

Response to *Human Sexuality: Gift and Trust*¹

A Report of the Commission on Theology and Church Relations The Lutheran Church—Missouri Synod April 2012

Introduction

The 2010 Convention of The Lutheran Church—Missouri Synod (LCMS) adopted Resolution 3-05 directing “That the Commission on Theology and Church Relations, in consultation with the faculties of our seminaries, develop a thorough, biblical, and confessional analysis of and response to *Human Sexuality: Gift and Trust* with particular attention to the concept of ‘bound conscience.’” (2010 Convention Proceedings, 117). This document is offered as the response called for by the convention’s resolution. Given the fact that *Human Sexuality: Gift and Trust* (hereafter HSGT) was developed as the theological rationale for the Evangelical Lutheran Church in America (ELCA) to change its practice to allow for the liturgical blessing of same gender couples and the ordination of practicing homosexuals, the necessity of a careful and critical response was recognized by the LCMS. The implications of the ELCA’s actions for its own internal life, its ecumenical partners throughout Christianity, and its connections with the LCMS in recognized social ministry organizations and military chaplaincies are immense and far reaching. It is hoped that this document will provide a basis for an evaluation of HSGT in keeping with the Holy Scriptures and the Lutheran Confessions.

1. Foundational and Methodological Considerations

Debates over sexuality, inherited from its predecessor bodies, have been present in the ELCA from its inception. Christian Batalden Scharen’s *Married in the Sight of God: Theology, Ethics and Church Debates Over Homosexuality* documents the broad contours of the debate even as the author takes a strong partisan stance in advocating for a revised theology of marriage, expanded to embrace same-gender unions.² HSGT itself is the product of a nearly decade-long process of study, deliberation, and debate. Clearly the ELCA was tilted toward change. Numerous ELCA teaching theologians were speaking and writing on behalf of changes that would be adopted in 2009 on the basis of HSGT. Paul Jersild, a professor of ethics at Lutheran Theological Southern Seminary in Columbia, South Carolina, advanced the case against an “excessively physicalist” approach to homosexuality, suggesting instead attention to the more personal dimensions of a committed relationship.³ Jersild’s book, *Spirit Ethics: Scripture and the Moral Life*, provides a more detailed account of the approach to ethics which is realized in HSGT. In his 2004 book, *Many Members, Yet One Body*, Craig Nesson of Wartburg Theological Seminary argued that committed, same-gender relationships do not impact core doctrines and

¹ This “social teaching statement” of the Evangelical Lutheran Church of America (ELCA) was adopted by a two-thirds vote (676-338) by the eleventh biennial Churchwide Assembly of the ELCA on August 19, 2009 at Minneapolis, Minnesota. The statement can be found online at <http://www.elca.org/~media/Files/What%20We%20Believe/Social%20Issues/sexuality/Human%20Sexuality%20Social%20Statement.pdf>.

² Christian Batalden Scharen, *Married in the Sight of God: Theology, Ethics and Church Debates Over Homosexuality* (Landham: University Press of America, 2000).

³ Paul Jersild, *Spirit Ethics: Scripture and the Moral Life* (Minneapolis: Fortress Press, 2000), 139.

should not impair church unity and mission.⁴ Even though it was advertised as representing both sides of the debate, *Faithful Conversations: Christian Perspectives on Homosexuality*, edited by James M. Childs, Jr., included only one essay that is reflective of the classical Lutheran position on homosexuality.⁵

The brief introduction in HSGT begins with Jesus' great "love commandment" in Matthew 22:36-40, understood by the document as his "invitation to love God and our neighbor" (HSGT, 1). It is the aim of HSGT to set the discussion of sexuality within the context of this twofold command to love. From the standpoint of theological methodology, this starting point is immediately problematic on a number of levels. A definition of love is perhaps assumed but not given, thus leaving the way open for what might be called "disembodied love," love disconnected from the reality of created, bodily existence and without historical form. Starting with the command to love God and the neighbor also avoids the Holy Scriptures own understanding of sexuality as God's gift instituted in the creation of our first parents and distorted by their fall into sin.

HSGT claims to offer a "distinctively Lutheran approach" (HSGT, 1) grounded in a Christological reading of Holy Scriptures and centered in justification by grace through faith, with its corollary of vocation in the world for the neighbor's sake. The application of this hermeneutic in HSGT is uneven at best, however, often tending toward a reduction of ethical considerations to variable options that are open to the Christian who lives "by faith alone." The language of Lutheranism has been disconnected from its historical origin in Scripture, Luther, and the Lutheran Confessions. It has been rendered symbolic,⁶ so that it can be employed to support conclusions previously drawn to advocate a particular agenda.

Several critical issues emerge that will become foundational for the remainder of HSGT. The document is marked by an eschatological enthusiasm⁷ when it asserts

As Lutherans, understanding that God's promised future is the transformation of the whole creation, we believe that the Triune God, Father, Son, and Holy Spirit, is engaged

⁴ Craig Nesson, *Many Members Yet One Body: Committed Same-Gender Relationships and the Mission of the Church* (Minneapolis: Augsburg Fortress, 2004).

⁵ *Faithful Conversations: Christian Perspectives on Homosexuality*, edited by James M. Childs, Jr. (Minneapolis: Fortress Press, 2003). Only the chapter by James Arne Nestingen, "The Lutheran Reformation and Homosexual Practice" defends the traditional reading of the biblical evidence.

⁶ James Nestingen, in private correspondence, has described HSGT's approach to creeds and the Lutheran Confessions as merely "symbolic." This contrasts with the historic description of such works as "symbols," a term which indicated their full and continuing authority as standards for doctrine and practice.

⁷ As it emerged in the Reformation, 'enthusiasm'—literally "God-within-ism"—disjoined God's Spirit from God's Word incarnate in Christ and revealed in Holy Scripture. When this separation occurs, the future sets aside the past, leaving it without value; the inspiration claimed by the individual or community devalues the inspiration of the Word; the resurrection annuls the cross; the historical realities of life and death dissolve into mere concepts to be arranged at will by theologians, bishops, or church assemblies. "Eschatological enthusiasm" here refers to the tendency to make assertions about life in this present, fallen world as though the arrival of the new age of God's kingdom invalidates the created structures which govern created life and curb sin. While it is true that eschatology (the doctrine of the last things) has a "now and not yet" character, this teaching does not mean that God's creation is restructured. Rather the Triune God has promised to restore His fallen creation to His original purpose. The eschatological emphasis in HSGT is described here as "enthusiasm" in the theological sense of that word, namely seeking the will of God in one's own imagination rather than His revealed will, in one's internal speculation rather than in God's external Word.

deeply and relationally in the continuing creation of the world. We anticipate and live out the values of this promised future concretely in the present. It is therefore in the midst of daily life in the world that we are given the vocational task of serving the neighbor. (HSGT, 2.)

The language of this paragraph seems to echo ELCA theologian Ted Peters' description of Christian ethics as a "proleptic ethic," which he describes as the evangelical emancipation of human beings from legalistic oppression so that they may engage in the expression of co-creative love. This love is said to produce new forms of human community marked by reconciliation.⁸

While the promise of a new heaven and new earth (see Isaiah 11:1-16, Isaiah 65: 17-25; II Peter 3:13) has always been embraced in Christian hope and confession, it would be wrong to suppose that the "the transformation of the whole creation" includes the establishment of a new ethic that is in conflict with God's original creation instituted by His Word. The language of relationship, so prominent in HSGT, becomes abstract and overrides categories of nature and history.⁹ The future promised in Scripture, however, is not the sort of transformation that would render God's original creation obsolete, displacing His good design of humanity as male and female. It is instead a restoration of His human creatures to live before Him in righteousness and holiness forever.

HSGT is dependent on the vocabulary of "trust." There is a curious turn away from the language of fidelity, so prominent in classical Lutheran treatments of marriage, to the vocabulary of trust. So the document claims "Central to our vocation, in relation to human sexuality, is the building and protection of trust in relationships" (HSGT, 2). These relationships remain undefined in terms of the gender or the number of the participants. This nebulous language is unsuited for a concrete discussion of sexual ethics.

Attempting to orient the discussion of the ethics of sexuality by the centrality of justification by grace through faith, three of the Reformation *solas* are invoked: *solus Christus*, *sola gratia*, and *sola fide*. It is noteworthy that *sola scriptura* is not mentioned. In fact, the document avoids any exegetical engagement with specific biblical texts that speak to sexual behavior. Instead the document speaks vaguely of the Scriptures as "the living Word" (HSGT, 2) asserting that "Scripture is to be interpreted through the lens of Christ's death and resurrection for the salvation of all" (HSGT, 2) but without giving any indication as to how this hermeneutic might actually function in regard to a Christian ethic of sexuality.

⁸ This language has become popular in the ELCA. See Ted Peters, *God-The World's Future: Systematic Theology for a Postmodern Era* (Minneapolis: Fortress Press, 1992), 357-377. "Having been freed from the tyranny of the law and having received the indwelling of the Holy Spirit, Christians can develop an ethic that seeks to give co-creative expression to the power of love" (357). On the language of human participation in the continuing creation, i.e. human beings as co-creators, see Philip Hefner, *The Human Factor: Evolution, Culture, and Religion* (Minneapolis: Fortress Press, 1993). Also see Jürgen Moltmann, *The Church in the Power of the Spirit*, translated by Margaret Kohl (New York: Harper & Row, 1977), 176-1996. Moltmann's thought seems to inform this conceptualization.

⁹ Here see Christian Batalden Scharen, "Gay Christians: Symbols of God's New Creation," *The Lutheran* (March 2003), 22-23. Scharfen writes "Could God be speaking a new word to the church, in effect saying that gay Christians, through their efforts to live in faithful covenant partnerships, witness to God's covenantal purposes for sexuality and marriage? In so doing, God would be claiming them as symbols among us of the new creation" (23).

According to HSGT, Scripture alone is not sufficient for adjudicating ethical questions which emerge in regard to sexuality. It is asserted that “we look to the Scriptures and Lutheran Confessions,” *but also* “to the social and physical sciences, and to human reason, mercy, and compassion” (HSGT, 14) in seeking to determine a moral path. The document does not at all reflect the strong assertion of the Formula of Concord that the prophetic and apostolic writings of the Old and New Testaments alone are “the only rule and guiding principle according to which all teachings and teachers are to be evaluated and judged.”¹⁰ Set alongside other authorities and put in dialogue with other disciplines, the Holy Scripture is no longer seen as normative for a sexual ethic. Failing to distinguish between the Scriptures’ magisterial authority for all matters of faith and life in the church, the domains of psychological and social sciences are assumed by HSGT to function in something other than a ministerial manner. It is difficult to avoid the conclusion that sources other than Holy Scripture are normative for the ethic promoted by HSGT.¹¹ While HSGT often calls for the church to be attentive to contemporary scientific studies that might impact Christian moral deliberation, it fails to provide any critical hermeneutic for the analysis of the data yielded from these studies.¹²

The observation of Gerhard Forde is to the point:

The attempt to marshal so-called scientific evidence to prove that homosexuality is an orientation and not a choice and to call Paul’s indictment into question on this score, is, it seems to me, not a proper or careful way to argue. In the first place, the evidence is still eminently doubtable. There is no agreement in the scientific community, and even if there were, most true scientists would be more modest. But in the second place it hardly seems appropriate for those who seek to honor the normative character of Scripture to call it into question on such a slim basis.¹³

Justification by grace through faith alone is essential for a Lutheran ethic, but it can never be used as a principle that negates ethical discernment. The doctrine is misused when it is taken as a justification for sin rather than the justification of the sinner. Lacking Luther’s clarity that God’s forensic work of justification entails death to the old man and the bringing forth of the new man

¹⁰ Formula of Concord, Epitome 1, 1 in *The Book of Concord*, edited by Robert Kolb and Timothy Wengert (hereafter KW followed by page number) (Minneapolis: Fortress Press, 2000), 486.

¹¹ Here see Craig Nesson, “Three Theses on the Theological Discussion of Homosexuality in the Global Lutheran Community” *Currents in Theology and Mission* (June 2010): 191-197. Writing in an attempt to address the negative reaction from Lutheran World Federation churches in the global south to the move of the ELCA to endorse the blessing of same-gender couples and the ordination of practicing homosexuals, Nesson attempts to minimize the controversy by arguing that “[t]he discussion of homosexuality is about matters of biblical interpretation, not biblical authority” (193) and as long as there is agreement “in the right preaching of the gospel” (194) matters of sexuality are penultimate. He further argues that because “[m]arriage is a ‘worldly thing’ whose structure is conditioned by history, culture, and context and whose value is to be measured by how it contributes to the common good” (196) its configuration is open to readjustment and need not be the same from place to place.

¹² Here see Stanton L. Jones and Mark A. Yarhouse, *The Use, Misuse, and Abuse of Science in the Ecclesiastical Homosexuality Debates* (Downers Grove, Illinois: InterVarsity Press, 2000); Also see Stanton L. Jones, “Same Sex Science” *First Things* (February 2012), 27-33.

¹³ Gerhard Forde, “Human Sexuality and Romans, Chapter One” in *The Preached God: Proclamation in Word and Sacrament*, edited by Mark C. Mattes and Steven D. Paulson (Grand Rapids: Eerdmans, 2007), 213. Also note the comment of Oliver O’Donovan that “Light and lazy talk about ‘development’ and ‘new insights’ may often do no more than announce a change of fashion.” See “Homosexuality in the Church: Can There be a Fruitful Theological Debate?” in *The Way Forward: Christian Voices on Homosexuality and the Church*, edited by Timothy Bradshaw (Grand Rapids: Eerdmans 2003), 23.

who walks before God in righteousness and holiness, HSGT diminishes the dynamic of Lutheran teaching, providing a way for a sexual ethic that is elastic and ultimately undefined. Faith in Christ becomes permission for the Christian to determine his or her course of action when it comes to a sexual ethic within the nebulous bounds of self-designated love for the neighbor.

2. The Category of “Paradox” in Relation to Christian Freedom

Drawing on Luther’s 1520 treatise, *The Freedom of the Christian*, HSGT seeks to develop a paradoxical understanding of sexuality as marked both by God’s grace and human sinfulness: “Lutheran theology prepares us precisely to hold in creative tension the paradoxes and complexities of the human situation. This is also the case with regard to human sexuality. God has created human beings as part of the whole creation and with the intention that we live actively in the world (Romans 12-13; Ephesians 5-6)” (HSGT, 3).

The reading of *The Freedom of the Christian* in HSGT is selective at best and at worst deceptive. While HSGT uses fragmented slogans from Luther’s treatise, it fails to grasp the Reformer’s argument and instead makes a misapplication of the argument in matters of sexual ethics. Isolating Luther’s well-known paradox that a Christian is a perfectly free lord of all while at the same time a perfectly dutiful servant of all from the full scope of the Reformer’s argument, HSGT fails to take into account his distinction of the “inner person” from the “outer person.” The inner person or the new man is the spiritual nature of the believer. The outer person or the old man is his sinful, fleshly nature. Luther bases this distinction on 2 Corinthians 4:16 and Galatians 5:17. The soul’s freedom is not an external liberty (lack of political captivity, bodily illness, poverty and the like) but an endowment of the Gospel. This is the “one thing and one thing alone that leads to Christian life, righteousness, and freedom.”¹⁴

The freedom of the Gospel for Luther is not a bodily freedom from the demands of the law which remain in creation. The Christian freed from the condemnation of the law in conscience is not evacuated from creation but is enlivened to serve the neighbor within the structures which God has established and instituted within the world. Works are not necessary for salvation but they are necessary for the service of the neighbor. Hence Luther returns to the controlling paradox of the tract: “Insofar as a Christian is free, no works are necessary. Insofar as a Christian is a servant, all kinds of works are done.”¹⁵

The inner person is free, but because we also live in this world the outer person must remain under discipline so that the body is conformed to the Spirit and does not undermine the faith of the inner person. These bodily disciplines do not limit faith’s freedom but in fact serve to guard that freedom so that the Christian does not become a slave to sin and thus forfeit the freedom in Christ. Here Luther cites Romans 7:22-23, 1 Corinthians 9:27, and Galatians 5:24.

It is in the body that the Christian submits to serve the neighbor in love:

We must also understand that these works serve the purpose of disciplining the body and purifying it of all evil desires. The focus should be on these desires and the best means of

¹⁴ Martin Luther, *The Freedom of a Christian*, translated with an introduction by Mark Tranvik (Minneapolis: Fortress Press, 2008), 52.

¹⁵ Luther, *The Freedom of a Christian*, 71.

purging them. Since by faith the soul is made pure and enabled to love God, it wants all things—the body in particular—to join in loving and praising God. Thus we cannot be idle. The needs of the body compel us to do many good works in order to bring it under control. Nevertheless, it must always be kept in mind that these works do not justify a person before God. Rather, by yielding wholly to God, one does these works out of a spirit of spontaneous love, seeking nothing other than to serve God and yield to him in all earthly labors.¹⁶

Luther says we should consider the works of the Christian as we would those of Adam in paradise before the fall into sin. Adam's work was instituted by God (Genesis 2:15) and was done to please God, not to obtain righteousness. HSGT is silent on these aspects of *The Freedom of a Christian*. Slogans are extracted from Luther's treatise to promote an emancipation from the very orders God has set in place to protect and preserve human life.

3. The Doctrine of Creation

Luther's confession of the First Article embraces the personal ("has made me"), the cosmic/universal ("and all creatures"), the communal ("He also gives me...house and home, wife and children, land, animals and all that I have"), the providential ("He defends me against all danger and guards and protects me from all evil"), and the doxological ("For all this it is my duty to thank and praise, serve and obey Him").¹⁷ By way of contrast, HSGT describes creation with vague and imprecise language repeatedly resorting to the rhetoric of relationship.¹⁸ Thus we are told: "Both narratives of God's creative activity in the book of Genesis (Genesis 1 and 2) reveal God's goodness and desire for a close relationship with human beings as integral to the ongoing handiwork of creation" (HSGT, 4). Further the document makes the claim: "As a mark of personal confidence, the Creator even entrusts to human beings the task of naming and tending the inhabitants of the earth God so clearly loves. The tender love and goodness of God's creative activity includes sexuality and gendered bodies (Genesis 2:23-25)" (HSGT, 5). The theological significance of sexuality and gendered bodies is left undefined, without connection to the Creator's intention in creating humanity as male and female.¹⁹

The use of relational terminology is imprecise and deceptive in HSGT. Surely all human beings are set in a relationship with their Creator by virtue of their being, in fact, creatures made by God, preserved by Him, and accountable to Him. The human being is in a relationship with God; this relationship is never a matter of neutrality since it is either of wrath or of grace.²⁰ Even more problematic is the assertion that God "trusts" human beings and that human beings "violate

¹⁶ Luther, *The Freedom of a Christian*, 73.

¹⁷ *Luther's Small Catechism with Explanation* (St. Louis: Concordia Publishing House, 1991 [2005]), 15-16).

¹⁸ Relationship in HSGT is considered one-sidedly, almost exclusively on the horizontal level—human to human. Certainly the importance of human relationships is never to be denied or minimized, least of all by confessional Lutheran theology. However, HSGT's failure to consider the importance of the vertical relationship we human creatures have with our Creator leaves human relationships morally vacuous. Only a right relationship with God enables a full and godly understanding of human relationships.

¹⁹ For a scriptural discussion of the theological significance of humanity created as male and female, see *The Creator's Tapestry: Scriptural Perspectives on Man-Woman Relationship* (Saint Louis: Commission Theology and Church Relations, 2009), 7-15.

²⁰ "Luther does not know of a neutral sphere 'beyond' wrath and grace," says Oswald Bayer, "Creation as History" in *The Gift of Grace: The Future of Lutheran Theology*, edited by Niels Henrik Gregersen et al (Minneapolis: Fortress Press, 2005), 258.

God's trust" (HSGT, 5). These expressions are without biblical support and actually convey a cozy and natural partnership between God and humanity rather than the Scriptural distinction between Creator and creature. Sin is then seen in HSGT as a resistance of identity and not a fundamental mistrust of the Creator. There is no hint in HSGT that human beings "are born with sin, that is, without fear of God, without trust in God, and with concupiscence"²¹ to use the language of Article II of the Augsburg Confession.

The treatment of creation in HSGT is fragmentary and lacking in coherence. The law is affirmed as ordering and preserving the world and exposing human sin. Yet HSGT never really demonstrates how the law accomplishes these tasks. There is nothing in HSGT that would suggest anything resembling the orders of creation²² as creational structures that remain intact even though they might not be recognized by those whose perception is blinded by sin. Note 11 in HSGT explains the avoidance of the vocabulary of "orders of creation" as this form is "linked to a static notion of creation" and instead suggests the language of social structures as this term "is less technical and more suggestive of God's ongoing creative activity to shape and reshape social structures for human protection and good"(HSGT, 39-40). Yet social structures are not synonymous with orders of creation, since social structures are sociologically rather than theologically defined.

HSGT invokes a vision of existence evoked by the eschatological expectation of a transformed creation which renders relative the place of God's law in governing the behavior of mankind. The new creature now transcends the structures and boundaries given in creation to participate in a world that is made flexible for a variety of expressions determined by the self. There is, in fact, something Gnostic-like here in the suggestion that human beings might be liberated from physiological boundaries imposed by bodies which are either male or female.²³

4. Sexuality and Vocation

The section, "Our vocation to serve the neighbor" (HSGT, 8) begins with the recognition that "we do not live in private worlds" but quickly slips into a discussion of individualistic actions. It speaks of "complex and varied situations people have relative to sexuality: being in relationships, being single, being a friend, living in a young or aging body, being male or female, being young or old, or having different sexual orientations and gender identities" (HSGT, 9).²⁴ Privacy has become a key component in current moral discourse as it is widely assumed that within the

²¹ Augsburg Confession II: 1, KW 38-39.

²² For a discussion of how a rejection of the orders of creation is problematic not only for ethics but also for soteriology, see Armin Wenz, "Natural Law and the Orders of Creation" in *Natural Law: A Lutheran Reappraisal*, edited by Robert Baker (Saint Louis: Concordia Publishing House, 2011), 79-95. On the necessity of the orders of creation for the biblical understanding of marriage, see Nathan Yoder, "The Order of Marriage and the Lord of the Order," *Lutheran Forum* (Summer 2009): 42-45.

²³ Here see Philip J. Lee, *Against the Protestant Gnostics* (Oxford: Oxford University Press, 1987). Gnosticism is an ancient philosophical system that held to the existence of a secret knowledge (*gnosis*) that would provide the initiated person access to reality apart from bodily existence. Lee argues that the so-called Gay Rights movement is a modern form of Gnosticism in that it seeks to define sexuality apart from something as mundane as biology. Lee concludes "In short, there are important forces within liberal American Protestantism that would like to escape the concerns of the physical body, of sexuality. Ironically, this movement reaches its culmination in the denial of the importance of the family, procreation and, therefore, of human life itself" (139).

²⁴ Note the inherently Gnostic formulation of "living *in*" a body, as if there is another way of living that is outside or apart from a body. Cf. footnote 23 above.

seclusion of consensual arrangements, individuals may act without restraint if these activities do not interfere with others in their own self-enclosed lives. HSGT misses the opportunity to critique this individualism that is so evident in discussions of sexuality.

Morally, virtually all that the document can affirm is that “In whatever the situation, all people are called to build trust in relationships and in the community” (HSGT, 9). This invites a situational ethic that fails to address life lived in the body before both God and the neighbor. Without examination or critique the psychological/political language of “sexual orientation” and “gender identity” is adopted, rendering theological evaluation inappropriate.²⁵

While earlier HSGT made the claim to ground its discussion of ethics in the Lutheran teaching of justification by grace through faith, now the document slips into a way of speaking that would seem to disregard the radical proclamation that God justifies the ungodly. Instead this section of HSGT speaks of “flawed and imperfect human beings” who experience brokenness, loneliness, and loss yet who know “that our efforts are still infused with God’s love and blessing for ourselves, our neighbors, and the world” (HSGT, 9). This sentimental language is hardly adequate for the Holy Scriptures’ proclamation of human sin and God’s grace in Christ Jesus. Tolerance is a poor substitute for absolution. The restoration of trust is not the same thing as the redemption of our bodies and rescue from God’s judgment.

In keeping with the document’s overall orientation toward a particular form of realized eschatology, HSGT sets God’s rule in the present world in contrast with His rule in the coming kingdom by citing Paul’s description of “the groaning of creation” in Romans 8: 22-23. Yet the Apostle’s words in Romans 8 make little sense if they are divorced from the first chapter of his epistle. In Romans 1 Paul writes of God’s wrath being revealed from heaven against all unrighteousness precisely in the arena of creation, where the truth of God is exchanged for a lie and human beings worship the creature rather than the Creator. It is in this exchange of the truth for the lie that another exchange is executed. Paul writes: “For this reason God gave them up to dishonorable passions. For their women exchanged natural relations for those contrary to nature; and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in themselves the due penalty for their error” (Romans 1: 26-27).²⁶ Richard Hays comments:

Paul singles out homosexual intercourse for special attention because he regards it as providing a particularly graphic image of the way in which human fallenness distorts God’s created order. God the Creator made man and woman for each other, to cleave together, to be fruitful and multiply. When human beings “exchange” these created roles

²⁵ For a critique of this language by a Lutheran pastor who is also a research psychologist, see Merton P. Strommen, *The Church & Homosexuality: A Middle Ground* (Minneapolis: Kirk House Publishers, 2001), 57-76.

²⁶ For a very thorough treatment of the use of this pericope in the current debate on homosexuality, see Armin Wenz, *The Contemporary Debate on Homosexual Clergy: A Theological Discussion in the Formerly Lutheran State Churches in Germany*, trans. Holger Sonntag (Saint Louis: LCMS World Relief and Human Care, 2006), 3-34. Also see Gerhard Forde, “The Normative Character of Scripture for Matters of Faith and Life in Light of Romans 1:16-32” *Word & World* (Summer 1994): 305-314; Jonathan F. Grothe, *The Justification of the Ungodly: An Interpretation of Romans*, Volume I (Privately published in Canada, 2006), 84-101; and John T. Pless, “Using and Misusing Luther on Homosexuality” *Lutheran Forum* (Winter 2004): 24-30.

for homosexual intercourse, they *embody* the spiritual condition of those who have “exchanged the truth about God for a lie.”²⁷

Romans 8:22-23 disconnected from Romans 1:18-32 is used as something of a proof text for making a sexual ethic that is elastic and flexible. HSGT states: “Therefore, we believe that the way we order our lives in matters of human sexuality is important to faithful living, but not central to determining our salvation. We are to be realistic and merciful with respect to our physical and emotional realities, not striving for angelic perfection as if our salvation were at stake” (HSGT, 9). With these lines, HSGT is setting the stage for making the argument that New Testament scholar Robert Gagnon has identified as

“the non-essential issue argument”: since matters of sexuality do not constitute the major theme of Scripture, Christians may freely adopt differing ethical evaluations of homosexual activity.²⁸

In buttressing this argument, HSGT wrongly enlists Luther’s teaching on the two kingdoms (or the two realms). The introduction of this teaching is misplaced at this juncture as it is construed in such a way to make space for a more permissive sexual ethic. Oswald Bayer suggests that Luther’s treatment of the three estates²⁹ is actually a more accurate starting point than the two kingdoms for understanding Luther’s ethic.³⁰ This is so, Bayer argues, because the three estate framework is Luther’s hermeneutic of primeval history. It demonstrates that God’s Word has instituted estates or places in life that are fundamental and universal for human existence. This instituting word of the Creator establishes marriage as a lifelong, monogamous union between

²⁷ Richard Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (San Francisco: HarperCollins, 1996), 388. Also see Douglas Moo, *Romans 1-8* (Chicago: Moody Press, 1991), 111 and Thomas Oden, “The Classic Christian Exegesis on Romans 1:22-28” in *Staying the Course: Supporting the Church’s Position on Homosexuality*, edited by Maxie D. Dunnam and H. Newton Maloney (Nashville: Abingdon Press, 2003), 85-96.

²⁸ Robert Gagnon, “The Bible and Homosexual Practice: Theology, Analogies, and Genes” *Theology Matters* (November/December 2001), 4. Also see Gagnon’s *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon Press, 2001) as this book provides a comprehensive treatment of relevant biblical texts which are largely ignored in HSGT. Also see “Excursus: Homosexuality” in Gregory J. Lockwood, *Concordia Commentary: I Corinthians* (Saint Louis: Concordia Publishing House, 2000), 204-209.

²⁹ The three estates in Luther are the three “institutions established by God,” namely, the church, marriage (the household), and civil government (see *Luther’s Works*, Vol. 37: Confession Concerning Christ’s Supper [Philadelphia: Fortress Press, 1961], 364. Hereafter, references to the American Edition of Luther’s Works, published by Fortress Press and Concordia Publishing House [various dates], are abbreviated as AE, followed by volume number: page number[s] [e.g., AE 37:364].) In the *Large Catechism*, Luther speaks of the different “fathers” to whom honor is commanded (fathers of blood or households, fathers of a nation, and spiritual fathers [First Part [Ten Commandments]:158, KW, 408). The two realms or kingdoms doctrine is Luther’s shorthand for God’s two-fold rule of both the church and the world. The church is his spiritual kingdom, and the world is the secular or civil kingdom. For example, the *Augsburg Confession* says, “Christ’s kingdom is spiritual, that is, it is the heart’s knowledge of God, fear of God, faith in God, and the beginning of eternal righteousness and eternal life. At the same time, it permits us to make outward use of legitimate political ordinances of whatever nation in which we live, just as it permits us to make use of medicine or architecture or food, drink, and air” (16:2, KW 231). The teaching of the three estates might best be understood as presupposed by Luther’s exposition of the two kingdoms, for it is the one God who is active in instituting and upholding life in both the worldly and spiritual realm. See also Oswald Bayer, *Martin Luther’s Theology: A Contemporary Interpretation*, translated by Thomas H. Trapp (Grand Rapids: Eerdmans, 2008), 120-153.

³⁰ Oswald Bayer, “Nature and Institution: Luther’s Doctrine of the Three Estates” in *Freedom in Response-Lutheran Ethics: Sources and Controversies* trans. Jeffrey Cayzer (Oxford: Oxford University Press, 2007), 94. Bayer adds that “The two kingdoms doctrine and the doctrine of the three estates should not be opposed” (95).

man and woman which is not open to any cultural redefinition that violates this creational given.³¹

Yet at this juncture in HSGT, the teaching of the two kingdoms is invoked to give “reason, imagination, the social and physical sciences, cultural understandings, and the creative arts” as items that might aid in the church’s deliberations on questions of sexual morality (HSGT, 10). Here HSGT is suggesting that, perhaps, contemporary scientific research might alter traditional readings of Scripture on homosexuality. From the standpoint of theological ethics, however, it is irrelevant whether homosexuality is a result of a genetic order, environment, or personal choice, since Christians recognize that all of creation after the fall is subject to bondage, disorder, and death. Robert Jenson wisely observes:

We need not here resolve the question of whether there are such things as 'sensual orientations' and if so how they are acquired. What must anyway be clear is that 'homosexuality,' if it exists and whatever it is, cannot be attributed to creation; those who practice forms of homoerotic sensuality and attribute this to 'homosexuality' cannot refer to the characteristic as 'the way God created me,' if 'create' has anything like its biblical sense. No more in this context than in any other do we discover God's creative intent by examining the empirical situation; ...I may indeed have to *blame* God for the empirically present in me that contradicts his known intent, but this is an occasion for unbelief, not a believer's justification of the evil.³²

One may not appeal to “God made me this way” as a justification for sexual sin any more than he or she could invoke this for any other sinful inclination or behavior.

5. The Language of Trust and Relationship

The definitions of sexuality given in HSGT are largely shaped by the vocabulary of contemporary social and psychological sciences with eclectic references to God. Throughout HSGT, the language of “trust” predominates (as we have already noted). This is especially the case in Section III “Trust and Human Sexuality” (HSGT, 10-15). After asserting that “Sexuality especially involves the powers or capacities to form deep and lasting bonds, to give and receive pleasure, and to conceive and bear children” (HSGT, 10), the document proceeds to assert that “Sexuality consists of a rich and diverse combination of relational, emotional, and physical interactions and possibilities” (HSGT, 11). The potency of this combination is recognized as a gift that is open to abuse through unrestrained desires for self-gratification, coercion, and irresponsibility with damaging consequences. Trust is seen as the necessary ingredient to safeguard the appropriate expression of sexuality within the human community.

³¹ Note Luther in “On Marriage Matters” (1530): “Now we have taught so often that we should do nothing unless we have the express approval of God’s word; God himself has nothing to do with us, nor we with him, except through his word, which is the only means by which we recognize his will, and according to which we have to govern our actions. Whoever has a god but not his word has no god, for the true God has included our life, being, estate, office, speech, action or inaction, suffering, and everything in his word and shown us by example that we must not and shall not seek or know anything apart from his word, even of God himself, for apart from his word he does not wish to be understood, sought, or found through our invention or imagining” (AE 46:276).

³² Robert W. Jenson, *Systematic Theology*, Volume II: The Works of God (Oxford: Oxford University Press, 1999), 93.

The discussion of social trust references the place of conscience: “Social trust is grounded in the practice of mutual respect for the dignity of all people and their consciences. Strong communities ensure social trust when they provide social support for disagreement and dissent, and nurture the values of mutual respect and regard for the opinions of others” (HSGT, 13). With these words HSGT puts in place a significant plank in the platform that it will seek to build for the application of the “bound conscience” as a means of establishing a churchly community capable of living together with diverse opinions on sexual morality in general and homosexuality specifically (see section 7 below).

The ever strong and present focus on qualitative characteristics of human relationships and the ascendancy of trust (and by default the capacity for human trustworthiness), become key elements in a revised sexual ethic. Here the warning of Gilbert Meilaender is particularly relevant: “In a world in which the languages of love and consent have gradually come to trump all other moral language, we do well to remind ourselves at the outset that marriage, the first of all institutions, is not simply about love in general. It is about the creation of man and woman as different yet made to be true to each other; it is about being fruitful, begetting and rearing children. This pours content and structure into our understanding of sexual love, and it takes seriously the body’s character within nature and history.”³³

With this shift away from an ethic marked by attentiveness to the character of the body in nature and history to the relational language of social trust, the church’s task is changed. This is a change that is noted and celebrated in HSGT:

As this church and its members engage the changes and challenges of contemporary society related to human sexuality, careful thought must be given to which changes enhance and which erode social trust. The development of social trust must be a central concern for Christians who seek the good of the neighbor in pursuit of justice and the common good. This church must be a leader in refocusing attention on practices and attitudes that build social trust. Likewise, it must contribute to the development of responsible economic and social policies and practices that shape the expression of sexuality within social life (HSGT, 13).

Here the church appears to be envisioned as an institution for social change and justice, taking on the responsibilities that properly belong to the realm of God’s left hand.³⁴

The rhetoric of justice in relation to sexuality as noted in HSGT is a dominant theme. With this accent on justice, there is a distancing from the body as the locale of human life. The distinctiveness of the body as male or female and the requirements evoked by this reality given in creation are diminished or ignored by giving primary place to discourse that is governed by

³³ Gilbert Meilaender, “The First of Institutions” *Pro Ecclesia* (Fall 1997): 446. Also see Meilaender’s “Honoring the *Bios* in Lutheran Bioethics” *Dialog: A Journal of Theology* (Summer 2004): 118-124. Bernd Wannewetsch detects a kind docetism that would separate “body” and “spirit” in contemporary efforts to legitimize homosexuality. See Bernd Wannewetsch, “Old Docetism—New Moralism? Questioning a New Direction in the Homosexuality Debate” *Modern Theology* (July 2000): 353-364. See also the CTCR’s *Human Sexuality: A Theological Perspective* (Saint Louis: Commission on Theology and Church Relations, 1981), especially 6-9 and 32-36.

³⁴ For a more careful and thorough discussion of the church’s role in the left-hand kingdom, see *Render Unto Caesar...and Unto God: A Lutheran View of Church and State* (Saint Louis: Commission on Theology and Church Relations, 1995), online at <http://www.lcms.org/Document.fdoc?src=lcm&id=360>.

contemporary canons of egalitarianism. The words of Colin Gunton are a bracing corrective to this line of ethical reasoning: “Modern Christianity is so strongly inclined to lecture the world on the merits of justice, that we are in danger of neglecting the weightier matters of the law: our dealings with our bodies and our immediate neighbours.”³⁵

Arguing that “sexual relationships may be among our most profoundly intimate, crucial, and self-giving expressions of trust” (HSGT, 13), the document advances its case that the church should work toward the creation of “trustworthy relationships and social structures” that will promote human dignity, protect from physical, emotional and spiritual harm, demonstrate compassion, ensure accountability, provide for the welfare of the individual as well as the common good of society, and value the protection afforded through the making of promises and contractual agreements (see HSGT, 14). Through the advancement of these social virtues, it is said that the neighbor is served. The claim is made that, “We look to the Scriptures, to the Lutheran Confessions, to the social and physical sciences, and to human reason, mercy, and compassion” in determining what “trust” looks like “in relation to human sexuality” (HSGT, 14).³⁶ In formulating the above-mentioned list, the document makes no attempt to provide either scriptural or confessional references to support its rather expansive claims.

Instead, “trusting relationships” are described as loving, life-giving, self-giving, nurturing, truthful, faithful in word and deed (including sexual fidelity), committed/loyal, supportive, hospitable, and a blessing to the larger community (HSGT, 14-15). These “trusting relationships” appear to be inclusive of marriage but far broader than marriage in HSGT. But “trusting relationships” lack the physicality of marriage which is a “one flesh” union of man and woman. Oswald Bayer’s words serve as a corrective to this lacuna in HSGT: “The importance of being one flesh cannot be stressed too greatly. Marriage is not a kind of harnessing together of two individuals; it is a third, new entity, that is, *one* flesh, one distinct and substantial whole. In this conjoint being as ‘one flesh’ lies the ‘great mystery’ of Eph. 5:32.”³⁷ The adjectival descriptions of marriage catalogued in HSGT may be applied to variety of human relationships; marriage is distinguished, however, in that it is the “one flesh” union established by God in creation (Genesis 1-2). Paul’s treatment of marriage in Ephesians 5 as an icon of the union of Christ with His bride, the church, is anchored in creation. Just as Christ (the Bridegroom) is not interchangeable with His church (the Bride) so male and female are not interchangeable.³⁸

Intimacy, safety, and trust are underscored in HSGT as best protected within the context of family understood in the sense of a household (HSGT, 21). Given the fundamental significance of family in human community, “Lutherans take great care to support whatever creates and sustains strong families as a foundation and source of trust” (HSGT, 21). Here HSGT uses

³⁵ Colin Gunton, *The Triune Creator: A Historical and Systematic Study* (Grand Rapids: Eerdmans, 1998), 226.

³⁶ By way of contrast note Bayer’s description of Luther’s approach: “Luther did not give in to the temptation to search for clarity other than the reliable word of promise. Therefore, the world is not perspicuous to him, not through and through calculable and disposable; his theology is unyielding to any historical-philosophical speculation of unity. To the extent to which his theology contradicts such speculations – for instance, the illusion of a constant progress of world history – it is sober, realistic, and full of concrete experience of the world. Thus, the much invoked but frequently misunderstood ‘worldliness’ of Luther is something thoroughly theological. For with this worldliness the world is perceived as created by God’s reliable word and preserved through constant threats. This perception is a forensic one – a perception of judgment and grace.” (See “Creation as History,” 259.)

³⁷ Oswald Bayer, *Freedom in Response*, 160.

³⁸ Here see *The Creator’s Tapestry*, 47-48. Also see John Paul II, *Man and Woman He Created Them: A Theology of the Body* (Boston: Pauline Books, 2006).

relational language in such a way as to diminish or ignore the bond of biological connectivity. Once again, Scripture and the Lutheran Confessions are used as decorative symbols, bases to touch, while their dogmatic assertions are being set aside.

HSGT devotes sparse attention to divorce: “This church recognizes that in some situations the trust upon which marriage is built becomes so deeply damaged or is so deeply flawed that the marriage itself must come to a legal end” (HSGT, 17). Supportive pastoral care is suggested but without meaningful reference to sin, confession and absolution. Nor is there the recognition in HSGT that divorce—even when allowed on account of the hardness of the human heart (see Matthew 19:3-9)—is incompatible with the New Testament’s picture of marriage. Rather, “If marriage is the New Testament’s final symbol of eschatological redemption, then divorce cannot be consonant with God’s redemptive will.”³⁹ Evangelical pastoral care of divorced persons will be grounded in confession and absolution not in therapeutic affirmations.⁴⁰

While highlighting the relational dimensions of life within various configurations of “family,” HSGT gives only brief mention to the sexual bond between man and woman, the one flesh union that engenders new life. Rather the document asserts, “The critical issue with respect to the family is not whether it has a conventional form but how it performs indispensable social tasks. All families have the responsibility for the tasks of providing safety, shielding intimacy, and developing trustworthy relationships” (HSGT, 23). Regret is expressed for ways in which historical Christian teachings on sexuality (i.e. pregnancy outside of marriage, homosexuality) have made a negative impact on families. HSGT calls “for greater understanding of sexual orientation and gender identity” (HSGT, 24) within the church and continuing evolution of family law in the civil realm to enhance and protect intimacy, trust, and safety.

The relational theme is further developed in an extensive discussion on “sexuality and trust in relationships” (HSGT, 27-33). In language that in large part seems to be more reflective of a popular use of psychological and social sciences, the document discusses growth and development with maturity and responsibility in view as questions of appropriate sexual expression are addressed, including self understanding, gender and friendship, and cohabitation. Non-monogamous, promiscuous, or casual relationships of any kind are opposed on the grounds that “such relationships undermine the dignity and integrity of individuals because physical intimacy is not accompanied by the growth of mutual self-knowledge” (HSGT, 31). This section is almost totally devoid of any theological reflection and framed instead with therapeutic categories.

A final section of HSGT treats “sexuality and social responsibility” (HSGT, 33-36). Noting that because individuals and families are set within larger social contexts, the church needs to address patterns of abuse and discrimination for people “with varied sexual orientation and gender identity” (HSGT, 33). Prostitution and pornography are rejected as detrimental. Efforts to halt discrimination toward those afflicted with sexually transmitted disease are encouraged, as is sex

³⁹ Richard Hays, *The Moral Vision of the New Testament* (San Francisco: Harper Collins, 1996), 366. Also see Richard Hays, “Relations Natural and Unnatural: A Response to J. Boswell’s Exegesis of Romans 1” *Journal of Religious Ethics* (Spring 1986): 184-215.

⁴⁰ See *Divorce and Remarriage: An Exegetical Study* (Saint Louis: Commission on Theology and Church Relations of The Lutheran Church-Missouri Synod, 1987), 37-39. Also note Oswald Bayer: “The Church has to deal with divorces without justifying them; what it must do in particular is to speak about sin and forgiveness” (*Freedom in Response*, 166).

education and the development of medical means of birth control (HSGT, 34-35). A strong warning is given against inappropriate sexual behavior by professional church workers as such activity is a violation of trust (HSGT, 35). Given the previous arguments advanced for a more generous approach to sexual ethics, it seems not a little incongruent that HSGT now adopts a rather assertive tone in admonishing church members on these issues.

6. The Place of Marriage

While the historic Christian teaching on marriage is acknowledged, the trajectory of the document moves in the direction of emphasizing the relational dimensions of marriage at the expense of marriage as a gendered and engendering estate of creation. HSGT defines marriage “as the covenant of mutual promises, commitment, and hope authorized legally by the state and blessed by God” (HSGT, 15). Citing Mark 10:6-9, HSGT notes “The historic Christian tradition and the Lutheran Confessions have recognized marriage as a covenant between a man and a woman” (HSGT, 15). Yet the next two pages of HSGT reflect a discussion of marriage without a reference to the gender of those who enter into this covenant. It is no surprise, therefore, that the section on marriage ends with this summary:

Recognizing that this conclusion differs from the historic Christian tradition and the Lutheran Confessions, some people, though not all, in this church and within the larger Christian community, conclude that marriage is also an appropriate term to use in describing similar benefits, protection, and support for same gender-couples entering into lifelong, monogamous relationships. They believe that such accountable relationships also provide the necessary foundation that supports trust and familial and community thriving. Other contractual agreements, such as civil unions, also seek to provide some of these protections and to hold those involved in such relationships accountable to one another and to society. (HSGT, 18.)

Yet, without sexual differentiation there is no marriage. Carl Braaten’s words may appear harsh but are nevertheless true: “It is possible to blaspheme the Creator by degenerating the dignity and goodness of human sexuality in its differentiation between male and female.”⁴¹

Legal scholars Robert P. George, Sherif Girgis, and Ryan T. Anderson make the argument from the perspective of jurisprudence that marriage is unique in that it entails a conjugal act that unites a man and a woman organically and is distinct from every other contractual agreement, including civil unions:

Because bodies are integral parts of the personal reality of human beings, only coitus can truly unite persons organically and thus, maritally. Hence, although the state can grant members of any household certain legal incidents, and should not prevent any from making certain private legal arrangements, it cannot give same-sex unions what is truly distinctive of marriage—i.e., it cannot make them actually comprehensive, oriented by nature to children, or bound by the moral claims specific to marriage.⁴²

⁴¹ Carl Braaten, *Eschatology and Ethics: Essays on the Theology and Ethics of the Kingdom of God* (Minneapolis: Augsburg Publishing House, 1974), 165.

⁴² Sherif Girgis, Robert P. George, and Ryan T. Anderson, “What is Marriage?” *Harvard Journal of Law and Public Policy* 34 (Winter 2010): 282.

In HSGT marriage might be seen as having an erotic or sensual dimension, but it would not necessarily involve a conjugal act which unites male and female organically. George and his colleagues argue that “the conjugal view” of marriage serves the common good in such a way that the “revisionist view” cannot, precisely at the point of procreation. HSGT will not concede this point.

Even though HSGT sees in the creation of Adam and Eve as male and female the revelation of God’s creation of gendered beings with the capacity for companionship and procreation, this is largely disconnected from a discussion of gender. The sturdy language of God’s institution of marriage in the Holy Scriptures is absent in HSGT. Again we may contrast HSGT with Luther: “He has established it (marriage) before all others as the first of all institutions, and he created man and woman differently (as is evident) not for indecency but to be true to each other, to be fruitful, to beget children, and to nurture and bring them up to the glory of God.”⁴³ Marriage is a divine institution that is lived out within the sphere of creation (“kingdom of the left hand”) according to God’s purposes:

- God established marriage as the relationship of mutual love between one man and one woman (Genesis 2:18).
- God locates the procreation of children within the bond of the one flesh union of marriage (Genesis 1:28).
- God uses marriage as a way of curbing and healing sinful lust (I Corinthians 7:2).⁴⁴

These purposes are summarized by Luther in his lectures on Genesis:

Yet the true definition of marriage is this: marriage is the divine and lawful union of a male and female in the hope of children, or at least to avoid the cause of fornication and sin, to God’s glory. Its ultimate end is to obey God; to remedy sin; to call upon God; to seek, love, and educate children to God’s glory; to live with one’s spouse in the fear of the Lord; and to bear the cross.⁴⁵

⁴³ LC I:207, KW, 414.

⁴⁴Note CTCR *Human Sexuality*, 10-32. See also Paul Althaus: “Thus marriage is both God’s original intention for his creation before all sin and the means he now uses to protect people against the destructive power of unrestrained sexuality” (*The Ethics of Martin Luther*, trans. Robert Schultz [Philadelphia: Fortress Press, 1972], 85). Also Albrecht Peters: “As God’s ordinance, marriage is an estate that, as a widely observed one, permeates not only Christendom but all of humanity. It connects all who have a human face; all people know it as a public estate and protect it in manifold forms and different shapes by means of custom and law” (*Commentary on Luther’s Catechisms: Ten Commandments*, trans. Holger Sonntag [Saint Louis: Concordia Publishing House, 2009], 247).

⁴⁵ Martin Luther cited by Albrecht Peters, 257. See also Oswald Bayer, “Luther’s View of Marriage” in *Freedom in Response*, 169-182. Bayer says that Luther placed emphasis on the “estate” of marriage as “the concept of estate was intimately connected with both steadfastness and energy, products of the reliability of the Word that ensures that life together will have the quality of endurance. The Word holds all the various facets of an active life together, its beauty and peace as well as its crises and conflicts. The Word of God lends stability to marriage and brings about the unconditional and permanent unity of one man and one woman” (170).

The redefinition of marriage suggested by HSGT discounts the heart of Luther's definition. More importantly, the document represents a radical departure from what God has instituted and it opens the way for the church to bless what God condemns.⁴⁶

7. Bound Conscience and Sexual Ethics

HSGT next proceeds to lay out a way for the ELCA to change its practice so as to allow for churchly recognition and blessing of individuals in "lifelong, monogamous, same-gender relationships" (HSGT, 18). HSGT acknowledges "that consensus does not yet exist [in the ELCA] concerning how to regard same-gender committed relationships after many years of thoughtful, faithful study and conversation. We do not have agreement on whether this church should honor these relationships and uplift, shelter, and protect them or precisely how it is appropriate to do so" (HSGT, 19). It is argued that this lack of consensus, however, should not prevent pastoral care, which the document understands as inclusive of some form of blessing and recognition for those who are in same gender relationships.

Without giving any biblical or confessional documentation HSGT asserts that in response to this need and in the face of the impasse in failure to reach consensus, "this church draws on the foundational Lutheran understanding that the baptized are called to discern God's love in the service to the neighbor" (HSGT, 19). In a crucial move HSGT does two things. First, it identifies the question of same-gendered relationships as falling into the arena of ethics and church practice, suggesting that this not an issue of doctrine which should divide the church. Second, HSGT argues that committed Christians engaged in moral deliberation and discernment may indeed arrive at conflicting conclusions. These varying conclusions could be protected by an appeal to "the bound conscience;" thus, "We further believe that this church on the basis of 'the bound conscience,' will include different understandings and practices within its life as it seeks to live out its mission and ministry in the world" (HSGT, 19). There is no hint in HSGT that the failure to reach consensus in the ELCA on the morality of homosexual activity might lead the church to *retain* the received catholic tradition.⁴⁷

HSGT then goes on to outline four positions that different individuals in the ELCA hold "with conviction and integrity," each on the basis of conscience-bound belief:

- Same-gendered sexual behavior is contrary to both biblical teaching and natural law. Pastoral care is to call for repentance and to work toward a change of behavior and/or a celibate lifestyle.
- Acknowledgement that homosexuality, even when expressed through a lifelong monogamous relationship, reflects a broken world not in keeping with God's pattern for creation. These relationships are recognized as being lived out with mutuality and care, but they should not be given the status of marriage.

⁴⁶ On the misapplication of "blessing" to homosexual unions, see Ephraim Radner, "Blessing: A Scriptural and Theological Reflection" *Pro Ecclesia* (Winter 2010): 7-27. "To bless is a resolutely public thing to do, because it is at base a *confessional* thing to do that is bound to a particular claim about who God is and what God does" (27).

⁴⁷ "Catholic" tradition refers to the consistent teaching of Christianity on this issue since its very origin.

- Belief that the Scriptures do not address same-gender relationships as they are known in the contemporary world. The community is best served when these relationships are held to high standards of public accountability but these relationships are not equated with marriage. They should receive the support of the community and may be blessed with prayer.
- Belief that the Scriptures do not speak to sexual orientation and committed relationships as they are experienced today. These relationships should be held to the same standards as heterosexual marriage and receive the same benefits of such marriages (HSGT, 20-21).

After outlining these positions currently present in the ELCA, the document repeats its plea that a lack of consensus ought to make space for the bound conscience:

Although at this time this church lacks consensus on this matter, it encourages all people to live out their faith in the local and global community with profound respect for the conscience-bound belief of the neighbor. The church calls for mutual respect in relationships and for guidance that seeks the good of each individual and of the community. Regarding our life together as we live with disagreement, the people in this church will continue to accompany one another in study, prayer, discernment, pastoral care, and mutual respect. (HSGT, 21.)

An explanation for the conceptuality of the bound conscience is supplied in note 26 of HSGT (see Excursus, below, for a further discussion of bound conscience as the concept is used in HSGT). This footnote is instructive as it sheds light on the way the terminology of “conscience” is used in the document in at least three ways. First, the conscience is identified in connection with moral responsibility as expressed in the first chapters of Romans: “The Apostle Paul testifies to conscience as the unconditional moral responsibility of the individual before God (Romans 2:15-16). In the face of different conclusions about what constitutes responsible actions, the concept of ‘the conscience’ becomes pivotal” (HSGT, 41). Second, both Paul in Galatians and Luther at Worms are said to have taken a stand on the basis of conscience for the sake of the Gospel. Third, when salvation is not at stake, Christians are free to give priority to the well being of the neighbor and so protect the neighbor’s conscience as matters of diet or ritual observance of holy days. Thus the footnote concludes: “This social statement draws upon this rich understanding of the role of conscience and calls upon this church, when in disagreement concerning matters around which salvation is not at stake, including human sexuality, to bear one another’s burdens (Galatians 6:2), honor conscience, and seek the wellbeing of the neighbor” (HSGT, 41).

While HSGT connects conscience with moral responsibility, it fails to attend to how the conscience functions “as the self’s *internal court of judgment*”⁴⁸ to use the words of Uwe Schnelle. The conscience lacks an autonomous capacity to moral responsibility. “For Paul, conscience does not itself contain the basic knowledge of good and evil but rather a *co-knowledge*, a knowledge-with, of norms that serve as the basis for making judgments that can be either positive or negative.”⁴⁹

⁴⁸ Uwe Schnelle, *Theology of the New Testament*, translated by M. Eugene Boring (Grand Rapids: Baker Academic, 2009), 313.

⁴⁹ Uwe Schnelle, 314.

It appears that the HSGT's appeal to "conscience" is at least in part anchored in a history of interpretation that goes back to the claim of Karl Holl (1866-1926), a professor at the University of Berlin and leader in the "Luther Renaissance."⁵⁰ Holl wrote, "Luther's religion is a 'religion of conscience' in the most pronounced sense of the word, with all the urgency and personal character belonging to it."⁵¹ This religion of the conscience was seen by Holl as evidence that Luther was not a medieval but a modern man and therefore relevant to the world of the twentieth century.

The application of "bound conscience" to the issue of homosexuality is deeply problematic from a confessional Lutheran perspective. Classical Lutheran theology makes a distinction between *adiaphora*, *mandata*, and *damnabilia*.⁵² Matters of *adiaphora* are not binding on conscience, but Christian conscience is bound to keep what God has commanded and avoid what he prohibits. HSGT quotes Luther's speech at Worms: "Unless I am persuaded by the testimony of Scripture and by clear reason...I am conquered by the Scripture passages I have adduced and my conscience is captive to the words of God. I neither can nor desire to recant anything, when to do so against conscience would be neither safe nor wholesome" (HSGT, 41; see AE 32:112). However, the document incorrectly attributes to Luther an understanding of conscience that is autonomous and capable of functioning reliably apart from God's Word. Randall Zachmann rightly observes "The conscience does not have the ability to judge the truth or falsehood of the positions themselves; otherwise Luther's appeal at Worms to be further instructed would be meaningless."⁵³ He then concludes "The conscience is a capacity for judging good and evil but it is not in itself an infallible source for knowing what is good and what is evil. One can have a true conscience only if one follows true teaching, not if one follows the feeling of the conscience."⁵⁴

HSGT assigns to the conscience an autonomy that it does not have in Luther. Conscience is given a mastery over the Word of God. In this scenario amply illustrated by HSGT, individual consciences are then bound by their own interpretations of the Holy Scriptures, so we are left with a variety of options for moral action but no certainty. In contrast, Luther, in his 1525 lectures on Deuteronomy, asserts that "God wants our conscience to be certain and sure that it is pleasing to Him. This cannot be done if the conscience is led by its own feelings, but only if it

⁵⁰ The Luther Renaissance is the title usually given to the reawakening of scholarly interest in Luther and his work which took place in the period between the two wars in Germany. It is associated especially with Karl Holl. For a helpful overview, see Thomas Brady, Jr. "Luther Renaissance" in *The Oxford Encyclopedia of the Reformation*, Volume 2 (Dord-Manu), edited by Hans J. Hillerbrand (Oxford and New York: Oxford University Press, 1996), 473-476.

⁵¹ Karl Holl, *What Did Luther Understand by Religion?* Edited by James Luther Adams and Walter F. Bense, translated by Fred W. Meuser and Walter R. Wietzke (Philadelphia: Fortress Press, 1977), 48. For a critique of Holl and a further exploration of Luther's understanding of conscience see George Forell, "Luther and Conscience" in *Martin Luther: Theologian of the Church: Collected Essays* edited by William R. Russell (Saint Paul: Luther Seminary 1994), 57-65.

⁵² Oliver K. Olson, "Adiaphora, Mandata, Damnabilia" *Lutheran Forum* (Spring 2010): 22-25. *Adiaphora* are things neither commanded nor forbidden by God's Word. *Mandata* are things God commands. *Damnabilia* are things God forbids and condemns.

⁵³ Randall C. Zachmann, *The Assurance of Faith: Conscience in the Theology of Martin Luther* (Grand Rapids: Eerdmans, 1993), 23.

⁵⁴ Zachmann, *The Assurance of Faith*, 28.

relies on the Word of God.”⁵⁵ Michael Baylor describes this regency of Scripture over conscience in Luther’s thinking:

Repeatedly at Worms Luther asserted that his conscience was captive to the Word of God. But he did not say, and should not be interpreted as having intended to say, that Scripture was captive to his conscience. In that Luther’s defiance at the Diet of Worms was based upon both evident reason and especially, the literal sense of Scripture as the two objective and legitimate authorities with the power to bind and instruct his conscience, he was not a subjectivist in religion. The subjective sense of certainty with which he held his theological convictions did not function, either materially or formally, as a criterion for the truth of these convictions. It acted rather, as the basis from which he resisted the claims of what he refused to accept as a legitimate authority—any human authority, especially popes and councils. Luther did not raise the conscience itself to the status of such an authority, parallel to that of reason or Scripture, with its own power even to share in or partly determine the content of faith.⁵⁶

HSGT, however, gives wide berth to the function of conscience, neglecting its limitations and unreliability.⁵⁷ For Luther conscience is not bound to itself. Bound to itself, the conscience will either be captivated by the terror of the law’s accusations or driven by impulses toward self-justification. The conscience is alternately accusing or excusing (see Romans 2:15-16).⁵⁸ This aspect of conscience is ignored in HSGT. HSGT seems to use interchangeably “the bound conscience” and “conscience-bound belief.” In truth, only the conscience bound to the consoling word of the Gospel is given certainty and peace in the forgiveness of sins. “Conscience-bound beliefs,” on the other hand, bind us to our own opinions. No matter how deeply treasured these convictions are, they provide no certainty. In elevating “conscience-bound beliefs,” HSGT reveals a stridently anthropocentric position that is detrimental both for ethics and pastoral care. Conscience-bound beliefs can be wrong, since the conscience is untrustworthy.⁵⁹ It is, in the words of Gerhard Forde, “insatiable, fickle, and arbitrary. It does not represent God’s presence within us, it represents his absence, that we are left to ourselves. Conscience can unpredictably

⁵⁵ AE 9:123.

⁵⁶ Michael G. Baylor, *Action and Person: Conscience in Late Scholasticism and the Young Luther* (Leiden: E.J. Brill, 1977), 267-268.

⁵⁷ Here also note the extensive discussion of conscience by Helmut Thielicke, *Theological Ethics*, Volume I: Foundations, edited by William Lazareth (Philadelphia: Fortress Press, 1966), 298-358. In his discussion of the “autonomous conscience,” Thielicke observes that conscience cannot be synthesized with God’s revelation (332); Also see Mary Jane Haemig: “The conscience is not ‘sacred’ and thus exempt from sin: it is part of the created world and thus as subject to sin as any other part of the world. The view that the conscience is ‘sacred’ can lead to the elevation of human conscience above the law and thus to an antinomianism inimical to the Lutheran Confessions.” See “Lutheran Thinking on Church-State Issues” in *Church & State: Lutheran Perspectives*, edited by John R. Stumme and Robert W. Tuttle (Minneapolis: Fortress Press, 2003), 15. HSGT errs precisely in this way as it elevates the conscience over God’s Word.

⁵⁸ Also note Werner Elert: “Conscience must be held to be the same as the ‘conflicting thoughts which accuse and excuse each’....The conscience is no information center to furnish ready answers to the question, ‘What must I do?’ Conscience is no specific quality but a continuous process, the process of conflicting thoughts which accuse and excuse each other.” See *The Christian Ethos*, trans. Carl J. Schindler (Philadelphia: Fortress Press, 1957), 33

⁵⁹ The Bible is replete with warnings about unwarranted trust in conscience alone: e.g., Num. 15:39; Judg. 17:6; 21:25; Ps 31:1-2; Prov 3:7; 12:15; 14:12; 16:2; 16:25; 21:2; 30:12; Is. 5:20-21; Jer. 13:10; 17:5-9. The NT generally uses the term “conscience” (συνείδησις) with the understanding that it has been shaped by the Word of God (e.g., because Paul refuses to tamper with God’s Word and speaks it openly, he commends such conduct to the conscience of the Corinthians, 2 Cor. 4:2).

make mockery of presumed freedom and emancipation.”⁶⁰ Given the unpredictability of the conscience as it is driven to excuse and accuse, it is hardly a trustworthy anchor for belief or action. One’s conscience-bound beliefs may include an array of opinions and activities from theft to racism, from bestiality to child sacrifice. The subjectivity of conscience is indeed a slender thread to hold a responsible morality in place.

Where conscience-bound beliefs govern rather than the Word of God, we are led to what Luther sees as an identifying mark of the theologian of glory. Such a theologian, Luther asserts, “calls evil good and good evil. A theology of the cross calls the thing what it actually is.”⁶¹ Theologians of glory, as Forde explains, “think one can see *through* the created world and the acts of God to the invisible realm of glory beyond it.”⁶² The argument advanced for the bound conscience, unfortunately, is such an attempt to “see through the created world,” the bodies God has created, and the revelation of God in Christ. In its attempt to accommodate diverse teachings on homosexuality, HSGT also accommodates a false optimism about the human condition instead of the call of the Cross to death and resurrection with Christ.

Over and against HSGT, confessional Lutheranism bears witness to the truth of the Holy Scriptures’ teaching on God’s creation of humanity, namely, as male and female designed by Him to live within the fidelity of the one flesh union He has established in marriage—a union, that His creative Word makes life giving. The Christian church has no authority to bless what God condemns. Brevard Childs writes:

The recent attempt of some theologians to find a biblical opening, if not warrant, for the practice of homosexuality stands in striking disharmony with the Old Testament’s understanding of the relation of male and female. The theological issue goes far beyond the citing of occasional texts which condemn the practice (Lev.20:13). Nor is the heart of the issue touched by the historicist’s claim that Israel was obsessed with the propagation of children to assure the nation’s survival. Rather, it turns on the divine structuring of human life in the form of male and female with the potential of greatest joy or deepest grief. The Old Testament continually witnesses to the distortion of God’s intention for humanity in heterosexual aberrations (Judg. 20; 2 Samuel 13). Similarly the Old

⁶⁰ Gerhard Forde, “Eleventh Locus: The Christian Life” in *Christian Dogmatics*, Volume 2, edited by Carl Braaten and Robert Jenson (Philadelphia: Fortress Press, 1984), 417. Also see Dietrich Bonhoeffer, *Dietrich Bonhoeffer Works*, Volume 6: Ethics, edited by Clifford Green, translated by Reinhard Krauss et al (Minneapolis: Fortress Press, 2005). Bonhoeffer writes “Men of *conscience* fend off all alone the superior power of predicaments that demand decision. But the dimensions of the conflicts in which they have to choose, counseled by and supported by nothing but their own conscience, tear them to pieces. The countless respectable and seductive disguises and masks in which evil approaches them make their conscience anxious and unsure until they finally content themselves with an assuaged conscience instead of a good conscience, that is, until they deceive their own consciences in order not to despair. Those whose sole support is their conscience can never grasp that a bad conscience can be stronger and healthier than one that is deceived” (79).

⁶¹ Martin Luther, “Heidelberg Theses” in AE 31:53.

⁶² *On Being a Theologian of the Cross: Reflections on Luther’s Heidelberg Disputation, 1518* (Grand Rapids: Wm. B. Eerdmans Publishing Co, 1997), 12. Robert Kolb and Charles Arand remind us that only Christ’s cross “enables his people to confront and describe themselves and the world around them honestly and forthrightly. The theology of the cross liberates God’s children from having to construct falsehoods in order for life to make sense.” See *The Genius of Luther’s Theology: A Wittenberg Way of Thinking for the Contemporary Church* (St. Louis: Concordia Publishing House, 2007), 147. Gene Edward Vieth has a basic discussion of the theology of the cross in *The Spirituality of the Cross* (St. Louis: Concordia Publishing House, 1999), 57—60.

Testament views homosexuality as a distortion of creation which falls into the shadows outside of blessing.⁶³

In spite of many thoughtful and critical voices within the ELCA,⁶⁴ HSGT became the theological foundation for a devastating departure from Holy Scriptures in regard to the blessing of same sex couples and the ordination of practicing homosexuals. In an essay written in 1936, Lutheran theologian Hermann Sasse observed that “Where man can no longer bear the truth, he cannot live without the lie.”⁶⁵ Sasse then goes on to describe forms that the lie takes on: the pious lie, the edifying lie, the dogmatic lie, and finally the institutional lie. We must frankly conclude that each of these aspects of the lie finds its way into HSGT. Most pertinent for our response is the fact that what Sasse called the dogmatic lie—the notion that our age has greater understanding than our ancestors and so we have reached a “doctrinal maturity” that enables us to modify dogma—has now been made concrete in the ELCA by means of “the institutional lie” as that church body has officially adopted a heretical position on human sexuality. This is not merely a case of misapplied ethics but a dogmatic decision that is, in fact, schismatic. The evaluation of Wolfhart Pannenberg rings true: “If a church were to let itself be pushed to the point where it ceased to treat homosexual activity as a departure from the biblical norm, and recognized homosexual unions as a personal partnership of love equivalent to marriage, such a church would stand no longer on biblical ground but against the unequivocal witness of Scripture. A church that took this step would cease to be the one, holy, catholic, and apostolic church.”⁶⁶ The ELCA has now taken this step, embodying apostasy from the faith once delivered to the saints.⁶⁷

⁶³ Brevard S. Childs, *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress Press, 1986), 194. Also OT scholar Hans Walter Wolff: “Homosexuality is a failure to recognize the differences of the sexes, and with it the basic way of arriving at a fruitful life through the over-coming of self-love.” Hans Walter Wolff, *Anthropology of the Old Testament* (Philadelphia: Fortress Press, 1974), 176. The fact that homosexual intercourse lacks the capacity for procreation is not a biological irrelevancy in the OT understanding of the divine blessing pronounced on Adam and Eve in creation.

⁶⁴ See, for example, Marianne Howard Yoder and Larry Yoder, “Natural Law and the ELCA” in *Natural Law: A Lutheran Reappraisal*, 157-177.

⁶⁵ Hermann Sasse, “Union and Confession” in *The Lonely Way- Volume I (1927-1939)*, edited by Matthew C. Harrison (Saint Louis: Concordia Publishing House, 2001), 266.

⁶⁶ Wolfhart Pannenberg, “Revelation and Homosexual Experience” *Christianity Today* (November 11, 1996): 37. It should not be assumed that this judgment implies that all congregations or all individuals affiliated with the ELCA are outside the “one, holy, catholic, and apostolic church.” That is not Pannenberg’s point nor is the opinion of the CTCR. It is the case, however, that to stand “against the unequivocal witness of Scripture” is contrary to the faith of the church catholic. Appended to this document are four resolutions adopted by the LCMS at its 2010 Convention which express grave, love-based concern for the ELCA and its congregations and church workers in view of the sexuality decisions made at the 2009 Assembly of the ELCA: 2010 Res. 3-01A “To Commend ILC and Task Force Statements as Responses to the 2009 ELCA Churchwide Assembly Actions;” 2010 Res. 3-02A “To Support Confessional Lutheranism at Home and Abroad;” 2010 Res. 3-03 “To Cooperate in External with Theological Integrity;” and 2010 Res. 3-05 “To Request a Thorough Response to the ELCA Social Statement *Human Sexuality: Gift and Trust*.” Noteworthy is the first “Resolved” of 2010 Res. 3-02A: “That the LCMS earnestly pray for her brothers and sisters in the ELCA, including those who have departed from this biblical and Christian understanding [of human sexuality], asking that the ELCA would reconsider—even now—its actions.”

⁶⁷ Note the words of Richard J. Niebanck: “Of the blessed union of Christ and the church, the marriage of one man and one woman is the matchless icon. The willful departure from this norm is an offense for which ‘heresy’ is too mild a designation.” “Marriage at the Crossroads” *Lutheran Forum* (Summer 2005), 37. See also Mark Chavez, “Biblical Authority in the ELCA Today” *Concordia Theological Quarterly* (January/April, 2010): 105-121.

Conclusion

HSGT is deeply problematic from a number of perspectives. It operates with a hermeneutic that renders the Scriptures unclear and uncertain concerning the fundamental nature of human existence, i.e., as male and female created by the Triune God in His image to live in communion with Him by faith and in love for the neighbor within the structures of His creation. Biblical and catholic teaching on God's design for sexuality and the essential place of marriage as an estate of His creation are rendered optional. While HSGT claims to work with primary Lutheran categories such as justification by grace through faith, the distinction of law and Gospel, the duality of faith and love, and vocation, they are distorted to serve an ideological purpose that can in no way be identified with confessional Lutheranism nor catholic Christianity. While the language of "gift" is dominant in HSGT, it misses the point that gift also implies a certain "givenness."⁶⁸ Strong and passionate voices within the ELCA⁶⁹ have warned their church body for over two decades of the dangerous path which has now reached its conclusion in HSGT. It is with profound grief that the LCMS can do nothing other than conclude that HSGT represents a "different gospel" (Gal. 1:6).⁷⁰

In attempting to distance the ELCA from a past where it is assumed that matters of sexuality were dealt with repressively and legalistically, with embarrassment and shame, HSGT is replete with the rhetoric of openness and a refusal to speak in any way that might imply judgment and the call to repentance. In what is intended to be compassionate and pastoral, there is a deep cruelty in HSGT for it is incapable of finally speaking either law or Gospel. Failing to do this, tolerance and affirmation of freedom for choice within the bounds of a community of love and trust take the place of absolution. Our deepest disappointment with HSGT is not only that it is a revised ethic that only mimics our decadent culture but that it undercuts the church's proper work of absolving sinners in the name of Jesus Christ.

A challenge before confessional Lutheran churches is to continue to bear clear witness to the biblical and creedal truth which has been seriously distorted in HSGT. In catechetical instruction, youth gatherings, Bible classes, publications, and other forums, our laity needs to be taught what the Scriptures tell us regarding God's design for sexuality in contrast to alternative teachings present in the larger culture and, as we have observed, even within other churches that identify themselves as Christian and Lutheran.

⁶⁸ See Oswald Bayer, "The Ethics of Gift" *Lutheran Quarterly* (Winter 2010): 447-468. Bayer points out that the theme of ethics is not merely "What should I do?" but "What has been given to me?" (447). HSGT redefines the gift of sexuality apart from the Word of the Giver.

⁶⁹ A few examples of these voices will suffice: Robert Benne, "Reinventing Sexual Ethics" in *Reasonable Ethics* (Saint Louis: Concordia Publishing House, 2005), 259-265; Carl Braaten, *Because of Christ: Memoirs of a Lutheran Theologian* (Grand Rapids: Eerdmans, 2010), 164-178; Gerhard Forde, "Law and Sexual Behavior" *Lutheran Quarterly* (Spring 1995): 3-22; Richard J. Niebanck, "What's at Stake?" *Lutheran Forum* (Winter 2003): 12-16; William Lazareth, "ELCA Lutherans and Luther on Heterosexual Marriage" *Lutheran Forum* (Autumn 1994): 235-268; James Arne Nestingen, "The Lutheran Reformation and Homosexual Practice" in *Faithful Conversations: Christian Perspectives on Homosexuality*, edited by James Childs (Minneapolis: Fortress Press, 2003), 41-58.

⁷⁰ The Task Force on Theological Implications of the 2009 ELCA Decisions provided an initial LCMS response to the 2009 ELCA sexuality decisions. 2010 Res. 3-01A commended the task force statement for affirming the "continuing relevance" of the biblical teaching that every homosexual act "violates the will of our Creator," that there is forgiveness in Christ for all sin including homosexual sin, that a biblical response to homosexuality requires both compassion toward the sinner and condemnation of sin, and that scriptural commands are "kind words" by which God seeks our wholeness.

The catechesis provided by culture in this matter is pervasive and influential, and when it is wrapped within theological language it is hardly surprising that it can be deceptive and misleading to well-meaning Christians who desire to show compassion to all people. Proper Christian compassion for and patience with sinners must not be confused with generic notions of acceptance, affirmation, and tolerance.⁷¹

It is imperative that confessional Lutheran church bodies continue to develop theologically responsible ways to provide authentic pastoral care to individuals whose lives have been marred by sexual sin of whatever kind. Our unflinching rejection of current attempts to provide theological justification for homosexual behavior is not born out of a Pharisaical stance of self-righteousness or a squeamish homophobia but from a commitment to God's truth revealed in Holy Scripture. We are equally committed to showing appropriate compassion to those who struggle with this sin. Sin is never to be addressed with hateful attitudes, words, or actions. The truth of God's law must be spoken with clarity but it must be articulated with kindness and care for those to whom it is addressed. Bigotry and disdain will only deepen the resistance of those who are secure in their sin. Ministry to people who are enticed with same gender attractions or who have committed homosexual sins will require patient and consistent speaking of both God's law and Gospel, even as congregations support them in the struggle to live as sons and daughters of the Father in the freedom that comes only in the forgiveness of sins. Given the climate of our culture this is a daunting work. Yet we have the promise that the Word of the Lord will not return to Him empty. Clothed with the deep compassion of Christ for sinners, we will seek to undertake this work with both truth and mercy.⁷²

God's Word calls each of us to repent and to turn away from any and all sin. Confidence before God can never be based on our own actions, for we can never justify ourselves. Instead, our sole comfort is found in the fact that Jesus Christ has taken all our sin into Himself, for He "was delivered up for our trespasses and raised for our justification" (Romans 4:25). Because of Christ's cross and His rising from the dead, the Lord forgives our iniquity and remembers our sin no more (Jeremiah 31:34).

⁷¹ The Scriptural posture toward sin is not tolerance, but rather *patience*. Such patience has repentance, forgiveness, and salvation from divine judgment as its explicit goal. 2 Peter 3:9 describes God as "patient (μακροθυμεῖ) toward you, not wanting anyone to perish, but all to come to repentance." (See also Romans 2:4–5). Merciful patience, rooted in God's essential character (Exodus 34:6, Septuagint: μακρόθυμος), should also characterize the approach of pastors and congregations toward those who struggle with homosexual sins.

⁷² Helpful theological reflection and pastoral guidance is offered by Tom Eckstein, *Bearing Their Burden (Galatians 6:1-2): Speaking the Truth in Love to People Burdened by Homosexuality* (n.p.: Lulu, 2010); James Arne Nestingen, "Ministry to the Sexually Conflicted" in *The Jasper Commission* (Delhi, New York, 2009), 15-25; and Phillip Max Johnson, "The Spiritual Nature and Destiny of the Human Body: A Pastoral Perspective on Human Sexuality" in *Christian Sexuality: Normative & Pastoral Perspectives* edited by Russell E. Saltzman (Minneapolis: Kirk House Publishers, 2003), 73-88. Also see *A Plan for Ministry to Homosexuals and Their Families* (The Task Force on Ministry to Homosexuals and Their Families, The Lutheran Church—Missouri Synod, 1999).

Excursus: Brief Analysis of Timothy J. Wengert’s “Reflections on the Bound Conscience in Lutheran Theology”

Given the central place that the conceptuality of “the bound conscience” plays in the overall structure and argument set forth in HSGT, Dr. Timothy J. Wengert, Ministerium of Pennsylvania Professor of the History of Christianity at the Lutheran Theological Seminary at Philadelphia and a member of the Task Force for ELCA Studies on Sexuality authored an interpretative and apologetic essay of ten pages, “Reflections on the Bound Conscience in Lutheran Theology” (hereafter Wengert).⁷³ This document deserves some comment as it helps to inform readers as to how the terminology of “bound conscience” is used in HSGT.

Wengert begins his essay by noting that Luther used the language of conscience in at least two ways: “On the one hand, he sometimes simply accepts the medieval scholastic understanding of the conscience as a faculty of the soul that can distinguish right from wrong and truth from falsehood. However, both Luther and Melancthon also use the term more generally to apply to the entire person as we stand before God and view ourselves in the light of God’s Word, understood as Law and Gospel” (Wengert, 1).

Citing Luther’s words to Cardinal Cajetan that he does not want “to be compelled to affirm something contrary to my conscience, for I believe without the slightest doubt that this is the meaning of Scripture” (Wengert, 2),⁷⁴ Wengert argues that Luther appeals to his conscience as a way of avoiding having to choose between the Holy Scripture and obedience to the Pope. On the basis of Luther’s words, Wengert says, “the bound conscience always appeals for comfort from those who speak God’s Word of promise and hope” (Wengert, 2). However, Luther says nothing of a “bound conscience” in this setting. He does make a plea that church officials do not force him to act against his conscience, which Luther sees as instructed by the Holy Scriptures.

Three years later, before Emperor Charles V, Luther would make his confession at the Diet of Worms: “I am bound by the Scriptures I have quoted and my conscience is captive to the Word of God. I cannot and I will not retract anything, since it is neither safe nor right to act against conscience.”⁷⁵ Here Luther is asserting not an autonomous conscience but a conscience that is subject to the Holy Scriptures. From Luther’s statement at Worms, however, Wengert draws the erroneous conclusion: “This means that we cannot simply assert one interpretation of Scripture over another but must always respect the conscience of others with whom we may disagree. If Luther had no choice but to appeal to the conscience bound to the gospel in his case before Rome, so much more must we respect lesser cases of bound consciences regarding matters of law and ethics!” (Wengert, 2).

At least three points need to be made in response to this argument. First, Wengert does not adequately grasp the fact that Luther’s conscience is bound to the Word of God, the Holy Scriptures. This is helpfully put by Bernhard Lohse: “Luther no longer saw the conscience as subject to the decision of the church, with the result that we may no longer act contrary to our

⁷³ This essay can be found online at http://www.elca.org/~media/Files/What%20We%20Believe/Social%20Issues/In%20Process/Human%20Sexuality/Wengert_on_Bound_Conscience.pdf.

⁷⁴ From Luther’s “Proceedings at Augsburg 1518,” AE 31:275.

⁷⁵ AE 36:112.

own conscience. On the other hand, however, Luther saw the conscience as basically being under the authority of Holy Scripture. We therefore have no basis for interpreting Luther as teaching that the conscience is autonomous."⁷⁶ Second, the conscience bound to the Holy Scriptures cannot but confess what the Holy Scriptures teach. One example of this is that of Luther confessing the Lord's Supper against Zwingli's denial at Marburg. Luther was certainly not prepared to respect Zwingli's interpretation as an alternative even though, no doubt, Zwingli's conscience was bound to it. Similarly, Erasmus was conscience bound to defend the freedom of the human will but Luther could not let this Gospel-denying teaching go unchallenged. Third, Wengert implies that the dispute over homosexuality is merely a matter of law and ethics. Seen from the clear teaching of Holy Scriptures, the issue of homosexuality cannot be divorced from the doctrine of the Triune God and His work in creation, redemption, and sanctification. The biblical doctrine of man created in the image of God as male and female is at stake here.

Wengert offers other examples from Luther's own biography in an attempt to show that Luther utilized the category of "bound conscience" to allow for flexibility in theological and moral issues. Presented as examples of such flexibility are Luther's pastoral instinct in allowing the laity to receive only Christ's body in the Sacrament after Karlstadt's premature, over-zealous liturgical reform in 1521 in Wittenberg and the "Visitation Articles" of 1528.

The case of Luther's advice regarding the bigamy of Philip of Hesse is likewise used by Wengert as an example of Luther acting against the church's understanding of marriage for the sake of a weak Christian. Philip of Hesse was married to Christina, the daughter of Duke George of Albertine Saxony in 1523. Philip was nineteen years old at the time of the marriage. Although he claimed that "he never had any love or desire for her on account of her form, fragrance, and manner,"⁷⁷ he fathered seven children with Christina. Through Martin Bucer, Philip contacted Luther and sought his endorsement in taking another wife. In what Luther thought was a private, pastoral piece of advice, Luther reluctantly concurred that a second marriage would be better than a scandalous divorce or open fornication. Philip publicized Luther's pastoral advice to defend his bigamy.

It seems that Luther sees Philip caught between two wrongs—divorce and bigamy. In light of the fact that God permitted the patriarchs to have multiple wives, Luther concludes that less damage would be done if Philip took a second wife secretly without divorcing Christina. Luther's advice to Philip would be in keeping with a comment he made in 1520 in *The Babylonian Captivity of the Church*: "As to divorce, it is still a question for debate whether it is allowable. For my part I so greatly detest divorce that I should prefer bigamy to it; but whether it is allowable I do not venture to decide."⁷⁸

Luther thought that his advice was given under "the seal of the confession" and was the best that could be offered under the circumstances. In defending his advice he recalled the words of one of

⁷⁶ Bernhard Lohse, *Martin Luther: An Introduction to His Life and Work*, translated by Robert C. Schultz (Philadelphia: Fortress Press, 1986), 59. Here one might also note Luther's discussion of "conscience" in his 1522 postil on "The Gospel for the Festival of Epiphany" in AE 52: 244-286. Luther argues that "Christian faith cannot exist alongside of such allegiance or duty-bound conscience" (244), as though the consciences of the Magi were bound to follow Herod's decree that they report to him the location of the infant Jesus.

⁷⁷ Theodore Tappert (editor and translator), *Luther: Letters of Spiritual Counsel* (Vancouver, British Columbia: Regent College Press, 1955), 288.

⁷⁸ AE 36: 105.

his teachers: "Alas, these cases are so confused and desperate that neither wisdom, law, nor reason can be of any help. They must be committed to God's mercy."⁷⁹ Luther did not see his attempt at making the best of a bad situation as establishing a precedent for pastoral or churchly practice in cases of marriage. Much less should it be invoked as an endorsement of homosexual unions. This and other examples drawn from Luther by Wengert are cases of strategic pastoral care that are open to criticism. They are certainly not evidence that Luther departs from the Holy Scripture to institute something that is contrary to the revealed will of God.⁸⁰

Luther recognized that a conscience bound to false teaching is, in fact, endangered and in need of correction for the sake of its salvation. Wengert misses the mark when he says that "concern for the bound conscience is not simply a matter of toleration for different points but more profoundly realizing that the neighbor's conscience is bound to a totally different, perhaps even incorrect, understanding of the matter and that to uproot that understanding would shake the neighbor's faith and trust in God's mercy and forgiveness" (Wengert, 6).

Wengert also takes up a discussion of Christian freedom in relationship to adiaphora. His treatment of Article X of the Formula of Concord is misleading as it would extend the category of "adiaphora" to embrace sexual practices that God's Word has not instituted and, in fact, would encourage practices that God condemns.⁸¹

Finally, Wengert concludes his document with a discussion of "enthusiasm." He cites the *Smalcald Articles* III:8.3-9 where Luther asserts that the devil tempts and entices people away from the external Word to their own imaginations of who God is and what He desires. In a strange turn, Wengert suggests that those who insist on the clarity of Scripture on matters about which Christian fervently disagree might be enthusiasts. For Luther, however, it was rather the Word of God that governs everything in Christ's holy church and thus guards against enthusiasm. Conscience may be bound by false interpretations of the Word of God. The pastoral response can never be merely tolerance or respect when God's truth and the salvation of those ensnared in sin is at stake.

Adopted by the CTCR
April 27, 2012

⁷⁹ Tappert, *Luther: Letters of Spiritual Counsel*, 290.

⁸⁰ Here see Reinhard Slenczka, "When the Church Ceases to be Church" in *The Banff Commission*, edited by K. Glen Johnson (Delhi, New York: American Lutheran Publicity Bureau, 2008), 37-50. Slenczka writes "The church is in no way a democracy but she is a Christocracy. Spiritual authority is not a political authority, otherwise this would be a state church or a church state. In his disputation on the authority of councils Luther puts it this way: 'Christ has authority and His word, neither majority nor minority. Therefore we must distinguish truly, eagerly, and intelligently if Christ said so or not. If he said so, we have to accept this; if not we must refuse it' (*Disputatio de protestate concilii*, WA 39, I, 194, 10-13)" (43).

⁸¹ See Olson, "Adiaphora, Mandata, Damnabilia, 22-25. Also see the extensive treatment by Albert Collver III, "According to Nature, *Adiaphora*, and Ordination" in *Natural Law: A Lutheran Reappraisal*, 249-266.

**To Commend ILC and Task Force Statements as Responses
to the 2009 ELCA Churchwide Assembly Actions**

RESOLUTION 3-01A

Overtures 3-11–12 (*CW*, p. 168)

WHEREAS, The Evangelical Lutheran Church in America (ELCA) at its August 2009 Churchwide Assembly in Minneapolis resolved to recognize “publicly accountable, lifelong, monogamous, same-gender relationships” as morally acceptable and to authorize the ordination into pastoral ministry of individuals who are living in such relationships; and

WHEREAS, The Bible plainly forbids all same-gender genital sexual activity as contrary to the will of God and contrary to nature (e.g., Lev. 18:22; Rom. 1:26–27; 1 Cor. 6:9–10); and

WHEREAS, The Scriptures teach that God created man and woman for one another and that, according to His blessing and design, they may be united in marriage and become one flesh in the sexual union which also may result in the procreation of children (Gen. 1:26–28; Gen. 2:18–25); and

WHEREAS, Our Lord warns us about the danger of false teaching (e.g., Matt. 7:15–17); and

WHEREAS, The ELCA actions have received wide publicity in our nation’s press, and many may think that all “Lutherans” share these beliefs; and

WHEREAS, Many Lutherans and other Christians throughout the world have expressed dismay over and disagreement with the ELCA resolutions and the fact that they depart from Holy Scripture and 2000 years of Christian tradition; and

WHEREAS, The International Lutheran Council (ILC), comprising 34 member churches, unanimously adopted the statement “Same-Gender Relationships and the Church” in opposition to the claims of various Lutheran church bodies “that sexually active, same-gender relationships are an acceptable way of life for Christians” (2010 *Convention Workbook [CW]*, p. 66); and

WHEREAS, The Lutheran Church—Missouri Synod has been asked by individuals, organizations, congregations, national church bodies, and others to declare its understanding of these issues; and

WHEREAS, It would be unloving and uncaring for the LCMS to take no action with respect to the heterodox actions of the ELCA; and

WHEREAS, Holy Scripture calls us to speak the truth in love (Eph. 4:15; see also 2 Thess. 2:10; 1 Peter 1:22; 2 John 1:1) and such love involves heart-felt concern, tenderness, and humility (1 Peter 3:8; see also Eph. 4:2; Col. 3:12); and

WHEREAS, President Gerald B. Kieschnick has on several occasions spoken publicly in opposition to the decisions regarding homosexuality by the ELCA Churchwide Assembly (e.g., 2010 *CW*, pp. 12–13) and also formed the Task Force on Theological Implications of the 2009 ELCA Decisions; and

WHEREAS, The task force unanimously adopted a statement, which the President endorsed and published, responding to the ELCA Churchwide Assembly actions (March 15, 2010—see 2010 *CW*, pp.14–18); and

WHEREAS, LCMS leaders have discussed the task force document with ELCA leaders; and

WHEREAS, This issue “impacts the Gospel itself. A church body’s acceptance of homosexual activity promotes a false security about behavior and conduct which God has forbidden and from which He longs to redeem us. As such, it leads to a false gospel: to self-justification rather than that justification for repentant sinners which

God has promised to all who trust in His forgiving mercy through the death and resurrection of His Son, Jesus Christ our Lord” (“Theological Implications,” 2010 *CW*, p. 17); therefore be it

Resolved, That the LCMS join with the ILC in declaring “our resolve to approach those with homosexual inclinations with the deepest possible Christian love and pastoral concern, in whatever situation they may be living” (“Same-Gender Relationships,” 2010 *CW*, p. 66); and be it further

Resolved, That the LCMS recognize that “Our Lord’s intentional outreach to those who were marginalized and excluded during His earthly ministry is a reminder that the Scriptural judgments against homosexual behavior must not become the cause for hatred, violence, or an unwillingness to extend the Gospel’s promises of forgiveness and reconciliation to the homosexual or any person caught in sin’s traps” (“Theological implications,” 2010 *CW*, p. 15); and be it further

Resolved, That the LCMS affirm that love for the neighbor includes not only that we accept and welcome (Luke 15:1–2) our neighbor as a fellow human creature for whom Christ has died and risen, but also that we speak the truth of God’s Word to our neighbor; and be it further

Resolved, That the 2010 LCMS convention commend the statement of the ILC, “Same-Gender Relationships and the Church,” for study and reference; and be it further

Resolved, That the 2010 LCMS convention commend the President’s task force statement, “Theological Implications of the 2009 ELCA Decisions,” for study and reference; and be it finally

Resolved, That the 2010 LCMS convention affirm that

- “[W]here the Bible speaks clearly regarding matters of human values, conduct, or behavior, such teachings may not be denied or qualified, but must have continuing relevance in every era of the Church” (“Theological Implications,” 2010 *CW*, p. 15);
- “[T]he LCMS believes and teaches that same-gender genital sexual activity—in every situation—violates the will of our Creator and must be recognized as sin” (“Theological Implications,” 2010 *CW*, p. 15);
- “Though we affirm the demands of God’s Law without reservation, we Christians confess that the sins of the world have been forgiven through Christ’s suffering and death on the cross” (“Same-Gender Relationships,” 2010 *CW*, p. 66);
- “Loving, compassionate recognition of the deep pain and personal struggles that same-sex inclinations produce in many individuals, families, and congregations may not be neglected in the name of moral purity” (“Theological Implications,” 2010 *CW*, p. 15); and
- “The healing voice of Jesus—Sacred Scripture—seeks to lead us into the richness of the life God intends for us. Prohibitions against adultery, homosexuality, and promiscuity of any sort are kind words, warning us against behavior that would diminish or destroy human wholeness” (“Theological Implications,” 2010 *CW*, p. 15).

Action: Adopted (6)

(After Res. 3-01A was formally introduced, debate was ended immediately and the resolution was adopted as presented [Yes: 1,133; No: 35].)

To Support Confessional Lutheranism at Home and Abroad

RESOLUTION 3-02A

Overture 3-14 (CW, p. 169)

WHEREAS, The decisions of the Evangelical Lutheran Church in America (ELCA) at its August 2009 Churchwide Assembly in Minneapolis regarding homosexual relationships are contrary to Scripture and 2000 years of Christian teaching and to confessional Lutheranism in particular; and

WHEREAS, Many congregations and individuals have withdrawn from or are considering withdrawal from affiliation with or membership in the ELCA and consider their decision necessitated by conscience, Holy Scripture, and right reason; and

WHEREAS, For the sake of good order and in furtherance of the clear proclamation of the Gospel of Christ, many of these same congregations and individuals have organized themselves into groups such as Word Alone, Lutheran Congregations in Mission for Christ (LCMC), Lutheran CORE, etc.; and

WHEREAS, Individual and congregational contacts from the ELCA with LCMS congregations and officials have increased significantly since August 2009; and

WHEREAS, This decision by the ELCA has also grieved Lutherans and upset inter-church relations among confessional Lutheran church bodies outside the United States; and

WHEREAS, While this state of disruption and uncertainty among confessional Lutherans threatens to hinder the proclamation of the Gospel, it also calls us to confess our faith anew; and

WHEREAS, The LCMS, while not encouraging discord in the ELCA, nevertheless cannot turn away from those who dissent from the ELCA, lest we deny our own convictions; and

WHEREAS, The LCMS has been encouraged to provide leadership and support to emerging and formative Lutheran church bodies; therefore be it

Resolved, That the LCMS earnestly pray for her brothers and sisters in the ELCA, including those who have departed from this biblical and Christian understanding, asking that the ELCA would reconsider—even now—its actions; and be it further

Resolved, That the LCMS provide encouragement to other Lutheran church bodies as they strive to remain faithful to confessional Lutheranism; and be it further

Resolved, That the LCMS commend groups such as Word Alone, Lutheran Congregations in Mission for Christ (LCMC), Lutheran CORE, and others for their courage and faithfulness in opposing the ELCA's recent decision; and be it further

Resolved, That the LCMS commend efforts such as the Commission on Theology and Church Relations (CTCR)-sponsored Confessional Leadership Conference (June 2010) which gathered Lutheran leaders from around the world for the purpose of promoting confessional Lutheranism; and be it further

Resolved, That the CTCR be requested to continue to develop plans for confessional leadership (cf. 2007 Res. 3-03) by sponsoring an international model theological conference on confessional leadership in the 21st century; and be it finally

Resolved, That the LCMS through the Office of the President and the CTCR continue to explore ways together with the ILC to bring together Lutherans for the purpose of promoting confessional Lutheranism throughout the world.

Action: Adopted (6)

(Debate was quickly ended and the resolution was adopted as presented [Yes: 1,093; No: 61].)

To Cooperate in Externals with Theological Integrity

RESOLUTION 3-03

Overtures 3-01–02, 3-05–08 (*CW*, pp. 165–167)

WHEREAS, The 2001, 2004, and 2007 conventions of the Synod asked that various aspects of cooperative working arrangements with the ELCA be evaluated by the Praesidium with results and recommendations reported to the subsequent conventions; and

WHEREAS, In 2010 President Kieschnick formed a task force to address the theological implications of the decisions of the 2009 ELCA Churchwide Assembly regarding homosexuality; and

WHEREAS, The task force produced a document titled “Theological Implications of the 2009 ELCA Decisions” (2010 *Convention Workbook* [*CW*], pp. 14–18); and

WHEREAS, “Theological Implications” refers to the Synod’s longstanding position: “Our Synod should clearly recognize that, in cases of necessary work on the local, national, or international level, where the faith and confession of the church are not compromised, and where it appears essential that the churches of various denominations should cooperate or at least not work at cross purposes, our churches ought to cooperate willingly to the extent that the Word of God and conscience will allow” (1965 Commission on Theology and Church Relations (CTCR) Report, *Theology of Fellowship* [p. 43], officially adopted by the Synod in 1967 [Res. 2-13]); and

WHEREAS, The Synod’s position stated above clearly sets forth two fundamental principles:

1. “the church cannot compromise its faith and confession;” and
2. “there are circumstances in which churches ‘ought to cooperate’ to the extent that the Word of God and conscience will allow;”

and

WHEREAS, The task force statement goes on to offer the following analysis and guidance:

In light of these two principles, it has been the longstanding practice of confessional Lutheran churches to distinguish between joint participation by churches and church workers in Word and Sacrament ministry (“altar and pulpit fellowship” or *communio in sacris*) and cooperation between churches in matters of physical need (*cooperatio in externis*). To maintain such a distinction carefully and conscientiously prevents both compromise of the teachings of the Christian faith and disregard of human needs which can be addressed more effectively by groups working together than by individuals or churches working on their own.

Because of doctrinal differences, the LCMS is not now nor has it ever been able to be in a relationship of altar and pulpit fellowship with the ELCA. Nevertheless, we have engaged in many cooperative activities with the ELCA, nationally and locally, in order to meet physical needs. These cooperative activities, however, are threatened by the sexuality decisions of the ELCA, because, in some cases, the ELCA’s new affirmation of same-gender relationships may contradict understandings or goals that have enabled cooperative activities in the past. As one example, the CTCR already in 2006 addressed the decision of an adoption agency to treat same-gender relationships as equal to marriage for adoptive purposes. The opinion states: “On the basis of the clear teaching of Scripture regarding homosexual behavior and about God’s will and design for marriage and the family as foundational units for society as a whole, it is the express opinion of the CTCR that a policy of placing adopted or foster children into homosexual contexts would stand in opposition to the official doctrinal position of the LCMS.”

In areas where we currently have working arrangements with ELCA congregations and entities, the status of those working relationships is dependent on policies and actions taken by the various

entities from national to local levels. We do not believe the ELCA's recent sexuality decisions should necessarily or summarily end our work together in these agencies. However, we hope and expect that the leadership of such entities will respect the theological position of the Synod (including its position on same-gender sexual activity) and avoid any policies or decisions which would require us to cease our support and involvement in their activities.

We cannot dictate the exact direction(s) various cooperative relationships will take in the future, primarily because the nature of agreements between ELCA and LCMS congregations and entities varies on a case-by-case basis. Frank and serious discussion on this issue needs to continue on various levels so that convictions and beliefs are not compromised and that worthy projects, activities, and relationships between our church and others may continue wherever possible. We urge LCMS participants in such cases to make decisions about whether to continue involvement on the basis of the principles we have discussed. We also suggest the following questions for consideration in making these decisions:

1. Is the purpose of the joint work fully consistent with the positions, policies, and objectives of the Synod?
2. Do cooperative efforts imply doctrinal unity with the ELCA or endorsement of ELCA positions on same-sex relationships or other matters of disagreement with the LCMS?
3. Does the joint agency or organization distinguish itself as an entity from the churches that support it?
4. Are all the policies and programs of the organization consonant with the doctrinal position of the LCMS?
5. Do the individuals who lead the organization openly support and encourage efforts, positions, or policies which compromise the theological stance of the Synod?

We urge LCMS participants to answer such questions as these and to make decisions about whether to continue involvement on the basis of the principles we have discussed [2010 CW, p. 16].

Therefore be it

Resolved, That the task force be thanked and commended for its work on identifying practical implications of the 2009 ELCA decisions on human sexuality; and be it further

Resolved, That, in keeping with the basic principles set forth in the task force statement, cooperation in externals with other churches, including the ELCA, continue with theological integrity; and be it further

Resolved, That we give thanks to God for the opportunity to give witness to God's care for all people through such cooperative work; and be it further

Resolved, That the CTCR, in consultation with the Praesidium and other entities and individuals as needed, develop more in-depth theological criteria for assessing cooperative endeavors, determining what would necessitate termination of such cooperative efforts; and be it finally

Resolved, That the Praesidium, in consultation with the CTCR, provide an assessment of the current state of cooperation in externals and a full report of criteria for on-going assessment of the same by July 13, 2011.

Action: Adopted (9)

(During initial discussion during Session 6, an amendment deleted the words "the next convention" at the end of the final resolve and replaced them with the words "July 13, 2011" [Yes: 783; No: 359]. After further discussion, a motion was introduced to consider Ov. 3-05 (CW, p. 166) as a substitute resolution. The assembly declined to consider the substitute [Yes: 495; No: 653]. During continued discussion during Session 7, John Nunes, President and Chief Executive Officer of Lutheran World Relief spoke in support of the resolution. An amendment to delete the words "and conscience" at the end of the fifth whereas

paragraph was ruled out of order by the chair, the words in question being a part of a quotation from the Synod's position. An amendment was proposed to add a final resolve "that the President of the Synod, the Praesidium, and the Council of Presidents develop a plan to sever those joint actions with the ELCA to present to the next Synod convention if the ELCA does not listen to the pleading of their brothers and sisters from the Word of God." During extended discussion of the proposed amendment, an amendment to the amendment was proposed to insert the word "contingency" before the word "plan." This change was agreed to by the maker of the amendment as a friendly amendment. The motion to amend was not carried [Yes: 415; No: 723]. A motion to strike the word "Lutheran" in the second resolve was accepted by the floor committee as a friendly amendment. A motion to replace the date "July 13, 2011" from an earlier amendment with "September 1, 2011" was ruled an improper motion unless changed to a motion to reconsider the amendment made earlier. The assembly was asked whether it wished to reconsider the earlier amendment and declined [Yes: 400; No: 708]. When discussion was continued in Session 9, debate was ended and Res. 3-03 was adopted as amended [Yes: 961; No: 175].)

**To Request a Thorough Response to the
ELCA Social Statement *Human Sexuality: Gift and Trust***

RESOLUTION 3-05

Overtures 03-11-12 (CW, p. 168)

WHEREAS, The August 2009 ELCA Churchwide Assembly adopted the social statement *Human Sexuality: Gift and Trust*; and

WHEREAS, *Human Sexuality: Gift and Trust* suggests a concept, namely the “bound conscience,” as a “distinctly Lutheran” principle of theology; and

WHEREAS, The concept of “bound conscience” was central to the rationale of the 2009 ELCA Assembly actions recognizing “publicly accountable, lifelong, monogamous, same-gender relationships” as morally acceptable and authorizing the ordination into pastoral ministry of individuals who are living in such relationships; and

WHEREAS, Concerns have been expressed that the ELCA’s concept of “bound conscience” encourages erosion of Christian moral teaching and guidance; therefore be it

Resolved, That the Commission on Theology and Church Relations, in consultation with the faculties of our seminaries, develop a thorough, biblical, and confessional analysis of and response to *Human Sexuality: Gift and Trust* with particular attention to the concept of “bound conscience.”

Action: Adopted (13)

(Res. 3-05 was adopted as presented, after brief discussion [Yes: 934; No: 18].)