

A Response to *Reconciling Scripture for Lutherans: Sexuality & Gender Identity* by Austen Hartke and Emmy Kegler

Dr. Timothy Saleska, Concordia Seminary, St. Louis

Introduction

This response to *Reconciling Scripture for Lutherans (RSL)* comes in two parts.

Part 1 gives you my perspective or frame of reference within which to think about the many issues discussed in *RSL*. One goal is to help you become aware of some of blind spots that you might possibly have—to have you humbly acknowledge that, as the saying goes, “you don’t know what you don’t know.” Another goal is to encourage you--rather than reacting reflexively—to engage in the practice of empathy. By “empathy” I mean the ability to put yourselves in the shoes of someone else—to at least try to see things from their perspective. “Empathy” does not mean that you agree with someone else or approve of the behavior of someone else, but *it does mean* that you try to look at things from another person’s perspective and that you try to imagine what they may be feeling and thinking. *It does mean* that you think about how to respond appropriately as a Christian. Part 1 will also include some starting points for further discussion.

Part 2 consists of brief observations on the beliefs and assumptions (and the resulting exegetical moves) that *RSL* makes and how to think through them without shutting down opportunities for further discussion. In Part 2, I will also offer some observations about the interpretation of the specific Scripture passages that *RSL* discusses. In this section I will briefly describe both where I agree and where I disagree with their interpretations.

Part 1: Self Examination

Before I examine (and maybe judge) the beliefs and behaviors of others, I think it is important that as Christians, we first take the time to examine our own hearts and lives. I think that in discussions like this, we may find it easier to use God's law as a *light* to shine on the sins of others rather than a *mirror* that gives us information about our own hearts. When we shine the law on others, we may safely remain in the dark, on the other side of the scorching light. This habit is dangerous because it allows our spiritual blindness and arrogance to grow unchecked, and unchecked arrogance (otherwise known as self-righteousness) puts our souls in jeopardy.

Therefore, my first task in approaching our topic is to cultivate a sense of humility and develop an awareness of just how perverse my own heart and life is. It is to acknowledge that I am often either unaware of the depth of my own perversity, or I simply deny it. And in fact, unless and until it is revealed by the Holy Spirit through the law, as he does his alien and killing work in me, the depth of my sin will remain hidden. These are a few of my convictions about the human condition that have emerged from my understanding of humanity's Fall into sin, and the enormous consequences that all of us suffer because of it—tragic consequences.

Christians are familiar with the story of humankind's Fall. In the beginning, God created his human creatures in his image (Genesis 1:26-27). He blessed us with incredible gifts and told us to be fruitful and multiply and fill the earth and rule over the rest of God's creation. In giving us dominion, God did not relinquish his own rule over creation. Just the opposite. He gave human creatures dominion, but a dominion that was to be

exercised in complete dependence upon him. Philip Melanchthon tells us at least part of what it means for us to be created in God's image and to depend on God,

Thus original righteousness was intended to include not only a balanced physical constitution, but these gifts as well: a more certain knowledge of God, fear of God, and confidence in God, or at least the uprightness and power needed to do these things. And Scripture affirms this when it says [Genesis 1:27] that humankind was formed in the image and likeness of God. What else does this mean except that a *wisdom* and *righteousness* (italics mine) that would grasp God and reflect God was implanted in humankind, that is, humankind received gifts like the knowledge of God, fear of God, trust in God, and the like?¹

What Melanchthon calls a wisdom and righteousness implanted in humankind includes (but is not limited to) what St. Paul labels “the work of the law” which is written in the hearts of Gentiles, “They [Gentiles] show that *the work of the law is written on their hearts* (italics mine) while their conscience also bears witness, and their conflicting thoughts accuse or even excuse them (Romans 2:15; ESV).”²

What does Paul mean by “the work of the law?” Given the context of this passage, Christians have traditionally understood Paul to be referring to the basic elements of what we often refer to as the moral law.³ The implanted wisdom and righteousness of which Melanchthon speaks and the work of the law of which Paul

¹ Ap II 17-18; Quotes from the Lutheran Confessions are from Robert Kolb, T.J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000).

² In Psalm 37:20-21, David anticipates Paul,
The mouth of the righteous utters *wisdom*
and his tongue speaks justice.
The *law* of God is in his *heart*;
his steps do not slip (ESV; italics mine).

³ Michael P. Mittendorf, *Romans 1-8* (St. Louis: CPH, 2013), 185, says that Paul refers to the individual commands which those without the written Torah are able to do “by nature” (Romans 2:14), though the term “moral law” is somewhat anachronistic.

speaks, are gifts given originally to humans which enabled them to properly care for God's creation (exercise dominion) and to live and flourish together under God's rule.⁴

But humankind was not satisfied with their place in God's creation. The snake tempted the first humans to trust another truth and follow another vision, "You will not surely die. For God knows that when you eat of it your eyes will be opened, and *you will be like God*, knowing good and evil (Genesis 3:4-5; ESV; italics mine)." God's human creatures bought the snake oil. What St. Paul later calls "another law" rose in the humans' hearts (a law which wages war against the law of his mind and makes him captive to the law of sin). Not content with their status as creatures made in God's image and likeness, they desired to be gods themselves. In other words, as Gerhard Forde says, the Fall was not a "Fall down" but a "Fall up—an upward rebellion."⁵

Thus, the *original* and continuing sin in all of us is rebellion against God and the constant desire to usurp God and replace him. Rather than imaging God, we image Satan. Our hearts manufacture gods all the time, and usually the main god we manufacture is ourselves. We want to be our own gods. We want to control our own lives, our own destinies, and our own bodies. This is as true for cis-males and females as it is for someone who is gay. Luther says in his lectures on Romans: "The reason is that our

⁴ Thus, the moral law has a constructive purpose and function and is not something just to be obeyed for its own sake. On this see, Gerhard O. Forde. "Law and Sexual Behavior," in *The Essential Forde: Distinguishing Law and Gospel* (ed. Nicholas Hopman, Mark C. Mattes, and Stephen D. Paulson; Minneapolis: Fortress Press, 2019), 154; Gerhard, O. Forde, "The Normative Character of Scripture for Matters of Faith and Life Human Sexuality in Light of Romans 1:16-32," *Word & World* 14 (Summer 1994), 309, says, "By natural law Luther, I think we can say without overly complicating matters, just meant that which nature and common sense enjoin to care for human community." The Scriptures and especially the Torah of Moses, present various written descriptions of God's moral law. Israel's prophets assume it and invoke it in their preaching. In Proverbs 1-7, where the father teaches his son how to fear God and live wisely with others in this world, his instruction follows the lines of the moral law as it is written in the ten commandments.

⁵ Gerhard O. Forde, *Theology is for proclamation* (Minneapolis: Fortress Press, 1990), 48.

nature has been so deeply curved in upon itself because of the viciousness of original sin that it not only turns the finest gifts of God in upon itself and enjoys them. . .indeed, it even uses God himself to achieve these aims, but it also seems to be ignorant of this very fact, that in acting so iniquitously, so perversely, and in such a depraved way, it is even seeking God for its own sake. Thus, the prophet Jeremiah says in Jer 17:9: ‘The heart is perverse above all things, and desperately corrupt; who can understand it?’”⁶ As Jesus says, “For out of the heart comes evil thoughts, murder, adultery, sexual immorality, theft, false witness, slander. These are what defile a person (Matt 15:19-20a).”

And it is this rebellious heart that wars against God’s law and refuses to submit to it (Romans 7:22-23; 8:7).⁷ In our rebellion, we do anything we can to escape the law’s accusing voice—a task which is ultimately impossible because that law is written in our hearts.⁸ But we try. For example, one thing we like to do is put sin in *hierarchies* of our own creation, not God’s. It is easy for us to believe and behave as if some people’s sin is worse than others, and as if we are better than other people. We overlook our own sin while judging and discriminating against others.

Specifically, in regard to sexual behaviors, all of us must realize that *we all sin sexually*. We are all sexual sinners. Jesus himself says that *everyone* who looks at a woman lustfully commits adultery in their hearts. But the church has treated some sexual sins as more acceptable than others. For example, we are much more tolerant of those who have gotten divorced and are quick to find justification for it and any remarriage. We

⁶ LW 25, 291.

⁷ AC IV, 126.38, “Paul says [Rom. 4:15]: ‘The law brings wrath.’ He does not say that through the law people merit the forgiveness of sins. For the law always accuses and terrifies consciences. Therefore, it does not justify since the conscience that is terrified by the law flees the judgment of God.”

⁸ There is, of course, an on-going debate about whether such a thing as natural law or moral law written in the heart even exists. It is beyond the scope of this response to deal with this issue. My response, obviously, assumes that there is.

handle those who are living together outside of marriage much more gently than those who profess same sex attraction. Adultery often gets a pass. As Rosaria Butterfield says, *our heterosexuality can blind us to the truth.*⁹

I will say more about Romans 1:16-2:5 below, but at this point I need to point out that in this pivotal text Paul does not make hierarchical distinctions between sexual sins, nor does he pit sexual sin vs. other kinds of sin. Paul has an exhaustive list of sins, including, covetousness, malice, envy, strife, deceit, gossip, insolence, arrogance, boastful, disobedient and so on. He argues that all of our sin puts all of us under God's wrath, "Therefore, you have no excuse, O human, every one of you who judges. For in passing judgment on another you condemn yourself, because you, the judge, *practice the very same things* (Romans 2:1; my translation; italics mine)."

Paul brings up homosexual relationships at this point in his letter, not because homosexual desires and behaviors are worse than heterosexual lust and behavior, but because they serve as a strong illustration of the human creature's broken relationship with our Creator.¹⁰ Gerhard Forde makes a very important point when he says that Paul is not ultimately concerned with homosexual practices. He has something much more

⁹ Rosaria Champagne Butterfield, *Openness Unhindered: Further Thoughts of an Unlikely Convert on Sexual Identity and Union with Christ* (Pittsburg: Crown and Covenant Publications, 2015), 98-102; Butterfield, *Openness*, 4-5 says, "As I have traveled to different churches and colleges to speak about biblical sexuality, I have met countless people for whom every vital relationship has been marred by sexual sin. I have met wives whose husbands have pornography addictions, whose teenage children engage in forwarding sexually explicit pictures on text messages, whose best friends frequent explicit cyber-sex sites and engage in cutting and mutilation. I have met husbands whose Bible-believing wives have left them for lesbian lovers. I have met teenagers who are in sexual relationships with their biological cousins and who believe that they have GSA (genetic sexual attraction). I have met preteen girls, homeschooled and protected their whole lives, who found violent pornography on their moms' cell phones and who cannot go back to any place of safety and peace. I met one woman who had had seven abortions, who goes to church weekly, and who lives a double life. For each of these people, the sense of being out of control is overwhelming. For the parents and loved ones (the secondary victims), the shame, guilt, and secret-keeping is unbearable."

¹⁰ Craig Koester, "The Bible and Sexual Boundaries," *LQ* 7 (1993), 383.

terrifying in mind—the wrath of God. Idolatry and the subsequent abandonment by God lead to all manner of wickedness, and Paul catalogues it. The question we should be asking is not, “Do these words really apply to me?” but rather, “Who will deliver me?”¹¹ Rather than defending ourselves from Paul’s words, they should terrify us. After all, it is the peculiar function of the law, and the alien work of the Holy Spirit through it, to bring about the grief and fear in our hearts.¹²

But defend and justify is what we *all* do, including the authors of *RSL*. We should all at least realize that we are very tolerant of greed, anger, and gossip, for example. We have no problem accepting and ministering to people who practice these things. They don’t bother us that much. We rarely examine them--to do so hits way too close to home.

This is all to say, again, that *humility* is in order. This does not mean that we approve of all these behaviors. Far from it--just the opposite. But it does mean that we recognize our own sinfulness, confess the power which sin continues to hold on us, and seek to live lives characterized by daily repentance. As Gods’ people, we strive to turn away from sin and follow in Jesus’ footsteps. James Nestingen says that for Luther, the confession of sin is a virtual trademark of the gospel—the closest we can come to *prima facie* evidence of the gospel’s presence.¹³

We also strive to love others as Jesus asks. Loving does not mean approving. But we all ought to live with the recognition that if our Lord had not redeemed us totally

¹¹ Gerhard O. Forde, “The Normative Character of Scripture for Matters of Faith and Life: Human Sexuality in Light of Romans 1:16-32,” *Word and World* 14 (Summer 1994), 307 and 310; this is just the question Paul asks, “Wretched man that I am! Who will deliver me from this body of death? (Romans 7:24; ESV).”

¹² James Arne Nestingen, “The Catechism’s *Simul*,” *Word & World* 3 (1983), 369.

¹³ Nestingen, “The Catechism’s *Simul*,” 369.

outside of the means of the law, we would all be lost in our guilt and facing judgment under the wrath of God.

As I transition to Part Two of this response, I want to reiterate that in our rebellion against God, and in our desire to be our own gods, all of us are just as quick to justify our own sins as anyone else. None of us are any different in this regard. And our efforts to justify our sins extend to the ways we use and interpret Scripture. The fact is, Scripture can almost always be interpreted in our own favor. We have the ability to work at an interpretation until we can bring a text to heel, so to speak. Rather than the text exeging us and doing its work on us, we work on it, often acting like defense attorneys, against the text. The defense of slavery and racism by some Christians in our history is an example of our ability to do that. It is much easier to relabel a *behavior* we want to justify as not sinful or to justify it rather than confess and struggle and seek forgiveness and know that even though we fail, God's promise still holds for us.¹⁴

It is also true that people who struggle with brokenness in general and who especially have a hard time seeing their sexual behaviors as sinful won't be helped if others who don't struggle with these particular temptations "lob scripture" at them and

¹⁴ Gerhard O. Forde, "Law and Sexual Behavior," 151-152, speaks a difficult truth to swallow, and one we Christians constantly struggle against, "But it must be noted carefully that *only* Christ is the end of the law, nothing else, no one else. Human beings have just two possibilities in this regard. We can live either 'under the law' or 'in Christ.' And for the time being, of course, since we are simultaneously just by faith and sinners in actuality, we live under both. But only Christ is the end of the law and only when Christ conquers all does law stop. One must be grasped firmly by this, particularly with regard to sexual behavior, because when we come up against laws that call our behavior into question, we usually attempt by one means or another to erase, discredit, or change the laws. We become antinomians. If we don't like the law we seek to remove or abolish it by exegetical circumlocution, appeals to progress, to genetics, to the authority of ecclesiastical task-force pronouncements, or perhaps just the assurance that 'things have changed.' But all of these moves are not the end of the law. It is folly to believe they are. As Luther put it, this is a drama played in an empty theater. Law just changes its form and comes back at us—usually worse than before. Law is authoritative ultimately not because it is written in law books or even in the Bible, but rather because it is written 'in the heart.' So only one who is stronger can end it. That is Christ, the bringer of the new age and a new 'heart.' Christ, as Luther insisted, must reign in the conscience."

are unaware of their own particular temptations and their own brokenness. This is not helpful and tends, again, to blind us to our own sin.

Part 2: My Observations on *RSL* 's Interpretation of "Passages Used to Exclude"

Genesis 1-2

I will summarize my reactions to *RSL* 's discussion of Genesis 1-2 under two main topics: 1) The difference between description and prescription. 2) The difference between original creation and what now exists.

1) The Difference Between Description and Prescription

First, I agree with *RSL* that Genesis 1-2 should not be simplistically treated as prescriptive demands like those through which God encounters us in his law (*RSL*, 16). I agree that we should be careful not to simply turn descriptive texts into prescriptive texts. We have to be careful of doing that with any text in Scripture.

However, things are more complex than this. The difference between description vs. prescription is not always a clear-cut dichotomy. *Descriptive* texts can and often do function as strongly *prescriptive* when they enable us to see life from a different perspective, when they urge us to different ways of thinking and acting in our lives, and when they begin to urge upon us certain choices and actions which make previous ones difficult to continue and maintain.

For example, some historians have observed that despite its own problems, *Uncle Tom's Cabin* is an example of a descriptive work that changed the thinking of people and especially Christians regarding slavery. It urged them to different ways of life and behaviors.

For the past several years, I have been reading descriptive works such as Frederick Douglass, *Narrative of the Life of Frederick Douglass*, Bryan Stephenson, *Just Mercy*, Harriet A. Washington, *Medical Apartheid*, Anthony Ray Hinton, *The Sun Does Shine*, David Grann, *Killers of the Flower Moon* and so on. These and numerous other narrative works have opened my eyes to blind spots in the way I see the world. And in so doing, they have encouraged different behaviors in my heart, mind and life. And that is, to be sure, very challenging.

Another relevant and recent example of the power of description to prescribe behavior is the video of George Floyd's death at the hands of the police. It is a powerful description (visual as well as audio). Most of us can see how it has impelled people on all levels of life and society to action.

The Creation account in Genesis 1, and the subsequent account focusing on the first humans, Adam and Eve, in Genesis 2 have functioned in prescriptive and formative ways throughout the history of God's people. For example, on the foundation of these texts, we believe that there is a God given order to our world, and we have articulated what that means for the way we live our lives. God's created order includes definitions and boundaries and norms for our sexuality and gender.¹⁵ We can see how the rest of the Old Testament and the New Testament assume this God given order in the way that they

¹⁵ Butterfield, *Openness*, 6, remarks that these limits-this order-may be difficult to embrace for those of us with personal experience with people we love and care about who struggle.

make use of, allude to, apply and reflect on Genesis 1 and 2. Through many ages, these texts have formed our thinking about God, who he is, what it means for us to be human, the husband-wife relationship, how we should or should not treat the world, each other and so on. Thus, God's people think and work within a deep tradition of interpretation of these crucial texts. In my following interactions with *RSL*, I will expand a bit on these assertions.

2) The Difference Between the Original Creation and What Now Exists

RSL erases the distinction between the world that God originally created and the world that exists now, and it does it by means of an extended analogy. First, it compares the creation of male and female to the separation of land and sea. Just as Genesis 1 makes no mention of "in-between" topographical features like swamps, estuaries, and reefs (and yet these obviously exist in today's world), so it is with the male-female dichotomy. Genesis 1 makes no mention of a continuum between male and female, and yet, for example, intersex siblings who are born with differences in sex development, which make it impossible to categorize them as male or female, exist in today's world.

RSL does the same thing with the day-night dichotomy of Genesis 1, which makes no mention of dusk or dawn. Finally, Genesis 1 does not mention the multitude of species that exists in our world, and yet we don't argue about the existence of, for example, a platypus (*RSL*, 15-16). The implication of these analogies is that because all of this variation and category crossing exists in our world today, God created his human creatures with gender-and sex-diverse identities as well.

But for a couple of reasons, the analogies don't hold together, nor does an attempt to erase the distinction between what *was* and what *is*. First, the simple truth is that there is much more that we don't know about what the original created world looked like than what we know. Genesis 1-2 give us only the broadest categories. We cannot assume that when God first separated the land from the water (Genesis 1:9-10) that all the different topographical features that we see today existed originally. We simply don't know. As for the division between light and darkness, we can't assume that there was always dusk or dawn because that division happened before the creation of the sun, moon and stars anyway (Genesis 1:3-4; Genesis 1:14-19). What was it like before that? We just don't know. As for the multitude of life that we see today, we don't know how much of that existed in the beginning. God created them "according to their kind," but we don't know what "kind" is referring to. It is very likely that it does not refer to what we categorize as "species."

Second, in the creation account itself there are some important distinctions between the creation of humankind and that of animals. For example, when God created the fish and the birds he said, "Let the waters *swarm* with *swarms* of living creatures, and let birds fly above the earth across the expanse of the heavens (Genesis 1:20; ESV; italics mine)." Genesis 1:21 goes on to say that he created the creatures of the water "according to their kind." When God created the land animals, he uses similar language, creating a variety of animal life "according to its kind" and "according to their kind" (Genesis 1:24-25).

But the creation of humankind receives a different focus. In Genesis 1:26-27, God doesn't create humans "according to its kind," or "according to their kind," which would

imply a natural variability in types (kinds) of humans like that of other animals. Rather, he says, “Let us make man ‘in our image,’ and ‘according to our likeness (Genesis 1:26; see Part One for the implications of being created in God’s image).’” God then gives his human creatures dominion over the rest of creation. Genesis 1:27 sums up God’s creative work by specifically pointing out that he created them “male and female.” The gender of the human creature is highlighted in a way that it is not in the creation of other animals.

I grant that if we read Genesis 1:26-27 without the context that I have given it, and if we read the entirety of Genesis 1-3 with the assumption that the descriptions of Genesis 1 and 2 conflict with each other and that Genesis 1 does not need to be read in the light of Genesis 2, it is grammatically possible to understand Genesis 1:24-31 to be at least implying that God originally created multiple and various “kinds” of human beings (despite the lack of that language). But Lutherans (as well as the Christian church through time) have traditionally harmonized these chapters and seen them as a congruent whole, along with Genesis 3.

Genesis 2-3 seem to specify that in contrast to the rest of God’s creatures, God created one male (Adam) and one female (Eve), and these texts also have given our interpretation of Genesis 1:27-31 the direction it has long taken. It is an important point because the apostle Paul seems to assume this same thing when he talks about the entrance of sin and death into our world. Sin came into the world through one man, he says, and through sin, death (Romans 5:12; 1 Corinthians 1:21).

This understanding of Genesis 1-3 has been foundational for how Christians understand human life in this world. In creating humans as male and female, Genesis 1-2 suggests that maleness and femaleness are part of the created order, and that this was very

good.¹⁶ In Genesis 2 God goes on to say that it was not good that the man be alone, and so he created a woman to be a companion to him (Genesis 2:18-22). He then set sexual relations within this relationship (Genesis 2:24-25).¹⁷ On the basis of this text Jesus, his disciples, and the Christian church have maintained that marriage is a divinely ordained estate that originated in the garden (cf. Matthew 19:4-6; 1 Cor 7:2-4). It is identified with God's intentions for his human creatures.¹⁸

But quite obviously, life outside of the garden, life as it exists today, looks quite different than the picture that Genesis 1-3 give us. Things have changed, and just as obviously, there are many reasons for this. But specifically, in regard to our topic, I want to elaborate on a couple of things. None of this will be easy for everyone to hear, and I understand this.

As I discussed in Part One, humankind's Fall from our created position changed everything. In its example of intersex siblings who are born with differences in sex development that make it impossible to categorize them as male or female, *RSL* asserts that they also are made in the image of God to exactly the same degree as every other human being (*RSL*, 16). Of course, as I said in Part One, this is true. The problem is that since the Fall, evil and brokenness have entered into our world right down to the heart and soul and DNA of *every one of us*. Paul says that creation was subjected to futility

¹⁶ On this point, Butterfield, *Openness*, 6, is even more forthright, "Bible-believing Christians are gender essentialists, believing that there is an essence to maleness and femaleness, and that God's created order mandates sexual union exclusively between one man and one woman in the covenant of biblical marriage. To the rest of the world, such essentialist understandings of sexuality, gender, and selfhood are reactionary, backward, and dangerous."

¹⁷ *RSL*, 20, rightfully suggests that the "one flesh" phrasing emphasizes the incredibly strong relationship that the man and woman have, in distinction from other animals, but in so doing it also seems to suppress the obvious meaning of the phrase in this context, that it refers to the sexual relationship between a man and a woman and the becoming one flesh that this act entails. In 1 Corinthians 7:16, Paul certainly understands it as a reference to sexual relations.

¹⁸ Koester, "The Bible and Sexual Boundaries," 377; Forde, "Law and Sexual Behavior," 156-157.

(Romans 8:20). As I also discussed in Part One, our situation is not that we have entirely lost the image in which God created us, it is rather that our hearts and wills have become bound into the service of sin. We image Satan, and unless we are rescued, we have no hope of escape.

Thus, original sin brings all manner of “changes” both into our physical world and into the bodies, minds and hearts of human beings. It brings certain death, foreshadowed by aging, disease, disability, sickness, physical and mental anguish, violence, heartbreak and on and on and on. God did not create any of this.¹⁹

And so, it should not be surprising that in our fallen and even in our redeemed bodies, sexuality now travels on a complex continuum in all of us.²⁰ Human sexual drives, and obsessions are many and varied in all of us. It is not how God intended us to live with each other. Because the heart is desperately evil, we are tempted to believe that being born with a certain orientation or disposition or certain desires, sanctifies the *behavior* attached to it. We justify our sexual behaviors, as well as all kinds of other behaviors, because this is how we claim we have been made.²¹

But we cannot trust the sinful human heart. It deceives us and justifies sinful actions all the time. In addition, God’s law is without compassion on this count. God does not give us permission to act on all our feelings and desires, nor even our orientations. I

¹⁹ When *RSL* states that the law is the thing that shows us our *flaws* (italics mine) and pushes us toward repentance (*RSL*, 16), it fails to give an adequate account of what sin is and what it has done in the world. The law was not given to just push us to repentance. God uses it to kill us, to terrify us, to condemn us.

²⁰ Butterfield, *Openness*, 50; see also her comment in fnnt. #9.

²¹ Another point which this paper briefly discusses below is the idea that probably the best way to account for variations in sexual behavior and preference throughout history is because the sexual categories are human (social) constructions. Categories that are human made and have real consequences in our world. On this see, Michael W. Hannon, “Against Heterosexuality,” *First Things* (March 2014), 27-34, James Burtneiss, “Is Orientation the Issue?” *Word & World* 14 (Summer 1994), 233-238 and Butterfield, *Openness*, 108-109.

need to keep repeating that God's law lets no one off the hook in this regard. This is why *all of us* so desperately need Jesus and the Gospel. Our Lord gave himself for our sins to deliver us from the present evil age (Galatians 1:4).

In discussions like this, Christians need to be careful not to collapse the distinction between being and behavior, or between sexual attraction and sexual activity.²² Our culture has done away with the distinction so well that when a person self identifies as "homosexual" for example, we assume that they are engaged in same gender sexual activity.²³ Being and behavior automatically go together in our minds.

But in order to care for each other as God would have us in the church do, in order to properly proclaim God's word of Law and Gospel to each other, in order to live the healing lives of repentance and restoration that God offers us in Christ, Christians need to maintain the being-behavior or attraction-activity distinctions. We have no problem maintaining that distinction in other areas of life. For example, if someone says, "I am an alcoholic," it says nothing about whether he or she is currently drinking.²⁴

But the issue that the legal texts discussed by *RSL* address, concern sexual *behavior*--not orientation (such categories did not exist in the OT world). Specifically, these texts prohibit same gender sexual activity and limit sexual relationships to the life-long estate of marriage between a man and a woman.

As I said above, outside of the garden, our sexuality travels a complex continuum of desire. Human sexual drives, passions, proclivities, preferences, orientations are so

²² James H. Burtness, "Is Orientation the Issue?" *Word & World* 14 (Summer 1994), 234.

²³ The same is true of those who identify as "heterosexual." Attraction and behavior go together. "Fornication" is an old word you hardly hear anymore. It has been replaced with more judgment neutral words like "premarital sex."

²⁴ Burtness, "Is Orientation," 235.

many and varied in all of us and sometimes in one and the same person that it is inaccurate to slot ourselves to a single orientation.²⁵ But this is what we have been accustomed to doing, even though the ever-expanding categories we use for slotting ourselves and others are human constructions of recent origins. They have a history. They are not natural.²⁶ They are like our categories of race in this way.²⁷

But when we categorize ourselves according to our sexual orientations, we begin to treat our sexual inclinations as part of our identity and our sexual behaviors as proof of our identity.²⁸ Rosaria Butterfield says, “Sexuality moved from a verb (practice) to noun (people), and with this grammatical move, a new concept of humanity was born—the idea that we are *oriented* or framed by our sexual desires; that our differing sexual desires and different object of desire made up separate species of people, and that self-representation and identity rooted now in sexual orientation, and not in the purposes of God for his image bearers. In Foucault’s words, ‘Homosexuality appeared as one of the forms of sexuality . . . when it was transposed from the *practice* of sodomy into a kind of interior androgyny, a hermaphrodism of the soul (emphasis Butterfield’s).’ . . . Prior to the nineteenth century category-invention of sexual orientation, no one’s sexual practice or sexual desire prescribed personhood or defined their personal identity.”²⁹

Michael Hannon identifies at least two things that happen when we accept our sinful inclinations as identity-constituting, or when we define who we are in terms of our sexual orientations. First, we multiply occasions to sin. Temptation, which is hard enough

²⁵ See page 14 and fnnt. #20; Forde, “Law and Sexual Behavior,” 150.

²⁶ Butterfield, *Openness*, 93-135.

²⁷ Louis Menand, *The Metaphysical Club: A Story of Ideas in America* (New York: Farrar, Straus, and Giroux, 2002), 97-116; Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Bold Type Books, 2016).

²⁸ Hannon, “Against Heterosexuality,” 29-30.

²⁹ Butterfield, *Openness*, 97.

for us to resist at any rate, only intensifies. Second, intimate same-sex friendships of various kinds become almost impossible to achieve. Hannon has a good point when he says that many people, especially men who identify as heterosexual, settle for superficial associations with their comrades. Their ostensibly “normal” sexual orientation cheats them out of an essential aspect of human flourishing: deep friendship.³⁰

Rosaria Butterfield puts it like this, “Maintaining a boundary around sexual behavior and making that the exclusive domain of the covenant of biblical marriage is necessary for platonic relationships to maintain their integrity as *platonic*. We have lost the ability to be non-sexually same-sex affectionate, and this is a costly human loss. But something else happens here: it confuses people about what is sin and what is not. Misplaced guilt is Satan’s weapon. There is no sin in homosociality—an abiding preference to find your closest and most meaningful friendships with members of your own gender. Nor is homosociality ‘gay.’”³¹

I bring this up because to me, *RSL* seems to illustrate what happens when Christians buy into our culture’s assumptions that blur being and behavior. At the end of their discussion on the “one flesh” language of Genesis 2 and Matthew 19, *RSL* states, “When Christians seek to exclude same-gender couples from entering this kind of relationship [one flesh union], we are in fact creating the problem that God intended to solve in Genesis 2. *We force our LGBTQ+ siblings to live in loneliness*, rather than celebrating the kind of commitment that Jesus himself recognized as foundational and God-given (*RSL*, 20, italics mine).”

³⁰ Hannon, “Against Heterosexuality,” 30.

³¹ Butterfield, *Openness*, 120-121.

For *RSL*, the option seems to be either “one flesh union” like Adam and Eve, or a life of loneliness. Any middle ground has been excluded. And this makes it very difficult for the church to proclaim law and gospel honestly to LGBTQ+ people in accord with the word of God, and to show genuine Christian love as God would have us. It makes it hard for the church to speak God’s two words (law/gospel) clearly, and when it tries, LGBTQ+ people can hardly see that there could possibly be a place for them in our Lord’s kingdom. If your sexual *behavior* is seen as the core of who you *are*, how can you give that up? How do you give up yourself?

But Christians do not think about our identities in terms like “approve of what I *do* because this is who I *am*.” Paul famously makes a sharp distinction between his identity and his behavior, “For I do not understand my own actions. For I do not do what I want, but I do the very thing I hate. Now if I do what I do not want, I agree with the law, that it is good. So now it is no longer I who do it, but sin that dwells within me . . . (Romans 7:15-17; ESV).”

Because of the tremendous pressures our culture places on *all* of us, we *all* need to constantly remind ourselves of where our true identity lies. Who are we who have been redeemed from sin, death and Satan by Jesus? Who are we who have been baptized into his name? How should we think of ourselves? Where do we find meaning?

Without belaboring the point, the Gospel proclaims to us sinners that in Christ we are a *new creation* (2 Corinthians 5:17; Galatians 6:15; Ephesians 2:15; Colossians 1:22). New creation not just “in theory” but “in fact.” As Christians, we belong to Jesus, not to ourselves. Jesus is our Lord. This means that we do not center our identity in our gender or in our sexuality or in anything else but in him. We belong to Jesus. In baptism we are

given a new name, new story, new destiny, new life. We follow a different path in this life—sometimes painful and full of trouble—but never without our Lord’s sure promise of forgiveness and salvation.

As members of his family, we seek to follow him and his will for us. This is by no means easy. Sin still lives in the hearts of us who are new creatures in Christ. We still wage a war with our old nature as Paul says. At the end of his reflection on these hard truths, he cries out, “O wretched man that I am! Who will deliver me from this body of death (Romans 7:24; ESV)?” *New creatures—yet wretched people*. What a paradox. Creatures in an all-out daily fight to the death--yet joyously assured of victory in Christ. What a unique tension experienced by God’s people. Who will deliver us from this body of death? Thanks be to God through Jesus Christ our Lord! (Romans 7:25; ESV).”

Conclusion

All of us are under constant pressure from our culture to seek meaning for our lives, find our identity and direction for living and behaving from other stories. The pressure is always on to adopt different accounts of who we are and what it means to live as humans in this world—even what it means to live as God’s people. Competing narratives are all over the place—inviting us to form ourselves and our *desires* and our *actions* according to them (the materialistic stories, the materialist story of many scientists, and so on). Huge questions arise: how do we navigate these waters? What does it mean to live as God’s people in this day and age? How do we minister to others who seem so different from us? How is the Gospel relevant to us? The church lives and ministers in the crucible of this daunting culture.

We should not, if we are going to be faithful, just put blinders on. Nor should we quickly reinterpret foundational scripture and teaching to suit our desires, which are most likely sinful, prideful and idolatrous. But also, we should not decide to simply erect walls condemning some (not others) in order to keep some people out and allow others in. Answers are not easy, and our Lord requires constant listening, seeking and trust.

Genesis 19

I agree that Genesis 19 is not the most helpful text to use in modern discussions of human sexuality and same gender relationships. I also agree with *RSL* that God judged Sodom and Gomorrah for more than their sexual activity and that their judgment is a warning for all, not just for those who engage in same-gender sexual activity. The prophets and the NT suggest that greed, adultery, idolatry and injustice also brought God's wrath against them (*RSL*, 22-23).

But I would like to make a few clarifications. First, *RSL* cites Ezekiel 16:49-50 as one passage in which the prophet summarizes Sodom's sins without making any connection to sexual activity (*RSL*, 21). It is true that Ezekiel highlights Sodom's pride, prosperity and unjust treatment of the poor as the sins that brought God's judgment. But Ezekiel doesn't stop there. In Ezekiel 16:50, the prophet says that the people of Sodom were haughty and "did an abomination before me." The term "abomination" is a collective for all the sins that angered God. This certainly includes the wicked behavior that the men of Sodom wanted to do to Lot's guests (Genesis 19:7). In the course of the entire narrative, this is the crowning example of the sins that brought fire and brimstone

(Genesis 18:20-33). In both Leviticus 18:22 and 20:13, passages I will discuss below, Moses forbids a male to lie with another male as with a woman, and in both places, he calls this same gender sexual activity “an abomination”—the same word Ezekiel uses.

In its discussion of Genesis 19, *RSL* cites Jude 7 as another place where Sodom is referred to, “Jude condemns them for how they ‘indulged in sexual immorality and went after other flesh’ (Jude 1:7), neither of which are sins specific to same gender sexual activity (*RSL*, 22).” However, the term “other flesh,” most likely does refer to just this behavior. Thomas Schreiner writes, “The term more naturally refers to a desire for those of the same sex; they desired flesh other than that of women. For various reasons some are attempting today to question the view that homosexuality receives an unqualified negative verdict in the Scriptures. Such attempts have been singularly unsuccessful. The biblical writers and the Jewish tradition unanimously condemned homosexuality as evil.”³²

Another thing I want to reiterate is the fact that Ezekiel’s highlighting of Sodom’s pride is just the point that I have been making throughout. Pride is not separate from other behaviors. Pride is the original sin. It is the desire to exalt self and put self in the place of God. Our sinful sexual, moral, and ethical behaviors are the outworking of our inward pride. The opposite of pride is not self-hatred, but faith.³³ Ezekiel wasn’t neglecting the sexual (and other) behaviors of the men of Sodom, he was getting at the root of them.

Leviticus 18 & 20

³² Thomas R. Schreiner, *1 & 2 Peter, Jude* (NAC 37; Nashville: Broadman and Holman, 2003), 453.

³³ Butterfield, *Openness*, 25.

RSL's analysis of the legal material in Leviticus 18 and 20 centers around a discussion of the complex relationship that they see between Jesus and the Mosaic Law. They see complexity in the various ways that Jesus deals with Mosaic Law in the Gospels (*RSL*, 24-26). On the basis of the complexity it sees, *RSL* draws two conclusions: 1) Jesus' complex relationship with Mosaic Law, at the very least, does not support modern day violence against men who have sex with other men. This is a conclusion with which I totally agree. 2) The complexity also calls into question how we apply the Mosaic Laws and whether they still have a hold on us as an absolute norm of faith and life, or whether they require a new interpretation in the way that Jesus offered (*RSL*, 26). It is this second conclusion that I will discuss in detail, and I hope to answer some of the important questions that the conclusion raises.

First, as to the complex relationship between Jesus and the Mosaic Law, I do not think that in the final analysis it is all that complex. The examples that *RSL* gives, and there are many others, show us one extremely important truth for the topic at hand: *Jesus has authority over the Law of Moses*—not the other way around. Jesus is Lord. Not Moses. This is a simple and profound truth. “And when Jesus finished these sayings, the crowds were astonished at his teaching, for he was teaching them as one who had authority, and not as their scribes (Matthew 7:28; cf. Mark 1:21-28).”

Jesus was not bound either to Mosaic Law or to its traditional interpretation. He interpreted it as he wished (Matthew 5:21-48), violated sabbath laws, touched those who were considered unclean for one reason or another, ate with sinners and so on. These didn't make him unclean as the law demanded. Just the opposite. He cleansed the lepers (Mark 1:40-42). He healed the sick and disabled (Mark 1:29-33; Mark 2:1-12), and he

forgave sins without the permission of Moses. The scribes could not believe the audacity, “Who can forgive sins but God alone (Mark 2:1-7)?”

These mighty acts tell us something important about Jesus’ relationship to the Mosaic Purity and Holiness Laws (Leviticus 11-26). All those laws regulating “cleanness and uncleanness, “holiness and defilement,” and the rituals for purification are confusing and to our modern eyes seem nonsensical. But Christians can see the theological significance of all this ritual when we see them showing us how deep the problem of sin really goes. Sin is not only mental or willful action, but it is a power that invades all parts of the material world as well. The “unclean” separates people both from each other and ultimately from the holy God. “You shall therefore be holy, for I am holy (Leviticus 11:45;19:2;20:7;20:26;21:8).

In the Old Testament, the unclean, the sinful, the unholy, could only be handled by the ceremonies of purification given by God. Often, blood had to be shed. Sacrifices had to be made. The priest pronounced the unclean one clean. The significance of these acts of purification should be thought of in sacramental terms. The sacrifices, the blood, the words of the priest were visible signs of God’s promise of forgiveness and justification.³⁴

And so, when Jesus comes and heals the sick and physically disabled, and forgives the sinner, and raises the dead, these actions are telling us that he is the one who is going to deal with sin in its deepest dimensions. The brokenness and pain that sin and evil have brought into our world and our personal lives were not too much for Jesus. “Go tell John what you have seen and heard: the blind receive their sight, the lame walk,

³⁴ Horace Hummel, *The Word Becoming Flesh* (St. Louis: CPH 1979), 82-86, has a beautiful explanation of these ideas.

lepers are cleansed, and the deaf hear, and the dead are raised up, the poor have good news preached to them. And blessed is the one who is not offended by me (Luke 7:22-23; ESV).”

And then there is the issue of death. The wages of sin is death. The simple but absolutely devastating reality. This is the law, and all of us face the price our sin exacts. But low and behold, Jesus has authority even over this mighty enemy. His Father declared him to be the Son of God in power according to the Spirit of *holiness* by his resurrection from the dead (Romans 1:4; ESV; italics mine). “All authority in heaven and on earth has been given to me,” Jesus said after his resurrection (Matthew 28:18; cf., 1 Corinthians 15:24-28).

The author of Hebrews writes, “For since the law has but a shadow of the good things to come instead of the true form of these realities, it can never, by the same sacrifices that are continually offered every year, make perfect those who draw near . . . but in these sacrifices there is a reminder of sins every year. . . And every priest stands daily at his service, offering repeatedly the same sacrifices, which can never take away sins. But when Christ had offered for all time a single sacrifice for sins, he sat down at the right hand of God, waiting from that time until his enemies should be made a footstool for his feet (Hebrews 10:1-14; ESV).”

Jesus is my Lord because he is the only one who has conquered death itself. Jesus is the one who promises me forgiveness and promises that he will raise me from the dead. He has shown his power over this most fearful enemy. Not Moses. Not Mosaic Law. In him is my hope for eternal life. *This is the first and most important thing to keep in mind when we deal with Mosaic Law.*

Above all, we seek to live as *Jesus* would have us live. We follow him because he is our Savior and our Redeemer. We are his disciples. Not disciples of Moses. Thus, it is quite true that we don't look immediately and exclusively to Leviticus when figuring out how God wants us to live as his children.³⁵

But at the same time, this doesn't mean that the Torah or specifically the Mosaic Law have nothing useful to say to us today. It does mean that when seeking to read Moses, we read it in the light of Christ, and we look to how Jesus and his disciples interpreted it and used it in their teaching and preaching.

For example, in some of the examples of Jesus' attitude towards the law that I gave above, he illustrates what Paul and the other apostles later say about the theological significance of the *civil* and *ceremonial laws* and so many of the events and people of the Old Testament in general.³⁶ As I illustrated above, these are shadows or types (think sacrament) of our Lord who is the antitype—the reality which these foreshadow. Of these Paul says, “Therefore let no one pass judgment on you in questions of food and drink, or with regard to a festival or a new moon or a Sabbath. These are a shadow of the things to come, but the substance belongs to Christ (Colossians 2:16-17; cf. Hebrews 3-10).”

This is not the case when it comes to the *moral* law, the law written in the heart. As I explained in Part One, God originally created humans with his law written in our hearts. It was given so that we could properly care for his creation and each other. This is how God wants us to live as his human creatures, and neither Jesus nor his disciples

³⁵ Luther was right in this regard when he said that the Law of Moses was given to OT Israel. See Luther's 1525 sermon “How Christians Should Regard Moses,” LW 35, 161-174.

³⁶ I make the distinction between “civil,” “ceremonial,” and “moral” laws for the purpose of this discussion, even though I realize that their relationship is interwoven in the OT, and hard distinctions are sometimes hard to maintain; cf., Hummel, *The Word*, 84.

abolish it or render it irrelevant for this very reason. It is part of what makes us humans created in God's image. So, Paul writes, "Do we then overthrow the law by this faith? By no means! On the contrary, we uphold the law (Romans 3:31; ESV)."

It is within this framework that those of us who have been redeemed from the law's curse by the risen Christ and have been baptized into his name, but who still live in this present age, find Leviticus 18:22 and Leviticus 20:13 relevant to this discussion. First, because Jesus and the disciples uphold God's original design for male and female union in lifelong marriage (cf., Matthew 19:1-9; Ephesians 5:22-33). And second, because the writings of the apostles in regard to same gender sexual activity is congruent with these passages from Leviticus (Romans 1:18-27; 1 Corinthians 6:9-10; 1 Timothy 1:8-10).

Conclusion

Those of us who are in Christ, find ourselves in a unique position. We are a different kind of people from the rest of the world. *On the one hand*, by God's grace, we are people to whom God has given and continually gives the life-giving promises of God. In the preaching of the Gospel (pure promise), and the visible word of Baptism (pure promise) and the Lord's Supper (pure promise), the Holy Spirit comes to us with the comforting assurance that in Jesus, God has chosen us to be part of his people. Through his Son, he has grafted us into Israel family and Israel's destiny (Galatians 3:26-29; Romans 9-11). We serve a new Lord. We have been given a new identity and with it an everlasting inheritance.

Our Lord has freed from the curse of the law. As St. Paul says, "Likewise, my brothers, you also have died to the law through the body of Christ, so that you may

belong to another, to him who has been raised from the dead, in order that we may bear fruit for God (Romans 7:4).” Because Jesus is now our Lord, we who belong to him, we whom God has raised from the dead through his Word of promise, are truly motivated by the Spirit of God to do the will of God in accord with our inward person [the law written in our heart] from a free and willing spirit (Romans 7:15-25; Galatians 5:16-24).³⁷

On the other hand, because we are sinners who still live in this present evil age, the old creature in us hangs on in our nature with all of its internal and external powers, as Paul says (Romans 7:15-23; Galatians 5:17). We still want to be in control, and we still desire to be our own gods. So, the Holy Spirit still uses the law to instruct, admonish and warn us, and often punish us, so that we do not turn from the Gospel that we have been given to what Paul calls “a different Gospel” (Galatians 1:6-9).³⁸

This two-fold work of the Holy Spirit is the unique experience of Christians—a real experience that characterizes our lives—as long as we live in this present age. Because we sin and rebel against God every day, through the law, the Holy Spirit accuses and condemns our conscience. In terms of Scripture, he kills us (1 Samuel 2:6). But he does this in order to raise us to new life through the Gospel which comforts and restores us. “As Christ attacks the power of sin by forgiving it, he also takes on the sinner. He silences the accusation to create a new person, a person who in the freedom of release spontaneously serves. It is the only obedience that is genuine, the obedience of freedom.”³⁹

³⁷ FC SD VI.

³⁸ FC SD VI is very helpful in explaining the ongoing role of the Gospel and Law in the Christian life.

³⁹ Nestingen, “The Catechism’s Simul,” 368; as I noted above, this is why for Luther the confession of sin is a virtual trademark of the gospel and the closest one can come to *prima facie* evidence of the gospel’s presence.

Deuteronomy 22:5

Deuteronomy 22:5 is one of a series of miscellaneous laws (Deuteronomy 22:5-12). The text is enigmatic, and scholars differ on what it means and what the social or religious rationale for it might be.⁴⁰ Because of its obscurity, and given my previous discussion about the Mosaic Law, it seems to me that this is a law does not apply to Christians today. As Luther would say, this law is no longer binding on us because it was given only to the children of Israel. Luther says, “We will regard Moses as a teacher, but we will not regard him as our lawgiver—unless he agrees with both the New Testament and the natural law.”⁴¹

But again, this does not mean that our behavior in *any area of life* (even our clothing) can proceed without restraint according to our own choosing. Yes, Christians live in the freedom of the Gospel, but as I have been saying, our freedom is not freedom to do anything we want. It is freedom to serve our Lord and our neighbor. And so, Paul reminds us, “‘All things are lawful,’ but not all things are helpful. ‘All things are lawful,’ but not all things build up. Let no one seek his own good, but the good of his neighbor . . . So, whether you eat or drink, or whatever you do, do all to the glory of God (1 Corinthians 10: 23-31; ESV).” This includes how *all of us* dress up ourselves in *whatever* finery we wear. This bit of Scripture also serves as a reminder to me that even in a matter like my clothing, it is virtually impossible for me to avoid sin at some level because my

⁴⁰ *The Jewish Study Bible* (Oxford: Oxford University Press, 2004), 415-16, says that the prohibition against cross-dressing may seek to maintain gender boundaries and that a similar concern for boundaries is seen in vv. 10-12; J.G. McConville, *Deuteronomy* (Downers Grove: IVP, 2002), 337, rightly says that the Hebrew term translated as “apparel” (כְּלִי) is a general term that doesn’t necessarily refer to clothing. It can be used for military equipment, implements, weapons, for example. This meaning would fit here where the word for “man” is גִּבּוֹר, a term which is used for a strong man as a warrior. The concern may be, as *RSL* says, to prohibit transvestite (*sic*) practices found in Canaanite and Mesopotamian worship, which is suggested by the word “abomination.”

⁴¹ *LW* 35, 164-165.

motives are always mixed. Pride is usually buried in me somewhere. And once again, “For whatever does not proceed from faith is sin (Romans 14:23; ESV).”

On the other side of the coin, we should not judge others on the matter of their clothing. Too often, in a church, for example, we play favorites depending on how nicely (or not) someone is dressed. How often has a new family visiting a church been snubbed or warmly welcomed based on how they look or smell? Is this prideful sin any more acceptable?

Furthermore, we cannot make assumptions about a person’s sexual *behavior* based on their dress. For example, many people cross-dress because they suffer from what is called “gender dysphoria,” which means that they feel distress or discomfort with the sex that they were assigned at birth and identify (there is that word again) with a different gender.

Here is a more personal example: A dear member of the congregation to which I belong passed away recently. Years ago, after his wife died, he started wearing her clothes because he found comfort in it, he said. For years he wore women’s clothes to church, and everyone accepted him for who he was. (My wife and other women used to admire his shoes.) He came virtually every Sunday. We enjoyed our congregational fellowship activities with him. He had close friends who cared for him and he for them.

Now, I won’t pretend that I can understand these feelings and habits of dress to which they might lead. I freely admit that it is almost impossible for me to imagine what that must be like. But I am at least willing to try to empathize and grant the benefit of the doubt. In fact, I don’t know a lot (or anything) about the inward struggles that any given person may be having for which they seek a measure of comfort in this present age.

Again, we live in a broken world, and all of us manifest the brokenness and effects of sin in our bodies and right down to our psyches. And we have all kinds of means to cope in our day to day lives, even as we recognize our weakness and fallenness and helplessness to save ourselves. At the same time, as Christians, we trust that things won't always be like this. One day, our Lord will come and "reverse our fortunes," as Israel's prophets and poets are so fond of saying. That is our hope and our future, and we long for that day to come and our Lord to set things right again.

Deuteronomy 23:1 [Heb. 25:2]

Deuteronomy 23:1 is another passage that falls within what scholars call the "Deuteronomic Code." It is the first in a list of people who are "excluded from the assembly of the Lord." The list includes someone born of a forbidden union, as well as *Ammonites*, *Moabites* and their descendants.⁴² Because "the assembly of the Lord" seems to be a term that has a narrower application than "Israel" or "the children of Israel," most scholars suggest that these prohibitions do not exclude these people from the community of Israel in general, but specifically to Israel who gather at the sanctuary for worship—Israel in worship.⁴³

⁴² The Hebrew word for "someone born of a forbidden union" is מְזֻזָּר and its specific meaning is uncertain. It may refer to a child born to a forbidden mixed marriage, like an incestuous relationship. Some translate it as "bastard." Some think it might refer to children born of a cult-prostitute, and thus children conceived in circumstances directly connected to a foreign cult; cf. Peter C. Craigie, *The Book of Deuteronomy* (NICOT; Grand Rapids: Eerdmans, 1976), 279.

⁴³ Craigie, *Deuteronomy*, 296, points out, for example, that resident aliens were given protection in the community (cf. Deuteronomy 1:16; 10:18-19); Eugene H. Merrill, *Deuteronomy* (NAC 4; Nashville: Broadman and Holman, 1994), 307, says that the text clarifies the extent to which deformed Israelites (*sic*) could participate in the cultus and does not speak to the issue of whether or not they belonged to the covenant community. It is everywhere assumed that they did. Their exclusion from the worship assembly, was to underscore the principle of separation from paganism, where such deformities were not only acceptable but frequently central to the practice of the cult. A well-known example was the *assinnu* of the Babylonian cult who took part as an actor, perhaps in female dress, in religious performances.

As I said in my discussion of Deuteronomy 22:5, these are ceremonial laws that the Lord gave to OT Israel, and therefore, as Luther's argued, this law is no longer binding on us because it was given only to the children of Israel. However, as I also discussed earlier, purity laws like these, read in the light of Christ, remain *theologically significant* to Christians by reminding us that sin is a far, far bigger problem than we realize. Sin is a power that invades every part of our material and physical world and holds us captive. It absolutely separates us from the holy God. The unclean cannot stand in the presence of the Holy One. The real, tangible effects of sin are vividly illustrated in these Mosaic Laws. They seem harsh, cruel and absolute, but I repeat—the law is without compassion.

These excluding prohibitions are similar to those given to the priests in Leviticus 21:16-23. There, Moses forbids any “blemished” offspring of Aaron from presenting the Lord's offerings in the sanctuary. This includes a man blind or lame, with a mutilated face or disproportioned limbs, a man with an injured hand or foot, hunchbacked, emaciated, a man with skin diseases, scabs or crushed testicles. The Lord gives the reason, “that he may not profane my sanctuaries, for I am the Lord who sanctifies them (Leviticus 21:23; ESV).”

Against the daunting backdrop of these unyielding laws, the prophetic Gospel hope (truly good news) shines resplendent. Isaiah 56, cited by *RSL*, is a good example. In a great reversal, in the Lord's salvation to come, in the revealing of his righteousness (Isaiah 56:1), the excluded *foreigner* and *eunuch* are included in God's promise of salvation. Micah 4:1-4 (Isaiah 2:1-4) foretells the day when *nations* will flow to the house of God to learn his ways. Both Jeremiah 48:46 and 49:6 even promise that, like God

promised his people Israel, “Yet I will *restore the fortunes* of *Moab* in the latter days, declares the Lord . . . but afterward I will *restore the fortunes* of the *Ammonites*, declares the Lord (ESV; italics mine).”

And as I said earlier, the prophetic vision is that one day, “Then the eyes of the blind shall be opened; and the ears of the deaf unstopped; then shall the lame man leap like a deer, and the tongue of the mute sing for joy (Isaiah 35:5 ESV; cf. Isaiah 42:7,16,18; Jeremiah 31:8; Psalm 146:7-10).”

That Final Day described by the prophets, of course, came *ahead of time* in Jesus. In his miracles and in his resurrection, in his eating with the unclean and sinners, in his welcoming of those outside the people of Israel, Jesus showed that he is the one who has the authority to bring the *reversal of our fortunes* promised by the prophets. He promises that this great day of reversal, for which all God’s people have longed throughout the ages, has indeed already come to us. In our baptism, we have been buried and raised with Christ (Romans 6:1-4). And yet, we are still waiting for the full experience of it. *Now*, we have a foretaste of it. We have the *guarantee* of the Holy Spirit, even as we *wait* the full possession of our inheritance (Ephesians 1:13-14; Romans 8:1-11).

But here we are in the now, in the meantime, and it truly is a “in the meantime” situation. Maybe a “transitional situation” is a better way to put it. Now, we experience this opaque mixture of good and evil. “God effects evil *and* good, life *and* death, light *and* darkness (Isa. 45:7), fortune *and* misfortune (Amos 3:6). Beauty and gruesomeness are for us in nature and history inextricably intertwined with one another.”⁴⁴ As a result, in our present experience, even as we live lives of faith, even as we thank God for his

⁴⁴ Oswald Bayer, “God’s Hiddenness,” *LQ* 28 (2014), 274.

good gifts, many of us often suffer much pain and misfortune on every level. Some of it we inflict on each other (war, oppression, injustice), some of it we inflict on ourselves, and some of it just comes our way—even at birth.

God, in his mercy, has granted to humans the means to mitigate some of our pain and discomfort through medicine, technology, human care, and so on. These are marvelous gifts. We, as Christians, thank God for them and make use of them as we are able. But we also recognize that they are “in the meantime” solutions--sort of triage or patchwork solutions until God brings the final redemption of our bodies and sets all things right again. We don’t look at these gifts as ultimate but as penultimate. They will not save us from sin or death. They will not deliver us from God’s judgement. They are not as good as the original, and we do not worship them. We use them.

This is a long hand way of saying that to one degree or another, because this is the broken world in which we live, all of us should admit that it is very easy to start “feeling uncomfortable in our own skin.” Some people get so distressed that they have the wrinkles stretched on their face or other body parts “enhanced.” When you think about it, there are all kinds of things we do to make ourselves “look better” or “feel better.”

I cannot judge people’s motives in matters like this, and God doesn’t ask me to. The heart is his area of expertise, not mine. I don’t know where to draw the line. (What is too much plastic surgery? What is too drastic?) I don’t know.

I do know that as a matter of Christian love, if someone who has gone through what *RSL* calls “gender-confirming surgery” comes to the church, burdened with sin, lost in the darkness, like anyone else, we unhesitatingly bring our Lord’s immeasurable grace in Jesus to that person. Just like I would not exclude a person who had a nose job because

they felt so uncomfortable with the nose they were born with, or hair transplants, or whatever, I would not exclude this person either. Remember, the church is grace centered—Christ centered—not Moses centered. We proclaim an amazing grace to the hurting, even when we do not understand and cannot comprehend. Again, I repeat, the Scriptures prohibit same gender sexual behavior, and we cannot assume that someone who has had a particular type of surgery (whatever it might be) is engaging in this activity. Like every single one of God’s people, those of us who are called by our Lord, seek to live lives of repentance, battling our sin even as we trust God’s promise of forgiveness.

Romans 1

Romans 1:18-32 is part of one of the most powerful discourses in Scripture. In this part of his letter, Paul works to condemn every single human creature to the wrath of God and his righteous judgment. When I think about what that might mean to me *personally* when I die—it’s terrifying. Paul means it to sound as bad as it does. He wants me to stand accused and terrified of the wrath of the almighty God.

But then, right when I am left speechless and without defense, seemingly out of nowhere, Paul makes an amazing turn, and after condemning me, he proclaims a Word that saves me. That Word is an unimaginable Word of grace—deliverance from the terrible wrath and righteous judgment of God. That takes my breath away too—but for an entirely different reason.

Paul begins with a simple assertion, “The wrath of God is being revealed from heaven against all ungodliness and unrighteousness of human beings (ἄνθρωποι) who hold back the truth in unrighteousness (Romans 1:18; my translation).” What does the

revelation of God's wrath look like in this present age? We see it all over the place in the tragedy and distress and trouble and death that we experience. "Take heed." "Be warned," these words urge. In this respect, Moses certainly does agree with Paul's analysis, "For we are brought to an end by your anger; by your wrath we are dismayed. *You have set our iniquities before you. Our secret sins in the light of your presence* (Psalm 90:7-8; ESV; italics mine)."

Paul, like Moses, connects God's wrath to human sinfulness. In Romans 1:19-32, he goes back in time and describes the human creature's history of sin and rebellion in a *tour de force* of sweeping, sometimes graphic listing of human sinfulness and guilt. The Old Testament, which provides the background for Paul's message (cf. Romans 1:4,17; 2:17-29; 3:4-18), gives ample evidence that both Israel and the Gentiles are guilty of it all before God. Paul lets no one off the hook.

But just when I am tempted to think that that was then and this is now, Paul gets up close and personal. He draws a conclusion, "Therefore," he begins chapter 2. But the conclusion is not about "them." Surprise! Paul turns from the past to the present and from talking about "them" to talking to *you*: "Therefore, you are without excuse, O human (ὁ ἄνθρωπος), everyone who judges (Romans 2:1; translation mine)." Paul addresses his audience as ὁ ἄνθρωπος, a subtle reminder that they too are part of humanity, and they too are implicated in the sad story of human sinfulness. As I explained in Part One, there is no one who does not judge others and no one who does not try to make themselves righteous in the process. (I can't help but manufacture other gods, and my favorite god is myself.) Paul himself couldn't be clearer, "For we have already charged that *all*, both

Jews and Greeks, are under sin, as it is written: ‘None is righteous, no, not one . . .
(Romans 3:9-10; ESV; italics mine).’”

Paul speaks such a forceful message because he is trying to make a space in the cramped hearts of his hearers for the amazing news that, though you are helpless to save yourself, God has provided a righteousness *apart from the law*—the righteousness of God that is through faith in Jesus for all who believe, without distinction (Romans 3:21-24).

As I have tried to show, this is a daunting text if you take it personally. But if you prefer to study this ancient text from a distance and confine it to its 1st century historical setting so that it isn’t so threatening, it is certainly possible to do that. However, we Christians believe that this is God’s word to *us*. We do not keep texts like this at arm’s length, but we read them in the belief that God gave them to us to influence us, to change us, to soften hard hearts and create hearts that trust, love serve and obey our Lord.

In other words, we believe that Paul’s “Therefore *you*, people are without excuse,” reaches across time from his own present and his own audience into our present and to *us*. In this very same text, the Spirit wants to give us the death to life experience that he wanted the church at Rome to have. Killed by the law only to be raised to glorious life by the Gospel.

But *RSL* does not seem to read the text this way. Gerhard Forde’s words are worth repeating because to me they describe what *RSL* does with this text,

“ . . . when we come up against laws that call our behavior into question, we usually attempt by one means or another to erase, discredit, or change the laws. We become antinomians. If we don’t like the law we seek to remove or abolish it by exegetical circumlocution, appeals to progress, to genetics, to the authority of ecclesiastical task-force pronouncements, or perhaps just the assurance that ‘things have changed.’ But all of these moves are not the end of the law. It is folly to believe they are. As Luther put it, this is a drama played in an empty theater. Law just changes its

form and comes back at us—usually worse than before. Law is authoritative ultimately not because it is written in law books or even in the Bible, but rather because it is written ‘in the heart.’ So only one who is stronger can end it. That is Christ, the bringer of the new age and a new ‘heart.’ Christ, as Luther insisted, must reign in the conscience.”⁴⁵

RSL works in several ways to keep especially Romans 1:22-27 as irrelevant to our current context as possible. First, it again conflates *orientation* and *behavior*, which, as I explained above, is something that Scripture does not do. This passage, like the others, prohibits same gender sexual *activity* (even *RSL* sees that). A person’s orientation is beside the point anyway. The law does not change its *content* depending on a person’s self-identity, orientation, desire, inclination, passion or anything else. And this means that contrary to *RSL*’s assertion that because Paul did not have a concept of “sexual orientation,” this makes it difficult to determine what his use of “natural” vs. “unnatural” might mean for us today.

If the distinction between orientation and behavior is kept clear, it becomes very clear what Paul was talking about when he said, “For their women exchanged natural relations for *those that are contrary to nature*; and the men likewise gave up natural relations with women and were consumed with passion for *one another*, men committing shameless *acts* with men and receiving in themselves the due penalty for their error (Romans 1:26-27: ESV; italics mine).” Our human categories of orientation do not somehow change the wrongness of the act into rightness. If only it were so, we could get off the hook for all kinds of sins.

Another thing *RSL* does is ignore Paul’s address to humanity/all people. Instead, *RSL* suggests that Paul may be referring (more narrowly) to a pagan people who might

⁴⁵ See footnote #14.

have known God through creation but chose to create idols based on mortal beings. At any rate, *RSL* is sure about one thing (but it's exactly the wrong thing to be sure of), "We can say with certainty that Paul is not describing Jews or Christians who engage in same-gender sexual activity, since he puts idol worship at the center of the problem (*RSL*, 33)." But actually, idol worship, the worship of false gods, *is* the center of the problem, as I have been trying to say. Failure to "fear, love and trust in God above all things" results in rebellion against God and his will for our lives.

Finally, I must confess that *RSL*'s explanation for what Paul is doing in this text is obscure to me (*RSL*, 33-34). I think it is drawing from a line of interpretation that suggests that Paul's condemnation of same-gender sexual activity is only apparent and only serves his true purpose which is to condemn Jewish legalism. In other words, the only real sin is judging others as if you are more righteous than they are. Paul mentions the evil of same-gender sexual activity only to set a trap for those who think, "Yes. Those people are terrible sinners, unlike us pious, law-abiding Jews."⁴⁶

If this is right, I agree with *RSL* that we must not self-righteously judge others as if we are better than they are or as if we somehow avoid sinning as they do. But this does not mean that out of Christian love we no longer confront people with God's law or hold them accountable. It does not mean that since grace now reigns through Jesus (Romans 5:21), we are free to continue in sin that grace may abound. Paul goes to great lengths to show why that is certainly not the case, "By no means! How can we who died to sin still live in it (Romans 6:1-2; ESV)?"

⁴⁶ For help in understanding *RSL* here and in my remarks that follow, I am indebted to Tom Eckstein, *Bearing Their Burden (Galatians 6:1-2): Speaking the Truth in Love to People Burdened by Homosexuality* (Published by Lulu, Inc. 2010), 104-106.

Out of *love* we do confront each other with God's will for our lives so that we repent of our sins and cling anew to God's promise of forgiveness in Christ. It is out of love that we do continue to admonish and warn each other of how God wants us to live as his servants. Again, we belong to him and not to ourselves.

Paul makes this abundantly clear in his letters. For example, he has some beautiful encouragement in his letter to the Colossians, "Set your minds on things that are above, not on things that are on earth. For you have died, and your life is hidden with Christ in God. When Christ who is your life appears, then you also will appear with him in glory. Put to death therefore what is earthly in you: sexual immorality, impurity, passion, evil desire, and covetousness, which is idolatry. On account of these the wrath of God is coming. In these you too once walked, when you were living in them (Colossians 3:2-7; ESV)."

The life of God's people in the Church is not an easy path to walk. Sometimes it is hard to discern how to faithfully carry out our mission with compassion and grace. But, if we are truly interested in loving and serving each other and serving our Lord faithfully in his kingdom, then God's word of law and especially his word of Gospel must be the framework within which we work and live.

1 Corinthians 6:9 and 1 Timothy 1:10

My discussion of the previous texts applies to these as well, and I refer you to it. Both of these texts are law, not Gospel. Bad news—not good. They speak to *all of us* across time and space, and we do well to take them to heart. I take great comfort and encouragement from Paul's word of Gospel that follows his word in 1 Corinthians 6:10, "And such were some of you. But you were washed, you were sanctified, you were

justified in the name of the Lord Jesus Christ and by the Spirit of our God (1 Corinthians 6:11; ESV).”⁴⁷

Concluding Thoughts

I have previously discussed most of the Scripture texts under *RSL's Passages Used to Welcome*, and so I will simply give some brief concluding thoughts. *RSL* is right in its observation that Jesus ministers to people who have been marginalized. In his earthly ministry, Jesus showed his boundary crossing love for people again and again. But it is just as true that he did not leave them unchanged. Jesus changed their lives. After he found Jesus, Zacchaeus said, “Behold, Lord, the half of my goods I give to the poor. And if I have defrauded anyone of anything, I restore it fourfold.” And Jesus said to him, “Today salvation has come to this house, since he also is a son of Abraham. For the Son of Man came to seek and to save the lost (Luke 19:8-10; ESV).”

It cannot go without saying that as we seek to follow Jesus, God’s people ought to do the same. The church seeks and saves the lost. And in the light of this truth, we must all recognize and confess to our shame that we do not always do a good job in this. Miserable sinners all.

But as I have tried to show throughout this paper, it is the mission of the church to call fellow sinners to herself, because we offer a Word from God that can *change our lives*, the lives of all of us. It is literally a life-giving word that rescues us from sin, death and eternal judgment. It is not a place where we encourage each other to hold onto our sin

⁴⁷ For a thorough examination of these two texts, see Koester, “The Bible,” 375-390.

or justify it. The church is for broken people. People who know that we are lost. People without hope. People despairing of the mess we have made of our lives.

The Gospel offers a glorious hope, but it does not leave anyone of us unchanged. Through the total grace of God, proclaimed to us in Jesus, our sin actually comes under attack, and only through faith in God's overwhelming grace is sin defeated.⁴⁸ God, who declares us righteous in Jesus, also creates in us new hearts that confess our sin and desire to follow God's will in thanks for what he has done for us.⁴⁹

Since Paul has loomed so large in my discussion, I give him the last word, "For the grace of God has appeared that offers salvation to all people. It teaches us to say 'No' to ungodliness and worldly passions, and to live self-controlled, upright and godly lives in this present age, while we wait for the blessed hope—the appearing of the glory of our great God and Savior, Jesus Christ, who gave himself for us to redeem us from all wickedness and to purify for himself a people that are his very own, eager to do what is good (Titus 2:11-14; NIV)."

⁴⁸ Gerhard Forde, "The Lutheran View of Sanctification: The Invasion of the New," in *The Essential Forde: Distinguishing Law and Gospel*, 96.

⁴⁹ Paul calls this "the obedience of faith" which in his ministry he wants to bring about in all the nations for the sake of the name of Jesus (Romans 1:4-6).