

Canadian Association of Lutheran Congregations

Statement on
Marriage and Human Sexuality
– Scriptural and Confessional Authority

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The Purpose of the Paper

The Canadian Association of Lutheran Congregations (CALC) has adopted a policy on Christian marriage and a statement on homosexuality, both of which are set forth below. The purpose of this paper is to state the Scriptural and Confessional authority for the policy on marriage and statement on homosexuality.

Policy on Marriage

In accordance with our confession of faith, we define marriage as being between one man and one woman.

Statement on Homosexuality

This Association regards homosexual desires and behaviour as sinful and contrary to God's intent for His children (Lev. 18:22; 20:13; Deut. 23:18; Rom. 1:27; 1 Cor. 6:9-11). It rejects the contention that homosexual desires, behaviour and/or lifestyle are simply another form of sexuality equally valid with the God given male-female pattern. We acknowledge that each person may have a tendency or predisposition to a particular sin, or temptation to which he or she is especially prone. Being tempted is not a sin; acting on the temptation, by indulging in wrongful thoughts, words, or deeds is sinful (James 1:12-15).

We urge Pastors and Congregations to initiate Scriptural teaching: in appropriate situations so as to counter the growing social and cultural approval of homosexual attitudes and mindset. At the same time, we encourage pastors and congregations of this Association to minister redemptively with homosexual persons with whom they come in contact, realizing that each one is a person whom God loves and for whom His Son died. Also, we encourage congregations and pastors to show love and compassion to those who have facilitated, encouraged, enabled or participated in homosexual activities or in its lifestyle, and assure them of God's complete forgiveness to all who repent (2 Cor. 6:11).

Accordingly, we shall not allow the ordination or continuation in ministry of those who advocate the acceptance of homosexual desires, activities or lifestyle. Neither shall we allow the ordination or continuation in ministry as pastors of self-professing or practising homosexuals. All those who advocate such positions, or who profess or practice homosexuality, shall not be allowed to continue in this Association, until there is evidence of repentance and amendment of life.

Section 1 – The Heterosexual Structure of God's Creation and Marriage

The spring of 2003 decisions rendered by their highest courts caused the governments of Ontario and British Columbia, followed by six other provinces and two of the three Canadian territories, to legalize same-sex marriages. The court in Halpern vs. Canada¹ held that the common law definition of marriage as “the lawful and voluntary union of one man and one woman to the exclusion of all others” was constitutionally invalid and inoperative. Prohibiting marriage to same gender couples was unconstitutional under Section 15 of the Charter and could not be saved by Section 1 of the Charter. The court held that, at the very heart of the appeal, was this question: “whether excluding same sex couples from another of the most basic elements of civic life – marriage – infringes human dignity and violates the Canadian Constitution.” The court reasoned that sexual orientation had been determined to be a ground for protection under the Charter in relation to spousal support, pension benefits, and rights and liabilities under the income tax code and pension benefits. However, the court reasoned, the most important reason for extending the estate of marriage to same gender couples had to do with the importance of marriage:

“Marriage is, without dispute, one of the most significant forms of personal relationships. For centuries, marriage has been a basic element of social organization in societies around the world. Through the institution of marriage, individuals can publicly express their love and commitment to each other. Through this institution, society publicly recognizes expressions of love and

¹ Halpern v. Canada, [2003] 65 O. R.3rd 201

commitment between individuals, granting them respect and legitimacy as a couple. This public recognition and sanction of marital relationships reflect society's approbation of the personal hopes, desires and aspirations that underlie loving, committed conjugal relationships. This can only enhance an individual's sense of self-worth and dignity."²

The court reasoned that same gender couples were denied this right for no other reason than their sexual identity, so that the denial of marriage to same gender couples violates the equal protection under the laws provided by Section 15 of the Canadian Charter of Rights and Freedoms. The Federal and Provincial courts and governments recognized that the common law definition of marriage was based on the Judeo-Christian understanding and definition of marriage (one man and one woman) and that the new definition of marriage (two persons) was contrary to this traditional understanding and definition. The federal and provincial courts and legislatures specifically exempted faith communities from the application of the new marriage law, provided that the faith community's beliefs, tenants and confessions of faith do not permit the solemnization of marriage between same gender couples. We believe, trust and confess that the beliefs and tenants held by CALC, including our beliefs as set forth in our Policy on Marriage preclude the clergy or any other representative of CALC from performing same gender marriages. Scriptural and confessional authority for this position is set forth herein below.

CALC accepts all the canonical books of the Old and New Testaments as a whole and in all the their parts as the divinely inspired, revealed, and inerrant Word of God, and joyfully submits to this as the only infallible authority in all matters of life and faith. (Section 1 of Article 3 of CALC's Constitution) Almighty God, Creator of the universe, Who formed man in His own image, Who from the beginning loved goodness and hated evil, desires that the children of His creation live in eternal fellowship with Him. We hold to the creation and fall of humanity as described in the first chapters of Genesis, not as myth, but as historic facts. (Section 3 of Article 3 of CALC's Constitution)

We affirm that our Policy on Marriage correctly declares and proclaims that God has endowed creation with a heterosexual structure and that marriage is an integral component in that structure. The verses of Genesis 1:18-25, testify that God created and endowed every living thing on the earth with capacity to reproduce itself through the union of the male and the female of the relevant species. God instructed the birds of the air, fish of the sea, and all the animals and creatures which creep along the ground to be fruitful and multiply. The verses of Genesis 1:26-28, and Mark 10:6-9 testify that God created and endowed human beings with the same capacity.

Then God said, "Let us make man in our image, in our likeness, and let them rule over the fish of the sea and the birds of the air, over the livestock, over all the earth, and over all the creatures that move along the ground." So God created man in his own image, in the image of God he created him; male and female he created them. God blessed them and said to them, "Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish of the sea and the birds of the air and over every living creature that moves on the ground." (Genesis 1:26-28)

But for Adam no suitable helper was found. So the LORD God caused the man to fall into a deep sleep; and while he was sleeping, he took one of the man's ribs and closed up the place with flesh. Then the LORD God made a woman from the rib he had taken out of the man, and he brought her to the man. The man said, "This is now bone of my bones and flesh of my flesh; she shall be called 'woman, for she was taken out of man.'" For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh. (Genesis 2:20b-24).

"But at the beginning of creation God 'made them male and female.' For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh.' So they are no longer two, but one. Therefore what God has joined together, let man not separate." (Mark 10:6-9)

These texts have inspired the reformers to see that marriage is ordained by God as a structure of the created order. Commenting on Genesis 2:18-20, Luther wrote:

² *Ibid* pp 5

“It is as if Moses were saying: According to His definite plan, which he had carefully considered in advance, God wanted to create woman; for he saw that all other animals had a help for procreation, but Adam alone had none. And so God brought all the animals to Adam; and when he assigned each of them its name, he found none that was like himself.”³

Expanding on Luther, H.C. Leupold, in his commentary on Genesis, makes the following observation about Genesis 2:18-20; namely, that God brought the animals to Adam to evoke a feeling or a passion in Adam. God made the animals male and female so their species would continue and fill the earth. When God brought each species to Adam, he would bring the male and the female, the bull and the cow, the stallion and the mare, the rooster and the hen and so on and so on. By this, God intended a thought to be evoked from Adam; namely, “The rooster has a hen, the bull a cow and the stallion a mare, yet, what mate do I have?” God set a yearning in Adam’s heart for a partner who would function in the same way: for love, society and procreation. Therefore, when God brought Eve to Adam, he could see that God had given him what his heart desired: ‘bone of my bone and flesh of my flesh, a mate and a friend.’⁴ Verse 24 states that flowing from the creation of Adam and Eve is the procreation of other human beings, male and female, who like Adam and Eve come together and become one flesh; that is, share physical, sexual, emotional and spiritual union and thereby produce the next generation of human beings.

The Apology to the Augsburg Confession declares and affirms that marriage is a divine order stamped upon creation.

First, Gen. 1:28 teaches that men were created to be fruitful and that one sex should have a proper desire for the other. We are not talking about sinful lust but about so-called “natural love,” the desire which was meant to be in uncorrupted nature. This love of one sex for the other is truly a divine ordinance. Since this ordinance of God cannot be suspended without an extraordinary work of God, it follows that neither regulations nor vows can abolish the right to contract marriage.

Let us therefore keep this fact in mind, taught by Scripture and wisely put by the jurists: The union of man and woman is by natural right. Natural right is really divine right, because it is an ordinance divinely stamped on nature. Since only an extraordinary act of God can change this right, the right to contract marriage necessarily remains. For the natural desire of one sex for the other is an ordinance of God, and therefore it is a right; otherwise, why would both sexes have been created⁵

The account of the creation of humanity in the first and second chapter of Genesis, together with the Confessional understanding of marriage as an order of creation, undergirds our Policy on Marriage. Our policy statement points to a scriptural and confessional definition of marriage as a covenant of fidelity--a dynamic, lifelong commitment of one man and one woman in a personal and sexual union. The Rite for the Solemnization of Marriage, as found in the Lutheran Book of Worship, declares and affirms that it is the commitment of a man and woman to a lifelong partnership that makes a marriage. The couple makes this vow: “I take you as my husband/wife from this day forward, to join with you and share all that is to come, and I promise to be faithful to you until death parts us.” The couple then asks God to bless these vows. In response, the church declares on God’s behalf: “Those whom God has joined together, let no one put asunder.” It is not a formula that makes a marriage, but the commitment of the parties to a lifelong relationship involving love, intimacy, fidelity and sharing all that comes in life; all sealed by God’s blessing on that commitment. Specifically, God makes a solemn promise to the couple: to bind and join them together in a process which begins with the rite and continues as long as they both live. The couple makes these vows in faith, belief and trust that God will sustain them and bind them together more and more over the years of their marriage. The marriage vows assume that most heterosexual couples entering into the estate of marriage intend to: enter into a partnership based on mutual love, to the exclusion of all others, as long as they both live; engage in a conjugal union; reproduce themselves with children produced by the couple, adopted by them or brought into

³ Luther, M. 1999, c1958. *Vol. 1: Luther's works, vol. 1 : Lectures on Genesis: Chapters 1-5* (J. J. Pelikan, H. C. Oswald & H. T. Lehmann, Ed.). Luther's Works. Concordia Publishing House: Saint Louis, Page 119

⁴ HC Leupold, Exposition of Genesis, (1942) Wartburg Press, Columbus, Ohio, Page 132-37

⁵ Tappert, Theodore G, The Book of Concord, XXIII Apology to the Augsburg Confession, (Fortress Press, Philadelphia, 1959) Page 241 paragraph 11-12.

the marriage by one or both of the members of the couple; and build a life together, that is, provide for the necessities of life, their mutual support and nurturance, and raise their children.

Section 2 – Amending the Definition of Marriage - The Powerlessness of the Church.

Our Lutheran Confessions state that the church is powerless to amend, alter or change the estate of marriage as God ordained it. Specifically, Luther wrote the following in Article XI, of Part III of the Smalcald Articles:

“As little as the power has been given to us or to them to make a woman out of a man or a man out of a woman or abolish distinctions of sex altogether, so little have they had the power to separate such creatures of God or forbid them to live together honestly in marriage.”⁶

Same gender marriage abolishes the distinction between the sexes and therefore contravenes the provisions of Article XI of Part III of the Smalcald Articles.

The Church’s scriptural, confessional and liturgical understanding of marriage was challenged to the core by the action of our secular government with the legalization of marriage between same gender couples. We believe, trust and confess that, the Holy Scriptures, our Lutheran confessions of Faith and the teaching of the Church on marriage demand that marriage be limited to one man and one woman and preclude the solemnization of the vows of same gender couples in CALC congregations.

Section 3 – Homosexuality and Homosexual Behavior.

Our Statement on Homosexuality regards homosexual desires and behaviour as sinful and contrary to God's intent for His children (Lev. 18:22; 20:13; Deut. 23:18; Rom. 1:27; 1 Cor. 6:9-11). It rejects the contention that homosexual desires, behaviour and/or lifestyle are simply another form of sexuality equally valid with the God given male-female pattern. A great deal of controversy exists over whether the provisions of the Old Testament and New Testament, which speak of homosexuality, can be viewed as a condemnation of all homosexuals and all homosexual behavior. Certain passages of the Old Testament and New Testament have been interpreted to condemn only non-consensual homosexual behavior, including Leviticus 18:23, and 20:13; Romans 1:25-27, and 1 Corinthians 6:9; and therefore, cannot be applied to same gendered couples involved in a committed relationship. Our statement includes all homosexual behavior, including within committed lifelong relationships. It rejects the contention that homosexual desires, behaviour and/or lifestyle are simply another form of sexuality equally valid with the God given male-female pattern. The scriptural and confessional support for our statement is set forth below.

The Witness of the Old Testament

(a) Leviticus 18:23 and 20:13:

²²“Do not lie with a man as one lies with a woman; that is detestable.” [Leviticus 18:23]

¹³“If a man lies with a man as one lies with a woman, both of them have done what is detestable. They must be put to death; their blood will be on their own heads. [Leviticus 20:13]

At the heart of the prohibition of lying with man as one lies with a woman is that the act mixes two things that were never to be mixed. This goes against the intent of God as marked in creation. Same gender conjugal relationships pairs males or pairs females for conjugal relations, which goes against the accounts of creation found in Genesis, and affirmed by Jesus, specifically that God created the two sexes with an attraction for the opposite sex.

Bible scholar Robert Gagnon expounded on the laws of Leviticus 18:6-23. These laws have the function of maintaining the order of creation established by the God of Israel. He contends that each of these laws channeled the male sexual impulse into relationships that created healthy functional families set apart to serve God.

⁶ Smalcald Articles, Opcite page

- (a) The laws against incest found in Leviticus 18:6-18, had four aims: “(1) protect the females (both blood relations and in-laws), including girls, in the intimate context of an extended family, from the predatory sexual activities of male family members; (2) reducing sexual temptations within the family and preventing infidelity, which breeds alienation and distrust in one’s spouse and could result in the dissolution of the family; (3) reducing intergenerational conflict, disorder and dishonor, that would arise through sexual rivalry in the family; and (4) ensuring healthy offspring.⁷ Many of the sexual prohibitions are based upon and echo the violation of the 4th commandment; specifically, the prescribed sexual behavior dishonors the father and/or mother of the perpetrator or dishonors the perpetrator based on his relationship with the victim. Incest is at cross-purposes with God’s creative order, inasmuch as, it threatens the peace and good order of a family system.
- (b) Leviticus 18:19 prohibits sex during menstruation. The cessation of sex during menstruation parallels allowing fields to remain fallow every seventh year (Exodus 23:10-11, Leviticus 25:3-4). During menstruation, God prepares the female for the possibility of new life. Men were to discipline themselves and refrain from sex with their wives while God’s creative cycle continued in them. Sex during menstruation is at cross-purposes with God’s creative cycle.
- (c) Leviticus 18:20 prohibits adultery. This prohibition protects the stability of the marriage from the interference of another male. Adultery is at cross-purposes with God’s creative order, inasmuch as it threatens the peace, stability, good order and mutual trust of the spouses of the marriages which the act of adultery touches.
- (d) Leviticus 18:21, prohibits couples from sacrificing their children to foreign gods, thereby protecting their procreative efforts. Child sacrifice is at cross-purposes with God’s creative order, inasmuch as, it violates the First Commandment (Exodus 20:3, Deuteronomy 5:7) and is at odds with God’s command to be fruitful and multiply (Genesis 1:28).
- (e) Leviticus 18:23 prohibits men and women from having sexual relations with animals. This prohibition stops a mixing of two parts of the created order, namely, human (created in the image of God) and animal (not created in the image of God). God never intended these two orders of creation to be mixed; therefore, bestiality is at cross-purposes with God’s creative order.
- (f) Leviticus 18:22 warns *'Do not lie with a man as one lies with a woman.* Same sex intercourse is at cross purposes with God’s creative order, inasmuch as, the fundamental issue or problem with same gender sexual relations is that one of the men in the encounter makes another male the object of his male sexual desire and treats the other man as he would treat a woman in the encounter. In addition the other man sets aside his role a male in a conjugal encounter and permits himself to be treated as the woman would be treated in the encounter.

Robert Gagnon believes that Leviticus 18:23 and 20:13 are important texts for understanding God’s will with respect to homosexual relations for the following reasons. The prohibition of lying with a man as with a woman is absolute and unqualified. It neither identifies nor specially penalizes oppressive forms of homosexuality (rape, pederasty, ritual prostitution or traditional prostitution). However, Leviticus 20:13, states that the blood will be on both their heads, meaning, there must be consent on both partner’s part. The law does not punish the innocent victim of rape. (Deuteronomy 22:23-27) The ordinances of Leviticus 18 apply to the Israelites and all those aliens who reside with them. The whole purpose of the Holiness Code and Chapters 18 and 20 of said code, is to permit God’s people to live lives acceptable to God and not to conform to the sexual standards of the communities they would find themselves in. God’s commandments and promises, not the prevailing culture, were to form and shape the lives of the Chosen People. ²⁴“Do not defile yourselves in any of these ways, because this is how the nations that I am going to drive out before you became defiled. ³⁰Keep my requirements and do not follow any of the detestable customs that were practiced before you came and do not defile yourselves with them. I am the LORD your God.” (Leviticus 18:24, 30).

⁷ Gagnon Robert A. J. Opcite page 137.

The Witness of the New Testament

In the New Testament, Paul speaks against homosexuality and homosexual behavior in Romans 1:26-27 and 1 Corinthians 6:9.

Romans 1:18-32

¹⁸The wrath of God is being revealed from heaven against all the godlessness and wickedness of men who suppress the truth by their wickedness, ¹⁹since what may be known about God is plain to them, because God has made it plain to them. ²⁰For since the creation of the world God's invisible qualities—his eternal power and divine nature—have been clearly seen, being understood from what has been made, so that men are without excuse.

²¹For although they knew God, they neither glorified him as God nor gave thanks to him, but their thinking became futile and their foolish hearts were darkened. ²²Although they claimed to be wise, they became fools ²³and exchanged the glory of the immortal God for images made to look like mortal man and birds and animals and reptiles.

²⁴Therefore God gave them over in the sinful desires of their hearts to sexual impurity for the degrading of their bodies with one another. ²⁵They exchanged the truth of God for a lie, and worshipped and served created things rather than the Creator—who is forever praised. Amen.

²⁶Because of this, God gave them over to shameful lusts. Even their women exchanged natural relations for unnatural ones. ²⁷In 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.

²⁸Furthermore, since they did not think it worthwhile to retain the knowledge of God, he gave them over to a depraved mind, to do what ought not to be done. ²⁹They have become filled with every kind of wickedness, evil, greed and depravity. They are full of envy, murder, strife, deceit and malice. They are gossips, ³⁰slanderers, God-haters, insolent, arrogant and boastful; they invent ways of doing evil; they disobey their parents; ³¹they are senseless, faithless, heartless, ruthless. ³²Although they know God's righteous decree that those who do such things deserve death, they not only continue to do these very things but also approve of those who practice them.

Paul's critique of homosexual behavior in verses 26-27 must be viewed within the larger context of verses 18-32. Paul begins these verses with an important declaration; specifically, that God's wrath is being revealed in this world this very day. God's wrath is a result of his judgment against the world and Paul will demonstrate that God is fully justified in that judgment. These verses declare that God's judgment cannot be based upon the ignorance of the people of the world. God's judgment must be based upon what the people know and their failure to act in accordance with that knowledge; or more properly, their suppression of that knowledge. Two examples of the effects of the suppression of that knowledge are found in idol worship and homosexual sex.

Paul asserts that in the case of idol worship, gentiles should know better than to worship idols made with human hands. Specifically, they should have seen and deduced from the awesomeness of creation, that a power beyond creation exists and is responsible for this creation. God's wrath is manifest against idolaters by God's stepping back and allowing the passions of the flesh to take hold and flow forth in an unending stream of behavior that offends God. In verses 18-32, three times Paul declares that in response to human action, God set them free from His protection and gave them over to their own lusts so that each person could do as they please. "Therefore God gave them over in the sinful desires of their hearts to sexual impurity for the degrading of their bodies with one another." (Romans 1:24) "Because of this, God gave them over to shameful lusts." (Romans 1:26). ²⁸Furthermore, since they did not think it worthwhile to retain the knowledge of God, he gave them over to a depraved mind, to do what ought not to be done." (Romans 1:28). Rather than worship God, the gentile people of the world worshiped idols they created and endowed with powers and fashioned rules for the worship of their gods and rules for life with their gods and one another.

The people exchanged the worship of God for the worship of idols. As a consequence, the people acted foolishly and degraded themselves. The exchange of God for idols led to an exchange of heterosexual sex for homosexual sex together with a litany of other behaviors found in Romans 1:28-32. Paul is very practical in

these verses. Gentile people do not need the book of Leviticus to see that same gender sexual relations are contrary to nature and the Creator's desire for nature; all one has to do is look at nature. The primary sex organs fit male to female and not male to male or female to female. In addition, the coming together of a male and female in a sexual union carries with it the promise of procreation and mutual stimulation and gratification: just looking at creation points to God and His creative intent. Just looking at the human anatomy and the complementarity of the male and the female gives ample evidence of God's intent for human sexual expression. A key element of both idolatry and homosexual behavior is that both are conscious and concrete examples of the suppression of what is plainly revealed in nature.

1 Corinthians 6:9-11:

⁹Do you not know that the wicked will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor male prostitutes nor homosexual offenders ¹⁰nor thieves nor the greedy nor drunkards nor slanderers nor swindlers will inherit the kingdom of God. ¹¹And that is what some of you were. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.

Verses 9 and 10 of 1 Corinthians 6 enumerate certain behaviors, including sexual behaviors, which cannot be part of faithful Christian living. These behaviors are so severe that engaging in this behavior can exclude one from the kingdom of God. The Greek text of 1 Corinthians 6:9 contains two words "*malkoi*" and "*arsenokoitai*," The New International Version of the Holy Bible translates "*malkoi*" "male prostitute" and "*arsenokoitai*," as "homosexual offenders." Proponents of same sex blessings argue that these words must refer to men engaged in exploitive and degrading homosexual behavior, such as rape, pederasty (older men who exploit boys) and men who willingly engage in an act of prostitution with another man. They argue that Paul's understanding of homosexuality was influenced by the understandings and prejudices of the society of his day; namely, that it was an exploitive and degrading act often associated with the worship of the pagan gods. Paul's culture could not have understood homosexuality as a normal sexual orientation. Paul's culture could not possibly have conceived of the concept of two men or two women involved in a lifelong, loving, and monogamous partnership. Therefore, it is argued, you cannot use a text which prohibits exploitive relationships to prohibit homosexual sex in a loving and monogamous relationship between two men or two women. On its face, this argument seems compelling; however, this argument must be challenged on these grounds. Just as in the case of Romans 1:26-27, one must look at the context in which the verses of 1 Corinthians 6:9-10 occur in an effort to determine whether the terms "*malkoi*" and "*arsenokoitai*" have been correctly rendered or translated by the proponents of same gender marriage/blessing.

In the first eight verses of 1 Corinthians 6, Paul chastised the members of the Corinthian church for engaging in a particular behavior; specifically, members of the congregation had filed lawsuits in civil courts against one another. Members in the church asserted that other members had cheated them. Rather than work the dispute out amongst them, or ask another member of the congregation to mediate, they took one another to court. Paul declared that they were already lost. They were not thinking and acting with the mind of Christ. They were thinking with the mind of the world; that is, they were becoming wicked and, as a result, were in danger of becoming alienated from God by virtue of their sins. Paul reminded them that the wicked would not inherit the kingdom of God. Those that would not inherit the kingdom of God included *malkoi* and *arsenokoitai*. In determining the meaning of difficult words in the Greek text, Biblical scholars scour texts from the same period to try to determine the accepted meaning of a word. The term "*malkoi*" translates into male prostitute and was referred to in the literature of Paul's day as effeminate call-boys, or youth, who have consciously imitated feminine styles and ways, and who walked the thin line between passive homosexual activity for pleasure and that for pay.⁸ However, the word '*arsenokoitai*' has a more generic or universal meaning.

The meaning of the word Arsenokoitai:

Biblical scholar Robert Gagnon contends that the word "arsenokoitai" literally means "bedders of males" and he translates the word as "males who take other males to bed." He contends that the term "male-bedder" is

⁸ Gagnon, Robert A.J., Opcite Pages 309-312

similar to and echoes Leviticus 18:22 and 20:13's "lying with another man as one lies with a woman." The term "bedders of males" is not a negatively charged word; it does not speak of malicious intent. It speaks of an act; namely, one man having sexual intercourse with another man. If Paul had in his mind to single out exploitative behavior he could have used words infused and charged with negative understanding, namely, the Greek word "*paiderastes*" which is translated pederast (older men who sexually exploit male youth). Paul did not; he used the generic word "male-bedder"⁹

1 Corinthians 6:9 must also be interpreted in light of Romans 1:24-27. When Paul spoke of sex between males and males in Romans 1:26-27, he surely had in mind *arsenkoitai*. Men and women had exchanged the use of the opposite sex in sexual intercourse, "which is natural", for the same sex, "which is unnatural." Genesis Chapters 1 and 2 were behind Paul's understanding of human sexuality. Paul believed that woman had been created to be man's one and only sex partner. The problem for Paul in same sex relationships was foremost and utmost that the parties were the same sex and not the opposite sex.¹⁰

Gagnon concluded that in the final analysis, with the words *malkoi* and *arsenkoitai* side by side, Paul is warning those involved in same gender relationships, both active and passive, for money or by mutual consent, must view their actions in light of God's plan for the expression of human sexuality in heterosexual marriage relationships.¹¹

Section 4 – Homosexuality- Temptation Sin and Acts 15:28-29 & Galatians 3:24-29

Our statement on Homosexuality acknowledges that each person may have a tendency or predisposition to a particular sin, or temptation to which he or she is especially prone. Being tempted is not a sin; acting on the temptation, by indulging in wrongful thoughts, words, or deeds is sinful (James 1:12-15).

¹²Blessed is the man who perseveres under trial, because when he has stood the test, he will receive the crown of life that God has promised to those who love him. ¹³When tempted, no one should say, "God is tempting me." For God cannot be tempted by evil, nor does he tempt anyone; ¹⁴but each one is tempted when, by his own evil desire, he is dragged away and enticed. ¹⁵Then, after desire has conceived, it gives birth to sin; and sin, when it is full-grown, gives birth to death.

These words from James' letter to the Church reminds Christians that we are truly blessed when we endure trials and temptations. It is in the endurance of trials and temptations that we grow in grace, faith and our relationship with our Triune God. Our faith in Father, Son and Holy Spirit permits us to stand up under trials. Jesus promised that his grace is sufficient for us and that in our weakness his strength is made perfect (2 Corinthians 12:9). All human beings are tempted by sin, this temptation does not come from God, it comes from our own weak human flesh, the world and the Devil. Temptation is not sin, it is in the indulgence in the sinful activity that is the sin. In these verses, James contemplates the Christian who will always be plagued by the old Adam in him or her and whose faith may be crushed down by trials and temptations. James calls that Christian to believe that his/her faith in Christ will assert itself and rid him or her of the deadly hold of sin by true repentance. James' counsel to those struggling with sexual sin is to rely on Jesus in their weakness and repent.

Some would argue that that the feelings, emotions, tendencies and predispositions of homosexual people involved in committed long-term relationships, are no longer sinful desires that need to be repelled. They cite Acts 15:28-29 and Galatians 3:24-29 as proof texts. The arguments that have been advanced in an effort to normalize homosexuality and legitimize and justify same gender blessing under Acts 15:28-29 and Galatians 3:24-29; together with a response to those arguments follow.

Acts 15:28-29: The first great test of the fledgling Christian church had to do with the conversion of the Gentiles to Christianity. Specifically, the scriptures testify that all of Jesus' disciples were Jews; that is, physical descendants of Abraham. While Jesus is the incarnate Son of God, He was circumcised and obeyed perfectly all of the laws of Moses. In human terms, Jesus was a Jew. The church began in the synagogues of Jerusalem and spread to synagogues throughout the Roman world. Jews and Gentile proselytes to Judaism

⁹ Gagnon, Robert A.J., Opcite Pages 312-313

¹⁰ Gagnon, Robert A.J., Opcite Page 252

¹¹ Gagnon, Robert A.J., Opcite Pages 337-339

became Christians by being (and in the case of proselytes, becoming) Jews and thereafter believing that Jesus is the Jewish Messiah. When the church spread to the gentile world, a very important question arose for gentiles who desired to become members of the church. Specifically, do male gentile converts have to undergo circumcision and obey the Mosaic dietary laws and other laws as a condition of becoming a Christian? A faction of Christian Jews argued precisely that: they declared that any Gentile convert to Christianity must become a son or daughter of the Old Covenant and keep the laws of the Old Covenant prior to entering into the New Covenant by Baptism and being saved by grace through faith. Paul, and other Christian Jews, argued that the Gentile converts do not have to be circumcised and become sons and daughters of the Old Covenant to be baptized into the New Covenant of salvation, because of grace through faith in Jesus.

A council of apostles and elders in Jerusalem, at which the Apostle Paul was present, came to the following consensus: the council agreed that God intended to save and include Gentiles in God's family. As evidence they quoted Amos.

¹⁶" 'After this I will return and rebuild David's fallen tent. Its ruins I will rebuild, and I will restore it, ¹⁷that the remnant of men may seek the Lord, and all the Gentiles who bear my name, says the Lord, who does these things' ¹⁸that have been known for ages." [Acts 15:16-18]

The Apostles, moved by the Spirit, agreed not to make it difficult for the Gentiles to enter the faith. They made the following statement:

²⁸It seemed good to the Holy Spirit and to us not to burden you with anything beyond the following requirements: ²⁹You are to abstain from food sacrificed to idols, from blood, from the meat of strangled animals and from sexual immorality. You will do well to avoid these things. Farewell." [Acts 15:28-29]

Circumcision was not required, but the four stipulations described above were none-the-less laid down. It was believed that following these directives would be good for the individual, and would promote harmony between Jewish and Gentile Christians. Those using Acts 15:28-29 as a proof text for the normalization of homosexuality and homosexual behavior see the four prohibitions as practical compromises that permitted Jews and Christians to live together in the church. They argue further that, as the church spread into the Gentile world and became predominantly a Gentile church, three of the prohibitions left the church for good because the sensibility of Jewish Christians was no longer a concern. After all, Christian people eat animal blood, as food (i.e. blood sausage) and receive it in medical procedures (blood transfusions). Only those who apply the scriptures literally (i.e. Jehovah's Witnesses) refrain from the oral or intravenous consumption of blood. Christian people have used snares to capture animals for centuries and eat their meat. Food sacrificed to idols is a category that simply does not exist in our culture today. Moreover, the Apostle Paul went on to argue in 1 Corinthians 8:1ff, that eating food sacrificed to idols was a matter of conscience and not of salvation. He argued that the idols were nothing so the food sacrificed to idols could not possibly be tainted. The same is true of the blood and the eating of meat of strangled animals.

Some argue that the prohibition against homosexuality is found in the Mosaic Law; therefore, if the Mosaic law no longer applies, homosexual behavior is no longer a sin. As a consequence, homosexuals should be freely accepted in the Christian church. Moreover, if a homosexual couple wishes to take one another as a spouse, they should be entitled to without hesitation and equivocation on the church's part. Further, single and married homosexuals should also be ordained to the ministry of word and sacrament on the same basis. Any condemnation or degradation of homosexuality or homosexual behavior, most especially involving those men and women involved in committed same gender relationships, is therefore unjust and must be stopped. On its surface, this argument seems extremely convincing; however, upon closer examination, we believe that it is flawed and cannot be used in this instance.

As we will see in the discussion of Galatians 3:24-29 below, the Levitical prohibition of eating strangled meat and blood are done away with by the sacrificial death of Jesus. In addition, during his earthly ministry, Jesus declared that food could no longer make a person unclean. Jesus testified concerning food and the ability of food to make one unclean: "Are you so dull?", he asked. "Don't you see that nothing that enters a man from the outside can make him 'unclean'? For it doesn't go into his heart but into his stomach, and then out of his

body." In saying this, Jesus declared all foods "clean." (Mark 7:17-19. See also Matthew 15:11) The Apostle Paul in 1 Corinthians 8:1ff spoke of the dangers inherent in eating such foods. It was common for meat sacrificed to pagan gods and deities to be served at dinners and banquets that a Gentile convert to Christianity would still attend. Paul assured the Gentile members of the Church at Corinth that there is only one God and that the idols to which their pagan neighbours made sacrifices to were not real; therefore, the food so sacrificed was not polluted. Lenski contends that even though Jewish Christians knew that these points of the law were abrogated, they still felt horror for eating blood or any meat that has blood in it.¹² The Apostles thus prohibited what was plainly permitted. As stated above, when Jewish and Gentile Christians' were no longer repulsed by tainted foods, the prohibitions against such foods subsided. Jesus' sacrificial death on the cross did not satisfy the provisions of the Mosaic law which related to sexual immorality. As we shall see herein below, the New Testament condemns adultery, incest and a host of sexual sins remain.

Using still another line of reasoning, theologian Robert Gagnon noted that the prohibitions of Acts 15:28-29 echo and reflect the provisions of Leviticus Chapters 17 and 18. Leviticus 17:1-6, prohibits individual Israelites from offering sacrifices at a place other than the site established by God for offering sacrifices and Leviticus 17:7 prohibits offering sacrifices to other or foreign gods (goat gods). The consumption of the sacrificed food was also forbidden. Leviticus 17:8-12 prohibits the consumption of blood. Leviticus 17:13-16 prohibits the consumption of meat which is killed in a way which does not permit the draining of blood. Acts 15:27 prohibits consuming *food sacrificed to idols*, echoing Leviticus 17:1-7. In the same way, said verse 27's abstention from the consumption of *blood* and the *meat strangled animals* (meat that has animal's blood in it, as would be the case of a strangled animal), echo Leviticus 17:8-12 and 17:13-16, respectively. Acts 15:27 also prohibits engaging in "porneia" or *pornia*, which translates to "*sexual immorality*." As was stated above, Leviticus 18 prohibits incest (verses 6-18), sex during menstruation (verse 19), adultery (verse 20), child sacrifice (verse 21), homosexual sex (verse 22) and bestiality (verse 23).¹³

While the prohibitions of Acts 15:27 involving the consumption of blood, strangled meat and meat involved in idol worship, are permitted by the other provisions of the New Testament; the same cannot be said for sexually immoral acts. The New Testament continues to lift up and encourage marriage and to decry many of the behaviors found in Leviticus 18.

- Adultery is clearly prohibited by Leviticus 18:20. The words "adultery and adulterer" are mentioned and, in the same context, prohibited or condemned twenty times in the New Testament, specifically in Matthew 5:27, 28, 32; 15:19; 19:9; 19:19; Mark 7:21; 10:11, 10:12; 10:19; Luke 16:18; 18:20; John 8:3; 8:4; Romans 2:22; 13:19; 1 Corinthians 6:9; 1 Timothy 1:9; Hebrews 13:4; and James 2:11.
- Leviticus 18:8 states that a man shall not have sexual intercourse with his father's wife. In 1 Corinthians 5: 1-12, the Apostle Paul laments that a member of the Corinthian church has violated the Levitical code and committed an act of incest through sexual relations with his father's wife. Paul was astonished that some of the members of the congregation were even proud of this incestuous behavior. Paul chastised the congregation for their support of this behavior and admonished them to expel this man from the community.
- Leviticus 18:22 specifically prohibits a man from lying with one man in the way he lies with a woman. As stated hereinabove, the verses of Romans 1:25-27 and 1 Corinthians 6:9, have been interpreted to declare that same gender intercourse is prohibited as it does not conform to the heterosexual structure of God's creation.
- The prohibition of having sex with a man in the way one does with a woman found in Leviticus 18:22, is an integral part of a group of laws which still are almost universally accepted in western society. Incest, that is, sex with close relatives (mother, stepmother, sister, stepsister, aunt, as described in Leviticus 18:6-18) even if between consenting adults, is universally prohibited and even criminalized. Adultery, while no longer criminalized, remains a social taboo (see Leviticus 18:20). Child sacrifice remains a moral and

¹² Lenski, RCH, [The Interpretation of the Acts of the Apostles](#), (1944, Wartburg Press, U.S.A.) Page 616

¹³ Gagnon, Robert A. J., [A Critique of Jacob Milgrom's views on Leviticus 18:22 and 20:13](#), (2001)

<http://www.robgagnon.net/articles/homoMilgrom.pdf> Page 13

criminal offense (see Leviticus 18:21). Bestiality is universally condemned and criminalized (see Leviticus 18:23). Only the prohibition of sexual relations during menstruation is no longer in force. The account of the creation of Adam and Eve found in Genesis 2, together with the Levitical laws found in Chapter 18, have informed and undergirded the marriage codes in western nations and the stance of the Christian church in the sexual sphere against adultery, homosexual sex, incest, bestiality, polygamy, adult-child sex and prostitution. In view of all of this evidence, it is not reasonable to take the position that Chapter 18 of the Book of Leviticus is no longer relevant to the church. Leviticus 18:22 stands behind and is echoed in Romans 1:26-27 and 1 Corinthians 6:9-10. These texts are relevant to the debate on whether homosexuality is considered a part of the sexual immorality prescribed by Acts 15:29 and the question of whether to bless or marry couples of the same sex involved in committed relationships.

The foregoing evidence points to a powerful verdict. Certain sexual sins described in Leviticus 18 remain sexual sins that are in full force and effect. Yet, the sacrificial death and resurrection of Jesus has had an impact on sexual sin. For the sake of the innocent suffering, death and resurrection of Jesus, God forgives the sexual sin of a repentant sinner who has committed sexual sins. Jesus did not provide atonement for the sexual sin of Adultery, Incest or Homosexuality. Sexual sin remains sexual sin. It is the individual repentant sinner who is atoned for by Jesus' shed blood and is forgiven for the sexual sin committed by reason of Jesus' innocent suffering and death.

Galatians 3:24-29: In his letter to the Galatian churches, the Apostle Paul declared that Jesus' sacrificial death and resurrection forever changed the relationship between Christians.

Galatians 3:24-29: You are all sons of God through faith in Christ Jesus, for all of you who were baptized into Christ have clothed yourselves with Christ. There is neither Jew nor Greek, slave nor free, male nor female, for you are all one in Christ Jesus. If you belong to Christ, then you are Abraham's seed, and heirs according to the promise.

Paul's declaration in Galatians 3:24-29 has many implications for believers. Lenski put it this way: "In Baptism, all Galatians are alike clothed with the garment of Christ's perfect righteousness. In God's eyes, they are all alike. During the time the Mosaic Law was in force, this law itself recognized and maintained differences. It had provisions for Jews over against the Gentiles – many of them; for free men over against slaves; for men over against women. When faith and Christ came, these distinctions were abolished."¹⁴

Lenski continues this line of reasoning: "The Old distinction between Jew and Gentile is placed first; it extends to the nations. Next is that between the slave and the free; we must remember that this extended through the whole Roman world at that time. These two pairs are placed chiasmatically; for Jew was greater than Pagan Greek, and free, of course, greater than slave. The last difference is a coordinate pair, two neuter terms: "no male and female," i.e. no male or female sex. Paul stops with this; any other distinction can readily be added. He says: Since you Galatians are all sons of God by faith, clothed with Christ's righteousness by baptism, all these and similar distinctions and differences are wiped out as to your spiritual standing. This does not involve a physical mutation. Christians of Jewish or Greek descent retained their descent, free men and slaves kept their social positions, men and women kept their sex. The Gospel changes nothing in the domain of this world and this natural life. In a way the Gospel effects changes also in this domain. It has driven out slavery and elevated the status of women. But Paul is here speaking of the Spiritual domain, of God's household in which all believers are equally sons of God."¹⁵

Some contemporary theologians contend that abolition of maleness and femaleness before God as set forth in Galatians 3:24-29 has implications for marriage. Their line of reasoning may be expressed as follows: (a) God has planted a sexual desire in human beings, including a desire for the opposite gender and the same gender; (b) God's desire is for people to live together in lifelong partnerships involving physical, emotional, spiritual and economic union; (c) God's desire is to bless those unions and make its partners one; (d) the distinction between the sexes is abolished before God at baptism; and (e) gender is no longer a factor in the relationship between God and human beings, by implication gender should not be a factor in relationships between human beings; **therefore:** God would by implication call and encourage heterosexual and homosexual couples to

¹⁴ Lenski, RCH, The Interpretation of Galatians, Ephesians and Philippians. (1946, Wartburg Press, U.S.A.) Page 188

¹⁵ RCH, The Interpretation of Galatians, Ephesians and Philippians. (1946, Wartburg Press, U.S.A.) Page 189.

enter into the estate of marriage. First century Jewish Christians were taught by the Torah that homosexuality was a sin; therefore, for that reason, Jewish Christians would have abhorred homosexuality and homosexual behavior. However, once the Church was separated from the synagogue and Jewish and Gentile Christians embraced their freedom in Christ more and more, they would come to accept same gender couples and eventually encourage and marry them. While this line of reasoning may seem compelling, it must be viewed in light of the entire testimony of the New Testament on the subject of human sexuality and its expression and marriage.

Lenski clearly stated that the equality declared in Galatians 3:24-29 was in the “Spiritual domain.” While he did not elaborate on the definition of the Spiritual domain, the Gospel and the Lutheran Confessions testify mightily of the intersection of this domain and the “Spiritual domain.” Jesus declared that when two or three of His disciples gather together in His name for worship, prayer and praise, He is present among his disciples (Matthew 18:20). Martin Luther, in his explanation to the third Article to the Apostles Creed, writes that we cannot come to Jesus Christ or believe in Him without the agency of the Holy Spirit in the proclamation of the Gospel. In the same way, the Holy Spirit calls, gathers and enlightens the whole Christian church.¹⁶ The Apostle Paul testified that when each of us is baptized, we are joined to the death and resurrection of Jesus. This death and resurrection occurs in the Spiritual Domain. In his explanation of the Sacrament of the Altar in his Small Catechism, Luther further declared that when we receive Holy Communion, we receive Jesus in, with and under the bread and the wine and our sins are forgiven.¹⁷ Our receipt of Jesus in Holy Communion occurs in the Spiritual domain. Whenever the Gospel is preached in its purity and the Sacraments are rightly administered, the Spiritual domain and our domain intersect. It is when we gather for worship, prayer, praise and study that we are in that Spiritual domain. In the Spiritual domain, Galatians 3:26-29 declares that, to the Father, Son and Holy Spirit, there are no Jews or Greeks present, nor are there any men or women, or slaves or free people. The New Testament scriptures testify that Baptism does not obliterate the physical distinctions between men and women, nor does it obliterate marriage as between one man and a woman in lifelong partnership of emotional, physical, spiritual and economic union.

The New Testament continues to affirm marriage as a union between one man and one woman. Hebrews 13:4 declares that, “Marriage should be honored by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral.” In the verses of 1 Corinthians 7, Paul speaks of Christian marriage and its implications. He defines marriage as between a male and a female involved in a lifelong union. In these verses Paul admonishes and encourages Christian couples to remain married as long as they both live. If they separate, they must not remarry and must make reconciliation the aim of the couples. However, Paul clearly states that if their spouse is a non-believer and hinders their faith life, or their life in the Spiritual domain, the Christian spouse is free to divorce and remarry. Jesus defined marriage as between a man and a woman which may be terminated by divorce on grounds of marital infidelity. (Matthew 5:31-32 & 19:3-12; Mark 10:1-12; and Luke 16:16-18). In Ephesians 5:28-29, the Apostle Paul also commends husbands to love their wives as husbands love and care for their own bodies (echoing the understanding from Genesis 2:24 and Mark 10: 6-9 that in marriage the husband and wife become one flesh). In Ephesians 5:25-33, Paul used human marriage between a man and a woman as a metaphor for the relationship between Jesus and the church; specifically, the church was likened to a bride and Christ as a bridegroom; thereby affirming God’s continued blessing of heterosexual marriage as the institution within which human sexuality is to be expressed.

Section 5 – Homosexuality and Leadership and Ordination.

Our statement on homosexuality does not allow the ordination or continuation in ministry of those who advocate the acceptance of homosexual desires, activities or lifestyle. Neither shall we allow the ordination or continuation in ministry as pastors of self-professing or practising homosexuals. All those who advocate such positions, or who profess or practice homosexuality, shall not be allowed to continue in this Association, until there is evidence of repentance and amendment of life.

¹⁶ Tappert, William, Editor, The Book of Concord, (1954, Augsburg Publishing, Minneapolis) Page 243

¹⁷ Tappert, William, Editor, The Book of Concord, (1954, Augsburg Publishing, Minneapolis) Page 244

In his Letter to Titus, Paul sets forth the criterion for those who function as elders or leaders in the church.

⁶An elder must be blameless, the husband of but one wife, a man whose children believe and are not open to the charge of being wild and disobedient. ⁷Since an overseer is entrusted with God's work, he must be blameless—not overbearing, not quick-tempered, not given to drunkenness, not violent, not pursuing dishonest gain. ⁸Rather he must be hospitable, one who loves what is good, who is self-controlled, upright, holy and disciplined. ⁹He must hold firmly to the trustworthy message as it has been taught, so that he can encourage others by sound doctrine and refute those who oppose it. (Titus 1:6-9)

Based on all of the foregoing provisions of the position paper, we believe, teach and confess that God does not encourage or condone homosexual behaviour, including the behaviour of those involved in committed long-term relationships, and same gender couples married under the civil laws of a country. Christian marriage is between one man and one woman and is the only relationship in which God condones the expression of human sexuality. Same gender couples by their very nature violate God's ordinance and run afoul of Titus 1:6. Those engaged in same gender relationships ignore the teaching of the Old and New testament with respect to God's desire for the expression of human sexuality in the bonds of heterosexual marriage, thus demonstrating that they do not hold firmly to the message taught and demonstrate a lack the ability to teach God's word and refute error as required by Titus 1:9. Therefore, those who engage in homosexual behaviour and those who encourage others to engage in homosexual behaviour, are by reason of said beliefs and behaviours disqualified from serving in the leadership of the church, most especially, ordination to the Ministry of Word and Sacrament.

Section 6 – Homosexuality and Ministry.

Our statement on homosexuality urges Pastors and Congregations to initiate Scriptural teaching in appropriate situations so as to counter the growing social and cultural approval of homosexual attitudes and mindset. At the same time, we encourage pastors and congregations of this Association to minister redemptively with homosexual persons with whom they come in contact, realizing that each one is a person whom God loves and for whom His Son died. Also, we encourage congregations and pastors to show love and compassion to those who have facilitated, encouraged, enabled or participated in homosexual activities or in its lifestyle, and assure them of God's complete forgiveness to all who repent (2 Cor. 6:11).

At the very beginning of his ministry, Jesus proclaimed: "Repent, for the kingdom of heaven is near." (Matthew 4:17). The whole purpose of the proclamation of the Gospel is to: (a) permit people to hear the good news that Jesus died for their sins, was raised to new life and opened the gate to eternal life to all who believe; and, (b) thereby provide an opportunity for confession of sin, repentance and faith in that good news. Therefore, Jesus calls CALC and its congregations to proclaim that all sexual relationships outside of heterosexual marriage are not blessed by God and are sinful, and call those involved in these relationships to stop, repent and turn to God and away from sin. Jesus calls CALC and our congregations to proclaim the truth of the Gospel with respect to Christian marriage and sexual sin in love (Ephesians 4:15). As Lutherans, we believe, trust and confess that the law/gospel dialectic must undergird any teaching, preaching and proclamation on marriage and the expression of human sexuality. In the law/gospel dialectic the function of the law is judge, convict and condemn and purpose of the Gospel of Jesus Christ is to save.

The law/gospel dialectic is most powerfully demonstrated in the account of the woman caught in adultery (John 8:1-10). Some Pharisees brought a woman they caught in adultery to Jesus. The Pharisees bated Jesus with this question: "Teacher, this woman was caught in the act of adultery. In the Law Moses commanded us to stone such women. Now what do you say?" (John 8:4-5) They asked this question of Jesus in order to put him on the horns of a dilemma. The question baited Jesus to take a public stand on real sin. They hoped that he would be hard on sin, condemn it and call for swift justice. If the crowd stoned the woman Jesus would be arrested by the Romans for treason and murder and he would be regarded as a hard-line legalist not a friend to the sinner. John 3:16-17 clearly declare that Jesus came into the world to save the world, to give eternal life and not to condemn the world. Jesus' enemies could say that his condemnation of the woman went against the very reason he said he came to earth. However, at the same time if Jesus did not address the sin and simply let the woman walk away he would turn his back on the Law of God. Jesus' enemies could say that he was a lawbreaker and incited others to break the law. How did Jesus overcome the dilemma that the Pharisees put him in?

Jesus accepted the truth of their accusation against the woman, their verdict and the punishment of stoning. He also invited the Pharisees to carry out the execution. "If any one of you is without sin, let him be the first to throw a stone at her." (John 8:7). With these words Jesus put his accusers on the horns of a dilemma. He caused them to examine themselves in light of what they were doing. The law required that the witnesses against the woman, her accusers, be the first to throw the stones at the woman and then the other people may throw stones (Deuteronomy 17:7). Their testimony must be true and must be for the purpose of ridding Israel of evil. No one threw a stone. "At this, those who heard began to go away one at a time, the older ones first, until only Jesus was left, with the woman still standing there." (John 8:9).

The hands of the woman's witness-accusers were not clean and they could not cast a stone. Their actions betray much about their intentions. They did not wish to rid Israel of evil. If purging Israel of evil was their motive, they would have brought the man who was caught with her as required by the law (Leviticus 18:20 and 20:10). Further, there are three ways they could have discovered the adultery: (1) they innocently happened upon the couple engaged in the act of adultery; (2) they came to find out that the adulterous affair was going on, followed the couple and waited for the adulterous act to occur; or worse, (3) they solicited the man to have sexual relations with the woman for the purpose of catching them in the act and bringing her before Jesus. If their discovery was innocent, they would have been able to stone her without bringing any sin and shame on their head. The mere fact that the witness-accusers dropped their stones and walked away indicated that their hands were unclean and if they threw the stones would have brought judgment on their heads. Their hands were unclean because their motive in bringing this woman before Jesus was to place Jesus on the horns of the dilemma described above. They also bore guilt for at best not stopping an adulterous affair if they knew about it and at worst conspiring to cause and adulterous affair to occur so they could bait Jesus.

John's Gospel then records the good news in action. Regardless of the guile practiced by the Pharisees, she was guilty of adultery and condemnation under the law. Her adultery may not have been discovered in this world and she may have died at a ripe age. However, her sin would have followed her and condemned her in God's final judgment. Jesus could have condemned this woman and thrown the first stone; but, did not add his condemnation. Her exposure was the best thing that could have happened to her. She was bound by sin and desperately needed release. Jesus gave her the release she desperately needed. He forgave her. He invited the woman to go and leave her sinful life. "Then neither do I condemn you," "Go now and leave your life of sin." (John 8:11). Jesus not only freed this woman from her sin he opened up a new future for her. By his word, this woman could leave her sinful life and begin a new life with God, through Jesus.

The Apostle Paul used the law/gospel dialectic in his letter to the Corinthian Church. The church at Corinth was the place where many engaged in a life of sin that separated them from God and kept them from the kingdom of God. Through Paul they heard the Law that laid bare their sins. They heard Paul say. "Do you not know that the wicked will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor male prostitutes nor homosexual offenders nor thieves nor the greedy nor drunkards nor slanderers nor swindlers will inherit the kingdom of God." (1 Corinthians 6:9-10). The proclamation of the law was to bring them, members of Paul's audience, regardless of their sin, whether sexual or otherwise, before Jesus in the same way that the woman caught in adultery was brought before Jesus. The proclamation of the law and the rebuke of the law was meant to cause contrition, confession, repentance and a desire for a new life. The Apostle Paul reminded the Corinthian church that there was hope for adulterers, homosexuals, murderers, swindlers and idolaters. "And that is what some of you were. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God." (1 Corinthians 6:11). Contrite and repentant sinners were baptized in the Triune name. They were joined to the death and resurrection of Jesus and had died to sin and were raised to new life. (Romans 6:3-14). They put on Jesus, Galatians 3:26-29). Those in Christ became a new creation through this sacrament. (2 Corinthians 5:17). Baptism was a washing of rebirth and renewal through the agency of the Holy Spirit. (Titus 3:5-7). Paul encouraged them to believe that their baptisms had changed them and gave them a new life and a new future.

The purpose of the expulsion of the man who had sexual relations with his father's wife in 1 Corinthians 5, the rebuke to adulterers and homosexuals in 1 Corinthians 6:9-10, and the rebuke of homosexual men and women

in Romans 1:24-29, was not for the purpose of condemning them and permanently excluding them from membership in the community. The sole purpose of the expulsion and the rebuke Baptism and the work of the Holy Spirit in their lives transformed the members of the Corinthian church and gave them a new life. Like the woman caught in adultery, described in John's Gospel, they experienced Jesus' declaration, "*Then neither do I condemn you, "Go now and leave your life of sin."*" (John 8:11).

There are those who are inside and outside the church who will desire to test us and put individual Christians and our congregations on the horns of a dilemma. They will say: "God created all human beings. Human beings experience many sexual desires, orientations and gender identities. God must therefore have placed all these sexual desires, orientations and gender identities within us; therefore, all sexual desires have equal dignity as being created by God. Surely God did not mean to include people involved in committed lifelong loving relationships regardless of sexual orientation or gender identity to be engaged in sexual sin." We must answer these assertions with a resounding no and must respond with the Law and the Gospel as set forth hereinabove. However, in proclaiming the Law and the Gospel, we will be challenged and even persecuted. We must work together with any repentant sinner to direct him or her to counselors and ministries which will walk with him or her in the path to wholeness and transformation. Our Association may show leadership in this area by and through the establishment of a database of ministries and resources whose mission is to reach out to gay, lesbian, bisexual, transgendered, and heterosexual people with the love of Christ so they may be transformed and conformed to God's loving purpose for the expression of human sexuality.

Section 7 - Summary and Conclusion.

We believe that our Policy on Marriage and Statement on Homosexuality is supported by both the Holy Scriptures and the Lutheran Confessions.

The Apostles' Creed is a profession of the faith of the Church, specifically, the faith in which the church baptizes. In the Creed, we confess God created a world which has all the elements necessary to sustain life, including the ability of all creatures to reproduce themselves through the union of male and female. In connection therewith, the Lord God instituted the estate of marriage: a union between one male (husband) and one female (wife) in a dynamic lifelong partnership involving monogamy and increased physical, economic, emotional and sexual union, all blessed by God. Same gender couples seek, desire and intend to enter into, a dynamic lifelong partnership involving monogamy and increased physical, economic, emotional and sexual union. They seek God's blessing of relationship which has all of the marks of a heterosexual marriage except for the gender of the partners, and is thus a marriage even if that relationship is given another name. Article XI of Part III of the Smalcald Articles declares that the church is powerless to change the estate of marriage as God ordained it; most especially, the abolition of the distinction of the sexes.¹⁸ The solemnization of vows of a couple of the same gender represents a marriage which abolishes the distinction between the sexes and thus alters the estate of marriage in contravention of our confessions of faith.

Holy Scripture, including Leviticus 18:22, 20:13, Romans 1:26-27, and 1 Corinthians 6:9-10, prohibit same gender sexual relations because same gender sex is in opposition to divinely ordained structures of creation. Heterosexual sex merges two sexual beings whose sexual organs were created for a physical union, physical and emotional pleasure, bonding, and the possibility of producing new life. Same gender sexual relations are discomplementary, in that a sexual merger of two sexual beings God did not intend to merge sexually occurs. Same gender relationships compromise the gender identity of the partners, especially the male who is lain with as if he were a woman. Sexual union of parties not intended for union by God leads to alienation of the couple and with God. The Apostle Paul warns that the consequences of engaging in homosexual behavior are dire, including the loss of the inheritance of the kingdom of God. The purpose of the church is to provide an environment where gays and lesbians may hear God's word concerning homosexual sexual relations and experience contrition, a sincere desire for repentance and a new life. The church is also a place where the means of grace, the proclamation of the Gospel of forgiveness and justification through faith and Christ's

¹⁸ Book of Concord, Smalcald Articles, Opcite Pages 314-315

atoning sacrifice is heard, and the sacraments of Baptism and Holy Communion are administered. Baptism, justification and sanctification through the work of the Holy Spirit will lead to transformation and new life.

In conclusion, we believe, trust and confess that the rostered pastors of CALC may not marry same gender couples or bless their unions. We believe, trust and confess that it is the mission of the church to bless the union of one man and one woman as husband and wife in a lifelong committed relationship of love and fidelity, and thereafter to encourage and nurture that relationship through the couple's participation in the life of the church. We believe, trust and confess that neither those who engage in homosexual behavior or condone and encourage the same may occupy leadership positions in the church, including ordination to the Ministry of Word and Sacrament. While we believe that neither God's Word nor the Lutheran Confessions authorizes the church on earth to bless the union of same gender couples, we firmly believe that God calls us to welcome gay, lesbian, bisexual and transgendered people in our midst for worship and participation in the life of our congregations. It is in the context of a community of faith, where the Gospel is preached in its purity and the Sacraments are rightly administered that true repentance can occur, and the lives of gay, lesbian, bisexual, transgendered, and heterosexual people can be transformed and conformed to God's loving purpose for the expression of human sexuality.

Amen.