



Recommendations: ELCA Studies on Sexuality

Background Information

At its November 2004 meeting, the Church Council approved a “. . . process and time line for the ‘Report and Recommendations’ of the Task Force for the Evangelical Lutheran Church in America Studies on Sexuality as this church prepares for the 2005 Evangelical Lutheran Church in America Churchwide Assembly” (CC04.11.66). In January 2005, the task force’s Report and Recommendations were released and studied in congregations and synods. The Church Council, in accordance with the plan described in the November 2004 action, subsequently prepared “. . . a resolution for Churchwide Assembly action in regard to the report and recommendations from the task force for the ELCA Studies on Sexuality.” In the preparation of the three-part resolution, the following information was available for review by the Church Council:

1. Report and Recommendations from the Task Force for the ELCA Studies on Sexuality;
2. Message from the Conference of Bishops;
3. Report of straw polls by the Conference of Bishops and summary of advice on various options;
4. Reports from the boards of the Division for Church in Society and the Division for Ministry; and
5. Resolutions and reports from Synod Councils.

Members of the Program and Services Committee had been present for meetings of the Task Force for the ELCA Studies on Sexuality (December 2004), the Conference of Bishops (March 2005), and the boards of the Division for Church in Society and the Division for Ministry (March 2005). The working group included: Ms. Judy Biffle, the Rev. Jonathan G. Eilert, Ms. Norma J. Hirsch, the Rev. J. Paul Rajashekar, and the Rev. Dean W. Nelson, bishop of the Southwest California Synod. Following the April 2005 meeting of the Program and Services Committee, a draft report and recommendations were distributed to the Church Council for review, discussion, and action for transmission to the Churchwide Assembly.

The Church Council prepared legislative language to implement—if adopted by the Churchwide Assembly—the understood intent of the Report and Recommendations of the Task Force for the ELCA Studies on Sexuality. A great deal of study, thought, discussion, prayer, and discernment undergirded the formulation of the Church Council’s recommendations to the Churchwide Assembly.

Introduction

The seventh Churchwide Assembly of the Evangelical Lutheran Church in America, meeting in August 2001, directed this church 1) to study homosexuality with reference to two issues—the blessing of same-sex unions¹ and the ordination, consecration, and commissioning of people in committed same-sex unions;² and 2) to develop a social statement on human sexuality.³

¹2001 Churchwide Assembly, action CA01.06.28 (*Yes–899; No–115*):

To respond to the memorials of the Metropolitan Chicago Synod, the Southeast Michigan Synod, the Upstate New York Synod, the Metropolitan Washington, D.C., Synod, and the Virginia Synod by directing the Division for Ministry and the Division for Church in Society, in consultation with the Conference of Bishops, ELCA seminaries, colleges and universities, and other churchwide units, to implement jointly a churchwide study on homosexuality;

To provide that the process include creation of a study document on homosexuality for use in congregations, synods, and in sponsored hearings and focus groups across this church. This document shall include study of the Lutheran understanding of the Word of God and biblical, theological, scientific, and practical material on homosexuality. The document shall address issues related to blessing committed same-gender relationships, and rostering of approved candidates who are in committed same-gender relationships. This study shall provide for the sharing of information from and among members of this church;

To authorize the presiding bishop and Church Council to approve the parameters and expense budget of this process and identify the revenue source(s) to provide for this study;

To direct that reports on the study process shall be presented to each of the regular meetings of the Church Council, and to synod assemblies beginning in 2002 with response requested. A first edition report shall be brought to the 2003 Churchwide Assembly along with initial or interim recommendations. A final report, complete with action steps for full implementation, shall be presented to the 2005 Churchwide Assembly;

To respect charitably one another as we examine our understandings and practices, speaking the truth in love, practicing the “mutual conversation and consolation of the brothers and sisters” (Luther, *Smalcald Articles*, III.4); and

To request that the Division for Ministry, in consultation with the Division for Congregational Ministries and the Conference of Bishops, identify and make available materials to assist and support pastors as they provide pastoral care and counseling for persons concerned with these issues.

²2001 Churchwide Assembly, action CA01.06.36 (*Yes–624; No–381*):

To respond to the memorials of the Saint Paul Area and Metropolitan Chicago synods by requesting that the Church Council, the Conference of Bishops, and the Division for Ministry create a specific plan and timeline leading to a decision concerning the rostering of homosexual persons who give expression to sexual intimacy only in a relationship that is mutual, chaste, and faithful, including but not limited to:

- 1) changes in “Vision and Expectations”;
- 2) changes in “Definitions and Guidelines for Discipline”;
- 3) amendments to the ELCA constitution and bylaws; and
- 4) changes in all other related governing documents.

In the event any of the above mentioned changes require approval of the ELCA Churchwide Assembly, such actions shall be placed before the 2005 Churchwide Assembly for adoption or ratification.

³2001 Churchwide Assembly, action CA01.06.45 (*Yes–561; No–386*):

To initiate a process within the Evangelical Lutheran Church in America to develop a social statement on human sexuality.

In November 2001 and April 2002, the Church Council bundled the two resolutions into one mandate for study and recommendations. The council established the Task Force for the ELCA Studies on Sexuality and called for the appointment of a director for the ELCA Studies on Sexuality.

Goals in Study

From the outset the task force attempted to make clear that the study process was indeed a *study*, not a poll or a survey. The experience was to be a time of learning and discerning that would:

1. Increase awareness of how Lutherans understand the Word of God and interpret the Bible;
2. Provide reflection on the teachings of our theological heritage;
3. Enable greater clarity on the findings and contribution of social and scientific research;
4. Help members to understand each other better as we explore with one another the diverse views we hold on questions of homosexuality and the church;
5. Help the church to discern what is a faithful response to the question of blessing same-sex unions and admitting people in such committed unions into the rostered ministries of the ELCA.

Important Points

As indicated in the report of the Task Force for ELCA Studies on Sexuality (*2005 Pre-Assembly Report*, Section V, page 13), important points for the study process included these convictions:

1. To remain clear on the distinction between homosexuality, which refers to sexual orientation to people of the same sex, and homosexual conduct, which refers to acts of sexual intimacy between members of the same sex. Homosexual orientation in itself is not something this church has condemned. The question of whether or not all acts of homosexual intimacy are sinful is the question being debated among us.
2. To recognize that people who are homosexual, like the heterosexual majority, are a diverse group in their moral outlook. Our Christian sisters and brothers in this church who are lesbian or gay and who seek the blessing of their unions and the admission of those in such committed unions to the ministries of our church profess a commitment to high moral standards of fidelity, love, and justice in their partnerships. Their access to the possibility of communal recognition and support of their partnerships and the church's ministries is a focus of our study.

Recommendation One:

Note: For background material, refer to the report of the Task Force for ELCA Studies on Sexuality [2005 Pre-Assembly Report, Section V, page 15].

Recommendation for Assembly Action *Majority vote required*

WHEREAS, the people of this church are joined and united by the love of Jesus Christ;

WHEREAS, this unity is God’s gift to us in Jesus Christ and we are called as a church to cherish, nurture, and safeguard this gift;

WHEREAS, within this unity is also a God-given diversity that we honor in the body of Christ;

WHEREAS, we give thanks to God for the precious gift of unity and the richness of diversity within the body of Christ, for each other, and for the desire and strength to live faithfully within our God-given unity and diversity;

WHEREAS, we respect the integrity of convictions of conscience and faith “with all humility and gentleness, with patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace” (Ephesians 4:2-3); and

WHEREAS, we see throughout this church that a commitment to the authority of Scripture is not solely the concern of those who seek to maintain the tradition and similarly, compassion for gay and lesbian persons and a commitment that they be treated justly are not solely concerns of those advocating change; therefore, be it

RESOLVED, that the Evangelical Lutheran Church in America—its members, congregations, synods, churchwide organization, and agencies and institutions—be urged to concentrate on finding ways to live together faithfully in the midst of disagreements, recognizing the God-given mission and communion that we share as members of the body of Christ.

Recommendation Two:

Note: For background material, refer to the report of the Task Force for ELCA Studies on Sexuality [2005 Pre-Assembly Report, Section V, page 15].

Recommendation for Assembly Action *Majority vote required*

WHEREAS, this church holds that “marriage is a lifelong covenant of faithfulness between a man and a woman” (*Message on Sexuality: Some Common Convictions [1996]*, page 3); and

WHEREAS, the Conference of Bishops in October 1993 stated, “We, as the Conference of Bishops of the ELCA, recognize that there is basis neither in Scripture nor tradition for the establishment of an official ceremony by this church for the blessing of a homosexual relationship. We, therefore, do not approve such a ceremony as an official action of this church’s ministry. Nevertheless, we express trust in and will continue dialogue with those pastors and congregations who are in ministry with gay and lesbian persons, and affirm their desire to explore the best ways to provide pastoral care for all to whom they minister” (CB93.10.25); therefore, be it

RESOLVED, that the Evangelical Lutheran Church in America continue to respect the guidance of the 1993 statement of the Conference of Bishops; and be it further

RESOLVED, that this church welcome gay and lesbian persons into its life (as stated in Churchwide Assembly resolutions from 1991, 1995, and 1999), and trust pastors and congregations to discern ways to provide faithful pastoral care to same-sex couples.

Recommendation Three:

Background:

The Task Force for the ELCA Studies on Sexuality issued its report and recommendations, making primary its recommendation that this church “live together” during this time of tension and disagreement on these matters. Throughout this church there exist differing perspectives on homosexuality. Yet within this uncomfortable tension there exists a widely shared yearning that sexuality issues not overshadow or weaken the essential mission of this church to proclaim the Gospel of Jesus Christ and serve the world.

What follows is a proposal for implementation of a limited process for exceptions to the normative policies of this church regarding the rostering of gay and lesbian people in committed, same-sex relationships. This proposal holds the promise of enabling this church to continue to journey together faithfully for the sake of the mission of this church. The proposal is introduced by examples of two differing positions on this matter which summarize voices heard in this church throughout this study process. These positions are well documented in *Journey Together Faithfully: Part Two*, and the report of the Task Force for ELCA Studies on Sexuality [2005 Pre-Assembly Report, Section V, page 20]. Each position is accompanied by a rationale which could be used to support the resolution that follows. Scriptural citations for both positions can be found in *Journey Together Faithfully: Part Two*.

Note: For further background material, refer to the report of the Task Force for ELCA Studies on Sexuality [2005 Pre-Assembly Report, Section V, page 16].

Position One: Homosexuality as sin and brokenness

Overview of this position

As described in the report of the Task Force for ELCA Studies on Sexuality, there are those in this church who understand homosexual behavior to be addressed several places in Scripture always as sin. This view has been held virtually unanimously by the Christian community throughout 2,000 years of history and continues to be the view held by most Christian church bodies around the world today. Regardless of whether an individual chooses such behavior or finds that orientation within himself or herself, such behavior is understood to be contrary both to the scriptural witness and to God’s creative design. Therefore, any church policy that seems to approve of such behavior is a betrayal of the authority of Scripture and an ignoring of the natural order.

Rationale for Support of the Proposed Process

Every minister of the Church is a sinful being. This church in its structures of oversight makes decisions about

every person who presents himself or herself for the rostered ministries of this church. Where this church judges that a person might serve the Gospel and mission of this church well, she or he is approved for ministry. The most instructive parallel for this moment may be clergy who are divorced and remarried, a condition specifically condemned in Scripture by Jesus. Without contradicting scriptural teaching, this church examines such persons and their witness, and may endorse their call to ministry. In a similar way, this church could agree to a particular review of partnered gay and lesbian persons called to specific contexts, and agree that they may be able to serve this church and the Gospel well. Leaving the language reflective of the traditional view intact and requiring the additional steps for granting exceptions respects what this church believes to be the extra-ordinary nature of these calls.

Position Two: Homosexuality as condition, not choice

Overview of this position

As described in the report of the Task Force for ELCA Studies on Sexuality, there are those in this church who believe that homosexuality is a condition, not a choice. There is recognition in scientific studies and in personal experience that life-long, committed, loving relationships are life-giving for homosexual persons, their congregations and communities. Like all Christians, gay and lesbian people are baptized into the body of Christ. There is significant study which suggests that biblical texts that condemn same-gender sexual activity do not address homosexual people who are in committed relationships. Rather, these texts are understood as condemning behavior that is abusive or God-denying. The life in Christ to which we are called in Scripture is a life lived in the radical grace of God, bearing the fruits of the Spirit, and many see these fruits evident in the lives of gay and lesbian people. There are growing numbers of congregations ministering to gay and lesbian persons whose mission might both accept and be enriched by gay and lesbian pastors and rostered leaders. People holding this view believe all language excluding gay and lesbian persons in committed relationships is unjust and should be removed.

Rationale for Support of the Proposed Process

There can be support for this proposal for two reasons: (a) while the language of “Vision and Expectations” continues, there would exist an avenue by which gay and lesbian persons in committed relationships may be called into the ministry of this church, and (b) just as it took the Church and the world many years to understand other critical issues, such as the re-marriage of divorced people, this process provides the opportunity for continued discernment of where the Holy Spirit is leading the Church.

Description of the Proposed Process

This is a process for determining whether an otherwise qualified gay and lesbian person in a committed relationship might be granted an exception. The process would involve the following elements:

1. Any person considered for exception under the bylaw is expected to be in compliance with the policies of this church, except for being in a committed, same-sex relationship.

2. There shall be a reasonable assumption or confirmation that a congregation or other ministry will extend or continue a call to the person being considered for an exception.

3. If the bishop is in support of extending or continuing such a call, he or she will seek endorsement by the Synod Council and, upon endorsement, shall ask the Synod Council to make a request for an exception to the Conference of Bishops, in much the same manner as other roster exceptions are currently processed.

4. The Conference of Bishops shall consider and act on the request of the bishop and the Synod Council.

5. If the exception is authorized and the candidate is approved for call and enters the roster through this process, he or she shall not be subject to discipline by a subsequent bishop or council making a decision on the same set of facts.

6. It shall be the expectation that any candidate or rostered minister who is in a same gender relationship shall be subject to the same level of commitment and fidelity that we expect of heterosexual pastors in marriage. We understand this to mean a commitment of life-long fidelity. Deviation from this level of expectation will be subject to the same discipline as exists for all others.

7. The recommendation leaves in place all previous policies and guidelines. There exists no inherent right either of a congregation or a candidate to stand apart from the possibility of discipline. Rather, the recommendation opens the possibility of a bishop, synod, and a synodical Candidacy Committee, reaching common agreement that the mission of this church would be served by such a decision.

Recommendation for Assembly Action

Two-thirds vote required

WHEREAS, within this church we continue to share a profound commitment to the authority of Scripture as the norm for faith and life;

WHEREAS, we recognize there are deeply held yet different interpretations of Scripture to which consciences are bound;

WHEREAS, within this church we confess that all people are sinful beings, including those who serve in rostered ministry;

WHEREAS, within this church there are both those who believe that same-sex sexual conduct is inherently sinful, and those who believe that same-sex sexual conduct in a committed relationship is morally defensible for those who are of homosexual orientation;

WHEREAS, there are those in this church who believe that the ELCA should affirm and uphold current policy and practice regarding people in same-sex committed relationships;

WHEREAS, there are those in this church who believe that the Holy Spirit is calling into public ministry persons who are in committed, same-sex relationships, and congregations are indicating a willingness to call such persons to service; and

WHEREAS, within this church there is a desire to maintain the continuity of the church's traditional teaching and practice while also providing opportunity for ongoing discernment of new ways in which the Spirit might be speaking to this church in our time, and both may be honored by taking the step to create a process for consideration of exceptions; therefore, be it

RESOLVED, that the Evangelical Lutheran Church in America shall:

1. Affirm and uphold the standards for rostered leaders as set forth in "Vision and Expectations";

2. Create a process for the sake of outreach, ministry, and the commitment to continuing dialogue, which may permit exceptions to the expectations regarding sexual conduct for gay or lesbian candidates and rostered leaders in life-long, committed, and faithful same-sex relationships who otherwise are determined to be in compliance with "Vision and Expectations";

3. Adopt the following bylaws to permit implementation of this limited process for exceptions to the normative policies of this church:

7.31.18. Ordination for Particular Service. For pastoral reasons and for the sake of mission in the synod, under policy and procedures approved by the Church Council, upon recommendation by a synodical bishop to the Synod Council and upon endorsement by the Synod Council, a synodical bishop shall seek an exception from the Conference of Bishops to permit the assignment of a candidate who provides evidence of intent to live in a life-long, committed and faithful same-sex relationship, and has been approved through the synodical candidacy process. When such an exception is granted, the synodical bishop may ordain—as authorized in the governing documents of this church and policy adopted by the Church Council—a candidate who has received and

accepted a properly issued, duly attested letter of call for service in the ministry of Word and Sacrament by a congregation that has indicated its openness to call a candidate who provides evidence of intent to live in a life-long, committed and faithful same-sex relationship. Likewise, upon recommendation by a synodical bishop to the Synod Council and upon endorsement by the Synod Council, a synodical bishop shall seek through the Conference of Bishops—under policy and procedures approved by the Church Council—to maintain on the roster of ordained ministers an individual, under call for service in an ELCA ministry setting, who provides evidence of intent to live in a life-long, committed, and faithful same-gender relationship. All requirements of policies of this church related to ordained ministers apply to such an individual, except those that preclude living in such relationships.

7.52.16. Approval for Particular Service. For pastoral reasons and for the sake of mission in the synod, under policy and procedures approved by the Church Council, upon recommendation by a synodical bishop to the Synod Council and upon endorsement by the Synod Council, a synodical bishop shall seek an exception from the Conference of Bishops to permit the assignment of a candidate who provides evidence of intent to live in a life-long, committed and faithful same-sex relationship, and has been approved through the synodical candidacy process. When such an exception is granted, the synodical bishop may—as authorized in the governing documents of this church and policy adopted by the Church Council—commission as an associate in ministry or consecrate as a diaconal minister or deaconess a candidate who has received and accepted a properly issued, duly attested letter of call for such service by a congregation that

has indicated its openness to call a candidate who provides evidence of intent to live in a life-long, committed and faithful same-sex relationship. Likewise, upon recommendation by a synodical bishop to the Synod Council and upon endorsement by the Synod Council, a synodical bishop shall seek through the Conference of Bishops—under policy and procedures approved by the Church Council—to maintain on the roster of associates in ministry, diaconal ministers, or deaconesses an individual, under call for service in an ELCA ministry setting, who provides evidence of intent to live in a life-long, committed, and faithful same-gender relationship. All requirements of policies of this church related to the official lay rosters apply to such an individual, except those that preclude living in such relationships.

4. Amend bylaw 20.71.11. to allow for the implementation of new bylaw 7.31.18. and bylaw 7.52.16:

20.71.11. The Committee on Appeals shall establish definitions and guidelines, subject to approval by the Church Council, to enable clear and uniform application of the grounds for discipline in each of the above categories, provided, however, that nothing therein shall require the application of discipline where bylaws 7.31.18. and 7.52.16. have been applied.

5. Direct that the Church Council, in consultation with the Conference of Bishops and the appropriate churchwide units, adopt policy and procedures for the implementation of bylaws 7.31.18. and 7.52.16.; and

6. Direct that this process be evaluated periodically by the Division for Ministry and reviewed by the Conference of Bishops and by the Church Council.