

“Human Sexuality: Gift and Trust”

A proposed social statement from the Task Force for ELCA Studies on Sexuality

and

“Report and Recommendation on Ministry Policies,”

From the Task Force for ELCA Studies on Sexuality

A Critique by Carl E. Braaten

Introduction

My critique of the first “Draft Social Statement on Human Sexuality” prepared by the Task Force for ELCA Studies on Sexuality, written and disseminated in April, 2008, offered this conclusion: “This ‘Draft’ fails to take seriously distinctive Lutheran principles of theology and ethics regarding human sexuality. Either the Task Force is woefully ignorant of the Lutheran confessional tradition regarding theological ethics, or it willfully ignores it to reach some pre-conceived conclusions for ideological reasons.” My criticisms included the following assertions: 1) it confused law and gospel; 2) it reversed the order of creation and redemption; 3) it wrongly represented Lutheran ethics of sex as deriving from Christology and the doctrine of justification; 4) it was antinomian; 5) it did not deal with the Law of God and the Ten Commandments; 6) it did not exegete the biblical passages that deal with sexuality, and in particular homosexuality; 7) it avoided the use of the proper name of the triune God, Father, Son, and Holy Spirit; 8) it drew only upon Lutheran sources, displaying a sectarian attitude that ignores the teachings of the Great Tradition; 9) it disregarded the Lutheran view of homosexual acts as sinful. I ended my critique by saying that the social statement of the Task Force is “not only deeply flawed from a Lutheran theological perspective, it is also so poorly written that I believe there is very little in it to salvage.”

Now we have before us a revised version of the social statement on sexuality proposed by the same Task Force that produced the first draft. My first observation is that it is vastly improved in substance and style. A serious effort has been made, it appears, to take seriously the criticisms that I as well as others made of the document. It uses traditional Lutheran theological concepts and language more intelligibly. Many Lutherans who read this statement will encounter an array of familiar Lutheran symbols, slogans, and shibboleths that will possibly dispose them to accept it. However, they are mostly an ornamental covering that hides its egregious departure from the biblical, doctrinal, and ethical teachings of the one, holy, catholic, and apostolic church affirmed by the Lutheran Confessional Writings as well as the Constitution and Confession of Faith of the Evangelical Lutheran Church in America.

Let there be no mistake about this: If the ELCA were to adopt the social statement and approve the recommendation of the Task Force to ordain men and women living with sexual partners of the same gender, that would constitute a radical departure from the overwhelming consensus that has prevailed in historic Christianity through twenty centuries. The social statement proposed by the Task Force fails to make the case that this is a wise and legitimate decision for an orthodox Christian church to make.

I. On Theological Method

There is no real theology in this social statement. At best what it offers are numerous descriptive statements of what it presumes Lutherans have confessed and believed. That is history and not theology. Simply to state and re-state what this church (the ELCA) teaches about this or that does not make it true. The document fails to make

theological statements that have any merit in the face of other Christians and churches. What Lutherans believe, teach, and confess is not true simply because they say so. Sixty million Lutherans saying something doesn't make it true. We must demonstrate that what we assert is true on the basis of Holy Scripture in continuity with the classical creeds and confessions which the ELCA accepts in its Constitution.

There is no biblical exegesis in this social statement. A number of times it makes the gratuitous claim that it has "drawn deeply on our Lutheran theological heritage and Scripture." ("Human Sexuality: Gift and Trust," line 606) It states that "it seeks to tap the deep roots of Scripture and the Lutheran theological tradition." ("Human Sexuality: Gift and Trust," line 1179) But it fails to do precisely that. For example, the statement refers to the "seven texts" in the Bible that specifically address the issue of homosexual behavior. No effort is made to explain or interpret these texts. They are not identified or quoted, let alone exegeted or interpreted. Instead, the social statement has implicitly accepted the opinions of some recent biblical scholars that these texts have no bearing on the kind of homosexuality that they are talking about -- sexual relations between same-gender oriented persons.

Lutherans affirm that Scripture is both source and norm of their attempt to hear the Word and heed the Will of God. Well, what about these seven texts? Do they or do they not express the intention of God for human behavior? Does not what Paul says in Romans 1: 26-27 merit any consideration by a Task Force of the church that produces a social statement on human sexuality, especially when it proposes to overturn the unanimous convictions of Christians and churches the world over for the last two mil-

lennia? After careful reading I can reach no other conclusion: This social statement does not take Scripture seriously, and does not even try. Nor does it take church tradition seriously, choosing instead to go its own way, which is the definition of “heresy” -- to choose an opinion at variance with orthodoxy. This is the kind of evidence a sister Lutheran Church can use to bolster its nasty accusation that the ELCA is heterodox.

The Task Force is clearly confused about how to construct the ethics of sex from a Lutheran theological perspective. In its first draft it stated that the Lutheran understanding of sexuality is founded on the incarnation of God and the doctrine of justification. Those two doctrines fall under the rubric of the “right hand” rule of God in Jesus Christ. In its final draft the Task Force places the ethics of sexuality under the rubric of the “left hand” rule of God through the structures of creation. It is difficult to have any confidence in the theological competence of this Task Force that shows such utter confusion on theological method.

II. The Wrath and Judgment of God

In my first critique I quoted H. Richard Niebuhr’s quip about the theology of preaching going on in liberal Protestantism: “A God without wrath brought people without sin into a kingdom without judgment through the ministry of a Christ without the cross.” This social statement is not reluctant to talk about sin. It describes how sin pervades all human relations, including sexual relationships. But it depicts a God without wrath and without judgment. God’s only response to sin is “love.” God is love. God loves and cares for everybody; it doesn’t matter what they do. God is a prisoner of his own love. He can’t do anything else. Voltaire said, “God will forgive, that’s his job.” This is not the God of

the Bible; this is not the God of the great teachers of the church, Irenaeus, Augustine, Aquinas, Luther and Calvin. Luther preached Christ against the backdrop of the wrath of God. Take away the wrath and judgment of God, and you have the wishy-washy God of liberal Protestantism.¹ The Luther-renaissance established beyond all doubt that the idea of the wrath and judgment of God in relation to everything that opposes his will is fundamental to Luther's understanding of salvation, the atonement, and his theology of the cross. This document no doubt represents the idea of God held by the Task Force; it most certainly does not faithfully reflect the Lutheran understanding of God.

For Luther the five tyrants or enemies from which Christ on the cross delivered humankind were wrath, sin, Satan, law, and death. This statement asserts that "God brings in the coming world of Christ's rule where sin, death, and evil will reign no longer." ("Human Sexuality: Gift and Trust," line 308) Luther's "unholy trinity" were sin, death, and the devil. There is no Devil in this document. In liberal Protestantism the Devil has faded into invisibility, and here too. In Lutheran theology there can be no talk of God apart from his diabolical Other. "No Devil, no God," said John Wesley. Luther would agree with that, as he hurls his ink well against the wall.

III. The Word of God and Church Unity

¹ This is what Lennart Pinomaa writes about Luther's concept of the wrath of God: "Albrecht Ritschl and his school were never able to take seriously Luther's talk about God's wrath; to them such talk was virtually medieval superstition. In this respect theology has since made a complete turnabout. God's wrath and judgment now represent a reality that has its own peculiar function. God lets us know how far we are from him. Because of our uncleanness and hardness of heart we are an abomination to him. The judgment of God's wrath also demonstrates that power belongs to him and that there is no escape from his hand." (Lennart Pinomaa, *Faith Victorious*, Fortress Press, 1963)

In Lutheran theology the Word of God meets us in two forms, as law and as gospel. And it is important to make the proper distinction. The summary of the law is love to God and neighbor. This summary, however, does not nullify the force of the individual laws and commandments of God. They are binding on the people of God, the church of Jesus Christ. In our first critique we accused the social statement of repeating the typical “Lutheran heresy” that reared its ugly head at the time of the Reformation and against which Luther fought with all his might and mane. That is the heresy of antinomianism. This social statement never brings it up, never mentions the word, and the charge is never refuted. Why? The answer is that this social statement collapses the three uses of the law into two, admitting that it “streamlines its discussion of law by focussing solely on the two uses.” (“Human Sexuality: Gift and Trust,” p. 6, n. 8) Since it is the third use of the law that is at stake when the church discusses ordaining clergy involved in homosexual behavior, this use of the law should have been treated at length, and not swallowed up into the first two, neither of which lies at the center of the church-wide controversy.

But there is an even more serious misinterpretation of the law that bears upon the unity of the church. The statement makes a number of questionable assertions, such as: “We believe that the way we order our lives in matters of sexuality, although important for us as people of faith, is not central to the Gospel itself.” (“Human Sexuality: Gift and Trust,” line 300) Here is another: “Thus, we realize that this church’s deliberations related to human sexuality do not threaten the center of our faith.” (line 326) And another: “The task force recognizes the deep love that all hold for this church and the shared commitment to remaining together in spite of differences on these matters.” (“Report and Rec-

ommendation,” line 225) And another: “In this regard the task force believes that, as this is a matter of God’s civil realm, ‘God’s left hand,’ this church is free to live with a diversity of opinions in this matter.” (“Report and Recommendation,” line 465) What the task force is asserting in these statements is that matters having to do with the laws and commandments of God, and not with the core principles of the gospel, cannot be church-dividing and are not basic to church unity. Matters that fall under the rubric of the “left hand of God,” namely, the will and rule of God in the orders of creation (political, economic, and social structures, including marriage, family, and sexuality), are not central to the gospel as such and therefore cannot be foundational for church unity.

The Task Force is mistaken. The church is founded upon the Word of God, which includes what it believes about God’s activity in both creation and redemption, both law and gospel, both the kingdom on the left and on the right.

The church is not founded on only one half of the Word of God. Consider this: the Lutheran World Federation raised the task of resisting apartheid in South Africa to a matter of *status confessionis*. This meant that opposing apartheid becomes a necessary implication of the church’s confession of faith. The white Lutheran congregations protested that the racial struggles in South Africa had nothing to do with the gospel, but only with the kingdom of God on the left hand. Ergo, the struggle for racial justice, whatever side one takes on the issue, cannot constitute a *status confessionis* for church fellowship. If the LWF was right in its declaration, it shows that the gospel cannot be separated from the law, the kingdom on the right from the kingdom on the left. Lutheran Churches in the United States faced the same issue in the struggle for civil rights when the system of

racial segregation meant that Blacks and Whites were not welcome to celebrate Holy Communion together. The Lutheran Churches in Germany under Hitler were confronted by the same problem. The theologians supporting National Socialism declared that its anti-Semitic policies regarding the Jews have nothing to do with the gospel, therefore they have no bearing on church unity and fellowship. The Lutherans in Chile under General Pinochet faced the same kind of issue.

The Task Force is unrealistic to believe that the majority of members in the ELCA will so easily separate the law and the gospel, the left hand and the right hand kingdoms of God. Separating the law and the gospel, the two integral forms of the Word of God, is as pernicious in church life as confusing or equating them. The Task Force nowhere acknowledges that many pastors and congregations, anticipating that the ELCA was heading in the direction of ordaining same-gendered pastors, have already left the ELCA, and many others are lining up at the door ready to make their exit. The Task Force seems to have adopted the slogan of that great American prophet, Rodney King, who asked, "Can't we all just get along?" If the ELCA adopts the recommendations of the Task Force, many pastors and congregations will choose not to leave, but to remain and protest as a confessing movement. They will not leave the church in which they have been baptized and surrender it to those trying to take it in a direction that negates what Lutherans, along with all other Christians, have always believed and taught.

IV. What Is Marriage?

According to church tradition the ethics of sex must be elaborated in relation to the institution of marriage. The social statement defines marriage "as a covenant of mutual

promises, commitment, and hope authorized legally by the state and blessed by God.

The historic Christian tradition and the Lutheran Confessions have recognized marriage as a covenant between a man and a woman.” (“Human Sexuality: Gift and Trust,” lines 502 ff.) No, they do more than that. They define marriage not merely as a human institution that has evolved through the centuries but as an institution ordained by God. God is the author of marriage. Should not that be the first thing that the church says about marriage? Marriage is God’s plan for a man and a woman who enter into a partnership for the whole of their lives.

V. Same-Gender Orientations

Many men and women have deep-seated homosexual tendencies. As a rule people do not choose their sexual orientation. All persons must choose how to live with the condition in which they find themselves. This goes for heterosexuals as well as homosexuals. Their options are different according to church teaching. But both are taught that celibacy is the moral option apart from marriage. Many heterosexuals who have never found a marriage partner remain celibate their entire lives. That is true not only of the many sisters and priests we know in the Catholic Church who have voluntarily chosen celibacy. It is equally true of many Protestants who have never found the right mate and have therefore chosen celibacy as their only moral alternative. What about homosexuals? The church has always taught that, like their many heterosexual brothers and sisters who happen not to have found the right person to marry, homosexual persons are called to a vocation of celibacy. Many have responded and lived faithfully according to that call.

The Task Force is now proposing that a life of sexual relations with persons of the same gender is open to the ordained clergy of the ELCA. Everyone should be clear that the issue before the church is not the sexual orientation of a person seeking ordination. All churches welcome homosexual persons with respect and pledge themselves to reject every form of social discrimination. The church has always had homosexuals among the ordained clergy. So clearly the issue is not orientation but behavior. The Task Force is proposing that the sexual behavior of homosexuals should be no insuperable obstacle to ordination. Persons in “publicly accountable, lifelong, monogamous, same-gender, committed relationships” will be acceptable for ordination in the ELCA.

Who are these persons living in “publicly accountable, lifelong, monogamous, same-gender committed relationships”? Where are they? How many are there? I have been an ordained Lutheran minister for over fifty years and I cannot think of a single person who would qualify. What do those qualifications for the ordination of homosexuals mean? What does “publicly accountable” mean? This is a desideratum that has proved to be unworkable even among heterosexual pastors? Pastors by the hundreds up and leave their spouses with virtual impunity. Where is the “public accountability?” None to speak of. What would it mean to hold practicing homosexuals publicly accountable? What does “lifelong” mean? The marriage vow used to mean “as long as life shall last.” Now it has become “as long as love shall last.” How long is “lifelong?”

I know an ordained minister who left his wife with five children to enter into a “lifelong, monogamous, committed relationship” with another man. He was removed from the rostered clergy. Would such a person qualify to be reinstated? Many similar cases

come to mind. And what does monogamy mean in this context? The Webster Dictionary defines monogamy as 1) marriage with only one person at a time, in contrast to bigamy or polygamy, 2) the practice of having only one mate, which goes also for animals, 3) the practice of marrying only once during lifetime. The social statement does not state what it means by monogamy. It's no big deal in our society to be married with only one person at a time. Even Elizabeth Taylor or Larry King would qualify by such a definition. This highfalutin category of ordained clergy who are supposed to enter into a "publicly accountable, lifelong, monogamous, same-gender, committed relationship" is an arbitrary concoction of the Task Force. On close inspection its criteria do not even hold for heterosexual clergy.

VI. Lack of Consensus in the ELCA

The Task Force is correct in observing numerous times that there is no consensus in the ELCA on the rostering of homosexual persons in same-gender relationships. The Task Force postulates that the difference between the traditionalists and revisionists is a matter of conscience. The statement asserts that there are "differing and conscience-bound understandings about the place of such relationships within the Christian community." ("Human Sexuality: Gift and Trust," lines 607 ff). This is a specious non-theological appeal to conscience. Of course, when facing a critical moral decision, it goes without saying that persons should follow their conscience. What else should they do? But that does not mean that one's subjective conscience is right. I have my conscience, you have yours. So what? The question is, what is right in the sight of God? Has God not said anything about sex, marriage, and family, so that we are left in the dark to follow

our own subjective feelings? For the church private personal conscience does not have the last word. It needs to be instructed and illuminated by the Word and Spirit of God.

Luther said he was bound by his conscience; it was bound by the Word of God. It is the church's responsibility to enlighten conscience, to teach the Word of God. This social statement fails to be a teaching document of the church. It professes not to know the difference between right and wrong on crucial matters of human sexuality. It reflects the cultural *Zeitgeist*, the spirit of the age. The church has spent a million dollars to be informed by this Task Force that there is no consensus in the church on human sexuality. Since there is no consensus in the church, why not keep the status quo? Why not follow the sage advice, when in doubt, stick with the tradition? The recommendation of this Task Force to accept practicing homosexuals for ordination does not necessarily follow from the social statement, "Human Sexuality: Gift and Trust."

This statement states that all of us in the ELCA should show deep respect for the conscience-bound beliefs of those with whom we disagree. Luther showed little respect for the beliefs of Erasmus of Rotterdam when he wrote his diatribe, *The Bondage of the Will*. St. John showed little respect for the beliefs of Cerinthus, as he exited the baths when he saw that Cerinthus the gnostic was inside. Athanasius showed little respect for Arius who denied the divinity of Christ. Augustine show little respect for Pelagius who taught that the human will is free in relation to God and the offer of salvation. Christian truth and church teaching are not decided by individual conscience. Every heretic in the church was convinced by his conscience that his doctrine was true, even biblical.

Amazingly this Task Force claims that those who advocate for changing the ELCA policy regarding practicing homosexuals “affirm the same biblical and confessional doctrines as the advocates for present policies.” (“Report and Recommendation,” line 151) No they don’t. Otherwise, the proposed social statement and its appended recommendation would not have set loose such an avalanche of negative criticisms throughout the church, including this one.

VII. When In Doubt, For the Tradition

The ELCA is at the crossroads. The Task Force has not helped to enlighten the church as to what is right or wrong. It makes a proposal to the church that takes one side of a controversial issue on which it does not expect that a consensus will emerge soon or ever. It flies in the face of the church’s tradition, not only Lutheran but virtually that of all others. It offers no biblical warrant to reverse the *magnum consensus* that has prevailed in Lutheranism until recently. By recently we mean since the ELCA was born twenty years ago. Yet, the Task Force presents recommendations that it knows the majority of Lutherans do not favor, but which it believes the ELCA might accept at its 2009 assembly in Minneapolis. It is a bold and risky move. No matter what is decided, the church will pay a heavy price. The issue of homosexuality will not go away. Whichever side loses will regroup and rise to fight another day. God help the ELCA! This is no way for the church of Jesus Christ to function. There is an authority crisis in the Lutheran Church glaringly exposed by the fiasco of having to deal with the report and recommendations of another theologically challenged Task Force.

VIII. Back To A Low Congregationalist Polity

The acceptance of the Task Force's "Report and Recommendation on Ministry Policies" would return the ELCA to the kind of individualistic congregationalism that characterized American Lutheranism during the 1900's. The past fifty years of ecumenical dialogues have taught Lutherans something about the nature of the church. The LCA, the ALC, and the AELC entered the merger process that brought about the ELCA with differing ecclesiologies. The Article on "The Nature of the Church" in the Constitution of the ELCA came a long way in leaving behind the congregationalist polities held by some of the predecessor church bodies. We were pleased to observe that the ELCA was moving toward a higher ecclesiology that aims to manifest the Church as one, apostolic, catholic, and holy. All of its ministries and programs are to express that unity, anchored in the apostolic tradition of faith that is passed on from generation to generation.

The doctrine of the church reflected in this social statement is perhaps the worst that has ever appeared in the history of Lutheranism in America. Congregations and synods are invited to go their own way and to reach their own decisions with respect to the ordained ministry, based not on what is essential to the church's witness and proclamation as a whole, but on what seems relevant to the cultural vision of a new age. That kind of individualistic mindset puts the ELCA adrift in the ever-changing tides of culture. The people of the ELCA will then merit the epitaph applied to the people of Israel in the Book of Judges: "EVERY MAN DID WHAT WAS RIGHT IN HIS OWN EYES." (17:6)

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