



Seminary Forum

Lutheran Confessional Identity and Human Sexuality*

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I WOULD LIKE TO BEGIN THIS DISCUSSION WITH A GENERAL COMMENT, THEN AN introductory comment, then four points, then a conclusion.

I. A GENERAL COMMENT

This statement on *The Church and Human Sexuality: A Lutheran Perspective* (ELCA, October 1993) caught us biblically and theologically unprepared. There have been some powerful social trends and a great deal of study and discussion about sexuality in the secular world, and we Lutherans have simply not kept up with our theological homework on the topic. The result is that the task force did its work without the benefit of a prior, broadly-based background of study and reflection. Furthermore, since the church had not done its homework, the document was prepared with scant attention to historical Lutheran theological tradition.

II. AN INTRODUCTORY COMMENT

The purpose of the Lutheran confessions is to define the faith of the reformation church. The center of the confessions is the human condition and the redemptive work of God in the life, death, and resurrection of our Lord Jesus Christ. We do not identify ourselves as Christians on the basis of church structure, social policy,

*This paper was delivered to the Luther Seminary community on March 18, 1994, as part of a forum on human sexuality.

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some secular legal system, or whatever. It is the good news of Jesus that identifies and unites us.

III. FOUR POINTS

What I want to do here is not to take a position on particular issues of human sexuality, but — on the basis of the confessions — to define the playing field. Given our tradition, given our confessions, what are the topics that we need to address and to clarify as we discuss human sexuality? If the sexuality task force had done its work more intentionally on *that* basis, I think we would have been spared a lot of grief. The fault, however, is not totally theirs. As I said, our whole church has simply not kept up with its homework on the issue.

1. *The Law*

We need to clarify what we mean by “law” and how we use the law in ethical questions. Lutheran theology is structured around the polarity of law and gospel, maintaining a clean distinction between the two. The sexuality statement, on the other hand, begins at the very outset by announcing that the gospel “becomes the basis for a specifically Christian sexual ethic” (I.A). That puts the gospel immediately into the realm of law and muddles the whole discussion. If the gospel is *the* basis for a sexual ethic, then the gospel itself becomes a law.

When it comes to ethics, sexual and otherwise, that is, how we order human society and how we live in this world, we are operating in the realm of law — colored by the gospel of course, but this is a matter of the law.

The Formula of Concord, article 6, defines three uses of the law.¹ The first, the *usus politicus*, or civil use, is mentioned only in passing. The second, the *usus elenchticus* (such a clumpy word we often just say the “theological use”), convicts of sin and leads to Christ. The third use, *usus didacticus*, the “didactic use,” speaks of how the law functions in Christian life. We Lutherans have all our eggs in the second-use basket. There are historical and theological reasons for this, and that use is spread all through the confessions. The “third use of the law” has fallen on hard times among Lutheran theologians today, a complicated issue which I don’t have time to discuss, but it’s no wonder lay people don’t get a clear message on this.

Most of all, we have simply not done our homework on the first use, which is the area we need to clarify to discuss sexual ethics. We believe God has created human beings with the capacity, reason, and necessity to order their social life, as the Formula says, “to maintain external discipline and decency against dissolute and disobedient people.”² Skipping as we do right over the first use and concentrating so on the second, we Lutherans have lost the sense of what a gift of God this capacity for law is. We Lutherans don’t know what to do with Psalm 1, “their

¹*The Book of Concord*, ed. Theodore G. Tappert (Philadelphia: Muhlenberg, 1959) 563-568.

²*Ibid.*, 563.

delight is in the law of the Lord and on his law they meditate day and night,” and we’re uneasy with Psalm 119, the long one, a doxology to the law.

The sexuality document does deal with the law, but after two brief paragraphs, roughly corresponding to the first and second uses, it immediately collapses the law into Jesus’ command to love as the fulfilling of the law, and that’s the last we hear about the law (I.D). Of course we affirm Jesus’ great commandments, but that leaves unsaid many things that one cannot ignore.

One cannot talk about sexual ethics as a Lutheran without clarifying how we operate with this first use, and for that matter, how the first use relates to the third use. That’s our playing field as Lutherans on this matter.

2. *The “Orders” of Creation*

The confessions speak of government, the legal system, and of marriage as “orders” or “ordinances” created by God.³ Marriage is discussed as one of these “created orders.” It is not a sacrament. It does not convey the forgiveness of sins. It is one of the “ordinances” God gave all human beings in creation. It is a blessing from God for humans, to be sure, but it belongs in the civil realm, a civil contract between a man and a woman for the good order of society. When we talk about marriage and the other “ordinances” given by God in creation, we are talking about the first use of the law. Our views and policies about marriage will be shaped by how we perceive its role for the good of society. The section on marriage in the ELCA statement is a good one (II.C). It recognizes marriage as a loving relationship, but also as a relationship which has an impact on others in society, that it has both secular and religious significance, and that “as a social institution [it] is a cornerstone of social life...a binding, legal contract, protected and favored through the law.”

3. *Reason and Free Will*

We Lutherans become very nervous and suspicious about the role of reason. There are legitimate reasons for this, but the other side of the coin, explicitly in the Augsburg Confession, article 18, on free will, is that civil and social issues are matters of reason and free will. That is, when it comes to questions of civil and social order, we not only use our brains, but we must listen to others – Christian and non-Christian, or Christian and Turk, as Luther would say. In ethical matters and in the question of sexuality, the playing field includes scholarship and research.

I give you an example. Ten years ago a member of the City Council in Duluth proposed a civil rights ordinance, guaranteeing civil rights to people regardless of race, color, creed, gender, and so on—including “sexual orientation.” It immediately became known as the “gay rights bill” and that’s the only aspect that people talked about. Most of the fundamentalist/pentecostal Christian community opposed it vigorously. I went to two of their meetings and listened to the leader of the

³The Augsburg Confession and The Apology of the Augsburg Confession, articles 8, 16, 23, and 28, *ibid.*, 33, 37-38, 51-56, 81-94, 168-178, 222-224, 239-249, 281-285.

group base his opposition to the bill on the grounds that homosexuality was a choice, a decision a person made to live a sinful lifestyle. I knew this young pastor fairly well and invited him to lunch. I told him that he was entitled to his opinion on the ordinance, but that he was embarrassing the whole Christian community in the eyes of the rest of the city with a false definition of homosexuality. There may be some rare few for whom it is a choice, but the vast majority of gay/lesbian people simply discover they are homosexual. It is the *last* choice many would ever make for themselves. The causes of homosexuality seem very complex, but there is sufficient evidence to conclude that it is an orientation that people do not choose; and it is very clear that there is as much possibility for a sinful lifestyle on the heterosexual side as on the homosexual. To his credit, he did change the tone of his public statements after that. We need to get our facts straight, and that means using our reason and listening to others doing the same in the civil, secular realm.

4. *The Two "Regiments"*

The Augsburg Confession, article 28, on the power of bishops, speaks of the two *regiments* – *spiritual* and *temporal*. We Lutherans also speak of the "two kingdoms," on the right and on the left, God's right hand and left hand, or God's hidden work and God's revealed work.

This is an enormously complicated issue, and we Lutherans have neither made a case for it in this country nor persuaded our people what it's all about. Part of the difficulty is that in the United States we Lutherans are peculiar people on this topic, running counter to the two traditions prevailing in this country. The one comes from the reformed side. It traces from Calvin's dream of a Christian commonwealth in Geneva, continues with the Puritan hopes for a Christian colony and country here in the new world, and now continues among those who work to make or keep America a so-called "Christian country." The other tradition is the Roman Catholic, whose ideal stems from pre-reformation "Christian Europe," a kind of cooperative partnership between church and state, where loyal Catholics are enjoined to lobby for their views to be written into the civil laws.

We Lutherans are the odd ones, because we say that God operates differently in the civil arena than in the church. What may be fitting in the church may not work in the state, and what may be legal on the left may not be acceptable on the right.

IV. CONCLUSION: THE PROCESS OF CHANGE

How do the Lutheran confessions perceive development and change in doctrine and practice? The tone of the confessions, most explicitly in the Augsburg Confession and the Apology, is that the reformation church is faithful to the scriptures and ancient church tradition. However, the reformation itself was a huge repudiation of doctrines, practices, and traditions that had developed into and through the middle ages. How can one affirm fidelity to the tradition of the church when one's own church rejected much of it?

Is this matter of sexuality a case where the church is in the painful process of

changing its mind? Some point to the church's views on usury, slavery, and women's ordination as precedents. The view of the reformers would be that the basis for change must be a clear, even a massive, mandate from scripture. The other factor is that our views will inevitably be affected by contemporary understanding. How do we decide?

The two models we have in the western church for determining Christian doctrine and life are the Roman Catholic and the Protestant. Roman Catholics look to the *magisterium* of the church, culminating in the pronouncements of the pope. The truth is that this system isn't working too well. Millions of Catholics, particularly in this country, simply ignore papal pronouncements. The Protestant position is that scriptures settle matters, but we know that there are questions which have not been and cannot be settled on the basis of the Bible alone, even though we must always be open to the scriptures speaking to us.

I close by submitting another model, which I think we could learn from when deciding controversial matters: the Orthodox model. Orthodox Christians have great respect for their bishops, and of course they read the Bible, but neither the Bible nor the hierarchy finally defines the church's doctrine and life. That happens when the church as a whole reaches a broad consensus—theologians, clergy, laity. Arian christology was around for two or three hundred years before the church finally settled on Nicene christology. A 51% convention vote does not decide church doctrine; it only insures greater dissension. An Orthodox friend said to me, "You Lutherans want to decide about sexuality? Talk about it for a century or so and then see where you're at." Either that or we should draft a document that sets out to articulate what this church as a whole does in fact believe, if that were possible.

Other Christians and churches are aghast and astonished at the spectacle of the ELCA picking 17 persons, most of whom have little prior knowledge or study in the topic, having them meet here and there around the country over a period of a couple years or so, then issuing a widely disputed report in 1993 and announcing that in 1995 the church convention of 1000 people will vote on it. This whole procedure is a political process designed to create winners and losers.

The sexuality document caught us all flat-footed. We need time to discuss it, to learn from each other and to treat each other's opinions with respect. The church has a history of treating gay/lesbian people wretchedly, and we need time to correct that, regardless of where we come out on these issues. My suggestion would be for us as a church—people united by one Lord, one faith, one baptism—to take time to study the scriptures, take seriously the wisdom of our confessions, listen and learn from each other without the divisive pressure of an impending convention vote. I think a consensus would emerge within the church. I am not wise enough to predict what it would be, but that's how we should arrive at it.

My generation didn't do its homework. I hope for the sake of *this* church—*the* church—that your generation will!