

GRACE LUTHERAN CHURCH

Homosexuality, Marriage and Blessing of Same Gender Unions

A Position Paper

Adopted by the Grace Lutheran Church congregation on February 10, 2008

POSITION OF THE CONGREGATION AT GRACE LUTHERAN CHURCH: The Canadian government changed the definition of marriage from “one man and one woman who are not closely related” to “two persons who are not closely related;” thereby legalizing marriage for same gender couples. Our National Church Council (NCC) and the Eastern Synod (ES) have proposed and passed, respectively, a ‘Local Option’ to bless the union of same gender couples. The NCC’s motions were defeated and the ES has suspended the application of their local option. The NCC has initiated a process aimed at amending the ELCIC’s teachings on marriage and human sexuality.

We, the people of Grace Lutheran Church, affirm that the statement on marriage, family and human sexuality adopted by the ELCIC teaches 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 affirm that the statement on marriage teaches that homosexuality is a departure from the heterosexual structure of God’s creation and that those engaged in homosexual behavior, like all sinners, are alienated from God and neighbor. We believe that the pastors on the roster of the synods of the ELCIC may not marry same gender couples and/or bless their unions, because neither Holy Scripture nor our confessions of faith grant such authority to the church. We believe that Jesus calls all people to repent of their sins, to believe that through Him sins are forgiven, and to hold onto His promise that those who believe in Him will live transformed lives based on the teaching of Holy Scriptures. Therefore, Jesus calls us to welcome gays, lesbians, bisexuals and transgendered (“GLBT”) people in our midst for worship and participation in the life of our congregation. It is in hearing the Gospel of Jesus Christ and the receiving of the sacraments that true repentance can occur and the lives of GLTB people and heterosexuals can be transformed and conformed to God’s loving purpose for the expression of human sexuality.

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Summary of this Position Paper

The Canadian Parliament, following precedent established through the highest provincial and federal courts, amended the definition of eligible *spouses* for marriage *from* “one man and one woman who are not closely related” to “two persons who are not closely related;” thereby legalizing marriage for gay and lesbian couples. The legislation creating gay marriage exempts religious groups whose belief and tenants oppose same gender marriage from performing same gender marriage. A number of ELCIC pastors have petitioned the national church for permission to marry same gender couples. The Conference of Bishops denied their request based on the absence of any church policy or teaching which permits the marriage of same gender couples. Our National Church Council (NCC) and the Eastern Synod (ES) have proposed and passed, respectively, a ‘local option’ to bless the union of same gender couples. The NCC’s motions were defeated and the ES has suspended the application of their local option. The NCC has initiated a process aimed at amending the ELCIC’s teachings on marriage and human sexuality.

We, the people of Grace Lutheran Church, believe that the following provisions from the document entitled ***SEXUALITY AND FAMILY, A Statement on Sex, Marriage, and Family***, adopted by the Fifth Biennial Convention of the Lutheran Church in America Minneapolis, Minnesota, June 25-July 2, 1970.¹ (hereafter referred to as the “*Statement*”) are controlling on the congregations of the Evangelical Lutheran Church in Canada (“ELCIC”) on the issue of homosexuality, homosexual behavior, same gender marriage and the blessing by the church of the union of same gender couples.²

Scientific research has not been able to provide conclusive evidence regarding the causes of homosexuality. Nevertheless, homosexuality is viewed biblically as a departure from the heterosexual structure of God's creation. Persons who engage in homosexual behavior are sinners only as are all other persons--alienated from God and neighbor. However, they are often the special and undeserving victims of prejudice and discrimination in law, law enforcement, cultural mores, and congregation life. In relation to this area of concern, the sexual behavior of freely consenting adults in private is not an appropriate subject for legislation or police action. It is essential to see such persons as entitled to understanding and justice in church and community³ (hereinafter referred to as the “*Policy*”)

We affirm that the Policy is supported by the Holy Scriptures and our Confessions of Faith. Therefore, if homosexuality is viewed biblically as a departure from the heterosexual structure of God’s creation and those who engage in homosexual behavior are alienated from God and neighbor, the pastors on the roster of the synods of the ELCIC may not marry same gender couples and/or bless their unions, because neither Holy Scripture nor our confessions of faith grant such authority to the church. We affirm that the Statement teaches 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 that Jesus calls all people to repent of their sins, to believe that, through faith in Jesus, their sins are forgiven and to hold onto His promise that all those who believe in Him will live transformed lives based on the teachings of the Holy Scriptures. While we believe that neither God’s Word nor the Lutheran Confessions authorize the church on earth to bless the union of same gender couples, we also firmly believe that God calls us to welcome gays, lesbians, bisexuals, and transgendered (“GLBT”) people in our midst for worship and participation in the life of our congregation. It is in the context of the hearing of the Gospel and the receipt of the sacraments that true repentance can occur and the lives of GLTB people and heterosexuals can be transformed and conformed to God’s loving purpose for the expression of human sexuality.

¹ Evangelical Lutheran Church in America, ***SEXUALITY AND FAMILY, A Statement on Sex, Marriage, and Family Adopted by the Fifth Biennial Convention of the Lutheran Church in America Minneapolis, Minnesota, June 25-July 2, 1970***. (1970)

² The ELCIC adopted the Statement and the Policy at the Biennial Convention in 1995. The rationale for the National Church Council’s (NCC) motion at the 2005 National Convention which would have granted each congregation in the ELCIC the option the to bless same gender couples suspended the Policy in order in order for the local option for blessing to be implemented. Therefore, the NCC conceded that the Policy was controlling on the church and represented church teaching in opposition to same gender blessing.

³ *Ibid.* page 3

Part 1

Homosexuality is Viewed Biblically as a Departure From the Heterosexual Structure of God's Creation.

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

We affirm that the Statement and the Policy correctly declare and proclaim 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:

"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."⁴

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

⁴ 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

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.’⁵ 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. 12 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 created⁶

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 the Statement’s definition of marriage. Specifically, the statement declares that **marriage is a covenant of fidelity--a dynamic, lifelong commitment of one man and one woman in a personal and sexual union.**⁷ 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 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.

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.

⁵ HC Leupold, **Exposition of Genesis**, (1942) Wartburg Press, Columbus, Ohio, Page 132-37

⁶ Tappert, Theodore G, **The Book of Concord, XXIII Apology to the Augsburg Confession**, (Fortress Press, Philadelphia, 1959) Page 241 paragraph 11-12.

⁷ ELCA, Sexuality and Family, A Statement on Sex, Marriage and Family, **Opcite**. Page 1

Section 2 – The Advent of Same Sex Marriage and the ELCIC’s Response

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. Canada*⁸ 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 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.”⁹

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.

Pastors in the ELCIC are authorized to solemnize marriage based upon their registration with the provincial agency responsible for issuing marriage licenses and maintaining marriage records. The pastor’s license is applied for by the Synod. Accordingly, Synod constitutions provide that pastors are authorized to “marry in accordance with the teaching of this Church and with the laws of the province”¹⁰ These actions prompted some pastors of the ELCIC to profess their desire to begin conducting services blessing the union of same gender couples in their congregations. Other pastors expressed the fear that this governmental action would require them to bless the unions of gay and lesbian couples and thereby forced to adopt a practice they could not, in good conscience, condone. The national and synodical bishops of the ELCIC began to receive letters protesting the practice of blessing same gender couples, and admonishing the Bishops to hold the line on blessing same gender unions, or cross the line and authorize blessing same gender unions.

⁸ *Halpern v. Canada*, [2003] 65 O. R.3rd 201

⁹ *Ibid* pp 5

¹⁰ [10] Bylaw 4, Section 5 of the Constitution and Bylaws of the BC Synod of the ELCIC – Revised 2004 found at <http://www.bcsynod.org/documents/BCSynodConstitutionandBylaws-April2004.pdf>

In response to all these letters, the Conference of Bishops circulated a pastoral letter dated July 2003, which outlined its interpretation of the ELCIC's policy on marriage and same gender blessings (the "**Pastoral Letter**")¹¹. The Conference of Bishops held that no church policy permitted same gender marriage; accordingly, ELCIC pastors who married same gender couples would be disciplined. With respect to marriage, the Pastoral Letter declared: *Christian faith affirms marriage as a covenant of fidelity--a dynamic, lifelong commitment of one man and one woman in a personal and sexual union. ... Marriage is not simply a legal transaction which can be broken when the conditions under which it was entered no longer exist. This union embodies God's loving purpose to create and enrich life.*

The Pastoral Letter also stated that: *"Lutherans also have a very pragmatic view of marriage. Based on the on the First Article of the Creed, the Augsburg Confession assigns marriage to one of the "orders of creation." It is a social institution created by God. It is not a sacrament that can convey the forgiveness of sins. Thus the Reformers assigned marriage to the "civil realm" – a civil contract between a man and a woman for the good of society. When asked, Luther argued that marriage was best left to the state, stating that, "marriage was outside the church, is a civil matter and therefore should belong to the government" (Luther's Works, Volume 54, Table Talk No. 4716, Fortress Press, 1967). Marriage itself is not Christian. Rather marriage is an estate that Christians may enter into."*

The Pastoral Letter stated that the government and the church have different interests in marriage. *"The state is principally concerned with safeguarding the social order and insuring justice for its citizens." The church's interest, on the other hand, is to strengthen the ability of the relationship to incarnate and be a model of God's love for others. To this end the church performs marriage rites for Christians and provides the Christian community with an opportunity to invoke God's blessing, not as a form of social or divine approval, but rather, in the expectation that God will be present in the relationship."*

While we agree with final determination of the Bishops' letter, specifically, that rostered Pastors of the ELCIC may not marry same gender couples, we disagree with their rationale. Our Canadian legal system has helped our church immeasurably with regard to the identification of the relationship which is contemplated by same gender couples. Canadian gays and lesbians began the legal proceedings which led to legalization of same gender marriage by applying for marriage licenses. In so doing, these couples declared that they intended to enter into a relationship which mirrored and had all the marks of a heterosexual marriage with the exception of the gender identity of the couple (two men or two women rather than a man and a woman). The same gender couples intended to enter into a partnership based on mutual love, to the exclusion of all others, as long as they both live; to engage in a conjugal union; reproduce themselves with children produced by one of the couple (in vitro fertilization or surrogacy), adopted by them or brought into the marriage by one or both of the members of the couple; and to build a life together, that is, provide for the necessities of life, their mutual support and nurturance, and raise their children. Canadian legal authorities concluded that the Canadian Constitution and the Charter of Human Rights and Freedoms gave the government not only the right, but the duty and obligation to change the definition of marriage to include same gender couples. The same government acknowledged that Canada's faith communities have been, and will continue to be, involved in solemnization of marriage. The government reasoned that the governing documents of communities of faith may not authorize such a sweeping change of the definition of marriage and for that reason, authorized faith communities to examine their governing documents for the purpose of determining whether same gender marriage is permitted. The same gender couples who approach the church for blessing intend to enter into a lifelong monogamous partnership with all the marks of a heterosexual marriage and seek God's blessing on the relationship. They seek God's presence in their union and life together, they ask God to make them one and give them the grace and faith necessary to fulfill their vows. The absence or presence of a marriage

¹¹ This letter is no longer posted on the ELCIC's website. Requests for the full text of the letter may be addressed to Grace Lutheran Church 1162 Hudson Rd., Kelowna, BC, Canada, V1Z 1J3.

license and registration with governmental authorities or the name given a rite is controlling, it is the intent of the parties to take one another as spouses that make a marriage. Therefore, any rite of the church that seeks to solemnize vows that describe a spousal relationship is a *de facto* marriage ceremony.

The Statement declares that Holy Scriptures define marriage as the union of one man and one woman to the exclusion of all others. 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.¹²

Same gender marriage abolishes the distinction between the sexes and therefore contravenes the provisions of Article XI of Part III of the Smalcald Articles. Article II, Section 4 of the ELCIC's National Constitution states: "This church subscribes to the documents of the Book of Concord of 1580 as witnesses to the way in which the Holy Scriptures have been correctly understood, explained and confessed for the sake of the Gospel, including the Augsburg Confession, the Apology to the Augsburg Confession and the Smalcald Articles." Article XX of the same constitution, states that Article II relating to the ELCIC's confession of faith may not be amended or changed. Based on the foregoing, we believe that this Church is scripturally and confessionally precluded from solemnizing the unions of members of the same gender.

Part 2

Homosexual Behavior Alienates Participants from God and Neighbor.

The Policy states that *persons who engage in homosexual behavior are sinners only as are all other persons--alienated from God and neighbor.* The Policy has been interpreted to include all homosexual behavior. 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. We believe that the above described verses and accounts support the Policy for the reasons set forth below.

Section 1 – 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

¹² Smalcald Articles, Opcite page

conjugal relationships pairs males 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.

- (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.¹³ 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.

¹³ Gagnon Robert A. J. Opcite page 137.

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).

Section 2 – 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).²⁸ "*Furthermore, 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 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 “*arsenkoitai*” 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 *arsenkoitai*. 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.¹⁴ However, the word ‘*arsenkoitai*’ has a more generic or universal meaning.

The meaning of the word *Arsenkoitai*:

Biblical scholar Robert Gagnon contends that the word “*arsenkoitai*” 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 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”¹⁵

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.¹⁶

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.¹⁷

¹⁴ Gagnon, Robert A.J., Opcite Pages 309-312

¹⁵ Gagnon, Robert A.J., Opcite Pages 312-313

¹⁶ Gagnon, Robert A.J., Opcite Page 252

¹⁷ Gagnon, Robert A.J., Opcite Pages 337-339

Part 3

Understanding and Justice in the Church

Section 1 – Justice and Acts 15:28-29

The Policy states that gays and lesbians are “*often the special and undeserving victims of prejudice and discrimination in law, law enforcement, cultural mores, and congregation life. In relation to this area of concern, the sexual behavior of freely consenting adults in private is not an appropriate subject for legislation or police action. It is essential to see such persons as entitled to understanding and justice in church and community.*” Some argue that the church could show justice and understanding to gays and lesbians, which would include the normalization of homosexuality and homosexual behavior using Acts 15:28-29 as an interpretive lens. The arguments that have been advanced in an effort to normalize homosexuality and legitimize and justify same gender blessing under Acts 15:28-29, together with arguments which refute the use of these verses as proof texts, are set forth below.

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 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 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 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.

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. Leviticus 17:7 prohibits offering sacrifices to other or foreign gods (goat gods). 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 "πορνεία" 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).¹⁸

While the prohibitions of Acts 15:27 involving the consumption of blood, strangled meat and meat involved in idol worship, are neutralized 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 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

¹⁸ Gagnon, Robert A. J., [A Critique of Jacob Milgrom's views on Leviticus 18:22 and 20:13](http://www.robagnon.net/articles/homoMilgrom.pdf). (2001)
<http://www.robagnon.net/articles/homoMilgrom.pdf> Page 13

that same gender intercourse is prohibited as it does not conform to the heterosexual structure of God's creation.

- 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 1 Corinthians 7, Paul commends marriage to those who cannot maintain sexual continence. 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 as a metaphor for the relationship between Jesus and the church; specifically, the church was likened to a bride and Christ as a bridegroom.

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.*" 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 permanently excluding them from membership in the community. The sole purpose of the expulsion and the rebuke was to cause contrition, confession, repentance and new life.

The church at Corinth was the place where many who were engaged in a life of sin that separated them from God and kept them from the kingdom of God, heard the Law that laid bare their sins, heard the Gospel of Jesus Christ that declared their sins were forgiven, experienced contrition, confessed their sins, asked for forgiveness and received it from God through Christ. 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).

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 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.

Part 4

Summary and Conclusion

We believe that the Policy is supported by both the Holy Scriptures and the Lutheran Confessions.

Luther's Small Catechism declares that when we repeat the words of the first article of the Apostles Creed, "*I believe in God the Father almighty, creator of heaven and earth,*" we confess:

" I believe that God has created me and all creatures; that he has given me my body and soul, eyes, ears and all my members, my reason and all my senses, and still preserves them; also, clothing and shoes, meat and drink, house and home, wife and children, fields, cattle, and all my goods, and He richly and daily provides me with all that I need to support this body and life; that He defends me against all danger, and guards and protects me from all evil; and this is purely out of fatherly, divine goodness and mercy, without any merit or worthiness in me; for all of this it is my duty to thank, praise, serve, and obey Him. This is most certainly true."¹⁹

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.²⁰ 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 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.**

¹⁹ Luther's Small Catechism, Concordia Publishing House, St. Louis, Missouri (1965)

²⁰ Book of Concord, Smalcald Articles, Opicite Pages 314-315

In conclusion, we believe that the rostered pastors of the synods of the ELCIC may not marry same gender couples or bless their unions. We believe 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. 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 congregation. It is in the context of the hearing of the Gospel and the receipt of the sacraments 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.