



Seminary Forum

Lutheran Confessional Identity and Community Conflict concerning Human Sexuality*

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THIS PAPER ADDRESSES ISSUES OF CONFESSIONAL IDENTITY AND HUMAN SEXUALITY on a very basic level – without major detours into the scholarly literature. I take this very basic approach not only because of time-constraints and concerns for clarity, but above all because what most worries me about the current state of our churchwide discussions in the Evangelical Lutheran Church in America is that we may be in danger of losing a grounding sense of what really is most basic to who we are as Christians and as Lutherans. Since the formation of the ELCA in 1988, we seem to have been looking wildly about – in all the wrong places – for a sense of who we are. Maybe we can derive a sense of identity from the Episcopalians, some suggest – or from the Reformed, others counter. Maybe we can locate who we are by fixing certain positions on social and moral issues, many seem now to suggest. Partly this is a result of our structure: we seem to have churchwide divisions and commissions and full-time staff for everything *except* basic statements of our theological and confessional identity as Lutheran Christians. Willy-nilly, because of our organization, we seem to be spending all our churchwide intellectual energies on secondary matters. It is time to reinvest our churchwide energies in the basics, that which really does center and unite us, and in relation to which everything else is

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

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peripheral: God's unconditional promise and presence in Jesus Christ in word and sacrament.

I. LUTHERAN CONFSSIONAL IDENTITY

1. *Justification by Faith and the Great Reversal.* The Lutheran tradition is a celebration of the great reversal of direction at work in the gospel of Jesus Christ. For centuries before Luther, the Christian tradition had rightly claimed that "like is known by like": communion with God involves a drawing together of divine and human life. Unlike much of the preceding tradition, however, Luther discovered in Paul and the gospels that it is not we who must get up to God and become more and more like God. Rather, in Jesus Christ God comes to us and becomes as we are, like us. In Jesus Christ, God takes into God's own life all that we are—our humanity, godforsakenness, sin, and death—and shares with us his righteousness and eternal life. And this didn't just happen once, long ago. Because Jesus is alive, risen from the dead, he comes to us again and again wherever gospel word and sacrament are proclaimed and enacted, uniting himself with us in word and water, body and blood. It is crucial to get the directions right: God in Jesus Christ comes to us in word and sacrament.

This "great reversal" is the basis for the decisive article of justification by faith without works of the law, the article on which the church stands or falls. First, justification is by grace: God's gift of justification, new relationship with God, comes to us as an *unconditional* gift in Jesus Christ in word and sacrament. Virtually all Christian traditions agree on this. Second, we can count on that gift—and simply counting on it is what faith is. This is the heart of Luther's contribution to restoring the great reversal in the gospel: he put a period at the end of it. That is, grace is not some power to make us wiser and holier—and so help us get to be more "like" God (the arrow swings upward again). Rather, through word and sacrament, God in Christ comes to us and embraces us as we are. And we can count on that—that's all there is to it!

In this sense, then, justification by faith means the same thing as justification without works of the law, i.e., justification comes as sheer gift in word and sacrament, and we can trust that word. Nothing more is required. What this means for our debates about moral matters should therefore be clear: we are not saved either by our moral good deeds or by our opinions about moral matters. We are not saved by our works at all. Contrary to much that is suggested in recent letters to *The Lutheran* and even in some of the debates on this campus and elsewhere, our opinions about human sexuality do not determine our salvation. We might *all* be wrong about the moral issues involved in human sexuality—but could still count on the promise and presence of God in Jesus Christ for our salvation. And it's precisely because of that unconditional promise of salvation that we can risk opening ourselves up to public conversation about moral issues—and even risk the possibility of being wrong, of learning, or changing our views.

Along with others, then, I would like to suggest that what is opened up by justification by faith is the freedom for a new public space, a new space for human

communication and community. We are all sinners—every one—and yet also accounted righteous in Christ. No one is intrinsically more righteous before God than any other. And so we are enabled newly to hear both God’s word and each other.

2. *The Word of God as Law and Gospel.* The reversal of direction also profoundly affects the Lutheran understanding of the authority and interpretation of the Bible. The Bible is not a source of theological or moral teachings by which we might ascend to God. Indeed, the Bible is not primarily a doctrinal or moral handbook at all. Rather, the Bible—and the proclamation which flows from the Bible—is God’s means of coming to us in Jesus Christ. As Luther put it, what is canon in scripture is “what conveys Christ” (*was Christum treibt*).¹ What is ultimately authoritative is what conveys Christ—both as gift (giving us unconditional forgiveness, acceptance) and as presence or power conforming us to Christ (crucifying us open to utter faith in God and to loving solidarity with our neighbors). In short, the word of God authorized and unleashed by scripture is a present and living word that comes to us both as law (accusing, judging, crucifying) and as gospel (forgiving, raising to newness of life). In that living word, we are both covered by and conformed to the crucified and risen Lord: united with Jesus Christ, and with each other in Christ.

3. *The First Use of the Law.* Scripture and the proclamation that flows from it become the living word of God as law and gospel. But God’s use of the law is not only brought to us through scripture and proclamation. Luther argued that there are two uses of the law, that both are *God’s* uses, and that both are found at work in every dimension of human life: the first, civil use, through which God orders our life together in creation and places external restraints on the exercise of sin (e.g., through police, courts, the military, etc.), and the second, theological use, through which God accuses and convicts us internally (in the conscience) of our utter captivity to sin, and so drives us to the sheer mercy and grace of Christ.²

For both Luther and Melancthon, the chief use of the law is the second or theological use: to accuse, and so to drive to the grace of Christ. Luther calls the civil use the first use of the law not because it is most important but because it is most primordial: it is rooted in God’s ongoing work of ordering human life in creation so that creation can continue to be generative of life. What is interesting here is that, while Luther holds that this ordering of creation is explicated in the ten commandments and the golden rule, he doesn’t think that only Bible-readers know about it. All cultures have a basic awareness of the ways that life in creation and

¹M. Luther, “Preface to the Epistles of St. James and St. Jude,” *Luther’s Works*, vol. 35 (Philadelphia: Muhlenberg, 1960) 396 (hereafter, *LW*). For a brief, clear explication of this, see Carl Braaten, “The Canonical Principle,” in *Principles of Lutheran Theology* (Philadelphia: Fortress, 1983) 1-25.

²Luther’s distinction between the two uses of the law can be found again and again in his writings. See, for instance, *LW* 45:81-129; 26:304ff. The clearest pastoral explication of the Lutheran distinction between law and gospel is found in Herman Stuempfle, *Preaching Law and Gospel* (Ramsey, NJ: Sigler Press, 1990). Far and away the best treatment of the history of debate over the meaning of law and gospel in the last two centuries is Gerhard Forde, *The Law-Gospel Debate: An Interpretation of Its Historical Development* (Minneapolis: Augsburg, 1969).

community needs to be ordered so as to serve the flourishing of life—all have a sense of natural law. And all cultures recognize the need to place restraints on the excesses of sin. We are called to join with others—Christian and non-Christian alike—in a public use of our common human reason and experience to attempt to discern how our lives together might best and most fruitfully be ordered.

What is even more surprising, Luther did not hold that the ten commandments and the golden rule are authoritative because they can be found in scripture, i.e., are given “by Moses.” Rather, they are authoritative because they are embedded in God’s creation. Thus, Luther concludes, “I keep the commandments which Moses has given, not because Moses gave the commandments, but because they have been implanted in me by nature, and Moses agrees exactly with nature, etc.” Indeed, he continues rather testily, we need to resist those who appeal simply to “God’s word, God’s word.” “It is not enough simply to look and see whether this is God’s word, whether God has said it,” he writes, “rather we must look and see to whom it has been spoken, whether it fits us. That makes all the difference between night and day.”³ Luther argues that different codes of law are needed for differing historical and cultural situations, precisely so that life in community can be served and enhanced in its particularity. What served the Jews was for the specific situation of the Jews. The Romans have yet another code, and the Germans yet another, and all are different actualizations of natural law appropriately adapted to different situations and peoples in the course of God’s dynamic, historically changing, and continuing creation.⁴

For Luther and the Lutheran confessional tradition, then, the Bible is a very important voice in the public conversation about how we should order our lives, but it is not the only voice. In questions of the first use of the law, what is written in the Bible is not simply authoritative in and of itself, but contributes to and serves a public conversation centered on this question: What in this particular situation will help the neighbor and serve the flourishing of God’s ongoing gift of life in community and creation? For this question, what is needed is the public exercise of human reason in discerning what will best serve the flourishing of life.

4. *Vocation and the Question of a Third Use.* The Lutheran understanding of vocation is a further example of the great reversal of direction in the gospel. The late medieval Roman Catholic understanding of vocation was restricted to specifically religious vocations that were understood to lift us out of the secular world and bring us closer to God—through the monastery, convent, or priesthood. Luther argues, however, that as God comes to us in Jesus Christ, so too the direction of our calling as Christians is not up and away from the world, but down and into its depths. Once again, it is a matter of getting the directions right. We are called not up and away but down and into the depths of our tangled human lives

³LW 35:161-174; reprinted in Timothy Lull, ed., *Martin Luther’s Basic Theological Writings* (Minneapolis: Fortress, 1989) 135-148; cf. 142-143.

⁴Ibid., 141.

precisely in our roles as family members, neighbors, friends, workers, public officials, etc. All Christians have vocations down into the world.⁵

Now Luther's understanding of vocation not only sets the Lutheran movement in contrast to late medieval Roman Catholicism; it also sets Luther in opposition to the broadly Reformed notion of a "third use of the law," i.e., the use of the Bible to provide the framework for a distinctively Christian society, government, and politics. A popular Protestant notion of such a distinctively "Christian society" has certainly had far more influence in U.S. politics, particularly in the past decade, than has Roman Catholic monasticism. Yet I believe it is just as removed from Luther's understanding of Christian vocation in the world. For Luther, the Bible does not provide us with a superior new moral and political code that sets Christians apart from and above our non-Christian neighbors. Rather, scripture proclaimed as the living word of law and gospel both discloses our solidarity with our neighbors (all of us are sinners) and opens us to serve them in acts of witness and service within the larger framework of an ongoing creation in which we all participate and which we are all called to discern together.⁶

Christian vocation, then, has two dimensions: (1) Christian vocation is a calling into active participation with God and with other human beings in the ongoing ordering and blessing of life in creation, i.e., into active participation with others—Christian and non-Christian—in God's "first use of the law" for the sake of the flourishing of all life in community and of creation itself; (2) in, with, and under our participation in God's ordering of life in creation, Christians are also, by virtue of our baptisms, ordained to be bearers of Christ's promise and real presence into the world. Our vocations, in short, also have a kind of sacramental character: through our witness to the gospel we become bearers of Christ's own promise and presence to the world, in, with, and under our active participation in our various roles in God's ongoing creation.⁷

⁵On Luther on vocation, the classic work is Gustaf Wingren, *Luther on Vocation* (Philadelphia: Muhlenberg, 1957). The important book by Charles Taylor, *Sources of the Self: The Making of Modern Identity* (Cambridge, MA: Harvard University, 1989), argues that Luther's doctrine of vocation plays a major role in the formation of our modern identity, particularly in our "affirmation of ordinary life," of family and work.

⁶The question of a third use of the law has a long history in Lutheran theology. Article 6 of the Formula of Concord begins with the affirmation of three uses of the law. Along with others, however, I think this article ends up reaffirming an intensified form of the first two uses. The law does have a continuing role in the life of Christians, but it is the same role as for all who remain in sin, including Christians: to restrain sin externally and convict of sin, and so drive to Christ. On the differences on the law among Luther, Melancthon, and Lutheran orthodoxy, see Gerhard Ebeling, "On the Doctrine of the Triplex Usus Legis in the Theology of the Reformation," in *Word and Faith* (SCM Press, 1963) 62-78, and, much more fully, Lauri Haikola, *Usus Legis* (Uppsala: A.-B. Lundquistika Bokhandeln, 1958). In English, see Lauri Haikola, "A Comparison of Melancthon's and Luther's Doctrine of Justification," *dialog* 2/1 (1963) 32-39.

⁷The suggestion that for Luther vocation also has a sacramental dimension, bearing Christ "in, with, and under" our daily roles, is made in the important article by George Forell, "What's at Stake: The Place of Theology in the ELCA," *Lutheran Forum* 25/1 (1991) 34-38.

II. CONCERNING HUMAN SEXUALITY

It is evident that the major conflictual issue before us since the release of the ELCA's draft statement on human sexuality is a very specific dimension of human sexuality: sexual orientation and especially the issue of long-term committed same-sex relationships. Hence, I will here attend specifically to the question of how our Lutheran confessional tradition provides a framework for discussion of this set of issues.

1. *Justification by Faith and a New Space for Public Discourse.* The first implication of the Lutheran confessional tradition for this discussion is also the most important: we are not saved by our moral opinions, and are therefore opened up for public discussion of this issue, including the freedom to risk being wrong and acknowledging such. Moreover, the Lutheran understanding of the first use of the law particularly emphasizes that this should be a genuinely *public* conversation, involving Christians and non-Christians alike, with no privileged epistemic status given to Christians. Such conversation will rely only on the public exercise of reason, including the provision of publicly debatable reasons for one's position—above all, reasons having to do with what will serve the neighbor and build up the larger human community. Further, the Lutheran understanding of Christian vocation underscores that Christians should be involved in this public conversation, precisely on such public grounds; our calling as Christians is not away from but more fully into our solidarity with and service to created life on earth.

What this suggests in regard to issues of sexual orientation and same-sex relationships, I believe, is that Christians should indeed be involved in the larger public conversation regarding (a) civil rights for gay and lesbian persons, and (b) the legal status of "domestic partnerships," which are increasingly matters of public deliberation and legislation in our country. The basis for Christian participation in these public policy issues is not a claim to a superior morality, however; rather, the basis for Christian participation is precisely the freedom granted us by our justification in Christ and the impulsion to human solidarity and love for the neighbor released by Christ's presence among us. One of the weaknesses of the draft ELCA statement on human sexuality is that it does not address itself to these public policy issues as fully as did the previous ALC and LCA statements.

It is important to remember in this context that Luther and the Lutheran tradition have consistently held that marriage is a civil institution—a matter of ordering our public life together—not a sacrament. So, too, the discussion of the legal status of same-sex "domestic partnerships" is a civil issue—a matter of public deliberation and legislation concerning what will best serve the justice and well-being of society.

2. *The Bible and Blessing.* What role, then, does the Bible have in this public conversation? And what guidance can we find in scripture regarding distinctively churchly questions such as those about services of blessing for same-sex relationships?

While there has been a lot of helpful (and not so helpful) exegetical discussion

about specific passages in the Bible having to do with same-sex sexual acts, I would like to suggest that the broader role of the Bible in the public conversation about long-term same-sex relationships has to do with recognizing in the Bible sources of wisdom and insight into the ongoing creative activity of God in creation, and particularly the privileged role of heterosexual marriage in that continuing generativity of life. Heterosexual sexuality does have a unique generativity: the capacity to generate new human life. One can recognize—as also the Bible recognizes—that procreation is not the only purpose of sexuality. Sexuality can also serve both to express and to actualize a depth of mutual relationship and love that is itself good, even when, in situations like my own, infertility renders the relationship incapable of procreation. Even—maybe especially—infertile heterosexual couples can recognize, however, that their relationship lacks the gift of the capacity to generate new human life and that this is an important—indeed inestimable—gift.

To argue that there may well be a role in community and creation for the blessing of long-term committed same-sex relationships does not imply, therefore, a watering-down or denigration of the uniquely privileged role of heterosexual marriage in God's ongoing creation. Indeed, all human beings, gay and straight, owe their own origins to this unique role and gift of heterosexual generativity. To honor and esteem the unique role and gift of heterosexual marriage seems to me to be the essence of the fourth commandment: the lives of all of us are indebted to this gift.

Hence, I believe that we should not confuse the rite of marriage, which I believe is uniquely a rite of heterosexual fidelity and generativity, with the question of various sorts of "blessing" services for committed same-sex relationships. It may be, however, that the Bible here offers a previously unexplored resource for further reflection. As my colleague Dr. Fred Gaiser points out in his article in this issue of *Word & World*, some English translations of the Bible use two different kinds of words for "blessing."⁸ One set of terms virtually equates "blessing" with the gift of fertility (ברכה in Hebrew, εὐλογέω in Greek). But another set of terms evokes a sense of "blessing" as the gift of happiness (בְּרָכָה in Hebrew, μακάριος in Greek). Indeed, Isaiah 56:2 speaks of the "blessing" of eunuchs in this second sense: the gift—not to be despised—of happiness.

All of this, of course, needs further conversation and reflection. But such open conversation is just what the Lutheran tradition, with its confession of the astonishing grace of God in Jesus Christ, both urges and celebrates, because from the first it has gotten the directions right.⁹

⁸See note 26 on page 292 of this issue.

⁹Forell, "What's at Stake," argues that the Lutheran church's reason for being in the U.S. is no longer ethnic and so can only be its distinctive theological contribution to ongoing Christian tradition and to contemporary human life. That theological contribution, he argues, consists in (1) the first use of the law and its importance for public debate in a pluralistic culture, (2) the affirmation that Christians are sinners and righteous at the same time and so not set above others moralistically, (3) the claim that the finite is the bearer of the infinite through the Bible, the sacraments, and human vocations, and that all of these are rooted in (4) a theology of the cross, which at heart is a matter of "getting the directions right": God comes to us in the crucified who lives, breaking us open to faith in God and new life with others. For our common—and I believe urgent—task of exploring together anew the fundamental bases of our identity as Lutheran Christians in the ELCA, Forell's article would I think be an excellent place to begin.