

May 21, 2008

Dear Members of the ELCA Task Force on Human Sexuality and Bishops of the ELCA:

I write in response to the Task Force's Draft Social Statement on Human Sexuality of March, 2008. I am also sending this letter to the bishops of the church in order to assist them in leading theological deliberation on the document. Since most of you probably do not know who I am, allow me a brief introduction. I am Assistant Professor of Theology (M.Div., Luther Seminary; Ph.D. in New Testament, Duke University) at Fordham University in New York City. I am also an ordained minister in the ELCA, having served a pastorate at St. Thomas Lutheran Church, Central Nyack, NY. Thus I write as a teaching theologian in the church.

First I wish to thank you, the Task Force, for the many hours that you have devoted to your work on this social statement over the course of many years in service to the ELCA. Your assignment was not an easy one. Your willingness to give of your time, your energy, and your expertise deserves the gratitude of the church. There are a number of things in the statement that can be affirmed, and in the course of this letter I shall name them.

I regret to have to say, however, that on the whole I find the statement flawed and disappointing. I believe that if the ELCA adopts the statement in its current form or in a similar form, the church will have missed an opportunity to speak a word of clarity to a church and a society that are deeply confused about human sexuality. More troubling, adoption of the statement will contribute to the continuing erosion of biblical authority that already endangers our church.

Already the theological and ethical framework of the document is problematic. The statement posits three themes as foundational for framing a Lutheran ethic of human sexuality: incarnation, justification, and love of the neighbor (section II). The first of these, incarnation, is not inappropriate. The statement admirably affirms that what happens in and to the body matters for Christians, because it matters to God. The statement correctly notes that the resurrection affirms the importance of bodily existence and correctly emphasizes the integrity of body, mind, and spirit. One misses, however, a clear affirmation of Scripture's grounding of sexuality (and specifically of marriage) in God's creational intentions. Footnote 6 dismisses the idea of orders of creation and, amazingly, rejects creation as a framework for understanding human sexuality at all. Thereby it rejects explicit biblical teaching. It comes as no surprise, then, that when the statement does refer to the creation account in Gen 1, it is either to reject the pattern that it sets for human sexuality (341-347) or to prohibit discrimination in sexual relations on the basis of humanity's creation in the image of God (358-361), rather than to affirm Scripture's vision of marriage. The statement uses Gen 1-2, not to affirm the goodness of marriage, but to affirm the goodness of an (undifferentiated) "healthy expression" of "our sexual nature" (438-451). This use of Scripture is troubling, because it sacrifices Scripture's clarity on the matter of marriage for the sake of an unclear, abstract celebration of human sexuality in general. One suspects that the privileging of incarnation over creation was intended for just this reason: to divorce sexuality from marriage and to link it to the celebration of sexuality in general.

When the statement goes on to frame sexual ethics in terms of justification and love of the neighbor, one can simply no longer agree to it, on both Scriptural and confessional grounds. The statement adheres to a particular strand of reductionistic Lutheran theology that regards justification as the sum of the gospel and that equates the law of God that remains for Christians with the law of love of the neighbor. The statement declares that “an ethics focusing only on rules, dangers, prohibitions, and duties has distinct limits” (272-273). That will be readily granted. The document does not recognize, however, that an ethics built largely on justification and love of the neighbor also has severe limits, particularly when it comes to human sexuality.

It is not difficult to see why that is so. The document repeatedly emphasizes that a Lutheran ethic of human sexuality will seek what is good for the neighbor. Yet before I can do what is good for my neighbor, I need to know *what is* good for my neighbor. The statement seems to presuppose that what is good for the neighbor is primarily social justice and concern for the common good (605, 616, 1191, section V in general). Elsewhere there is talk of the neighbor’s “true needs” (204, 278), without further specification of what those are. While social justice may be considered a good, a Lutheran ethic that focuses only on social justice and without reference to what the long, biblical and Christian tradition has had to say about what is good for humans will necessarily fall short. Moreover, it is highly dubious that “the freedom of the Christian,” given in justification, can serve as a basis for a sexual ethic, especially given the tendency for the celebration of human liberty to devolve into libertinism, unless it is chastened by obedience to an authority higher than itself. Already the New Testament authors were aware of the mischief that arises when a sexual ethic that is built on Christian freedom is separated from obedience and divine authority (2 Pet 2:19; 3:15-16). The reformers were also well aware of the limits of justification and love of the neighbor as a basis for the Christian life. Therefore we find in the Confessions appeals to other themes as foundations for Christian life, such as sanctification, obedience to the will of God, and the third use of the Law (see, e.g., FC SD 15; LC Apostles’ Creed, Article 3). Such themes are barely reflected in the draft social statement. Although there are brief mentions of the Law as a guide to Christian life (59-60, 142-44, 266-69, 402-03, footnote 8), that theme is allowed little or no expression when it comes to discussion of specific matters of human sexuality. Lines 411-412, along with footnote 19, theoretically reject antinomianism, and yet the Law’s specific guidance in matters of human sexuality is not allowed a voice.

A properly Lutheran framework for human sexuality would begin by dwelling deeply in Scripture. It would present to the reader what Scripture has to say about sexuality *specifically*, that is, what it has to say about marriage, divorce, adultery, incest, prostitution, fornication, homosexuality, and so forth. But it would not simply lay all this out as a series of unrelated or arbitrary statements. The draft statement says that “Scripture sometimes can be abused and misunderstood through selective use as a moral guide” (409-410) and goes on to note that both legalists and relativists are guilty of this. True enough. But that is why we need a coherent hermeneutic for the interpretation of Scripture in the church. Such a hermeneutic would seek to understand the biblical statements about sexuality in their canonical coherence, in their inner logic, and in their theological depth. It would place them within a Trinitarian framework to demonstrate the coherence of creation, redemption, and sanctification. It would demonstrate how Law and Gospel work together to render a coherent Lutheran understanding of human sexuality.

Two examples may help to illustrate the point. The statement correctly upholds the biblical understanding of marriage, defined as a union between one man and one woman. Yet the statement would be significantly strengthened by showing that this is not just an isolated opinion in Scripture, nor is it mere custom, far less is it “discrimination” against other ways of ordering human sexuality. It is rather the witness of Scripture as a whole, when Scripture is taken in its canonical coherence. Jesus affirmed the Old Testament understanding of creation and marriage, but he also clarified it. Jesus’ teaching on marriage sets the norm of monogamous, lifelong, heterosexual marriage, and so he brought clarity to what had been left unclear in the Law, which, for example, allowed polygamy. The New Testament affirms the Old Testament view of creation and marriage, even while it clarifies it. Thus—and this is the main point—the Old and New Testaments *together* render a coherent understanding of marriage. (It must also be said that to reject the biblical understanding of marriage as rooted in God’s creational intentions is to reject the words of Jesus himself.)

We find something similar in the matter of homosexual practice. Within the biblical canon as a whole the Levitical laws prohibiting homosexual acts are not regarded as time-bound customs (analogous to, for example, the prohibition of eating pork); they are reaffirmed by the apostolic church, which indicates that they are of more than passing significance. Moreover, the doctrine of justification cannot be used to create an independent basis, apart from creation, for a sexual ethic, as the draft social statement attempts to do. On the contrary, for Paul redemption in Christ coheres with the rest of God’s creative and sanctifying activity. The redeemed, bought at the price of Christ’s death and living as temples of the Holy Spirit, are called to glorify God in their bodies (1 Cor 6:19-20) and to turn away from all that dishonors the body, which—Scripture is clear on this—includes not only homosexual acts (Rom 1:24), but all manner of fornication (e.g., 1 Cor 6:12-18). Our bodies are not our own to do with as we please (1 Cor 6:19), since they were bought back by God in Christ from the power of sin and so restored to God, their creator (cf. Rom 8:21-23). The call to order our lives in this way is not only Law. It follows from the new life that is given in the Gospel. It has to do with the integrity of creation, redemption, and sanctification. It is the consequence of true freedom in Christ—freedom from sin and freedom from captivity to desires that turn us away from conforming our lives to God’s revealed will.

In view of the statement’s neglect of what Scripture has to say on specific matters of sexuality and in view of its focus on justification and love of the neighbor, it is hard to avoid the impression that the statement has been written in such a way as to exclude from the outset what Scripture has to say about specific aspects of human sexuality. The lack of a coherent Scriptural basis for human sexuality has other negative consequences for the statement. Section IV of the statement rightly condemns many practices in our society that are an abuse of human sexuality: promiscuity, casual sex, cohabitation, prostitution, pornography, pedophilia, child abuse, domestic violence, sex in the media, the use of sex for commercial profit, abuse of the body, and so forth. But as one reads the litany of problems, one begins to wonder: Is there a solution to them? Now there may be no simple solution to these problems. But the church does have a starting point to offer society. And that is to affirm what Scripture in its canonical wholeness affirms: that God’s revealed will is that the proper setting for sexual intimacy is within a monogamous marriage between one man and one woman; and that we are to honor our (and others’) bodies as belonging to God, not to ourselves. If people would learn to conform their

lives and to make their decisions according to these biblical teachings, many if not all of these problems might cease to be problems.

To be sure, we cannot expect perfection, and the statement is correct to note that Lutherans have a realistic view of sin. But we do not remain in sin. That is why we as Lutherans believe in repentance and the amendment of life. The statement tends to cast the problems of sex in *social* terms. Social sin is indeed a large problem. It is responsible for many ills in our society and needs to be addressed. But individual sin is also a problem. When discussing social problems, however, the statement has little to say on the matter of individual sin. It is mentioned in lines 130-32, 153-57, 225-28, and 567-69, but when the statement comes to address specific social problems in sections IV and V, the problem of individual sin (and individual responsibility) almost disappears, overshadowed by the discussion of social sin (see 1283-1284). As long as the statement is unable to affirm that Scripture offers a *normative* sexual ethic for all individuals, any attempt to address social problems surrounding sex will be profoundly weakened, because the church will have little to offer society in place of the distorted views of sexuality that deeply influence so many individuals.

An example will illustrate the point. In lines 560-565 one reads the following:

In some ways, the discovery of the profound influence of social forces on sexual choices can be a relief. For example, parents of a teenage boy whose girlfriend is pregnant can see that more than their parenting skills were at work in their son's life. A female pastor dealing with unwelcome touches from a male parishioner can recognize that she did not provoke the harassment.

But should not these situations be occasions for profound regret rather than relief? Where is the discussion of personal sin? While we are all subject to sinful forces in society, that does not exculpate us from responsibility for our choices. The profound truth of the biblical understanding of sin is that it takes seriously *both* individual sin (we are responsible for our actions) and original sin (we are, left to our own devices, helplessly subject to powerful sinful forces, whether they originate from inside ourselves or from the world around us). But Scripture finally does not allow us to make excuses. Even if we are subject to sinful forces, whether from within ourselves or from without ourselves, Scripture does not give us the right to claim that we or others are freed from responsibility for our actions. In Christ we are given the power to repent, to amend our lives, and to seek to overcome the powerful force of sin in our lives. In both of the anecdotes above, a solution lies in seeking in Christ the power to conform one's actions to God's will, not blaming society for our or other people's sins. It is the same failure simultaneously to distinguish between and to acknowledge *both* personal responsibility *and* forces beyond ourselves within the total biblical understanding of sin that has led to the current confusion in our church over homosexual relationships. Even if a person experiences homosexual desire as something beyond his or her control, it does not excuse that person from seeking in Christ the power to overcome that desire.

The topic of responsibility mentioned in the previous paragraph brings me to another point. One of the main arguments of the draft statement, and the main point of section IV, is that

mature and healthy human sexuality requires trust and responsibility. No one can reasonably deny that trust and responsibility are crucial in relationships. The problem, however, is that the statement reads as though we are all autonomous individuals, and that our lives will be well ordered as long as we have trust and responsibility to each other. But that is naïve.

To illustrate the problem concretely: The statement declares that “this church should remember that the critical issue with respect to the family is not whether it has a conventional form; in the midst of different challenges, other familiar arrangements also may fulfill these vital roles of providing safety, sheltering intimacy, and building trust” (683-86). While it is true that the church should not idolize the modern nuclear family, this declaration, within the context of the statement as a whole, opens the door to acceptance of any number of living arrangements without any guiding norms, the implications and long-term consequences of which the church may hardly now see, but which should be cause for alarm. What about polygamy? What if two men and two women, all self-defined “bisexuals,” want to live with each other and raise children? If the church teaches that all that is required of people is trust and responsibility to each other, will the church have any authority to say that any living arrangement is wrong? If these concerns seem far-fetched, one should note that among those in the United States who are interested in the push for the legitimization of homosexual marriage are those who want to open the door to polygamy. They believe that once marriage has been redefined so as to include same-sex partners, there will no longer be grounds for denying multiple partnerships (*Newsweek*, March 20, 2006). In some northern and western European countries the legitimization of same-sex partnerships is now leading to efforts to open the way for multi-partnered relationships. Is this a vision for society towards which the ELCA wants to move? As much as those pushing for the acceptance of homosexual partnerships in the ELCA would like to keep these issues separate, it is doubtful that they can be separated. Even if the church tries to insist on monogamy in homosexual relationships, it is not clear that the church will be able to hold that position over the long term. After all, if one of the main arguments in support of the acceptance of homosexual relationships is that homosexuality is not a choice but an orientation, so that homosexual behavior must be accepted, then it follows that bisexuality, if it is not a choice but an orientation, must also be allowed free expression, including multiple partnerships.

The statement is correct to acknowledge that the church has in the past treated badly persons who self-identify as homosexuals (706-708). We must be careful, however, not to confuse inhumane treatment of people (which must be renounced) with upholding moral teaching. If the church denies blessing to homosexual couples or refuses to call and ordain to the ministry practicing homosexuals, that is not “discrimination,” as though the church were denying such persons their human rights. Denial of such blessing or of “rostering” is not a matter of civil rights but of the church’s moral teaching and good order. And even if we acknowledge, as we should, that none of us *individually* is in a position to stand in judgment over the sins of others, the church, as a *corporate body*, has Scriptural authority to judge sin and to uphold moral discipline in the church (Matt 18:15-20; 1 Cor 5:1-13). One wonders, then, what exactly the implications are of the statement that “this church must also attend to the cry for just laws and just treatment within and outside the ELCA by those with varied sexual identities” (1265-1267). What does “just treatment within...the ELCA” mean? Does this statement implicitly commit us to the blessing and ordination of active homosexuals, if that is what is defined as “just”? Or when

the statement declares that “the mission and ministry of congregations should be visibly open to all, including single adults, cohabiting adults, adults approaching marriage, families undergoing dissolution, single parents, blended families, and same-sex couples” (1394-1397), what does that mean concretely? Must I as a pastor allow two cohabiting adults the right to be leaders in a youth group, or to be chaperones on a confirmation retreat? What kind of example does that set for impressionable children and adolescents?

This, then, leads to my final point, and that is the status of this statement as a teaching document. At least in theory, ELCA social statements “set policy for this church” (p. I of the “Information About This Draft”). But if this statement will really set policy for the church, then it will commit the church, its pastors, and its bishops to policies on human sexuality that stand against Scripture and the Lutheran Confessions, which the pastors and bishops have pledged in their ordination vows to uphold. That is unacceptable.

It is my hope that the Task Force will rewrite the statement in such a way as to meet the criticisms made above. I must confess, however, that, since the changes that would be necessary to bring the statement into closer conformity with Scripture and the Lutheran Confessions would require nearly a complete rethinking and rewriting of the theological and ethical framework of the document, it seems unlikely to me that the Task Force would be able to accomplish such work in time for the Churchwide Assembly in 2009. But if the Task Force is unwilling or unable to make such changes, I call upon the bishops of the church, as teachers and guardians of the faith, to urge rejection of the statement.

In Christ,

The Rev. Dr. Stephen Hultgren