



## “Is it lawful to marry?”

PHILIP NESVIG

Some Pharisees came, and to test him they asked, “Is it lawful for a man to divorce his wife?” He answered them, “What did Moses command you?” They said, “Moses allowed a man to write a certificate of dismissal and to divorce her.” But Jesus said to them, “Because of your hardness of heart he wrote this commandment for you. But from the beginning of creation, ‘God made them male and female.’ ‘For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh.’ So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate.”

—Mark 10:2-9

### ANECDOTAL EVIDENCE

There is no escaping the subjects of live-in heterosexual relationships and the blessing of same-sex couples. For the last fifteen years, these topics have been debated in several articles in *Word & World*, in dozens of other journals, in many books, and in an unknown number of official denominational publications of one kind or another. The old mainline denominations seem headed toward some kind of resolution of the blessing of same-sex relationships issue in the near future. National assemblies are scheduled to create policy statements and canon law. However, the topics will continue to resist closure at the level of the local parish.

Anecdotal evidence continues to surface. When heterosexual couples meet with pastors to plan their wedding, it is rare to discover a couple who are not already living together. The marriage has already happened. The marriage ceremony

*Marriage in the biblical tradition is, in the perspective of this essay, the public and life-long union of one man and one woman. The church dare bless no other arrangement.*

elicits a sigh of relief from many who say, “It’s about time.” Age is no predictor. Senior citizens are as likely to live together as the twenty-something set. We may hear talk of losses of pension and Social Security income if the senior citizen couple marries. And we may hear vague “whatever” responses from the younger set when asked about lifelong commitment. What is clear is this: it no longer matters “what the neighbors think.” And “the neighbors” now include Christian parents and clergy.

Heterosexual couples living together may eventually marry; they may consider themselves to be a common-law husband and wife; or they may exhibit a pattern of serial relationships. Homosexual couples may well reflect these same behaviors.

Homosexual outings are now becoming routine. Just when you least expect it, “Smile, you’re experiencing my coming out.” Unless you’re an exception to the rule, someone you know has come out. Someone you know has gone public with tears and tremblings. You may have received an invitation to a same-sex blessing or been requested to perform one. Someone you know has had a spouse “change teams” after years of an apparently happy heterosexual marriage. Or you may have had an experience similar to mine at a church-related retreat center. A recent graduate of a college of the Evangelical Lutheran Church of America used the vespers service to tell his life story. One could empathize with his narration of a painful adolescence in small-town America. But my patience lapsed when he committed the most egregious case of eisegesis I have ever seen. Using the Lazarus story as a springboard, his worship assistant quoted Jesus in John 11:43, “Come out.” What followed was his “obedience to the word” of Christ with his now not-so-startling announcement, “Yes, I’m gay.” The service concluded with a crowd of well-wishers embracing him and his resurrected “new life.” A recent article in the “Queer Issue 2002” of Seattle’s alternative weekly *The Stranger* gives insights into this facet of the gay experience. Note the religious overtones.

“I didn’t invent the concept of coming-out-as-redemption. This notion was taught to me by a Welcome Wagon committee of queer friends and neighbors....Everyone was eager to rush me through gay rebirth, then enroll me immediately in the church of divine queerness....One older lesbian friend told me, ‘Coming out is like winning the lottery,’ and, ‘We’re more evolved than other people.’ I desperately wanted to believe such absurd comments, in order to ease my anxiety. But in retrospect, I wish someone had warned me of a few things, or that I had enough common sense to realize them on my own. First off, coming out is not, in itself, salvation: It wasn’t going to fill the void in me or soften the rough edges of my life.”

The author left her husband for serial lesbian relationships. She concludes,

“I’ve been trying to understand my deeper motivations for trashing my marriage....At the time I was coming out, the prospect of being gay—being out there alone, without the protection and entitlements of straight marriage—terrified me.”<sup>1</sup>

<sup>1</sup>“Queer Issue 2002,” *The Stranger*, Seattle, WA 11 (41) (June 27, 2002).

The cultural pressure to be sexually active and thereby gain identity and self-worth leads people to shed all inhibitions, be they heterosexual or homosexual. The old song about “sweet sixteen and never been kissed” may have a nostalgic quaintness to it, but for many teenagers and young adults, the lyrics need to be changed to reflect the reality that a first date is now often tantamount to first intercourse with that person. Seeking sexual and emotional satisfaction, heterosexual and homosexual couples bind themselves together before all the pieces of the puzzle fall together. For over thirty years we have heard from heterosexual couples who spurn a wedding license that “It’s just a piece of paper!” Now we hear homosexual couples with their own use of that phrase: “It’s the piece of paper!” The wedding certificate is prized for the social and economic equality they perceive it represents.

So, “Is it lawful to marry?” Shall we accept the new pattern of live-in heterosexual relationships? Shall we resolve the anxieties expressed by so many gay and lesbian people we know and love with the wave of the church’s hand in blessing?

---

*“people instinctively honor relationships, regardless of  
any external authority”*

---

Shall we give them the protection and entitlements of straight marriage? State law in Vermont and corporate policies in countless name-brand companies have given same-sex relationships such “protection and entitlements.” But shall we in the church set aside the biblical witness and twenty centuries of the whole church’s unanimous opinion on this matter? Shall we join this paradigm change and march in our local Gay Pride Parade as recommended by the ELCA’s Division for Outreach?<sup>2</sup> Shall we give equal status to live-in and same-sex relationships as to the heterosexual marriages licensed by the state and blessed by the church? How shall we resolve this apparently insoluble issue? By looking to the texts and our tradition!

#### HEART VS. HEAD

But first an observation that those who like to think about texts and tradition will find disheartening: if it’s head versus heart, the heart trumps all. People instinctively honor relationships, regardless of any external authority, be it social, parental, biblical, theological, civil, or legal. So whatever relationship claims a person’s heart will win the day. None of us needs to look very far. The first heart to be examined is yours or mine. The classic *incurvatus in se* (curved in on self) assessment of human beings where everything is me-oriented still stands. Suddenly the ground shifts away from hetero- or homo- to ego-sexuality. Celebrate yourself! A bumper sticker in my city carried this blasphemous message: “My body is not a temple. It’s an amusement park.” We do not live far from Corinth! The individual-

<sup>2</sup>Division for Outreach, ELCA, “Congregational Hospitality to Gay and Lesbian People,” October, 1998. Available online under “Hospitality” at [www.elca.org/do](http://www.elca.org/do).

ism of American culture provides abundant fuel for anyone seeking freedom from all external standards of behavior. Those who grew up in the 1960s remember this subjective mantra, “If it feels good, do it.” In our fast-paced culture with no time for subtleties, this phrase has morphed to the marketing phrase, “Just do it.” Such pop wisdom formulated in ad agency think tanks may reveal more about the spirit of our age, and about our own spirits, than any of us cares to admit. And the spirit of our age seems no different than this terse conclusion to the book of Judges: “In those days there was no king in Israel; all the people did what was right in their own eyes.”

#### TEXTS AND TRADITION

Thus, it is incumbent upon anyone who supports the traditional interpretation of biblical texts and church tradition to set forth clear reasons for rejecting the cultural winds that blow so hard against us. However, it is first necessary to reject the drastic revisions of pertinent biblical texts that have been offered in recent years. We have been advised that the joining of the man to the woman in Gen 2 is mythic material that predates any domestication of marriage by state or church. We have been told by a host of well-credentialed scholars that the texts that forbid same-sex behavior are not really what they appear to be. We have been advised they are to be considered relics of an ancient cultural entrapment of the people of God. We are cautioned that there is nothing comparable in the Bible to the current expressions of same-sex relationships among consenting adults. We have had these foundational texts explained away. We are reminded that we are wiser, kinder, and gentler in our day and have not succumbed to the abuses mentioned in the texts.

With a rapid sleight of hand, the traditional readings of texts pertaining to sexual ethics have been set aside. The presumed goal is to honor the current shibboleth called “diversity.” No greater sin has anyone these days than to question the meaning of this term. If diversity means that all kinds and conditions of people are called to repentance and new life in Christ, then I’m heartily in favor of the concept. But if diversity means anything goes, then this word has become emptied of its faith value. A friend coined this apt phrase for what is so often meant by diversity: “Come as you are. Leave as you are.”

At the same time, we have been counseled that the Lutheran confessions contain dire warnings against legalism. So any reading of God’s work in Christ and God’s continuing direction of the church through the Holy Spirit that carries any hint of the law is rejected as “un-Lutheran.” In an effort to avoid deadly legalisms, we have commentators placing their focus on the freedom to be who we are. What seems missing in action is any sense of Luther’s daily dying to sin and rising to new life. What also is missing is the confessions’ warning against antinomianism.

Perhaps this disagreement is simply about what counts for sin. The title of Karl Menninger’s book *Whatever Became of Sin?*<sup>3</sup> remains a haunting and unan-

<sup>3</sup>Karl Menninger, *Whatever Became of Sin?* (New York: Hawthorn Books, 1973).

swered question. It seems that a basic distinction needs to be made. This distinction may be recognized in Paul's wisdom: "All things are lawful, but not all things are beneficial" (1 Cor 10:23). Following this rule, the gospel of freedom in Christ is proclaimed while antinomianism is discredited. The same point is made by Christ in John 8:2-11 when he says to the woman caught in adultery, "Neither do I condemn you. Go your way, and from now on do not sin again." Come as you are to Christ, but leave changed! Both law and gospel are used in these two examples, with the law doing its essential work of bringing a person to Christ in order that the forgiveness of sins might be proclaimed.

In today's ELCA, pastors are asked to be "pastoral," that is, to speak words of gospel with no words of law. One's past is rendered clean with a Mr. Rogers embrace, "God loves you just the way you are." But the new life in Christ seems never to emerge. We are not called out of any sin, because no "sin" is serious enough to require dying to self and rising to new life through the word of Christ. We preachers have been conditioned to offend as few as possible. With the offense of sin carefully muzzled, there is also a well-muted declaration of grace. In truth, we preachers are left to wonder whether preaching the "happy exchange" of 2 Cor 5:21 has any point. If there's no sin, what is it we exchange for Christ's righteousness? The rich/poor metaphor of 2 Cor 8:8-10 becomes counterfeit. There is no gold-standard gospel remaining for our junk-bond lives.

The result is that people are shocked if we are not fully accepting of live-in relationships and same-sex blessings. Our culture has dug such huge potholes in the path following Christ that we are unable to imagine how to "walk the talk." We are simply told to "err on the side of grace," when such an error might indeed be better named as "cheap grace." For those who ask questions and raise issues, the charge of "legalist" is quick to be raised. Failure to embrace the new paradigms of live-in couples and same-sex blessings easily equates to "resistant to change" or "homophobic."

#### PROCLAIMING CHRIST FOR ALL

The biggest loss is the proclamation of Christ dying for the ungodly. Whole sections of Scripture are swept aside in the effort to be hospitable, diverse, and welcoming. The sin/grace dynamic becomes mere rhetoric, a nice theory but meaningless without the essential parts of the equation.

I recommend a conventional reading of our texts and tradition. The biblical texts about marriage and sexual ethics favor a simple interpretation. We are remiss if we do not interpret them for what they are—affirmations of heterosexual marriage. And we are unfaithful if we bless what God has not blessed through our texts and tradition. When I turn the question in Mark 10:2 from "Is it lawful to divorce?" to "Is it lawful to marry?" I am addressing the texts to our day. At the same time, I think another substitution is permissible to refine the point. I substitute "Is it God's will?" for "Is it lawful?" I take Jesus' response to the question of divorce to

be a simple affirmation by Jesus of the will of God for us. Why else would he quote the traditional texts—Gen 1:27 and 2:24? Jesus assumed, and the church has believed and behaved accordingly, that God’s will is being done when a man and a woman pledge their vows of faithfulness to one another. The biblical texts do not answer all our contemporary questions about the institution of marriage, but their thought trajectory is clear enough.

---

***“the biblical texts do not answer all our contemporary questions about the institution of marriage, but their thought trajectory is clear enough”***

---

Divorce remains the “hardness of heart” announced by Jesus. Sin is alive and well in our lives. The faithful step for us to take is to name what is sin and seek Christ’s plentiful mercy. Although acknowledging the painful reality of divorce, Christ did not invite a celebration of divorce in the manner we are asked to celebrate same-sex relationships. What was displayed publicly at Golgotha is boldly interpreted and proclaimed by the Apostle Paul to diverse peoples of every kind and condition.

There is therefore now no condemnation for those who are in Christ Jesus. For the law of the Spirit of life in Christ Jesus has set you free from the law of sin and of death. For God has done what the law, weakened by the flesh, could not do; by sending his own Son in the likeness of sinful flesh, and to deal with sin, he condemned sin in the flesh, so that the just requirement of the law might be fulfilled in us, who walk not according to the flesh but according to the Spirit. (Rom 8:1-4)

For those who trust they have been “set free from the law of sin” to walk “according to the Spirit,” how can there be any complaint that they are narrow-minded if they honor the biblical texts and church tradition? How can they be considered intolerant or homophobic by asking for the confession of sin? They are narrow-minded and legalistic only if they do not boldly proclaim the forgiveness of sins!

The *Lutheran Book of Worship (LBW)* order for marriage declares this truth about sin and forgiveness:

Because of sin, our age-old rebellion, the gladness of marriage can be overcast and the gift of the family can become a burden. But because God, who established marriage, continues still to bless it with his abundant and ever-present support, we can be sustained in our weariness and have our joy restored.<sup>4</sup>

A little over two years ago, I had the privilege of officiating at the wedding of a man and a woman who were celebrating the thirtieth anniversary of their wedding in my church building. They had been first married on Oct. 5, 1970, but much had

<sup>4</sup>“Marriage,” in the *Lutheran Book of Worship* (Minneapolis: Augsburg; Philadelphia: Lutheran Church in America, 1978) 203.

happened to the couple in thirty years. They had fled to another country, the husband had been imprisoned, there had been alcohol and drug abuse, followed by their eventual divorce. Now they stood before me to be married on their thirtieth anniversary. When I saw their spirit of forgiveness and a return to their trusting promises, it was a delight to be their officiant.

“IS IT LAWFUL TO MARRY?”

“Is it lawful to marry?” No! Homosexual couples are not granted the benefit of the church’s blessing even if civil authorities grant legal status to a same-sex union. It is not God’s will. Clergy should no more bless such relationships than we would want to bless and celebrate anything that indicates our bondage to sin.

---

*“young couples who marry may have only a hunch about  
the life-giving power of this divine blessing”*

---

“Is it lawful to marry?” Yes! Heterosexual couples who live together are to be encouraged to go public either through a civil or sacred marriage ceremony. Civil authorities and the church’s clergy who officiate at such ceremonies are doing God’s will. God’s sustaining word of blessing is spoken to a man and a woman who have made their commitment to one another. Such a word of blessing is a privilege to proclaim and a wonder to behold. Young couples who marry under this word may have only a hunch about the life-giving power of this divine blessing. To them I say, “Wait and see how God’s word will sustain you.” And to more seasoned couples, who may be on the verge of divorce, or those disheartened by their past divorces, I say, “Listen to God’s word of forgiveness and have your burdens lifted by the yoke of Christ.”

We cannot bless heterosexual couples living together because such an arrangement looks tentative. It lacks the public vows, the promises before God of lifelong commitment that the church has always upheld. When the Pharisees approached Jesus for his approval of divorce, he would not let them force his hand. He raised a critical question about their faith tradition by asking, “What did Moses command you?” When the answer came back that divorce was permitted by Moses, Jesus named it for what it was—hardness of heart or sin. He then redirected the discussion in a positive way. God’s will was that a man and a woman “become one flesh.” The “one flesh” of man to man and woman to woman is excluded.

Then comes the apparently threatening word against all interlopers to this man/woman marriage: “Therefore what God has joined together, let no one separate.” This solemn pronouncement, repeated in the *LBW* marriage service, is also the church’s defining word about marriage. Clergy are bold to proclaim that God has brought *this* man and *this* woman together. It is an awesome moment for all who are present. Dare we speak this word of blessing to same-sex couples and those heterosexuals living together? I think not.

“Is it lawful to marry?” Yes! But marriage in the church is for those willing to join the celebration of the man’s (and implicitly the woman’s) joyous outburst, “This at last is bone of my bones and flesh of my flesh” (Gen 2:23). And the ancient narrator (a clergyperson?) adds the word of God’s blessing: “Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh” (Gen 2:24).

“Is it lawful to marry?” The question eventually gives way to the gospel of Jesus Christ. And this gospel, which we are called to proclaim and live, is a good word for all, whether married or single, whether happy or frustrated with our marital status. Christ gives us what we can’t get from *any* marriage—his suffering, forgiving, life-transforming love. This gift is higher—more valuable—than any sexual or relationship shortcomings. This gift of gospel mercy is higher than being married or divorced, single or living together, straight or gay. This gift of Christ’s enduring, self-sacrificial love is higher than any claim we make for ourselves or others. Our final claim is one thing and one thing only: that Christ died for all the ungodly. This radical word brings new life to all of us diverse people regardless of marital or gender status. And Christ rose again to fulfill God’s will for the world, namely, that life shall be victorious over death and eventually our bodies will be transformed into his likeness. ⊕

*PHILIP NESVIG is the pastor of First Lutheran Church (ELCA) in Tacoma, Washington. A 1975 Master of Divinity graduate of Luther Seminary, Nesvig has served churches in Washington, Oregon, Idaho, and Norway. He has contributed several book reviews and articles to The Lutheran and Lutheran Quarterly.*