

#757 Book review—THE DIVORCE OF SEX AND MARRIAGE by Robert W. Bertram

This week's Thursday Theology is a review of *The Divorce of Sex and Marriage: Sain Sex*, written by Crossings co-founder Robert W. Bertram and edited for posthumous publication by Dr. Michael Hoy, pastor of First Evangelical Lutheran Church (ELCA) in Decatur, Illinois, and former editor of the Crossings newsletter.

Our reviewer is Dr. Kathryn Kleinhans, Professor of Religion at Wartburg College in Waverly, Iowa. Kit is well known to many in the Crossings community for her memorable presentations at Crossings conferences and for several guest posts at Thursday Theology during Ed Schroeder's years at its helm. Kit is an alumna of Seminex, with firsthand knowledge of Bob Bertram as a teacher and thinker. That closeness allows her, in this review, to communicate with Bob across the years—to anticipate his likely responses to her criticisms of his argument, and to answer those responses clearly and frankly.

The book, by the way, is available for a \$10 donation to Crossings. Please include \$3 for shipping and handling, and send your request to clessmannATcharterDOTnet. You can support the ministry of the Crossings Community with a tax-deductible donation via PayPal, (use link at bottom of page). And don't forget to register for the [Crossings Seminar](#), January 20-22 in Belleville, Illinois.

Peace and Joy,
Carol Braun, for the editorial team

The Divorce of Sex and Marriage: Sain Sex
By Robert W. Bertram, edited by Michael Hoy
Chesterfield, MO: Crossings Community, 2012.

Bertram has a rich vision of God's gracious will for human sexuality and/in marriage. The two are intertwined in such a way that he sometimes refers to them as a verbal unity, SexMarriage. Those familiar with Bertram's theology, either directly or through the ongoing work of the Crossings Community, will not be surprised to discover that his intent is to "cross" SexMarriage, that is, to bring it and its participants to their knees, to the cross, and thence on to resurrection. This goal explains the subtitle of the book, "Sain Sex," which draws on the Old English word for blessing or making the sign of the cross.

A central theme in Bertram's vision is that SexMarriage is not just what we make of it but what God has made of it. In a characteristically invitational turn of phrase, Bertram claims that couples do not so much live into the "one flesh union" that their Creator intends for them but rather that they live out of it. Bertram aptly cites a Bonhoeffer wedding sermon on this point: "Until now, you've been held together by your love, but from now on your love will be held together by your marriage."

Bertram's understanding of SexMarriage is set squarely within his understanding of Christian community. Christians who are joined to the body of Christ are so joined bodily, not just spiritually, and thus are joined also to those other Christians who are part of the body of Christ. SexMarriage, then, is not just a private concern but an embodied reality. The sin of any and each of the members is borne by the whole body. Moreover, when we receive the body of Christ in the Holy Communion, we receive back our own redeemed bodies and also the bodies of our

neighbors. This multilayered corporeality keeps us from making either too much or too little of our own physicality, including our sexuality.

Bertram names his theological approach in this book “a hermeneutics of repentance.” Drawing on Jesus’ admonition about those who focus on the speck in the eye of others while ignoring the log in their own eyes, Bertram identifies our preoccupation with the sexual sins of others as a distraction from our own sinfulness, not only sexually but overall. He uses this preoccupation as a hook to pull all of us sinners equally into the ring, where we soon find that our judgment of others boomerangs back on ourselves. The particular hook or speck on which the book hangs is “homosexuality,” the term Bertram uses to identify the practice of homosexual sexual behavior, rather than the orientation. Divorce, he states, once served as this kind of hook but no longer fulfills this function effectively because it has lost its scandalous character. Bertram’s use of homosexuality is strategic; he is clear that it is not the point of the book. The point, rather, is to offer a retro-“speck”-tive analysis of heterosexual marriage.

Despite Bertram’s high view of SexMarriage and his desire to invite his readers to live out of this understanding, the book has some significant flaws.

Initial diagnosis:

The book’s framing premise is dated. According to Bertram, most Americans reject homosexual unions, and even homosexuals themselves are settling for civil rights instead of continuing to press for the validation of their unions as marriages. The debate, he says, is “fizzling,” and its proponents “show signs of giving up” in “despair” (13). While this may have been accurate when Bertram was working on this manuscript over a

decade ago, it is certainly not the case today, with same-sex marriage now legal in nine states and the District of Columbia, and with Gallup reporting approval for same sex marriage at 50% or more for the last two years. (Currently, same-sex marriage is also legal in eleven other countries on four continents.)

I knew Bob Bertram well enough to know that if he were here to comment, he would deflect the statistics by saying, "Yes, there is increased recognition of same-sex 'marriage,' but it is understood and advocated for primarily as a matter of equitable legal rights rather than as the One Flesh Union that marriage truly is." I counter this anticipated criticism by pointing out Bertram's own acknowledgement that heterosexual couples also fail to understand and claim One Flesh Union as the basis for the plausibility of their marriages, settling instead for an understanding of marriage as public commitment. Indeed, it is this desexualized understanding of marriage that Bertram aims to critique. But if, as Bertram argues, marriage is more than what its heterosexual participants claim for it, then the fact that homosexuals might also not claim enough for marriage is not, in and of itself, an adequate basis for rejecting the validity of same-sex marriage.

Let's be clear: I am not arguing for the theological validity of same-sex marriage on the basis of state law or popular opinion. It is Bertram himself who presents public opinion as a warrant for his position, and he does this repeatedly. On pages 11-14, he describes declining interest in advocating for same-sex marriage. On pages 31-33, he finds significance in "the vast majority" recognizing that same-sex relationships are not and cannot be marriage. On pages 45-46, he moves from numbers to emotions, citing "the general antipathy" and "the deep-seated aversion" to homosexuality and same-sex marriage. Bertram's "speck to log" analysis requires as its starting point "an existing condition of people in large numbers passing judgment

on a perceived wrong" (45), in this case, homosexuality. Even if the structure of the "speck to log" argument is valid, the significant change in public opinion related to same-sex marriage challenges the soundness of the argument. (An argument is logically valid if the conclusion follows from the premises; a valid argument is sound only when all the premises are true.) Homosexuality seems to be losing the scandalous edge that Bertram had counted on for his retro-"speck"-tive examination of marriage itself.

Advanced diagnosis:

Assume, though, that Bertram's strategy worked, i.e., that the notion of same-sex marriage is so obviously scandalous that it challenges us to reflect on what marriage truly is. This is Bertram's stated intent, but does the end justify the means? I have serious ethical reservations about treating an entire group of people primarily as a foil for the edification of others.

In the introduction, Mike Hoy recounts a similar critique offered in a review of a Bertram article that presented an earlier form of this argument. Bertram's response was that the reviewer had missed the point, which was not about gays and their relationships but about bringing heterosexuals and heterosexual marriages under the same judgment. I'm not sure the critique can be dismissed so easily. The "speck to log" hermeneutics requires, Bertram says, something that scandalizes most of us. Imagine this argument being written in the 1950s, with not divorce as the "speck" but interracial marriage. Would we accept an argument that repeatedly refers to the illegitimacy—the impossibility, even—of interracial marriage, but claims to do so not with any disrespect intended to interracial couples but only so that we can think more critically about our own marriages? I think not. Early in this book, when Bertram refers to a declining interest in same-sex

marriage, he writes, "To which we dare to say, I hope not insensitively, So what" (13). But this strategy *is* insensitive to the lives and the relationships of gays and lesbians. Brushing that aside with a mild disclaimer hardly mitigates the ethical concern.

In setting up his hermeneutics of repentance, Bertram says that his focus is on heterosexual society's judgment of homosexuals, a judgment that he intends to have boomerang back on the judges themselves. Although the logic of Bertram's "speck to log" hermeneutics suggests that homosexuals and heterosexuals are equally subject to God's judgment, his language about homosexuality often suggests an unequal critique. (Indeed, even the use of the term "homosexuality" to refer to sexually active gays and lesbians has prejudicial connotations.) "Gay marriage is morally far too suspect" not to judge (34), according to Bertram. The unequal critique is most troubling in the latter sections of the book, when Bertram refers to the forgiveness of sinners like "the adulterer or the practicing lesbian or the abusive husband or the idolatrous heterosexual couple" (81), and our bodily solidarity with "fellow sinners ... that may include homophobes and gays and abusers and adulterers" (84). Are all sinners? Yes. But if Bertram genuinely means to focus on the whole person as sinner, as he says, it rings false when he groups gays and lesbians consistently with adulterers and abusers. If the point he is intending to make is that all have sinned and fallen short of the glory of God, then why not include in the same category of sinner the happily married couple celebrating their 50th anniversary? True, Bertram mentions "the idolatrous heterosexual couple," but their appearance on the list is qualified by their idolatry, whereas the inclusion of the lesbian on the same list is qualified simply by the fact that she is "practicing." The truth of our shared status as sinners *coram Deo* does not justify the

rhetorical inclusion of sexually active gays and lesbians on a list with those, like adulterers and abusers, whom we censure *coram hominibus* for specific sins that cause identifiable harm to others.

Final diagnosis:

Finally, and most seriously, the book relies too heavily on unsupported assumptions and anecdotes rather than on careful argument. In Part One, Bertram writes, "I must be careful not to win my case by how I pre-define my terms" (38). Unfortunately, he proceeds to do just that.

Bertram begins with the assumption that homosexuality is sin. His larger point in doing so is wrapped up in the question "Whose sin?" by which he intends to refer both to the Christian community as bearers of one another's sins and also to Christ as the one who finally bears the sins of all upon the cross and forgives them in the embodied fellowship of the Holy Communion. This larger point, however, is about people. All of us, both homosexual and heterosexual, are sinners in need of God's gracious gift of forgiveness. But in focusing on homosexuality, which he defines as the sexual practice of homosexuals, Bertram seems to be reverting to a ranking of actual sins rather than our shared status as original sinners. Again, let's be clear. I am not here simply assuming that homosexual sexual activity is not sinful, nor is it my role as a reviewer to make an argument for that position. I am pointing out that Bertram's book relies heavily on assumptions rather than on argument.

In addition to the assumption that homosexuality is, in and of itself, sin, Bertram also makes assumptions about what constitutes marriage. Bertram's understanding of SexMarriage describes a reality that is physical, bodily, sexual, as well as a commitment of lives and wills. "Marriage, whatever else it is,

is plausible sexual union" (4-5). "What marriage truly is," according to Bertram, is "a union in which sexual 'acts' do define sexual 'being' after all. Precisely by the lovers doing what they do, carnal as that may be, they come to be what they are: a one-flesh union" (63). However, Bertram assumes that the insertion of a penis into a vagina is the only sexual activity capable of uniting two people in a one-flesh union. He asserts that in order for sexual activity to be unitive, "the partners do need to be 'made for each other,' at a minimum genitally" (67). Although he encourages us to read Genesis 1-2, his primary warrant seems to be a natural-law reading of Romans 1. Even here, Bertram admits, one needs to "puzzle out" the answers from the creation (24), but he fails to do so in a systematic way. Rather than making a careful argument, he points to the Scriptures and to heterosexual genital "complementarity" and proceeds as if these have self-evident meaning.

Again, I knew Bob well enough to know that were he here he would accuse me of not taking sexual intercourse seriously enough. I respond by asking whether he might be defining sexual intercourse too narrowly. Our preference for euphemisms is not helpful here. While some medical dictionaries define intercourse as the insertion of a penis into a vagina, others define intercourse as sexual activity involving the genitals of at least one person, thus acknowledging a larger category of sexual behavior comprised of oral-genital intercourse, anal-genital intercourse, etc., as well as genital-genital intercourse. Bertram assumes the former, narrow definition. He makes passing reference to "alternative orifices and penetrations" as a "substitute for intercourse" (62) but does not even consider the possibility that such sexual activity could be unitive. Martin Luther argues, in *The Babylonian Captivity of the Church*, that a woman who marries an impotent man is not really married but simply sharing a roof with her so-called husband. Would Bertram

argue similarly that a woman who marries an impotent war veteran, for example, is not and cannot be truly married without penis-in-vagina intercourse? In such a case, might not other acts of sexual intimacy serve the same unitive function? I am not arguing for an understanding of marriage that is asexual (a straw man Bertram sometimes raises). I am not claiming that all sexual acts are equal. I am arguing that Bertram cannot simply assume and assert, without argument, that penis-in-vagina intercourse is a sine qua non of marriage, even SexMarriage. Sexual consummation of love, the mutual belonging of spouses one to the other in body as well as in daily living—these are at the heart of the vision of SexMarriage that Bertram is inviting us into, but Bertram has not demonstrated that they are reserved exclusively for heterosexuals.

Bertram's conclusion, which he anticipates from the very beginning of the book, is the story of a married couple whose son is dying of AIDS and a lesbian couple who are friends of the family. At the climax of this particular story, the lesbian couple offer to swap their king-sized bed for the twin beds in which the married couple have been sleeping. This exchange comes after they have all shared together in a bedside Holy Communion in the hospice where the son is dying. This is clearly a powerful story for Bertram, and one to which he has alluded anticipatorily from the beginning of the book. But the example of one lesbian couple's choice to give up their shared bed is simply not sufficient warrant for Bertram's claim that God "returns" heterosexual unions for our redeemed use but does not so return homosexual unions.

At several points in the book, Bertram refers to his vision of SexMarriage as an invitation to be considered by his readers. He encourages us "to re-imagine the truth about SexMarriage" (8), to come to "a fresh and free conception of marriage" (37). In the end, he admits that his writing is "faithful speculation,"

not proof (88). I affirm Bertram's desire for a renewed vision of marriage for Christians. What I find unpersuasive is his conclusion that a redeemed understanding of marriage is available only for heterosexual couples. He has not so much concluded this as assumed it from the start and then taken the reader on a circumlocutious journey toward that end. This fault is not the result of the posthumous editing of an unfinished manuscript; it is the result of Bertram's own unquestioned assumptions, his reliance on rhetoric rather than argument, and his inability to imagine an even larger possibility for SexMarriage than his exclusively heterosexual model.