

Personal Reflections on and Recommendations Regarding *Draft Social Statement on Human Sexuality*

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First Things (Prolegomena)

I thank the Task Force for both the Process and the *Draft Statement* (hereafter *DSS*). As others have observed, we *have* spent a great amount of time and money on a process of discernment.¹ That process has been necessary for a denomination that blends several theological traditions and has produced several fruits.

1) We *do* have *consensus* on a wide variety of issues within the topic of Human Sexuality. I would guess that 90% of the *DSS* is acceptable to 90% of the ELCA in terms of its *substance*.² There may be broader disagreement in terms of its *style* (how the topics are presented and specific vocabulary and syntax).

2) We *do not have consensus* in the specific areas of homosexuality and “marital intimacy in near-marital circumstances.” I hazard the opinion that this lack of consensus is more in the area of hermeneutics than ethics; i.e., *how* we read the Bible is at least as significant for the establishment of ethical Statements as the process by which we “argue” or articulate our ethics.³

Accordingly, I propose (Recommendation 1), the ELCA suspend the process of establishing a full Social Statement on Human Sexuality until after the Book of Faith Initiative – or issue a Social Statement (“Part A”) without discussing the topics of homosexuality and “near marital intimacy.” It is exceedingly dangerous for a denomination to issue what

¹ My total time on this document from 1 April through 26 June 2008 has been 75.5 hours, far too much for a pastor of a moderate-sized congregation in a small town, rural environment. I have enjoyed the opportunity for theological reflection and growth in the application of the Gospel to parish ministry.

² In my personal analysis, I rated the Draft’s 192 paragraphs “plus, minus, or question,” indicating a positive or negative reaction or some reservations/questions, and including a scale of 1 to 3 for my degree of reaction. Using that scale, I have 218/192 acceptable marks (88.1%), 27 disagreeing marks and 9 marks where I have reservations. Not bad for a Draft!

³ See Terence E. Fretheim, “The Authority of the Bible and Churchly Debates regarding Sexuality,” *Word and World*, 26:4 (Fall 2006): 365-374, and Kathryn A. Kleinhaus, “The Word Made Words: A Lutheran Perspective on the Authority and Use of the Scriptures,” *Word and World*, 26:4 (Fall 2006): 402-411. It is interesting and instructive that Kleinhaus opines, “Historically, Lutherans have shown less interest in talking *about* the Bible and its authority than in *using* the Bible authoritatively in preaching and teaching” (p. 403, emphasis original), to which Fretheim asserts, “I was surprised at how common it was—indeed almost universal—that those who held widely diverse perspectives on the interpretation of Biblical texts regarding sexuality were in basic agreement regarding the authority of the Bible.” (p. 366).

promises to be a controversial *application* of God's Word without widespread agreement (consensus) on *how* that Word is to be read.

3) In *The Church and Homosexuality: Journey Together Faithfully, ELCA Studies on Sexuality, Part Two*, the Task Force for ELCA Studies on Sexuality stated:

Despite some differences of opinions on the precise message of some of these texts, *there is general agreement that the Bible has nothing positive to say about same-sex intercourse. ...*

Despite some softening in recent times of the relative severity of the sin of same-sex intercourse, nevertheless in both the Roman Catholic and Protestant traditions, with few exceptions, it is viewed as sin. ... With regard to homosexuality, *the ELCA has followed the teachings and practices of its predecessor church bodies. ...*

Although the church has undergone some changes in its thinking, *for most of its history it has faithfully resisted changing the core doctrines of its faith. ...*

Conclusion: All would agree that respecting the Church's tradition is important *to the continuity of this church's witness* to the Christian faith. Though changes happen for good reasons, *the burden of proof is on the proposal to change traditional teaching.*⁴

Accordingly, (Recommendation 2) this Denomination should affirm the predecessor body positions as its current position, pending further discernment.

4) As I have written before in my critiques of the *Studies*, there is a woeful disregard for the evangelically dynamic polarity of Law-and-Gospel. I will address this later in some detail. Sufficient to say here, the failure to maintain a truly Lutheran balance between Law and Gospel is one of the most serious critiques of the *Draft Statement*.

5) Finally, I do not like Endnotes, particularly in a Draft; they force the reader to lose
a) the connection between the text and the footnote, and
b) the coherence between the footnote and the text!
Please return to footnotes.

This Reflection will analyze the *DSS* section-by-section.⁵ It will distinguish between issues of Substance and issues of Style. It will also indicate where the Style of a presentation runs the risk of becoming a Substantial issue. Textual references to the *DSS* will be by Line Number (XX). Words in the *DSS* that merit particular attention will be underlined. Proposed changes will be indicated in *italics*. In some cases there will only be an italicized text.

⁴ (Chicago: ELCA, 2003), pp. 17, 19, 22, *emphasis* added. It should be noted, these are the assertions of the *Task Force*, not provisional statements in the *Study* ("Some in this church may say ... others may say").

⁵ This "Reflection" does not pretend to be a complete analysis; as a parish pastor I lack both time and resources for such an undertaking. Think of it more as "highlights."

I. Introduction

Substance

The Introduction reveals one troubling theme, which *persists throughout the document*: moving the ethical discussion from the fundamentally Lutheran “Law-and-Gospel” to an antinomian “Gospel only” (or nearly Gospel only) approach.

The Introduction rightly begins with Jesus affirmation of the polarity⁶ of our double-and-absolute love of God and neighbor (Lines 5-11). The second paragraph (and the rest of the document), however, loses the polarity of that double love when it states:

This social statement addresses the question: What does it mean for us as sexual creatures to love our neighbors as ourselves and *thus fulfill God’s law of love* in this time and society?⁷

As Jesus noted, Christian ethics does not *begin* with the question of self-and-neighbor, but with the question of self-and-God. The Greatest Commandment concerns who we are *coram deo*, naked before God; *then* comes “the second,” how we feel about and act toward our neighbor. I have a *primary relationship* toward God and that *primary relationship* places me in a *proper relationship* with my neighbor. My “neighborly relationship” is always *under the judgment of God* (how I am to love my neighbor), and, hence, thrusting me back to my *primary relationship* (What does *God* say about my behavior as a lover of *both God and neighbor*?) Cain’s question, “Am I my brother’s keeper?” (Genesis 4:9) is posited on God’s disregard for his offering. James assures us that faith-and-works are inseparable (James 2:18-26), as does the Augsburg Confession (Article VI). Thus, the polarities of God-and-Neighbor, faith-and-works, are maintained and therefore, the Introduction should read:

... What does it mean for us as *redeemed* sexual creatures (Line 13)....

We are forgiven-and-forgiving, empowered-and-empowering, because we are first in a *redeemed relationship* with God through Jesus Christ. Only when our personal fallen condition – and the fallen condition of the world – is confessed can the impact of the Gospel have its true, wholesome, healing, and powerful life-changing effect. *And that confession needs to be articulated up front, in the first paragraphs, not the second section.*⁸

⁶ A polarity is two equal (*homoios*, Matt 22:39) and “opposite” behaviors/concepts/emotions which must be held in tension *without resolution*. Each part of a polarity is a complement for the other and serves as a corrective for dwelling in either extreme. See Barry Johnson, *Polarity Management: Identifying and Managing Unsolvable Problems* (Amherst, Massachusetts: HRD Press, Inc., 1992). One of the blessings of Lutheranism is that our theological system, in its best articulations, does very well at maintaining polarities-in-tension; i.e., Law-and-Gospel, Sin-and-Grace, Word-and-Sacrament, etc.

⁷ 13-15; emphasis added.

⁸ That confession appears, finally, at Line 130, after 45 lines of “Gospel,” hardly a Law-and-Gospel polarity. I much prefer the content and structure of “A Lutheran Framework” in the acknowledged (Note 4), but apparently unused *Marriage, Family, and Human Sexuality: Proposed Guidelines and Processes for Respectful Dialogue*, Lutheran World Federation, March 2007.

The Introduction also needs to assert that Christian ethics is not a purely existential experience, but part of a nexus of reflection and discernment *within* the primary context of Divine Revelation. We are not free to choose who we are and how we live. Outside of a redeemed relationship with God through Jesus Christ, we are slaves of Satan. Inside of that Christocentrically redeemed relationship we are “servants of Christ and stewards of the mysteries of God” (I Corinthians 4:1). For faith-full Christians, servanthood and stewardship are contexted within the revealed Will of God in Holy Scripture,⁹ the “Rule and Norm” of the Lutheran Way of living the Christian Faith.¹⁰ We are also not free to move beyond the bounds of our Lutheran Confessions and our catholic heritage without significant theological peril or loss of ecclesiastical identity. To simply say “our Lutheran heritage, grounded in Scripture,” (Line 23) is not enough.¹¹ I propose (Lines 24-25):

...The ELCA especially can cherish its identity as a community of moral deliberation, *formed and informed by Law-and-Gospel in Holy Scripture, shaped by our Lutheran Symbolical Writings, and respectfully acknowledging our historical and ecumenical context within the western catholic Christian tradition.*

We also need to note that the “moral deliberation” of the Church is not a United States’ election campaign. In the Apostolic Church both practical (Acts 6) and theological (Acts 15) issues were times of Spiritual sensitivity, theological leadership, and *Holy Consensus* (“It seemed good to the Holy Spirit and to us ...” Acts 15) *without a majority vote.*¹²

Style

Line 13 – “What does it mean for us who are creatures *for whom sexuality is a significant part of our being* to love our neighbors....”

Our relationship to the Cross-and-Empty Tomb of Jesus Christ, not sexuality, is the primary definer of whom we are. To define human beings as “[purely] sexual creatures” or even “[primarily] sexual creatures” is to negate the divinity of our creation and our Creator. One *can* say, “In a fallen and sin-infected, world people can very easily be/become [purely/primarily] sexual creatures”; acknowledging the power of Evil to corrupt that Edenic *shalom* which balanced all things created.

⁹ Paul was being “judged” by the Corinthians (I Corinthians 4:3). Paul’s response is that we stand, first, under *God’s* judgment. “We must hold fast to Divine Standards rather than human standards” (see also Acts 5:29). For Paul, the Divine Standard becomes particularly paradigmatic in the area of sexual ethics (I Corinthians 5).

¹⁰ Formula of Concord, Epitome and Solid Declaration, Role and Norm.

¹¹ In fact, this phrase sounds like the shibboleth, “We have Abraham as our Father” (Matthew 3:9).

¹² The decisions reached in the Apostolic Councils were *not* 51/49, 60/40, or even 90/10. Such voting belongs in the Kingdom of Power and not the Church at times of theological/ethical discernment. For a discussion of moral deliberation in community see Larry L. Rasmussen, *Moral Fragments & Moral Community* (Minneapolis: Fortress Press, 1992); note especially Chapters Seven and Eight, “The Ecology of Moral Community” and “A People of the Way.” One might ask whether there has been enough “mutual conversation and consolation of the faithful” (Smalkald Articles, III, IV) in this process; arguably not!

Line 27-29 – “... a foundational framework that will help *us* discern what it means faithfully to follow *both Law and Gospel and structure our expressions of Divine Love* in the increasingly complex spheres ...”

Line 40-42 – “[The *DSS*] speaks from a spirit of humility and openness, welcoming continuing dialogue and encouragement with all others about these challenging matters, *and references the LWF report, “Marriage, Family, and Human Sexuality” (March 2007).*”

It might have been well to adopt verbatim the first two subsections of LWF Report, Part I.¹³

Line 55-56 – “This statement professes that *God has lovingly created all human beings as relational – and therefore sexual – beings, though we have – and continue to – transgress the Divine Principles for which we were created.* The Triune God accepts and redeems *our fallen humanity* and reconciles the creation in Christ.”

Line 64-67 – “... responsible lives that seek the good of the neighbor.”

But who/what defines that “good”?

Perhaps: “*Even identifying the ‘good’ for ourselves and for our neighbor is a faith-full process, in which we believe that God is faithful to us....*”

Line 72 – Insert:

- *Confess our inability to conform to God’s Will in the area of human sexuality, and our faith in God’s love, forgiveness, and empowerment to amend our lives and redirect the focus of our lives to conform more nearly to God’s Will.*

Without confession there can be no absolution and no renewed, moral living.

II. Theological and Ethical Foundations For Understanding Sexuality

Substance

Again, there is too much “Gospel” and not enough Law. The dynamic polarity of Law-and-Gospel must be maintained, not distanced or dislocated to the point of negating the demands of *lex semper accusat*.

Also, the theological vocabulary gets a little too “cute,” and loses both comprehensibility and precision. Our “sexual nature” is not just a “source of vulnerability” (Line 85 – too cute), it is a four-lane highway and a powerful racing engine for Sin and Evil to disrupt and destroy individuals, families, communities, and societies.

Understanding “meaning and purpose” (Line 91) needs to be addressed by Creation and Law before the Incarnation (Line 95) makes any sense. God created us and therefore has a proprietary relationship with us; we are sin-fallen creatures of a divine Creator. The Incarnation was not just a cosmic whim; it was The Salutary Response of divine love to human *hubris*, creatures-in-revolt against their Creator. The Incarnation is an act of loving grace in the context

¹³ Ibid. The relevant sub-sections are: “The Gospel as unifying center,” and “The doctrine of the two kingdoms.”

of previous and current Sin. The Incarnation breaks the power of Sin and Evil in the past, present, and future lives of those faith-fully committed to God through Jesus Christ.

**See Excursus A:
“DSS Footnote 6, The Orders of Creation”**

The “Third Use of the Law” needs to be affirmed in the Text of the document, not relegated to Footnote 8 (Line 151). We are Lutherans, not Lutherians, and, thus, we are committed to the Symbolical Writings (Confessions) of the Lutheran Church, not to the corpus of Luther’s writings.¹⁴ The Third Use of the Law (Formula of Concord, VI) empowers us to craft the words of an ethic of sexuality as it guides our daily walk of faith. The freedom we have in Christ is not a freedom *from* God’s will, but the freedom to know God’s will and to know how to live within that will, empowered by the Holy Spirit.¹⁵

The DSS finally gets to this dynamic following Line 263, *but fails to craft the Text as an expression of the Third Use of the Law*. Perhaps this is because the DSS considers the Law to be a collection of “static principles, even Biblical ones” (Line 311). God’s Word, as Law-and-Gospel is *never static*, but always active, “never returning empty, but shall accomplish that which I [God] purpose, and prosper in the thing for which I sent it” (Isaiah 55:11).

Style

Line 84 – “We are *relational creatures, in whom sexuality is a major component*.”

We may be talking about Sex, but it is not the *only* component in a person. For Christians, sex cannot be the *dominant* component. Sexuality may cross all the interactions and emotions in which we engage as human beings, but so do anger, joy, fear, and other human emotions and needs.¹⁶

Line 100 – “We ground our ethics in Scripture, *in which we hear God’s will through the polarities of Law-and-Gospel*.”

The Law provides Divine structure for our attitudes and actions while the Gospel offers grace, forgiveness, love, and empowerment as we make difficult and seemingly impossible choices.

¹⁴ Which is fortunate, because Luther wrote a lot of words, even concepts, with which we do not want to be associated! The Symbolical Texts are significantly different (consensus theology) in both scope, application and historic recognition than most of the rest of Luther’s writings.

¹⁵ Martin Luther, *Bondage of the Will* and *Epistle to the Galatians*.

¹⁶ Maslow’s Hierarchy of Needs; first expounded in Abraham Maslow, “A Theory of Human Motivation,” *Psychological Review*, 50 (1943): 370-96, and published in book form as *Motivation and Personality* (New York: Harper & Row, 1954, 1970) and *Toward a Psychology of Being* (Princeton, NJ: D. Van Nostrand, 1962). Manfred Max Neef (*From the Outside Looking In: Experiences in Barefoot Economics*, Dag Hammarskjöld Foundation, 1981) argues that fundamental human needs are non-hierarchical, ontologically universal, and the same in every person. Either way, human beings are complex need-filled persons, lacking the *shalom* which only comes through Jesus Christ.

Line 105 – “Through Scripture we encounter God’s promises made flesh in Jesus Christ.”
“Through Scripture *we also encounter God’s absolute will expressed as Law.*” We cannot have Promise without Law and hope to have a valid ethic.

Continuing, “Through the Sacraments (Line 106) *we receive God’s word of forgiveness, relieving our guilt and empowering us to both change our way of living and make restitution for what we have done wrong.*”

Faith is incarnate in how we seek to structure our living in accord with God’s Will, particularly as we apply that will to our relationship with our neighbors.

Line 150 – Add: “*There is, however, a Third Use, which guides the enlightened conscience into choosing God-pleasing attitudes and behaviors.*”

Line 157 – “Lutherans reject the notion that we can perfect either ourselves or society. *But that rejection does not stop us from trying daily to improve both ourselves and our society.*”

Line 159 – “We dare to believe, however, that God forgives and accepts *faithful* humankind in all its sinful messiness,....”

The DSS really should read “... God generically forgives *humankind* and specifically accepts *faithful* humankind....”

God’s *forgiveness* is universally offered (John 3:16), but to be effective (accepted by God), that forgiveness must be received faith (Ephesians 2:8). God does NOT *accept* a person without faith; that would be universalism.

The paragraph rightly concludes “... God seeks to embrace and reconcile *everything* in this universe, including human sexuality.” The theological emphasis is on the *seeking*, God does not – cannot – automatically “embrace and reconcile,” because reconciliation implies faith-full reception of God’s proffered love and forgiveness.

Line 187 – While “... we are radically free in Christ and we are called in that freedom to love and serve our neighbor,” we are not theologically free from the *lex semper accusat* of God’s Law. Luther places us in the polarity of “free lord / dutiful servant” precisely because we are *forgiven sinners*. Ethics needs to maintain both the “forgiven” and the “sinner,” the Gospel and the Law.

Line 193 – “This theological understanding of ... our utter dependence on God’s grace, grounded as it is in Scripture, ...”

The Law is *also* “grounded in Scripture.” We must not forget that all our “freedom” is still bounded in the Law; we do not have absolute free will to behave outside the parameters God has set for this world.

Line 203 – “Our service of neighbor takes place ... in response to our neighbor’s true needs....” We are called to love our neighbor based, not on the basis of abstract ideals, but on the concrete realities within which we encounter our neighbor. *Those needs and realities include the articulation, proclamation, and application of God’s Law.* Freedom only comes once you live in faith, once you “fear, love, and trust in God above everything else,” i.e., you faith-fully live within the Ten Commandments.

Line 210 – “Christian life always is encircled by God’s grace *in Law-and-Gospel.*”

Line 214 – “ ... to serve others through loving and responsible actions.”

What defines “responsible”: God’s Law-and-Gospel. Violation of sexual boundaries is not *first* a Gospel issue; it is a Law issue, the commandment articulating chastity.

Line 225 – “At heart, human beings are captive to sin – needy, fearful, often misguided and ~~sometimes~~ *always* broken. ... We need something other than laws and guidelines to free us from this captivity.”

Captivity to sin curves us into ourselves (*homo curvatus in se*) and completely away from God (Adam and Eve hiding naked in the Garden.)

Line 233 – “Self-protective tendencies.”

A Scripture text would be useful, perhaps Genesis 3:12.

Line 239 – “to the second article of the Apostle’s Creed”

“Or *captivity* to sin” is better articulated in the Third, rather than the Second, Article:

I believe that I cannot *by my own reason or strength* believe in Jesus Christ my Lord, or come to him. But the Holy Spirit has called me through the Gospel.”

Then we can get back into the Second Article and the *Christus Victor* motif – except that the *Christus Victor* motif is blended with the Divine Redeemer:

At great cost he has saved and redeemed me, ...

He has freed me ... *not with silver or gold, but with his holy and precious blood and with his innocent suffering and death.*

Line 273 – We finally get around to the Third Use of the Law. This section is very good.

Line 284 – Again good, BUT, aren’t “callings, structures, configurations, responsibilities—that guide us in service to our neighbor” the root meaning of the Orderings of Creation?

Line 289 – “Rather God called, claimed, and *commanded* us to bear God’s mercy to our neighbor and the world.”

That *command* is what structures our “responsible actions” (Line 291), again, a Law statement.

Line 311 – “... the application of static principles, even biblical ones”

Is the *DSS* suggesting that God’s Law is a “static principle” rather than the vibrant and active will and voice of God addressing the human condition? “Biblical principles” are never static; the use of “principles” rather than *obiter dicta* implies their activity. The question is to distinguish between levels and applications of God’s Law.¹⁷

Line 315 – “A Lutheran sexual ethic looks to the death and resurrection of Jesus Christ as the source for the values that guide it.”

But that ethic must always ask *why* was that “death-and-resurrection” necessary and *why* does it continue to be necessary: sin. As *saints*, we are free, but we are not only *saints*, we are *simul* saints-and-sinners, and that *simul* demands the articulation of the Law.

¹⁷ I.e., Apodictic, casuistic, ceremonial, civil, theological, etc.

Line 341 – “The biblical vision of God’s future grants meaning for the present by showing us who we are and who we are to become.”

Who we are now is not *only* defined by “God’s future,” but also by God’s past in Law-and-Gospel. “Created in the image of God” is a past/present/future statement, requiring the Fall to fully comprehend its application to the present. We do not “reclaim the past,” rather we are moved from the past by God’s grace, empowering us by the Spirit through Word-and-Sacrament in the present and into the future. The past is not re-creation but prolepsis.

Line 358 – “The image of God is given to all people and grounds the dignity and basic equality of all people.”

Of course, this means the *DSS* needs to define “the image of God.” It would seem the *DSS* is not using the “image of God” in the classical sense as “re-Fall *homo potest non peccare*, but post-Fall lost by *homo non potest non peccare*.” If so, then another definition of the Image of God needs to be articulated at this point.

Line 367 – “The Law, in its *civil* use, permeates basic structures of human society ...”

Again, Ordering of Creation.

The *DSS* must demonstrate how “marriage and the family, civil authority, and employment” can be considered “temporary” (Line 372). Their *shape* and *style* may be different in different times and cultures (and we must always beware of sin trying to destroy their basic functions¹⁸), but, as long as these structures function within biblical principles, they are “temporary” only in the context of the End of Time. As long as we are in this world, there will be “marriage and family, civil authority, and employment.”

389 – *Scripture and moral discernment*

This entire section should be earlier in the document

Line 391 – “[Scripture] is the authoritative source and norm of this church’s proclamation, faith, and life.”

I would prefer the Confessional “*rule* and norm.” *Source* is really Calvinistic.

Line 403 – “[Scripture] also reminds Christians that they cannot discover God’s intention for Christian morality simply by observing nature or the world.”¹⁹

This may be one of the most important paragraphs in the *DSS*. We must be exceedingly careful that we do not elevate any of the sciences (inherently sin-full in both phenomena and process) to equality with Scripture; but the dialogue with the sciences must be lively.²⁰

Line 412 – “Law under the Gospel.”

I prefer the more polar language of “Law-and-Gospel.”

¹⁸ e.g., Nazi Germany and Communist Russia and China perverting civil authority so that they became a “terror to good conduct” (Romans 13:3).

¹⁹ Yet, the existential ethicists who support homosexuality seem to eschew Scripture for “simply observing nature or the world.”

²⁰ I strongly recommend the work of the John Templeton Foundation and the ELCA’s Zygon Center.

Line 415 – “The purity of the Gospel” does not mean the absolute independence of the Gospel.

Line 420 – “Scripture, especially the Law, must be interpreted continually under the Spirit’s guidance within the Church and in thoughtful dialogue with insights of culture and human knowledge.”

First, why “especially the Law”? The Gospel, particularly because of its emphasis on “freedom,” has been equally misapplied (I Corinthians 5!, I/II Thessalonians). The consistent and persistent danger is that freedom become license, a danger I read particularly in *DSS*. Second, “insights of culture and human knowledge” are *neither equal to nor above Scripture*. Scripture must remain the “sole rule and standard [*einege Regel und Richtschnur / unicam regulam et normam*] according to which all dogmas together with all teachers should be estimated and judged” (Formula of Concord, Epitome, 1). The *DSS* needs to distinguish between divine wisdom (ethics) and scientific wisdom. Part of that distinguishing is to recognize that divine wisdom is qualitatively different from scientific wisdom.²¹ We may not understand God’s ways completely; but we need to deeply respect that wisdom, particularly as it is articulated in Holy Scripture. That is, in part, what faith is all about. Scientific wisdom, *human* wisdom, is always tainted with sin and must, therefore, stand *under* divine wisdom. Scientific wisdom is always tentative, that is the nature of the scientific method. Scientific wisdom must always be suspect, particularly in areas of moral deliberation.

III. Sexuality as part of God’s creative activity

Substance

This is a very positive and well-written section, but it still needs polarity management. The tensions between Law and Gospel need to be identified and articulated.

Style

Line 450 – “... God actively allows our sexual nature full, healthy expressions and shields it from exploitation and calamity.”

“Shields” is Law! The principles (commandments, policies) by which “exploitation and calamity” are averted are Law.

Line 468 – “Sexuality especially involves the power or capacity to form deep and lasting bonds, the power to give and receive pleasure, and the power to conceive and bear children. ... Although not all companionship is sexual, at some level all sexual relationship is about companionship.” This is why in Hebrew the verb for “intercourse” and the verb for “obtaining knowledge” is the same (אָדַם).

Line 490 – “Sexual love ... does not by itself constitute a moral justification for sexual behavior.”

This is another key principle; thanks for putting it in the box!

²¹ To begin with, scientific wisdom is concerned with the *how* of Creation, divine wisdom with the *why* of creation. Yet, even in discovering the mechanisms of creation (“have dominion over...”), science consistently runs up against *how* those mechanisms are to be used in and by the world. Examples: Nobel and dynamite, Oppenheimer and the atomic bomb.

Line 537 – “Sexual behavior is, to be sure, shaped by physical needs and biological drives.” Why limit the power of “physical needs and biological drives” to shaping only “sexual behavior?” “Physical needs and biological drives” shape both “sexual behavior *and sexual attitudes*.” As Jesus points out, attitudes *precede* behavior: “Out of the *heart* come evil thoughts, murder, *adultery*, ...” (Matt 15:19). Behavior is very rarely a simple mindless response to a stimulus (reflex action); rather, behaviors are complex interactions of psychology and physiology. Thus the celibate and the chaste person, governed by a different *attitude* toward sexuality from the sexually uncontrolled person, have different behaviors from the sexually uncontrolled person to similar “physical needs and drives.”

Line 560 ff – This paragraph, at least the examples, seems troublesome.

“... the parents of a teenage boy whose girlfriend is pregnant can see that more than their parenting skills were at work in their son’s life.”

But this does not relieve the parents of the responsibility for reviewing their parenting and extending a (tough) loving parenting toward their son, his girl friend, and the life within her.

Likewise, the “female pastor” may be able to “recognize that she did not provoke the harassment” but that must also include some introspection to see if she missed some previous signals from her parishioner or if there were anything else in her ministry which might help her avoid such situations in the future.

IV. Trust at the heart of faith active in love

Substance

Again, the polar relation of Law-and-Gospel must be maintained. If “trust is the heart of faith active in love” (Line 580), then trust is also at the heart of faith when faith acknowledges and stands under God’s Law as both theological accuser and ethical guide. If trust means taking risks for the sake of the Gospel, those risks must also include proclaiming God’s Law to the lawless, the seeker, and those who have “found” their way. Justice is always a Law category.

Trust also means that we trust God for the Church’s continued existence, *even though we must articulate an ethical position contrary to what appears to be the majority position of society*. If God’s word is *God’s Word*, and not some human substitute, then “It will accomplish that which I purpose and prosper in the thing for which I sent it” (Isaiah 55:11). Much of the current advocacy for homosexuality seems to come from an existential (I-centered) ethic; therefore we must ask:

Are we now seeking human favor or God’s favor? Or are we trying to please other people? If we were still pleasing people, we would not be servants of Christ. (Gal 1:10)

The Task Force has already affirmed that “the Bible has nothing positive to say about same-sex intercourse” and has also affirmed that there needs to be a strong consensus to overturn the classically held position.²² I certainly hope we have not reached that point in our life as a

²² *The Church and Homosexuality*, p 17 and p. 22 (“Though changes happen for good reasons, the burden of proof is on the proposal to change traditional teaching.”).

Christian denomination where we sound like Israel during the Judges, “Every man did what was right in his own eyes” (Judges 17:6; 21:25).²³

Style

Line 609 – “entrusts to us the message of reconciliation” (2 Corinthians 5:19.)

At this point the *DSS* gets “cute” again. *Trust* as *faith* is not quite the same as *entrust*. *Entrust* is a stewardship term, implying that God will *expect* a return on that which has been divinely entrusted (Matthew 25: ten maidens, three stewards; in one sense, Law language). One should note, however, that in the Parable of the Talents the verb (entrust) is *paradidomi*, not the simple *didomi* of II Corinthians 5:18 or the *titheimi* of II Corinthians 5:19. *Titheimi* might better be translated *ordain* or *commission*²⁴ (i.e., “*ordaining us for the ministry of reconciliation*”). It could and should be argued that in translating *titheimi* as “entrust” in Line 609, the *DSS* is *interpreting titheimi* as a stewardship entrustment (Third Use of Law!) rather than a ministerial (grace-full) commissioning. The message of reconciliation is a Spirit-driven by-product of Baptism and belongs in the *ordo salutis*. Thus, our “social ministry” is not simply doing-some-nameless-and-anonymous-good, but consciously and conscientiously identifying that good as Divine-Good-through-human-means (i.e., evangelism). “Divine Good,” however, means we must always test our motives and actions against Law-and-Gospel.

626 – “Strong families”

“Families” are more than biological parents, siblings, and extended relations. “Strong families” can include the military platoon (a *strong* family-by-intention), the college dorm (hall, section, room) and fraternity/sorority, the work group, and/or the (professional) support group.

Line 627 – “Lutherans understand that intimacy, trust, and safety, ... are best *learned and sheltered* within families.”

I think that rewrite is obvious. Trust/distrust is the first thing the infant *learns*²⁵ as *DSS* notes in the next paragraph (Line 633).

Line 669 – Note 27 should be included in text and should read “... remarkably large numbers of physically and psychologically absent fathers *and mothers*, ...”

Line 692 – “families with same-sex parents ... inviting them into the community of the baptized regardless of their family situation.”

The issue of non-married parents and same-sex parents is particularly troublesome and deserves separate attention. We are not called to *support* marriages which are contrary to God’s Will;

²³ The Deuteronomic Historian of Judges clearly does not like existential ethics. See Gerhardt von Rad, *Old Testament Theology*, Tr. D. M. G. Stalker, Volume 1 (New York: Harper & Row, 1962), pp. 327-334.

²⁴ *Theological Dictionary of the New Testament*, Gerhard Kittel and Gerhard Friedrich eds., Tr. Geoffrey W. Bromiley, Volume VIII (Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Company, 1972), p. 157.

²⁵ Erik Erikson, *Childhood and Society* (New York: W. W. Norton and Company, 1950; Second Edition, revised and Enlarged, 1963). Erikson felt the course of development is determined by the interaction of the body (genetic biological programming), mind (psychological), and cultural (ethos) influences. He organized life into eight stages that extend from birth to death (many developmental theories only cover childhood), beginning with Infancy (birth to 18 months) when the person learns Trust/Mistrust, Drive, and Hope.

rather we are called to heal the sin-breach of God's will, seeking marriage when parents are not married and seeking some resolution when "parents" are same-sexed. This is the position of the Task Force.²⁶ Passive toleration of an ethically questionable behavior is little different than active encouragement of that questionable behavior.

Line 706 – "... the church confesses with regret the way in which teachings concerning homosexuality sometimes have been used to tear apart families with gay or lesbian members." This requires a footnote to explain *how* the *teachings*, rather than those who misinterpreted or misused the teachings, have "torn apart" families. Much of the regrettable rhetoric about homosexuality parallels the regrettable rhetoric of turn-of-the-century temperance (prohibition). From the perspective of an evangelical ethic, drunkenness (action) is a sin, alcoholism is a condition; those are two different ethical considerations, just as *practicing* homoerotic sex (action) and homosexuality (condition) are two different ethical considerations. The articulation of the Law needs to be both morally certain (assertion) and mellifluous.²⁷ Ambiguity and antagonism are no friends of the Gospel.

The next several sections/pages are well written.

Line 897 – "Because we are all sexual creatures, friendship relations do have a sexual dimension."

"*Because we are relational creatures, in whom sexuality is a major component, friendship relations can have a sexual dimension.*" One need only watch the closing dialogues on TV's *Boston Legal* to hear soliloquies and sermons that define, differentiate, and test sexual barriers. Line 952 – "The deepening of trust and commitment is a lengthy process that requires deliberate attention and effort."²⁸

Line 954 – "... how people come to select life partners *or intimate-but-celibate friends* and about their sexual conduct in that process."

The deepest (non-marital) human relationships require the deepest trust and the deepest chastity.

Line 968 ff – "... this church has taught that the greatest physical intimacies, such as intercourse, should be matched with and sheltered by the highest level of binding commitment, such as found in marriage."

If "this church has taught," does that mean the church is *changing its teaching*? Better: "This church *teaches* ..." If we are talking about "the greatest physical intimacies ... such as found in marriage," are there conditions *other than marriage* in which such "greatest physical intimacies" are normally found?²⁹

²⁶ Note DSS's own Line 698 – "The family whose life is anchored by trust in God and *faithful church practice* is strengthened and empowered by faith" [emphasis added].

²⁷ Luther, *Commentary on Galatians*, 4:12. Luther calls for "sweet words" in evangelical confrontation.

²⁸ "Friendships are like backyard gardens, we plan to tend them and then seem to always put them off until next week." *Boston Legal*, Jerry Espenson (Christian Clemenson) to Allen Shore (James Spader), 21 May 2008.

²⁹ We are not talking about "desert island theology" where a man and a woman are marooned and "marry" without the aid of a pastor. Such moral speculations border on the "stupid controversies, genealogies, dissensions, and quarrels over the law," which Titus is to avoid, "for they are unprofitable and futile" (Titus 3:9).

Better: *“This church teaches that the greatest physical intimacies, such as intercourse, should be matched with and sheltered by the highest level of binding commitment, i.e., that found in marriage.”*

Similarly, Line 976 needs to be edited: “This church does not support non-monogamous, promiscuous, and transient sexual relationships or casual sexual encounters.”

Does this mean “This church does support *monogamous*, non-promiscuous, committed-but-not married sexual relationships”? If so, that is contrary to our classical understanding of Scripture, particularly Hosea. The line should read, *“This church opposes any sexual relationship other than monogamous marriage between one male and one female.”*

Similarly, Line 989 needs to be edited: “While this church does not encourage such relationships, ...” should read “This church *actively discourages* such relationships.” Extra-marital sex is extra-marital sex.

Similarly, Line 998 – The trust and mutual reliance shared by two adults who are deeply committed ...” should read “... two adults, *male and female*, who are ...” thus the parallel thought in Line 1005 is affirmed.

Similarly, Line 1014 should read “...and commitment within which *a male and a female* can express ... *and is the only God-pleasing locus of sexual intercourse (or of its surrogates)*.”

Line 1031 – “Harming another through the misuse and abuse of power ... within the marriage relationship *and includes failure to let the spouse be the whole (shalom) person God intended; this includes, but is not restricted to marital slavery, sexual dominance, restrictions on public activities and behaviors, etc.*”

Line 1042 – “God’s blessing on a couple (*man and woman*), made before a company ...”

Line 1062 – “... frequent failures of marriage, ... lead many to question the need for ... binding relationships *and only weaken subsequent marriages.*”

Line 1085 and note – “... some cohabitation arrangements can be constructed in ways that are neither casual not intrinsically unstable.”

While there may be some European models (and that does not make them morally correct), this is the United States and we are moving *away* from Common Law Marriages.³⁰

Line 1104 – “This church recognizes that it is in relationships of life-long companionship and commitment with public accountability that both interpersonal and social trust may be nurtured.”

³⁰ Pennsylvania recently revised its Marriage Laws to exclude Common Law Marriages (as of 1 January 2005). Philadelphia Legal Assistance website (philalegal.org) notes that “Common Law Marriage only continues to exist in a few states in the country and the requirements are not the same in every state.” If the secular world recognizes that cohabitation as Common Law Marriage is not desirable in civil society, surely the Church will affirm its moral difficulty inside a monogamous marital ethic.

JUST SAY MARRIAGE. Better yet, “This church recognizes that it is in the *marriage of one male and one female* that both”

Line 1111 – As a *diagnostic description* the paragraph through Line 1119 is an acceptable historical assertion. But, just because there is no “consensus,” does not mean that the ELCA *cannot* and *must* not have an ethical position. We may prefer unanimity, but we may need to take a strong, high road, affirm our faith-full acceptance of the Divine Authority of Holy Scripture, and assert, as the catholic Christian community has for two millennia, that homosexual behavior is neither accepted nor approved in Holy Scripture, and, thus, is not ethically acceptable in the ELCA. The exegetical arguments in favor of homosexuality are far from persuasive. Indeed, one must ask if the “scholars” behind the arguments in favor of homosexuality did their studies in an entirely neutral atmosphere, *since at least one scholar’s work has been found wanting by the time it got through peer review.*³¹

Line 1126 – “In our Christian freedom to serve our neighbor ... we are called to seek responsible actions that serve others.” Yes, but it would be an *irresponsible action* to fail to articulate the Divine Will (heterosexual monogamy) in our discourse about homosexuality. To do any less is to accede to the sin of Corinth (I Corinthians 5).

Line 1132 – Acceptable, as long as “welcome, care for and support same-gender-oriented people,” includes ministering an understanding of marriage as heterosexual.

Line 1142 – I have a strong disagreement with this paragraph. When there is a clear and unambiguous theological statement, we do not have the “right” as a church to voluntarily and positively affirm “both sides” of an ethical position. If “this church recognizes the historic origin of the term ‘marriage’ as a life-long committed relationship between a man and a woman, and does not wish to alter this understanding” (Line 1151), then it cannot condone homosexual marriage (or any of its surrogates).

Line 1151 – If all “this church” is doing is recognizing the historic origin of the term “marriage” and not affirming that this is what marriage is to be in the present (and future), then the ELCA has said nothing. Better: “This church recognizes *and affirms* “marriage” – *in its historical and ecumenical understanding* – as a lifelong ... and does not wish to alter this understanding.”

Line 1168 – “It encourages them in *lives of trustful and trustworthy chastity.*”

Line 1175 – “It does so while undertaking to help all who are sexually active, ~~married and unmarried alike~~, to demonstrate *responsible appropriate chastity* and appreciate”

V. Social Trust and the Common Good

Substance

Trust cannot happen in a community if there are major unresolved ambiguities in social ethics. Thus, it is incumbent upon the ELCA to resolve the issues of unmarried sexual intercourse and

³¹ See Excursus B: The Case of John Boswell.

homosexuality³² before it can truly address “contracts, rights, and a justice-oriented legal code” (Lines 1203-4).

Determining the “common good” (Line 1212 ff.) is a hermeneutical issue. Who/what defines the “common good”? If existential ethics determines the “common good,” then there is no base line (other than my will).³³ If a revealed ethic (Biblical base line) determines the common good, then a common hermeneutic must first be agreed upon.³⁴ How do we ethically deal with the polarities of freedom-and-license, laissez faire-and-regulation, voluntary-and-determined? The greatest statement of the Common Good is Jesus’ affirmation of the “Two Great Laws,” drawing the Ten Commandments and the Cross-and-Empty Tomb into polarity.

Style

Line 1303 – Add: “*This church also notes that in certain aspects of the corporate, military, and church cultures the spouses become a commodity.*”³⁵

Line 1320 – Add:

- Sixty hour work weeks for salaried employees (executives, managers, and pastors), which degrade family life; and dress codes in the workplace that discourage modesty.

VI. Conclusion

Substance

The Conclusion lacks the polarity of Law-and-Gospel. If we are to “follow Jesus” (Line 1433) we are to follow him through both Laws (Love God and Love Neighbor). We cannot love God, we cannot be “saints and sinners,” without hearing *both* the Law and the Gospel. The Common Good is the moral good, and that begins with the Ten Commandments, which I as a redeemed person can keep only in forgiveness. That *experience of divine forgiveness* drives me to love and forgive my neighbor as God has loved and forgiven me. And there the ethics of sexuality begin.

³² However, the resolution of those issues may only come when we first agree on a hermeneutic of Scripture; thus, my suggestion to delay our ethical discussion until we go through the “Book of Faith Initiative.”

³³ Judges 17:6; 21:25; see above, Note 21, p. 20.

³⁴ One might note that the “vice list” quoted in Line 1223 includes words (*porneia, akatharia, aselgia, komoi*) which those favoring homosexual behavior do not translate in a consistently classical fashion.

³⁵ Ira Levin, *The Stepford Wives* (New York: Random House, 1972) – made into two movies, 1975 and 2004 – can be still closer to the truth than many imagine in both Corporate America and the military. In the parish ministry one needs only think of those congregations which expect the pastor’s wife to

- a) *not* have a vocation of her own apart from the congregation, and
- b) serve as Sunday School teacher, organist, secretary, President of the WELCA, etc. and all *without* compensation, but *with* criticism.

Excursus A: DSS Footnote 6 Orders of Creation and Incarnation Theology

The problem of rejecting “orders of creation” (Line 102; note 6)³⁶ is that we may think there is no structure, no order, to the world and our life in it. Quite the contrary, the “lens of Jesus Christ” (Note 6) gives us the accurate compass with which we can navigate God’s written self-revelation in Holy Scripture and, thus, discover the *mysterion*³⁷ of the *deus revelatus*. But, even before faith in Jesus Christ can come into our lives, we also know through the sin-scarred structuring of this world that there is an ordering/structure, including a cosmological ordering, which we do not fulfill (First Use of the Law). Our moral imperfection drives us to God’s Perfection (Second Use of the Law) and God’s grace and love in Jesus Christ. *Then* faith opens us to the full application of God’s revelation (Third Use of the Law).

Holy Scripture plainly asserts that Creation and the human story move from chaos to created structure to covenant structure. The Genesis One Creation Story uses poetry to proclaim God’s Good Will in bringing *cosmological* structure (order) out of chaos. Genesis Two tells the Creation Story using a story-telling style to assert a clear *relational* structure, specifically a loving parental God who gives life and family (and society). Psalm 104, the Third Creation Story, offers an *ecological* structure. The Fall (Genesis Three) results in a breakdown of created structure, relational (divine/human and human/human) structure, and ecological structure.

The Old Testament Covenants were an evangelical re-structuring of divine/human relationships, as is the Cross-grained Covenant proclaimed in the New Testament. The Law (Torah), the moral center of the Old Covenant, is a structuring of human behaviors. In the Sermon on the Mount

³⁶ A excellent expression of “Incarnation Theology” and its relation to “Orders of Creation” is Regin Prenter, *Creation and Redemption* (Philadelphia: Fortress Press, 1967), pages 193-241. Regarding the *deus absconditus*, Prenter writes, “This hiddenness of the Creator is not the same as the ‘unknowable absolute.’ ... His hiddenness is not synonymous with metaphysical transcendence; on the contrary, the Creator gives knowledge of himself through his creative activity. ... Through his work of creation, God in his unapproachable majesty has come so close to man that if man were to see him as he is in himself, he would perish” (p. 218). In God’s work of Creation we see Divine Order/Structure; it may not be a full revelation – indeed, it is a fallen revelation – but we have the hint, the clue, which leads by grace to our salvation (and we can begin to apprehend God’s fuller revelation in Holy Scripture).

Another expression is the seminal article by Edward Schroeder, “The Orders of Creation—Some Reflections on the History and Place of the Term in Systematic Theology,” *Concordia Theological Monthly*, XLIII:3 (March 1972):165-179. Schroeder asserts that the original term came from John Calvin rather than Luther (p. 170). It was developed in Lutheran circles by Adolph von Harless (*Christliche Ethik*, 6th ed., Stuttgart, 1864), but as *Schöpferordnung* (Creator’s ordering) rather than *Schöpfungsordnung* (Order of Creation). Schroeder asserts, “Harless sees the Creator’s orders as the substantive givens that make up a person’s specific biography” (p. 171), not a static sociological description of a culture or humanity. Schroeder goes on to assert that “In Luther’s theology *Ordnung*, *Stand*, and even *Beruf* are interchangeable. They all designate placement. But with the word *Beruf* [vocation], an additional element is brought into the picture of what God is doing via the orders of creation. ... *Beruf* ... designates the multitude of placements (as son, sibling, father, husband, citizen, teacher), where God calls a person to be His man. *Here one is to live out the commandment to love his neighbor and is to be God’s faithful person in all of the different orderings God has made for him in is unique life*” (p. 172, italics added).

³⁷ Ephesians 1:9; 3:3,4,9,12; 6:19. See particularly Martin Scharlemann, “The Secret of God’s Plan,” *Concordia Theological Monthly*, Sept. 1969 - Aug. 1970.

Jesus proclaims Torah-Law equally valid for us today; except that in the New Covenant, Torah-Law delves even more deeply and sharply into human attitudes and actions, and, thus, speaks even more condemningly of human experience.³⁸

Just because some sociology-wonks perverted theology (“The Orders of Creation”) into politics, we dare not “throw out the baby with the bathwater.” The Orders of Creation is still valuable, as long as it is used within its Biblical parameters. Orders of Creation properly refer to particular, dynamic, and vocational placements in society, not to static biological conditions (gender, race, etc.).

That being said, Incarnation Theology is also a valuable counter to the philosophical understanding of the Natural Law theory of sexuality-as-procreation introduced into Christian thought by the Stoics as early as the second century.³⁹ But both, Orders of Creation and Natural Law, as human constructs, must stand under the divinely inspired Word of Holy Scripture.

Excursus B: The Case of John Boswell

The work of John Boswell in support of homophile behavior was influential among the members of the task force.⁴⁰ His first book, *Christianity, Social Tolerance, and Homosexuality*,⁴¹ was initially received in the popular press as a landmark text in support of homosexual behavior and a radical criticism of those, particularly Christians, who considered such behavior immoral. However, Richard Neuhaus reported, peer review brought different judgments, with unfortunate consequences for the ELCA:

The scholarly judgment of [Boswell’s] argument has ranged from sharply critical to the dismissive to the devastating. But reviews in scholarly journals typically appear two or

³⁸ “Think not that I have come to abolish the Law and the Prophets; I have come not to abolish them but to fulfill them. ... Unless your righteousness exceeds that of the scribes and Pharisees, you will not enter the Kingdom of Heaven” (Matthew 5:17-20). Then Jesus went on to say, “You have heard it said, ... but I say ...” moving God’s judgment from behavior to intention. Similarly, Jesus will also say, “Out of the heart come evil thoughts, murder, adultery, fornication, theft, false witness, slander. These are what defile a man” (Matthew 15:19-20).

³⁹ John T. Noonan, Jr., *Contraception* (Cambridge, Massachusetts, Harvard University Press, 1966). Note particularly “The New Testament” (pp. 36-46), “The Stoic Ideal” (pp. 46-49), and the Gnostics (56-106). The Church sought a way to counter both the license and asceticism of the Gnostics and the general sexual laxity of the Greco-Roman civilization.. But, rather than turn to the realistic physicality of Scripture, the Early Fathers adopted “natural law” from the Stoics. “The use of Stoic values contained in the appeal to nature served, finally, not only to answer the Gnostics, it was a way of reacting to the general social environment in which the search for sexual pleasure often seemed to Christian writers to be heedlessly and uncontrollably pursued. In a world in which slave concubinage flourished, divorce by mutual consent was easy, and homosexuality was frequently practiced, the Christian writers found *the opposite of the holy control recommended by the Gospels and Saint Paul*. The test of procreative purpose seemed to many Christians, ... the measure by which sexual promiscuity might be rationally criticized” (p. 75). Noonan cites Justin in the Apology “We Christians ... either marry only to produce children, or, if we refuse to marry, are completely continent” (*Apology*, 1:29, cited p. 76). So much for the Song of Solomon. Noonan, a prolific writer in sexuality and a secular lawyer, is a standard reference in United States Roman Catholic philosophy, practice, and Canon Law regarding sexuality.

⁴⁰ Arland J. Hultgren and Walter F Taylor Jr., *Background Essay on Biblical Texts for “Journey Together Faithfully, Part Two: The Church and Homosexuality,”* ELCA, 2003, Endnotes 31 and 64.

⁴¹ (Chicago: University of Chicago Press, 1980).

three years after a book is published. By that time the Boswell book had already established itself in many quarters *as the definitive word* on Christianity and homosexuality. In the draft statement on homosexuality issued last year [1993] by the Evangelical Lutheran Church in America (ELCA), for instance, *Boswell's interpretation of New Testament texts on homosexuality is uncritically accepted.*⁴²

Fifteen years later, in *Same Sex Unions*⁴³ Boswell identified a medieval “wedding rite” for homosexual couples in a medieval monastery. However other scholars examined the same text and found a line that was not translated. That line distinguished the partnership as a commitment between “spiritual friends” (a technical term in Spiritual Discipline), and the rest of the text as an ordinary wedding service. Boswell’s scholarship had proved not only non-objective, it was so seriously flawed it became a cause célèbre even in the gay community.⁴⁴

The Boswell case raises, then, the question of objectivity in the drafting of all three parts of *Journey Together Faithfully*. It certainly raises the *ad hominum* (but valid) question of the *scholarly objectivity* of those advocating the moral acceptance of homosexual behavior. This means the Task Force must ask the question:

Are there any other seminal texts in favor of homosexual behavior where

- a) The caveats of peer review were overwhelmed by the accolades of the popular press, and
- b) which are cited uncritically today by proponents of the moral acceptance of homosexuality?

Regrettably this kind of in-depth scholarship is beyond the resources and time of this country pastor.

Excursus C: Law-and-Gospel in Galatians

In my “Reflections on *Free in Christ to Serve the Neighbor*,” I identified “an Aristotelian bifurcation of Law and Gospel”⁴⁵ and a failure to include enough and full enough references to

⁴² Richard John Neuhaus, “In the Case of John Boswell,” *First Things* 41 (March 1994):56-72, from the internet edition (www.firstthings.com), italics added.

⁴³ John Boswell, *Same Sex Unions in Pre-Modern Europe* (New York: Villard Books, 1994).

⁴⁴ Gip Plaster, reviewing *The Invention of Sodomy in Christian Theology* (Chicago: University of Chicago Press, 1998) by Mark Jordan, quotes Jordan, “I think [Boswell] was so eager to find same sex marriage in the Christian tradition, that he read over this one crucial bit of evidence. ... He just saw something that wasn’t there – or, to be more precise, he overlooked something that is there ... a line that separates the ceremony of spiritual brotherhood from the ceremony of the crown, which is a marriage rite of the Byzantine church. *But Jordan was so sure he had the goods that he just ignored that line in reading the manuscript*” [emphasis added]. Whosoever (Gay Website), www.whosoever.org/v2Issue2/glp.html. See also Matthew D. Johnson, “John Boswell (1947-1994),” Glbtc.com/social-sciences/boswell: an encyclopedia of gay, lesbian, bisexual, transgender & queer culture.

⁴⁵ J. Jeffrey Zetto, “Reflections On *Free in Christ to Serve the Neighbor: Lutherans Talk about Human Sexuality*, *ELCA Studies on Sexuality: Journey Together Faithfully, Part Three*, (Montoursville, PA, 2007), page 1.

Luther's *Commentary on Galatians* "so that the fullness of the evangelical tensions in Law-and-Gospel are maintained."⁴⁶

I will cite a few of these needed citations in the *Commentary on Galatians*, contexted to the *Commentary's* Biblical divisions:

These two words, grace and peace, comprehend in them whatever belongs to Christianity. Grace releases sin, and peace makes the conscience quiet. ... Grace contains the remission of sins; peace a quiet and joyful conscience. *Peace of conscience can never be had, unless sin be forgiven first.* (*Galatians* 1:1-10)

[Paul] says not that there ought to be no persons, but that there is no respect of persons with God. *There must be persons, and outward veils: God has given them, and they are his good creatures, but we must not trust in them.* ... Apart from religion, we must have regard for the person; *for otherwise there follow confusion and an end to all reverence and order.* In this world God will have an order, a reverence, a difference of persons. (*Gal* 2:6)

The word "works of the Law" reaches far; it extends to all that is contrary to grace. *Whatever is not grace is the Law;* whether it be judicial, ceremonial, or the Ten Commandments. (*Gal* 2:16)

A Christian is not one who has no sin, but one to whom God imputes not his sin, through faith in Christ. (*Gal* 2:16)

The flesh is enemy to God, and that *concupiscence which yet remains in us fulfills not the Law, but also sins against it,* rebelling, and leading us captive into bondage. (*Gal* 3:12)

I understand sin to be not the deed or work, but also the root or tree. It is not only rooted in the flesh of every Christian, but also at deadly war with it, and holds it captive. For although a Christian may not fall into outward and gross sin, such as murder, adultery, ... and the like, yet [the Christian] is not free from impatience, murmuring, doubting, which sins to the carnal person are not counted as sins. ... *Here the Law is in its true use, which a Christian feels as long as he lives.* (*Gal* 3:20)

[The fear of God] must always be in a Christian, *because sin is always in him;* but it must not be alone. ... A Christian must vanquish fear by faith in the Word of grace; he must turn his eyes away from the time of the Law, and look into Christ and to that faith which is revealed. Here faith begins to be sweet and makes us love God. (*Gal* 3:21)

As long, then, as flesh remains, the conscience is made heavy by revealing sin, yet is raised up again by the daily coming of Christ. ... *For this is the exercise of the Law in the saints, namely, the mortification of our corrupt affections, of reason, and our own strength, and the daily renewal of the inner person.* (*Gal* 3:25)

⁴⁶ Ibid., p. 3.

Before Christ, [the Law] is holy; after Christ, it is death. Therefore, when Christ is come we ought to know nothing at all of the Law, unless it is in this respect, that it has power and dominion over the flesh to bridle and keep it under. *Here is a conflict between the Law and the flesh as long as we live. (Gal 4:3)*

The remnants of sin cleave fast in our flesh; therefore, concerning the flesh we are sinners, *[even] after we have received the Holy Ghost. (Gal 4:6)*

Here you have the need of great diligence and vigilance. ... Not in that [liberty] wherewith the Emperor has made you free, but in that wherewith Christ has made us free. *There is a civil liberty, there is also a fleshly, or rather a devilish, liberty wherewith the Devil reigns throughout the whole world. For they who enjoy this liberty obey neither God nor laws, but do what they please. (Gal 5:1)*

The sum of all that Paul has taught ... concerning the conflict between the flesh and the Spirit is this: that the saints or believers cannot perform that which the Spirit desires. *For the Spirit wants gladly [fully and completely] that we be altogether pure, but the flesh will not allow it. Notwithstanding, they are saved by the remission of sins, which is in Christ Jesus. (Gal 5:18)*

With such as love Christ and faithfully teach and believe His Word, we offer not only to keep peace and concord, *but also to bear their infirmities and sins, and to restore them when they are fallen in a spirit of meekness. (Gal 6:1)*

[This commandment] belongs to *those who hear the Word of God and believe, and yet fall into sin* and after they are admonished, not only receive such admonition gladly, but also detest their sin and endeavor to amend. *(Gal 6:2)*

The polarity of Law-and-Gospel is much more dynamically maintained in Luther's *Commentary* than in the *DSS*. Again, a complete analysis is beyond the scope of my time and ministry.