



# A New Word on Homosexuality? Isaiah 56:1-8 as Case Study

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## I. ON THE INTERPRETATION OF SCRIPTURE

**T**HE CHRISTIAN CHURCH NO LONGER LIVES IN THE FIRST CENTURY. IT NEEDS TO FIND ways to speak in a world of which the authors of the church's scriptures knew nothing. Yet, if the church is to be faithful to its own self-understanding, it must do this while confessing the scriptures to be word of God, speaking authoritatively in the church's faith and life. While the scriptures may not know about particular developments of the late twentieth century, they certainly know things about God and humans and creation and redemption—things the twentieth century may no longer know—that Christians must bring to bear on twentieth-century issues.

This process of mutual interpretation—the attempt to interpret scripture even as it “interprets” us—is almost never without pain. Nor is it today when the church is confronted with the need to say something again about homosexuality and homosexual behavior. A churchly conversation about this issue will be shaped by the call to love the neighbor and protect the common good; it will employ practical reason to describe what such love and protection will require in the late twentieth century to shape not only a Christian response to individual homosexual people but also a Christian voice in the formation of a just and stable society. But even more, that conversation will have to deal with the virtually unbroken tradi-

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tion of the church's prohibition of homosexual behavior, based to a large extent on its understanding of biblical texts—those relating both to homosexual behavior in particular and to creation and sex in general. The hard reality remains that efforts to convince the church that these texts are not relevant to the present situation have simply not proved successful. It would be quite impossible, for example, to get the kind of consensus from seminary faculties of the Evangelical Lutheran Church in America that was available at the time of the decision to ordain women. No, said the faculties clearly, there is no scriptural reason to disallow the ordination of women.<sup>1</sup> The texts do not mandate forever certain public roles for women, but present a temporal ethic for the people of God in a particular culture—a culture whose views were even then in the process of being undermined by the eschatological insistence that in Christ there is no longer male and female (Gal 3:28). But no such agreement could be garnered today regarding a proposal to recognize and approve homosexual genital relations—even in “committed, loving, and just” relationships. People of good will remain convinced that the biblical texts relating to homosexual behavior, human sexuality, and creation continue to prohibit homogenital behavior—and probably for good reasons, reasons related to the divine blessing given in creation to male-female one-flesh unions; to the eventual biblical insistence on lifelong marriage between one man and one woman as the only appropriate place for sexual relations; to the concern for the careful (and finally freeing) ordering of human community, especially in matters so volatile and primal as sexuality; to the fragility of the family in present culture and the dangers of sexual and social anarchy; to questions of public health; and more. There is no equivalent to Gal 3:28 with regard to gays and straights, so the church is left to struggle with harder texts, texts that most followers of the Christian tradition have found more or less clear in their prohibition of homosexual behavior.<sup>2</sup>

None of this implies that exegetical work seeking to discover as clearly as possible what the biblical texts do and do not mean is out of place. Such work is needed and has been helpful, though it does not always resolve the issue. With regard to the Sodom story (Genesis 19), for example, recent exegesis has helped the church see that the text's primary concern is not with homosexual orientation, as that is now defined, but rather with violent sexual abuse of a community's responsibility for the outsider. Careful reading of the text disallows the conclusion that it announces fiery death as God's inevitable reaction to homosexual expression everywhere.

Having said that, however, we also know that by the time Genesis was canonized by the Jewish community and received as scripture by the church, the connection had been made between Sodom and a variety of sexual aberrations,

<sup>1</sup>J. Gordon Melton, *The Churches Speak on Women's Ordination* (Detroit: Gale Research, 1991) 113-117.

<sup>2</sup>For my own attempt to understand the Old Testament texts on homosexual behavior see F. Gaiser, “Homosexuality and the Old Testament,” *Word & World* 10/2 (1990) 161-165.

including homosexual relations per se.<sup>3</sup> What will be the effect of such knowledge on our attempt now to create a biblical view of homosexuality? The tendency of the ELCA's draft statement on *The Church and Human Sexuality* is to examine individual texts on homosexual behavior in isolation, providing a critical reading that in one way or another limits or dismisses their applicability to the present situation.<sup>4</sup> But the emphasis in current biblical studies (as in ancient ones) is to seek a broader canonical understanding of issues, letting scripture interpret scripture. More recent literary and canonical emphases in biblical scholarship will make it harder, not easier, for those who want to argue that the biblical texts do not apply to the present situation.

All of which is to say that we will probably not resolve the present dilemma by creative exegesis. Up to now at least, even careful and responsible exegetical studies have not finally been able to remove the reservations of other careful and responsible biblical scholars about the applicability of these texts, to say nothing of being able to convince the church at large.

## II. THE RADICAL EXAMPLE OF ISAIAH 56

Is it then impossible for the church to speak a new word on this difficult issue? On what basis would such a word be spoken? A biblical case study presents itself for examination: the welcome to the foreigners and eunuchs in Isaiah 56, apparently overturning both tradition and Torah. This study will concentrate primarily on the new word regarding eunuchs.

According to Leviticus no one with "crushed testicles" shall "come near the curtain or approach the altar, because he has a blemish" (Lev 21:16-23). Deuteronomy's prohibition is even more severe, denying such "blemished" persons not only the priesthood but any participation in the worshiping community:

No one whose testicles are crushed or whose penis is cut off shall be admitted to the assembly of the Lord. (Deut 23:1)

But, in Isaiah 56, the prophet speaks a new word:

For thus says the Lord: To the eunuchs who keep my sabbaths, who choose the things that please me and hold fast my covenant, I will give, in my house and within my walls, a monument and a name better than sons and daughters; I will give them an everlasting name that shall not be cut off. (Isa 56: 4-5)

Indeed, along with the foreigners,

these I will bring to my holy mountain, and make them joyful in my house of prayer; their burnt offerings and their sacrifices will be accepted on my altar; for my house shall be called a house of prayer for all peoples. (Isa 56:7)

The move here is radical. While there are many places where scripture

<sup>3</sup>J. A. Loader, *A Tale of Two Cities: Sodom and Gomorrah in the Old Testament, Early Jewish and Early Christian Traditions* (Kampen, Netherlands: J. H. Kok, 1990) 80-86.

<sup>4</sup>*The Church and Human Sexuality: A Lutheran Perspective* (Chicago: Division for Church in Society, Department for Studies of the Evangelical Lutheran Church in America, 1993) 13-15.

reinterprets or reactualizes the tradition, using an old word to say something surprisingly new to a new generation, at least one scholar counts this as the only case in the Old Testament of the outright abrogation of one divine word by another.<sup>5</sup> The basis for such a shocking possibility is, of course, the introductory formula: “Thus says the Lord.”

For no one other than Yahweh had once revealed and set in force the communal law through Moses; therefore no one other than Yahweh could, under different circumstances, declare the law no longer valid. This is nothing more and nothing less than a correction of Holy Scripture by the divine author himself.<sup>6</sup>

Isaiah 56 begins the section of the book often termed Third Isaiah. It is set in Jerusalem following the exile where rival groups are attempting to restore Israel. On the one hand, the community of outcasts responsible for Third Isaiah is broad and universalistic in outlook, “welcoming all faithful people to the temple, which will become a ‘house of prayer for all peoples’ (56:7).”<sup>7</sup> On the other hand, the priestly establishment contends that the Babylonian captivity resulted from contamination by foreign ways and influences that had led Israel “to become like any other nation and to forfeit her life as the holy people of God (cf. Ezek. 20:32).”<sup>8</sup> Their restoration program will be narrow and isolationist (cf. Neh 9:1-2; 10:28-31; 13:1-3; Ezra 9:1-2; 10:11). Whereas the priestly reconstruction insisted on maintaining the laws of purity and holiness—the laws that excluded those who were “blemished”—the eschatological vision of the community of Third Isaiah looked for Yahweh’s salvation to be extended to all peoples because of Yahweh’s own righteousness (56:1). Eventually, both the universalistic perspective of Isaiah 56 and the protectionist view of Ezra and Nehemiah found their way into the biblical canon, leaving the community of God’s people, now as then, struggling with the dialectical tension between openness and exclusion as the key to survival. But, for the present study, Isaiah 56 presents the possibility of a new and welcoming voice, precisely where the older tradition had been concerned for separation and purity.

### III. A CLOSER READING OF ISAIAH 56:1-8

A closer reading of Isa 56:1-8 will help us understand the conditions under which the prophet envisions the inclusion of the eunuchs.

1. The prophet speaks from an eschatological perspective: “for soon my salvation will come, and my deliverance be revealed” (56:1). Second Isaiah had proclaimed God’s intervention on behalf of captive Israel, an act with political and cosmic dimensions, transforming reality, making all things new (43:19). So decisive

<sup>5</sup>Herbert Donner, “Jesaja LVI 1-7: Ein Abrogationsfall innerhalb des Kanons – Implikationen und Konsequenzen,” in *Congress Volume: Salamanca 1983*, Supplements to Vetus Testamentum, vol. 36, ed. J. A. Emerton (Leiden: E. J. Brill, 1985) 92.

<sup>6</sup>Ibid., 87-88 (my translation).

<sup>7</sup>Elizabeth Achtemeier, *The Community and Message of Isaiah 56-66* (Minneapolis: Augsburg, 1982) 18. Achtemeier bases her work to no small degree on Paul Hanson, *The Dawn of Apocalyptic* (Philadelphia: Fortress, 1975).

<sup>8</sup>Ibid., 19.

was this divine act, so superior to the pretensions of the foreign deities, that it called all people into its sphere of influence. "Turn to me and be saved, all the ends of the earth! For I am God and there is no other" (45:22). Now, however, the people are back in Jerusalem, their temple and their lives still in ruins. To many, the times seem to call for more practical solutions. But Third Isaiah continues to insist that God has something new in store. Like Second Isaiah, he refuses to look to the past (even the immediate past) to see God at work. A new salvation is on the horizon, one that, like the old, will be "good news to the oppressed" and "liberty to the captives" (61:1). New life will be possible even in the midst of unfulfilled political hopes.<sup>9</sup> God is continuing the new thing he had begun in Second Isaiah, creating something so new it will even go beyond the provisions of Torah. The new age is not established by reconstructing the past, but by openness to the future, an openness available also to foreigners and eunuchs.<sup>10</sup>

2. The new salvation is received as gift. "To the eunuchs...I will give, in my house and within my walls, a monument and a name better than sons and daughters; I will give them an everlasting name that shall not be cut off" (56:4-5). Second Isaiah, too, announced the surprising birth of sons and daughters – and, indeed, precisely where they were thought impossible. "Then you will say in your heart, 'Who has borne me these? I was bereaved and barren, exiled and put away – so who has reared these? I was left all alone – where then have these come from?'" (49:21). "Sing, O barren one who did not bear; burst into song and shout, you who have not been in labor! For the children of the desolate woman will be more than the children of her that is married, says the Lord" (54:1).

Over and over again, biblical stories use miraculous birth as the preeminent sign and metaphor of divine grace. Life belonged to God and could be given only by God. In situations of post-menopausal age (Sarah), barrenness (Hannah), and virginity (Mary), birth was unexpected, even impossible. It could only come as gracious gift, as amazing surprise, as fundamental sign of grace. This section of Isaiah makes use of the same metaphor. Israel in captivity is bereaved and barren. There is no hope for a next generation. Unless, of course, Yahweh intervenes, creating life out of death – which is exactly what Second Isaiah proclaims. And Third Isaiah follows suit. Eunuchs, too, cannot produce children, cannot perpetuate their name. But God can. Eunuchs are given an everlasting name that shall not be cut off, given a monument better than sons and daughters – inclusion in the household of God.

Careful readers will remember that they have just read in 55:13 that the transformation of nature ("instead of the thorn shall come up the cypress") is also "an everlasting sign that shall not be cut off." God's work for the eunuchs is of

<sup>9</sup>Cf. F. Gaiser, "Liberty to the Captives: Exegesis of Isaiah 61:1-6," *Resource: A Continuing Education Cassette Series for Pastors* 15/5 (January 1986).

<sup>10</sup>As Odil Hannes Steck points out, several elements in Isa 56:1-8 expand the thought of chapter 55. He sees the welcome to the foreigners and eunuchs as an extension of God's calling the nations in 55:5 (*Studien zu Tritojesaja* [Berlin: Walter de Gruyter, 1991] 170, 244-5).

similar scope (56:5). The eunuch is no longer a “dry tree” (56:3); for the eunuch, too, “nature” can be transformed by the divine word (like the dry desert or the briars of Second Isaiah). What had been unproductive can become productive, a full member of God’s assembly.

This text does not speak of anyone’s right to be included in that assembly. It does announce a divine gift, an unexpected grace that changes everything.

3. Though entrance into God’s people is a gift, it brings responsibility and engenders confession of faith. “To the eunuchs who keep my sabbaths, who choose the things that please me and hold fast my covenant, I will give...” (56:4-5). Keeping the sabbath assumes great importance in Third Isaiah (56:2, 4, 6; 58:13 [twice]; 66:23). But the issue is apparently more than some kind of legalistic cultic exercise. In fact, in chapter 58, keeping the sabbath is associated with feeding the hungry, clothing the naked, and bringing the homeless poor into one’s house (vv. 6-7). Similarly in 56:1-2, “keeping” (שמר) sabbath is paralleled with “maintaining” (שמר) justice. Sabbath-keeping, for this post-exilic community, is no small matter. Along with circumcision, it had apparently been raised to the level of *status confessionis* during the exile. As a personal act, a familial exercise, it was possible even in exile, apart from Jerusalem. It became an act of confession, a sign of the covenant. Keeping the sabbath became a credal testimony, in the midst of Marduk-worshippers, to the lordship of Yahweh. It identified the people of Israel and set them apart for the acts of justice and self-giving to which that people was called. Thus, in 56:4, to “keep my sabbaths” and “hold fast my covenant” are not so much two things as one thing. One is sign of the other. Both distinctly identify the follower of Yahweh.<sup>11</sup>

In other words, the inclusivity proclaimed in Isa 56:1-8 is not an ideology that simply proclaims acceptance, disallowing claims to truth and differentiation. It is embarrassingly particular. There is no acceptance of an abstract “eunuchism,” but those eunuchs and foreigners are welcomed who confess Yahweh and give themselves to the demands of the covenant.

4. The gathering of the eunuchs and the foreigners, like the gathering of Israel itself, is a gathering of “outcasts” (56:8). As already noted, sociological analysts of the post-exilic period suggest that the community responsible for Third Isaiah was, in fact, made up of outcasts – or at least people outside the hierarchical establishment that was attempting to restructure Israelite life through repristination of the past. Third Isaiah was more of a visionary, an embracer of the possibility that God would yet do a new thing. The disappointments and dissatisfactions of the post-exilic period eventually led to the rabbinic belief that the divine presence, the holy spirit, was lacking in the second temple.<sup>12</sup> Our prophet, however, is of a different opinion, at least for his generation. Not only does he introduce his oracle

<sup>11</sup>Gregory Polan shows how the terms “keep” and “hold fast” play key roles in Isa 56:1-8: *In the Ways of Justice toward Salvation: A Rhetorical Analysis of Isaiah 56-59* (New York: Peter Lang, 1986) 46-48.

<sup>12</sup>R. E. Clements, *God and Temple* (Philadelphia: Fortress, 1965) 126.

with the standard messenger formula (“Thus says the Lord”), but in his most personal reference he insists that he is empowered by “the spirit of the Lord God” (Isa 61:1). For this prophet, membership in the people of God is not a matter of blood but of commitment (56:1-8). He condemns religious (chap. 58) and social (chap. 59) business-as-usual and invites the “humble and contrite in spirit” into an intimate relationship with a God who is properly addressed as father (63:16; 64:8) and imaged as nursing mother (66:10-13). This is the relationship and the community into which the eunuchs and foreigners are invited. They are no more affirmed in their own self-understanding here than are the faithful sons and daughters of Israel with whom they are united. All together are called to confess their own failures and bask in God’s redemptive righteousness (59:14-20), an attitude which will open them to God’s new work.<sup>13</sup>

#### IV. THE CONTEXT OF ISAIAH 56:1-8

What enables the prophet to make such extravagant claims on behalf of God? How or why is the Torah legislation against eunuchs overturned? Donner admits a difficulty in relating Isaiah 56 to Deuteronomy: in Deut 23:2 those excluded are those “whose testicles are crushed or whose penis is cut off,” while those welcomed in Isa 56:4-5 are simply the “eunuchs.”<sup>14</sup> The reason for the use of the different term comes clear, however, by looking at the structure of the book of Isaiah. An interest in “eunuchs” is not limited to chapter 56. The same term (עֲרֻרִים) shows up also in 39:7 (and only there), where we learn that some of Hezekiah’s sons “shall be eunuchs in the palace of the king of Babylon.”

Chapter 39 is the transitional chapter between First and Second Isaiah, where the book turns our interest away from the earlier destruction of Israel by the Assyrians to focus on the (then) coming destruction by the Babylonians. We are prepared for the Babylonian captivity, the situation to which Isaiah 40 proclaims its tender word of comfort. In chapter 39, the king of Babylon attempts to destroy Israel’s future by castrating the male members of the royal line. There will be no more children here! The extreme danger of this threat becomes clear when we realize that it is announced by Isaiah, the prophet of God.

Then come chapters 40-55, with their account of God’s overthrow of Babylon at the hands of Cyrus and the invitation to the people of Israel to return to Jerusalem. But, will not Babylon succeed after all? If, in fact, the royal line is cut

<sup>13</sup>Douglas John Hall nicely describes the difference between establishment religion and prophetic faith in *The Stewardship of Life in the Kingdom of Death* (New York: Friendship, 1985) 17: “Religion, more often than not, is the name that we give to that type of ritual conservatism that has found in certain definite dogmas and rules of behavior a kind of shelter from the unknown, the mysterious, the anxious-making dimensions of life. And prophetic faith is (quite rightly) perceived by this mentality as an exhortation to leave the safety of dogmatic sanctuaries, and to follow the Spirit of God into the wilderness, into the marketplace, into wide open spaces where there is no security and much temptation!”

<sup>14</sup>Donner, “Jesaja LVI 1-7,” 94.

off—if, indeed, all Israel has become “barren”—how will there be a future? Especially if those who were made eunuchs to serve the court of Babylon are cut off from the assembly of God’s people by God’s own law? The situation drips with poignant irony. God (through God’s law) becomes the barrier to God’s deliverance (in the promise). Such a radical situation demands a radical response, which is just what we get: the overturning of the law. God’s deliverance will not be thwarted by rigid adherence to the law.

So, the change in terminology for the eunuchs between Deuteronomy 23 and Isaiah 56 is not an unhappy problem to be overcome; it is a way to make clear the connection between Isaiah 56 and Isaiah 39. What we have here is a literary inclusion surrounding the proclamation of God’s deliverance from Babylon in Second Isaiah (chapters 40-55), a concentric structure that is amplified by the connections between the strong passages on the word of God in the prologue and epilogue to Second Isaiah (chapters 40 and 55). Further, the structural motif is enhanced by the presence in the middle of Second Isaiah (chap. 47) of the lament over defeated Babylon.

Isaiah 39 (Babylon’s violence: Israel shall be *eunuchs* in exile)

Isaiah 40 (Comfort to exiled Israel, based on the power of God’s *word*.)

Isaiah 47 (the defeat of violent Babylon)

Isaiah 55 (Israel’s return from exile, based on the power of God’s *word*)

Isaiah 56 (welcoming the *eunuchs* into God’s people)

The whole gospel message of Second Isaiah is set off by the concern for eunuchs and the fear that Babylon might have its way.<sup>15</sup> But, God’s word proves stronger than Babylon, which is not only defeated politically, but theologically as well: Babylon’s threat will not prevail; God’s word will prevail—even if that entails *abrogating a previous divine word*. Indeed, two of them! Yahweh was not only the author of Torah but also of the predicted victory of Babylon in Isaiah 39. Now, both things are overcome—by a new word of the Lord.<sup>16</sup>

The point of this whole section is now clear: Babylon can’t win! Not only can it not win politically (at least in the long run); neither can it win theologically, posthumously defeating God’s promise by cutting off the offspring of Israel. No! says Yahweh: “I will give them an everlasting name that shall not be cut off” (56:5).

<sup>15</sup>A happy by-product of this investigation is another literary confirmation of the distinctness of Isaiah 40-55 (Second Isaiah). The concern for eunuchs closes First Isaiah and opens Third Isaiah; the welcome of the eunuchs is an outgrowth of the theological and political victory and the universality of the work of Yahweh proclaimed by Second Isaiah.

<sup>16</sup>As Polan points out, the divine word also overcomes the despairing words of the foreigners and the eunuchs (v. 3) who can find no human way to resolve their dilemma (*In the Ways of Justice*, 66). In that sense it functions as an oracle of salvation in response to the laments of the foreigners and the eunuchs (so Karl Pauritsch, *Die neue Gemeinde: Gott sammelt Ausgestossene und Arme (Jesaja 56-66)* [Rome: Biblical Institute, 1971] 47).



The eunuchs, once excluded, are now welcome—along with the foreigners who pledge themselves to the service of Yahweh.<sup>17</sup>

This welcome is announced by the prophet as a new word of the Lord. No doubt everyone was not convinced. How did this text become scripture, especially if, as suggested earlier, it was opposed by strong voices within Israel's establishment?

There is no simple or final answer to that question, but all agree that the development of the present book of Isaiah and of the canon of what Christians call the Old Testament was a process lasting centuries. The message of Isaiah 56 claims the authority of God and a direct connection to the first and second parts of the book of Isaiah. These features no doubt provided it a hearing, but that such a new word was true, that it was in fact the voice of God, could prove itself only over a period of time. The text had to stand up to competing claims for a more exclusive definition of the people of God and to the ongoing validity of Torah itself. People had to recognize that they heard in this text the word of God, that they understood themselves to be addressed by a message of challenge and comfort that rang true to what they knew about Yahweh, the God of Israel. Obviously, this happened: the text is now part of Holy Scripture. It survived the generations of testing appropriately exercised by the people of God and speaks now, even over the millennia, as word of God.

#### V. SPEAKING A NEW WORD

Third Isaiah speaks a new word regarding eunuchs and foreigners. Can the Christian community today speak a new word regarding its acceptance (God's acceptance?) of practicing homosexuals?<sup>18</sup>

Apart from Isaiah 56, the primary model for such new speaking is Jesus himself. "You have heard that it was said to those of ancient times....But I say to you..." (Matt 5:21-22; etc.). Jesus, too, radically reinterpreted Torah, and, at least in the case of "An eye for an eye and a tooth for a tooth," overturned it (Matt 5:38-39; cf. Exod 21:23-24; Lev 24:19-20). The result: "Now when Jesus had finished saying these things, the crowds were astonished at his teaching, for he taught them as one having authority, and not as their scribes" (Matt 7:28-29). In other words, Jesus was seen as a prophet not as an exegete. His claims were astonishing.

<sup>17</sup>In Isaiah 39, those made eunuchs by Babylon were of the royal line. How then could the Davidic promise be reestablished, even if eunuchs were welcomed into the temple, since physical offspring would still be impossible? Isaiah's answer may come in another connection between chapters 55 and 56. In 55:3, the Davidic covenant is "democratized," thrown open to all who hear the prophet's word. This remarkably universalistic voice is continued in the welcome to the eunuchs and the foreigners in chapter 56.

<sup>18</sup>Isaiah 56 says nothing directly about the place of eunuchs in "society," but speaks only about their acceptance into the assembly of God's people. Thus, the argument in this paper will have to do primarily with the place of practicing homosexuals in the church, not with their place in society. However, since the redemptive and creative work of God are closely related in Isaiah 40-66, one often serving as sign of the other, and since God is Lord of both church and world, the two issues will not be unrelated. This would, of course, have been even more true in the theocratic world of Third Isaiah.

Present claims to prophetic authority also astonish. Of course, Jesus could do this; but we're not Jesus! Yet, the New Testament claims divine authority in making other reversals, even after Jesus' death (e.g., Acts 10:9ff.; Gal 3:28; 5:6). But we are not authors of Holy Scripture either. Or are we?

A Lutheran understanding of the word of God can, in fact, make quite surprising claims in this regard. The confession that the word of God is really present in the church's proclamation is related to Luther's insistence that the gospel is finally not a written word but an oral word, which is why "Christ himself wrote nothing but only spoke."<sup>19</sup> That the New Testament had to be written down was, in fact, a "great loss and a deficiency of Spirit."<sup>20</sup> As Gerhard Ebeling points out, the issue for Luther in these comments is "how the scripture becomes word and how the word becomes Spirit,"<sup>21</sup> for, with Paul, Luther realized that "the letter kills, but the Spirit gives life" (2 Cor 3:6).

Even more shocking is Luther's insistence in the *Theses Concerning Faith and Law* (1535)<sup>22</sup> that the thing that matters is Christ and the gospel, not a wooden reading of scripture:

49. Therefore, if the adversaries press the Scriptures against Christ, we urge Christ against the Scriptures.

In fact, apropos of our concern for speaking a new word, Luther claims:

52. For if we have Christ, we can easily establish new laws and we shall judge all things rightly.

53. Indeed, we would make new decalogues, as Paul does in all the epistles, and Peter, but above all Christ in the gospel.

54. And these decalogues are clearer than the decalogues of Moses, just as the countenance of Christ is brighter than the countenance of Moses [II Cor. 3:7-11].

Luther remains aware, as always, of the dangers of chaos, sin, and *Schwärmerei* (enthusiasm), and thus he adds an important *caveat*:

58. Nevertheless, since in the meantime we are inconstant in spirit, and the flesh wars with the spirit, it is necessary, also on account of inconstant souls, to adhere to certain commands and writings of the apostles, lest the church be torn to pieces.

59. For we are not all apostles, who by a sure decree of God were sent to us as infallible teachers.

60. For that reason, it is not they, but we, since we are without such a decree, who are able to err and waver in faith.

61. Hence, after the apostles no one should claim this reputation that he cannot err in the faith, except only the universal church.

Thus, from Luther, we learn of the possibility of speaking an entirely new word, even against scripture, in the spirit of Christ, but also of the danger that "the

<sup>19</sup>WA 10.1.1:17, lines 7-12.

<sup>20</sup>WA 10.1.1:627, lines 1-3.

<sup>21</sup>Gerhard Ebeling, *Dogmatik des christlichen Glaubens*, vol. 3, 2nd ed. (Tübingen: J. C. B. Mohr [Paul Siebeck], 1982) 261.

<sup>22</sup>*Luther's Works*, vol. 34, ed. Lewis W. Spitz (Philadelphia: Muhlenberg, 1960) 109-132.

church be torn to pieces” through the exercise of this authority. Thus, it is consigned by Luther only to the “universal church.”

Luther was no more able to get a hearing before the “universal church” (a council) than are we. Yet, he is correct that a claim to make a “new decalogue” would be a claim to the authority of the universal church, governed by the Spirit of Christ. As in the case of Third Isaiah, this is precisely the claim of a prophetic voice. In announcing “Thus says the Lord” it claims to speak to and for all Israel with the authority of God himself. The prophet claims the authority of God among and for the people. Indeed, the prophet claims to be the voice of Israel (“the universal church”). “Israel may be all or a few or one of its members.”<sup>23</sup>

Any attempt by one or some of God’s people to speak today a word that challenges scripture and tradition—a word claiming authority in the church on the basis of the gospel—is, in effect, making a prophetic claim to speak to and for the universal church. Speakers should recognize both the possibility and audacity of their claim. The church must hear and evaluate such voices, testing the spirits, asking whether or not it finds itself addressed in such a word by the challenge and comfort of law and gospel. In other words, the church applies the test of canonicity. Will this new word be heard as word of God, or will it not?

#### VI. WHAT WOULD A NEW WORD ON HOMOSEXUALITY LOOK LIKE?

If we use Isaiah 56 as a model, a new word about the full acceptance into the church of practicing homosexuals would need several elements.

1. It would speak from an eschatological perspective. This is quite different than an argument made from the culture of the times. Contemporary cultural realities will certainly play a role in the church’s ethical arguments; but here we speak of a more radical move—not an ethical argument, say, for the civil rights of gay and lesbian people based on creation and the command to love (though such an argument surely has its place),<sup>24</sup> but a prophetic word welcoming practicing homosexuals into full participation in the community of God’s people despite the knowledge that the biblical texts speak differently. It would be, in effect, the invention of a Gal 3:28 (neither Jew nor Greek, etc.) with regard to gays and straights.<sup>25</sup> The argument by some, that the gospel has already overturned the law in relation to homosexual behavior, is inadequate. It is unable to respond to the fact that the New Testament retains and restates the biblical prohibitions of homosexual behavior.

A new word would need to assert once again that this is a matter of “Babylon

<sup>23</sup>H. H. Rowley, *The Faith of Israel* (London: SCM, 1956) 122.

<sup>24</sup>The Bible itself makes a constructive distinction between a general concern for purity and order and the particular treatment of individual human beings. The same Torah whose purity laws exclude the blind from ministry at the altar (Lev 21:18) insists in its ethical concern for the neighbor that one dare not “put a stumbling block before the blind” (Lev 19:14) or “[mislead] a blind person on the road” (Deut 27:18). Such texts can provide a biblical model for reminding even those who regard homosexual behavior as sin or disorder that failure to love the homosexual neighbor, placing a “stumbling block” in his or her attempt to lead a productive daily life, is also sin.

<sup>25</sup>Such a word would go beyond Gal 3:28, because it would involve the affirmation not only of a person’s gender, ethnicity, or class (or orientation), but also, within limits, of a person’s actions.

can't win," that nothing can separate people "from the love of God in Jesus Christ our Lord" (Rom 8:39) – not tradition (for all its importance and truth), not the extremes of sexual nihilism pronounced by parts of modern culture (to which the church properly responds with condemnation). Like Isaiah 56, a new word would have to be willing to pit God against God, charismatic claim against religious orthodoxy, making an argument for why, in this day, the inclusive word of the gospel allows or demands the welcoming into the church of practicing homosexuals who name the name of Christ, why the universalism proclaimed by Second and Third Isaiah is now properly extended to homosexual people.

2. A new word would recognize that participation in the assembly of God's people is a gift rather than a right. Orthodox Christianity has trouble with demands for rights as these apply to matters of faith. Of course, there are human rights, based in civil order and a theology of creation. True, the church has not always done such a good job in applying these rights to people in its own midst or in advocating them for others in society – including homosexual people – but Christian theology insists that participation in the community of the faithful is not a matter of right but a matter of election. Isaiah 56 does not claim that eunuchs and foreigners have a right to an everlasting name, but that this name is given them as a gift of grace. Like all people of God they receive grace not with an upraised fist but with an open palm. This does not mean that a new word on homosexual behavior would bestow a favor from the many to the few that the few should receive in a proper attitude of submission, but that many and few alike would receive such a prophetic word with astonishment, recognizing a gift of God breaking down the dividing walls of hostility previously present.

3. A new word would need to determine how a relationship between gay or lesbian people would "keep the sabbath." Isaiah 56 does not announce that from now on "nothing matters." It welcomes eunuchs and foreigners who keep the sabbath and hold fast to God's covenant. This means the participation in the church of practicing homosexuals would be based, first and foremost, on a confession of faith. Contemporary culture invites people to identify themselves in a variety of ways, including gender, ethnic background, and sexual orientation. Any or all of these is subject to the temptation to idolatry (which is at least one of the things condemned by Leviticus [18:22; 20:13] when it labels male homosexual behavior an "abomination"). Self-definition becomes idolatrous when it takes real but penultimate aspects of creation and claims for them ultimate or transcendent status. This is not to be the case in the kingdom of God, where the self is found precisely when it is lost for the sake of the gospel. Basing a new word for homosexuals on Isaiah 56 would insist that primary self-identity for a Christian is not gay or lesbian or bisexual (any more than it is heterosexual – at least an equal danger in our culture of sexual materialism), but on one's status as child of God, an identity received and confessed as a gift of covenant.

But "keeping the sabbath" involves not only confession; it is also a way of life. A church welcome to practicing homosexuals would not be the baptism of a cultural lifestyle, but a call to certain human beings to give themselves to a disci-

plined life marked by clear boundaries. These are the “committed, loving, and just” relationships spoken of in the ELCA’s statement on human sexuality; but for the church to be convincing to its own members and faithful to its own roots, such relationships would require quite careful definition. Voices claiming a new word would need to spell out quite clearly what such relationships would look like, how they would move beyond a quest for individual self-expression, and how they would retain the biblical gifts and demands of one-flesh unions—fidelity, public accountability, and permanency. This does not imply the invention of homosexual “marriage,” since marriage refers to male-female unions given within creation to exercise, among other things, God’s gift and command to “fill the earth.” It does, however, mean the church would need to require and then recognize a lifelong faithful union between two (and only two) committed persons.<sup>26</sup> Certainly the church’s voice would not be convincing to itself or to its culture if it required less of homosexual relationships than it requires of heterosexual ones, or less of “committed” homosexual couples than it requires of “committed” (but unmarried) heterosexual couples. All of this would have to be spelled out rather clearly as part of what it means, in today’s church and society, for sexual relationships (of whatever orientation) to “keep the sabbath.”<sup>27</sup>

4. A new word would welcome practicing homosexuals to a community of outcasts. Much of the animosity in the present discussion comes because the debate over homosexuality is often seen as part of the contemporary culture wars.<sup>28</sup> A war has winners and losers, and both sides are determined to be the one and not the other. The worldview of Isaiah 56 is decidedly different. The God who welcomes eunuchs and foreigners is the God who “gathers the outcasts of Israel” (v. 8). Eunuchs do not “win” in the sense that their own defined way of life is affirmed; nor do the Zadokites “win” in their attempt to keep Israel pure by repristinating the old laws. God “wins” by establishing a community of outcasts, one defined neither by the culture of the establishment nor by an alternative culture of eunuchs, but by its faith in God.

There is a proper concern in the church for multicultural and cross-cultural issues; there are proper ways for the church to reflect the culture(s) in which it lives. Isaiah 56, however, defines the people of God in counter-cultural terms. Applied to the present, a new word would not be gained by a church vote won by

<sup>26</sup>A difficulty in the call for the church to “bless” homosexual unions is the inherent relationship between the biblical word “to bless” (ברך) and fertility. If to bless is to bestow fertility, how does one bless that which is by definition infertile? Yet, in the KJV/RSV, God apparently “blesses” the eunuchs and foreigners in Isaiah 56:2. This blessing, however, is אֲשֶׁר rather than בָּרַךְ. It is the “happy” of the NRSV. The distinction is carried over into the New Testament with its use of “happy” (μακάριος) to translate אֲשֶׁר (“blessed” in KJV) and “bless” (εὐλογέω) to translate בָּרַךְ. Might it be possible for the church to envision a rite that pronounces homosexual unions “happy” in the Lord, even when they cannot (at least in any traditional way) be “blessed” (i.e., fertile)?

<sup>27</sup>Matters related to such public commitments cannot be confined to life within the church or to church members only. Obviously, conversation about the church’s recognition of some kind of legitimate homogenital partnership for its own members would inform and be informed by the church’s view of such partnerships in society at large.

<sup>28</sup>As described, e.g., by the Ramsey Colloquium in “The Homosexual Movement,” *First Things* 41 (March 1994) 15-20.

either liberals or conservatives, through which 51% of the body could impose its will on 49% and by which the church would be “torn in pieces,” but would proclaim a community of outcasts, marked by neither reactionary fear nor revolutionary rhetoric but by the word of God, law and gospel, that challenges all lifestyles and invites people to participate in a body quite unlike the surrounding culture. To be sure, the Constantinian church has not always recognized its call to counter the culture in which it lives; often, it still fails in this task. In view of that reality, a new word on homosexual relations would also have to be a prophetic word on heterosexual relations, calling all Christians to a life that testifies to the surprising presence of Christ in the world.

#### VII. SHOULD SUCH A NEW WORD BE SPOKEN?

In Lutheran tradition it seems clear in principle that such a new word *could* be spoken. Moving in this way would at least have the value of honesty: it would recognize that, for most Christians, the texts and the tradition have said something else; but it would now venture a new voice. Whether or not such a new word *should* be spoken, there is no doubt it *will* be spoken as people claim prophetic authority in and for the church. Then the question is: Will it or should it find agreement? That will depend upon how well that word is able to substantiate its derivation from the eschatological and redemptive work of God rather than from particular cultural or social agendas. It will depend upon whether believers of whatever sexual orientation hear the word as gift and promise rather than as blasphemy or legalism, as a word of transformation rather than merely a word of advocacy or information. It will depend upon how well the speakers are able to make a convincing argument that the call to fidelity and public accountability for homosexual people is no less strong than that for heterosexual people, that this is not an invitation to sexual disorder and the destruction of the family or an affront to public morals and public health. It will depend upon whether both homosexuals and heterosexuals who confess Jesus Christ will be able to define themselves by other than cultural norms.

A new word would have to be proclaimed with both audacity and respect—boldly willing to say something new on the basis of both the gospel and a newer understanding of human sexual orientation; respectfully willing to recognize the validity of the tradition and its concern for blessed and stable human community, acknowledging the intent and authority of the scriptural texts even as it seeks to say a new thing—boldly ready to claim prophetic authority; respectfully recognizing that those who affirm the long history of prohibiting homogenital behavior are not necessarily pathological or reactionary. Proclaiming and responding to such a word would make the church an active agent in the conversation rather than a reluctant responder to social pressure. Once such a word were spoken, the church would be called to test it—to decide prayerfully and thoughtfully whether or not it finds itself addressed by God in a prophetic voice. It would be a time for proclamation, listening, and deliberation, with their potential to bring unity and mutual understanding, rather than a time for voting, labeling, and power-seeking, with their potential for party-spirit and division.