

Legislation Regarding Same-Sex Civil Unions

Reflecting upon Resolution 3-21 (1998), “To Affirm the Sanctity of Marriage and to Reject Same-Sex Unions,” President Kieschnick has asked the CTCR to respond to the following question:

In the ongoing debate in our country regarding the definition of marriage, what can we as a confessional Lutheran church say about same-sex civil unions? Although these unions are contrary to the will of the Creator, may Christians support legislation offering the legal benefits given to married partners to people of the same sex united in a legally recognized civil union?

The first sentence of this request raises a *theological* question that is answered clearly and straightforwardly in the very next sentence: same-sex unions “are contrary to the will of the Creator.” This is the clear teaching of Scripture, and it is the official position of The Lutheran Church—Missouri Synod. In 1998 Res. 3-21 (“To Affirm the Sanctity of Marriage and to Reject Same-Sex Unions”) the Synod says:

Whereas, The Sacred Scriptures teach that in the beginning the blessed Trinity instituted marriage to be the life-long union of one man and one woman (Gen. 2:24; Matt. 19:4-6), to be held in honor by all; and

Whereas, Homosexual unions come under categorical prohibition in the Old and New Testaments (Lev. 18:22, 24; 20:13; 1 Cor. 6:9-10; 1 Tim. 1:9-10) as contrary to the Creator’s design (Rom. 1:26-27); therefore be it

Resolved, That the Synod declare that same-sex unions are, according to the Scriptures, contrary to the will of the Creator and sin against the commandments of God; and be it further

Resolved, That the Synod encourage all its members to give a public witness in word and deed to heterosexual marriage as an estate to be held in honor by all and kept inviolate (Heb. 13:4; 1 Thess. 4:2-5).

While clearly affirming this theological position, the request goes on to raise a *political* question: “Although these unions are contrary to the will of the Creator, may Christians support legislation offering the legal benefits given to married partners to people of the same sex united in a legally recognized civil union?”

Questions about political legislation of behavior that is itself clearly “contrary to the will of the Creator” must be dealt with on the basis of a proper understanding of the historic Lutheran distinction between God’s rule and activity in the “left-hand kingdom” and his rule and activity in the “right-hand kingdom.” God rules in the left-hand (secular) kingdom over all people (Christians and non-Christians) through fallen human leaders, governments and structures and through imperfect, humanly-made laws. God rules in the right-hand (spiritual) kingdom by grace alone over all those (and only those) who trust in Christ as their Savior, forgiving their sins and sustaining their faith through the means of grace and the power of his Spirit (see AC/Ap XVI; Romans 13).

In its 1995 report, *Render Unto Caesar...and Unto God: A Lutheran View of Church and State*, the CTCR discusses at some length the challenges and complexities that Christians face as they live in these “two realms” at the same time, as members of Christ’s body, the church, and as citizens of a particular earthly government. As they grapple with and debate questions *about* specific legislation in the civil realm, the Commission suggests that Christians should distinguish carefully between *theological* judgments (made on the basis of God’s Word) and *legal* or *political* judgments (which inevitably involve left-kingdom realities and complexities). For example, the Commission says:

It might be noted that while the Scriptures speak unambiguously regarding the sinfulness of divorce (except in cases of unfaithfulness and malicious desertion), the Synod has not felt compelled to speak directly to the state regarding this issue or to urge the state to enact legislation that reflects Scripture’s teaching on this matter. Similarly, the Synod has clearly stated its position on the sinfulness of homosexual behavior (1973 Res. 2-04) but it has not entered into debate in “the public square” about whether such behavior should be legally prohibited. The CTCR has stated: “The question whether homosexual acts between consenting adults should be legally prohibited is one about which Christian citizens may disagree. Not all matters of morality are fit subjects for legislation” (*Human Sexuality: A Theological Perspective, A Report of the Commission on Theology and Church Relations of The Lutheran Church—Missouri Synod*, 1981, 35). To stimulate further discussion, it might be noted that in addition to Scripture’s clarity on these issues, both divorce and homosexuality have obvious social consequences that need to be considered as the church wrestles with how best to speak to the state on these matters. (90; fn. 167)

In light of the above, the Commission recognizes the possibility that Christians who fully agree (morally and theologically) that “same-sex unions are, according to the Scriptures, contrary to the will of the Creator” (1998 Res. 3-21) may disagree about the worth, wisdom or necessity of particular legislation in the left-hand kingdom that presupposes the existence of these (immoral and unscriptural) unions. While Christians may disagree, the CTCR does find compelling reasons against offering legal benefits to “people of the same sex united in a legally recognized civil union.” Opposition to such legislation in the civil realm is most properly founded not solely on the basis of what the Bible says about the *sinfulness* of homosexual unions, but also on the basis of concerns about the *social consequences* of such legislation. Such concerns include the inevitable undermining of the institution of marriage, the granting of “rights” solely on the basis of sexual orientation and/or behavior, implications for adoption and the raising of children, the nature and definition of the “family” as the foundational unit for society, etc.

These concerns are congruent with what God’s Word teaches about marriage as a divine institution and about the foundational role that this divine institution plays in society as a whole. As the CTCR states in its 1981 report on *Human Sexuality*, marriage is clearly defined in God’s Word as “the lifelong union of one man and one woman entered into by mutual consent” (10). Through the divine institution of marriage, God works to provide for “(1) the relation of man and woman in mutual love (Gen. 2:18); (2) the procreation of children (Gen. 1:28); and (3) the partial remedy for sinful lust (1 Cor. 7:2). Both the fourth and sixth commandments presume and support these purposes of marriage in human life” (10). “The creation of human beings for covenant community,” says the Commission, “finds its original expression in the fellowship of

male and female” (33). By its very nature, therefore, marriage is “subject to certain divine requirements which remain in effect until the close of this age regardless of the social customs, civil laws, or ecclesiastical rites which may come to surround it” (10). Christians committed to the truth of God’s Word, therefore, recognize and regret the fact that the very existence of same sex civil unions serves to undermine God’s intention to bring blessing to society and all of humanity through the institution of marriage as he created it.

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