

**The Proper Distinction Between Law And Gospel:
The Missing Framework in Postlutheran Lutheran Moral Theology**

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*Nunc scripsi totum pro Christo da mihi potum*¹



"I have shown you many good works from the Father;
for which of them are you going to stone me?"²



*Nitimur in vetitum, semper cupimusque negate*³

¹ "Now that I have written so much for Christ give me a drink." A line written by scribes found on many medieval New Testament manuscripts.

² John 10:32.

³ "We strive after the forbidden thing and always lust after those things which are denied us."—Ovid

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It is the sad tendency of modern men to either do the right thing in the wrong way or to do the wrong thing in the right way. We either hold to the truth obnoxiously or we hold to a lie graciously. We are either a rude angel or a polite devil. Often what poses as a cruel orthodoxy is defeated by what poses as a kind heresy.

—George Grant

Τί δστιν Πλῆθεια;¹

—Pontius Pilate

*Naturam expelles furca tamen usque recurret*²

—Horace

Such as it is, my own contribution to the theory of natural law is a little different from those of some other writers. One might say that I specialize in understanding the ways that we pretend we don't know what we really do—the ways we suppress our knowledge, the ways we hold it down, the ways we deceive ourselves and others. I do not try to 'prove' the natural law as though one could prove that by which all else is proved; I do try to show that in order to get anywhere at all, the philosophies of denial must always at some point assume the very first principles they deny.

—J. Budziszewski

If you say that God is love without realizing that God is hate of sin, you have no gospel at all because you do not have God. The people who teach that God is love without teaching that God is also hate of sin, have, in reality, another god who is Satan with a mask on.

—Donald Grey Barnhouse

Manifold are the difficult and arduous tasks of a minister of Jesus Christ; but the most difficult and arduous of all, beyond question, is the task of proclaiming the pure doctrine of the Gospel of Christ and at the same time exposing, refuting, and rejecting teachings that are contrary to the Gospel. The minister who does this will discover by practical experience the truth of the old saying: *Veritas odium parit* (telling the truth makes enemies).

—C. F. W. Walther

Having forsaken the power of truth, much contemporary theology has fallen under the spell of the truth of power.

—Paul J. Griffiths & Reinhard Hütter

A passionate tumultuous age will overthrow everything, pull everything down; but a revolutionary age that is at the same time reflective and passionless, transforms that expression of strength into a feat of dialectics: it leaves everything standing but cunningly empties it of significance. Instead of culminating in a rebellion it reduces the inward reality of all relationships to a reflective tension which leaves everything standing but makes the whole of life ambiguous; so that everything continues to exist factually whilst by a dialectical deceit, *privatissime*, it supports a secret interpretation that it does not exist.

—Sören Kierkegaard

For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who by their unrighteousness suppress the truth. For what can be known about God is plain to them, because God has shown it to them. For His invisible attributes, namely His eternal power and divine nature, have been clearly perceived, ever since the creation of the world, in the things that have been made. So they are without excuse.

—Romans 1:18-20, ESV

“Behold, the days are coming,” declares the Lord God, “when I will send a famine on the land—not a famine of bread, nor a thirst for water, but of hearing the words of the Lord. They shall wander from sea to sea, and from north to east; they shall run to and fro, to seek the word of the Lord, but they shall not find it.”

—Amos 8:11-12, ESV

My eyes shed streams of tears, because people do not keep your law.

—Psalm 119:136, ESV

The opponents corrupt many passages, because they read into them their own opinions rather than deriving the meaning from the texts themselves.

—Apology of the Augsburg Confession, 153.224

*Non teneas aurum totum quod splendet ut aurum*³

—Anonymous

It was easier to vanquish the Goths than to eradicate the public vices.

—Edward Gibbon

When religious pluralism triumphs, inevitably the common sins of humanity become defended as alternative lifestyles.

—D. A. Carson

One word of truth outweighs the world.

—Aleksandr Solzhenitsyn



Confessio et Apologia

The above quotation from George Grant will serve well as a personal confession and apology. In what follows, much that has been done is, certainly, the **right thing** done in the **wrong way**; for the viewpoint taken is held so resolutely that it will surely be accounted odious if not true. Many will be quick to point out the discourteous tone of the inquiry, in keeping with the tacit expectation that all should honor the absolute truth that truth is relative. Without recognizing the dilemma into which a categorical demand for relative “truths” plunges them, they will very likely impetrate for an at least more pleasant climate for dialogue, a “neutral” ground upon which no sides may be taken in the battle for the truth. After all, as Walther reminds us: *Veritas odium parit*. So it may be reasonably feared that the author will be considered by his adversaries infected with that most noxious pestilence, **intolerance**, and attention will be diverted from the message of grace to the graceless emissary.

“Cruel orthodoxy” will perhaps be the most decorous charge on the lips of an indignant opponent. To the charge of orthodoxy the author in deep gratitude pleads guilty, and if he has carelessly abused or selfishly exploited orthodoxy’s languishing authority, then allow him to here offer a sincere *apologia*: he does not know how else to draw the lines of the inquiry, especially when the stakes are so high. A reasonably sound conscience will not permit allegiance to the regnant flexodoxy among the postlutheran Lutherans. The author is sensitive to the motives as well as the doctrinal dimensions of genuine Lutheran orthodoxy and has taken account that the demons, too, are orthodox in their creeds. However, the devils are never orthodox in motive and conduct, and it is just here that orthodoxy realizes its essential meaning.

If it seems implied in what follows that the authors of the *Draft Social Statement* (hereafter *DS*) are guilty of heresy (whether “kind” or otherwise), this writer may be absolved of such an **impolitic** charge by asking his reader to make a personal but impartial judgment. It is his hope that the substantive nature of the inquiry will displace any basis for allegations that the author is merely offering an anxious repristination of a theology long dead. This is not to suggest that a restoration of the Lutheran tradition is not to be hoped for and worked toward. What is needed, however, is a radical reconstruction of the tradition. Nothing short of that will be able to turn the tide of corrosion eating at the pillars of truth in church and society. At the last this author knows of no other way to approach the task before him than to rely solely upon the grace of God. Should his speaking the truth cause one to become an enemy (Galatians 4:16) he will say with the apostle: “I wish I could be present with you now and change my tone, for I am perplexed about you” (Galatians 4:20, ESV).

As to the sneering **question** of Pontius Pilate, it is the author’s ardent hope that the **answer** will become perfectly visible in the Person of Jesus Christ. “For no one can lay a

foundation other than that which is laid, which is Jesus Christ” (1 Corinthians 3:11, ESV). Truly, all the rest is wood, hay, and straw.

It should be stated at the outset that the author in no way intends to assault and wound anyone already deeply grieved by the sin of homosexual desires and acts.⁴ The author’s own great sin makes him less suitable for the office of remonstrant than that of abject supplicant. If we are truly bearing our cross after Christ we allow ourselves no occasion or motive to place crosses upon others. Neither could we **see** to do so, for the beam in the eye hides the speck in the orb of the other.

So it is not against the **person** of the homosexual that the author lodges his complaint. It is, rather, a lament directed at the heart of darkness—the darkness men love more than the light (John 3:19). That darkness holds us un pityingly in its grip (Psalm 88:6; Isaiah 5:30) until the daystar arises in our hearts (2 Peter 1:19) and we are suffused with the light of Christ as that of a great light shining in a dark place (Isaiah 9:2/Matthew 4:16; Ephesians 5:8). We rage against the night of sin and ignorance that holds the world in its thrall, and all those lawless spirits dwelling therein who call evil good and good evil (Isaiah 5:20). We cannot remain silent, **no**; we cannot be still when all around us the world spirals downward in its inexorable decline into ruin. And the Church, our Mother, who gently and lovingly nursed us on the sweet milk of the Word, who tenderly yet resolutely guides us along the path to the Father’s house; our Holy Mother Church now weeps and grows weary in these last days, for her sons and daughters disclaim the Word and grow sickly with the afflictions of spiritual and moral corruption.

The complaint of the present author is set against the worldliness of the church, that material and profane spirit that quietly entered the sacred precincts of Mother Church as “modernism,” and that in more recent times has transformed itself into the spirit of light called “postmodernism” (2 Corinthians 11:14). What began as a relatively benign **infusion** has become a raging cancer, which has taken over the whole body. Have we forgotten that the leaven of pride and arrogance, even when just a little germ, finally suffuses the whole lump? (1 Corinthians 5:6).

As will be discussed in some detail below, the present author stands solely upon the authority of Holy Scripture and the Lutheran Confessions as the only true foundation for positive theology. Of course, what the present author understands as the “only true foundation” for theology, postlutheran Lutheran theologians view as anachronism. Debate over the foundational issues of the *DS*, then, really constitutes a sharp clash of worldviews. The work before the reader will only make sense if understood from this perspective. What the present author takes to be the total abandonment of classic Lutheranism, the authors of the *DS* view as progress in the development of doctrine, although “doctrine” is not a word they would use.

This is why the present work takes the form of an examination of foundations. It is only at the level of foundations that the interested reader will be able to grasp the devastating consequences of the **abandonment of the authority** of Scripture and the

Confessions enacted by postmodern postlutheran theology. It is this “theology” that informs the *DS* from start to finish, although the overthrow of foundations is never explicitly revealed by the authors of the *DS* to the reader. It is probable that they themselves are ignorant concerning what they have wrought (Isaiah 26:18, KJV). Yet it is they alone who are culpable. Demonstrating this for the discerning reader is the meaning of the present work.

Introduction

It is highly improbable that very many readers of this paper will be willing to reconsider the subject of human sexual ethics on the classic basis, which the author here proposes. For most of the professional class within the postlutheran Lutheran church, the first principles put in play by the author of this inquiry were long ago ruled out of play in exchange for other, less demanding ones.⁵ Unlike the authors of the *DS*, who are either operating clandestinely or in simple ignorance regarding the intellectual and moral presuppositions of their study, the present author wishes from the beginning to orient the reader to the philosophical and theological tradition in which he stands. The issue is, of course, much more complex than can be simply set out here. Arguments for or against any given worldview—which is really what is at stake in any discussion of first principles—must be assumed in much of what can be said in the compass of a single paper. But we can understand the meaning of certain markers that signify the positions from which we argue our case, and those markers can bear the full weight of the argument if clearly predicated and accepted in good faith. Our opponents among the authors of the *DS*, however, offer nothing in the way of clarifying the presuppositions behind their position. We are left to surmise the exact nature of their intellectual and moral commitments from what we can glean from the *DS* itself, although it must be said that for anyone at all familiar with the literature of postmodern philosophy and theology, the roots of the authors’ unspoken commitments are manifest, and the meaning and *goal* of their moral inquiry patent.

But lay readers of the *DS* are not examining it from this perspective. They are relying upon the leaders of the church to provide them with a confessional Christian explanation of the issues and to guide them into faithful moral practices according to the will of Christ. After prayerful and careful study of the *DS*, the present author has come to the conclusion that the authors of this study, and the bureaucratic ecclesiastical class sanctioning it with the weight of their offices, have **failed** the church and her members to provide clear teaching and moral direction in these momentous times. By exclusive control of the church’s media they propagandize for acceptance among the faithful of nonconfessional and unbiblical moral positions covertly masked in the language of Scripture and the Confessions. They speak of “love,” “humility,” “trust,” and “unity.”

They speak of the “gospel,”⁶ the “law of love,” and the “Lutheran Confessions.” What they leave unsaid, however, is **what these words mean** within the postlutheran “foundational framework” with which they operate, and how they conceive law and gospel based upon their postmodern commitment to epistemological skepticism and moral relativism. It is for this reason that the present author approaches the *DS* from the standpoint of theological and philosophical first principles and focuses upon an examination of the concealed presuppositions behind the document itself.

The author of this critique takes his stance from within the biblical-confessional tradition of the Church Catholic and its holy faith once delivered to the saints by Christ, the Living Word of God, and through the prophetic and apostolic word of Holy Scripture. That is, the author consciously stands within the evangelical catholic tradition of faith and life as expressed in the confessional writings of the Evangelical Church in the *Book of Concord* of 1580, **without reservation** in subscription. Although the author of this study does not make any distinction between faith and practice, or doctrine and the existential dimension of the catholic faith, he does allow that the epistemological dimensions of the study must be understood as the conceptual expression of a deeply personal relationship with Jesus Christ, the incarnate Son of God, and Lord of the Church. This is a way of indicating that the pneumatic nature of the inquiry is closely circumscribed by a live theological option centered in the means of grace, that is, Word and Sacraments.

From the standpoint of philosophical and theological understanding, the present author, because of his unqualified commitment to the whole Word of God in the Holy Bible and unqualified subscription to the Lutheran Confessions, presents the case for **absolute theism** in opposition to the authors of the *DS* who argue from the standpoint of postmodern relativism in regard to knowledge (epistemology) and morality. The author of this paper argues the realist⁷ position over against the authors of the *DS* who, imbued as they are with postmodern suspicion in regard to texts, epistemological doubt, and thus relativism in regard to truth, represent the position of radical skepticism and the rejection of metaphysical objectivity in philosophy and theology. This general distinction is an indicator of the fundamental conflict between two worldviews: the **biblical-confessional** worldview of the present study, and the **postmodern, postlutheran** worldview of the *DS*.

Since the present author is speaking from within the theological-historical context of the Christian Church Catholic,⁸ use of the term “demanding” as above, and considered in relation to first principles, can only mean the constraints of God’s call for obedience and faithfulness to other than human standards. And this highlights precisely the difficulty the author faces in presenting the results of the inquiry—any appeal to “standards” is immediately dismissed as, at best, an error of thinking, or worst, an error of moral judgment. There are many clever human, all-too-human, ways for slipping out from under God’s call for obedience and fidelity to the objective and immutable patterns of divine doctrine and life.

One primary way this has been achieved, almost without notice among the postlutheran Lutherans, is by opposing Scripture to Scripture, law to gospel, and doctrine to doctrine. These are conceptual moves constituted by illicit exclusionary distinctions within Holy Scripture itself, and among the doctrines formulated by the Church to express her confessional commitments. The impulse arises from the dogmatic skepticism at the root of the postmodern project propping up the radical hermeneutic to which the authors of the *DS* are wedded. These hidden but supporting philosophical, ideological, methodological, and fideistic commitments will be examined in some detail below.

It is worth noting that the first false step along the downward slope of the hominisation of divine values was the misunderstanding and corruption of Luther's *Christum treiben*.⁹ It was never Luther's intention to pit "Christ against the Scriptures" in the manner claimed by his enthusiastic followers among the postlutheran Lutherans.¹⁰ Neither would the Reformer have countenanced the gospel reductionism that inevitably resulted from such a clearly anti-biblical and anti-confessional hermeneutic. But scriptural dissonance is the new "norm," the new "orthodoxy," the new "gospel" that is driving doctrine and practice in the new postlutheran Lutheran church. We will deal with this theological innovation in some detail below when we consider the **politic** but improper distinction between the law and gospel made by the authors of the *DS*.¹¹ As we shall see, this is the key, but totally unexamined, assumption with which the authors of the *DS* operate. A formal and correct distinction between law and gospel is of foundational importance for biblical hermeneutics. This is precisely where the authors of the *DS* fail, and this fundamental fault propagates itself throughout their work exponentially.

It is important to make this matter clear at the outset. **The chief theological and hermeneutical error made by the authors of the *DS*** is the same fundamental error made by all those who pit "Christ against the Scriptures," the "external word" against the "internal word," or the "gospel against the Scriptures," in order to arrive at some pure interpretative "norm" by which to measure doctrine and practice, and by so doing escape the **totality** of Holy Scripture, that is, gospel *and* law, as the only perfect norm by which **all** teachings and teachers **must** be judged. It is, in the opinion of this author, a manifestation of the same restless and rebellious spirit that wishes to escape God's imperative in the divine and natural law (*inscriptio legis Dei in corda*), and so to enjoy the freedom of a "gospel" absent the call for contrition and repentance.

The True Norm of Interpretation

Edmund Schlink (1903-1984), celebrated professor of theology at Heidelberg University and author of the highly esteemed *Theology of the Lutheran Confessions*,¹² following a general discussion therein of the norm of interpretation in light of the

question of the canon of Scripture, poses the following question: “What, then, is the real norm? Scripture, or the Gospel, or the preaching?” He provides the definitive answer: “The Confessions do not place the norm of the Gospel in opposition to the canon of Scripture; they do not, in contrast to Luther’s familiar expression, employ the Gospel as the criterion and norm in opposition to some writings of the New Testament, whereby their canonicity might be rendered doubtful. . . . Furthermore, the Confessions nowhere attempt to give independent status to preaching or its edifying results, or to play it off against Scripture. That would be the enthusiasm of the fanatics ‘who boast that they possess the spirit without and before the Word’ and ‘wish to distinguish sharply between the spirit and the letter,’ but at the same time ‘do not remain silent but fill the world with their chattering and scribbling, as if the Spirit could not come through the Scriptures or the spoken word of the apostles, but must come through their own writings and words’ (S.A. III, viii, 3-6). Rather, the preaching through which the Holy Spirit is given is the ‘preaching of the Scriptures.’” Schlink then provides a succinct statement of how the Gospel, in the larger context of the entire Holy Scripture, provides the norm of interpretation of doctrine and practice in the Lutheran Church: “Thus Scripture, Gospel, and the preaching of the church are connected in the most intimate manner through the identity of their contents. They have their unity in the Gospel. . . . In this way the Gospel as witnessed by **Scripture** remains the sole norm of all Gospel preaching in the church, that is, Gospel as the prophetic and apostolic witness to the Gospel.”¹³

As we shall see below, the normative interpretive principle for Christian doctrine and practice is drawn from Scripture itself, and is a correlative principle of the self-attesting authority and sufficiency of Scripture. This hermeneutic principle is generally stated in terms of the self-interpreting character of the Holy Scripture, which demands, not the introduction of philosophical or literary theories of exegetical and critical judgment, but spirit-led faithfulness and obedience to the Word. This principle is customarily expressed as, “Scripture interprets Scripture.” This is precisely the point made by Edmund Schlink when he identifies the interpretative norm as being constituted by the identity of contents of Scripture, the Gospel, and preaching. These all, Schlink says, have their unity in the Gospel. It is only in this way that “the Gospel as witnessed by **Scripture** remains the sole norm of all Gospel preaching in the church.” That is, Scripture interprets Scripture toward the end that the gospel has a decided preeminence in determining the meaning of any given passage of Holy Scripture. This means all our interpretations of Holy Scripture are Christocentric.

In regard to this specific issue, and in full agreement with Schlink, Erlangen theologian Paul Althaus states, “For Luther the self-interpretation of Scripture through the Spirit which speaks in it means that Scripture interprets itself in terms of Christ as its center, that is, christocentrically. . . . ‘Christ’ for Luther means the Christ of the unified apostolic proclamation, particularly of Paul and of John; the Old Testament also bears witness to this apostolic Christ. . . . One can formulate Luther’s principle thus: Scripture

is always to be interpreted according to the analogy of Scripture. And this is nothing else than the analogy of the gospel. Christocentric interpretation for Luther thus means gospel-centered interpretation, understood in terms of the gospel of justification by faith alone.”¹⁴ The total doctrine of Christ as witnessed by the prophets and apostles of Holy Scripture has its unity in the gospel. Thus, all Scripture refers and witnesses to Christ through the analogy of the gospel.

This classical Lutheran principle of interpretation is a far cry from the revisionist position put forward by the postlutheran authors of the *DS*. For them, the gospel reduced to the least common denominator is the interpretative norm for all moral teachings and acts. This is a “gospel” detached from its roots in the fullness of the prophetic and apostolic witness inscripturated in the text(s) of Holy Scripture, and it is forced to stand independently of its divinely given context in the total doctrine of Christ. It is an anemic and spiritless caricature of the gospel revealed by the Holy Spirit in Christ Jesus, and as a result of its bloodless qualities, produces only a man-made specter of a god whose will and purpose matches perfectly those of its creators. It is clear that the intentions of the authors of the *DS* match the nature of their “gospel norm,” namely, to provide a useful scheme of interpretation that will allow, and be able to justify, moral relativism in regard to the homosexual question.

What follows is an attempt at a radical (*radix*, “root”) critique of the *DS* based upon the true norm of interpretation found in Holy Scripture and the Lutheran Confessions. This kind of discourse is engaged at the level of first principles. In this sense it is fundamental critique. That is, it operates primarily at the deeper levels of presupposition and *a priori* commitment to principles of thought that constitute evidence and argument, but are not constituted by argument themselves. The instruments of this critique are, in order of formal and material importance, **Holy Scripture**, the **Lutheran Confessions**, and reason.¹⁵ In this work Scripture is **the** divine and sufficient source of authority, the Symbols provide the confessional explication of the relevant theological expression of divine Truth, and reason is the ordered framework through which truth is expressed and understood by human minds. These are not compartmentalized areas of interest and activity, but fit together to form the one foundation of rational inquiry into Christian doctrine and life.

It is necessary to take a **foundational**¹⁶ rather than a topical approach to the theological and moral issues before us in the *DS*. The reason for this is that the authors of the *DS* argue the moral issues based upon an unspoken commitment to a concealed set of theoretical presuppositions regarding the interpretation of texts generally, and Holy Scripture and the Lutheran confessional writings particularly. Their hermeneutic approach to the Bible and the Lutheran Confessions is in turn predicated upon a definitive but hidden array of extra-biblical and -confessional philosophical commitments that determine not only their reading of Scripture and the Confessions, but the very concept of “truth” with which they operate. With this conditional *alētheology* they disallow ahead of

time any rival idea of truth as objective¹⁷ and unconditioned by social, political, and cultural convention.

Likewise, in this manner the authors of the *DS* strike down in advance any notion of an absolute norm, standard, or correctness of thought in regard to moral and ethical issues, while at the same time insisting upon the “norm” and correctness of ethical and moral relativism according to humanistic social and cultural convention. It is the nature of this confused state of affairs that requires a radical critique of **foundations**. A topical approach to the moral issue of homosexual desires and acts would lead only to a fruitless tangle in the pluralist morass of indeterminacy prepared precedently by the authors’ concealed commitment to moral relativism. We must oppose such epistemological skepticism (and, ultimately, nihilism) with the clear biblical and confessional principles of objective knowledge and truth. It is to these foundational realist principles of objective and autonomous truth that we now turn.

Foundations

The following are assumed by the present author to be unconditionally true: (1) The Bible *is* the Word of God. As a negative corollary, it is herein stipulated that the Bible is not Word in **some** places but **not** in others. Positively stated, the Bible *is* the Word of God in its plenary fullness. This first foundation entails certain secondary corollaries: the verbal inspiration, infallibility, sufficiency, and inerrancy¹⁸ of the Bible. Other corollaries must, then, also include belief in miracles, divine providence, the supernatural presence of the kingdom of God in the Church, the sacramental presence of Christ in the divine ordinances of the Church, the subordinate place of human reason in relation to divine or special revelation, and others that need not be enumerated here. The general interpretative approach to Scripture is by a literal and grammatical method¹⁹ that takes cognizance of the various modes of literary expression in the Bible. The first principle of interpretation is *Scriptura sui interpretres*, that is, “Scripture is its own interpreter.”²⁰ Since the Word is authoritative and sufficient, it must be its own standard of interpretation, without the admixture of purely human theories of meaning or history. Secondary to this first principle of interpretation is *Scriptura sacra locuta, res decisa est*, “Holy Scripture has spoken, the issue is decided.”

It should be understood by the reader from the outset that these foundations of biblical authority and sufficiency are precisely the ones that are ruled out by the authors of the *DS*, not by argument, but by silence. They are true inheritors of an ideological tradition stretching backward to Enlightenment incredulity, and forward to postmodern suspicion, radical skepticism, and final unbelief vis-à-vis these very principles. Thus, the fundamental nature of the disagreement between this **critique** and the *DS* is one of bilateral exclusion of first principles. Thus, this critique is not intended to be a corrective,

but an **exposé and confession**. Only by a trustful and obedient return to the clear teachings of Holy Scripture and the Lutheran Confessions can the postlutheran turn toward intellectual and moral disaster be averted. It would be jejune to expect that our authors could even begin to effect such a correction to their path.

(2) The Lutheran Symbols stand next only in importance to Holy Scripture. They are a faithful and true exposition of the content of inscripturated divine revelation as we have received it from God by the power and inspiration of the Holy Spirit. Although written at a particular time in history, they are not historically conditioned.²¹ As in Holy Scripture the central meaning of the confessions is Jesus Christ as revealed in the Gospel. In concert with the Holy Scripture the Lutheran Confessions rightly divide (or “handle”) the Word of truth (2 Timothy 2:15), that is, they make a proper distinction between the two great doctrines of Holy Scripture, law and gospel. The primary purposes for which the reformers intended them were, to act as public confessions of faith in the face of ungodly opposition to truth, to be compendia of the truth of divine revelation in Scripture, and to act as instruments of interpretation of God’s Word. The postlutheran authors of the *DS*, while appealing to the Lutheran Confessions at carefully selected points, reject them as a **confession**, that is, as an unchanging standard for faith and life. For them, the Confessions are historically conditioned and thus useful and binding only where **the DS authors themselves** decide. **They themselves** determine where one or more of the confessional writings contain binding and compelling statements. This, too, they do not do with sound confessional argument, but as silent inheritors of the radically subjective critical-skeptical tradition of modern and postmodern scholarship.

(3) The third element of critique in this study is human reason. Reason in no way stands on a par with Holy Scripture and the Lutheran Confessions, but is purely ancillary²² to them (*ancilla theologiae*). Far more than simple common sense, reason contains within itself certain carefully delimited principles of logical thinking and analysis. While it may not surprise the reader that the authors of the *DS* have rejected traditional forms of special revelation and its confessional expression, it may come as a surprise that they concomitantly reject basic principles of reason. This claim would, it is to be suspected, be denied by all or most of the authors of the *DS*. However, as will be shown in what follows, the authors are indeed operating on the basis of certain unexamined conceptual presuppositions that can only be described as irrational, counter-rational, or post-rational.

Please take careful note that the present author is in no way putting forward a **rationalist** argument or theistic **proof** as ground for moral deliberation. The rationalist confuses actual deniability with rational inescapability. For example, it is not logically necessary that any particular thing, even God, exists. God cannot be a **logically** necessary being. **If** God exists, then the ontological argument gains strength and God is an **actually** necessary Being (not logically necessary). It is a confusion of categories to make

conceptual or rational necessity constitutive of the reality of God (or any other actually existing thing).

Human being is fallen and reason is incapable of completely apprehending the nature or creative and redemptive intention of God. By nature, fallen human reason is subject to the law. Only through the special revelation of Himself in the Word, that is, in Christ, is man able to grasp by faith the promises of God in the gospel. Knowledge of the nature and purpose of God in Christ is mediated through the word of Holy Scripture and the Sacraments instituted by Christ Himself. Through these means of grace²³ God gives to repentant sinners what He promises them in the gospel.

However, even after the fall, man “still is and remains a creature of God.”²⁴ In order to preserve this truth the *Formula of Concord* makes a careful distinction between our corrupted human nature and original sin. God has not cast human nature off, but recognizes the human body and soul as His work. Christ assumed our human nature, and not “another kind of flesh.”²⁵ He redeemed and sanctified our nature as His creation, but did not create original sin, nor did He assume, redeem, or sanctify it. “From all this, it is easy to distinguish between the corrupted nature and the corruption which is embedded in this nature—through which this nature is corrupted.”²⁶

Original sin is, however, “not a slight corruption of human nature, but rather a corruption so deep that there is nothing sound or uncorrupted left in the human body or soul, in its internal or external powers.”²⁷ The damage to our nature by original sin is so deep and “indescribable that it cannot be recognized by our reason but only from God’s Word.”²⁸ The corruption of human nature and human nature itself can only be separated by God Himself, which He will do at the resurrection.

So original sin is not just guilt resulting through the fault of someone else without the corruption of our own nature.²⁹ That corruption is real, and it is complete, that is, there remains no good in human nature with which we may please God.³⁰

But original sin is not “something essential and autonomous that Satan infused into human nature,” that is, human nature itself is not evil, nor is it the resultant of an independent evil principle working in it. The substance and essence of human nature is not, without distinction, evil in and of itself.³¹ We must make, with Luther, a distinction between original and **actual** sin. Original sin is not sin committed by the person; rather, it is “embedded in the human being’s nature, substance, and essence,” being “implanted in us at birth in the sinful seed,” and expressed in “all other, actual sins, such as evil thoughts, words, and deeds. . .”³² At one point the *Formula* speaks of original sin in scholastic terms (*substantia, accidens*) by referring to it as “accidental.”³³ This is done to highlight the fact that “the devil cannot create a substance but can only corrupt the substance, which God has created, in an ‘accidental’ way, with God’s permission.”³⁴

The authors of the *DS* clearly go beyond the Lutheran confessional teaching concerning the nature of man *post lapsum*. For them it seems, because of the total corruption of human nature by original sin, the divine and natural law of God cannot be

applied to sinners to accuse and condemn human nature itself. Nature is completely collapsed spiritually, as it were, and man, the foremost of the invisible creatures, has nothing in him to relate to the call of the law for repentance. There is no natural correlation between law and conscience. This might be one essential reason the authors of the *DS* apparently reject the possibility of a living *nomos* that sustains its claims upon believers and nonbelievers alike.

For them the law has no justifiable claim on man, and so in response to the demand of the law for repentance³⁵ and in the face of a “realistic” assessment of our sinful condition (through the law!), “[w]e do not despair . . . because we are justified through God’s grace.”³⁶ The gospel reminds us that “God accepts and redeems humankind and reconciles the creation in Jesus Christ, who was crucified and is risen.”³⁷ Without ambiguity the authors of the *DS* state, “This is the very center of our faith.”³⁸ But is it really? Is contrition over sin (*vis-à-vis* the law) on the part of the sinner not required by God before repentance and faith constitute the conditions for absolution? True repentance at its heart includes **faith**, but is preceded by **contrition**. Is no heart-sorrow over the breaking of God’s law now required before the Holy Spirit grants forgiveness of sin? The authors of the *DS* set aside the law, contrition, and thus **genuine repentance**, and attempt a seamless move into the freedom of the gospel in true “cheap grace” fashion. As is made clear in the Scriptures and the Confessions, in the absence of law, contrition, and **true** repentance, freedom under the gospel becomes **license**.

Along with the divinely revealed law, the *DS* authors are at great pains to exclude any consideration of the **natural law** in their discussion of morality. This is especially noteworthy because it runs directly counter to not only sound principles of human reason, but also repudiates what is revealed in Holy Scripture about the “law written on the heart (*inscription legis Dei in corda*). It violates conscience divinely endowed by the Creator (Romans 1 & 2, but see especially Romans 1:19-20). These attitudes on the part of the authors of the *DS* are inherited, of course, from their radically skeptical and unbelieving theological forebears. Their cynical and humanistic operating principles strike at the very root of the confessional principle (*analogia fidei*), that is, the sufficiency and authority of Holy Scripture. It seems, however, that the hidden aporetic presuppositions with which they operate are concealed from them **themselves**. Their own philosophical and theological “foundations” remain completely unexamined throughout the course of their discussion. Such deep theoretical and practical darkness cannot be allowed to prevail. In spite of the protests raised by postmodern postlutheran theologians, the authority by which they and their writings must be judged is the Holy Scripture in its plenary fullness, the Lutheran Symbols, and sound principles of human reason. “Send out your light and your truth; let them lead me” (Psalm 43:3, ESV); “Your Word is truth” (John 17:17).

The Real Question is Truth and Its Sources

It is very clear from these considerations alone that the *Draft Social Statement on Human Sexuality* of the ELCA is **unacceptable** as a basis for the church's moral deliberation. The chief reason for this conclusion is centered in the concept of truth with which postlutheran Lutheran theologians operate. In a very real way, it is the **question of truth**, which is in the forefront of this study, and this question is, in association with the biblical and confessional principles discussed above, likewise a question of **foundations**. It is the present author's contention that truth is **absolute**, and that it is **knowable** to the degree God has made this possible through revelation and reason. Through revelation, redeemed and sanctified reason, and the natural law, we are led to determinate and inescapable conclusions in regard to the moral issues treated in the *DS*. Both divine revelation and the natural law clearly and unambiguously speak of the immorality of homosexual desires and acts.

So—**What is truth?** Simply put, it is what the Word of God, the living Lord of the Church, says it is, and what the inscripturated word of the prophets and apostles univocally proclaim as witnesses of that same Truth. Holy Scripture says Christ Himself is the Truth, and so is His word the complete truth (2 Samuel 7:28; Psalm 119:160; John 1:1; 5:24; 6:68; 14:6; 17:17; etc.). Likewise, we have the uniform witness to the same Truth as expressed in the Lutheran Confessions. The Lutheran symbolical writings are a true and comprehensive formulation of the total doctrine of Christ as we have it handed down to us in Holy Scripture. The particular benefit of these historic documents is the manner in which they preserve the entire substance and proper distinction of those two great doctrines of Holy Scripture, namely, **law and gospel**. As already discussed above, because the Lutheran confessional writings are the expression of the living Word of divine revelation and constitute an accurate exposition of the entire Bible's teachings, they cannot be considered historically conditioned. They provide a clear interpretation and explication of God's divine communication to man in Holy Scripture and so must form the backbone of any theological study of Christian morality. The Lutheran Symbols are the *norma normata* of Holy Scripture which, as the verbally inspired and authoritative Word of God, is the sole *principium theologiae*, or *norma normans* standing behind the standardized Lutheran Confessions.³⁹

Excursus: Division in the Body

It is this divinely-given schema of interpretation and teaching which the postlutheran authors of the *DS* have abandoned. The end result of their purely human study can only be, and in fact is, confusion and division in the churches of the *Augsburg Confession*. The attempt to justify and legitimate homosexual practices in the Lutheran Church has been a

powerful force of schism and discord among the Lutherans. Rather than following the clear and unequivocal teachings of Holy Scripture and the Lutheran Confessions concerning sinful sexual practices, the authors choose to ignore the divine consensus of Scripture, Confessions, and tradition in the Lutheran churches, and attempt to sidestep the overwhelming biblical and theological evidence marshaled there. Rather than ministering⁴⁰ to hurting, sexually confused, and spiritually compromised sinners with law and gospel, the authors of the *DS* would seemingly have us, through theological and pastoral conciliation to sinful same-sex desires and acts, **affirm the sinner in his sin**, and thus place in jeopardy not only the temporal and eternal welfare of these members of the Body of Christ, but more broadly the position of the Church of Jesus Christ as the mediator of God's grace to a sin-sick and dying world. Pastors and teachers in the ELCA should be calling for **repentance and chastity** from her members who are homosexual, and applying the forgiveness of sins in Christ Jesus.

In a sense, the sin of homosexuality is no greater or less than any other sin.⁴¹ But it is most assuredly **sin**. Chastity outside the marriage relationship is the only acceptable biblical sexual norm, for both hetero- and homosexual persons. Marriage between one man and one woman in faithful, mutual love and responsibility to one another is both the foundation and goal of healthy and biblically moral relationships. Marriage is the only sexual arrangement blessed by God, for it is the divinely-sanctioned setting for the **image** of God expressed through the complementarity of male and female, for the **blessing** of His people.⁴²

It is the present author's belief that the viewpoints presented in this paper are more clearly representative of the beliefs held by the majority of members of this church, than are those put forward by the authors of the *DS*. The homosexual special interest groups within the church cannot prevail in their determination to redefine the theological and moral teachings of the church. If the authors of the *DS* choose to follow the path of least resistance and yield to special interest pressure, then they must provide to the church **clear reasons** for doing so. The *DS* fails dramatically in this regard. It confuses the issues rather than clarifying them. This fact can only serve to cause further confusion among the people and widen the already existing division in the churches between the church leadership and the laity. This is a very important point in determining the real value and meaning of the *DS*. If the **fruit** of the tree is division and decay the tree itself is diseased.

It is very likely the author of these words will be harshly and unfairly judged for daring to utter these thoughts. But when it comes to the truth there are no options for believing that which does not comport with the truth, no matter what the consequences. The time for dissimulating and sophistic speech is long past. It is time to speak the truth, plainly and without concern for social and political niceties. It is the only **loving** thing to do. For what could be crueler than to hide that truth which makes men free in such times of desperate bondage to spiritual darkness? The authors of the *DS* have rendered us all a service by sharply demonstrating the truth of the famous dictum, *tantum religio potuit*

suadere malorum,⁴³ thus making us aware (so we should all pray), of our call to be faithful and **obedient** servants of Christ and His Holy Word.

The author wishes at this point to make a sincere but firm request: Consider carefully before you accuse him and others with whom he stands, of being a legalist, homophobic,⁴⁴ antisocial, intolerant, a fundamentalist, dogmatist, bigot, etc. To be guilty of any such it would be a necessary precondition that the argument offered in this paper originates in the private opinions of the author. If the author can be proven guilty of making a private judgment due to an error of biblical or confessional interpretation, that is one thing. But it is quite another to suggest that the **sources** of interpretation are private. The author consciously stands in what he believes to be the God-given tradition of Christ, the prophets and apostles, and the Lutheran confessors of the evangelical Church. That is, he has intentionally confined himself to the plain teachings of Holy Scripture as interpreted by the *una sancta catholica et apostolica ecclesia*, and as appropriated and formulated by the holy confessors of the churches of the *Augsburg Confession*. **These** are the foundations and substance of the present inquiry into the truth and reliability of the social statement before us. In the name of Christian charity and for the unity of the Church the author urges opponents of the views set out herein to carefully and prayerfully weigh their opposition in the light of Holy Scripture and the Lutheran Confessions. The author will gratefully welcome properly biblical-confessional correction regarding his interpretations of Scripture and the Symbols of the Church. He pledges himself, however, to be deaf to criticisms originating from any other source, no matter how presently popular or idolized by his interlocutors. Where God has spoken, men must be silent (Habakkuk 2:20).

The Language of Pluralism

We now turn to a brief discussion of postmodern language and theories of literary interpretation. Postmodern language theories form one of the important but concealed “foundations” upon which the authors of the *DS* build their arguments.

Concerning the language of the *DS* and in the light of what was just affirmed above concerning God’s demand for silence before His divine prerogative, we must point out—**speechless** this document is not. It is voluble, prolix, multiloquent. It **chatters**. It is tangled with “multiple, matted incoherencies.”⁴⁵ On this basis alone we should find the *DS* inadmissible as a guide for the church in its theological and moral deliberations.

The language difficulties in the document are a corollary of the fact that over and over again its arguments violate basic principles of sound reason. For example, one of the chief and telling characteristics of the document is its pervasive use of *petitio principii*.⁴⁶ In this regard its language is neither recognizably philosophical nor theological. This is not to say that its language is not at **all** recognizable or familiar. The language in which

the document is framed has become over time, in fact, the true *lingua franca*, the composite, but common tongue of the postmodern, postlutheran theology now regnant in the colleges and seminaries of this church.

Clearly, the language of the *DS* has its philosophical and literary roots in postmodern language theory. The subject of literary theory—classical, modern, and postmodern, is very complex and nuanced, and it will not be possible to deal with it in detail here. Generally, postmodern language theorists understand language to be **self-referential**. That is, it is an arbitrary system of signs that have their referents within the meaning-context of the system itself. There is no correspondence between a language sign and any real object outside the self-referencing system. That is, one cannot get “outside” one’s language to arrive at authorial intention, objective meaning, or truth existing before and apart from the sign, and to which that sign refers.

For the postmodernist, all language usage constitutes only “language games” put in play by discrete communities which draw their identity from the conceptual background provided by the system of language itself. There is no absolute truth, no univocal meaning referenced by language. Truth and meaning are relative functions of language and take their truth- and meaning-coordinates from within the community⁴⁷ and its sets and subsets of language games. Truth and meaning are determined by language use within a particular language community, and are legitimated by the specific concerns and meaning-intentions of that community. Needless to say, any language communication between a transcendent God and man is ruled *a priori* impossible and theoretically meaningless. It is not possible for God to communicate with man in an intentional and propositional manner. References to “God,” “reality,” “objective truth,” etc., are meaning-intentions whose “transcendence” is purely finite, which is another way of saying that they are purely human in origin and meaning. One cannot get “outside” language to discover an already existing God to which language refers. One is bound to the language game generated by cultural and social convention.⁴⁸

Why Is There No Biblical Exegesis in the Draft Statement?

Even though appeals to Scripture are made by the authors of the *DS* in the course of their discussion of the moral issue of homosexuality, they make no mention of the exegetical controversy surrounding passages of the Bible that deal specifically with this issue. The chief reason is that, simply put, that phase of the battle for truth is over for postlutheran theology. Although Scripture is very clear in its condemnation of homosexual desires and acts, and although the evidence of the natural law, and the biblical evidence, has been **plainly demonstrated** (Romans 1:18-23) for all to read and understand, the manifest evidence from the Bible and nature itself has been rejected by those who are promoting the homosexual ideology in the postlutheran Lutheran church.

Supporters of the homosexual agenda in the ELCA have been especially busy devising cunning ways to escape from the claims made upon them by the Bible. They ignore the manifest meanings of Holy Scripture and contrive clever and resourceful interpretations of passages that allow them a convenient way around the plain and unambiguous meaning intended by the divine Author. Furthermore, they claim primary authority for their subjective interpretations of Holy Scripture (2 Peter 1:20), ignoring centuries of univocal witness on the part of faithful teachers of the Word. The consensus of centuries of teaching and preaching about moral matters is swept away by them in their desperate pursuit to justify themselves before God and man. Thus they claim that the biblical evidence is unclear, or is to be decided in favor of their private opinions.

It is reasonably clear to any unbiased reader that the authors of the *DS* begin their study with a **predisposing desire** to read homosexuality out of the Bible, and then conclude, (astonishingly enough) that there are no condemnations of homosexual desires and acts to be found therein. In the process they have muddied the waters of biblical interpretation, convincing (by confusing) enough people through their erudite and esoteric sleight of hand that in fact God has never spoken against such abominations (Leviticus 18:22: “You shall not lie with a male as with a woman; it is an **abomination**”), and that He has not condemned such gross unrighteousness (1 Corinthians 6:9-10: “Do you not know that the **unrighteous** will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality, nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God.”). Even if one is reluctant to gather from the equivocal language of the *DS* that its authors advocate the homosexual position, it must be agreed by anyone with an open mind that their equivocation in the face of such an important issue at least **paves the way** for an explicit acceptance of that position. The vacuum created by moral paralysis will be filled by the spirit of lawlessness.

What can be done when the plain truth is treated as though it were obscure and uncertain? This is perhaps the boldest ploy of the adversaries of the plain meaning of Scripture concerning homosexual desires and acts: **just insist** that Scripture doesn't say what it clearly says; or, **obfuscate** the real issue with arcane literary and interpretive theories that dazzle the minds of those of us less well educated and informed about such deeply learned matters. How can one **reason** with such an attitude? What does one say to an obstreperous adolescent who protests that his parents don't quite “get it”? One cannot hold out too much hope that such callow motives will soon come of age. As said the wise Marcus Tullius, *Ingenita levitas et erudita vanitas*.⁴⁹ In the meantime, it is important that we continue to **affirm** to be true what we *know* to be true, even when the inevitable charges of being “out of touch” or ignorant are sure to rain down upon us from the lofty and prodigious dark clouds floating high above our poor heads.

Employing the analogy of strident adolescence in characterizing such bumptious “experts” is not inapt. The apostle Paul describes those infatuated with the spirit of the

latest fashion in ideas and culture as “children, tossed to and fro by the waves and carried about by every wind of doctrine, by human cunning, by craftiness in deceitful schemes” (Ephesians 4:14, ESV). There is a certain **restless desire** in the heart of fallen man that drives him to be incessantly on the lookout for something new and different. These appetitive aftershocks of the fall widen the gaping hole in the souls of men instead of filling them according to their desires. It is **pride of possessions**, says Holy Scripture, that drives them so, and the love of the world: “Do not love the world or the things in the world. If anyone loves the world, the love of the Father is not in him. For all that is in the world—the desires of the flesh and the desires of the eyes and pride in possessions—is not from the Father but is from the world” (1 John 2:15-16, ESV).

This restless and sinful desire cannot be truly fulfilled and quelled by anything or anyone except God. St. Augustine expressed it best when, meditating upon man’s restless pride before the face of an awesome God he cried out: “You made us for yourself and our hearts find no peace until they rest in you.” Why cannot we be content with what our gracious God gives us so liberally in the blessed means of grace? Why can’t we be satisfied with the ways marked out for us so plainly in the Word of God? Why do we forsake so easily the paths laid out for us by the Lord? “Thus says the Lord: ‘Stand by the roads, and look, and ask for the ancient paths, where the good way is; and walk in it, and find rest for your souls.’ But they said, ‘We will not walk in it’” (Jeremiah 6:16, ESV). Why?—why do we turn “everyone to his own way”? (Isaiah 53:6).

The answer to the question of the cause of man’s restless desire is plainly found in Holy Scripture, and its meaning is clear. “All we like sheep have gone astray,” speaks not only of the manifest, individual sins of men, but of that frame of mind, that bent of soul (*incurvatus in se*), that **inclination of heart** that lusts after new pathways leading to fresh pastures where the belly can be filled with what we dream are all good things. It is the desires of the flesh, and the desires of the eyes, and pride in possessions that lead us away from the still waters of the Word.

The tragedy of this tale is bound up, too, with the tragic motives of same-sex desire, but even more so with the appalling desire to cover-up the abhorrent nature of the homosexual perversion with self-justifying rationalizations and imaginative theories that deflect attention from the real issue: **obedience to the clear Word of God**. Our opponents say, of course, that the Word of God is not so clear. They say we are naïve and ignorant about what it **really** says. They say, too, that we dishonor and defame God and His Word when we follow it literally, in its plain sense. They call us “arrogant” and “intolerant.” They view our faith as the vestiges of immoral religious exclusivism. Our viewpoints on Holy Scripture and the Lutheran Confessions are no longer tenable, no longer a “live option.” We are throw-backs and obscurantists. In their enlightened eyes we are relics of the dead past, an uncomfortable past when man was stupid and intent upon dominating his neighbor, taking every occasion to twist and bend the Word of God to his own selfish devices. “Cruel orthodoxy” is the result of such systematically faithless

and inhumane use of the Word, and it is still alive in the hearts of those of us so jaundiced and biased toward nontraditional expressions of moral belief and practice that we can only bury our heads in the dirt of a young earth and yearn for yesteryear.

The author is well aware that many, if not most of those who disagree with the confessional viewpoints set out here, will do so on the basis of emotion and a fideistic commitment to certain social and cultural beliefs. Such impassioned dogmatic opposition to the plain teachings of Scripture and the Confessions is almost always fueled by a near total lack of biblical and confessional sensibility and knowledge. There is a veil before their faces (2 Corinthians 3:15). Such a state of affairs is not, of course, conducive to reasoned debate on the real issues. But for those who are willing to listen to reasonable and biblical-confessional arguments that run contrary to their personally-held beliefs, there remain opportunities to understand that the viewpoints here set out are not an expression of prejudiced and biased opinion, but the assertions of venerable and judicious truths which have sustained the people of God for millennia. Shall we simply wipe away such a great cloud of witnesses because their testimony to the truth of God's holy Word is in conflict with one's sinful desires?

Taste or Truth?

In matters of truth there is no room for that soft-headed pluralism that leads inexorably to relativism and skepticism. Pluralism is germane only to questions of taste. *De gustibus non disputandum est*, "In the realm of taste there should be no disputes." But in dealing with questions of truth, because sin is a reality, there **must** be disputes: *De veritate disputandum est*. This is true also because taste, which is purely a matter of personal proclivity and choice, *must* be by nature plural and diverse in form. Truth, however, is **unitary**. There are not multiple truths, each with its legitimate claim to veracity and validity, each finding its (relative) place within the plurality of "symphonic" Truth. The very idea of truth itself is exclusive and exclusionary. Jesus Christ is **the** way, truth, and life, not **a** way, **a** truth, **a** life. God's Truth in the Living Word, and in the inscripturated word spoken by Christ the Word, makes **exclusive truth claims** upon **all** men. There is no room for "multiple truths," that is, that "truth" that is "right for **you**," but "not right for **me**." Holy Scripture is plain and perfectly clear in its meaning, and its meaning is not subject to the relativizing opinions of men.

There is no room for compromise in all this postmodern posturing about the "real" meaning of Scripture. The meaning of the Word of God is what God **says** it means **in** His Word. The Word is not mysterious. The Word is not cryptic. It is perspicuous. We need no special group of "scholars"⁵⁰ to tell us what it means, a kind of parabiblical "papacy of scholars" whose authoritative opinions supplant the authority of Holy Scripture. We need no special book(s) to tell us how to interpret it.⁵¹ The author is convinced that the real

problem is not so much understanding what God's Word **means**, but knowing what it **says**. If more of us would pneumatically read and prayerfully study Scripture itself, then we would not be facing this seeming impasse concerning sexual morality. Much of the confusion surrounding these issues is based upon ignorance about what the Bible *says*, and has little or nothing to do with a lack of scholarly knowledge about what it "really means."⁵² If we take up Holy Scripture, praying that the Author, God the Holy Spirit, would open our understanding to **His** intended meaning, then, according to God's own promise, His Holy Word will become "a lamp to our feet, and light upon our path" (Psalm 119:105; Proverbs 6:23).

First Principles: Antidote to Postlutheran Prattle

We now return to our consideration of **foundations**, or "first principles," and flesh out a bit more our analysis of the serious deficiency in the presuppositions underlying the conclusions drawn in the *DS*. We will here (1) clearly lay out for the reader what is meant by the term "first principles," (2) clarify what the unstated presuppositions of the *DS* are, and why they are inadequate for the task set for the authors of the *DS*, and (3) set forth the true first principles that alone can accomplish this task by providing a proper foundation for doctrine and morals. Although much more could be said in a general philosophical discussion about first principles than what we have room for here, we will focus primarily on the underlying epistemological (knowledge) and ethical (action) presuppositions behind the conclusions drawn by the authors of the *DS*. These concepts have a bearing upon the essential questions of biblical interpretation and the application of that interpretation to the moral questions of human sexuality generally and homosexuality in particular.

In what follows regarding the first principles of sound reason and its application in philosophical and theological argument, it should be remembered that reason is limited and inadequate on its own to provide a proper foundation for theological principles. Human reason is fallen, and infected with sin, and bears the marks of the fall both in its substance and modes of operation. However, reason is able to produce, on the foundation of the natural law, certain truths concerning the nature and will of God (Romans 1:18-20; Ap 121.7; FC SD 545.9). The divine truths perceived through reason are strictly confined to the realm of the law (SA 314.18; FC Ep 491.2). This is that law "written on the heart" (*inscriptio legis Dei in corda*), and expressed through the operations of the conscience (Romans 2:15; Ap 121.7; 195.48; FC Ep 502.2; FC SD 588.5).

Through the judgment of God in the natural law man is held accountable before God for his actions. On the other hand, the natural law gives, through reasoned thought, some intimation of the will and purpose of God for His creation (Romans 1:19-20; Ap 234.4; FC SD 555.59). This knowledge constitutes the affirmation that God exists, and that He

is Creator and Judge, that is, Law-giver. Such knowledge is sufficiently binding on the conscience of man to the extent that he knows himself to be held accountable for his thoughts, words, and deeds, without excuse, before the bar of God's divine justice (Romans 2:1-8).

Thus, it must be noted that reason by itself is not a sufficient basis to arrive at a *saving* knowledge of God in Christ.⁵³ At best, reason acts as an **adjunct** to faith in Christ Jesus, and so must be properly distinguished from faith. Faith is a gift of grace, and is a knowledge of divine things that bears a higher degree of certainty and assurance than does reason. Reason and faith may work together in right fashion only when a proper relation between them is maintained and when it is remembered that reason accompanies but does not cause faith. In spiritual matters faith uses reason, but reason cannot stand alone without faith. Both are necessary, but each in its own order. In the appeal to reason and first principles that follows, this crucial distinction must be kept in mind.

(1) First principles form the underlying framework of reasoned thinking, and by the way they function in the structure of language and thought, make rational thought possible. They are, generally speaking, the things assumed to be true, from which inferences, corollaries, and interpretations are drawn. Although typically unstated or even unnoticed in conventional thought and speech, they must be examined and evaluated in philosophical and theological discourse if the positions inferred from them are to be properly grounded and justified. In fact, one cannot completely understand a particular doctrine or position without first understanding the conceptual presuppositions of that manifest teaching or stance. The conscious examination of presuppositions according to the norm of first principles is extraordinarily important, for without such prolegomena the deep roots of meaning and intention remain buried out of sight. Much of what is presumed to be true may, upon deeper examination of first principles, be revealed to be lacking in some important regard. It is not difficult to see how this is particularly momentous in the case of theological and moral issues. Matters of faith and life are of the utmost importance for the Church and for individual believers.

First principles are **logically undeniable** or reducible to the undeniable. That is, the very attempt to **deny** them **affirms** them. Speaking directly to the issue of postmodern literary theory and meaning in texts, J. Budziszewski points out that there must be some real anchor point, some unequivocal standard reference that grounds and determines the objective meaning content of language: "There must exist some things that are what they are despite us; their meanings provide the anchors for all other meanings. If all meaning were relative, then even the meanings of the terms in the proposition 'All meaning is relative' would be relative. Therefore the proposition 'All meaning is relative' destroys itself. It is nothing but an evasion of reality."⁵⁴

By first principles of thought reality is truly known. **Realism** affirms that first principles apply to the **real world**. That is, first principles directly relate thought and being. This is why we can unequivocally state that first principles undeniably apply to

reality. The very denial that first principles apply to reality uses first principles in the denial. Thus, all such denials are self-defeating.

The first principles of epistemology tell us how we know what it is that we know. In response to the claim that when these principles are properly understood they are clearly seen to be self-evident, or undeniable, postmodern literary theory replies that all meaning, and therefore knowledge, is subjective and therefore relative. That is, there are no fixed reference points for meaning—not the author’s intention, not objective meaning in the signs constituting written texts, not anything whatsoever outside the reader. The **reader** brings meaning to the text, and not the other way around. When it is asserted that first principles are axioms of thought without which sound thinking or knowledge is not possible, postmodern theorists speak of a dynamic relation of meaning-intentions between the text and its reader. Meaning is fluid, constantly shifting between the poles of human consciousnesses engaged in the process of language games. There is no meaning as such, because there is no reality “such as it is.” Meaning is what the reader **makes** it.

When realists claim that first principles are rules that, in any argument attempting to deny their undeniableness, must be employed as foundational principles of that argument, postmodern writers wax eloquent about their suspicions concerning “metanarratives.” But as J. Budziszewski indicates, this “is still a story of how the world really is—a story of a struggle over who gets to tell the story.” He goes on to say, “Those who boast of their suspicion of metanarratives are merely offering a meta-metanarrative—worse yet, a meta-metanarrative in denial, an ideology about ideologies which denies being an ideology.” “I hope,” he says, “it is plain who gets the benefit of the meta-meta. If chattering is all there is, then the chattering classes rule.”⁵⁵ To the self-evident statement that first principles form the necessary preconditions for all rational thought,⁵⁶ postmodernists simply declare, without any philosophical or theological warrant whatsoever (although using principles of rational thinking the entire time), that the conceptual categories of necessity, determination, and *ratio* itself are vacuous. Thus when *distinctio rationis ratiocinatae quae habet fundamentum in re*⁵⁷ is abolished, the entire project of human constructive thought grounded in the natural and divine law collapses, and man finds himself alone in a loquacious but incoherent and disordered universe. Pitiful and mean recompense, indeed, for the right of absolute dominion over meaning.

The first principles of ethics are based upon laws that govern human conduct. The sources of these laws of human conduct are both divine and natural.⁵⁸ In contemporary postmodern thinking, the concept of established laws governing human conduct has been completely derogated. In particular, the centuries-old natural law tradition has been totally banished from present day ethical discussions. Moral humanistic conventionalism has supplanted natural and divine law as the operative principle of ethics. That is, the cultural and historical context determines principles of human conduct. This is, in fact, the broadest of the presuppositions behind the moral discussion in the *DS*.

(2) Although the authors of the *DS* propose to offer the church “a foundational framework”⁵⁹ for moral deliberation, it is important to note at this juncture that there is virtually no discussion in the *DS* about the first principles of thought as we have sketched them above. The entire realist philosophical and theological project is simply ignored. There is much that is presupposed by the authors concerning thought and action, much that is completely unstated, and hidden from view. In fact, the essential presuppositions with which the authors clandestinely operate contradict and oppose the sound first principles of thought and reality.

It seems that in regard to first principles the *DS* author’s primary concern is to clear the field of the natural law, and to bar its entrance into the discussion. This is stated explicitly by the authors in an endnote, and only somewhat in passing in the long section devoted to “foundations.” We will deal later with the surprising fact that the authors attempt to casually dismiss the scriptural and confessional natural law tradition within the narrow compass of an endnote, making only one or two passing remarks in the body of their section on “foundations” to the natural law, which are clearly intended to disparage the natural law tradition, rather than **explain** it and deal fairly with its substantial theological claims upon Christian moral deliberation. This decided lack of insight into the theoretical and historical depth of the issues, and the absence of any attempt at genuine scholarship in regard to the broader context of the problems before them, should raise grave concerns in the minds of every unbiased reader of the *DS*. In spite of the fact that the authors try to downplay the crucial role this document will play in the determination of doctrine and practice for the ELCA of the future, we should not be misled by what are manifestly disingenuous remarks.

We will examine in closer detail below the inadequate construal of the law-gospel distinction upon which the authors rely as their principal “foundation.” We will see that the interpretive principle that they draw from their improper distinction, namely, “incarnation, justification and serving the neighbor” can only, as the result of its theological and semantic disability, fail miserably under the weight of the subject matter. There is simply no validity for the kind of approach made by the authors to the moral questions now before the church. More importantly, there is no justifiable theological basis for a hermeneutics predicated upon a concept of the gospel reduced to the least common denominator, such as that relied upon by the authors of the *DS*. There is nothing in either the Scriptures or the Lutheran Confessions that warrants such treatment. The authors of the *DS* attempt to apply a mutilated “gospel” to the task of biblical and moral interpretation, sprinkling a few verses unsystematically here and there in an attempt to ground their antinomian axiology, and to justify their proclivity for avoiding, at every turn, the **constitutional** in favor of the **conventional**. The tangled skein woven on the loom of gospel reductionism leads inevitably to moral confusion and indecision. In the presence of a moral vacuum ill winds enter. *Fructu non foliis arborem aestima*.⁶⁰

(3) As sketched above, first principles are the generally unstated conceptual building blocks of thought and method that undergird philosophical and theological argument, and that serve as foundational precepts in the establishment of the verity and logical soundness of those arguments. We have brought to the reader's attention the fact that there is a decided lack of insight on the part of the authors of the *DS* into the necessity for a careful examination of true foundations, and that this deficiency is reflected in the method and results of the *DS* itself.

The authors' primary hermeneutical and methodological error is based upon a suspect philosophical and theologically illegitimate predication of the Christian gospel set in isolation from its wider biblical and confessional context. We have characterized this as a variety of "gospel reductionism," and we further identify it as a component of broad historical and interpretative approaches to texts in general and Holy Scripture in particular. We include this postlutheran approach to textual interpretation through gospel reductionism within the post-rational movement in philosophical and literary history denominated "postmodernism," to highlight its essential continuity with, and development from, the general hermeneutics of suspicion and literary conventionalism.⁶¹

What the author of this paper is proposing as a cogent and necessary alternative to such radical and skeptical subjectivism is a reexamination of the moral issues within a theologically sound framework of biblical and confessional first principles. The operative instrument of analysis and interpretation is, in unity with the classic tradition of Lutheran theology, the meaning-determining "law-gospel distinction." The authors of the *DS* claim to have employed the same distinctive in formulating the parameters of their moral discussion in their document, but they have completely failed to understand the true nature of the law-gospel distinction, and as a result, have arrived at false and potentially disastrous conclusions in the moral realm. Before we turn to the Lutheran Symbols, however, we will examine more closely the authors' understanding of the "law of love," with which they begin their discussion of moral principles.

The authors of the *DS* place great stock in their understanding of the evangelical counsels, and in particular, in the "law of love." These words of Christ from the Gospel of St. Matthew stand at the head of their work, but as we will see, rather than forming a sure basis for moral interpretation, they afford the authors of the *DS* only an opportunity to misconstrue the distinction between law and gospel.

Love and the Fulfilling of the Law of Love

At the very beginning of the *Draft Statement*, we are invited to reconsider the meaning of what is surely a key New Testament text for the authors of the *DS*. The text in question contains the account of the testing of Jesus by the Pharisees, after their brother Sadducees failed to entrap Him over a political question (the poll-tax, Matthew 22:17), and a

theological question (the resurrection, Matthew 22:28). The abject failure of the Sadducees to entangle Jesus in error, and discredit Him in the eyes of the people, drew the Pharisees out from the shadows where they had been watching Him, to try a third time to disgrace this troublesome peripatetic rabbi.

The one chosen to approach Jesus is a “lawyer” (*nomikos*), and he tries to draw Jesus into his trap by asking Him to declare which of the laws of Moses holds first place in importance.⁶² Jesus’ answer draws the attention of His hearers to the second address of Moses to the children of Israel in which he lays out the stipulations of the Sinaitic Covenant (Deuteronomy 4:44-28:68), and particularly to those words in Deuteronomy 6:4-5 known as the Great Shema⁶³: “Hear, O Israel: The Lord our God, the Lord is one. You shall love the Lord your God with all your heart and with all your soul and with all your might.” In the parallel account of this text in the Gospel of Mark (Mark 12:29-31), the evangelist records Jesus’ precise reference to Moses’ words in Deuteronomy 6: “Jesus answered, ‘The most important is, ‘Hear, O Israel: The Lord our God, the Lord is one. And you shall love the Lord your God with all your heart and with all your soul and with all your mind and with all your strength.’ The second is this: ‘You shall love your neighbor as yourself.’ There is no other commandment greater than these.”

In Leviticus 19:18 God gives through Moses a command that summarizes several divine directives concerning neighborliness (see Leviticus 19:1-37): “You shall not take vengeance or bear a grudge against the sons of your own people, but you shall love your neighbor as yourself: I am the Lord.” This command to love one’s neighbor (any one of “the sons of your own people”) forms a part of the Levitical Holiness Code (Leviticus 17:1-27:34) in which God through His prophet mandates practical holiness for His people: “And the Lord spoke to Moses, saying, ‘Speak to all the congregation of the people of Israel and say to them, You shall be holy, for I the Lord your God am holy’” (Leviticus 19:1-2, ESV).

In passing we might note that this same code of moral and spiritual behavior includes explicit legal prohibition of certain unlawful sexual relations, including various forms of incest, homosexuality, and bestiality. Without warrant, many teachers in the ELCA claim these moral commands for practical holiness no longer apply to God’s people, the Church. They only applied to Israel, they claim, as a mandate peculiar to that nation alone. We will treat this topic in some detail later. Suffice it to say here that postlutheran theologians make a fundamental exegetical blunder when they fail to enact a proper distinction between the Jewish ceremonial law and the moral law. They conflate the types of law given in Holy Scripture, and thus sweep away the moral law with the civil law of ethnic Israel. This failure to observe a proper nomic distinction is the natural outcome of the failure to observe the proper distinction between law and gospel. As these false teachers are so fond of saying, “This is no longer a word for us.”⁶⁴

Contrary to the opinion of such teachers, **all** of God’s Word, in its plenary fullness, **is intended for us** (Romans 15:4). Whether we receive it in the spirit it is given is another

question. If not all of the Bible is God's Word, but only **contains** God's Word in some of its parts, who will tell us where God's Word is to be found within the covers of the Book? Clearly, in a case such as this, we would need a special class of scholars or experts to tell us where God's Word is to be found, to tell us what God's Word **is**, and what it is **not**. As discussed briefly above, in the guise of returning the people to the reading of Holy Scripture, the professional class of biblical experts within the ELCA even tells us how to read and interpret it.⁶⁵ It seems to this author that such an understanding of Scripture returns us to Martin Luther's day, when the Pope, and councils of men, the Spiritual Lords of the Church, assumed divine authority for themselves, determining for the faithful the meaning and extent of God's Word. Shall we mindlessly return to such a time as that, like the dog and sow return to their filthiness? (2 Peter 2:22). Shall we continue to allow a "papacy of scholars" to assume authority over the holy Word of God?

When Jesus speaks of love toward God and one's neighbor, He has in mind something much more far ranging and substantive than the postlutheran understanding of the term advanced in the *DS*, and regnant in the ELCA. What Jesus is teaching here, as elsewhere and everywhere in Scripture, is a concept of love deeper and purer than the present cultural and political concept of love and service to the neighbor, a concept constitutive of what has for some time been simply referred to as the "social gospel."⁶⁶ In the biblical law of love Jesus teaches a love with **responsibility**. The anemic concept of love employed in the *DS* is the result of the reduction of the Christian gospel to the least common denominator, "God is love," "Jesus loves you," "I'm OK, You're OK." But Jesus has something quite **other** in mind, something that accounts for the whole counsel of God, and that we should call the "total doctrine of Christ."

It is very telling that the *DS* begins with a wrong construal of Jesus' words about love. In the Matthew passage brought forward by the authors of the *DS* Jesus gives a summary statement of the **divine and natural law**.⁶⁷ A lawyer asks Him about the Law. Jesus says love God, love your neighbor. That is, to the commands of the Decalogue He adds the Golden Rule.⁶⁸ At least since the time of Augustine the theological consensus of the Church has been that the law of love, first spoken by Jesus in the Sermon on the Mount, is a revelatory confirmation of the natural law, primarily expressed by practical reason as the Golden Rule: "So whatever you wish that others would do to you, do also to them, for this is the Law and the Prophets" (Matthew 7:12, ESV). The law of love retains the *quid pro quo* of the moral imperative. Differing from the totally kenotic love proclaimed and received by grace in the gospel, it is love predicated upon love of self (Ephesians 5:29). Its most strenuous form is love for one's enemy, but this is still not a love free of self-interest or the natural impulse toward self-preservation (Matthew 5:46).

Like the law generally, the law of love tells **us** what we are to do and not to do. It is not gospel, which tells us what **God** has done **for** us in Christ. The law of love neither adds to, nor subtracts from the law generally, but *is* the law in summary form, retaining all the imperative force and threatening of the law. The Decalogue itself is predicated

upon this law of love, and makes clear that our **love for** and **obedience to** God are indivisible. The Lord shows “steadfast love to thousands of those who love [Him] and keep [His] commandments” (Exodus 20:6, ESV; cf. Deuteronomy 7:9; Nehemiah 1:5).

Jesus’ teaching here about love is not legalistic, nor can it be construed (as it is by the authors of the *DS*) as the gospel. Although such love is the highest virtue of the law, like the law it does not justify (Ap 153.222A; 154.226ff; 200.78; 201.87). The law of love can only be kept by us after we have been brought to faith in Christ (Ap 140.122-149.172B), and as Scripture and the Confessions plainly teach, faith entails thorough spiritual regeneration through the appropriation of the total doctrine of Christ, that is, faith is constituted by the elements of genuine repentance: contrition, assent, obedience, and trust.

Thus, there is a **reason** our Lord framed His teaching about divine and human love in the context of the Great Shema. This text from Deuteronomy 6 was the most well-known and frequently recited and copied text in all of Scripture among the Jews. In Jesus’ day every faithful Jew recited this well-loved text twice daily. It was one of the biblical texts that Jewish men placed in phylacteries and wore on their foreheads and left arms during prayer as a constant reminder that love for God⁶⁹ was the highest virtue of the law, and that it was to be fulfilled through works.

No one has stated the full meaning of Jesus’ words in this regard more clearly and effectively than John MacArthur in his commentary on the Gospel of Matthew: “‘I am declaring to you,’ Jesus was therefore saying, ‘that the great commandment is the commandment of Moses that all of you recite every day and that many of you bind on your arms and foreheads every day.’ *Aheb*, the Hebrew word for love used in Deuteronomy 6:5, refers primarily to an **act of mind and will**, the **determined care** for the welfare of something or someone. It might well include strong emotion, but its distinguishing characteristics were the **dedication and commitment of choice**. It is the love that **recognizes and chooses to follow that which is righteous, noble, and true**, regardless of what one’s feelings in a matter might be. It is the Hebrew equivalent of the Greek *agapaō* in the New Testament, the verb of intelligent, purposeful, and committed love that is an **act of the will**. This love is in contrast to the emotion and tender affection of *phileō* and the physical, sensual love of *eros* (which is not used in the New Testament).”⁷⁰

This love toward God and man spoken of by Jesus is **an act of mind and will**. “It is the love that recognizes and chooses to follow that which is righteous, noble, and true.” It is not simply fellow-feeling (*phileō*), and it is certainly not sensual, fleshly (erotic love). What MacArthur means is that Jesus speaks of love in the broader context of the whole counsel of God, **including God’s moral will for His people**, that is, that they be “holy,” as He is holy (Leviticus 11:44; 19:2; 20:26; 21:6; 1 Peter 1:16), and “perfect,” as He is perfect (Matthew 5:48). Jesus does not here speak of love outside the context of the moral law, because it is the moral law that reveals the perfect and holy will of God, and is,

therefore, an expression of God's responsible love toward His fallen creation. Through its highest creature it calls creation back to the life-giving ways of the Creator.

Our love is a responsive but **determined** love that acknowledges through its actions **responsibility to God** and the rest of creation **through the other**. It receives what was first given it by God, and by its fidelity to the will of God returns to Him, through acts of mind and will, that first intention. We are called by the law of love to yield pride of place and let God be God. We receive instruction through the law of love on how our love may at once empty itself of self love and so desire to be filled with God's love. It sees in the law of love the **beginning** of a way in which love yields to God's claim upon its life, and, in conformity to the will of God, attunes its mind and heart to the full spirit and letter of that claim.

The law of love is grounded in the fullness of the gospel as it was preached by Jesus and the apostles. It is a love that maintains the integrity of God's intention to separate out a people for Himself who will live within the bounds of the love and will revealed to them in Christ. It is a love that is not dismissive of the will of God as revealed in the divine and natural law. Rather, it seeks to **embody** the will of God in all that it does, so that God's will may be done in time and eternity.

The law of love, like the law generally, is a **tutor** ("schoolmaster"/"guardian," Galatians 3:24-25) that points us to the perfect love of the Father in Christ. It is a love which, still being grounded in self-interest and under the tutelage of the law, responds in the responsibility of self-interested love to the will of God, toward God and the neighbor. So the law of love is the teacher of a **higher** love, for it reveals its own foundations to be inadequate for the proper work of that higher love, which is the self-yielding and self-emptying love of God in Christ. In keeping with the function of the law generally, the law of love convicts one of sin, for we can always love more, and better. As the *Apology of the Augsburg Confession* states, "If faith receives the forgiveness of sins on account of love, the forgiveness of sins will always be uncertain because we never love as much as we should. Indeed, we do not love at all until our hearts truly realize that the forgiveness of sins has been given to us."⁷¹

In light of this discussion about the meaning of the law of love, the *DS'* assertion that "Christians respond to these commands in the confident hope that by God's grace alone we are set free for lives of worship and service"⁷² makes no biblical sense. It is not clear what they are trying to get at when they equate our "response" to the demands of the law of love with our "confident hope that by God's grace alone we are set free." Any response on our part to the law of love cannot be in the way of fulfilling its demands. Our response to the demands of the law of love, like that of the law generally, must be **contrition** and heart-sorrow for sin, and then, by way of the preaching of the gospel, **repentance**. Furthermore, how our being "set free for lives of worship and service" is integrally related to our response to the law of love, and God's grace alone, without

genuine contrition and the act of repentance through faith in Christ is likewise unclear. It is, in fact, more than this—it is confounded and confounding.

These marks of confusion in the language of the *DS* reveal it to be peculiarly dogmatic and capriciously fideistic. Like every effective form of propaganda, however, it covers its imperious tracks by deploying itself in such a manner that it can favorably impress and confound its readership simultaneously. By using certain well-known phrases and words, it hides behind a mask of pious propriety. This is an effective and time-tested technique for preempting serious inquiry among the timid who fear that any such questioning might be viewed as impious.

The authors of the *DS* confuse the law (of love) and the gospel (God’s declaration of grace in Christ). Without contrition and **repentance** they try to move seamlessly from the law of love to **our response** to the law of love, to the grace of God, to freedom to love and serve the neighbor, and so to fulfillment of the law.⁷³ Fulfillment of the law by (the **good work** of) “adequately and faithfully address[ing] the complex personal and social issues around human sexuality,” is for the authors of the *DS* the substance of our “response” to the law of love, and so the fulfilling of its demand—a decidedly un-Lutheran (Christian) teaching indeed.

The reason why the obfuscating language of the *DS* strikes the Christian ear as **strange**, is because it is anti-biblical, anti-Christian, it is not the voice of the Master speaking, but that of cunning strangers, thieves and usurpers (John 10:3-5). They have climbed into the sheepfold (Church) by some other way than through Christ, the Door (John 10: 1-2). They bring a doctrine that is not Christ’s doctrine. They bring a doctrine that conforms to and attempts to justify their **predisposing desire** to have the biblical meaning of love actually mean the acceptance of homosexual desires and acts, forms of human sexual behavior contrary to God’s will and purpose as revealed in Holy Scripture and in the Lutheran confessional writings—**grievous** sins requiring sincere contrition and **repentance**. There seems to be no other way to construe the meaning and intention of the authors of the *DS*.

For the authors of the *DS*, loving the neighbor is fulfilling the law of love. As far as that statement goes, they are correct. However, without repentance, and the forgiveness of sins by the word of the gospel, this cannot be accomplished in any mode other than self-love. Although they do not explicitly state that “loving” acceptance of homosexual **sin** (1 Corinthians 6:9; 1 Timothy 1:10) and the homosexual **sinner** (Genesis 13:13) is the fulfilling of the law of love, they are manifestly here **setting the conditions**, setting the stage as it were, for the next (antinomian) act.

They attempt to justify this move by citing Scripture, although their citations are taken out of context and do not speak univocally to the issue of the fulfillment of the law. Romans 13:9-10 speaks of the fulfilling of the law through love, as does Galatians 5:14; but when they cite Galatians 6:14 in the same breath, which is the apostle’s preaching of the cross of Christ as the source of life through the death of the sinful old (natural)

creature with Christ (Galatians 2:20), they once again betray their fundamental misunderstanding of the proper relation between law and gospel generally, and the law of love particularly.

Loving the neighbor *per se* is not the fulfilling of the law. Fulfilling the law of love is achieved through repentance and forgiveness, that is, the law of love can only be fulfilled through the gospel, by faith in Christ. Thus, as the common wisdom (cf. Luke 15:2) has it,⁷⁴ one loves the sinner (the homosexual) but hates the sin (homosexual desires and acts), and so in genuine love toward the impenitent sinner one speaks **only the law**, for the law can only be fulfilled in **repentance**, that is, through contrition and faith in Christ as the sacrifice for the forgiveness of sin. Loving the sin along with the sinner is to commit the antinomian error (heresy) and, as we will see in more detail below, is a repudiation of the gospel, and therefore, a denial of Christ and His work.

In the *Apology of the Augsburg Confession*, Melancthon speaks of “Love and the Fulfilling of the Law” under Article IV (Justification).⁷⁵ It is significant that Melancthon begins his discussion of love and the fulfilling of the law with explicit mention of the **natural law**: “It is written in the prophet, ‘I will put my law within them, and I will write it on their hearts’ [Jer. 31:33]. . . . Now, we are not talking about ceremonies, but about that law which deals with the impulses of the heart, namely, the Decalogue. . . . Therefore, after we have been justified and reborn by faith, we begin to fear and love God, to pray for and expect help from him, to thank and praise him, and to obey him in our afflictions. We also begin to love our neighbor because our hearts have spiritual and holy impulses.”⁷⁶ The moral will of God known through the natural law (the law of love) which is “written on the heart,” can only be fulfilled by **faith**. Melancthon goes on to explain, “These things cannot happen until after we have by faith been justified, reborn, and received the Holy Spirit. This is because, first, it is impossible to keep the law without Christ and, second, it is impossible to keep the law without the Holy Spirit.” He finishes his thought by stating, “. . . the law always accuses us; it always shows that God is angry. Therefore God is not loved until after we grasp his mercy by faith. Not until then does he become someone who can be loved.”⁷⁷

The point is now sufficiently clear. The law is fulfilled **only** in this sense: through sincere contrition for sin, and repentance, which leads to complete faith and trust in Christ for the forgiveness of sin. That is, the law is fulfilled through faith in Christ. The authors of the *DS*, however, imply that we are able to fulfill the law of love by “loving” the neighbor. And not only that, but loving the **sinning** neighbor without (in **true** love) speaking to them the word of the law, which is that word leading to repentance and forgiveness of sin through faith in Christ alone. The authors of the *DS* are apparently suggesting **another** way to fulfill the law of love than that explicitly set out in Holy Scripture and the Lutheran Confessions, a way other than through repentance and faith, which is to say, a way **other than through Christ**. It is a purely human way, a way that

leads from a predisposing desire to accept homosexual longings and acts by a “gospel” of “love” that loves the sinner and simply overlooks every expression of his sin.

The clue to this subtle shift from the law of love to the **law of license** is in the authors’ immediate focusing of attention in the Introduction of the *DS* on “personal and social issues,” and “the immense changes in every aspect of human life, including human sexuality.”⁷⁸ Why is this concern for changing sexual mores inserted **just here** in the discussion? What **bearing** does it have on the subject raised by the authors at the outset, which is the fulfilling of the law (of love)?

It is not by coincidence that the humanistic concern for taking account of changing sexual moral standards occurs in the same paragraph with the authors’ statement “that our Lutheran heritage, grounded in Scripture, allows us to speak humbly yet boldly.”⁷⁹ This is because, for the authors, **those changing sexual mores have a profound effect upon what Scripture means when it speaks about sexual sin**. Social and cultural “norms” must be included in the hermeneutic project set by the authors for themselves, because this source of conventional “meaning” is primary in determining the meaning of Scripture itself.

What we must clearly understand is that the authors do not stand in the biblical-confessional tradition of biblical interpretation. They stand in the stream of that human tradition flowing from the fountainhead of the radical Enlightenment, through historical-critical biblical scholarship, to postmodern radical skepticism and moral relativism. For them, the meaning is not in the **text** of the **Bible**, it is in the **minds** of the **readers** of the Bible, in the desires of their hearts, and these in turn are conditioned by culture, psychology, race, and gender. Standards, norms, law, unchanging truth, objective meaning, all these must be banished from the discussion as irrelevant to the true meaning of the Bible. This is why the postlutheran authors of the *DS* banish the natural law from consideration in their search for a “foundational framework” for sexual ethics. And, as we shall see in more detail below, this is why they reject any idea of a normative function for God’s law generally.

The Proper Distinction Between Law and Gospe

The authors of the *DS* presume to stand in the Lutheran theological tradition when they make general statements about a difference between law and gospel in Holy Scripture. Although it seems that they assume this law-gospel distinction to be of fundamental importance, it is only diffusely alluded to throughout the *DS* and nowhere is it examined in a systematic way. As we saw above, and will see here in more detail, the authors effect a radical separation between law and gospel by which they attempt to banish the natural and divine law as operative principles for moral doctrine and practice. In place of God’s holy law, on the other hand, they allow certain humanistic exigencies to

enter into their interpretative scheme. These social and cultural imperatives stand in the place of divine and natural law, acting as “norms” for moral teaching and acts. They are all predicated upon a wrong notion of the gospel advanced through the illicit disrelation introduced between law and gospel, and by the misinterpretation of the **law of love** construed upon this false basis. The authors of the *DS* prepare for the substitution of human “laws” for God’s law when they reframe the discussion about moral behavior in terms of changing societal norms (*DS* 21-22, with endnote 1, p. 47). Thus **moral convention** takes the place of God’s law at one pole of the law-gospel totality. So the crucial question is immediately posed as how the gospel, set adrift from the law rather than properly distinguished from it with exegetical precision, is to be applied “in this time and society” (*DS*, 14-15).

The authors very quickly point out on the first page of their text that “The past six or seven decades have seen immense changes in every aspect of human life, including human sexuality.”⁸⁰ They then direct us to their first endnote where they expand on the specific nature of these cultural changes: “These include changes in gender roles and expectations, family planning, attitudes toward the body, sexual practices, forms of sexual exploitation, fertility management, forms of courtship, partnering, and family life.” They go on to state that such social changes are “deeply connected to broad economic, technological, and demographic changes.”⁸¹

Here the authors are not simply cataloging kinds of social and moral change. They are **setting the stage** to incorporate these as benchmarks or “norms,” that they will appropriate *de jure*, and interpret in the light of the “gospel” which they have reduced to the least common denominator, “God is love.”⁸² These new moral “standards” cannot be brought before the mirror of the law of God (*usus elencticus sive paedagogicus*;⁸³ second use of the law), because **the mirror has been broken and cast aside**.⁸⁴ The only way today’s moral “norms” can be “judged” is by an effete “gospel” that by its very **nature** is contrived to be **denatured**.

So what should we expect to see when the shady light of such a “gospel” is shined on biblically immoral behavior, other than tacit approval? It is not the **immoral behavior** that must be judged and changed, the purveyors of such a “gospel” argue; it is *we* who must be judged as **unloving** by our rejection of such behavior on the basis of God’s law. It is *we* who need to have the humanistic demands of cultural and social convention imposed upon us to guide us in our moral rehabilitation. It should be enough to discomfit the most jaded nomoclast within the church that the *DS* authors finish their programmatic endnote one (*DS*, p. 47) with the following ominous warning: “We can expect this period of rapid and complex [sexual] change to continue,” the clear implication being that moral judgment will continue to change and “evolve” with societal and ethnological attitudes.

It is therefore **at least** ironic that, immediately following on the heels of their **froward** banishing of God’s law in favor of man’s “law” (-lessness), the *DS* authors appeal to “our Lutheran heritage, grounded in Scripture.” It may thus strike the reader alerted to this

typically postmodern theological sleight-of-hand, as being beyond the pale of measurable irony, when the authors declare with manifest **pride** that their stance “allows us to speak humbly yet boldly” (*DS*, 23). We need more trenchant categories than irony to gauge their *blödsinnig* statement, “At such times, the Evangelical Lutheran Church in America especially can cherish its identity as a community of moral deliberation.”⁸⁵ We may be reduced to desperate speechlessness when we read the next few lines of the *DS* in which the authors tell us that upon such a “moral” basis they believe themselves providing “a foundational framework that will help [the ELCA] discern what it means faithfully to follow God’s law of love in the increasingly complex sphere of human sexuality.”⁸⁶

So even at this early point in the *DS* the die is cast favoring an antinomian approach to the task of evaluating moral behavior. As we have already discussed above in relation to the authors’ concealed commitment to postmodern “principles,” this sort of “foundational framework” is the inevitable outcome of a historical process, which supplanted divine precepts with purely human ones. The authors begin their task with a law-gospel “distinctive” in which the law of God has been displaced by social covenant, that is, by the ever-changing societal “norms” of human sexuality enumerated in their first endnote (*DS*, 47). It is due to the appetitive and malleable nature of human moral invention that the authors certainly believe themselves sincere when they attempt to provide a way to justify and validate their “foundational framework” with the appeal, “It does not offer once-for-all answers for all contemporary questions”⁸⁷—So much for foundations and frameworks.

Of course the authors are loath to pin down any moral “rules” or binding “laws.” What they are telling us in these brief but programmatic comments at the head of their document is that the very nature of human sexual desires and acts preclude any such normalizing. Sexual mores are ever changing, and so the best we can do is to provide “**guideposts** to direct this church’s discernment as it strives to be faithful.”⁸⁸ Such a “foundational framework” can only, at best, offer “**markers** by which individual and communal decisions can be tested under the Spirit’s guidance.”⁸⁹ In this light it is easier to see what the authors mean when they say they want to “**describe** the social realities of this age,” and to “**address** them pastorally,” and “to speak in ways that can **address** both religious and secular discussions.”⁹⁰ What they do is conflate and confuse the two dimensions of religious and secular discourse. The “social realities of this age” supplant the absolute reality of God’s holy law and assume a decisive role in the interpretive process and the determination of “guideposts” and “markers” which ultimately delimit moral “decisions” for the church. This author is not sure which “spirit” is here identified, but he does know it is certainly not the **Holy Spirit**, which always operates within the divinely-given parameters of the means of grace.

The authors of the *DS* further reveal the compromised nature of their “foundational framework” by bringing in the human opinions of their “ecumenical partners and other Lutheran churches throughout the world.”⁹¹ In a “spirit of humility and openness” they

desire to be “mindful of those relationships.” What appears to be *prima facie* “engagement in dialogue” is really just a mark of contrived conciliation and false ecumenism. True ecumenism takes place only upon the ground of agreement in the total doctrine of Christ, in all the things Christ has commanded His Church (Matthew 28:20). While it may be helpful to consider the moral deliberations of other church bodies, this could only prove truly valuable if it has been determined ahead of time that those discussions are taking place on proper biblical-confessional foundations. If those deliberating groups alluded to are operating with the same kind of “foundational framework” as our *DS* authors, it may be reasonably feared that the results of their moral reflections will prove equally useless and divisive to the body of Christ.

In spite of the disclaimer that their work does not provide “once-for-all” answers to questions of human sexuality, the authors of the *DS* wish us to accept it “first” as a “teaching document.”⁹² This clearly disingenuous statement cannot mitigate the responsibility the authors bear for the content of their “teaching document.” What **other** teaching documents will be used to provide members of the ELCA with theological instruction, moral guidance, and ecclesiological recommendations? What **other** groups have been commissioned by the church with this responsibility? **The Task Force alone bears this responsibility** and its members, **beginning with the bishop who chairs it**, should be more forthcoming and **honest** in their statements about the responsibility that is theirs, not only for the content of the *DS*, but for the disastrous effects it will have in further dividing this church over the moral issue of homosexuality. The *Draft Social Statement* and the recommendations to be fashioned from it by the Task Force will have enormous weight in deciding the issue once-for-all. The authors of the *DS* should **accept this responsibility** in a **responsible manner**, and not with dissimulating statements that sound very much like preemptive disclaimers of accountability. The Task Force **alone** is responsible for the confused and confusing document they have produced. Such shameless resort to plausible deniability is unbecoming the postlutheran “episcopate.”

In these few first programmatic steps the authors of the *DS* have attempted to prepare the church for “important introductory material designed to explain how Lutherans approach ethics in the light of God’s incarnation and our hope in God who justifies us in Christ.”⁹³ This specious claim, although typically vague in meaning, is at the same time theologically very significant. This fact is highlighted by the authors’ statement immediately following: “Only after having discussed these fundamentals does the statement address the subject at hand.”⁹⁴

In light of the preceding discussion of foundations, the claim that the authors intend to antecedently discuss “fundamentals” before approaching the issue of homosexuality is manifestly vacuous and **dishonest**; either that or we must conclude that the members of the Task Force are ignorant and misinformed as to the true meaning of the terms they employ. But we have seen already how the authors are operating with *petitio principii*,

and that their conclusions are determined ahead of time by the dogmatic assumptions of moral humanism and conventionalism.

That is, as we have shown, they have made certain concealed and unexamined presuppositions about how they would proceed right from the beginning of their project. They begin their document with the words of Jesus concerning the divine and natural law (Matthew 22:36-40) and yet they construe His words as constituting a pronouncement of grace.⁹⁵ They speak of the divine law of love, yet in the same breath enter upon a discussion of changing social and cultural norms in regard to human sexual practices. The end result is **vagueness of meaning** and a decidedly uncertain direction of thought, qualities not particularly helpful in a theological document, especially one that is destined to become programmatic for teaching and practice in the church of the future. As we have seen, the only thing **certain** in this vein is that the authors of the *DS* are bent on banishing the divine and natural law from the discussion (even while properly denominating Jesus' words the "law of love"). This is duplicity of the first magnitude.

Let us now briefly examine how the introduction by our authors of three Pauline passages (Romans 13:9-10; Galatians 5:14; 6:14) on the heels of our Lord's command to love God and our neighbor reinforces their intention to exile the law (*DS*, 13f.).

Paul's statement in these passages that **love is the fulfilling of the law** serves the *DS* authors as the *lapis philosophorum* tincturing the alchemical transformation of law to (reduced) "gospel." In this our authors fail once again to provide the proper biblical context, fail to let Scripture interpret Scripture, and as a result misunderstand and misapply Paul's words.

For St Paul says that we are justified by faith, not by the works of the law (Galatians 2:16); that those who live under the law live under a curse (Galatians 3:10); but the righteous live by faith (Galatians 3:11). And then he proclaims "Christ redeemed us from the curse of the law by becoming a curse for us" (Galatians 3:13, ESV). That is, by grace through faith in Christ alone we are released from the **curse** of the law, which is the **power** of the law to condemn us.

Note carefully that the apostle, along with the unanimous testimony of Christ Himself, the other apostles, and the Lutheran Symbols, does not say we are **free from the law**, but from the **curse**, or power of the law. This is by no means theological nit-picking. It is really the heart of the matter. And it shows that the authors have completely misunderstood the words of Christ and the words of the apostle of Christ upon which they rely for the banishing altogether of God's law.

The point is reinforced when we consider the meaning of the cross in the context of the whole doctrine of Christ. The authors bring in Galatians 6:14 to effect the final transmutation of lead to gold. They would have us believe that the cross simply does away with the law, opening the way to a "new creation" that operates under a principle outside the law. But Paul is here talking specifically of **legalistic Judaism**, and more particularly, the law of circumcision (vv. 12, 13, 15). He is telling his parishioners that

the Old Testament ceremonial law that once bound them, even in the flesh of their foreskins, has been abrogated in the cross of Jesus Christ.

The rabbinic law predicated upon circumcision was an expression of the world's way of thinking (v. 14). But we are no longer bound by that kind of legalistic Jewish and pagan way of thinking about righteousness. Christ has come and in His cross we have been crucified to the world-religious system of legal justification (Galatians 2:20). The new creation is the new creature in Christ, which we become through faith in Christ (John 3:3; 2 Corinthians 5:17). The apostle speaks of this divine work as bringing to light the foundation for the "rule" (κανόνι, v. 16) of the cross and grace, a reference our authors fail to include in the discussion. **This** is the law of love; **this** is the rule or law of the outworking of God's divine mercy in Christ Jesus. The term "rule" (*kanōn*) means "measurement," often having the sense of **principle** or **standard**. In Christ we may walk by the **rule** or principle of the **gospel**, and no longer are we bound by worldly, fleshly, manmade ideas of religion. When Paul dismisses the law of rabbinic circumcision, he is dismissing the legalistic and fleshly law of manmade religion. He is not speaking here of the natural or moral law as he does elsewhere (Romans 1 & 2). He is speaking of the worldly system of law invented by pagans and the legalistic Jews.

Just here the authors of the *DS* are clearly confused. They are trying to interpret these divinely revealed truths in a purely human manner. No other result can be expected, however, because, as we have seen, they have allowed something **foreign to Holy Scripture** itself enter the hermeneutic circle, namely, their predisposed concern with humanistic moral convention. They want to lump the fleshly rabbinic law of circumcision together with law in general, and the natural law in particular. Then, by **sweeping away the ceremonial law** of legalistic Judaism, they sweep away also **all law** in general and the **natural law** in particular. They **fail to make a proper distinction between law and gospel**, and so too, they fail to understand the clear distinctions made by Christ and the apostles within the law itself.⁹⁶ If they were to allow themselves to be schooled by the Holy Spirit through Holy Scripture in light of the Lutheran Confessions their errant interpretive imaginations would find solid ground from which to speak. As it is, they float above us in the clouds of boiling hermeneutic enthusiasm (*Schwärmerei*), filled with **other** ideas, **other** spirits.

The failure to properly distinguish the law and gospel on the part of the authors of the *DS* leads directly to that other bit of interpretive havoc alluded to just above. Even a cursory examination of the *Book of Concord* gives ample testimony to the importance of the proper distinction between law and gospel. A second look reveals the importance, based upon this first division, of the proper distinction between the **ceremonial** and **moral** law. This second, intra-legal distinction cannot be properly made, however, when the primary law-gospel distinction is improperly performed. When radical-critical-skeptical scholars have this **second** operation forced upon their attention, they are quick to dismiss its significance because they do not understand the significance of the **first** and

primary one. They do not understand how to “rightly divide the Word of truth,” even though they are professedly tutored in it by Holy Scripture and the Lutheran Confessions. Scripture and the Confessions clearly show how to perform the proper distinction between the law and the gospel, and likewise how to make a clear distinction between the forms of law. The distinction itself provides insight into the various functions of the law(s). Interpretation and meaning will fall into a shambles without this biblical-confessional process of analysis and discernment. **Our authors have totally failed the test.** This is so because they choose **another** system of interpretation than that given by Scripture itself. In their wise counsel they disregard the sure path of interpretation for the giddy heights of human creative imagination, ingenuity, and cunning. So we must conclude that they, in fact, do not **choose** to rightly divide the Word of truth. And this is really the point at issue. It is a matter of the **will**. It is necessary to understand the etiology of a disease before it can be successfully diagnosed and effectively treated.

Interlude: Rightly Dividing and Interpreting the Word (or Not)

In the space remaining we will continue our attempt to demonstrate from Holy Scripture and the Lutheran Confessions how to properly distinguish between the law and the gospel when considering the issue of human sexuality generally and homosexuality in particular.⁹⁷ The proper distinction between law and gospel is what Paul refers to when he exhorts Timothy: “Do your best to present yourself to God as one approved, a worker who has no need to be ashamed, rightly handling the word of truth” (2 Timothy 2:15, ESV). The Greek word translated “rightly handling” (*orthotomounta*) means “to act in conformity with a norm or standard,” as well as “to offer rightly, or divide rightly.”⁹⁸ The distinction between law and gospel is an emphatic feature of Lutheran theology. It is **the biblical principle of hermeneutics given in Scripture itself** for the interpretation of Scripture. Luther retrieved this biblical principle of interpretation and made it foundational to all his work in preaching and teaching. This same principle was applied by the Lutheran confessors who followed Luther, and it forms the keystone of the Lutheran confessional writings.⁹⁹

As mentioned above, the confessional hermeneutic predicated upon the proper distinction between the law and gospel is expressed in another foundational interpretative principle drawn from Scripture itself, namely, *Scripturam ex Scriptura explicandum esse*, “Scripture is to be explained from Scripture.” This principle stipulates the normative authority and self-authenticating nature of Holy Scripture. It essentially means that no extra-biblical elements are to be brought into the interpretive process, and nothing is to be subtracted from biblical first principles of hermeneutics. Scripture is its own interpreter. Scripture is self-referential, providing both interpretative context and instrumental expression in the proper distinction of law and gospel.

Biblical first principles of interpretation insure that no human word is allowed to gain ascendancy over the divine voice of God in Scripture. Only the self-attesting Word is to have authority for the Christian faith and life. When this fundamental axiom is violated in any way whatsoever, the end result is error and confusion. It is a primary thesis of this paper, of course, that the authors of the *DS* have abandoned sound biblical and confessional principles in their discussion of sexual and moral issues, and as a result, the document crafted on these false premises is **constitutionally** flawed. This means, of course, that the document they have produced is not a suitable foundation on which to derive conclusions concerning moral issues generally, and human sexual behavior particularly. In the light of biblical-confessional principles the *DS* must be considered fundamentally misconceived and gravely defective methodologically, and therefore its conclusions are invalid, unsuitable, and inadmissible as a basis for the church's moral deliberation concerning the rostering of homosexual persons.

Although the primary note of the document's summary conclusions is equivocation, the authors make reasonably evident their predisposition about the moral issue in a manner that is less than candid. The document itself is marked by hesitation, ambiguity, dissimulation, and uncertainty of convictions. However, this does not mean that **the authors have not already made up their minds about the issues**. It is plausible that because the authors of the *DS* approach their subject in such an equivocating manner that this constitutes **evidence** of their intentions. The **pattern** of equivocation is proof of at least the establishment of pretext and plausible deniability. So it is highly probable that the authors of the *DS* have drawn more definite conclusions than the ambiguous nature of their work reveals. In fact, the ambiguous nature of their "moral deliberation" is a decided clue to their determination to either change current ELCA policy, or weaken the policy by equivocating half-measures.

We know, in fact, that they have made a determination sufficient to bring recommendations to the 2009 Church-wide Assembly concerning the rostering of openly acting-out homosexual persons (or do they need more time to interpret their own document before they decide?). It is likely that those recommendations have not yet been drafted, but this does not mean they are not yet determined. It is highly significant and portentous that the authors of the *DS* have **declined to reveal** anything of the nature and form of their conclusions, recommendations, and implementing resolutions. It does not require a great deal of imagination to surmise the primary reasons for their lack of openness in regard to the exact nature of those recommendations and resolutions. Their equivocation seems to be more of the nature of a political **tactic** than proof of theological **indecision** or a willingness to be influenced by more solidly biblical-confessional argument. If the structure and outcomes of the synodical "hearings" for discussion of the document are any clue, we can be assured that there will be little more than cosmetic changes made to the *DS* before it becomes the basis for drafting recommendations and implementing resolutions calling for changes to standing policy.

We have been told that the Task Force will draft and then publicize its resolutions and recommendations by February 2009. If there was any evidence of good-faith intentions on the part of the Task Force to fairly consider changing or modifying their ethical stance in any meaningful way, such an interim would make good sense. Absent such sincere overtures, however, why should we expect that the time between publication of the *DS*, and the drafting and publishing of recommendations and implementing resolutions, might be honestly and fruitfully spent making significant changes to those documents? There is nothing established in the work of the Task Force thus far that should instill confidence in us that **real** change is even a possibility. We must not forget that the members of the Task Force are apparently committed to certain moral “principles,” nor should we be mistaken as to the true nature of those principles. So—“Can the Ethiopian change his skin or the leopard his spots? Then also you can do good who are accustomed to do evil” (Jeremiah 13:23). *Bene docet, qui bene distinguit*; he teaches well who distinguishes well.

At this juncture it may not be deemed inappropriate to point once again to the recurring theme of unrefined irony, which weaves its way from start to finish and throughout the document. The authors, who have no trouble congratulating themselves on their deliberative “boldness,”¹⁰⁰ suddenly find themselves **less than resolute** when it comes to honestly and categorically revealing their hand. Curious, you might say? Surely, the fruit of prevarication does not fall far from the tree of sophistry and intrigue.

A Captious Endnote

Be that as it may, it is still left for us to examine in a little more detail how the authors of the *DS* have misunderstood and misapplied biblical-confessional principles in their discussion of sexual ethics. We shall attempt to advance our understanding by looking below at the authors’ (mis-)handling of the passage from Luther’s *Large Catechism* which they cite in an endnote to their study, and how they (mis-)use this passage in addition to Holy Scripture to derive their “foundational framework” for interpreting and deliberating moral questions. This “framework” is really a set of “foundational convictions”¹⁰¹ loosely cobbled together to suit the needs of the authors in legitimating their predisposition in favor of the same-sex agenda and is used by them in an illicit attempt to prove something that not only cannot be proven by legitimate biblical and confessional principles, but which is **disproved** by sound principles of reason and revelation. These “foundational convictions” are “Incarnation, justification and serving the neighbor.”¹⁰²

In the *DS*, the following claim appears as an endnote to the paragraph heading entitled, “Incarnation, justification and serving the neighbor”¹⁰³: “Justification and incarnation provide the theological framework for this discussion of human sexuality. This may surprise some, but because sin has intervened, Christians cannot ground their

understanding of sexuality in nature or creation itself. The Large Catechism, Creed, 64-65 explains that we do not know God as anything other than an angry judge except through Christ, ‘who is the mirror of the Father’s heart,’ and we do not trust in Christ except through the work of the Holy Spirit. In this sense Christians cannot understand God’s intention for creation except when viewing it through the lens of what God has done for us in becoming flesh. Kolb, Robert and Timothy Wengert, *The Book of Concord* (Minneapolis: Augsburg Fortress, 2000), 439-440.”¹⁰⁴

The endnote goes on to speak of “other theological categories” employed in Lutheran discussions of human sexuality. It mentions in particular the “orders of creation” and “natural law”¹⁰⁵ which it characterizes conceptually as constituting a kind of fixed biologism.¹⁰⁶ In this sense it links the idea of natural law to ostensibly changeless social constructs such as the divine right of kings (taking the conceptual opportunity it has artificially created to briefly lecture and scold us), and explains that such royal privilege was once the appanage of the Christian Church before democratizing winds swept away the darkness. The “orderings” it proposes as its operative conceptual construct are, rather, in true postmodern fashion, “dynamic and provisional.” It prefers to do away with the idea of the “orders of creation” for a more progressive and malleable “orderings of preservation,” a concept that can accommodate “God’s ongoing creative activity.” In fact, the very idea of a creative concept or construct is rejected for the flowing “rubric of hope,” and so it is that the entirety of the moral, historical, and juridical proceeding is referred to the operative theological principle of “justification and incarnation” for its working out. This maneuver, by the way, is reminiscent of the earlier hermeneutical debate within the ELCA, when a truncated gospel was arbitrarily selected as the interpretative principle over the comprehensive grammatical-historical approach. The meaning of this theological finesse should not be lost to us. The debate is now returning with a vengeance within the pages of the ill-conceived “Opening the Book of Faith: Lutheran Insights for Bible Study,” but we’re a little further down the proverbial slippery slope.

It seems rather odd, especially in light of our discussion thus far of “foundations,” that the authors of the *DS* would relegate discussion of their programmatic philosophical and interpretive principles to an **endnote**. One can only speculate why this is so. To be charitable we might guess it is because of the provisional nature of the document itself, that it is, as the authors themselves claim, “a work in progress.” However, this makes little sense if we consider that the document “represents the best thinking of the task force to date.”¹⁰⁷ Apparently the authors have had several opportunities to evaluate the theoretical and practical elements of their work as they state, “In preparation for this draft, the task force has published three congregational studies and a youth resource in the Journey Together Faithfully series.”¹⁰⁸ Such extensive work developing the implications of their labors should have cued deeper critical reflection at the presuppositional level.

That being said, we should show how the *DS* authors err in their interpretation of the key passage of Luther's *Large Catechism* cited in endnote 6, based upon the lack of biblical and confessional foundations to which we have just alluded.

Large Catechism, Creed, 64-65

It will be helpful to provide the text in question in its entirety:

64 For in all three articles God himself has revealed and opened to us the most profound depths of his fatherly heart and his pure, unutterable love. For this very purpose he created us, so that he might redeem us and make us holy, and, moreover, having granted and bestowed upon us everything in heaven and on earth, he has also given us his Son and his Holy Spirit, through whom he brings us to himself.

65 For, as explained above, we could never come to recognize the Father's favor and grace were it not for the Lord Christ, **who is a mirror** of the Father's heart. Apart from him **we see nothing** but an angry and terrible judge. But neither could we **know anything of Christ**, had it not been **revealed by the Holy Spirit**.¹⁰⁹

Those portions of the text directly adverted to by the authors of the *DS* in their endnote 6 are italicized. It will be helpful in developing our thesis that the authors of the *DS* fail to make a proper distinction between law and gospel if we carefully examine the semantic use made by them of LC, Creed, 64-65. They make both direct and periphrastic use of this text, but do so not only in an imprecise manner grammatically, but more importantly, they finally gravely err in their interpretation of its essential meaning by effecting an illicit separation of law and gospel.

In endnote 6, *DS*, p. 47, the authors state, "The Large Catechism, Creed, 64-65 explains that we do not **know** God as anything other than an angry judge except through Christ. . ." The English text of the LC actually says "see," and not "know." Thus, we read, "Apart from [Christ] we *see* nothing but an angry and terrible judge." This phrase has been rendered by the *DS* authors as, ". . . we do not *know* God as anything other than an angry judge except through Christ. . ." Is this a nit-picking detail, or does the change of word usage by the authors of the *DS* have substantive meaning? It may be reasonably suggested that the latter is the case for the following reasons:

We can **know** something quite **other** than we **see** it. That is, something may appear to us to be so, when we know otherwise, or know more, than we see. More particularly, we may **see** God as an angry judge outside of Christ, and yet still **know** Him as Creator and the author of order in the material creation. We do indeed enjoy a privileged epistemological viewpoint, and even beyond this, enjoy a privileged ontological relation

to God the Father, through Christ the Son, without forfeiting knowledge of God as the good Creator of all that is, seen and unseen. The point is relevant, and important, because the authors of the *DS* draw certain unwarranted conclusions from their understanding of this initial reductive predication of God as angry judge.

They say, in light of this statement, and in the stated implications that follow from it, “In this sense Christians cannot understand God’s intention for creation except when viewing it through the lens of what God has done for us in becoming flesh,” that is, apart from God’s soteriological purpose in Christ. As we have seen, in light of the plain meaning of Holy Scripture and the Lutheran Confessions, this statement is simply false. God is known as Creator and the author of order in material creation apart from the divine revelation of His soteriological purpose in Christ. It is true that through the natural law alone we do not know God’s **final purpose** for us as created beings in a material and spiritual universe, but this is not what the authors are saying. They are clearly aiming at something else here.

Simply put, they wish to **exclude the natural law** from the theological landscape, and they attempt to do this by reducing the knowledge of God’s purpose for creation, through an illicit identification of God’s creative and legislative purpose, to His soteriological purpose in Christ. We might think of this as the unstated ontological concomitant to the reductive biblical hermeneutic that discovers meaning in Scripture only through the lens of a static gospel diminished to the point where the respondent is freed even of the gentle constraint of the evangelical counsels. In such a case a **separation** of law and gospel is effected instead of a proper **distinction**—the endpoint being not simple antinomianism, but *anomia*, and finally, complete insensitivity to the *praecepta caritatis*. Returning to the authors’ text in endnote 6, we will attempt to develop this point further.

The authors of the *DS* misquote the text of LC, Creed, 65 when they say, “[Christ] is *the* mirror of the Father’s heart. . .” The text actually reads, “. . . who is *a* mirror of the Father’s heart.” What is the significance of this misquoting in light of what we have thus far described as the authors’ attempt to eliminate the natural law from the discussion? Plainly, the authors wish to perform again the same reduction of human knowledge of the divine will to God’s soteriological purpose in Christ. They would have us believe that **outside of Christ we cannot know the divine will** which creates, orders, and legislates good for mankind.

Clearly, and in a very important sense, we do not know God as **Father** outside Christ. In this sense it is proper to say that Christ mirrors the heart of God. Without attempting here a too fine theological distinction among the divine attributes of God the Father, suffice it to say that God’s “fatherly” will in making known the divine law to His creatures in the natural law bespeaks a benevolent design for His creation. In this way we have a fuller knowledge of God’s good intentions toward us by the exercise of reason as an adjunct to divine revelation. God the Father’s ordering of His good creation, and His benevolent will toward His creatures, is not just mediated to us through the lens of the

Gospel. Again, it is only through the Gospel that we can know the fullness of God's redemptive plan, and the end purpose for which man was created. Thus, the evangelical counsels must play a primary role in defining the nature and parameters of moral principles. A proper distinction between the law and gospel then ensures conformity to the mind of God in Christ, not an antinomian separation and reduction. As Luther says, Christ is a mirror of the Father's heart.

The authors of the *DS* state, “. . . we do not **trust** in Christ except through the **work** of the Holy Spirit” (*emphasis added*). This is the interpretive paraphrase the authors make of LC, Creed, 65 where it says, “. . . neither could we **know** anything of Christ, had it not been **revealed** by the Holy Spirit.” Notice that Luther does **not** say that we cannot know the good will of the Father apart from divine revelation. It is important here to state the obvious to further highlight the confusion the *DS* authors create regarding the human ability to know the divine will. More importantly, we need to understand why the *DS* authors have interpreted an essentially epistemological¹¹⁰ statement by speaking of trust (*fiducia*), which is a matter of the will.

While it is true that we can neither know, nor trust, in Christ except through the Holy Spirit's revealing Him as Savior and Lord, why have the *DS* authors interjected the element of the human **will** at precisely this point? It may be that at this point they have simply been very careless in their restatement of Luther's point. However, it is more likely that in their desire to confine all moral questions to the narrow theological framework of “justification and incarnation,” and to ensure that all moral deliberation have a broadly “dynamic and provisional” nature, they have overstated the case for a pneumatic ordering through faith in Christ as the sole basis for such deliberation. In this they expand the dimensions of the Spirit's activity to include not only the Spirit's revealing of Christ, but His sanctifying work as well. To trust Christ is to yield to Him as Lord and requires the grace of holiness. This is in keeping with the authors' intention to restrict all moral deliberation to the ground of a reduced gospel, and hints at an implied ungodliness in dealing with moral issues upon the broader ground of the divine and natural law. Apart from this possibility, or something akin to it, the authors' skewed interpretation of Luther's statement in LC, Creed, 65 is inexplicable.

Gospel and Law

As noted, in their programmatic endnote six the authors of the *DS* make the following statement regarding the primary interpretive principle they have chosen to employ in their study: “Justification and incarnation provide the theological framework for this discussion of human sexuality.”¹¹¹ For the authors of the *DS* the sole criterion for interpretation is a **theological** principle drawn from a form of abstracted and attenuated gospel. That is, the Christian gospel reduced to a particular ideological understanding of

the incarnation of Jesus Christ with its implications for soteriology. This revisionist hermeneutics of reduction is quite in keeping with the unspoken but programmatic design of the *DS*, namely, to craft an adaptational pluralist principle that can reconcile philosophical opposites, “unity,” and “diversity.” This holy grail of socio-political sloganeering constitutes the lodestar of contemporary postlutheran theological and ethical interests.

Such an overarching theoretical scheme becomes compulsory when ontological realism is rejected as the foundation of truth and morals. The ontological vacuum must be filled by something reasonably stabilizing. The choice made in this case is purely cultural (*Weltlich*) in origin and represents the very latest postmodern dispersion of meaning—**nothing** goes, so **everything** goes. To prevent the whole project from imploding it becomes necessary to invoke a suitably concrete “*fundamentum*.” That is, the greater the scope and more ambitious the project of semantic inclusion and assimilation, the more narrow and compressed must be the reconciling hermeneutical principle. In order to effect “unity in diversity,” it is necessary to reduce the principle of reconciliation to the least common denominator recognizable by all parties. The Christian gospel must be reduced to the vanishing point, but with enough seeming theological substance to satisfy the burden of the hermeneutical task. This is the art of gospel reductionism at its finest—Make your “yes,” no, and your “no,” yes (Matthew 5:37; 2 Corinthians 1:17-20; James 5:12).

The Christian gospel considered in its fullness¹¹² presents quite a different accounting of biblical and confessional substance than that presented in the *DS*. There, the authors have shorn it of its plenary power. In contrast to the asthenic “gospel” of the *DS*, the scriptural gospel is that word which renews and makes alive the sinner (Psalm 71:20; John 5:21; Ephesians 2:1-6). It is words of eternal life created in us by the Holy Spirit (John 6:63, 68-69). The gospel of God is that word preached by the Word of God Himself, the divine Λόγος (*Logos*) who said, “The time is fulfilled, and the kingdom of God is at hand; repent and believe the gospel” (Mark 1:15, ESV). That is, with the coming of the divine Word the kingdom of God is breaking into world time, bearing with it the command and promise of God for the reconciliation of all things in Him (Matthew 4:23; Luke 10:9-11; 2 Corinthians 5:19; Colossians 1:20). The presence of the kingdom in the preaching of the gospel of Jesus Christ was attested by prominent signs of physical and spiritual healing, the raising of the dead, and the superseding of natural laws (Matthew 9:2, 6-7; Luke 7:11-15; John 6:1-14; Acts 3:1-9; 4:29-31).

Preparatory to the coming of the kingdom in the person of Jesus Christ was the preaching and baptism of repentance by John the Baptizer in fulfillment of Old Testament prophecy (Isaiah 40:3; Malachi 3:1; Mark 1:1-8): “John appeared, baptizing in the wilderness and proclaiming a baptism of repentance for the forgiveness of sins” (Mark 1:4, ESV). Jesus Himself was baptized by John, being revealed in His baptism as

the very Son of God as He stood in Jordan's waters, and the voice of the Father sounded from heaven, and the Holy Spirit descended on Him like a dove (Mark 1:9-11). Immediately thereafter, Jesus, being "full of the Holy Spirit" (Luke 4:1, ESV), fasted and was tempted of the devil in the wilderness for forty days and nights (Matthew 4:1-2). When His trial was complete, He began His public ministry with the call to repentance and faith, saying, "The time is fulfilled, and the kingdom of God is at hand; repent and believe in the gospel" (Mark 1:15, ESV). He pronounced a word of judgment upon the cities that rejected the message of salvation that He preached to them, rejecting them in turn, "because they did not repent" and receive the gospel of the forgiveness of sins (Matthew 11:20; 28-30, ESV). After being rejected at Nazareth, Jesus sent out the apostles "two by two": "So they went out and proclaimed that people should repent. And they cast out many demons and anointed with oil many who were sick and healed them" (Mark 6:7, 12-13, ESV). To the crowds following Him He said twice over, in response to their report that some Galileans had been put to the sword by the Romans while sacrificing in the temple, ". . . but unless you repent, you will all likewise perish" (Luke 13:3, 5, ESV).¹¹³

On another occasion Jesus pointed out that the joy in heaven over one repentant sinner exceeds that over ninety-nine righteous (Luke 15:7). Jesus instructed His disciples to rebuke those who sin, and then following repentance, to forgive them, even if they sin repeatedly (Luke 17:3-4). The tax collectors and prostitutes, He said, go into the kingdom before the self-righteous, because they repent and subsequently walk in the way of God's righteousness through faith (Matthew 21:31-32). Even the risen and ascended Lord, the Lamb of God exalted to the throne of God preached repentance (Revelation 2:5; 2:16, 21-22; 3:3, 19). The same message of repentance and forgiveness, law and gospel, was consistently preached by the apostles (Acts 2:38; 3:19; 8:22; 17:30-31; 26:20; Romans 2:4; 2 Corinthians 7:9-10; 2 Peter 3:9; Revelation 9:20-21; 16:9-11).

The Lutheran confessors, following controversy among them¹¹⁴ over the meaning of the gospel, defined the term "gospel" in two senses, broad and strict.¹¹⁵ The preaching and teaching of Christ and the apostles, which we have outlined above, the confessors refer to as "the entire teaching of Christ."¹¹⁶ This is the "general definition" of the gospel. Beside the general use of the gospel is the gospel used in a strict sense, namely, the preaching of the gospel without repentance. This preaching of the gospel includes only the grace of God.¹¹⁷

Likewise, the term "repentance" is used in more than one sense. It can mean entire conversion, or true recognition and heartfelt sorrow over one's sin, and abstention.¹¹⁸ In the latter case, true conversion only occurs when faith is joined with it in the "sorrow that leads to salvation."¹¹⁹ The gospel in the strict sense is only preached to those "whom the proclamation of the law has [already] terrified."¹²⁰ The gospel in the strict sense is the proper work of Christ and the Holy Spirit. When the preaching of the gospel includes repentance, the Holy Spirit performs an "alien" work, one not proper to His role as

Comforter.¹²¹ Within the gospel in the general sense we must properly distinguish the law from the gospel in the strict sense.¹²²

However, the confessors nowhere indicate that the gospel in the narrow sense can be **used alone without the law**. In fact, they go to great lengths to make it clear that the law is present and active in any preaching of the gospel, either explicitly (in the broad sense) or implicitly (in the strict sense). The *Formula of Concord* quotes Luther in this regard: “Everything that proclaims something about our sin and God’s wrath is the proclamation of the law, however and whenever it may take place. On the other hand, the gospel is the kind of proclamation that points to and bestows nothing else than grace and forgiveness in Christ, even though it is true and correct that the apostles and those who proclaim the gospel confirm the proclamation of the law (as Christ himself also did). They begin by proclaiming the law to those who still do not recognize their sins and feel no terror in the face of God’s wrath, as he says in John 16[:8], ‘The Holy Spirit will reprove the world because of its sin, because it has not believed in me.’ Indeed, what could be a more sobering and terrifying demonstration and proclamation of the wrath of God against sin than the suffering and death of Christ, his Son? But as long as these things all proclaim God’s wrath and terrify the human being, it is still not the proclamation of the gospel or of Christ, in the strict sense. It is instead the proclamation of Moses and the law to the unrepentant. For the gospel and Christ are established and given not to terrify or to condemn, but rather to comfort and console those who have felt its terror and are fainthearted.”¹²³

Then immediately the confessors advert to the teaching of Luther in the Smalcald Articles: “The Smalcald Articles also say [III, 3, 4] that the New Testament retains, teaches, and emphasizes this function of the law, that it reveals sin and God’s wrath. But ‘to this it immediately adds the promise of grace through the gospel.’”¹²⁴ And then this from Melanchthon: “. . . the Apology [IV, 257] says: ‘The preaching of the law is not sufficient for genuine and salutary repentance: the gospel must also be added to it.’”¹²⁵ They then follow these authoritative statements with their own summary statement: “That means that both teachings must be alongside each other and must be taught together, but in a proper order and with the appropriate distinction. The antinomians, or nomoclasts, are properly condemned because they throw the proclamation of the law out of the church and want to reprove sin and teach contrition and sorrow not on the basis of the law but only on the basis of the gospel.”¹²⁶

The remainder of Article V is devoted to making the fundamental distinction between law and gospel perspicuous in light of the sub-distinction between gospel in the strict and general sense. The confessors state, “We therefore unanimously believe, teach, and confess that in its strict sense the law is a divine teaching in which the righteous, unchanging will of God revealed how human beings were created in their nature, thoughts, words, and deeds to be pleasing and acceptable to God. This law also threatens those who transgress it with God’s wrath and temporal and eternal punishments. For, as

Luther stated against the nomoclasts, “Everything that reproves sin is and belongs to the law. Its proper function is to reprove sin and to lead to the knowledge of sin (Rom. 3[:20] and 7[:7]). Since unbelief is a root and fount of all sins worthy of condemnation, the law also condemns unbelief. At the same time it is also true that the gospel illustrates and explains the law and its teaching. Nonetheless, reprovng sin and teaching good works remain the proper function of the law.”¹²⁷

The final paragraph of FC V is a recapitulation of the first: “Accordingly, the two teachings of the law and gospel dare not be mingled with the other and mixed together, and the characteristics of one dare not be ascribed to the other. . . . it is dangerous and improper to make out of the gospel (understood in its strict sense, in distinction to the law) a proclamation of repentance and condemnation. Otherwise, when it has the general sense of the entire teaching of the Scripture, as the Apology states a number of times [e.g., IV, 62, 257; XII, 31, 45], the gospel is a proclamation of repentance and the forgiveness of sins. But alongside these passages the Apology also demonstrates [e.g., IV, 40, 57; XII, 45, 52, 73, 76] that the gospel in its strict sense is the promise of the forgiveness of sins and justification through Christ, while the law is a word that reproves and condemns sin.”¹²⁸

We see clearly set out in the fifth article of the Formula of Concord a principle of fundamental importance for not only doctrine generally, but for biblical interpretation particularly. The foundational principle of the proper distinction between the law and gospel is a crucial teaching for the Christian faith and life as it gives us a clear and well-ordered understanding of the divine nature, will, and purpose. In this sense this principle is eminently practical and useful. It limns the boundaries of divine grace and reveals the proper proportions of the human life vis-à-vis divine reality. It is a principle sufficient to determine the compass of heaven and earth, time and eternity, sin and grace. Without it, the gospel is made into a law, and “. . . this obscures the merit of Christ and robs troubled consciences of the comfort that they otherwise have in the holy gospel when it is preached clearly and purely.”¹²⁹ Truly—“The distinction between law and gospel is a particularly glorious light.”¹³⁰ This is so because **this** word of truth partakes of the Light of **the** Word of Truth Himself, the divine-human Λόγος (*Logos*) who, in His Person and by the power of the Holy Spirit, reveals the heart and will of the Father to call out and win for Himself a peculiar people and, through law and gospel, sin and grace, to restore to us the divine image lost at the fall of our first earthly parents.

While the authors of the *DS* appeal to the authority and efficacy of the principle of the proper distinction between the law and the gospel, in their application of it they violate it in both letter and spirit. From the plenary revelation of divine truth in Holy Scripture, and its faithful embodiment and enactment in the Lutheran confessional writings, they choose to appropriate and employ but **one facet of the entire gem** to reflect a more narrow interest than that determined by the whole. In their zeal to preserve the integrity and efficacy of the gospel, they undercut the foundation upon which the gospel rests, which is

nothing less than “the entire teaching of Christ, our Lord, which in his own ministry on earth and in the New Testament he commanded to be carried out.”¹³¹ They misunderstand the principle of the proper distinction of law and gospel, so clearly set out in the Lutheran Symbols, and misapply the same in their interpretation of Holy Scripture and the confessional writings themselves. This they do by **separating**, instead of **distinguishing**, the gospel in the strict sense, and, applying it in isolation from the whole teaching of Christ to the tasks of biblical interpretation, derive principles of faith and life which can only, because of their illicit conceptual parentage, produce doctrinal and moral standards as truncated and asthenic as the interpretative principle initially employed.

While there are two senses of **gospel** in Scripture, and while they must be properly distinguished in order to maintain the integrity of the broader distinction between law and gospel, the two senses of **gospel** cannot be **separated** and employed **categorically** in any clearly sound theological sense. Certainly the gospel in the strict sense, detached from its context, cannot be employed categorically as a hermeneutic principle. Neither is the gospel in the strict sense a principle sufficient to construct a fundamental axiology (axioms for human moral behavior) when it is abstracted from its general context, which is the whole counsel of God as set forth clearly in Holy Scripture. In teaching and preaching, which includes the foundational acts of **knowing** and **interpreting**, the two senses of **gospel**, while being properly distinguished, must be kept together as elements of the one Word of God, if right results are to be achieved. Right results in teaching and preaching depend upon our conscious “adherence to the prophetic and apostolic writings of the Old and New Testaments, as to the pure, clear fountain of Israel, which alone is the one true guiding principle, according to which all teachers and teaching are to be judged and evaluated” (FC SD, Rule and Norm, 3).¹³²

Even the gospel in the strict meaning of that term is only preached correctly to those who have already been convicted of sin by the law. This means that the gospel in the strict sense only subsists as such within a broader context that takes account of the law. The gospel in the strict sense cannot be detached from the law, either univocally or equivocally. Again, this is not to say that law and gospel must not be clearly and unambiguously **distinguished** (FC V, 1). They must indeed be so determined, rightly divided, and applied. But they equally as importantly must not be **separated**, and this is precisely what the authors of the *DS* have done, keeping within the postmodern hermeneutical strategy of suspicion that drives biblical interpretation among the postlutheran Lutherans generally.

This hermeneutic is in the line of postmodern, reader-responsive, truth- and meaning-relative interpretation. The progressive development of this interpretative principle has led to **community-centered consensus**¹³³ as constituting the essential meaning of texts, including Holy Scripture, which it categorizes according to contemporary social conventions (the “social gospel”). The community, in order to constitute itself as the primary *locus standi* of interpretation and the bestower of meaning, appropriates cultural

and empirical data to extend its authority and to further shape its interpretative grid. Thus, modern critical and secular conventions have come to rule the hermeneutical project of the postlutheran Lutheran community of faith.

Summary and Closing Reflections

Even if one does not agree with all, or even most, of the conclusions of the foregoing critical study of the *DS*, it should yet remain clear to any unbiased reader that there are many serious flaws of both a theoretical and practical nature with that document. It is neither acceptable as a draft social statement or a platform for further deliberative study. Thus, in no way is it suitable as a theological foundation for an ELCA social statement on human sexuality generally, and homosexuality in particular. The reasons for rejecting the *DS in toto* are various and carry significances both analytical and factual. We will now summarize the findings of the study that bear directly upon the question of the suitability of the *DS* as the basis for an ELCA social statement and teaching document.

(1) One fundamental problem with the *DS* is that it fails to clearly and fully set forth the biblical and confessional evidence bearing on the subject of human sexuality. If the authors of the *DS* have intentionally, and with cause, abandoned the plain teachings of Holy Scripture and the Lutheran Confessions on the interrelated subjects of creation, marriage, moral sexual conduct, and natural law, then they should clearly state their reasons and justifying arguments. The essential question here is the question of **authority and proper theological foundations**. What is the authoritative source of teaching and practice for the authors of the *DS*? We have shown that they have surreptitiously deployed extra-biblical and -confessional principles of philosophical and literary theory in the interpretive task assigned them. **Humanistic cultural and social convention**, rather than God's natural and revealed law within the context of the total doctrine of Christ, is the authoritative source of moral teaching and practice for the authors of the *DS*. If this departure from Lutheran theological canons of interpretation is by *design*, then they must show us where in Holy Scripture and the Lutheran confessional writings they find warrant for such a mediating approach.

Furthermore, as we have discussed above, in the absence of sound principles of biblical authority in the church, other sources of authority enter in. When the church's scholarly elite presume to supplant biblical authority with the "assured results" of critical and post-critical theory, a resulting "papacy of scholars" is (re)established. One of the great achievements of the Conservative Reformation was Dr. Luther's retrieve of the right of the **individual believer** to read and interpret Holy Scripture. This right, which is really an **obligation** of each Christian believer, to read, study, and interpret Holy Scripture, is a corollary of the doctrine of the **perspicuity** of Scripture. The Bible is a plain book. It is addressed to the persons of the believers, and not to a privileged class

within the church. The Holy Spirit addresses the individual through the sacred word, sanctifies and enlightens them with His gifts, and keeps them in the one true faith. Like the very keys of the kingdom, the Holy Scripture **belongs to the Christians**, to the Church of Christ, and is not the property of self-appointed councils of men, or a pope who sets himself up as the sole possessor of the means of grace. When the scholarly caste within the ELCA presumes to be in possession of a special knowledge and enlightened understanding of what the faithful are to believe, what is “word” within Holy Scripture and what is “not word,” then we have returned to pre-Reformation days when the caste of ecclesiastical Spiritual Lords ruled the faithful, depriving them of the holy Word of God by retaining its sacred prerogatives for themselves. If the leaders of the ELCA wish the faithful to “return to the Bible,” rather than placing into their hands an obscure postmodern primer on postlutheran hermeneutics (“Opening the Book of Faith”), they should urge them, **by example**, to return to **The Book** itself. Why should the good people of the ELCA need a book to tell them how to read The Book? The Word of God is plain, clear, and open for all to read and understand. Furthermore, “we confess our adherence to the prophetic and apostolic writings of the Old and New Testaments, as to the pure, clear fountain of Israel, **which alone** is the one true guiding principle, according to which all teachers and teachings are to be judged and evaluated” (FC SD, Rule and Norm, 527.3, emphasis added). We owe no allegiance to the fickle theories of the scholarly caste within the Church of Christ. The Word alone is our guide. We stand on the foundation of Holy Scripture and the Lutheran Confessions. There is no other foundation.

So in order to justify their general theological approach to questions of sexual ethics, the authors of the *DS* must clearly demonstrate the source(s) of an operative principle of the **development of doctrine** informing their decision to totally abandon Lutheran scriptural principles of interpretation. That is, if they would have us believe that they take seriously Scripture and the Confessions as their normative interpretative principle, then they must show us where in Holy Scripture and the Lutheran Confessions they find convincing evidence for a principle, which allows for a development beyond what Scripture and the Confessions themselves present as normative for the interpretative task. In other words, **they must demonstrate their reasons** for abandoning Lutheran hermeneutic principles, and answer the **specific question** why they believe postmodern and postlutheran literary theory is to be favored over the clear principles of interpretation in Scripture and the Confessions, principles which Lutheran theologians, teachers, and preachers have fruitfully employed for five centuries. Fulfilling this requirement is especially important in light of the fact that postlutheran Lutheran theologians initially abandoned classic Lutheran theology in favor of modernist historical-critical theological principles. Now they have in turn abandoned modernism and its rationalist project of biblical criticism for post-rationalist postmodern theories of biblical interpretation, a theoretical and practical stance that takes them even farther a-field from sound principles of biblical-confessional theology. What are the principles guiding this process of

theological development, and is it justifiable within the context of biblical-confessional foundations and canons of interpretation? The authors of the *DS* have not even broached the right **question**, let alone offered anything in the way of the legitimation of postlutheran axiological principles.

(2) The *DS* **fails to properly distinguish between the law and the gospel** both in its examination of the biblical text, and more specifically in regard to the biblical and confessional evidence bearing upon the moral question of human sexuality generally, and homosexuality particularly. As has been demonstrated above, the authors of the *DS* make an illicit **separation** of law and gospel, and then reduce the “gospel” **divorced** and not **distinguished** from the law, to the least common denominator, “God is love,” i.e., “God accepts you just the way you are.” This interpretative move is unprecedented in relation to both Holy Scripture and the Lutheran Confessions. In the guise of making a distinction between law and gospel the authors of the *DS* rid themselves of not only the natural law, but the divine (revealed) law as well.

Furthermore, they fail to observe any distinction between the categories of law framed in Holy Scripture and the *Lutheran Confessions*. That is, they fail to properly distinguish between the **moral** law and the **ceremonial** (civic) law. As demonstrated above, this distinction is made both in Scripture and in the Lutheran confessional writings. If the forms of law are confused or mixed, the moral law will be nullified along with the ceremonial law of Israel. This leads inexorably to forms of **antinomianism** and **anomism**, positions that accurately and fairly characterize the moral position of the authors of the *DS* as expressed in that document.

This law-gospel and law-law confusion is a conceptual and methodological distinctive of postlutheran theology, and clearly marks the authors as standing outside the pale of the evangelical catholic faith, that is, outside the boundaries of historic Lutheranism. Therefore, we must recognize the *DS* as being a typical example of postlutheran (or non-Lutheran) theologizing. It represents a theological position not only **outside** that of the historic Lutheran faith, but one that is **antithetical** to it.

(3) Another grave defect of the *DS* is its **theological bias**. The term “bias” here simply means a systematic error introduced into any study by the **selection or favoring in advance** of a particular outcome. In the case of the *DS*, the author’s theological and methodological commitments are unexamined and therefore unjustified, resulting in biased conclusions. As discussed in (1) above, there is virtually no consideration, or even inventory, of the principles upon which the study proceeds. The authors of the *DS* would apparently have us simply assume the propriety of their philosophical and methodological presuppositions, and by so doing, affirm the outcome of their study in advance. Theirs is not an open process of inquiry, that is, a taking into account of other viewpoints, and reasoning to conclusions based upon a careful weighing of the evidence. Thus, the end result of their discussion is assured ahead of time by the complete lack of research and inquiry into areas having a direct bearing upon their study. Either without

understanding their theoretical commitments themselves, or by concealing them, the authors of the *DS* begin with certain assumptions that lead inescapably to pre-determined conclusions. Their biased approach to the subject matter and the perfect lack of rigor in research methodology disqualifies the *DS* as a suitable instrument for theological reflection and moral deliberation.

(4) Expanding on this point somewhat, we should point out that the *DS* displays little real scholarship, and fails to take account of opposing viewpoints in an intellectually honest manner. There are vast and significant ranges of scholarship completely ignored and glossed over by the authors of the *DS*. Certainly, not every area of knowledge bearing upon the subject of human sexuality can be explored within the brief compass of a social statement. However, familiarity with, and evidence of interaction with directly related but countervailing positions and methodologies must be at least bibliographically demonstrated. The theological and moral discussions of the *DS* give one the impression that the authors are operating *de novo* and *ad hoc*.

But *nihilo nihil*, from nothing comes nothing, and so the authors of the *DS*, because of their radically subjective and speculative approach, wind up with little or nothing in the end. If an author wishes thinking and informed people to accept the intellectual legitimacy and integrity of his work, he must demonstrate where in the broad reaches of related scholarship his own work is situated, and what relation his work bears to the whole. Scholarship without intelligent and thoughtful relatedness to the entire field of relevant research and study is mere ideology. So we must therefore regard the *DS* as a dogmatic and ideological statement of its author's less-than-informed opinions. They have neither properly demonstrated the legitimacy of their methodological approach to theology and ethics, nor have they properly established a justifiable basis for their provisional conclusions. Thus there is no reason we should accept the *DS* as an intellectually valid and reliable basis for theological reflection and moral deliberation.

(5) Another grave defect of the *DS* is the demonstrated fact that its methodology is mired in **logical fallacy**. Through its concealed philosophical and theoretical commitments, the authors of the *DS* persistently prejudice or beg the question (*petitio principii*). This is a decided clue to the fundamentally biased nature of the document, as discussed in point (3) above. The authors repeatedly make assertions about matters that should be argued and proved. Use of *petitio principii* is characteristic of discourse predicated upon unexamined conceptual and methodological presuppositions. This is decidedly the case with the *DS*.

(6) One practical outcome of the ideological nature of the *DS* is that it embodies and attempts to institutionalize an **elitist viewpoint**. It does not fairly represent the views and faith convictions of most of the members of the ELCA. As postlutheran theology has developed and gained accepted status within the educational institutions of the ELCA, there has concurrently developed a great gulf between the professional class within the church, and the laity. The unfolding historical life of the church has thus become the

career of the **progressive alienation of the laity from the teaching magisterium** (the “papacy of scholars”) through the imposition of a **clandestine agenda antithetical to the faith concerns of the people** of the ELCA. Accompanying this gaping and ever-widening rift between professional caste and laity has been a **progressive dissimulating indoctrination** of the laity with ideologies foreign and disintegrating to simple faith in Christ Jesus as revealed in Holy Scripture and the Lutheran Confessions. Lay people are often left bewildered, confused, and troubled by the new directions imposed upon them from above. While abandoning the people to this state of doctrinal bewilderment, the Spiritual Lords of the Church have gone on systematically dismantling whatever is left of honest faith and sincere piety among the faithful. It is an unpleasant prospect speculating where the process will end.

On the other hand, it should be noted that when local congregations have been blessed by God with pastors and lay leaders who understand what is going on covertly behind the ideological scenes, and who can explain to the people the real dimensions of the battle for truth and moral rectitude according to the manifest will of God in Holy Scripture and the Lutheran Confessions, there is a blessed resolution of the tension provoked in people of good will by the indoctrinating, socio-political spirit (“social gospel”) pervading the church. It is a matter of great reassurance and comfort to both pastors and parishioners to experience the resolution of alienation and a clearing of the spirit of confusion through the gracious working of the Spirit of Truth. *Deus est regit qui omnia.*

(7) In light of what has been said thus far, we further conclude that **the DS is obscure and arcane**. Because it argues from an inaccessible and elitist academic standpoint, its language is dense in some places and diffuse in others. It is likewise dogmatizing and constantly engages in **sloganeering**, as in the following phrases: “Because God is compassionate and merciful with us, we are called to be compassionate and merciful with each other,”¹³⁴ and, “Because of God’s embrace of all the creation in Christ, we are a people set free for lives of responsibility aimed at seeking the good of the neighbor. Following Jesus, we discern what this responsibility means in terms of human sexuality.”¹³⁵ The *DS* is filled with these kinds of dogmatic and ideological statements, but fails anywhere to tell us what these things mean in determining clear answers to the moral questions before us. This characteristic tendency to resort to trite and empty phrases throughout its discussion of serious theological and moral issues makes the *DS* especially unsuitable as the basis for a teaching document.

As pointed out above, the problem with the language of the *DS* is intimately connected with the **elitist viewpoint** of the *DS*’ authors. ELCA theologians (and pastors who follow postlutheran protocols) are largely out of touch with the real faith concerns of the ELCA laity. There will be very few lay persons who will understand the true nature and chief implications of the *DS*. To be sure, this is to their credit, and in no way impugns the capabilities and integrity of their biblically childlike faith. This fact is, rather, an indictment of the exclusivist positions represented by the *DS*. While simple, artless faith

in Jesus Christ is **childlike**, the sophisticated, pretentious knowledge of the postlutheran Lutheran theologian is characteristically **childish**. As D. A. Carson pointedly states regarding the fundamental lack of seriousness and humility among postmodern theologians, “We need a new Collect: ‘From postmodern silliness in exegesis, and from the tragedy of bankrupt epistemology, dear Lord deliver us.’”¹³⁶

(8) Expanding somewhat on what has already been stated, we should say that the *DS* is decidedly **equivocating and disingenuous**. Thus it **fails to achieve its mandate** to draw clear conclusions and to provide positions from which proper recommendations and resolutions may be implemented. It is, in fact, void of clarity both theoretically and practically. What are the conclusions drawn by the *DS* authors after 50 pages of “moral deliberation and discernment”? “. . . this church should continue to engage in moral deliberation regarding human sexuality.”¹³⁷ Fifty pages of equivocating, rambling, diffuse but dogmatic ideological language, and the end result is—we should keep on equivocating, rambling, pontificating, and straddling the moral fence!

The authors state, “This social statement represents a contribution to the ongoing work of moral discernment within the Evangelical Lutheran Church in America. It is circumscribed necessarily by the broadness of the subject of human sexuality, by disagreements in matters of sexual ethics, and by our rapidly changing social context. However, this statement also celebrates that it is precisely in such times that the Lutheran emphasis on the incarnation, justification, and our Confessional tradition prepares us for the work of discernment as we seek to live faithfully.”¹³⁸ The authors of the *DS*, along with others engaged in “moral deliberation and discernment” have been at it now for many years. **When will the leaders of the church come to some conclusion about the issue of homosexuality?** When will they begin to speak **clearly and honestly** about this and related issues of human sexuality? When will they show their hand, and let the church know **exactly** where they stand? When will the leaders of the ELCA set aside human opinion (“disagreements in matters of sexual ethics,” and the “rapidly changing social context”) and express to us the clear teaching of Holy Scripture and the Lutheran Confessions to which they claim allegiance?

It seems to be **political tactics** that are driving the debate rather than the uncertainty and indecision of “ongoing moral deliberation and discernment.” Why do the authors of the *DS* fail to come to **any conclusion whatsoever** whether or not homosexuality is a sin? Why do they (again) prescind from any serious discussion of this issue framed in clear language? Why do they continue to stall the process with obfuscating speech and political maneuvering? Why are they refusing to allow open and free discussion and debate on the subject of homosexuality?¹³⁹ Why are they only **after the fact** encouraging discussion in the churches and disingenuously inviting input through a rather nondescript “response form” and “Hearings” so arranged as to preclude debate on the relevant issues? Why don’t they talk to the people of the ELCA face to face and tell them **exactly what they believe**, and **exactly what they are planning to do?**

These questions may seem to the reader to be rude and pugnacious. Perhaps they are. But it is no virtue to be amenable in the face of dissimulation and prevarication. This is especially so when the stakes are as high as they are now. No matter how generous the authors of the *DS* wish to make themselves appear by (belatedly) making an open offer of discussion and dialogue to all the members of ELCA churches, there will be no substantive changes made by them to the *DS*. After all, isn't the *DS* "the best thinking of the task force to date"?¹⁴⁰ Even those on the Task Force itself, those who didn't "agree with all aspects of [the] document,"¹⁴¹ weren't able apparently to influence the direction of that which was predetermined by the ideological commitments of those **doing** the best thinking. There is no basis for a credible expectation that subsequent "discussion and dialogue" will have any influence over the final outcome. The Spiritual Lords of the Church have until now allowed only controlled discussion among the *hoi polloi*. Why should we expect that such vain exercises will have any real effect now? The scholarly caste has made up its collective postlutheran mind. The *DS* bears no marks of real intellectual exchange among competing worldviews. The case is closed. *Cadit quaestio*, the question falls; the issue collapses.

(9) The compound faults and grave defects of the *DS* so far cataloged lead us to perhaps the most serious criticism: Because of the ideological and dogmatic postlutheran commitments of its authors, the (im)moral positions of the *DS* implemented will further **divide** the church. This conclusion is surely inescapable—but not because of the attitudes of those critical of the moral relativism at the heart of the *DS*. It will prove to be divisive for all of the reasons set out above: the *DS* is elitist, non-biblical, and non-confessional; it is confusing in its language and arcane in its precepts; it is the product of ideological bias and dogmatic moralizing; because it is the product of the private opinions of the scholarly caste within the church, its precepts are completely out of touch with the vast majority of the ELCA's lay members. Thus, it is unable to provide a bridge between divided parties. It advocates for **one position** and **fails to be inclusive**¹⁴² of other, dissenting voices.

Under the present circumstances the *DS* and its promised idiopathic intellectual offspring will only be useful as instruments of indoctrination. Because of its socio-political special-interest group agenda, the *DS* contains only predetermined and constitutionally drawn lines of demarcation. There is no real room for honest dialogue and no real opportunity for modifying in any substantial way its conclusions. When the Task Force releases its recommendations on the rostering of homosexuals, there will be precious little time to respond effectively before those recommendations reach the Churchwide Assembly floor. The whole business patently bespeaks its *fait accompli* character. As long as the church continues to take this elitist and ideological approach to the homosexual question, no other result than **discord and schism** should be expected.

(10) A final observation is in order before closing remarks. The authors of the *DS* have failed to consider the implications of what they tacitly approve. That is, any group of theologians seeking to fulfill the obligations of their office must be able to grasp in a

comprehensive manner all the theoretical and practical implications of their judgments. It is to be doubted that this is the case with the authors of the *DS*. It is reasonably clear from the nature of the vacillating thinking and language of the *DS* that the authors have in fact formulated conclusions favoring acceptance of the homosexual agenda. Full acceptance of homosexuals as rostered leaders in the ELCA will lead to any number of practical implications that will bear enormous potential for the further alienation of a significant constituency within the church.

For example, where will the leadership of the ELCA draw the line in regard to the unfettered and often extravagant behavior of homosexuals in their public lives? Will rostered homosexual pastors and leaders be discouraged from engaging in flamboyant behaviors such as participation in public spectacles like (so-called) “pride” parades?¹⁴³ These kinds of “in your face” demonstrations of “pride” have great potential for disaffecting those within the church already sensitized to what they believe to be a deviant lifestyle. Will there be any guidelines forthcoming from the ELCA leadership addressing the issue of sexual promiscuity? It is not, of course, a popular issue to raise, but the homosexual community is well known (with good and soundly documented reasons) for its libidinous, libertarian, and promiscuous sexual practices. Will this issue be addressed and will guidelines be laid down insuring decorous and chaste clerical behavior, with penalties for those not complying? Will there be clear guidelines insuring reverent, proper, and decent comportment on the part of homosexual worship leaders?—or can we expect to be bombarded with homosexual burlesque in chancel and pulpit? Where exactly will the lines be drawn, or will any lines be drawn at all? If the homosexual political machine successfully asserts its will over the church can we then expect to be regaled from chancel and pulpit by homosexual pastors in drag? Is this where the church will draw the line?—allowing homosexual pastors and leaders to act out in some ways, but draw the line at costuming?

It is highly probable that the author of these lines will be castigated for daring to utter such (in the eyes of homophiles) ridiculous and contemptible concerns. If any votary of the homosexual agenda wishes to debate the issues **factually**, that is another matter entirely. The present author has studied the phenomena of homosexuality from the standpoints of psychology, ethnology, sociology, and cultural history, as well as philosophy and theology, and is well aware of the demographic and statistical data bearing upon homosocial *habitus* and the *peccatum habituale acquisitum*¹⁴⁴ of the various forms of homophilia. The facts and statistics bearing upon aberrant sexual behavior and the subcultural social expression of homophilic sexual mores speak for themselves. But partisans of the homosexual agenda will call the recitation of such facts and verifiable statistics expressions of intolerance and **hate**. Unbiased and discerning readers will understand, however, that such unfair personal criticism is but the expression of **vested interests**. If you cannot refute your enemy, and ignoring him is no longer a live option, then you must **smear** him. You must tar him with the coarse brush of **intolerance** and

“homophobia.” Such crude character assassination is always the last best hope of the hopeless. Truly—*nil novi sub sole* (Ecclesiastes 1:9).

In any event, it can be demonstrated from the literature, and argued convincingly to **reasonable** people, that a homosexual subculture exists, and that it is characterized (especially among males) by sexual promiscuity and other irresponsible sex practices, that sexual bonding is not likely to lead to longstanding partnerships, that a great deal of psychological damage is inflicted upon the families of homosexuals, that children taken into homosexual “families” are especially vulnerable to gender-identity disorganization, erosion, and disruption, and that homosexuals themselves suffer from psychological problems (neuroses such as sexual compulsion and obsessive sexual behaviors) typically stemming from bonding disorders with the same-sex parent.¹⁴⁵ All of these indicators of psychic and spiritual illness are **well documented in the literature**. However, the real picture has been blurred by the power of wishful and libidinous thinking, and even more powerfully skewed by the habitual uncontrolled desires and ambitions fueled by the burgeoning capital contents of the homosexual political machine’s deep pockets.

An Answer to the Homosexual Movement and Its Lobby

Although a very small minority, homosexuals and their partisans constitute a powerful and very active political movement in the ELCA. This group has great influence over the church’s media outlets and uses that media effectively. Homosexual propagandists have done a masterful job of selling many in the church on the idea that homosexual orientation and acts are simply an alternative sexual **preference**, one that is at least morally neutral, and at its best a special and unique expression of genuine love and concern for the same-sex partner.

Usually, those who put forward this argument try to make sexual preference a “human right,” on the same basis as the inherent prerogatives belonging to race or the free practice of religion. The disciples of homophilia place the demands of “human rights” over against the right of God to order His creation. They claim an individual but **sovereign** right to enjoy the individual expression and fulfillment of personal choice in sexual behavior, just as all free people have rights of personal choice in regard to many things such as owning property, employment, and choosing a place of residence. The homophile protests, “That’s not fair,” if he is not granted equal status for his personal sexual choices, as though these are on a par with legal and constitutionally guaranteed rights.

The use one makes of the body, including suicide, abortion, and sexual behavior is not a matter of rights, of the “right to choose.” It is a **moral profession**, and thus is either an obedient and therefore salutary expression of God’s natural and divine law, or a violation of God’s law by the defiant imposition of the human will over against the divine will.

Sexual behavior is never of the nature of **rights**, but is always an expression of ordered conformity or disordered disobedience to God's will as expressed in the natural and divine law. According to the plain teachings of Holy Scripture and the manifest moral imperatives of the natural law, homosexual desires and acts are clearly a disordered and lawless violation of God's ordered will. Therefore, such forms of human sexual expression are sinful. When such desires and acts are deliberative and defiant, they are especially grievous sins.

Attendant to this fact we might point out that while one has indeed the right to pursue life, liberty, and happiness, it must never be at the expense of human society and its institutions which are predicated upon the natural law, nor at the expense of the divine law, or revealed truth, through which marriage between one man and one woman is divinely instituted. One never has a "right" to do that which is forbidden by God in the natural and divine law. And "personal preference" may never demand the same legal and moral status as that constituting the social order. It is not permissible to account expressions of human sexuality, hetero- or homosexual, a human "right." Sexual behavior is not regulated and judged by civil ordinance alone, but by but the holy will and Word of God.

What those who advocate for moral license do not understand is that even in the civil realm, for **liberty** to remain free and unfettered it must be **ordered**. Likewise, for **equality** to retain effective and equitable distribution it must stand under the **law**. And for **fraternity** to preserve genuine altruism and the social good it must be moderated by a moral sensibility derived from the natural law, which rests upon a realistic conception of human nature. Thus, social order, like that of creation generally, requires the **restraint** of morality, law, and religion.

Many homophiles have also lobbied for the idea that homosexual orientation is "inborn," "natural," and unalterable. They then go on to argue that behaviors resulting from such inborn and "natural" factors are biologically determined. According to this argument homosexuals cannot be held morally accountable for their behaviors. The "naturalness" of their sexual condition renders the expressions of their sexuality at the least, morally neutral. It should be stated very clearly in response to such arguments that scientific study of homosexuality has not, nor can it, **eliminate responsibility for sexual behavior**. None of the legitimate scientific research has resulted in an understanding of homosexuals as bereft of free will and choice, as though being incapable, in some sort of subhuman way, of making choices about how they behave sexually. There is simply no scientific evidence whatsoever, biological or psychological, indicating that predisposing factors render human choice either impossible or irrelevant.

Holy Scripture and the Lutheran Confessions teach us that we are answerable to God for the use we make of the body (Matthew 5:27-30; Romans 1:24-27; 6:12-13; 7:21-24; 8:13; 12:1; 1 Corinthians 6:15, 18, 19, 20; 9:27; 2 Corinthians 4:10-11; 5:10; Galatians 5:28-33; Philippians 1:20-22; 3:20-21; Colossians 2:11, 23; 1 Thessalonians 5:23;

Hebrews 10:22; James 3:2-12; AC 62-63.9; 67.15-25; Ap 249.13; 250.18-19; SC 353.11-12; 358.17-18, 19-20; 360.11-14, 20; 365.2; 369.5; 371.15-16; LC 413-416; LC 438.57-62; FC Ep 488.4; FC SD 538.38). What we do with the body is either to the glory of God or to our own shame. We do not **own ourselves**; we belong to God in soul, spirit, and body. So what we do to and with our bodies both individually and in relation to others is never a matter of indifference or determinism, never a matter of mere personal preference or inexorable forces completely beyond our control.

Our bodies are a part of God's good creation. There is a proper use and an improper use of the body. The natural law governs the good or evil use of the body just as the divine law governs the desires and activities of mind, spirit (heart), and soul. When apologists for the homosexual *habitus* (desires, acts, and resulting disposition for those desires and acts) tell us that it is a matter of personal choice how they use their bodies, or that they have no control over their bodies because of inborn forces or impulses, they are speaking from a lawless and disordered moral standpoint. It is a position to which we can give no credence if we are to remain faithful to Holy Scripture and the Lutheran confessional writings. Homophiles want us to believe and act upon something that we **cannot** rightly believe and do. The right use of the body is a question of **truth**—God's truth—not a matter of “rights” on one hand or determinism on the other. Proof that homosexual behavior is a choice made by the homosexual person is to be found in the many cases of healed homosexuality.¹⁴⁶

We must understand and be unafraid to state that arguments made by homophiles most often have the purpose of attempting to justify what the Bible calls their **inordinate** or **unnatural** affections or passions (Romans 1:26-27). As stated above, many studies have shown that establishing a hormonal or genetic basis for homophilic sexual desires and acts can almost certainly be ruled out.¹⁴⁷ This renders the argument from “nature” null and void. The unbiased reader will search the relevant literature instead of merely relying upon homosexual propaganda and special-interest pleading.

Besides, even if we assume the bare possibility of such a “natural” or inborn basis for homosexual orientation and behavior, there is still a fundamental logical confusion in the argument. Simply stated, “inborn” cannot be equated with “normal” or “good.” This is what philosophers call the “naturalistic fallacy.” Just because a particular characteristic is **inborn** does not mean that it is necessarily **normal**, or **good**, that is, in accord with the natural and divine law. Birth defects, for example, are inborn, but no one considers them “normal” or good. Neither are such biological accidents and aberrations in accord with the natural and divine law. They are, in fact, disordered abruptions of the innate harmony produced by the natural law.

Human nature is fallen, and is, therefore, subject to the depredations of natural and spiritual disorder (sin). In a real sense we can say that sin itself is “inborn,” that is, it infects human nature so deeply that it is an invariable characteristic of every being ever born, with the sole exception, of course, of Jesus Christ, the God-man.¹⁴⁸ So in a sense

we may say that we are “genetic” sinners. Being born into a state of sin does not release us from the guilt and penalties of sin, nor does it absolve us of our **total responsibility** for it. To say that homosexual orientation and behavior is “inborn” is no argument at all. It is wishful thinking (desire, longing), just another attempt of the old Adam to escape the judgments and sure condemnations of the natural and divine law.

In summary, we see that many homosexual apologists take a variety of inconsistent approaches in the attempt to convince others to believe that homophilic desires and acts are deserving of acceptance and approval by society and church, even though their sexual sin is condemned by both the divine and natural law. Proponents of homophilia confuse the categories of “rights,” “nature” and “good,” and always with the intention to justify their disordered and lawless choices by an appeal to “fairness.”

So what is left to our homophilic brethren that will aid them in their restless attempts to justify their lawless desires, longings, and acts? They have abandoned biblical and confessional moral principles; they simply ignore what Holy Scripture says, or wrest scriptures to affirm their predisposing longings; biological and scientific arguments have failed them. So what is left to them? Nothing—so they just willfully press on in a restless and solitary spirit, asserting their “rights” and sovereign authority against all heaven and earth. There are no arguments left; there is no sure ground upon which the homophile can stand. And this is so because the willful proponents of homosexuality are **perpetually in flight from God** and His holy will in the law. They are **fleeing God** and His perfect will, because to them God has said “No.”

But their desires are so inordinate that they will not accept such an answer—**not even from God**. So they sweep away Holy Scripture and the Church’s historic confessions, they sweep away responsible research in psychology, sociology, and genetics, they sweep away philosophical and theological counsel grounded in centuries of Christian confessional tradition, they ignore sincere and concerned voices from within their families, and from within the community of Christ. And against this overwhelming testimony from divine revelation, the natural law, and every quarter of honest social and scientific endeavor, they assert the force of their concupiscent and disordered desire for same-sex flesh. They shake their fists at God and in the face of Christ’s Church. They play out the implications of their rebellion with little regard for anyone but themselves. Like angry and rebellious adolescents they are blind to the wisdom of the ages, and most tragically, they are blind and deaf to the Word of God.

For a surety, each one who remains defiant in the face of divine correction will know in God’s own time that the “wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who by their unrighteousness, suppress the truth. For what can be known about God is plain to them, because God has shown it to them. For His invisible attributes, namely, His eternal power and divine nature have been clearly perceived, ever since the creation of the world, in the things that have been made. So they are without excuse. For although they knew God, they did not honor Him as God or give

thanks to Him, but they became futile in their thinking, and their foolish hearts were darkened. Claiming to be wise, they became fools, and exchanged the glory of the immortal God for images resembling mortal man and birds and animals and reptiles” (Romans 1:18-23, ESV).

How does God deal with such impudence, rebelliousness, and faithlessness?—God will give “them up to dishonorable passions. 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. And since they did not see fit to acknowledge God, God gave them up to a debased mind to do what ought not to be done” (Romans 1:24-28, ESV).

The testimony we offer to our gravely erring brothers and sisters in Christ must be clear, firm, and unequivocal: “Do you not know that you are God’s temple and that God’s Spirit dwells in you? If anyone destroys God’s temple, God will destroy him. For God’s temple is holy, and you are that temple” (1 Corinthians 3:16-17, ESV). And again, “Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality,¹⁴⁹ nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God” (1 Corinthians 6:9-10, ESV). The apostle, after enumerating these grave sins that exclude their proponents from the very kingdom of God, then finishes his warning with the following reminder: “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).

Those of us who have been guilty of such gross and deadly sins, through humble obedience to the Word of God, and by **sincere repentance** for our sins, have received full pardon and reconciliation to God through the shed blood of Jesus Christ. There is no other way. It is **God’s** way, and it is open to all. The first step along this way is complete obedience to and trust in the sure Word of God. We must accept what Holy Scripture plainly says, and honestly apply it to ourselves. We must follow the way of Christ if we are to find the narrow path back to the Father. That way calls for **repentance**. Jesus said, “You shall not put the Lord your God to the test” (Luke 4:12). “Repent, and believe the gospel” (Matthew 1:15).

And so finally we reach the real *crux* of the whole matter, and that *crux* is the cross of Christ. At the foot of the cross there is no room for pride; there is no ground for stubborn and errant desire; there is no resting place for hearts hardened by the idolatry of self-love. Beneath the cross there is room only for childlike self-surrender to the gentle Jesus, who calls down to the weary soul, “Take up your cross, and follow me.” The old self must die, and the new self arise. We must be crucified **with** Christ. Only **that** death leads to life. Only **that** life is true and eternal. The road to eternal **life** begins with a **death**—the dying

of the old creature in repentance. If we are to **be embraced** by Christ's **life**, we must **embrace** Christ's **death**. There is no other way. There is no other way home.



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ENDNOTES

¹ John 18:38.

² “You may drive nature out with a pitchfork yet it will return.”

³ “Do not take as gold everything that shines like gold.”

⁴ The author is in complete agreement with the following statement of James R. White and Jeffrey D. Niell in their book *The Same Sex Controversy: Defending and Clarifying the Bible's Message About Homosexuality* (Bloomington, MN: Bethany House Publishers, 2002): “God’s Word forbids **desires** that are sinful as well as **deeds** that are sinful. If the Bible prohibits a certain behavior, the longing for or the inclination toward performing such behavior is sinful as well. We are not contending that sins of inclination are the same (or as sinful) as the expression of that inclination into deeds, or homosexual acts. We are, however, asserting the biblical truth that both the desire for that which is sinful and the sinful acts themselves are morally unacceptable. By recognizing a distinction between desire and deed, we have said nothing about the moral acceptability of either. Only God can determine the morality of any particular desire or action. Since God has declared homosexuality to be sinful, it necessarily follows that the desire or the inclination toward homosexuality is sinful as well. To use another example, as God has declared adultery to be contrary to His holiness, even the lusting after or the longing for adultery is forbidden (Matthew 5:28)” (*The Same Sex Controversy*, p. 202). Some moral theologians make an improper distinction between homosexual desires and acts, claiming that homosexual desire, or longing is not sinful, reserving that judgment only for homosexual acts. This is especially the case with Roman Catholic ethicists.

⁵ By way of contrast the author is thinking of the demand placed upon man by God through His holy Word (1 Chronicles 28:9; Job 10:6; Psalm 44:21; 139:1, 23; Romans 8:27; Revelation 2:23): “The heart is deceitful above all things, and desperately sick; who can understand it? ‘I the Lord search the heart and test the mind, to give every man according to his ways, according to the fruit of his deeds’” (Jeremiah 17:9-10, ESV). As will be seen, postlutheran Lutheran theology attempts to escape God’s divine and natural law by an improper (total) separation of law and gospel. The gospel in the narrow sense (the gospel considered in isolation from the law) is then reduced to certain theological principles (“incarnation, justification, and serving the neighbor”), which are then applied as “foundational” for theological and moral deliberation. Not only is an improper distinction between law and gospel effected but the reductionist application of purely human (theological) principles to the moral question of homosexuality allows a wide breach for the Old Adam to escape the demand of the law for repentance.

⁶ R. Scott Smith provides some insight into the fundamental problem which we encounter in trying to understand the language and meaning of Christian postmodern writers, with whom our authors must be identified: “Christian postmodernism is more problematic than the postmodernism offered by non-Christians, since [Christian postmodern] writers . . . all will say that the gospel is the truth. In this they are right, but what they mean by this is not that it is the objective, universal truth for all people, which can be known as such. They believe we cannot know such things. Instead, they say, the claims that the gospel is the true story or that Jesus is the only way to God are true because these are the ways we as Christians should *talk* according to our ‘grammar,’ the Bible” (Smith, R. Scott. *Truth & the New Kind of Christian: The Emerging Effects of Postmodernism in the Church*. Wheaton, IL: Crossway Books, 2005, p. 20). The difficulty of deciphering how the authors of the DS use language and the use they make of terms that have always sustained particular meanings is intimately bound up with the critique of the theology and philosophy behind postmodernism itself. Much of this critique must be simplified and take the form of a survey, as there are many “postmodernisms” and many diffuse ways in which its essential conceptual presuppositions are construed.

⁷ Classical realism in philosophy and theology posits that there is an objective reality external to our minds that we can know in truth. Objective knowledge of reality results from the correspondence of thought and being, and is made possible through the instrumentality of first principles of knowledge. For realists, first principles are known because the human mind knows reality. Although realists are often accused of being rationalists, this is not in fact typically the case. Realism is opposed to skepticism, every form of agnosticism and acognosticism, and solipsism. The authors of the DS stand in the postmodern tradition of philosophy and theology, and so repudiate realism in favor of a form of hermeneutics called “deconstructionism,” some of the forms of which are conventionalism (all meaning is relative to a culture, psychology, race, gender, etc.), referentialism (the rejection of word-meaning correspondence), and differentialism (the primacy of difference over identity in texts). Ultimately, postmodern interpretation reduces to radical skepticism and doubt in regard to meaning and truth. This means, paradoxically, that postmodernism is a weak form of fideism.

⁸ The use of this term will bear little weight with the authors of the DS. The implications of their philosophical relativism preclude any idea of the Church universal having its ground and pneumatic reality in the Person of Jesus Christ as revealed in Holy Scripture and interpreted according to the traditions of the one holy and indivisible Church Catholic.

⁹ “To preach Christ,” although more at to “push” or force. The reference is to Luther’s mild theological criticisms of the canonical authority of certain books of Holy Scripture. This has also been taken by some to make a too radical distinction between the “external word” and that “inner word” which the Spirit speaks to the human heart. God “clothes” Himself in Christ who comes, and is known to us, in God’s word. That is, He comes to us in the gospel, which speaks of Christ. God’s word is understood to be both the biblical word and the church’s proclamation of it. Scripture and the spoken word form the external word; the Spirit speaks through the external word “internally” to the heart of man. There is thus a relation between external and internal word, which can be summarized by saying that the Spirit does not speak **without** the external word, but speaks in and through the word. It is essential to understand, of course, that there is but one word, just as there is but one Person of the living Word. This is precisely where many have failed, by pitting the “internal” word against the “external” word. By separating the “humanity” from the “divinity” of the word, they begin with a kind of interpretative doceticism.

¹⁰ If it could be shown that Luther did so intend, then this author would have to stand with the Scriptures against Luther. In any case, it has never been conclusively demonstrated, and so we must follow Luther in his manifest concern for preaching Christ at the center and in the context of the **totality** of Scripture.

¹¹ By referring to the new hermeneutic as “politic,” the author intends to state at the outset that the authors of the *Draft Statement* have equipped themselves with certain interpretive tools that provide a pretext for justifying their predisposed acceptance of the homosexual social and political agenda.

¹² *Theologie der lutherischen Bekenntnisschriften* (1940). The first American edition of this seminal work was published by Augsburg Fortress Publishers in 1961: Schlink, Edmund. *The Theology of the Lutheran Confessions*. Translated by Paul F. Koehneke and H. J. A. Bouman. Minneapolis: Augsburg Fortress, 1961.

¹³ Schlink, p. 9. Emphasis in the original.

¹⁴ Althaus, Paul. *The Theology of Martin Luther*. Translated by Robert C. Schultz. Philadelphia: Fortress Press, 1966, p. 79. This statement by Althaus in no way warrants the postlutheran separation and isolation of the doctrine of justification as a hermeneutic principle. The point made by both Althaus and Schlink (ibid.) in regard to the instrumental capacity of the gospel (justification) to serve as the meaning-center of Holy Scripture is predicated upon the essential **unity of the gospel and law within the total context of the prophetic and apostolic Word**. In the case before us bearing upon the moral question of homosexuality, passing far beyond the theological distinction, the postlutheran Lutherans isolate a perspectival and favorable (to them) hermeneutic principle that conforms with their concealed and unspoken desire to legitimate homosexual orientation and behavior.

¹⁵ The stance of the present author is that the Christian theologian must be neither rationalist nor fideist. Faith and reason must exist together side by side, sharing the same root in grace (gift). In this sense we must say that faith is a kind or species of reason that makes judgments in response to a particular testimony (the Word of God). Paul J. Griffiths and Reinhard Hütter clarify brilliantly the proper relation between faith and reason, and how reason in particular is weighted, when they say, “A Christian description of reason, then, must begin by affirming that our reasoning acts can bring us to knowledge of the order of things as well as to a position from which we can argumentatively justify that knowledge. These are the principal properties of the gift of reason. But the confident assertion just made is not yet fully Christian; it must be

placed under erasure by the assertion of reason's corruption by sin. 'Erasure' here does not mean obliteration, removal without remainder; what is erased remains visible and active even though under erasure, much as sedimented limestone may be metamorphosed and turned on edge by the heat of volcanic eruption and yet still preserve traces of the regular layers of its original formation. Or it is like the writing erased from a piece of parchment when it is washed in preparation for reuse; such erased writing is nonetheless visible to the trained eye even when it has been overwritten by something new. Christian confidence in reason is always in these ways confidence-under-erasure; anything less (confidence alone, erasure alone) is not and cannot be fully Christian. Christian reasoning about reason. . . can appropriately be likened to the trace left upon a palimpsest attempting to discern its own track" (Paul J. Griffiths and Reinhard Hütter (eds.). *Reason and the Reasons of Faith*. London: T & T Clark, 2005, p. 7.

¹⁶ The postmodern project is especially contemptuous of "foundationalism." For the postmoderns, nothing objective in the way of meaning and truth is accessible to the inquirer. We are all bound by language, and cannot get "outside," of it to reach some objective surety regarding an author's intentions and meaning. We create meaning; we create the "worlds" of culture, religion, and history, which we inhabit. There is nothing "outside." In fact, according to the lights of postmodernism, any search for objectivity and foundations is but an expression of the *Wille zur Macht*. It seems at least ironic to this inquirer that the will to power is so easily reassigned by the postmodern godmakers.

¹⁷ Although a comprehensive examination of the question of truth itself cannot be undertaken in this paper, it should be explicitly stated that the realist worldview to which the present author is committed is predicated upon the "correspondence" theory of truth. This will be adverted to in various ways below, but suffice it here to say that the correspondence view of truth simply postulates that our ideas, thoughts, and language correspond to an objective state of reality existing outside and before the propositions we hold in our minds about those things and states of reality. The correspondence theory of truth is rejected by postmodernists (and therefore by the postlutheran authors of the DS) on various grounds. These include the postmodern understanding of any absolute truth theory as an expression of the will to power, as precluded by the "sociology of knowledge," as nullified by various forms of pragmatism, and as neutralized by postmodern theories of grammatical self-reference, contingency, and perspectivism. It will be of some help in explaining these distinctions in the concept of truth by quoting at some length from Douglas Groothuis's book *Truth Decay: Defending Christianity Against the Challenges of Postmodernism* (Downers Grove, IL: InterVarsity Press, 2000): "Propositions are true or false because they make truth claims, stipulations about 'what is' and 'what is not,' as Aristotle states it. The correspondence view of truth, held by the vast majority of philosophers and theologians throughout history until recently, holds that any statement is true if and only if it corresponds to or agrees with factual reality. . . . Our beliefs and statements concern propositions about reality. We either assent to them, deny them or suspend judgment about them. Reality or actuality concerns objects or states of affairs, either real or imaginary" (pp. 88-89). Groothuis distinguishes the correspondence view of truth from the "coherence" viewpoint: "The logical consistency of the biblical worldview is a necessary condition of its truth, but it is not a sufficient condition. For any worldview to be true, its essential tenets must be consistent with one another logically, in accordance with the laws of noncontradiction and excluded middle. Yet some have tried to make logical consistency the **definition** of truth itself and have rejected correspondence with reality as the definition of truth. They claim that if a set of statements is consistent with another that is enough to make it true. This is called the coherence theory of truth. Truth is simply coherence among various statements. Postmodernists who are more philosophically rigorous insist on this kind of internal coherence for the truth of worldviews. Others think that even the requirement of logical coherence is just another sad example of modernist logocentrism. . . . The correspondence theory of truth declares that correspondence is the *definition* and *nature* of truth and that coherence is one necessary (but not sufficient) *test* of truth" (pp. 97-98). This distinction should be kept in mind in order to redirect any thought in the mind of the reader or critic that the present author is putting forward a rationalist theory of truth.

¹⁸ The author of this paper is operating with the concept of the inerrancy of Holy Scripture in this sense: God is perfect in every way; God communicates to man in the form of objective and propositional truth in Holy Scripture; God is without error in any of His thoughts or deeds; therefore, His communication in propositional form is without error. "Inerrancy" is an attribute of God in regard to intention and act.

¹⁹ "The principle that Scripture interprets itself includes the rule that the Scripture is to be interpreted according to its simple literal sense. One may depart from this principle only when the text itself compels a metaphorical interpretation. In all so-called 'spiritual' interpretation, however, each one can read his own

spirit into the words. Scripture loses its clear meaning in the process. In all its parts Scripture has one and the same simple sense.” Althaus, p. 77.

²⁰ “Luther observes the rule that all books are to be interpreted in the spirit of their author. Since the spirit of an author can nowhere be so directly and vividly recognized as in his writings, this means that a writing must interpret itself. If this is true of all books, it is especially true of the Holy Scripture. For Scripture ought to be the final authority and the highest judge. Its character as the final authority, which is grounded in and bears witness to itself, precludes the possibility that the standard of its interpretation could somehow come from outside itself. It also includes the fact that it interprets itself; and this self-interpretation is therefore the most certain, most easy, and most clear interpretation. If some other authority would explain the Scripture, then it would also validate it. Thereby, however, Scripture would lose its character as the final authority. Its self-validation necessarily includes its self-interpretation. ‘Scripture is therefore its own light. It is a grand thing when Scripture interprets itself’ (Luther, WA 10,III, 238). Luther uses self-interpretation of the Scripture and interpretation through the Holy Spirit as a pair of synonymous expressions.” Althaus, p. 76.

²¹ “To take cognizance of the claim of a Confession means, in addition, to recognize its unique position over against the heresies that occasioned its formulation. A Confession can indeed be understood correctly only by acquaintance with the false teaching against which it is directed, and thus also with the concrete historical circumstances of its origin. Yet we fail to understand a Confession as a confession if we seek in it only a historically conditioned answer to a specific problem of its own time. Surely, if a Confession is an exposition of Holy Scripture and a witness to the one eternal truth, then its claim remains in force even after the concrete heresy to which it first addressed itself has ceased being an issue. Confessions rise above the vicissitudes of heresy, even though they retain the marks of their particular origin as far as their proportions, illustrations, and terminology are concerned. There is a widespread habit of ‘relativizing’ the Confessions by interpreting them as the reaction to a contemporary error, a reaction that is conditioned by its time and therefore valid only for its time. Contrary to such a procedure, we must discover and recognize the confessional statements for what they are—statements designed by the church to bind once for all the proclamation of all subsequent times.” Schlink, pp. xviii-xix.

²² The proper use (*usus organicus*) of reason in theology is the *usus ministerialis*. This instrumental use of reason (*usus instrumentalis*) in theology takes cognizance of the inherent rationality of the human mind and language; reason is thus used organically according to ordered human nature itself, and instrumentally as a tool or aid in the rational expression of theological concepts. Reason must never assume ascendancy over revealed truth. In this case reason assumes a *usus magisterialis*, a judging position and function above revealed truth. The present author here rejects the *usus rationis magisterialis* of the rationalist and the Reformed. Likewise rejected is the fideism of the DS’ authors who reject even the proper use of human reason.

²³ It is of great importance to here note that every form of enthusiasm and fanaticism in the Christian religion is the result of the creature’s dissatisfaction with what God provides in the means of grace. The enthusiast (*Schwärmer*) wants more than what God provides in Word and Sacrament. The fanatic thus works up in his or her creative imagination emotions and “spiritual” feelings, which are nothing more than an expression of the desire of the old Adam to stand at the center instead of Christ. It is in its ontological nature the desire to be God. This fact is especially important for us to understand in regard to the essential difference between the Lutheran *Gottesdienst* (Divine Service) and the postlutheran “praise and worship.”

²⁴ FC Ep 488.2. All references to the Lutheran confessions are from, Kolb, Robert & Timothy Wengert, eds. *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000).

²⁵ FC Ep 488.5.

²⁶ FC Ep 488.7.

²⁷ FC Ep 488.8.

²⁸ FC Ep 489.9.

²⁹ FC Ep 489.11.

³⁰ FC Ep 489.16.

³¹ FC Ep 490.17-19.

³² FC Ep 490.20-21.

³³ FC Ep 491.24.

³⁴ FC Ep 491.25.

³⁵ The term “repentance” may mean entire conversion, that is, repentance includes **faith** as well as **contrition**. Scripture also uses the term to mean “to recognize sin truly, to be heartily sorrowful for it, and to abstain from it” (FC SD 582.8).

³⁶ DS, 135.

³⁷ DS, 135-137.

³⁸ DS, 137.

³⁹ The Lutheran Confessions as found in the standard editions of the Lutheran *Book of Concord* are a “normed norm,” or standardized norm (*norma normata*) for all teachings and teachers in the Lutheran Church. What norms the confessional norm is Holy Scripture itself, which is thus the standardizing norm (*norma normans*) for the confessional expression of biblical truth. Holy Scripture is the sole source (*sola Scriptura*) of the fundamental principles or foundations of theology (*principia theologiae*). As has already been stated, the only confessional, and therefore acceptable, principle of interpretation of Holy Scripture is that laid down by Scripture itself, namely, the Reformation principle *Scripturam ex Scriptura explicandam esse*, “Scripture is to be explained from Scripture,” or, “Scripture interprets Scripture.” The Bible is its own normative authority and self-authenticating source of meaning. No other principle is allowed to serve as the instrument of interpretation of God’s Word, other than the (self-attesting) Word of God itself. This is one of the **fundamental errors** made by the authors of the *Draft Statement*, that is, they allow purely human literary, social, and historical theories of interpretation to determine the meaning of Sacred Scripture. This modern/postmodern innovation has been the source of recurrent deviations from the clear teachings of Holy Scripture, and in the particular question of morals, is leading the postlutheran Lutheran Church toward moral disaster.

⁴⁰ The ELCA has failed to provide the proper biblical context for dealing with the sin of same-sex desire and behavior. In this regard, pastors have failed to be faithful shepherds of the flock by imitating their Master Jesus and calling for confession and repentance before applying the divine word of forgiveness and absolution. The Church should also be offering psychological and group counseling for those afflicted with homosexual desires. Groups such as Exodus International (Protestant) and Courage/Encourage (Roman Catholic) offer psychological, emotional, and spiritual support for those struggling with the sin of homosexuality. These and other such groups have a good success-rate with those who are sincerely seeking to do the Lord’s will in their lives. In this regard, the ELCA is woefully lacking in providing sound biblical and relational counseling for Lutheran homosexuals.

⁴¹ All sins are the same in this sense: they create guilt in man, are all alike damnable, and are all equally expiated in repentant sinners by the Savior from sin, Jesus Christ. However, Holy Scripture does make a distinction between degrees of sin, categorizing them as grievous and less grievous. “On the one hand, Scripture teaches that every sin, being *ἁμαρτία*, or rebellion against God, merits damnation. Gal. 3:10: ‘Cursed is everyone that continueth not in all things which are written in the Book of the Law to do them.’ On the other hand, Scripture clearly distinguishes degrees in sinning. Christ says of the Jews (John 19:11) that, compared with Pilate, they were committing ‘the greater sin.’ Children who have not reached the *anni discretionis* (the years of discretion) are less guilty than mature men. Deut. 1:39: ‘Your children, which in that day had no knowledge between good and evil, they shall go in thither’ (Canaan). Scripture teaches that sinning against better knowledge of the will of God is more grievous than sinning in ignorance. Luke 12:47-48: ‘That servant which knew his lord’s will and prepared not himself, neither did according to his will, shall be beaten with many stripes. But he that knew not and did commit things worthy of stripes shall be beaten with few stripes. For unto whomsoever much is given, of him shall much be required; and to whom men have committed much, of him they will ask the more.’ Accordingly, Scripture also teaches degrees in the eternal punishment of sin (see the *locus* of “Eternal Damnation,” in Vol. III).” The quote is from Pieper, Francis. *Christian Dogmatics* (St. Louis: Concordia Publishing Company, 1950), I. 567. It is clear from Holy Scripture that willful, intentional violations of God’s will, the intentional rebellion of the creature against the will of the Creator, constitute sins that are especially grievous. In this sense, homosexual desires and acts are more serious and accountable sins when not opposed by the human will in accord with God’s divine and natural law, but indulged and even cultivated in the heart.

⁴² The expression of the *imago Dei* in its fullness is based upon the complementary relationship between man and woman. Both man and woman are created in the image of God (Genesis 1:27). Their union constitutes the completeness of the image of God in their persons jointly. Same-sex “marriages” cannot be an expression of the *imago Dei* in the plenary sense. Such unions are contrary to the expressed will of God that man and woman, joined together as “one flesh” (and their children being the one flesh issuing from the

healthful complementarity of their one flesh), be the expression of the image of the Creator in creation. St Paul explains that the union of a man and woman in marriage is to be a reflection of the divine love and union between Christ and His Bride the Church (Ephesians 5:22-33).

⁴³ “How potent is religion in persuading one to evil actions.”

⁴⁴ “Homophobe,” “homophobic,” “homophobia,” are terms of political expediency rather than indicators of actual states or condition of mind. There is no such thing as someone who actually has a **phobia** toward homosexuality or homosexuals in the true scientific sense. These are terms of opprobrium invented by homosexual activists to tar their opponents with the broad brush of prejudice. “Homophobia” is not a **condition**, it is an **argument**. Proof of this claim lies in the strong reaction engendered in homosexuals and their proponents by the terms “homophile,” “homophilic,” and “homophilia,” terms that bear actual psychological and scientific meaning but are disallowed by the same political expediency that generated the mythology of homophobia.

⁴⁵ Budziszewski, J. *What We Can't Not Know: A Guide* (Dallas: Spence Publishing Company, 2003), p. 11.

⁴⁶ For example, under the heading “Theological and ethical foundations for understanding sexuality,” the authors state, “This section begins to address these questions by affirming God’s incarnation in the very midst of human life and confesses our justification for the sake of Christ, our Savior. It explores how these foundational convictions shape the entire Christian understanding of life, including our ethics and understanding of human sexuality” (DS, 95-98). The authors assume that the principles they have arbitrarily selected, incarnation and justification, are foundational for hermeneutics. They do this without establishing them as such through any evidential argument whatsoever. This is a decided pattern of the document as a whole. Nearly all of the “foundations” of its theological stance are assumed without demonstration. We could multiply examples of *petitio principii* many fold.

⁴⁷ For the majority of postmodern literary theorists meaning is not found in texts, but in individuals and communities. There is no objective referent “outside” the text, to which the text refers. There is no real and independent **signified** to which the **signifier** points. Meaning is generated by consistent use of language within discrete communities for whom the language and language “games” have particular significance. For individuals it is the creative **imagination** that spawns meaning. For groups, it is the **community** and its particular vocabulary and set of “language games” that generates meaning. Meaning is not created by authorial intention, it is not something placed into the text by the author and resident there in an objective manner, waiting for the reader to discover it. For the postmodernist, and for the postlutheran authors of the DS, meaning lies outside the axis of text and objective meaning-referent. In light of this fact, the following comment made by D. A. Carson has particular significance not only for theology, but for Christian faith itself: “At some point, surely, one must say that fixation on the biblical text **divorced from the referent that the text itself demands**, is a kind of idolatry.” *The Gagging of God: Christianity Confronts Pluralism* (Grand Rapids, MI: Zondervan, 1996), p. 172, emphasis in the original). When the meaning-referent is shifted from God and His objective divine self-revelation in the inscripturated word to “communities” (Stanley Hauerwas) and to the “evangelical imagination” (Walter Brueggemann), what else shall we call this but idolatry? Both of these are extreme forms of subjectivism, for any criteria of meaning in the biblical text is predicated upon the judgment of the individual (creative or “evangelical” imagination) or a select group of individuals (“community”). We might also ask, Who is it within the community that decides what the meaning of a given text is to be? Is it not the professional class, the scholarly caste, the ecclesiastical mandarins and spiritual lords of the church who must tell us what Scripture means and how it is to be applied? It seems that by this distinctive idolatry of individuals and communities we are thrust back to pre-Reformation days when “councils of men” determined what the Bible meant and had an absolute stranglehold on the means of grace.

⁴⁸ Douglas Groothuis contrasts postmodern literary theory with the biblical view of the Word as the divinely ordained means of grace: “The Christian worldview, contra-postmodernism, understands language not as a self-referential, merely human and ultimately arbitrary system of signs that is reducible to contingent cultural factors, but as the gift of a rational God entrusted to beings made in His own image and likeness (Gen. 1:26). ‘In the beginning was the Word [Logos], and the Word was with God and the Word was God’ (Jn. 1:1-2). Communication has eternally existed between all the members of the Trinity and continues as God speaks to us—through creation, conscience and Scripture—and as we speak truth to each other and to God. Human language has been wounded by the fall and fractured by the judgment at Babel (Gen. 11), but it is not thrown down for the count. Language is God’s vehicle for conveying truth, although it may be clouded in much of our experience (as evidenced by the density and outright unintelligibility of

much postmodernist writing).” Groothuis, Douglas. *Truth Decay: Defending Christianity Against the Challenges of Postmodernism* (Downers Grove, IL: InterVarsity Press, 2000), p. 66.

⁴⁹ “Frivolity is inborn, conceit is acquired by education” (Cicero, 106-43 BC).

⁵⁰ The phrase is from Martin Kähler, quoted in Maier, Gerhard. *Biblical Hermeneutics* (Wheaton, IL: Crossway Books, 1994), p. 167.

⁵¹ The ELCA has begun a five-year “initiative” intended to encourage members to read and study Holy Scripture. As a guide to this literacy project the book *Opening the Book of Faith: Lutheran Insights for Bible Study* has been published and is being actively promoted among members of ELCA churches. Even a cursory glance at the contents of this erstwhile hermeneutic guide for the layman is enough to see the wrong headedness of this approach. The book’s contents are filled with reader-response theories, with descriptions of interpretation as understanding the Bible’s “stories,” and of “story telling,” and, “entering into the story.” We might think of such an approach to the lay membership of the ELCA as constituting a kind of “postmodern literary theory light,” or “postlutheran hermeneutics light.” Only the guiding lights of the ELCA bureaucratic class of postlutheran mandarins could conjure up such a project for consumption by the faithful. *Opening the Book of Faith* is a travesty of literary and interpretative confusion. Apparently we not only need a privileged class of theological pundits to tell us what and where the Word of God is in the Bible, but now we need even more experts to tell us how to read the Word when we do happen to stumble upon it.

⁵² For more on the right of individual interpretation of Holy Scripture see, *The Protestant Principle and the Postlutheran Church: The Reverend Elisha Williams on ‘The Essential Rights and Liberties of Protestants’ (1744)*, unpublished manuscript by the present author (2008). Lutherans do not claim ecclesiastical identity as “Protestants,” but do claim the right of individual Christians to read and interpret Holy Scripture.

⁵³ Regarding the place and function of the natural law, D. A. Carson points out that St Paul writes not only that God holds all sinners responsible and inexcusable for their rebellion against His created order, but that the apostle also uses the natural law and natural revelation evangelistically and apologetically: “Paul is entirely prepared to infer from the created order God’s existence, power, and divine nature (Rom. 1:20). Nor is this merely a matter of abstract doctrine for him: it is also a matter of evangelistic strategy and apologetic. According to Luke’s witness, Paul openly and repeatedly drew such connections when he was evangelizing Gentiles (Acts 14:15-18; 17:24-29). . . . Paul is not arguing that there is *saving* knowledge of God in nature, but that there is sufficient revelation in nature to rob human beings of excuses. In other words, from Paul’s vantage point, the position of an atheist or of a Kantian, or of a moral failure, is frankly inexcusable. Such people have already suppressed the truth that God has graciously given; their virulent insistence that there is insufficient evidence is already an index of a perverted mind that dares to make itself the final test of all things, instead of feeling itself rightly obligated to look at reality from the perspective of the Creator” (Carson, D. A. *The Gagging of God*, pp. 182-183).

⁵⁴ Budziszewski, *What We Can’t Not Know*, p. 73.

⁵⁵ Budziszewski, J. *The Revenge of Conscience: Politics and the Fall of Man* (Dallas: Spence Publishing, 1999), p. 12.

⁵⁶ In abbreviated form these are: (1) the principle of identity (being is being); (2) the principle of noncontradiction (being is not nonbeing); (3) the principle of excluded middle (either being or nonbeing); (4) the principle of causality (nonbeing cannot cause being); and (5) the principle of finality (every being acts for an end). These elements of rational thought provide the metaphysical foundations for philosophical Realism. Without the first principles of reality, nothing at all can be known. This is another way of saying that everything we know about reality is known by us through first principles. For purposes of clarifying the essential nature of first principles, we may expand on the abbreviated form set out above, and delineate a more comprehensive accounting of what are the first principles of reality (thought and being): (1) Being is = *The Principle of Existence*; (2) Being is Being = *The Principle of Identity*; (3) Being is not nonbeing = *The Principle of Noncontradiction*; (4) Either being or nonbeing = *The Principle of the Excluded Middle*; (5) Nonbeing cannot cause being = *The Principle of Causality*; (6) Contingent being cannot cause contingent being = *The Principle of Contingency* (or *Dependency*); (7) Only necessary being can cause a contingent being = *The Positive Principle of Modality*; (8) Necessary being cannot cause a necessary being = *The Negative Principle of Modality*; (9) Every contingent being is caused by a necessary being = *The Principle of Existential Causality*; (10) Necessary being exists = *Principle of Existential Necessity*; (11) Contingent being exists = *Principle of Existential Contingency*; (12) Necessary being is similar to contingent being(s) it causes = *Principle of Analogy*. These twelve principles of reality form the very

foundations of thought. Anyone thinking rationally must use these same principles. All those engaged in thinking and discourse use these principles, albeit either well or poorly.

⁵⁷ “A distinction by reason of analysis that has its basis or foundation in the thing.”

⁵⁸ These are: (1) Eternal law (by which God governs creation); (2) natural law (the participation of rational creatures in eternal law); (3) human law (the application of natural law to human communities); and Divine law (the revelation of God’s law through Holy Scripture). These first principles of divine and natural law yield the virtues. These are: (1) natural virtues found in all human beings and human societies, and discoverable through natural law (prudence, justice, courage, and temperance); and (2) supernatural virtues granted by divine grace, and discoverable through supernatural revelation (faith, hope, and love [*agapē*]).

⁵⁹ DS, 27. It is highly significant that the authors fail to define what they mean by “foundations,” and how such a “foundational framework” functions to order philosophical and theological thinking and decision-making. The “fundamentals” promised in the Introduction of the DS, and to be specified in Section II, never clearly materialize there or anywhere else in the document, because of this lack of prolegomena.

⁶⁰ Judge a tree by its fruit, not its leaves.

⁶¹ Generally speaking, postmodern literary principles are predicated upon the fundamental attitude of “incredulity toward meaning.” The first truth about language and reality is that they are in flux. Other postmodern “principles” include the dictum that interpretation itself is an act of constructing meaning. This is known as “reader response” theory, and simply means that the reader is the source of meaning in texts. Consequent to this subjective theory of meaning is the idea that there is no objective meaning in texts. This, of course, constitutes the broad denial of any objective truth or meaning generally. Kevin Vanhoozer states, “[This] approach to hermeneutics effectively removes authority from the Bible or, for that matter, from any text. Interpretation ultimately takes its cue not from the text, but from the reader’s identity. It is not the canon but the community that governs the reader’s interpretive experience. . . . The text . . . becomes only a mirror or an echo chamber in which we see ourselves and hear our own voices” Vanhoozer, Kevin J. *Is There a Meaning in This Text?: The Bible, the Reader, and the Morality of Literary Knowledge* (Grand Rapids, MI: Zondervan, 1998), p. 24. What I am referring to as “postlutheran” interpretation is precisely this “communitarian” approach to hermeneutics, in which the accepted conventions of any particular community determine interpretative strategies. Literary communitarianism has its roots, of course, in postmodern literary theory. However, the failure of the postmodern literary project has caused, it seems, a despairing turn toward the nebulous idea of “community” in a last-ditch effort to ground truth and meaning. It is this postmodern-postlutheran hermeneutic of self-idolization that is opposed here.

⁶² The Pharisees devised a legal schema based upon the 613 letters of the text of the Decalogue in the book of Numbers, in which they enumerated 613 separate laws in the Pentateuch that corresponded to those letters. There were 248 positive laws (each corresponded to a part of the human body as they determined it) and 365 negative laws (each corresponded to a day of the year). Some of these laws were “heavy,” and some were “light,” that is, some were especially binding, and some not so much. There was no clear consensus among the teachers of the law as to which laws were heavy, and which light. Questioning Jesus in this fashion, and assuming that He had such a schema of His own devising, the lawyer felt certain that he could easily embroil Jesus in a dispute over the relative merits of the laws, and best Him in the ensuing argument. In this way he could reassert the teaching authority of the Pharisees while discrediting Jesus before the people who had begun to so admire, and follow, this peripatetic master of Israel.

⁶³ “Shema” is Hebrew for “hear,” “listen,” “obey.” As we shall see, this multiplex meaning of the term is essential for a proper understanding of Jesus’ use of the law (*nomos*) in the context of love (*agape*).

⁶⁴ The reader of the DS will note the paucity of sound exegetical work throughout the document. It is almost as if the authors were implying that biblical and confessional evidence is irrelevant to the issue at hand. In fact, the biblical and confessional evidence overwhelmingly demonstrates, to anyone free of the ideological bias rendering the text of Holy Scripture irrelevant, that God has given unchanging moral guidance to His people, the Church of Christ, as well as His people Israel. God’s moral law has not changed. God’s Word has not changed, no matter how clever the divagations of postmodernism may be in confusing the issue. Total reliance upon the plenary fullness of God’s Word, rather than upon a pared-down “gospel” for a proper understanding of God’s will and purpose in these and all matters, is one of the primary themes of this paper. For anyone seeking sound biblical and confessional interpretation on the issue of homosexuality, the following may be highly recommended: White, James and J. Niell, *The Same Sex Controversy: Defending and Clarifying the Bible’s Message About Homosexuality* (Minneapolis: Bethany House Publishers, 2002); DeYoung, James B. *Homosexuality: Contemporary Claims Examined in*

Light of the Bible and Other Ancient Literature and Law (Grand Rapids, MI: Kregel Publications, 2000); Gagnon, Robert A. J. *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon Press, 2001); Harvey, John F. *The Homosexual Person: New Thinking in Pastoral Care* (San Francisco: Ignatius Press, 1987); Harvey, John F. *The Truth About Homosexuality: The Cry of the Faithful* (San Francisco: Ignatius Press, 1996); Van Den Aardweg, Gerard J. M. *The Battle for Normality: A Guide for (Self-) Therapy for Homosexuality* (San Francisco: Ignatius Press, 1997). Bibliographies in these books will serve as a good guide for studying exegetical, social-cultural, and pastoral care issues.

⁶⁵ Jacobson, Diane, et. al. *Opening the Book of Faith: Lutheran Insights for Bible Study* (Minneapolis: Augsburg Fortress, 2008). This little book is intended to tutor the laity of the ELCA in postlutheran literary theories and techniques. It is brim-filled with all the requisite postmodern jargon and slippery sideways thinking about texts and word-meaning. In the process, of course, it completely abandons sound Lutheran principles of interpretation. It is a perfect little primer of what Ernest Gellner calls postmodernism's "opportunistic, manipulative incoherence" (*Postmodernism, Reason, and Religion*, New York: Routledge, 1992, p. 96). The production of such a book reveals not only the insufferable *hubris* of its authors and ecclesiastical benefactors, it also is an astonishingly vacuous model for what we may rightly fear is yet to come for further lay consumption. Compared with the strong sustenance available to Lutherans in Holy Scripture itself, and the Lutheran Confessions, it is understood to be but another example of the meager and altogether depleted theological and spiritual gruel continually served up by postlutheran ELCA leaders and teachers to a Lutheran Church hungry and starving for the pure Word of God.

⁶⁶ Holy Scripture admonishes us that, in the practice of justice we "shall not be partial to the poor or defer to the great" (Leviticus 19:15). This is so because "God is no respecter of persons" (Acts 10:34). In fact, "if you show partiality, you are committing sin" (James 2:9). The "social gospel" which holds sway among many in the ELCA is just this, if anything, that is, it is predicated upon the special status of the (materially) "poor," the economically and culturally disenfranchised. This "gospel" is anti-biblical and anti-Christ. Our Lord spoke only of the spiritually poor (Matthew 5:3), an idea that has nothing to do with the "poor" of the postlutheran social gospel. Contrary to their teaching, the materially poor have no special status before God just because they are materially poor.

⁶⁷ In a highly significant passage in which he discussed Luther's political ethics, Heidelberg University church historian Heinrich Bornkamm explained the perfect correspondence between reason and love in Luther's thinking: "It was [Luther's] conviction that one could expect reason to affirm a reciprocal duty to love. 'Reason' means, of course, not only the calculating intelligence, which may see advantages in reciprocal relationships. It probes deeper. In the three-term equation 'love-reason-natural law,' each concept has its full weight, and they are to be interpreted with reference to one another. In their duty they are marks of that insight into justice and law, still preserved even if dimly, with which God has provided his creation in order to preserve it. This harmony of reason and love is one of the repeatedly proclaimed, elemental convictions of Luther. Those who have noted this concurrence at all have often questioned its propriety. But one must consider what one thereby severs from Luther's scheme of thought. To the deeply hidden unity in God's activity, with which he preserves the world through his two governments, there corresponds a deeply hidden unity of perception among believers and nonbelievers, both of whom God uses in his work of preserving the world. Luther is of the opinion that the appeal to this original understanding of the love commandment can and must be addressed to mankind generally. For him it is identical with the Golden Rule (Matt. 7:12) and the biblical command of love for neighbor. (There are, of course, differences in ability to comprehend and above all to undertake the action that must follow.) Thus Christians and non-Christians are bound together in the same responsibility, from which neither can withdraw. But because through the Holy Spirit Christians are enlightened and renewed and can understand, from the experience of grace, that the severity of God is nothing other than his love, they are called and qualified above all others for service in secular government. Luther's political ethic for the Christian thus embodies the basic outlines of a general political ethic. For the order of the world is a treasure to be protected in common. But he charges Christians, as those who have received more, with the higher obligation." Bornkamm, Heinrich. *Luther's Doctrine of the Two Kingdoms in the Context of His Theology* (Philadelphia: Fortress Press, 1966), pp. 14-15. The divine and natural law are thus united in their goal of enduing creation with order in both structure and activity in relation to its (natural and) divinely ordained end. Love-reason-natural law stand in intimate relation to one another, and each must be understood within the meaning-context of the whole.

⁶⁸ Jean Porter points out how the Church turned to Scripture, in particular St Paul's description of the "unwritten law of the Gentiles," and patristic commentary, to glean the primary sense of the natural law, thus connecting it with the Decalogue and the Golden Rule: "This led them to develop a view according to which the natural law is fundamentally a capacity or power to distinguish between good and evil; it is intrinsic to the character of the human soul as made in the Image of God, and therefore it cannot be altogether obliterated; and it is expressed or developed through moral precepts which are confirmed, as well as being completed and transcended, through the operation of grace. Even though the natural law understood in its primary sense does not consist of specific moral rules, it does find immediate expression in the fundamental precepts of the Golden Rule or the two great commandments of love of God and neighbor; these in turn yield the more specific norms of the Decalogue, which can be further specified as warranted by the circumstances of human life." Porter, Jean. *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids: Eerdmans Publishing, 2005), pp. 13-14.

⁶⁹ Love for the "neighbor" enters into the formula with the Levitical law proscribing selfish acts "against the sons of your own people" (Leviticus 19:18). "Neighbor" means literally that: one's relatives or one of one's own people (Leviticus 19:16). Added to this was just relations with the "stranger" (Leviticus 19:34), but originally the stranger and "foreigner," that is, the uncircumcised, were excluded from fellowship with the Israelites (Exodus 12:43). God then began to remind the Israelites that they themselves had once been "strangers" and "sojourners" in the land (Exodus 22:21).

⁷⁰ MacArthur, John, *The MacArthur New Testament Commentary: Matthew 16-23* (Chicago: Moody Press, 1988), p. 339 (*emphasis added*).

⁷¹ Ap 139.110.

⁷² DS, 9-11.

⁷³ DS, 13-15.

⁷⁴ We in no way here acquiesce to the worldly "wisdom," which states, "hate the sin but love the sinner." The person of the sinner and his sin cannot be separated. When we hate sin, we do so by hating the sin of this particular sinner. We do not hate the being of the man, but the sin, which he embodies. Thus one cannot approve the sinner without accepting his sin. We must make him responsible for his particular sin through our disapproval of **his** act. Jesus did not, contrary to "worldly wisdom," love sinners but reject their sin. He made them responsible for their sin as personal acts, making them likewise personally responsible for the embodiment of repentance through faith in His person (John 5:14; 8:11).

⁷⁵ Ap 140ff.

⁷⁶ Ap 140.123-125.

⁷⁷ Ap 140.126-141.129.

⁷⁸ DS, 21-22. Also see the expansion of the authors' concern in endnote 1 of the *Draft Statement*. Their concern runs the gamut from sex and gender roles, to family, birth control, and abortion. The manner in which this endnote to the DS is worded suggests even "concern" for some of the more spectacular (from *spectacle*) forms of sexual behaviors.

⁷⁹ DS, 22-23.

⁸⁰ DS, 21.

⁸¹ DS, p. 47, note 1.

⁸² For a careful biblical-confessional study of the doctrine of love, see Carson, D. A. *The Difficult Doctrine of the Love of God* (Wheaton, IL: Crossway Books, 2000) and Carson, D. A. *Love in Hard Places* (Wheaton, IL: Crossway Books, 2002). In these works Carson offers a comprehensive understanding of divine love in the broader biblical context of God's holiness and sovereignty. Carson also offers a brilliant critique of human sentimental views of divine love, revealing the complex and nuanced interrelationships between God's love and man's love. The authors of the DS fall far short of a sound biblical understanding of divine and human love, building their concepts upon social convention rather than divine revelation.

⁸³ The elenctical or pedagogical use; i.e., the use of the law for the confrontation and refutation of sin and for the purpose of pointing the way to Christ. The Lutherans call this the "second use of the law."

⁸⁴ The Lutheran confessors following Luther called this function of the law in which it acts as a "mirror" revealing my true nature as an abject sinner before God, the "second use" of the law. "For the law is a mirror that accurately depicts the will of God and what pleases Him. It should always be held before the faithful and taught among them continuously and diligently" (SD, 588.4); ". . . the law of God prescribes good works for believers, so that it may at the same time show and indicate, as if in a mirror, that they are still imperfect and impure in this life" (SD, 590.21).

⁸⁵ DS, 23-25.

⁸⁶ DS, 27-29.

⁸⁷ DS, 29-30.

⁸⁸ DS, 32. (*emphasis added*).

⁸⁹ DS, 32-34. (*emphasis added*). Note the normative authority of individual and community moral and theological decision-making; this is characteristic of postmodern and postlutheran anti-confessionalism.

⁹⁰ DS, 34-36. (*emphasis added*).

⁹¹ DS, 38-39.

⁹² DS, 45.

⁹³ DS, 45-47.

⁹⁴ DS, 47-48.

⁹⁵ DS, 5-11. The only way that the authors can make the transition from the “law of love” to “grace alone” is by operating with a purely human concept of love.

⁹⁶ Namely, the distinction between the ceremonial (civic) law of Israel, and the moral law (Decalogue). The Lutheran Confessions are clear in making this distinction between the moral law (Decalogue) which is still in effect for Christians, and the ceremonial law which is no longer binding upon Christians: see Index to Kolb & Wengert, “Law, A. Concept: 2. Ceremonial law,” p. 732. One of the fundamental interpretive blunders made by the authors of the DS is that they fail to make this distinction between the laws meant only for ethnic Israel, and the moral law itself. Thus, they wish to throw the moral baby out with the ceremonial bath water. This theological blunder is almost understandable among free church theologians, but it is extremely puzzling among theologians of the churches of the Augsburg Confession. Not only in the light of the natural law are they condemned, but in the bright light of special revelation as applied in the Lutheran Symbols, they are “without excuse.” Their blundering only makes sense within the context of their extra-biblical hermeneutic with which they, and most teachers in the new “emerging” Christian churches operate.

⁹⁷ What is presupposed by the present author is that the text of Scripture is the self-attesting divine communication of God to His creatures; that the meaning of the written communication of God in Scripture is what God intends to have us grasp, and that this divine speaking of God in Scripture constitutes the heart of the written revelation and is the living Word of God. It is necessary to state this clearly again and again as the authors of the DS are operating with quite different principles in their understanding of and approach to Holy Scripture. For them, and for all postmodern critics of Holy Scripture, the Bible is a book like any other book, and like every other human text, it is constructed by its writers. That is, it is the purely human production of the culture, gender, race, and psychological disposition of its writer(s). This is not to say that for the authors of the DS the Bible does not in some way contain the word of God. But they do not equate the text of Holy Scripture with the word of God in its plenary fullness. George Grant well expresses the biblical-confessional stance over against that of postmodern skepticism: “The Bible is the Word of God. It is His revelation of wisdom, knowledge, understanding, and truth. It is not simply a splendid collection of inspiring sayings and stories. It is God’s message to man. It is God’s instruction. It is God’s direction. It is God’s guideline, His plumb line, and His bottom line. Thus, as Christians it is absolutely essential that we take every single aspect of God’s Word to us very seriously—and then attempt to live under its authority in every detail of our lives” (Grant & Horne, *Unnatural Affections*, p. 35).

⁹⁸ Bauer, Walter and F. Danker, *A Greek-English Lexicon of the New Testament and Other Christian Literature*, 3rd edition (Chicago: University of Chicago Press, 2000), p. 722.

⁹⁹ See Ap IV (121.5; 137.102; 150.186); Ap XII (195.53); FC Ep (500-501); FC SD (581-586).

¹⁰⁰ DS, 23, passim.

¹⁰¹ DS, 97.

¹⁰² DS, 102ff.

¹⁰³ DS, 102.

¹⁰⁴ DS, endnote 6, p. 47.

¹⁰⁵ The “scare quotes” around the term “natural law” belong to the DS itself. It seems the authors have no trouble dismissing both the scriptural basis of the divine law and the entire natural law tradition in one fell swoop by attempting to delegitimize them with a grammatical convention. Such carping criticism is but another mark of the complete lack of honest engagement with the broader philosophical and theological tradition of the West that so characterizes the DS.

¹⁰⁶ The authors of the DS here betray a shallow understanding of the natural law tradition. Their characterization of the natural law as constituting a kind of biologism is outmoded and clearly uninformed. We might here quote Jean Porter who speaks to this issue while discussing the medieval attitude toward the prerational character (“naturalness”) of the natural law versus its rational character: “Given the modern commitment to universal cogency as the standard of rationality, Catholic theorists of the natural law found themselves increasingly forced to choose between the naturalness of the natural law and its rational character. Almost without exception they chose to emphasize the rationality of the natural law, rather than its naturalism understood in an earlier sense according to which prerational nature has independent moral significance. By the beginning of the twentieth century, this conception of nature was widely regarded as untenable” (Porter, Jean. *Nature as Reason: A Thomistic Theory of the Natural Law*. Grand Rapids, MI: Eerdmans Publishing Company, 2005, p. 34. Again, “. . . when we examine early twentieth century Catholic accounts of the natural law, we find that they agree, with few exceptions, on a construal of the natural law tradition which emphasizes the rational character of the natural law and minimizes or even denies the normative significance of nature, except insofar as human nature is simply equated with rationality” (Porter, p. 35). Furthermore, against any idea of the natural law as biologism, Porter puts forward evidence that the natural law tradition was concerned primarily with an understanding of the natural law as moral discernment. She quotes from the *Biblia Latina cum Glossa Ordinaria* to make her point: “. . . the Gloss emphasizes what we might describe as the noetic, rather than the substantive or lawlike, character of the natural law, insofar as it is described as a capacity or power for moral discernment rather than as essentially or primarily a set of rules of right conduct. . . . The scholastics do believe that the natural law also generates specific moral norms. Yet they do not regard these as central to the natural law in its most important senses; rather, they identify the natural law in the primary sense with a capacity for moral discernment, or the fundamental principles through which such a capacity operates. This fact is significant because it points to an alternative way of construing Cicero’s marks of the natural law, in terms of the universality of a capacity or power, rather than in terms of a universally acceptable set of moral rules. Even so, the universally existing capacities and actions associated with the natural law call for theological interpretation, because they have been in some way damaged or obscured—otherwise, we would not need to be assured that they cannot be altogether extirpated and removed by sin, or told that they function properly when they have been healed by grace” (Porter, pp. 4-5).

¹⁰⁷ DS, I.

¹⁰⁸ DS, I.

¹⁰⁹ Kolb & Wengert, 439-440. It should be noted that in regard to the semantic issue raised above, the precise word usage found in the Kolb/Wengert edition is also employed by the translators of the two other standard English editions of the Lutheran confessional writings: McCain, Paul, ed. *Concordia: The Lutheran Confessions: A Reader’s Edition of the Book of Concord*, 2nd. Ed. (St. Louis: Concordia Publishing House, 2006), 406 and Tappert, Theodore G., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 1959), 419.

¹¹⁰ The term “epistemological” is here used in its broadest, philosophical-theological sense. It includes cognition and conception, but is not limited to this dimension only.

¹¹¹ DS, 47. The obvious should here be first highlighted: the “theological foundation” and hermeneutic principle, “Incarnation, justification and serving the neighbor” is a **theological**, and not a **biblical** principle. As such, it cannot bear the weight of the interpretation of the whole of Scripture. Only a **biblical** principle of interpretation can accomplish this (cf. above, *Scripturam ex Scriptura explicandam esse*). It would be impossible, and is unnecessary for our purposes, to examine the genesis of the hermeneutic principle to which the authors here advert. We need only provide an outline of principle rather than an exhaustive critique. It should be noted, however, that the interpretative strategy employed by the authors is in the line of historical-critical analysis **distally**, and the “hermeneutics of suspicion” **proximally**. Although proponents of this approach to interpretation often claim biblical and confessional foundations for their technique, they are unable to convincingly demonstrate a reasonable lineage that would authenticate such a birthright. Indeed, the fact that no such genealogical traces exist for their hermeneutics is enough to warrant suspicion on *our* part that this philosophy of textual interpretation may actually be a *de novo* attempt, in the face of the final collapse of the towering historical-critical house of cards, to bridge the troubled waters of postmodern despair. Be that as it may, we must be satisfied with a much less ambitious critique within the confines of a single paper. Thus we will generally refer to this interpretive principle as the “hermeneutics of reduction,” to simply indicate its qualified nature. As indicated above, the present author is of the opinion

that this approach to understanding human moral behavior is a part of the general reductive approach to Scripture interpretation. This hermeneutic was one of the first expressions in the church of a postmodern spirit. Wishing to return to biblical foundations after having lost its way in the morass of post-rationalist philosophy, and no longer able to recognize the *Corpus* of divine revelation, it grasped the torso carved out in its own image, called it the heart of divine revelation, and fell in love with the mirrored reflection. It is the asthenic reconstructed deconstruction perpetrated by a long line of “the rulers of this age” who are now become the spiritual lords of the church (2 Corinthians 2:6, 8). *Requiescat in pace* (R. I. P.)

¹¹² The term “gospel” is given two senses in the New Testament (FC SD 583.3-6). The confessors refer to these forms as “broad” and “strict” (FC SD 582.5-6). The preaching of Jesus Christ and the apostles always included repentance, that is, the gospel they preached was “broad” in the sense that it included the preaching of the law of repentance and faith in Christ.

¹¹³ “This incident is in keeping with what was known about the character of Pilate. Evidently, some worshipers from Galilee were condemned by Rome—perhaps because they were seditious zealots—and were sought out and killed in the temple by Roman authorities while in the process of offering a sacrifice. Such a killing would have been the grossest sort of blasphemy. Incidents like this inflamed the Jews’ hatred of Rome and finally led to rebellion, and the destruction of Jerusalem in A.D. 70” (MacArthur, John, *The MacArthur Bible Commentary*, Nashville: Thomas Nelson, 2005, p. 1304).

¹¹⁴ FC SD 581.2.

¹¹⁵ It is significant that there is no separate article on the gospel in the Augsburg Confession, nor in the Apology to the Augsburg Confession. The controversies concerning the proper distinction between law and gospel were subsequent to its drafting. The programmatic AC Article IV on Justification which speaks of God’s gracious and unmerited forgiveness of sin and righteousness before God must be read in the context of the rest of that Symbol, especially Article XII on Repentance and Article XX, Concerning Faith and Good Works. This properly contextual reading must also include a certain emphasis on the articles treating the Sacraments, the Church, and Church Order. Despite the extensive treatment of distinctions (law-gospel, and especially gospel-gospel in the FC), nowhere do the Lutheran Symbols support a reading that could possibly construe the kind of truncated or reduced gospel such as we find employed in a categorical and programmatic way in the DS.

¹¹⁶ FC SD 582.4

¹¹⁷ FC SD 582.6

¹¹⁸ FC SD 582.7-8

¹¹⁹ FC SD 583.9

¹²⁰ *Ibid.*

¹²¹ FC SD 583.11

¹²² FC SD 584.15

¹²³ FC SD 583-584.12/ WA 22:87, 3-18.

¹²⁴ FC SD 584.14

¹²⁵ FC SD 584.15

¹²⁶ *Ibid.*

¹²⁷ FC SD 584.17-18

¹²⁸ FC SD 586.27

¹²⁹ FC SD 581.1

¹³⁰ *Ibid.*

¹³¹ FC SD 582.4

¹³² The term “Rule and Norm” refers to that section of the FC under the heading *Concerning the Binding Summary, Basis, Rule, and Guiding Principle, How All Teaching Is to be Judged in Accord with God’s Word and How the Errors That Have Arisen Are to Be Explained and Decided in Christian Fashion*, FC SD, 526.1ff.

¹³³ After the destruction of ontological reality and the neutralizing of any correspondence between signified and signifier, postmodern theorists substitute **community** as the new basis for deploying and determining meaning. R. Scott Smith says, “We are left with having to ‘make,’ or shape, our own worlds ourselves, including religious and ethical ‘truths’. . . . How do we make our own worlds? We do it in community, or culture, say the postmoderns, and we use the **language** of our community to make our world. . . . With an emphasis on language and on how we talk in community, postmoderns stress narratives, or stories. One result of this is that the terminology within our churches is changing from someone telling his or her

testimony, to telling his or her **story**.” (Smith, *Truth & the New Kind of Christian*, p. 19). This phenomenon accounts for the diffuse but sharply personalistic and fideistic character of the language of the DS and all other theological and philosophical expressions following the postmodern turn.

¹³⁴ DS, 208-211.

¹³⁵ DS, 1422-1428.

¹³⁶ Carson, D. A. *The Gagging of God*, p. 181.

¹³⁷ DS, 1423-1424.

¹³⁸ DS, 1415-1420.

¹³⁹ The present author was in attendance at the 2007 Northeastern Minnesota Synod Assembly when two laypersons and one pastor (it seems there were some others as well) attempted to speak publicly about the human sexuality study underway by the ELCA Taskforce. As one of them stood at the microphone requesting to speak to the issue, he was quickly interrupted by Bishop Peter Strommen who informed him that discussion on the question of homosexuality was tabled and that he would not allow any public speaking to the issue for the duration of the Assembly. Bishop Strommen is, of course, the chair for the Task Force for ELCA Studies on Sexuality.

¹⁴⁰ DS, I.

¹⁴¹ DS, I.

¹⁴² The irony in this circumstance is too patent, really, to warrant an endnote. For the sake of those who had neither time nor inclination to read the relevant sections of this paper dealing with the dogmatic demand for inclusivism on the part of the authors of the DS in regard to literary, cultural, and socio-political conventions, suffice it to say that our authors’ seeming deeply visceral humanitarian passion turns out to be, rather, a bad case of heartburn. We find our authors, tragically, *inter canem et lupum*.

¹⁴³ Before his present call the present author served a Lutheran congregation on Cape Cod, MA. For those not aware of the fact, Provincetown on the Cape is known as the “San Francisco of the East.” As the common saying goes, Provincetown is Gomorrah to San Francisco’s Sodom. Provincetown has a very large homosexual population, and has taken on a much different ambience than that once enjoyed by the original residents of the once sleepy, quaint fishing village. “Locals” and visitors are now continually subjected to public displays of affection by same-sex couples who seem intent on shocking the less sexually and culturally liberated of the populace. Regular public “pride” parades are staged with all the typical “over-the-top” accompaniments of flamboyant, childish, offensive, and outrageous behavior. Of course, not all homosexuals participate in such vulgar and appalling public displays, but it is a well-known and -observed fact that such “playfulness” and almost adolescent public flirtatiousness, driven by a desire to shock those perceived as being too libidinally staid, is a characteristic feature of the homosexual subculture. Such displays are alienating and polarizing. If the ELCA allows openly acting-out homosexuals into the church’s pulpits, we can expect that such outlandish and shocking behaviors will be “celebrated” by both lay and clerical homophiles. This may be what will finally drive away from the church those already alienated by what they perceive to be the church’s acceptance of sinful sexual behavior. What shall we suppose will be the reaction (and actions) of large numbers of faithful Lutheran laypersons when such sexual perversions become institutionalized?

¹⁴⁴ An acquired sinful disposition or an acquired disposition to sin; a term used to designate patterns of human sinfulness, which are created by the repetition of sinful acts.

¹⁴⁵ For more on this important topic see Moberly, Elizabeth R. *Homosexuality: A New Christian Ethic* (Cambridge: The Lutterworth Press, 2006). Moberly is the originator of what is known as “gender-affirmative therapy” for homosexuals. This therapy for treating the homosexual condition is predicated upon the idea that the disorder is the result of attachment and bonding disturbances between the very young child and the same-sex parent. Homosexual behaviors are an attempt to heal the breach. In the chapter, ‘Healing and Prayer,’ Moberly says, “To ‘stop being a homosexual’ means to stop being a person with same-sex psychological deficits. This can only happen through the fulfillment of such needs and the resolution of any barriers to such fulfillment. Conversely, it must be understood very clearly that to thwart the fulfillment of such needs implies that the person is forced to remain homosexual. A non-practicing homosexual is still a homosexual. Sexual activity may not be appropriate to the outworking of the solution, but sexual abstinence of itself does not begin to meet the problem of the underlying deficits. Only the nonsexual fulfillment of same-sex needs may do this” (Moberly, p. 40). One important implication of Moberly’s work is her confirmation of the biblical definition of the homosexual condition as encompassing both desires and acts. The distinction that some Christian theologians make between homosexual longings

and thoughts, and overt homosexual behavior is illicit. For Roman Catholic moral theologians, the homosexual thought or desire does not constitute sin. Only homosexual acts are sinful. Holy Scripture makes no such distinction, and neither does the best human psychology.

¹⁴⁶ There are many case studies in the literature of homosexual persons who have been healed of their spiritual-psychological disorder. Two very helpful works by the same two authors will point the interested reader in the right direction: Jones, Stanton L. & Mark A. Yarhouse, *Homosexuality: The Use of Scientific Research in the Church's Moral Debate* (Downer's Grove, IL: InterVarsity Press, 2000), and Jones & Yarhouse, *Ex-Gays?: A Longitudinal Study of Religiously Mediated Change in Sexual Orientation* (Downer's Grove, IL: InterVarsity Press, 2007). These works are not only valuable in and of themselves as rigorously scientific refutations of the myth of the irreversibility of homosexual orientation, but they also open new avenues for the church to consider in the pastoral care of homosexuals. Understanding how this sinful sexual malady can be healed should be a **top priority** for the church. This seems much the more loving and theologically sound approach than the misguided attempts to "love" homosexuals by negating Holy Scripture and the natural law and thus institutionalizing immorality. In this regard the ELCA is **tragically failing** those that so many ELCA theologians and leaders claim to care for most.

¹⁴⁷ The reader should consult the two studies referenced just above in note 139 (see esp. Stanton and Yarhouse, *Homosexuality: The Use of Scientific Research in the Church's Moral Debate*). Studies that were at first interpreted by proponents of homosexuality to indicate the presence of a gene for homosexual orientation were fraught with problems, primarily sample bias. The results of the studies by Hamer, et. al., and Bailey & Pillard, the most well-known of those studies, have not been able to be replicated. One of the researchers (Michael Bailey) has since acknowledged the sampling bias error of his earlier study that seemed to indicate some genetic basis for homosexual orientation. Studies that tried to establish a hormonal basis for homosexuality have likewise failed, mostly for the same reasons as the genetic studies, viz., design and sampling flaws that have rendered them non-repeatable.

¹⁴⁸ AC 36-39; Ap 111-120; SA 310-311; FC Ep 487-491; FC SD 531-542.

¹⁴⁹ The two Greek terms translated by this phrase (μαλακοῦτε ὅτε φρσενοκοῦται) refer to the passive (μαλακοῦ) and active (φρσενοκοῦται) partners in consensual homosexual acts. See *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, 3rd Edition Revised and Edited by F. W. Danker (Chicago: University of Chicago Press, 2000), pp. 613, 135 respectively.