

A Clear Question

*Rev. Tim Johnson, pastor
Grace Lutheran Church, Dawson Creek, BC*

A clear question, please. A clear answer to a clear question is the only hope we have for moving forward together in this discussion about homosexuality.

Is homosexuality sin or not? Isn't that the clear question? Or to phrase it more theologically: Is the church able and/or prepared to move homosexuality, orientation and behaviour, from the historical understanding of being sinful and forbidden into the area of adiaphora, morally neutral (orientation) and a matter of indifference (behaviour). The two views are:

Homosexuality, both orientation and behaviour, is in the category of sin, a result of our separation from God. That doesn't say it is any special sin or a worse sin than any other but neither is there any ambiguity. It's sin. In this case homosexuals are called on to repent and believe in the gospel of forgiveness (as are all people). (The historic, traditional view)

Homosexual orientation is part of the diversity of creation, "the God Given nature of sexual orientation" as Lutherans Concerned/North America describes it, and that certain homosexual behaviour is acceptable and worthy of blessing. In this case the church is called on to repent and ask for forgiveness both from God and from our gay and lesbian kin. (The new proposal)

That's quite a difference! These are two, antithetical statements and surely only a clear, unambiguous action of the church can decide something so clear and important. Right now we "go limping with two different opinions" (1 Kings 18:21) and are no help to either position. We need a clear question and we need to seek a clear answer.

First, the question is not adiaphora. That is, the choice between these two is not adiaphora. The second view is that it is adiaphora but the first viewpoint is not and so the choice between them is not adiaphora. Here let's review the classic Lutheran ethical framework:

	<i>Forbidden</i>	<i>Area of Christian Freedom "adiaphora"</i>	<i>Required</i>
<i>Examples</i>	Ten Commandments	meat offered to idols, drinking, dancing, cards, marriage, celibacy	faith, prayer, repentance
<i>Characteristics</i>	black either / or disagreement matters conscience bound	shades of grey both / and "agreeing to disagree" conscience unbound	white either / or disagreement matters conscience bound
<i>The issue here: are we prepared to see these move?</i>	Homosexual orientation →? <i>(sinful, fallen nature)</i> Homosexual behaviour →? <i>(sinful action)</i>	? Homosexual orientation (<i>God-given diversity</i>) ? Homosexual behaviour (<i>morally neutral</i>)	

The Judeo-Christian tradition has maintained the first viewpoint for 3500 years (or for as long as the written witness testifies). Those who oppose same-sex blessings believe it remains forbidden. Those who approve of same-sex unions and argue for their blessing by the church have themselves concluded, however, that this is adiaphora. So, the central question that faces us is exactly this one: Forbidden or Adiaphora? In that case, you can't start by saying it's adiaphora (as too many are trying to do). Adiaphora is one of the two possible conclusions and it cannot be imposed as a condition or pre-supposition to the debate. Adiaphora is one of two possibilities at the finish line. It can't be the starting line. Finally, whether homosexuality and blessing is forbidden or adiaphora is an "either/or" question and not amenable to the "both/and treatment" of the adiaphora position. To attempt to do so is to fall victim to the Adiaphora Conundrum, the tendency of those who hold the adiaphora position to impose the adiaphora ground rules of "both/and" and "agreeing to disagree" on the entire discussion. That works fine within the category of adiaphora but it fails totally in mediating a dispute between forbidden and adiaphora. Adiaphora is one contestant. It can't be the referee.

Second, the rules of reasoned debate disguise the issue. To discuss the issue we have had to take it "out of the closet" (i.e. remove the idea from forbidden) and move it into the area of adiaphora, where the rules of reasoned debate ("listening to understand," "agreeing to disagree," and "allowing all positions") are identical to the defining characteristics of adiaphora. But we can't let the adiaphora rules of reasoned debate simply become our decision by default. We can't forget that at the end of the day we have a tough, either/or decision to make. The danger is that we are using reasoned debate as a tool because it accomplishes what advocates of the gay and lesbian viewpoint desire, to place the issue in the area of freedom. If it can be placed there in order to discuss it then they hope it will be allowed to stay there through the principle of "agreeing to disagree" and they will have accomplished their goal. Lest you think this is unlikely consider this quotation from Dale Martin, "The burden of proof in the last twenty years has shifted... The burden of proof now is not on us, to show that we are not sick, but rather on those who insist that we would be better off going back into the closet."¹ Martin is claiming that keeping the discussion alive for twenty years has effectively won the day and the burden of proof lies with the tradition of the church. Well, I disagree! I don't think it's that easy! Then the invitation to discussion has been a sham and a pretense. At the end of the day we have to make a choice one way or the other and not just say, "Well, you've managed to keep it alive for twenty years so you must be right." In fact, it is just as valid to argue, "You've had twenty years to make your case and it remains inconclusive. There's been no persuasive burden of proof and it's time to give it up."

Third, is it a matter of confessional integrity? The case for it being so is very simple: Jesus has nothing to do with the righteous ("For I have come to call not the righteous but sinners." Mt. 9:12-13 and parallels). That is, we are talking about defining a sin out of existence by re-

¹Dale B. Martin, "*Arsenokoitēs* and *Malakos*: Meanings and Consequences" in Biblical Ethics and Homosexuality: Listening to Scripture, ed. Robert Brawley (Louisville: Westminster John Knox, 1996), pp. 117-36 quoted by Dan O. Via, "The Bible, the Church, and Homosexuality" in Homosexuality and the Bible, Two Views by Dan O Via and Robert A.J. Gagnon (Minneapolis: Fortress Press, 2003), p. 37.

interpretation of Scripture. How the gospel now applies depends absolutely on how we re-define the law. If it is no longer sin, then Christ has nothing to do with it. This is justification by definition through convention resolution but it is a far cry from grace through faith. The new proposal is not an application of the gospel but it would render the gospel unnecessary; the gospel is forgiveness, not re-definition. I believe that justification is the reason James Nestingen concludes his essay in Faithful Conversation so seriously, “But just for that reason, just because of the justification wrought in Christ Jesus, the church has to challenge all of the other justification schemes that are offered.”² Most seriously: What comfort would this new proposal give for troubled consciences? What about the homosexual constituency that doesn't want to be gay? What about those who yearn and pray for change? Or at least for help? The reinterpretation that says, "God wants you to be this way," is cold comfort compared to the gospel of repentance, forgiveness and renewal. So it is a matter of confessional integrity, I believe. Only the church will decide if it is or isn't; not bishops, councils, theologians, or synods. The more that leadership tries to arbitrarily tell us what kind of issue it is (e.g. that it is adiaphora or not of confessional status) the more divisive will be the effect on the church.

So it is a tough, agonizing question, between two mutually exclusive alternatives that are each sincerely held by honest believers in our church. We have to be honest and acknowledge that this will be divisive. That’s just inevitable when one of the alternatives is that this is truly forbidden in God’s eyes. While none can be truly certain of that on this side of the grave, those who believe it remains forbidden have every right to hold the question divisive. Major theological voices are pointing out that the question is divisive by its nature. The most cited reference is from Wolfhart Pannenberg and it is included as a warning in Erwin Buck’s 2001 Studies on Homosexuality and the Church.³ I have seen it referred to with approval by James Nestingen⁴, Merton Strommen⁵, and Karl Donfried⁶. Pannenberg writes, “Whoever pressures the church to alter the normativeness of its

²James Arne Nestingen, “The Lutheran Reformation and Homosexual Practice” in Faithful Conversation, ed. by James M. Childs, Jr. (Minneapolis: Fortress Press, 2003), pp. 56. Consider also this first Discussion Question offered at the end of the essay, “1. Do you agree that affirming homosexuality and blessing its unions amounts to a form of self-justification apart from justification in Christ by grace through faith? Does this make the prospect of changing the church’s policy regarding the recognition of gay and lesbian persons a church dividing issue?” p. 57.

³Erwin Buck, Studies on Homosexuality and the Church (Winnipeg [assumed]: Evangelical Lutheran Church in Canada, 2001), p. 44.

⁴op. cit., p. 57.

⁵Merton P. Strommen, The Church & Homosexuality, Searching for a Middle Ground, 2nd rev. ed. (Minneapolis: Kirk House Publishers, 2001), p. 92.

⁶Karl P. Donfried, "Alien Hermeneutics and the Misappropriation of Scripture" in Reclaiming the Bible for the Church, ed. by Carl E. Braaten and Robert W. Jensen (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1995), pp. 44-45.

teaching with regard to homosexuality must be aware that that person promotes schism in the church.”⁷ I believe this is a theological warning that the issue will divide the church by its nature without the intention on the part of anyone to be disloyal or combative. Insisting on unity may actually cause greater division. Insisting that we remain united in the discussion and resolution of this issue may be the most divisive thing leadership can do, while acknowledging that it will divide the church may be the greatest thing leadership can do to maintain the unity of the church. We may need to abandon unity into God's care.

No, there is no middle ground. Here I find myself in the somewhat anomalous position of having pressed a “middle-ground” resource on my fellow BC clergy. My own middle ground suggestion is to raise up the vast “middle ground” of the church—that is, to enfranchise the whole membership of the Evangelical Lutheran Church in Canada (ELCIC) so that the decision comes from the grassroots of the church, not the extremes. We need to raise up the middle constituency. Too much of the debate so far has been the extremes shooting at each other while those in between keep their heads down. We need to calm the extremes and hand the decision to the middle population of the church. Of, if we picture the constituency of the church as the discerning jury of peers to be persuaded, perhaps the extremes can have a polite focus rather than trying to subdue each other.

The best formulation I have seen for this proposal is outlined by Dr. Erwin Buck in his *Studies* and based on an article by Frederick Gaiser in *Word & World*⁸. Referring to the Jerusalem Council (Acts 15, Gal. 2), Buck summarizes Gaiser by saying, "In reaching this decision, the early church was in fact speaking a new word to the people of God.... Gaiser suggests that the church may have the right and the obligation to speak in such authoritative fashion even today."⁹ Gaiser then appeals to Luther's *Theses Concerning Faith and Law* (1535), citing various theses. Buck gives Gaiser's conclusion, "Thus, from Luther, we learn of the possibility of speaking an entirely new word, against scripture, in the spirit of Christ, but also of the danger that 'the church be torn to pieces' [Theses 58] through the exercise of this authority. Thus it is consigned by Luther only to the 'universal church' [Theses 61]."¹⁰ Here in their entirety are theses 58 and 61:

58. Nevertheless, since in the meantime we are inconstant in spirit, and the flesh wars with the spirit, it is necessary, also on account of inconstant souls, to adhere to certain commands and writings of the apostles, lest the church be torn to pieces.

⁷Wolfhart Pannenberg, “Maßstäbe zur kirchlichen Urteilsbildung über Homosexualität,” 4, cited in Karl Donfried, op. cit., pp. 44-45 and in Donfried's footnote ⁷⁰; this translation is by Donfried. See also James Nestingen, op. cit., p. 58 for reference to an English translation in Lutheran *Forum*.

⁸Frederick J. Gaiser, "A New Word on Homosexuality? Isaiah 56:1-8 as Case Study" in *Word & World*, XIV (Summer 1994), pp. 280-93. Cited in Erwin Buck, op. cit. pp. 33-34 and 48.

⁹Erwin Buck, op. cit.. p. 34.

¹⁰ibid.

61. Hence, after the apostles no one should claim this reputation that he cannot err in the faith, except only the universal church.¹¹

For a fuller description of this suggestion please consult Erwin Buck's Studies or the Gaiser article directly.

Gaiser's suggestion, and Buck's use of it, both assume that the biblical witness is not conclusive on this issue and we are free to pursue a new interpretation, a new law. That's a fairly serious assumption and not everyone will swallow it. But what if we use the basic principle, that the church has the authority to make a new interpretation, to rule even on whether the Scriptures are conclusive or not? Then we have a framework for understanding what we are doing (or being asked to do).

If this is the task to which God is calling us, then there are two key questions: Who and How? Who will decide? And how? Luther assigns this only to the universal church—and that's quite an assignment! This is exactly what the Anglican community worldwide is saying to the Episcopal Church in the U.S.A. and to the Diocese of New Westminster, "Don't go there by yourselves! This is something we can only consider together." For Lutherans, there is no worldwide legislative authority. We should, however, listen carefully to our Lutheran World Federation (LWF) partners and we could resolve to not do anything without them. This principle of the "universal church" also effectively blocks any kind of "local option" as well as arguing strongly against the congregation-by-congregation, synod-by-synod method of the "Reconciling in Christ" program of Lutherans Concerned–North America. If we follow this Lutheran way of discerning a new law then we have to make our working concept of the church as universal as possible.

And how do we decide? Well, first of all, we ask, not tell. We need to ask the church what the will of God is, not tell the church. For our democratic (vs. papal or episcopal) church, asking means recognizing that the Holy Spirit is active in each believer's life and will be revealing God's will one by one, to each member, and the answer will come through us all. In practical terms it means actively enfranchising the voting membership of every congregation of the entire ELCIC. It means being more committed to a process of discernment than to either answer. Fairness has to become more important than winning. The right answer will be the one arrived at by the right process. And doing it the right way may mean a two-step process: First, asking the church if this is an issue open to the kind of process Luther was talking about. And second, only then proceeding to a discussion and determination on the question. In the absence of separate steps, any vote of the church on the issue will be dealing with both questions at once.

What is the ideal for such a process in the Lutheran church? Luther, I'm sure, meant the universal, apostolic church. Since the Reformation that has been quite beyond us. However, we need to seriously consider that the ideal might call for a new, legislative model for this question in the

¹¹Martin Luther, "Theses Concerning Faith and Law" (1535) trans. by Lewis W. Spitz in Luther's Works, Vol. 34, Career of the Reformer IV, ed. by Lewis W. Spitz, in the American Edition, gen. ed. Helmut T. Lehmann (Philadelphia: Muhlenberg Press, 1960), p. 113.

LWF worldwide. Yes, I am serious. In the meantime, what is the best approximation for our ELCIC? I think it takes the following commitments and steps:

- 1) Beginning, proceeding, and ending in prayer. We are asking God, not telling God.
- 2) Agreement on a clear question. This needs involvement from all sides of the debate so that everyone is satisfied that the question is clear and fair. This takes time for refinement and the result must be clear enough that no amendments will arise later. If amendments do arise it says we are still refining the question and haven't arrived yet at the clear question.
- 3) The prior choice of a majority. The majority needed to decide the clear question needs to be chosen beforehand and chosen not in order to "win" but based on how satisfied we want to be with the result. The majority should reflect how serious the issue is and how potentially divisive balanced with also providing a fair chance for approval.
- 4) Time for consideration. There needs to be an interregnum that provides for both consideration (reflection, inquiry, prayer, study, discussion) and for good voting procedures.
- 5) Universal study opportunities. Every member of the church should be challenged to examine their opinion on the issue and expose themselves particularly to countering opinion. However, each one of us can only do what is in our sphere of influence and that means the commitment of leadership to provide opportunities.
- 6) Universal enfranchisement of the laity. We need to actively seek the votes of every member of our congregations, for and against, on the clear question articulated in 2) above. The goal would be to ask, "What is the Holy Spirit telling the church ... through you?" Ideally, the votes would be brought to the church (in convention, for example) and added up. Second best would be that each congregation's vote be determined by congregational referendum. This would be the vote of the laity.
- 7) Universal enfranchisement of the clergy. Ideally, clergy should be polled separately. A good decision for the church would require the same approval by both laity and clergy. [Orders of Ministry buffs in the ELCIC can extrapolate this separately for lay diaconal ministers and bishops if you wish.]

Working to clarify the key question(s) and then making the process of discussion and decision-making as open, fair and inclusive as possible will be the best way to minimize the divisive effects of this issue.

Now with these ideals in mind let's recognize that an ordinary resolution at a regular convention of the ELCIC is a crude tool for the job. In particular, the Resolution on the Same Sex Blessings that the National Church Council (NCC) of the ELCIC is bringing to the 2005 convention of the church is a very poor approximation of this ideal. I believe it fails utterly to qualify for a job of this magnitude: the spiritual discernment of a new law in the universal church. Not only the resolution itself but far too much of the process of discussion up to this point has consisted of telling the church, not asking the church. What would be better? We have heard many references to the Jerusalem Council as a model for this task. I suggest the Formula of Concord as another model for the identification of clear questions, time for consideration, gathering of and discussion among

theologians, and the clear discerning of theses accepted and rejected. We also know far more about the mechanics of the Formula of Concord. Alternatives for the ELCIC that would be midway between the ideal and the present suggestion include constituting a special convention with revised attendance and rules for congregational voting or involving the Synod Conventions which would provide smaller forums, more participation and total clergy enfranchisement. But in practical terms is any of this possible? Or likely? Well, it's certainly possible. Everything I have said argues for deferring this decision in 2005, stepping back, and taking a whole new approach based on the principles of asking the church, not telling. Experience teaches us to do this. Both Lutheran merger in 1986 and the Statement on Sacramental Practices of 1991 had the final documents presented two years before they were acted on. I believe that Bishop Stephen Kristenson of the Synod of Alberta and the Territories is arguing for just this in his essay, "Some Reflections on the Resolution Regarding the Blessing of Same Sex Unions"¹² when he calls for deciding our theology before altering our practice.

However, if this NCC resolution persists and does not get deferred what are the practical things we can all do in preparation in order to make this the best possible approximation of the ideal? (And, by the way, have the best chance of keeping peace in the church:)

- 1) Pray.
- 2) Avoid amendments. Having the resolution in final form allows congregational voting. Any amendment should automatically lead to deferral.
- 3) Set a healthy majority. 2/3 and 75% are popular majority figures for significant decisions in church (2/3) and provincial legislation (75%).
- 4) Congregational voting. This brings the wider discernment of the congregation to the convention. Yes, that means that clergy delegates should vote their congregation's wishes (provided we use 4) below).
- 5) Gather and report the clergy opinion. Synodical bishops would need to decide to do this but the Conference Deans could take on the task from there and bishops could bring the results to (the NCC and to) the convention. NCC and convention could be informed and guided by this polling. What kind of agreement would we want to see? Three of five synods? Four? Five? Or put together, what kind of majority?

All this would still fall short of the ideal but these things are all do-able in the time frame we have between now and July 21 or at the convention itself.

I am committed to some things in this debate as you can tell. I wrestle with my emotions like we all do. For me, I believe, the trigger to my emotions is unfairness—the perception that some voices are raised up and other suppressed, that only one side is presented, that the process is being managed to achieve one particular result. I get mad when I think the church is being told what to do, not asked. I hope my emotion is a passionate commitment to fairness, to the right process ahead of a

¹²On the ELCIC website, www.elcic.ca, *Considering the Matter of Same Sex Blessings, Additional Contributions*.

preferred result, to asking, not telling. I believe we need some firm commitments in this desire to discern God's will. First, we need a commitment to fairness and a level playing field. We need the ability to separate issues of procedure (fairness) from the debate itself. We need to be committed together to setting up the playing field fairly, evenly, level. Second, we need a commitment to renounce the use of power to control the process towards a chosen end. Leadership needs to be able to distinguish between its own conclusions and the process and be committed to procedural matters far ahead of pastoral, prophetic, or political concerns. Advocacy for either position cannot shape the process. Bad process creates division while good process heals. In fact, good process also allows leadership to express itself effectively later in the debate itself. Third, as I began, we need a commitment to clarity. A clear question does not give us the answer but it does make it possible to effectively ask the church to discern the will of God. And finally, we need a commitment to humility—that individually we do not know for certain but that the Holy Spirit will use the individuality of each member of the church to cause God's will to emerge from us and among us. This side of the grave, that will be the best we can do.

We need the best clear question we can formulate and then we need to apply ourselves the best way possible to discern the will of God about it. Is homosexuality sin or not? Are we able and/or prepared to move homosexuality, orientation and behaviour, from the historical understanding of being sinful and forbidden into the area of adiaphora, morally neutral (orientation) and a matter of indifference (behaviour) or do we believe it remains forbidden? That is our clear question.