male friends also occur in this category.

(3) **Unnatural** (*para physin*) includes: masturbation (i.e., for a man to "have sex with himself"), kissing one's own penis, practicing fellatio with oneself, a woman playing the active or the passive role with another woman, sexual intercourse with a female or male deity, intercourse with a corpse (both active and passive—Artemidoros does not explain the mechanics of this latter category), and intercourse with an animal.

What can help us to make sense of this system of classification, which I and others have argued is older than Artemidoros and widely known in the Roman world? This system is based on several different principles of categorization, the most important of which is human social hierarchy. The acts that Artemidoros classifies as natural, legal, and customary represent a human social hierarchy: husband over wife; man over mistress, prostitute, or other woman; man over female or male slave; and older man over younger man and richer man over poorer man. Artemidoros also takes masturbation, seen here as hands stroking the penis, in a hierarchical fashion; thus, he sees the hands as like servants attending to the penis, which itself symbolizes the master's children.

The illegal category includes acts that some cultures might make laws against and others might not. Thus, nature is universal, divine, if you will, while law is a human invention and not universal. Incest contravenes human-made law, but not nature itself. Similarly, sexual relations between two male friends. Notice that Artemidoros classifies male homoerotic relations either as natural, legal, and customary if they represent a human social hierarchy, such as between a master and a slave, an older man and a younger man, or a richer man and a poorer man, but as illegal if they occur between two partners of equal social stature, which people in this period included in the definition of friendship.

The unnatural category contains sexual relations that do not represent a human social hierarchy: between a human and a deity or a human and an animal, between a live person and a corpse, and between two women. Notice that homosexuality and heterosexuality do not form a category in this ancient system of classification. Artemidoros defines male-male relations as natural, legal, and customary if they occur between two unequal partners, or as illegal, if they occur between two equal partners, but he sees all female-female relations as unnatural. This fits very well with the general difficulties that people in the Roman world had

in trying to fit sexual relations between women into the normative cultural model that sex occurs between two unequal partners, one of whom penetrates the other.

This nature/law schema that Artemidoros uses influenced early Christian sexual ethics. Fourth/fifth-century church father Augustine of Hippo in North Africa uses it to adapt biblical sexual values to his own time and to classify certain types of sexual relations as better or worse than other types. Augustine's work, *On the Good of Marriage* (*De bono coniugali*, written in 401 CE), illustrates this process particularly well and will serve here as the basis for my analysis. *On the Good of Marriage* is directed against two views held by some of his contemporaries: (1) that marriage is as good as virginity, and (2) that marriage is evil.³ Augustine argues that marriage is indeed good, but that virginity is better. Augustine sets forth the three goods of marriage: offspring (*proles*), fidelity (*fides*), and the sacramental bond (*sacramentum*). With "offspring," Augustine means that sexual activity within marriage becomes a moral good when it results in offspring.⁴ "Fidelity" means no intercourse that goes against the marriage compact. The bond is "sacramental" because it cannot be dissolved through divorce.⁵

The Bible presents Augustine with the vexing dilemma of texts that apparently support or even require marriage; the narratives of the polygamous biblical patriarchs pose a particularly acute problem for him.⁶ Augustine defends the biblical patriarchs for having more than one wife by setting forth his three-fold criteria for legitimate sexual activity:

(1) "what is not done contrary to **nature** (*contra naturam*) is not a **sin** (*peccatum*), since they made use of their wives not for the sake of being wanton, but for procreation;

(2) nor against the **customs** (*contra morem*), because at the time those things were being done;

³ Augustine directs himself here against Jovinian, who held that marriage is equal to virginity. Elsewhere, he argues against the Pelagian, Julian of Eclanum, who held the same view. On the other hand, Augustine is at pains to distance himself from his own past as a member of the Manicheans, who held that marriage is evil because reproduction constitutes the imprisonment of souls in the material world.

⁴ *De bono coniugali* 3; 3.

⁵ For a detailed and subtle analysis of Augustine's teachings on married women, see Kari Elisabeth Børresen, *Subordination and Equivalence: The Nature and Role of Woman in Augustine and Thomas Aquinas*, trans. Charles H. Talbot (Washington, D.C.: University Press of America, 1981) 94–123. The English edition is a revision of the French original: *Subordination et equivalence. Nature et rôle de la femme d'après Augustin et Thomas d'Aquin* (Oslo: Universitetsforlaget; Paris: Maison Mame, 1968).

⁶ See Elizabeth A. Clark, *Reading Renunciation: Asceticism and Scripture in Early Christianity* (Princeton, NJ: Princeton University Press, 1999) 188. In this superb study, Clark analyzes how Augustine and other early Christian ascetic writers dealt with biblical texts that apparently contradicted their views.

(3) nor contrary to the **precept** (*contra praeceptum*), because they were not prohibited by any **law** (*lex*)" (numbering and emphasis mine).⁷

Augustine overlays the Christian concept of sin on the ancient schematization of sexual acts that are in accordance with or contrary to nature, law, and/or custom. He uses "custom" and "precept" rather straightforwardly, but with "nature" departs sharply from tradition. "Nature" is the most crucial of the three terms, since it alone counts as a universal category. According to Artemidoros's schema, the patriarchs' sexual relations with any number of women, whether married to them or not, would have fully accorded with nature, regardless of any wantonness and independent of any focus on procreation. Augustine's departure from legal doctrine is subtler. To support his position that procreation is the only legitimate purpose of sexual relations, Augustine states: "Among all peoples (*in omnibus gentibus*) marriage exists for the same purpose, namely to have children."⁸ He further elucidates by distinguishing between the universal norm and the specific norm applicable only to Christians: "The value of marriage, therefore, for all races and peoples, lies in the objective of procreation (i.e., offspring) and the faithful observance of chastity (i.e., fidelity). For the people of God, however, it lies also in the sanctity of the sacrament," which means that Christians are prohibited from divorcing and remarrying during the spouse's lifetime.⁹ Roman, Jewish, Greek and the other bodies of law probably known to Augustine did define procreation as central to marriage, but did not limit sex only to procreative acts and allowed for a number of extra-marital sexual acts, particularly by men. By speaking of "all peoples," Augustine is alluding to the idea that marriage is laid down in natural law, although Augustine argues that "not marrying is better [than marriage, which is good] because to have no need of this task is better even for human society."¹⁰ Augustine also goes beyond the understanding of nature found in Roman natural law theory, according to which humans, like animals, should join together in marriage to reproduce and raise their offspring; this leaves open extra-marital relationships by Roman males (and presumably by animals), as well as non-procreative sex within marriage. Thus, Augustine's universal claim that nature has ordained that all humans should limit their sexual expression to procreative acts and that other sexual acts are "wanton"

⁷ *De bono coniugali* 25;33. Augustine notes that in his time, Roman law does not permit marriage polygyny (7;7). Translation here and in what follows from Charles T. Wilcox, in: *Saint Augustine: Treatises on Marriage and Other Subjects* (The Fathers of Church 27; Washington, D.C.: The Catholic University of America Press, 1969), except as noted. Latin edition: Josef Zycha, ed., *Sancti Aureli Augustini* (Corpus scriptorum ecclesiasticorum latinorum 41.5.3; Vienna: Tempsky, 1940).

⁸ *Ibid.* 17;19 (Translation in: Saint Augustine, Bishop of Hippo, *The Works of Saint Augustine*. Pt. 1, vol. 9. *Marriage and Virginity*, trans. Ray Kearney [Augustinian Heritage Institute; Hyde Park, NY: New City, 1999] 48).

⁹ *Ibid.* 32;24 (Translation: Kearney, *Marriage*, 56).

¹⁰ *De bono coniugali* 9;9 (Translation: Kearney, *Marriage*, 41).

gains power from certain traditional understandings of nature, but actually differs considerably from them.

The criteria that Augustine sets forth in his justification of the biblical patriarchs' polygyny provide him with a means of classifying sexual acts and defining some as worse than others. We will see that procreation influences, but does not alone determine, how Augustine classifies sexual activity. Thus, Augustine imagines that without sexual activity, the relationship between husband and wife would have been "a kind of friendly and genuine union of the one ruling and the other obeying."¹¹ Augustine presents as universal the concept that a wife relates to her husband as does a slave to a master or a human soul to God. This schema of ruler/ruled shapes Augustine's classification of various sexual couplings. Recall that Artemidoros classified sexual acts that represented a human social hierarchy as "natural, legal, and customary" and those that clearly did not as "unnatural."

Beginning with the most immoral and proceeding to the least immoral of Augustine's scale is:

- (1) Unnatural sex, defined by Augustine as sex that cannot lead to procreation; he also refers to it as the unspeakable: "those things about which, as the Apostle says: 'It is shameful even to speak'";¹²
- (2) Next worse is incest, specifically with one's mother;¹³
- (3) Then adultery;¹⁴
- (4) Then fornication (here presented as sex with a prostitute);¹⁵ and finally
- (5) Marital intercourse "for the purpose of satisfying concupiscence," rather than for the purpose of having children. (Augustine argues that such intercourse, which is a venial sin, protects against the mortal sins of adultery and fornication, but he warns that, even so, it must not be so excessive that it takes time away from prayer.)¹⁶

Augustine's scale of sexual acts that are morally good is simpler:
(1) Celibacy is the best,

¹¹ *Ibid.* 1;1.

¹² *Ibid.* 10;11–11;12 and 8;8. Augustine interprets Paul in Romans 1:26–27 as prohibiting sex that does not allow for procreation, such as anal sex. (See also *De nuptiis et concupiscentia* 20.35.) He is unusual in the early church in taking Roman 1:26–27 this way; most others take the men being "consumed with passion for one another" to mean that Paul is referring to same-sex sexual relations. Elsewhere, Augustine does condemn homoerotic activity between women and between men (*Epistle* 211.13–14; *De opere monachorum* 32.40.) The citation about the unspeakable is from Ephesians 5:12, which, within its context, could include same-sex sexual relations, as well as anal (or oral) sex between men and women, and other acts deemed impure and idolatrous.

¹³ *De bono coniugali* 8;8.

¹⁴ *Ibid.* 6;6 and 8;8.

¹⁵ *Ibid.* 6;6 and 8;8.

¹⁶ *Ibid.* 6;6 and 10;11–11;12.

(2) Followed by procreative sex within marriage and otherwise continence.¹⁷

While this scale seems to be based on nearness to God (best achieved through a celibate life of prayer, followed by chaste marriage with only procreative sex), a closer look reveals other criteria at work, as several examples can illustrate. Prostitutes are fully a part of Augustine's equation and sometimes represent a morally better option than sex with one's wife. Thus,

(1) "the natural use (*usus naturalis*, i.e., coitus), when it goes beyond the marriage rights, that is, beyond the need for procreation, is

(a) **pardonable in a wife** (*venialis...in uxore*),

(b) but **damnable in a prostitute** (*damnabilis...meretrice*);

(2) that use which is **against nature** (*contra naturam*, i.e., anal and perhaps oral sex) is

(a) **abominable (*execrabiliter*) in a prostitute**

(b) but more **abominable (*execrabilius*) in a wife...the wife is more shameful (*turpior*)** if she permits this to take place with herself rather

than with **another woman**" (numbering and emphasis mine).¹⁸

Offspring, fidelity, and the sacramental bond, the three goods of marriage set forth by Augustine, do not explain this moral stratification. One might have thought that faithfulness to one's wife means that any sex with a prostitute is morally inferior to that with one's wife. Or one might have thought that all extra-marital sex, none of which leads to the marital procreation that Augustine so espouses, would be equally morally turpitudinous. But another powerful ancient Mediterranean value has here entered the scene: female shame. In Augustine's view, this type of unnatural sex, which belongs to the realm of the impure, the impious, the perverted, the illicit, must call forth shame on the part of a virtuous matron. Although Augustine assumes and indeed ordains wifely subjection, and although he sees husbands as aggressors who demand sex of their wives beyond that necessary for procreation, here he presents the wife as having the final say on whether to allow herself to be penetrated anally or not. Augustine causes us to imagine a wife, confronted with the possibility of anal penetration, trying--in her shame--to ward it off by suggesting that her husband should better perform this abominable act with a prostitute. At this point, we are not far from Artemidoros's "natural, legal, and customary" category, which includes sex between a husband and his wife and between a man and a prostitute. While Augustine rejects anal sex as unnatural—in part because it is non-procreative, a point that does not enter Artemidoros's radar screen, Augustine would accept Artemidoros's classification of prostitution as customary. And Augustine's teaching that such sex is more abominable with a wife than with a prostitute indirectly supports prostitution as an institution that serves to prevent the shaming of a Christian wife. Notice also that Augustine agrees with Artemidoros that coitus with a prostitute constitutes natural sex.

¹⁷ *Ibid.* 7; 6: "[C]ontinence from all intercourse is certainly better than marital intercourse itself which takes place for the begetting of children." See also 8; 8 and 9; 9 and 23; 28.

¹⁸ *Ibid.* 11; 12.

A further Augustinian comparison provides additional confirmation of the marital sexual dynamics envisioned by Augustine. Some men, he states, are “incontinent to such a degree that they do not spare their wives even when pregnant.”¹⁹ He assumes the husband as aggressor who may be overly demanding of his wife. Of such a husband, he says, “[H]e sins much less than one who commits fornication even most rarely.”²⁰ In other words, if the husband demands “natural” sex, his demands on his wife are sinful, since they go beyond what is necessary for procreation, but, unlike with “unnatural sex,” the wife presumably has no excuse to refer him to a prostitute. Augustine does not comment on how the subordinate wife should respond. Neither his treatise, nor the laws and customs of his culture, give her the genuine option of saying no should he become violent in his demands. Augustine’s text contains no direct reference to the potential for such violence; whether violence accompanies sex within marriage is not relevant to his method of classifying sexual acts. If the sexual acts are “natural” and marital, then they are less sinful than sex outside of marriage. Notice that, whereas in the case of “unnatural” sex, a prostitute can represent a less objectionable outlet, with “natural” sex, wedlock is meant to protect against fornication, which means that the wife is expected to endure excesses.

If the wife wishes to refrain from sex, however, she—like the husband, must do so only with the consent of the spouse. Paul is the basis for Augustine’s teaching on this point; in 1 Corinthians 7:5, Paul directs married people to withhold conjugal rights only by mutual consent for a set time in order to have more time for prayer. Augustine retains the Pauline impulse to tread lightly in reducing sex within marriage, because marriage can help to keep sex within bounds. In both Paul’s and Augustine’s societies, however, free and freed women—the only women allowed to marry formally—did not have the same social, political, and legal power to exercise authority over their husbands’ bodies that their husbands enjoyed over theirs. For this reason, marriage could cause wives to endure types of sexual behavior that protected their husbands from the sin of sex outside of marriage, but did not protect them from their husbands.

Just as Augustine grants moral priority to an overly demanding husband over a fornicator, so too does he rank a concubine who has sex with a man only in order to conceive “and whatever she endures beyond the cause of procreation, she endures unwillingly” above matrons who “force their husbands to pay the debt of the flesh.”²¹ This further illustrates the role of gender in Augustine. A man requiring excessive natural (i.e., vaginal) sex from his wife or concubine, ranks morally higher than a man who fornicates (with an unmarried woman) or than a married woman who requires natural sex from her husband out of passion.

Augustine’s discussion of polygyny and polyandry further illustrates the existence of criteria beyond those that he sets forth as the three goods of

¹⁹ *Ibid.* 6; 6. He continues: “In marriage, intercourse for the purpose of generation has no fault attached to it, but for the purpose of satisfying concupiscence, provided with a spouse,...is a venial sin; adultery or fornication, however, is a mortal sin.” Augustine shortly thereafter adds that both adultery and fornication are also a crime (7; 6).

²⁰ *Ibid.* 11; 12.

²¹ *Ibid.* 5; 5.

marriage. He states that the biblical patriarchs were allowed to have more than one wife for the sake of procreation, which was a higher priority in their time than in his, while emphasizing that polygyny is not legal in his time. Augustine does not, however, exclude the possibility of surrogacy, namely for a wife to consent to children being born by another woman from her husband's seed.²² In contrast, women are never allowed to have more than one husband, even for the purpose of procreation, as in the case of a fertile woman married to a sterile man. "For, by a hidden law of nature (*occulta lex naturae*) things that rule love singularity; things that are ruled, indeed, are subjected not only each one to an individual master, but also, if natural or social conditions (*ratio naturalis vel socialis*) allow, many of them are not unfittingly subjected to one master."²³ Thus, Augustine universalizes wifely subordination to one husband by postulating a hidden law of nature that guarantees to a ruler that he rule alone. Social customs build on this law of nature. In some societies, slave owners customarily own just one slave, while in others (such as the Roman Empire in which Augustine lived), owners possess many slaves. Similarly, in some societies, a man rules alone over one wife, while in others, he may rule over more than one. As Augustine sets it forth here, not only slavery per se, but also owning many slaves can accord with both nature and custom. Similarly, monogamy based on the rule of the husband over the wife accords with the law of nature, but so too does polygyny, which is "not against the nature of marriage (*natura nuptiarum*)."²⁴ Augustine makes a biological claim to substantiate this, which is actually a cultural claim: "Many women can conceive children by one man, but one woman cannot do so by many men."²⁵ Physically, of course, one woman can conceive by more than one man, but her doing so may create problems for some cultures. In addition to the comparison between a married (free) woman and a (male or female) slave, Augustine compares married women to human beings in relationship with God: human souls can commit fornication with many false gods, but they do not thereby become fruitful. As the example of polyandry and polygyny shows, the subordination of free women to their husbands is a more fundamental principle than the good of procreation. Like the subordination of slaves to their owners, wifely subordination is grounded in immutable nature itself. Procreation, on the other hand, may cause one culture to create laws and customs that theoretically promote it, such as polygyny or surrogacy, and another laws that may limit it, such as monogamy, and customs that relativize it, such as Christian celibacy or voluntary abstention within marriage. Once again, as sharply as Augustine differs from Artemidoros at one level, at another level, they agree. Free men's power to rule over free women and enslaved females and males is grounded in nothing less than nature.

Where did sexual relations between slave-masters and their slave-women fall on Augustine's moral scale? Both Augustine and Artemidoros accept as a given the power of free men over enslaved women and men. In *On the Good of*

²² *Ibid.* 15; 17.

²³ *Ibid.* 17; 20.

²⁴ *Ibid.* 17; 20.

²⁵ *Ibid.* 17; 20.

Marriage, with its systematic comparisons of the morality of all manner of sexual acts, sexual relations between slave owners and their enslaved laborers are strikingly lacking. For Artemidoros, such relations are “natural, legal, and customary.” But Augustine may well have concurred with Artemidoros that sexual contact between a male owner and a slave-woman was, at the minimum, “customary” and, in the case of vaginal intercourse, also “natural.” We have seen that Augustine does not absolutely exclude surrogacy and, in the case of “unnatural” sexual acts, sees contact with a prostitute as less abominable than with one’s wife. Both surrogate mothers and prostitutes could be slaves, which Augustine knew, even though he does not discuss it. But what of sex with one’s own slave-woman? In two sermons, Augustine vehemently opposed sex between masters and their slave-women, stating that such masters would go to hell; his rhetoric implies that he was having difficulty dissuading them.²⁶ We cannot know why he does not address this question in *On the Good of Marriage*.²⁷

The Moral Problems Inherent in Augustine’s Sexual Ethics

This closer look at several of Augustine’s moral comparisons has shown both how greatly he differs from the model set forth by Artemidoros and how closely he adheres to the ancient cultural categories of nature, law, and custom with respect to gender relations between free women and free men. Disturbing discrepancies between Augustine’s assessment of female and of male sexual behavior render his sexual ethics inadequate as a basis for contemporary sexual morality. Building on the dual values of female subordination and female shame, Augustine’s system allows for the prostitution of women, for spousal rape, and for polygyny (where it is culturally acceptable and promotes procreation). None of these is contrary to nature or to law.

Augustine’s treatment of incest demonstrates the problems in maintaining ancient frameworks for thinking about sexual ethics. Augustine’s classification resembles that of Artemidoros, for whom various incestuous acts form the bulk of his middle category, i.e., those acts that are not legal or conventional, but are still nevertheless natural. While Augustine says too little for us to be sure, he also places it in a middle category, namely as worse than adultery, but not as immoral as the things of which it is “shameful even to speak” (Ephesians 5:12).²⁸ This latter category parallels Artemidoros’s unnatural category. Augustine, like others

²⁶ *Sermons* 9 and 392, on which see Richard Klein, *Die Sklaverei in der Sicht der Bischöfe Ambrosius und Augustinus* (Forschungen zur Antike und Sklaverei 20; Stuttgart: Steiner, 1988) 178f.

²⁷ See *On Marriage and Concupiscence* (*De nuptiis et concupiscentia*), which contains many parallels to *De bono coniugalis*, and in which Augustine also does not address this subject. In *On Marriage*, as elsewhere in his writings, Augustine uses the docile slave as a metaphorical model, here, for self-control within the married state (*De nuptiis et concupiscentia* 13).

²⁸ *De bono coniugali* 8;8. Note that Augustine’s immoral categories contain greater nuance and extend far beyond Artemidoros’s classifications.

before him, may have seen incest as morally problematic, but nevertheless natural.²⁹

We have seen Augustine's complex interaction with the cultural norms of his period, especially nature, law, and custom.³⁰ While Augustine may differ from Artemidoros as to which sexual acts he classifies as natural, legal and customary, his assumptions about the relative value of nature, law and custom coincide to a large extent with those of Artemidoros. The major difference, however, lies in Augustine's overall evaluation of sexual relations, including those that both saw as natural (and, therefore, legal and customary). Earlier Christian writers, such as Paul, Tertullian and Clement of Alexandria, had all assumed the sanctity of marriage, characterized by sexual intercourse between subordinate women and their husbands who instructed them. Augustine introduced the notion of original sin associated with sexual intercourse and passed on even to a child at the moment of conception. For Augustine, the problem is the sexual urge itself, which humans cannot control or subdue through their will. Thus, even a "natural," procreative sexual act between a subordinate wife and her husband is characterized by sin.

The pattern found in Artemidoros and Augustine left a significant mark on history, as one example succinctly illustrates. Thomas Aquinas (13th C.) classifies sexual vices from worst to least bad; the sins that are contrary to nature are worse than those that are natural.³¹ Thomas ranks the sexual sins against nature in this order: bestiality, sodomy (male with male or female with female), "lechery that does not observe the due mode of intercourse";³² and masturbation. Then he ranks the sexual sins that are not against nature, but rather against "right reason on the basis of the principles of nature": incest, raping a virgin or raping a wife, seducing a virgin, seducing a wife into adultery, and "simple fornication" (*fornicatio simplex*, i.e., sex between two unmarried persons other than anal sex, incest, etc.). As in Artemidoros and Augustine, the principle distinction is between natural and unnatural. Bestiality and sodomy rank before all other sexual sins. Artemidoros, too, had classified sex with animals as unnatural, as he did sex between women. (Likewise Paul, who in Romans 1:26–27 reserves his strongest

²⁹ See, e.g., first-century Jewish philosopher Philo of Alexandria, who, in *On the Special Laws* 3, discusses incest, adultery, the rape of a widow, and the rape of a virgin, but does not define them as "unnatural," a term that he reserves for sex between a man and a menstruating woman, relations between a man and a boy, and those between two species of animals (implying also between a human being and an animal). Philo strongly influenced early Christian writers.

³⁰ See Brooten, *Love Between Women*, 355.

³¹ *Summa theologiae*, II-II.Q 154. a 12.

³² Translation here and in what follows from Thomas Gilby, *St. Thomas Aquinas, Summa Theologiae* (New York: McGraw Hill, 1968) 249. Gilby includes the Latin text and an English translation.

condemnation for same-sex sexual acts, which he defines as unnatural.) Thomas classifies incest as sinful, but natural, which recalls Artemidoros' classification of various forms of incest as illegal, but natural, and, before him, Paul's censure of the Christian living with his father's wife. Paul expresses strong disapproval, but stops short of defining such incest as unnatural (1 Corinthians 5: 1–8).

This brief analysis demonstrates the longevity of an ancient pattern of classifying sexual acts along the axes of nature, law, and custom. "Nature" ostensibly denotes the universal and the immutable. The rhetoric of the natural has succeeded so well that twenty-first-century persons find it persuasive. And yet the above examples show that these concepts of nature are deeply cultural, highly specific. Artemidoros classifies as natural, legal, and customary the sexual intercourse between a man and his female or male enslaved laborers. Augustine refrains from calling a concubine an adulteress when her wealthier partner of higher social standing leaves her for a wife suited to his station—as long as she does not marry.³³ These cases we can only grasp as part of a slave-owning, highly stratified society. The understandings of femaleness and maleness are similarly culturally specific; female inferiority and wifely obedience are part of what is natural.

In closing, I hope to have illustrated the value for lesbian, gay, bisexual, and transgender studies of a broad, systematic examination of religious and cultural values. The Roman Catholic and other Christian opposition to lesbian, gay, bisexual, and transgender civil rights and same-sex marriage is rooted in a system of thinking in which the categories of consent, mutuality, and female pleasure are marginal or absent. Thomas Aquinas's ranked order of sins helps us to understand current Roman Catholic priorities: oppose same-sex love, rather than incest; contraception, rather than rape. I encourage you to join me in creating sexual ethics untainted by hierarchical, slave-holding values.

³³ Augustine defines the man as committing adultery against his concubine.