

Globalization and the Homosexuality Battle: A Church's Theological and Social Response

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Abstract

Globally, issues related to homosexuality have generated heated theological and social discussions both in the church and society in general. The discussions are not only varied but also controversial because of the different perspectives people ascribe to in their efforts to address the realities facing the world today as far as homosexuality is concerned. As a result, this controversy has created tension and division between church and society; seemingly involved in what the author terms: 'global homosexuality battle'. It is therefore necessary for Christians and society at large to have an understanding of homosexuality as well as device means through their knowledge to make the right choices and exercise sound judgement on related matters. It is the Church's responsibility to advance knowledge on homosexuality to its adherents. This paper argues that despite acceptance of homosexuality in some countries globally, there is still a fierce battle on its acceptance in many countries especially in Africa, Kenya included. The paper specifically looks at the theological and social battle that has affected the society as regards homosexuality in Kenya. The paper draws from the principles articulated in the Bible. Reference is also made to the Human Rights Act, Kenya Constitution 2010, Marriage Act, Children's Act and the Penal Code. The author then makes conclusion based on the ideologies of different writers and literature.

Keywords: Homosexuality, Theology, Society, Church, Battle, Globalization, Law, Human Rights.

1. Introduction

Lovelace has pointed that "the homosexuality issue is a problem which God has set before the church, the solution of which must involve a thorough-going tune-up theology, spirituality, ministry, and mission" (Lovelance, 1978, p. 13). Schmidt has argued that the hot-topic of homosexuality justifies special attention (Schmidt, 1995). It is therefore imperative that the issue is clarified to avert the spread of the homosexuality battle in the church and society.

The term homosexuality is used interchangeably to mean same-sex unions, same-sex relationships, lesbianism or gayism. McNeil says that the prefix 'homo' is derived from the Greek word meaning "same . . ." (McNeil, 1976, p. 40). Grenz argues that "homosexuality may be defined simply as the state of being erotically aroused by persons of the same sex" (Grenz, 1998, p. 4). According to Jones and Yarhouse, it boils down to a debate between essentialism and social constructionism, specifically, whether or not homosexuality is a real thing or a category that exists only at this moment in time because of our shared understanding in society (Jones & Yarhouse, 2007).

According to the New Bible Dictionary, the word church is derived from the Greek adjective *kyriakos* and is used in phrases like *kyriakon dōma* or *kyriakē oikia* meaning "the Lord's house", i. e. a Christian place of worship (Marshall *et al.*, 1996, p. 199).¹ But, the English translation of the New Testament renders the Greek *ekklēsia*, as the English word "church", designating local congregation of Christians and not a building (Marshall *et al.*, 1996, p. 199).² However, Bruce defines church as "the total people of God spread through all the ages", or "the local company of Christians visibly gathered for worship and ministry" or "all the people of God in the world at any one time, perhaps best referred to as the universal church" and lastly, the church within the church, which he further clarifies as the entire visible and invisible congregation which has those within it who respond to God's call (Bruce, 1982). This author borrows from Bruce's definition of the visible and invisible church; the invisible church to mean those born again believers, who have been regenerated and entirely trusted in Christ as Lord and Saviour of their lives.

The homosexuality debate has been accelerated by human rights' activism. Human rights, according to Donnley, are literally rights that one has simply because one is a human being (Donnley, 2013). He is further convinced that human rights are equal rights: one either is or is not a human being, and so has the same rights as everyone else (or none at all). Human rights are 'inalienable' rights because one cannot stop being human, no matter how bad one behaves or how barbariously one is treated; they are 'universal' rights, in the sense that today we consider all members of the species *Homo sapiens* human beings" and thus holders of human rights (Donnley, 2013). This paper focuses on highlighting the theological and social complexities that the homosexuality battle has generated resulting into division both in church and society.

2. The Homosexuality Battle

2.1 Theological Understanding of Homosexuality Battle

The ordination of a self-proclaimed gay by the Episcopal Church of United States in 2003 brought about sharp divisions within the global Church (Beckwith, 2004). According to Groves, the alienation and discord that arose from the differences regarding this human sexuality issue, particularly the place of gay and lesbian people within the Church threatened to “tear the Anglican Communion apart” (Groves, 2009, p. 27). Consequently, an ecclesiastical theological battle emerged which threatened to split the Anglican Communion. At the root of the battle, the Episcopal Church of United States seemed to have ignored the spirit and letter of 1998 Lambeth Conference Resolution 1:10 (a, d and e) which states that: faithfulness in marriage between a man and a woman in lifelong union; abstinence is right for those who are not called to marriage; homosexuality is incompatible with Scripture and that the Conference could not “advise the legitimizing or blessing of same sex unions nor ordaining those involved in same gender union” (The Lambeth Conference, 1998).

It happened that after the ordination of one known to be in a homosexual relationship in 2003, some of the Primates in the Anglican Communion quickly reacted asserting that same-sex union is incompatible with Scripture and such people should not be church leaders. The Primates of the Anglican Communion voted overwhelmingly for the view that; proper context for any sexual expression was specifically and particularly in marriage which they “defined specifically as between a man and a woman” (Groves, 2009). Groves sees the issue of marriage and sexual expression as a deep point of disagreement in the entire Anglican Communion

The disagreement was entrenched at the first Global Anglican Future Conference in 2008, when the Primates confirmed the Conference had been summoned by the Primates’ leadership team to Jerusalem, in June 2008, to deliberate on the crisis that had divided the Anglican Communion in the past decade and to seek direction for the future (Global Anglican Future Conference, 2008). In what was dubbed as the ‘Jerusalem Declaration,’ the Primates acknowledged God’s creation of humankind as male and female and the unchangeable standard of Christian marriage between one man and one woman as the proper place for sexual intimacy and the basis of the family. They further repented failures to maintain this standard and called for a renewed commitment to lifelong fidelity in marriage and abstinence for those who are not married (Global Anglican Future Conference, 2008).

2.2 The legal Battle on Homosexuality in Kenya

The legal battle came to limelight after three Kenyan High Court judges allowed National Gay and Lesbian Human Rights Commission (NGLHRC) to register under the Non-Government Organization (NGO) Coordination Board, on 24th April 2015 (Kenya Law Courts, 2015). A tussle ensued immediately after the above ruling because the Kenya Christian Professionals Forum (KCPF), an organization comprised of, among others, the Kenya Christian Lawyers and those who support the enhancement of family values in Kenya, appealed against the ruling. They asserted that the High Court decision was based on a wrong reading and interpretation of the Constitution of Kenya 2010, especially of the non-discrimination provision (article 27) and the association provision (article 36) (KCPF, 201, p. 6). This legal tension has left many wondering as to the right interpretation of the law. There is need for the society to be guided in this matter.

The institution of marriage has been legally protected by the Kenya Marriage Bill, Part II (3.1) which states that “marriage is the voluntary union of a man and a woman whether in a monogamous or polygamous union and registered in accordance with this Act” (Marriage Bill Act, 2014, p. 37). In addition, the Children’s Act of Kenya Cap 141 indicates that a “parent means the mother or father of a child and includes any person who is liable by law to maintain a child or is entitled to his custody” (The Children’s Act, 2012). The marriage Bill has therefore prohibited a ‘female-female’ or ‘male-male’ parents which is an outright refusal of homosexuality. Why then is there a seemingly legal support in this regard?

Article 158 (3c) of the same Act is categorical that “an adoption order shall not be made if the applicant or, in the case of joint applicants, both or any of them is a homosexual” (The Children’s Act, 2012). The Kenya Penal Code Chapter 63 article 162 (c) heightens the battle because it states that “any person who permits a male person to have carnal knowledge of him or her against the order of nature” is “guilty of a felony and is liable to imprisonment for fourteen years” (The Kenya Penal Code, 2012). When the Kenyan Judges allowed registration for those involved in homosexuality, were they not encouraging possible imprisonment for them as well? So what did the judges mean? The only possible response is that there is confusion in what the judges ruled and what the Penal Code stipulates which is confusing to the church leadership and the larger society.

The judges may have based their decision on other statutes. For example, the Kenya Constitution article 27(1) states that “every person is equal before the law and has the right to equal protection and equal benefit of the law” (The Constitution of Kenya, 2010, p. 41). It further holds that “the State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth” (The Constitution of Kenya, 2010, p. 41). The Kenya Marriage Bill has support in the Kenya Constitution Chapter

Four, article 53, 1(e) which states that “every child has the right to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not” (The Constitution of Kenya, 2010, p. 63). This Bill seems to close out any legal claim of adoption by people engaged in homosexuality. Why then would there be legal support to what has been prohibited?

Following this constitutional claim, would imprisoning those in same-sex unions (homosexuality) not be against the government’s efforts not to discriminate? There is need to interrogate the constitution with the aim of shedding light in this complex matter.

From the foregoing discussion on the homosexuality battle, one can confidently state that the complexity, challenge and confusion generated cause dilemma that demands attention.

2.3 Global Effects of the Homosexuality Battle on the Church

The ordination of Gene Robinson – a gay – to the position of a Bishop in the West by the Episcopal Church of United States as earlier discussed, sparked the homosexuality battle in other nations. According to the Global Anglican Future Conference (GAFCON) Primates, the Western Episcopalians’ decision to consecrate a practicing homosexual (who is also a divorced husband and father) as Bishop of New Hampshire (Beckwith, 2004) was an action completely wayward as far as the Bible and its teachings is concerned. But what particular theological reason did they have against such ordination?

In their Jerusalem Declaration, the Primates were against the ordination because they only acknowledged “God’s creation of human kind as male and female and the unchangeable standard of Christian marriage between one man and one woman as the proper place for sexual intimacy and the basis of family” (2014, p.2) They also protested against the authorising of a service for the blessing of homosexual unions in Canada (Jerusalem Declaration). The Primates upheld the Biblical position on marriage between a man and a woman as is evident in Genesis 1-2. Resultantly, a global theological battle ensued between what the Western Episcopalians vis-a-vis the position other Primates held in this regard. Suffice it to say that the theological battle was sparked within a Communion that has maintained unity worldwide over decades

After the initial protest of 2003, this theological battle progressed in June 2008, when the Global Anglican Future Conference (GAFCON) bishops again categorically stated that they would counter what they referred to as “a false gospel which was spreading throughout the Communion” (GAFCON, 2013). The battle escalated in October 2013 when, again, Primates in the Global Anglican Future Conference (GAFCON) in Nairobi, led by the then Kenyan Archbishop for the Anglican Church, Eliud Wabukala, committed themselves to counter the “false gospel” because, as they put it, it undermined the authority of God’s written Word. The Primates were concerned that the “false gospel” sought to mask sinful behaviour with the language of human rights and promoted homosexual practice as consistent with holiness, despite the fact that the Bible clearly identifies it as sinful (GAFCON, 2013).

But is homosexuality sinful? And is it appropriate for the GAFCON primates to claim the Bible says so? If it is sinful, why would the Western Episcopalians support it? And if it is not, why would GAFCON primates condemn it? And what did ‘sinful behaviour’ that had “the language of ‘human rights’ as the GAFCON Primates put it, refer to? To respond to these questions, the author makes reference to Genesis 1-2 as the foundational text in understanding whether or not homosexuality is sinful. Legal arguments which will touch on the Constitution of Kenya, Marriage and Children’s Acts and the Penal Code are also referred to.

2.4 The Biblical Perspective of Homosexuality

Is homosexuality (same-sex unions) sinful? According to Jones and Mark (2007), Genesis 1 is the foundation for all matters pertaining to marriage and sexuality, meaning that, it is the root text that strengthens rejection of homosexuality (i. e. same-sex marriage/relationships). The two posit that:

The foundation for the Christian rejection of homosexuality is rooted here, in the creation story and its assumption of the intentionality of God in designing one male and one female to be united in permanent union. The vision of sexuality in marriage stands in contrast to an individualistic ethos of the type that permeates contemporary secular psychology and that celebrates human autonomy and a presumed capacity to shape and form our erotic choices in the absence of transcendent and fixed meaning and purpose for our sexuality (p. 49).

Fraser joins other scholars who use Genesis 1-2 to craft an understanding of human sexuality and marriage and asserts that: “The creation story in Genesis 1-2 portrays the complementarities of male and female. He emphasizes that the difference and similarity is the grounding basis for human community in general and for marriage” (Fraser, 2012, p. 1). In Genesis 1:27, “God created man in his own image, in His image; He created him male and female”. In the same Chapter verse 31, God declares His creation as ‘very good’. According to Touchstone, the ‘male and female’ phrase ‘is a theological affirmation about the personal and social nature of our creation and of our calling as human species (Hogman, 1985). Although Genesis 1:27 has male and female as one whole, the separation is in 2:20 - the male (man) and 2:22-23 - the female (woman). By God bringing a

female in the male's life, shows that although the male was 'living in a state of perfection in the perfect environment and in the context of a perfect relationship with God' (Jones & Yarehouse, 2007), he was incomplete without the female as God Himself confesses in Genesis 2:18. One can therefore confidently argue that it is when the woman was presented to Adam by God, that he (Adam) "became aware of his existence as a man" (Grimm, 1964) and as a result, "a man will leave his father and mother and be united to his wife and they will become one flesh" (Gen 2:24). This biblical truth shows that it is difficult for anyone involved in homosexuality to be aware of his existence as a man in the sense the Bible puts it, in this scripture and context. The same would be argued for female to female unions because, in creating male and female, God established that even perfection in all other areas of life cannot erase the divinely created human need for man/woman or male/female (Grimm, 1964).

Willard also sees Genesis 1-2 playing a foundational role in shaping moral reflection on human sexuality for not only Christians but also the Jews (Willard, 2003). Lovelace shares the same sentiments when he argues that the starting point for understanding both human sexuality in general and homosexuality in particular should be the account of creation of man and woman in Genesis 1 and 2 (Lovelace, 1978). It is therefore difficult to understand why the Western Episcopalians would demand a change in "the Creator's will for sexuality" by supporting same-sex unions because it does not fulfill God's will for marriage as stated in this bible text. From the above arguments, theological considerations such as God's plan in creating male and female and bringing them together to be "one flesh" rules out homosexuality (same-sex unions) entirely and homosexuality does not draw its foundational claim from Genesis 1-2. There is much inconsistency in supporting homosexuality given the above biblical truth.

However, Todd and Lawler (2012) argued that the context in which the Bible condemns homosexuality is a false assumption, that all human beings naturally share heterosexuality and that, therefore, any homosexuality is a perversion of "nature" and immoral. Boswell has also argued that the assumption that the creation of mankind through heterosexuality in Genesis 1-2 and the subsequent emphasis that marriage demonstrates tacit rejection of gay sexuality is insupportable in a modern context, and it does not seem to have occurred to early Christians (Boswell, 2005). He further opined that "in an age which employed symbols and myths to explain all its fundamental truths, it would have been obvious even to the most naive that in order to account for the origins of the human race, the writer of Genesis would inevitably describe the creation of separate sexes which produce offspring and would comment on the nature of the union which brings about procreation" (Boswell, 2005, p. 105). But Boswell's argument is inconsistent with the rest of the scripture from Genesis to Revelation.

In 1 Cor 7:3-5, husband (male) and wife (female) are called upon to fulfil conjugal needs for each other. Again in Matt 19:4-9, we see an affirmation of male-female relationship. Also in Rev 19:7-9 the bride is expected to make herself ready and Rev 21:2 compares the Holy City which is prepared as a bride beautifully dressed for her husband. The Western Episcopalians would need to explain whether they are replacing words like 'her', 'bride,' 'her husband' with 'him', 'groom' 'his husband' or 'her wife' in these texts. One can only conclude that proponents of homosexuality could be struggling to understand the term homosexuality as it relates to the Bible. But, is the word homosexuality in the Bible?

Soards (1995) responds that the Bible has remarkably very little about homosexuality. He further asserts that because there is no biblical word for homosexuality, then the relevant texts tend to speak graphically about actions, not about sexual orientations (Soards, 1995). Therefore, some of the biblical passages that many people invoke in homosexuality debates prove upon examination to have little or nothing to do with the subject (Soards, 1995). Grenz's view is that contemporary discussions about homosexuality are unlike previous epochs because prior to the modern era, homosexuality was viewed almost exclusively in connection with some specific activities while the contemporary outlook, in contrast, looks at homosexuality primarily as a sexual orientation and only secondarily as actual behaviour (Grenz, 1998). But what is the difference between 'actions' and 'sexual orientation' as argued by Soards above? And what does 'sexual orientation' and 'actual behaviour' mean as Grenz puts it? This response will be given under 'nature' and 'nurture' argument later in this paper.

Boswell explains that the word homosexuality does not appear in the Bible and no Hebrew, Greek, Syriac, or Aramaic manuscript contains such a word, nor has there been a word in these languages that corresponds to the English word homosexuality (Boswell, 2005). But could Boswell be referring to dead languages which might not be containing such words in the contemporary world? Soard's thinks that homosexuality is considered a recent development because the form of homosexuality the biblical authors knew about, experienced, and commented upon is unlike forms of homosexuality that persons in the world today know and experience (Soards, 1995). Taking this line of argument, it would mean that God, who authored the Bible through the hands of his servants, overlooked homosexuality as people would know it today. It further suggest that God failed to foresee that thousands of years after the Bible was written, the homosexuality battle would be present in the world He created. It also implies that today people are more knowledgeable than the Bible authors whom God inspired.

But Peterson disagrees with Boswell because, as he argues homosexuality was a disposition known in the world of the first century AD and that there were words in many ancient languages to describe people who engaged recurrently in same-sex activity (Peterson, 2004) and Leviticus 20:13 seem to have this view. Peterson then takes us back to creation and cautions that: “There is consistent biblical teaching about sexuality and holiness and God’s purposes for human beings in creation. What is said about homosexuality in Scripture must be read within this theological framework” (p. 38).

The Bible in 2 Timothy 3:16 is clear that “All Scripture is God breathed and is useful for teaching, rebuking and correcting and training in righteousness.” Again in Revelation 22:13, God is the Alpha and Omega, the First and the Last, the Beginning and the End, meaning that He sees the beginning of creation to its end. So, it is inappropriate to portray God’s Word as having little or nothing to say about homosexuality right from the beginning because that would be misinterpreting the theological framework for the creation and sexuality of human beings as the biblical texts attest.

2.5 The homosexuality battle on the ‘nature’ and ‘nurture’ aspects

In this section, there are terms that will be used interchangeably – to mean the same thing – such as ‘nature, proclivity, sexual orientation’ and ‘nurture, practice/actions and sexual behaviour’, respectively, to refer to the same terms.

Romans 1:26-27: Because of this, God gave them over to shameful lusts. Even their women exchanged natural relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed indecent acts with other men, and received in themselves the due penalty for their perversion.

While expounding on the above, Kendall makes a distinction between “proclivity and practice” (Kendall^{1998, p. 16}) and further argues that having a proclivity towards same sex is not a sin but to yield to homosexuality is sinful (1998, p. 17). But Countryman, in Schmidt, argues that Romans 1:26-27 has been mistakenly interpreted (and translated) in Christian circles to describe same-sex relations (homosexuality) as sinful (Schmidt, 1995). He then maintains that Paul portrays same-sex relations as impure for the purposes of his argument, but since the gospel releases Gentiles from the purity code, Paul is cautious not to use the vocabulary for sin (1995). Schmidt again argues that “same-sex intimacy is an appropriate choice as the prime illustration of Gentile ‘uncleanness,’ because while it is repulsive to Jews, Gentiles see this repulsion only as a Jewish peculiarity” (Schmidt, 1995, p. 65).

In the same line of thought, Jeff, and John wonders whether “this passage applies to inherently same-gender-attracted people who are living in loving, committed relationship” (Jeff & John, 2002, p. 14) because “the model of homosexual behaviour Paul was addressing here is explicitly associated with idol worship (probably temple prostitution), and with people who, in an unbridled search for pleasure (or because of religious rituals associated with their idolatry), broke away from their natural sexual orientation, participating in promiscuous sex with anyone available” (2002).

But could there be a misconception of the author’s intended meaning of this text? Stott responds to this question by asserting that when Paul wrote of women who had “exchanged natural relations for unnatural ones,” and of men who had “abandoned natural relations” he meant by “nature” (*physis*) the natural order of things which God has established” (Stott, 1999, p. 399). Soards joins Stott and argues that first, Paul turned to the Gentiles, discussed their fundamental sin of idolatry and then turned to the Jews and declared them “equally guilty because they trusted and revered the law rather than God” (Soards^{1995, p. 22}). Peterson David adds weight to Stott’s argument when he asserts that “for Paul it was a simple matter of observation that homosexual intercourse was contrary to nature,” (Peterson, 2004,) so that pagans who were ignorant of the biblical record had no excuse for not knowing God’s purpose for the sexual organs (Peterson, 2004). Paul then assessed “the sinful condition of all humans, worked from the beliefs and traditions of his own time to articulate a theological vision of reality by which the Roman readers and other early Christians are to gain their theological bearings for life” (Soards^{1995, p. 13}). Theologians have reason to grapple with the above theological and exegetical issues in order to help people make an informed decision on the matter.

2.6 Scientific Argument for Homosexuality

There have been arguments that homosexuality has scientific backing because there are views that point to genes in this regard. Arguments that there has been some discovery of genetic involvement in homosexuality orientation are alive. This scientific argument seem to have been coined around the nineteenth century as argued by Schmidt. He holds that homosexuality (same-sex relationships), as we know it – which refers to long-term relationships of mutual consent between adults – simply did not exist before the nineteenth century, when it was invented by scientists to create a pathological condition out of a rarely practised behaviour (primarily known as ‘sodomy’) (Schmidt, 1995, p. 65).

If this is such a recent discovery by the scientists, then is it really an inborn condition? Is it genetically

acquired? Neil, and Briar do not think so. They are convinced that “sexual behaviour is not genetically dictated” (Neil & Briar, 1999) because, as they put it, “no gene can do anything by itself” just like there is no gene for smoking, making sarcastic remarks or even dancing (Neil & Briar, 1999). They further explain that: “For a gene to even be expressed, it has to be acted upon by the products of another expressed gene or genes. It probably takes combination of products from at least five separate genes, and sometimes as many as twenty separate genes, to activate a single gene in a single cell into expressing itself” (p. 17).

They therefore state that for anyone to hold the view that a human sexual behaviour can be dictated or even influenced by genes, they must realize that “many genes are involved” (p. 20) and “if, when many genes are involved, changes in behaviour take place slowly, over very many generations, how can homosexuality suddenly appear as it does in a family?” Neil and Briar ask. They further argue that there is no pre-hormonal exposure to support homosexuality unless one was considering animals. They succinctly state that “although there are some pre-natal hormonal effects on sexual behaviour for lower animals, there is no convincing evidence for such an effect on sexual orientation in humans” (p. 121). Neil and Briar conclude that “not only your genes didn’t make you do it, it seems your hormones didn’t either. In sexual orientation, the strongest stimulation appears to come from the mind and the environment” (p.121).

Richardson (2003) on the other hand argues that “the possibility of a genetic basis for homosexuality has been recognized” and that genetic factors may play a part in the development of homosexuality orientation, but they are not the full story. This view seems to strengthen the argument by some scientists that genetic and biological influences open the door to homosexuality in some people even though the addition of environmental (that is, parental, social and experiential) influence homosexuality (Nicolosi & Linda, 2002, p. 4). But this argument is questionable because, Nicolosi and Linda argue that it is a myth and quotes the author of *My Genes Made Me Do It* who succinctly puts it thus: “Genes are responsible for an indirect influence, but on average, they do not force people into homosexuality. This conclusion has been well known in the scientific community for a few decades, but has not reached the general public” (p. 55).

Possibly this is the reason Nicolosi and Linda confirm that the myth that homosexuality is in-born first exploded into public consciousness in 1991, when researcher Simon LeVay studied the brains of thirty-five cadavers presumed to be homosexual men (Nicolosi & Linda, 2002) but even after the research, LeVay confessed thus: “It’s important to stress what I didn’t find. I did not prove that homosexuality is genetic, or find a genetic cause for being gay. I didn’t show that gay men are born that way, the most common mistake people make in interpreting my work” (2002, p.55).

LeVay’s confession is supported by Peterson when he states that “although gays and lesbians would like to hold genetic loading responsible for their behaviour, there is no scientific support for this claim” (Nicolosi & Linda, 2002). These arguments help in concluding that there is no genetic prove for homosexuality and therefore it is not inborn. Therefore, one cannot hold scientific evidence to argue that homosexuality is in born. In summary, it can be confidently stated that, theological considerations such as God’s plan in creating male and female and bringing them together to be “one flesh” rule out homosexuality unions entirely (Scanzoni & Mollenkott, 1973, p. 4). Even the scientific argument does not have factual support on the claim that homosexuality is inborn and/or there is any genetical factor to support it. Stott comments that, “no ethical challenge facing the churches today is more radical than the homosexuality or “gay” debate . . .” (Stott, 1998 p.14); and “although Christians may have a solid biblical foundation that provides a meaningful theology of authentic human sexuality, it is more difficult to live consistently by that value system” (Stott, p. 14). Therefore, the church is called to deal with the theological and exegetical concerns in this matter.

3. Social Factors that Heighted the Homosexuality Battle

The social issues that heighted the homosexuality debate include human rights, legal implication, the institution of marriage as is articulated in the policy documents in Kenya and criminalization of homosexuality as laid down in the Penal Code.

Today, there seems to be a human rights’ culture that is growing at a high speed across nations in the world more rapidly than hitherto known. Sen (2004) comments that the idea of human rights has gained much ground in recent years, such that it has acquired something of an official status internationally. Human rights are embedded in the constitution which specifically ties the local and the international together. For instance, Chapter One article five (5) of the Kenyan Constitution states that the general rules of international law shall form part of the law of Kenya and article six (6) is clear that “any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution” (Kenya Constitution, 2010, p. 22). Kenya is a signatory to many International Conventions. One of them is the International Covenant on Civil and Political Rights (ICCPR) – a member of United Nations Human Rights Council (UNHRC) - which Kenya acceded to in May 1972 (ICCPR, 1966). Article 26 of ICCPR states that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to

all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (p. 179).

Many questions come to play when a nation has acceded like Kenya has: Could the Kenyan three judges mentioned earlier have been influenced by the ICCPR law in their ruling? And is the Kenyan church aware of the conventions the nation has ratified and the implications/complications they might pose to theology in terms of human rights?

The implication of these international human rights to theology might be well captured by the recent ruling of the United States Supreme Court. Judges that ruled in favour of homosexuality when, for instance, they stated that “the right to personal choice regarding marriage is inherent in the concept of individual autonomy” (Supreme Court of the United States, p.3) and that “Same-sex couples have the same right as opposite-sex couples to enjoy intimate association, a right extending beyond mere freedom from laws making same-sex intimacy a criminal offense” (p.3). However, going by the letter and spirit of the Supreme Court’s ruling, it seems quite clearly that there is a major difference between what is legal and what is religious because the Bible is specific: “Marriage in general and sexual intercourse in particular is the attachment between two different yet equal and complementary beings (male and female)” (Fraser, 2012 p.1); which rules out same-sex unions, in this respect. The Church must, therefore, plan to carry out in-depth teachings to the adherents in order to empower them at the point of making decisions to or not to accept homosexuality.

For instance, how does the church interpret the ruling by the three high court judges of Kenya, to allow the National Gay and Lesbian Human Rights Commission to register the association regardless of the Kenya Penal Code 162, 163 & 165 that indicate Gay and Lesbianism is against nature? Is it the “rights” to participate in homosexuality or the rights to create a society by citizens - regardless of the society’s focus or both? Suffice it to say that, both United States Supreme Court’s ruling and that of the three Kenyan judges indicate that what is legal is considered differently from what is religious in this homosexuality battle. The onus now lies on the Church and its theologians to heighten its mandate to advance substantive information that will assist Christians in making informed decisions in homosexuality matters.

However, is there a difference between Human rights and homosexuality rights? According to the New Dictionary of Theology, human rights are a radical rejection of any form of totalitarianism be it political, industrial, trade-union, ecclesiastical, etc (Ferguson and Wright, 1988). But what is the origin of human rights? Stott responds that: “. . . the origin of human rights is creation. Human beings have never ‘acquired’ them. Nor has any government or other authority conferred them. We have had them from the beginning. We received them with our life from the hand of our Maker. They are inherent in our creation. They have been bestowed on us by our Creator” (Stott, 1999, p. 172).

Stott’s line of thinking seems to have gained support when GAFCON primates lamented that several national governments, aided by some church leaders, have claimed to redefine marriage and have turned same-sex marriage into a human rights issue. Human rights, we believe, are founded on a true understanding of human nature, which is that we are created in God’s image, male and female such that a man shall leave his father and mother and be joined to his wife (Matthew 19:6; Ephesians 5:31) (GAFCON, 2013).

From the foregoing discussion, it is safe to point out that what is legal does not necessarily have to be theologically acceptable. But the legal and theological should stand together to uplift the Kenyan citizens who need guidance with regard to homosexuality, whether in religious or other social circles.

3.1 The Kenyan Constitution as a Policy Document

The Constitution in any country is a major policy document that governs the lives of the citizens. The Kenya Constitution article 27(1) states that “every person is equal before the law and has the right to equal protection and equal benefit of the law” (Kenya Constitution, 2010, p. 41). Item (2) of the same article states that “equality includes full and equal enjoyment of all rights and fundamental freedoms” and (4) that “the State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth” (p. 41-42). However, what is the word ‘sex’ interpreted to mean? Is it male and female or is it male or female? Although the Bible is clear on ‘male and female’ it cannot be said the same of the constitution. The constitution seems to be particularly unclear and one wonders whether it upholds rights for same-sex unions/relationships the same way with opposite sex unions/relationships. With all due respect, the constitution states that none will be discriminated on the ground of sex, and it puts it in direct conflict with the Kenyan Penal Code which allows imprisonment for those in same-sex unions/relationships.

In his speech on 25th July 2015; while responding to homosexuality involvement, President Uhuru Kenyatta said that same-sex relationship is a ‘non-issue’ in Kenya (The telegraph p.1). The question is, what does ‘non-issue’ mean? Would the constitution and its emphasis on human rights as stated above interpret it as such? How would theology respond to this ‘non-issue’ matter? Could the President and the church be wrestling

with what is morally and theologically right versus the legal rights? And are human/legal rights apart from God the Creator of human beings?

Reed acknowledges that human rights do not necessarily require theology grounding in order to be coherent but she is quick to assert that before God, all human laws fall short of the requirements of His justice: “we know that society’s supreme law not only can sometimes be its supreme injustice, but before God it always is” (Reed, 2007, p. 3). She affirms that:

The challenge is to think ethically about subjective natural and/or human rights on Christian theological grounds, for the sake of God’s coming kingdom. This means, we may anticipate, that human rights will look different in Christian perspective than when treated postmetaphysically as liberties conferred on human beings by philosophical principle, discursive consensus, positive law, or Convention/convention (p. 3-4).

In *The New Dictionary of Theology*, we are reminded that although the Christian thinking about articulation of human rights is of more recent origin, it has however been a longstanding issue.¹ The Church must keep addressing the matter in order to help theology and human rights become compatible because they both address the same unit, human beings. That means morality, ethics and human rights must look unto God if christianity is to make a difference.

3.2 Criminalization of Homosexuality

According to the Kenya Penal Code, anyone who engages in same-sex relationships is liable to imprisonment. These are the same people protected by the constitution. This means that those in same sex relationships are both criminalized and protected at the same time by the same law. Is there a disconnect in the framing of the human rights? The *New Dictionary of Theology* points out that human rights are founded not in the fundamental freedom of humanity, but in the revealed truths such as is evident in Gen 1:26-27 because “men and women are the fruit of the everlasting word of creation” (1988, p. 594e). Therefore, as the bearers of God’s image ALL have a dignity and worth guaranteed by their creator (Gen 9:6). So why would the constitution protect same-sex relationships and the penal code criminalize them? Are these two documents separating ‘dignity’ and ‘human rights’ as concerns same-sex unions/relationships?

Onwubiko (2013) argues that human dignity refers to the worth of being human, while human rights are laws drawn from human dignity. He further says that human rights are not laws of human dignity, but laws from it for the sake of ensuring that dignity remains inviolate. Considering Onwubiko’s argument, clarity is needed between the Kenyan constitution and the penal code in matters of human dignity and human rights in order curb confusion in the legal circles. The Church needs to be proactive in addressing this human rights issue because it is evident that when it comes to legal matters, there are limits and boundaries that go beyond what the church stands for. The church equally needs to rethink its ministry to same-sex unions/relationships because the “approval of the ordination of those in same-sex unions is only the logical outcome of trends in the church’s theology, biblical understanding, and sexual mores which have been developing over a long period with little close scrutiny among the mass of the laity” (Onwubiko, 2013, p. 12).

3.3 Marriage and Family

According to the Kenya Marriage Bill, marriage is between a father and a mother, who, apparently, are recognized by the Constitution as ‘opposite sex’ (Kenya Constitution, 2010. p. 53), which the Bible terms male and female, and who are referred to as parents by the Children’s Act (The Children’s Act 2012, p. 84). Indeed, it is clear in article 158 (3c) of the Children’s Act that adoption by homosexual parent(s) is prohibited because Cap 141 indicates that “parent means the mother or father of a child and includes any person who is liable by law to maintain a child or is entitled to his custody.” Article 158 (3c) of the same Children’s Act states that “an adoption order shall not be made if the applicant or, in the case of joint applicants, both or any of them is a homosexual” (The Children’s Act 2012, p. 84). Hence, those in homosexual relationships are prohibited by law to adopt children. Why then would any institution support a relationship or association that is highly likely to end up in a union of parents involved in homosexuality?

The current battle in matters related to human rights and legal implications of same-sex relationships is right in the Church. As argued in this paper, the increasing battle, if not addressed, will continue weakening the unity of both church and society. This battle is creating a ‘showdown’ of some sort and it is definitely bound to distract leadership and ministry efforts within the Church of Christ in Kenya and beyond. Lovelace says this matter has touched “the very nerve of many crucial spiritual and theological questions” (1978, p. 11). Theologians must stand up to be counted in appropriating the truth of God’s Word because the Bible is still the ultimate and supreme guide on this matter.

¹ Ferguson and Wright. *The New Dictionary of Theology*. p.594

4. A Church's Response to the Theological and Sociological Issues in the Homosexuality Battle

Theological battle on homosexuality has raised varied responses from the Church of Christ. While it is evident that the Western Episcopalians are adamant in their quest to support same-sex unions and are joined by other churches, the GAFCON leadership and other denominations are against such support. For instance GAFCON primates were categorical that they are against the same sex relationships as well as civil partnership and affirmed thus: We want to make clear that any civil partnership of a sexual nature does not receive the blessing of God. We continue to pray for and offer pastoral support to Christians struggling with same-sex temptation who remain celibate in obedience to Christ and affirm them in their faithfulness" (GAFCON, 2013, p. 2).

The GAFCON statement seems to imply that the Primates are against homosexuality but not the individual because they offered to "pray for and offer pastoral support" though they expected such people to "remain celibate." While this paper is not discussing the homosexuals but homosexuality in particular, it is necessary to listen to the responses from the church in related matters.

The Evangelical Alliance of Kenya Chairman stated that "there is a misconception that the church hates gays but we don't. We hate the sin. The same way alcoholics are taken to rehab and reformed; gays can be helped" (Muthoni, 2015, p. 4). Likewise, the Kenya Catholic church issued a statement concerning same-sex relationships and stated that their stand is clear: "that these unions go against nature and the teachings of the Bible" (Kenya Catholic Bishops, 2015, p.1). They further asserted that they will not allow Kenya "to be a sowing ground for strange ideologies in pursuit of narrow economic interests. We categorically reject any agenda fronting this kind of unnatural ideologies" (p.1).

Again, in March 2014, Fredrick Nzwili, reporting for the Washington Post, quoted a News' Conference led by the leader of the Redeemed Gospel Churches of Kenya, where one participant said homosexuality was "like a weapon of mass destruction" while still another said it is unbiblical and cannot accord blessings to Christians (Nzwili, 2014).

In Uganda, Archbishop Stanley Ntagali stated that, "the fabric of the Anglican Communion was torn in 2003 when the Episcopal Church in the United States consecrated Gene Robinson as bishop in New Hampshire" (Pulliam, 2015) This was followed by a comment from the Archbishop of Uganda's Othodox Church who was quoted in an article written by Pullian Sarah saying that; "We draw our authority from our sacred books that teach homosexuality is part of human weakness that must be addressed at personal level through repentance."

In California, in the United States of America, three Episcopal Churches split and opted to be under the Province of Uganda; East Africa so as to ensure that they stay true to the historic faith and teachings of the church (Religion News Service, 2004). However, even as GAFCON and other Churches register their disapproval of homosexuality, acceptability by others continues. For instance, a group of pastors from various denominations in Kitengela, a town in the Rift Valley part of Kenya, launched a gay association entitled 'United Coalition of Affirming Africans, Kenya' which they hope would be used to fight for the gay rights in Kenya (GayStarNews, 2013). Again, in Oct 15, 2014, K24TV uploaded an interview clip entitled "Pastors Urge for Inclusion of LGBTIs in the Church" where Rev Dr Jamleck Miano appealed to churches to include the minority LGBTI. Still, in March 17, 2014, a Kenyan Artist opened a Homosexual church, the Cosmopolitan Affirming Church and although he did not give directions to the location of the church quoting security reasons, he invited others to attend and gave an email address (Ghafla news, 2015).

The above shows that while part of the Church of Christ is condemning homosexuality, others are supporting it. As it is now, there seems to be two theologies in the same Biblical texts – one for those accepting and the other for those condemning. This current battle might be an indication that neither of the two opposing sides has focused sufficiently to the foundational text of Genesis 1-2.

Regarding the social aspects as they relate to homosexuality, the church's involvement in social matters that affect the society expresses its call to be the salt of the world (Mt 5:13). The manner in which human rights issue has brought division, battle and tension in the church and society calls for in-depth teachings of the constitutional and legal rights. The Church leadership must be keen to understand how these rights are interpreted in order to help its adherents.

It is important to note that the Kenya constitution has values that are also found in the Bible. They are honouring God, respecting human dignity and rights as well as non-discrimination and protection of the marginalized. However, concerning the ruling by the three Kenyan judges, there seem to be a disconnect between what the Bible and theology demands as compared to what the Kenyan Constitutional Human and legal rights require. As a result, the church is caught up in the ambivalence and confusion that has occurred as it attempts to engage in both legal and theological issues at once (Schimdt, 1995). The church is also being troubled by the gap between the magnitude of its current challenge and its low level engagement in same-sex relationship matters. The struggle is seen through the Church's reaction after the ruling.

5. Reaction of the Kenyan Church after the ruling by the three High Court judges

The Anglican Church of Kenya called the Registrar of societies not to honor the ruling, terming it as "naïve and

inconsiderate” specifying that “the church would not be party to it” (Kenya Daily Post, 2015). The Anglican Archbishop further said that the decision by the court to grant gays the right to be registered negates religious and family norms on which the Kenyan society is based (Kenya Daily Post, 2015). This confirms that homosexuality matters that happened in the west elicited different reactions elsewhere (Sachs, 2009). The different reactions continued as follows: “The Catholic Bishops of Kenya, in a statement dated 8th May, 2015, stated that they were deeply disturbed by the High Court decision which they saw as a deliberate attempt by certain individuals and institutions to push dangerous agendas and ideologies that are unnatural, un-African and un-Christian (Kenya Catholic Bishops, 2015), which they said was a threat to the family.

Other church leaders in Kenya condemned the ruling because as they argued, the next step will be for the court to legalise gay and lesbian marriages in the country (Ngunjiri, 2015). The ruling led to a ‘stand-off’ in the legal fraternity as discussed above which is likely to cause marital schism both in church and society especially after the judges were categorical that neither the bible, nor the Koran was considered by the Constitution (Ngunjiri, 2015). The judges equally disregarded the Penal Code when they stated that neither the Penal Code, nor the religious tenets that the Board cited met the constitutional test for limitation of rights (Kenya Daily Post, 2015). To crown it all, the judges said that to cite religious beliefs as a basis for imposing limitations on human rights would fly in the face of Article 32 of the Constitution because freedom to profess religious beliefs, with due respect, encompasses freedom not to do so. Or, to put it differently, freedom of religion encompasses the right not to subscribe to any religious beliefs, and not to have the religious beliefs of others imposed on one (Kenya Daily Post, 2015). But there is a contradiction in this ruling because even the Bible and Koran believers have rights as well and those rights against their belief should not be imposed on them.

Further, Gospel Musicians, dubbed Muranga County Artists Association (MCAA), joined in the protest. They said the ruling was “barbaric and intended to allow other satanic acts in the country in the name of rights for everyone” (News 24 Kenya, 2015). They then asserted that since homosexuality is a wicked act which is meant to hinder procreation in the country by converting Kenya to be the next Sodom, they would not relent until the ruling was revoked.

However, Rev. Kimindu, a former Anglican Priest and currently president of Other Sheep-Africa, a gay rights organization, gladly considered the ruling as the beginning of the journey towards freedom. We will now start asking: What happens when two people who are gay want to have a baby or want to go to church to marry?” (Zwili, 2015) The question is, is there, then, any difference between Rev. Kimindu’s teachings and the teachings of these other churches about homosexuality? If there is, what is it? And can legal laws be considered by the church as a vehicle to drive moral laws? If yes, how can they work together, and if not, what does the church need to do in order to be relevant in such a context?

Snyder differentiates between moral and ceremonial law while referring to human rights and Christians and puts it thus:

...the general Christian consensus throughout history holds that the ceremonial law ended with the coming of Jesus, who embodies and fulfils the law (and its intended purpose). But the moral law continues because it is based on God’s character which in turn is reflected in creation and in the Ten Commandments (Snyder, 2015).

However, Snyder is quick to point out that “both the moral law and ceremonial law reflect God’s character but whereas the ceremonial law was given for a specific dispensation in salvation history, the moral law was given for all the time” (Snyder, 2015), and adds that it is important to honour God in both moral and ceremonial law.

Conclusion

Without doubt, the current homosexuality battle is glaring in the eyes of Church today more than ever before. As argued in this paper, proponents of homosexuality claim biblical support and quote Bible verses to assert its acceptability and authenticity while the opponents use the same Bible verses to vehemently state that the Bible is clear on the sinfulness and waywardness of homosexuality. The Bible cannot support homosexuality and not support it at the same time. Therefore, it is the responsibility of the church to be competent enough to give a critical response and relate this controversial issue with the intricacies that beget Christians when the matter of homosexuality finally knocks at their door (Innocent, 2012). A Itegi quotes Innocent who asserts that , ‘in a human society which is evolving very quickly and with rapidly changing ideas, the readers of the bible are invited to make the necessary distinction between what the Bible teaches and what the society in which they live advocates” (Itegi, 2007).

Lastly, it is important to mention that until recently, homosexuality for Kenyans was not an option to be considered in relationships presumed to end up in marriage. Actually, the Kenyan law prohibits homosexuality, as evident in this paper. But, it is a reality that criminalizing homosexuality is not stopping its spread. Under the circumstances, and as Lovelace has pointed out, the recent developments both in our society and in the church, make it apparent that the laity and Christian leaders must face this issue and deal with it (Lovelace, 1978).

Indeed, it is time for Kenyan Christians, Churches and theologians to address the homosexuality battle head-on.

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