Lutheran Theology, Holy Scripture, And Homosexuality:
Possible Language For A Mediating Approach For The ELCA

Proposed by:

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We have reviewed the ELCA materials provided for churchwide discussion about the issues related to homosexuality. We have also familiarized ourselves with a range of writings about these issues by authors of theological standing in the ecumenical church. As ELCA pastors and teaching theologians (New England Synod), speaking only for ourselves, we would like to suggest some possible language for what we think could be a mediating approach to these serious and often volatile issues, for consideration by the wider church.

The received theology of our church attests the idea of "orders of creation." While this idea has been subjected to serious criticism in the last several decades, some of it legitimate, we believe that it can provide a platform for the mediating approach we have in mind. As we read the Genesis creation narratives, we see two orders of creation attested, one strongly, the other by strong implication: marriage (between a man and a woman) and the family. We read this much from Genesis 1:26-30, where God is depicted as making humankind in his image, as male and female, and as commanding them to be fruitful and multiply and to fill the earth. We see no strong biblical evidence that there are any other "orders of creation," beyond marriage(in this sense) and the family.

The received theology of our church has also attested, in various ways, a theme related to orders of creation, but distinct from it: "orders of preservation." This idea, unlike the notion of orders of creation, presupposes the rampant facticity of human sinfulness. In the context of human sin, moreover, marriage and the family themselves also become orders of preservation. This is the idea: the living God of love does not forsake his creation; on the contrary this God, as it were, pressures and shapes the creation in order to keep it from more and more disintegration and, indeed, to hold in place some of the blessings that this God has intended for creation from the first. The living God of love thus engages himself with the sinful creation both negatively and positively: in order to restrain the destructive powers and the violence unleashed by human sin and by so doing to affirm, insofar as possible in a sinful world, the goodness of the Creator's

originating and ongoing creativity.

A clear biblical example of this kind of distinction is offered in the Book of Genesis. As the human creature is depicted in the Genesis creation narratives, it is clear that Adam and Eve are created to be vegetarians. Only after the fall, and indeed after the flood, does God give humans permission to eat meat (with restrictions), as a divine concession, yet still as an act of divine compassion, to bless humankind within the context of a sinful world. Later, in the context of the gentile mission by early Christians, we encounter the theme that this divine ordering is redefined and broadened, in a different situation, to permit the eating of all kinds of meat.

Theologians have sometimes, consciously or unconsciously, collapsed the ideas of orders of creation and preservation, as if they were the same. But, as we have indicated, we find only two of these orders, marriage(between a man and a woman) and the family, explicitly attested by Scripture as orders of creation, that is, as supralapsarian ("before the fall"). All the other orders can be discerned, in conversation with the Scriptures, only as infralapsarian ("after the fall") and hence are properly thought of, we believe, as orders of preservation. Thus, to cite one example, when Emil Brunner identifies what for him are several orders of creation (in his book, *The Divine Imperative*), Marriage and the Family, on the one hand, *and* the Economic Order, the Political Order, and the Cultural Order, on the other, we believe that he confuses the two orders of creation and preservation.

A further distinction between the orders of creation and preservation is that the former are clear, relatively speaking, on biblical grounds. One can "read off' marriage(between a man and a woman) and the family with some confidence from the texts of Genesis 1 and 2. Other orders, such as the state, must be identified not so directly from Scripture, but in conversation with Scripture, albeit much more by implication and, in fact, in response to the social configurations of any particular period. Thus when 19th and 20th century German Lutheran theologians talked about "the state" as an order (whether of creation or preservation), they - necessarily - supplied much of the concrete meaning for that term from their own engagement with the modem nation state, surely not, for example, from any sustained analysis of the tribal confederation of ancient Israel or the institutions of the Israelite monarchy or, for that matter, the institutions of Confucian governance in ancient China. Given the typical absence of direct biblical attestation, orders of

preservation are, in this sense, defined by a process of reflection that is necessarily and thoroughly dialogical: when they are proposed for ethical guidance for the church and for the wider society, they are defined in conversation with the Scriptures, on the one hand, and with the particular culture of the time, on the other.

Yet another distinction between the orders of creation and preservation, which follows from the thoroughly dialogical character of the latter, is that orders of preservation will be defined differently in different eras. Thus the theological affirmation of celibacy by Paul, for his own reasons, along side of marriage, represents something new in the history of biblical reflection about human identity, which had been, to that point, conceived mainly in terms of marriage(between a man and a woman) and the family. Likewise for Paul's attestation that "the powers that be are ordained by God," with regard to what he regarded as the visible and invisible powers of authority in his time. If, as seems likely, Paul meant to include the Roman Empire under the aegis of the "powers that be," that would represent a departure from typical Old Testament understandings, which focused chiefly on God's relationship to the nation Israel and saw all the other nations mainly as opposed to God's purposes (although II Isaiah, for example, viewed Cyrus as an instrument of Yahweh).

That such orders will be defined differently in different eras, in conversation with the Scriptures and with the culture of any given time, can be further illustrated by a comparison of Luther's understanding of "the state" as an order and the understanding of "the state" espoused by a contemporary advocate of Lutheran orders-theology, William Lazareth. While Luther believed that God had ordained *the nobility* to rule, Lazareth believes that God has ordained, in our society, *the people* to govern. Hence, says Lazareth, in our case a Luther would write not an "Address to the German Nobility," but an "Address to the American People." Other Lutherans, informed by the sociologist Peter Berger, might in the same vein opt to further underline providential function of voluntary associations or "mediating institutions," like non-governmental social service or environmental organizations, within our democracy, as expressions of God's preserving creativity.

On the basis of such a thought process, the writers of this paper want to make the following theological proposals. We hold that marriage(between a man and a woman) and the family are

the only orders of creation. We further suggest, informed in part by thinkers like Brunner, the following public orders of preservation (not necessarily an exhaustive listing, certainly not a listing for every time and place): the Economic Order, the Political Order, the Health Order, and the Cultural Order. We also suggest two additional domestic orders of preservation, the first drawn from Pauline theology, the Order of Celibacy and the second based on our own dialogue with the Scriptures and with our own culture: the Order of Homosexual Union. Since the latter especially is a new and controversial idea, it merits further explication here.

As we read the Scriptures, with many others, we find that there was virtually no biblical experience with lifelong relationships of homosexual fidelity. We also have concluded, with many others, that the evident biblical condemnations of homosexual acts were, as best as we can determine, condemnations precisely of destructive homosexual acts. Further, on the basis of our own experience with gay and lesbian friends, both within and beyond the church, and in view of a growing scholarly and testimonial literature about such matters, we have concluded that gay and lesbian relationships can be lifelong relationships of mutuality, fidelity, and self-giving, with the effect of building up individually and socially valuable relationships of love in our society generally and also, when gay or lesbian couples chose to become parents, building up responsible and caring nurture for children in our society.

We accent our assumption here that Homosexual Union, if it is to be understood as an order of preservation, must be specifically defined as a lifelong commitment. Anything less than that, we are convinced, would not be a divinely sanctioned order; it would be an expression of sinful human disorder. This observation then has specific liturgical implications. The church can only bless gay unions, liturgically, when those are indeed intended to be lifelong commitments of fidelity, mutuality, and self-giving. Thus we exclude the practice we have observed where some clergy bless gay unions and the partners, in turn, pledge their fidelity to each other “as long as love shall last.”

More generally, the liturgical implications for the church, suggested by the proposal we are making, are these. Since marriage is an order of creation, we believe that the rite of marriage should be employed to celebrate the commitment of one woman and one man and only that commitment. Since Homosexual Union is an order of preservation, we believe that it should have

its own distinctive rite, the Blessing of Homosexual Union.

We are aware, finally, that this paper does not address many critical ecclesial questions, both educational and juridical, as well as the pastoral dimension of these matters. Nor does it explicitly address critical contemporary political questions such as the 2004 decision of the Massachusetts Supreme Court to institutionalize "gay marriage."

But we are convinced that the approach that we are suggesting is faithful to the witness of the Scriptures and that it draws substantively, as well, on established Lutheran theological reflection. We also would like to believe that this proposal speaks to some, if not all, of the legitimate concerns about this issue that have been voiced in recent years by many Lutherans across a whole theological spectrum in our church. For such reasons we make this proposal, which we consider to be a mediating proposal, for the sake of building up of the Body of Christ in a time when our church is threatened with a profound kind of fragmentation and disunity.

Epiphany 2004

"WORD AND SACRAMENT"

FREEDOM FROM AND FOR OUR HERITAGE

BY H. Paul Santmire
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(A study paper prepared for the Worship Commission of University Lutheran Church. Not to be circulated outside of the congregation.)

The Worship Commission has recently voted that we celebrate the Holy Communion at the 11 AM Service every Sunday from the first Sunday in Advent through Epiphany. At the same time the Worship Commission voted to postpone a decision regarding the frequency of Holy Communion following Epiphany.

What criteria have guided us in such decision making? What criteria ought to guide us?

At first glance two sets of criteria seem to be at our disposal: first, the typical practices of the Roman Catholic Church; second, the typical practices of the Lutheran Church. On the one hand we see a Church practice which focuses on the Sacrament of the Altar. On the other hand we see a Church practice which focuses on the preaching of the Word.

It is not surprising that the situation seems this way at first glance. For the Lutheran tradition itself has included, from its inception, a discussion of the theme "Word and Sacrament." And it has therefore been easy to assume that the Church of Luther is the Church of the Word, whereas the Church of Rome is the Church of the Sacrament. In a private conversation, Prof. Friedrich Gogarten, a leading theologian in Germany not too many years ago and a representative of a kind of theologizing which is still prominent in Germany, stated recently that "we have the Word, they have the sacraments."

The movement toward greater frequency of Communion therefore raises the whole question of our faithfulness to the faith of pur fathers, to the faith of Luther in particular.1 This means, in turn, that an examination of the Reformation theme "Word and Sacrament" is a matter of highest priority,

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A HISTORICAL PERSPECTIVE

A. Luther

If any one statement of historical theology is incontestible, it is this; The theology of Martin Luther was a theology of the Word of God. But when one has stated this point one actually has not said too much. For the key question remains. In what sense was Luther's theology a theology of the Word?

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1 In its 1964 Statement regarding Communion Practices, the Lutheran Church in America said: "It is encouraging to note a trend, not only in our own parishes, but throughout the Christian Church in almost every land, toward more frequent celebration of the Lord's Supper." Regarding justification for this sense of encouragement, the LCA stated: "This (more frequent communion) is in keeping with both primitive Christian and early Lutheran practice." That may well be the case. But what is of immediate interest here is a comment under the heading "Length of Communion Service," We are told that "the pressure of time should not ... be the controlling factor." At the same time, however, we are told that "the sermon need not be long." Is this or is this not a devaluation of the Word in favor of the Sacrament? The statement is so brief and so occupied with details of communion practice that it is difficult to know how to answer that question.