

A Critique of the “Draft Social Statement on Human Sexuality”
Prepared by the Task Force for ELCA Studies on Sexuality, Church in Society
Evangelical Lutheran Church in America
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I am aware that this social statement is a first draft. The Task Force has asked for suggestions and criticisms that might be helpful in producing an improved and final version. The authors of the document claim that it is based on Lutheran theological foundations. My critique will examine whether this proposed social statement is faithful to the Lutheran tradition of theological ethics in general and the ethics of sex in particular. I will offer my conclusion at the outset and then proceed to explain how I arrived at it.

This “Draft” fails to apply traditional Lutheran principles of theology and ethics regarding human sexuality. In Lutheran doctrinal theology the articles dealing with creation and law precede the articles dealing with redemption and gospel. This is equally true of Orthodox, Catholic, Reformed, and Evangelical traditions of theology, virtually amounting to an ecumenical consensus from which this social statement departs.

1) This draft social statement identifies two doctrines as foundational for a Lutheran understanding of sexuality: the incarnation of God and justification by faith. There is no doubt that these two doctrines are basic to a Lutheran understanding of salvation. However, in Lutheran theology soteriology is not the primal basis for the ethics of sex, marriage, and family. That would be to confuse law and gospel. Creation and law come before gospel and church, both in the Scriptures and in the Creeds (Apostles’ and Nicene). To put the matter quite simply, the Old Testament comes before the New Testament and the First Article of the Creed comes before the Second and the Third Articles. Lutheran systematic theology has traditionally observed this biblical and creedal structure, both in the order of knowledge (*ordo cognoscendi*) and in the order of reality (*ordo essendi*). The doctrine of creation comes before the doctrine of redemption; law comes before gospel. The ethics of sex is not primarily a gospel issue; it is a matter of law in the first instance.¹

2) The common human structures of life such as marriage and the family, labor and the economic order, the nation and the state are universal dimensions of human existence. They are created by God and experienced by all human beings and societies apart from the Scriptures and outside the covenant communities of Israel and the Church. The knowledge of what is right and wrong, good and bad, is revealed by God through these structures, by means of the way God has ordered them. No Lutheran theology has ever proceeded to deal with the matters addressed by the Ten Commandments (especially the Second Table of the Law) as though only Christians are endowed with moral discernment. In spite of the universal condition of sin, reason and conscience are not so depraved as to be incapable of grasping the universal morality expressed in the Decalogue (the Ten Words of God).²

¹ Gustaf Wingren has stressed this aspect of Luther’s and Lutheran theology with great clarity in a number of books. Cf., *Creation and Law* (Philadelphia: Muhlenberg Press, 1961); *Gospel and Church* (Philadelphia: Fortress Press, 1964); and *Creation and Gospel* (New York: The Edwin Mellen Press, 1979).

² Luther’s idea of “The Left Hand of God” lies at the base of this aspect of Lutheran theology.

3) The early church found itself in a life-and-death struggle against gnosticism (e.g., Marcion). Gnosticism negated the doctrine of creation and God's covenant with Israel. Gnosticism based its understanding of theology and ethics exclusively on the New Testament, on the gospel and the church, denying the priority and relevance of creation and law. Like Marcionite gnosticism this social statement virtually ignores the Old Testament, the Genesis story of creation, God's covenant with Israel, and the giving of the Mosaic law. It starts straightaway with the incarnation of God and justification by faith, that is, with the gospel of salvation in Christ rather than with the law of creation mediated through nature and history. I can think of no example of such an approach in the history of Lutheran theology and ethics. Lutherans have typically followed the Catholic tradition in the way it orders the concepts of "Creation," "Law," "Gospel," and "Church" in the process of constructing theological ethics -- political, social, economic, ecological, and sexual. The living God is the Creator of all things; God is doing this now in an ongoing way (*creatio continua*).³

4) The question of method in theology was hotly debated between Karl Barth (and the Barthians) and a large number of his Lutheran contemporaries: Paul Althaus, Edmund Schlink, Peter Brunner, Gustaf Aulen, Gustaf Wingren, Regin Preter, Helmut Thielicke, Hans Iwand, and many others. For good measure we would add to this list Lutheran ethicists in the United States: George Forell, William Lazareth, Frank Sherman, Robert Benne, Robert Bertram. What was their beef? It was the fact that the Barthians derived all dogmatics and ethics from Christology (i.e., incarnation and justification), as though everything that preceded the New Testament or lay outside the Bible and the walls of the church is irrelevant.

5) This document claims that the doctrines of the incarnation and justification form the theological foundations of human sexuality. However, it is not possible to argue from these particular soteriological premises to establish relevant norms, standards, rules, or principles regarding sexual behavior. According to Luther and the Lutheran tradition God governs and rules the world through the law in the struggle against sin all over the world. This activity of God does not bring about human salvation. Only the gospel of Christ accomplishes that through the power of the Holy Spirit. The law has a different function than the gospel; the law is first and then the gospel. It is not the function of the gospel to instruct human beings about sex, marriage, and family. That is the function of the law. For this reason many human beings who are not Christians are often better examples of God-pleasing behavior in matters of sex, marriage, and family. Even many pagans with no knowledge of Christ put Christians to shame -- they live chaste lives, their marriages are exemplary, and their families are strong -- because God is working through the law of creation (*lex creationis*) to address them, and they are able to respond to the divine commands through their reason and conscience.

6) As a "teaching document" this Draft claims that it takes into account the contributions from the ecumenical partners of the ELCA and other Lutheran churches throughout the world. That would be wonderful if it were so. However, it is conspicuously silent on what the mainstream of the classical Christian tradition has had to teach on the subject of human sexuality and homosexuality. This Draft confines its treatment of the controversial issues to what concerns

³ Cf., The Catechism of the Catholic Church (Liguori, Mo., Liguori Publications, 1994). Whatever differences there are between Lutheran and Catholic theology, the structure of doctrinal theology is not one of them.

“this church.” No other voice is taken into consideration. There is no acknowledgment that the intention of Lutheranism is to be part of the great tradition of churchly theology reaching back to Irenaeus, Athanasius, Augustine, and Aquinas.

7) This Draft mentions the “Trinity” once, but it fails to name the Triune God. Words such as “Father” and “Son” are avoided. Lutherans, like all other orthodox Christians, believe in and place their trust in the God of the Bible who is identified as “Father, Son, and Holy Spirit” in the Creeds of the Church. Why does this name not appear even once in this document? Is it unfair to assume that the authors have made a deliberate effort to avoid the name of God as Father, Son, and Holy Spirit, such as we profess in our baptism, in our salutations and benedictions? Have members of the Task Force been persuaded by the ideology of radical theological feminism (e.g., Mary Daly, Carter Heyward, Rosemary R. Ruether) for which male referring nouns and pronouns are regarded as offensive and oppressive?⁴

8) This document is worried about legalism. Some Lutherans are so afraid of legalism that they have thrown the baby out with the bath water. The root of the problem is confusion about the relation between law and gospel. Lutherans have said that we are justified by faith alone, apart from the works of the law. Fine! Does that mean that the works of the law are bad and that the only good works are those motivated by the gospel? That has led to antinomianism in Lutheranism. Luther was the first to blow the whistle on antinomianism. Antinomianism means that the law is silenced with regard to ordering the Christian life. Antinomianism is a famous word in the Lutheran lexicon. The authors choose not to mention it or define it. Why? Legalism is not much of a problem in the ELCA today; antinomianism is. The other side of the coin of antinomianism is “gospel reductionism.”

9) This 50-page essay on sexuality scarcely makes any reference to the Ten Commandments (once on page 14) or the sixth commandment. Here is an example of a statement that begs for an explanation: “A Lutheran sexual ethic looks to the death and resurrection of Christ as the source for the values that guide it.” (p. 11) This assertion sits there without commentary. I have no idea what the Task Force is trying to say. Taken at face value, it is not a true statement. A Lutheran sexual ethic is not derived from soteriology or the Christology on which it is based. The social statement asserts: “We ground our ethics . . . in the living voice of the gospel.” (p.5) Again, no mention of the law! At one point this Draft states: “Both the Apostle Paul and Martin Luther emphasized the important role of the law to reveal to us God’s intentions and promises for our lives, and to constrain, support, and guide us in daily living.” (p. 6) That is a true statement, but this Draft does not follow the lead of Paul and Luther. It replaces the law with the gospel, with talk about the incarnation and justification as the foundation of ethics, including the ethics of sex.

10) This Draft affirms that “the primary source for distinctively Christian insight is Scripture.” (p. 14) It goes on to state: “Scripture cannot be used in isolation as the norm for Christian life and the source of knowledge for the exercise of moral judgment. Scripture sheds light on human experience and culture.” (p. 15) Over against Scripture the Draft refers to “society’s changing circumstances and growing knowledge” as well as to “insights of culture and human knowledge.” In the balance the latter clearly outweighs the former. If Scripture is really the “primary source” of Christian teaching, one would expect that its most relevant passages on

⁴ Cf., Daphne Hampson, *Theology and Feminism* (Oxford, Basil Blackwell, 1990).

human sexuality would be exegeted with extreme care. The most important verses are not even quoted.

11) The social statement drops the ball on the issue of homosexuality. According to Lutheran theological ethics God has two ways of working in the world, one through creation and law, and the other through the gospel and the church. This document confuses the two ways. One does not need to read the Bible to know by reason and conscience that homosexual behavior is against the norm of God's created order. When God created the world and human beings, he designed all things to obey certain laws. There is the law of gravity; God invented it. There is the second law of thermodynamics; God invented it. There is the law called *suum cuique* ("to each his own"), on which the principle of justice is based. The Golden Rule is universal. One does not need to learn from the Bible that cheating is wrong. That is based on the law of creation. The basics of what is morally right and wrong are built into human nature. There is the law that male and female are created for each other; their sexual organs match. That is no accident; God created the sexes to complement each other. If they do what comes naturally, they will together procreate the human race. Catholics know these things; Evangelicals know these things. Muslims and Hindus and Buddhists know these things. Would it not be ironic if practically everyone in the world is aware of these elementary facts of nature except for a few latter day saints in the dying denominations of liberal Protestantism in North America and Europe?

12) The treatment of homosexuality in this document is very thin. On page 24 it states: "Lutheran historical teachings concerning homosexuality sometimes have been used to tear apart families with gay or lesbian members." The Task Force does not specify which Lutheran teachings it has in mind? One historical teaching, not only Lutheran, is that homosexual acts are sinful. That is the clear teaching of the Bible. Does that tear apart families? Has the church been wrong to teach that homosexual acts are sinful? This document does not say. The church has taught that homosexual persons are called to live chaste lives, just as heterosexual persons are so called. Is such a teaching responsible for tearing apart families? This is the question: Is it sin that tears apart families or is it the church's teaching about sin that tears apart families? This document is not helpful in addressing the question people are asking: Is homosexual behavior sinful or not? If it is not sinful, why not leave the issue alone? If it is sinful, why not say so in a teaching document of the church? If, however, members of the Task Force do not know whether homosexual acts are sinful, that is, against the will and command of God for the behavior of human beings, then what is the use of this teaching document? We are back to square one. Some say this; others say that. Some pastors and congregations condone sex between same-gendered persons, as long as they are "chaste, mutual, monogamous, and life-long," whereas other pastors and congregations call for "repentance and celibacy."

13) The Draft Statement acknowledges that there is a lack of consensus in this church on this matter. If there were not, there would be no need for the study and an eventual social statement. It is the obligation of the church to teach the biblical-Christian truth about faith and life, not to take a poll of its members and base its teaching on the outcome. If, for example, some pastors in the ELCA do not believe in the incarnation of God or in justification by faith alone (and some do not), does that mean that this church should refrain from teaching these doctrines? Should the church teach only those doctrines on which there is consensus? Our Lutheran Confessions start each of its affirmations of faith with these words: "We believe, teach, and confess . . ." These are

the Confessions of the ELCA according to its Constitution. No polls need to be taken. Popular consensus is irrelevant. Some pastors and congregations may not conform their teaching to the Lutheran Confessions, and many do not, what does this prove? It proves that there is a high degree of tolerance of false teaching in the church and that discipline is lacking.

14) This “Draft Social Statement on Human Sexuality” 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. This document states that “this social statement on human sexuality . . . taps the deep roots of Scripture and the Lutheran witness . . .” However, in my judgment its treatment of both Scripture and Lutheran theology is extremely superficial and erroneous.