

# Robert C Schultz's response to the Gay/Lesbian Ordination Resolution

ThTheologians,

ThTh this week comes from Robert C Schultz. It's not directly linked to my Seminex narrative, although Bob himself indirectly is. Bob's a retired ELCA pastor living in Seattle. He's contributed before to our Sabbathology series. Like me he has Missouri Synod roots. We've been friends since seminary days in St. Louis in the early 50s. His seminary class ('52) was loaded with hotshots. Besides Bob there was Richard Koenig, Martin Marty, Ralph Zorn, Ken Mahler, Ed Krentz, Ken Kraemer, Don Meyer, Bob Clausen [Bibfeldt co-conspirator!], Warren Rubel and others I can't remember since they were, after all, three years "ahead" of me (class of '55).

Bob was indirectly linked to Seminex, I say, though some may dispute that. He may even dispute it; I've never asked him. That all depends on what one thinks Seminex really was. My take puts Bob in a "godfather" role. After sem graduation he went to Erlangen Univ. in Germany—on Jaroslav Pelikan's recommendation—and there learned how to do "law and Gospel theology without the verbal inspiration hangup." Did his doctorate on the role of the "L&G;" axiom in Lutheran theological history, came back into the LCMS a couple years later and started the "L&G;" reform movement within the LC – MS as a prof at Valparaiso University (VU). That reform movement is itself worth an essay or two, maybe even a book someday.

Suffice it to say for now that VU in the late fifties was where "L&G;" theology was happening. Bob Bertram was already on the scene there, I joined a bit later. By presidential edict a department of "theology" replaced "religion," and a

new undergraduate curriculum came to be. The three of us were the junta (others say cabal) that put the pieces together. Nowadays it's called "Crossings."

The lingo of "L&G;" was old hat in the LCMS. Missouri's founding father Walther had made it the fundamental hermeneutic for theology and practice in his seminary teaching. In later Missouri, however, it became a "doctrine" that was then added to the list of other "true" doctrines—to be believed and taught. Schultz jarred LCMSers—within his own English District, and from that base elsewhere in Missouri—by restoring "L&G;" as a hermeneutic, and then putting it into practice vis-a-vis the manifold confusions of L&G; in our denomination. He's been doing it ever since, subsequently in the LCA from several venues, and still in retirement from Seattle as you'll see below.

In the 60s and early 70s that tradition, i.e., the distinction between law and gospel is a hermeneutic, not a doctrine, eventually gained prominence at Concordia Seminary, not only with Bertram's and my appearance on the seminary scene, but also through the increasing flow of VU graduates who came to Concordia as sem students. In the year that Seminex happened there were more "Valpo" students in the seminary student body than there had ever been before, many in student leadership positions. They were articulate "L&G;" theologians in the student deliberations that lead to the moratorium, that led to...., that led to ...., that eventuated in Seminex.

Schultz doesn't know that I'm doing this preface to his piece. Depending on whether or not he's had breakfast, he may not be amused when he sees it. But willy-nilly he's a piece of Seminex's history. When I get back (next week, d.v.) to some more Seminex memoirs, I hope to touch on the L&G; hermeneutic in the mix there.

Peace & Joy!

Ed Schroeder

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**From: Robert C. Schultz**

**DATE: 7/1/98**

**Re Thursday Theology #5**

This is a response to [Thursday Theology #5](#). Below is my commentary.

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Although not a Crossings member, I appreciate receiving the materials posted on the Web. I hope that it is not inappropriate for me to respond to those materials.

The following is not intended to disagree with any specific content of Jim Squire's response but rather to build on his remarks by suggesting the possibility that the [Central States Synod Assembly's] resolution itself makes assumptions and creates a context which must be analyzed before one can respond to it. I understand that this context and these assumptions have wider currency and acceptance in the ELCA.

Specifically, the resolution itself confuses law and gospel. This confusion if unanalyzed seems to require a gospel response. Squire attempts such a response and then attempts to differentiate law and gospel.

1 Squire's response correctly identifies the theological substance of the issue. The issue derives from our understanding of the relationship of the actions that we experience as those of the Deus absconditus to those which we experience as the actions of the Deus revelatus.

1.1 The reference to the bondage of the will is fruitful. It identifies the terrible reality that all of us without distinction of race, sex, gender, et al confront when we are held accountable for being the kind of people we did not choose to be. The generic condition which none of us has

chosen is that of being a sinner under bondage to sin, death, the law of God, and the wrath of God. The confrontation with this reality of accountability without choice is the cauldron in which Lutheran theology is born in every generation.

1.2 The resolution attempts to defuse the terrible reality by defining the actions of the Deus absconditus as evidences or revelations of God's grace for a narrowly defined group of people, those with a preference for homosexual genital satisfaction and the perceived need to act out this preference.

1.3 In whatever way we are fated to express our sinfulness, we may or may not have a choice of the form in which we sin but never a choice about the reality of being sinners.

1.4 Squire properly relegates the church's screening of candidates for ordination as a revelation of the law, an activity of the Deus absconditus.

2 However, the resolution is not formulated in terms of the bondage of the will but rather in terms of baptism, the ministry, and the standards of ordination.

2.1 It is therefore necessary to engage more directly the theological face which the resolution presents. These theses are an attempt to expand on the basis of Squire's remarks by engaging in such a more direct engagement with the resolution as it presents itself.

2.2 The distinction between law and gospel directly relevant to this discussion is expressed in the principle that any generic definition of being a Christian must be true of all Christians at all time.

3 The resolution's assumption that ministry is a function of baptism confuses law and gospel by defining what it is to be a Christian in a way that is not true of all Christians at all times.

3.1 There is indeed a ministry of the baptized which all the baptized share and to which we are called by God.

3.2 Baptism changes nothing about the person who is baptized except the relationship to the God who works our salvation in Jesus the Christ and in the Holy Spirit. All else, the fate of the baptized in this world, including but not limited to their genetic structures and the experiences which existence will bring to them, are unchanged by baptism until after our baptism into Christ's death is fully experienced in our own death.

3.3 The ministry or vocation of the baptized does not include the ordained ministry which is based on the delegation of public leadership functions.

3.4 All of the baptized may participate in such delegation. This is the truth of the assumption.

3.5 The error of the assumption lies in assuming that all the baptized are by reason of their baptism eligible to receive such delegation without meeting other requirements.

3.5.1 Standards for ordination and continuance in the ordained ministry are the function of an ecclesial organization rather than of the church.

3.5.2 The ecclesial organization must make a decision about each individual candidate for ordination.

3.5.3 The ecclesial organization may make decisions about individuals by identifying disqualifying characteristics which eliminate a candidate from further consideration.

3.5.4 These disqualifying characteristics are properly included in the standards provided for the guidance of those acting on behalf of the ecclesial organization.

3.5.4.1 The ELCA, its synods, and congregations are interdependent entities.

3.5.4.2 Synods are created by the ELCA in order to fulfill certain functions which can be better fulfilled at this level.

3.5.4.3 Synods ordain and maintain rosters on behalf of the ELCA on the basis of ELCA policies.

3.5.4.4 Therefore, no synod may establish its own policies or choose which policies to follow or not follow.

3.5.4.5 The ULCA was characterized by synodically defined ministry rather than a national ministry. This meant that pastors who became eligible for ministry in one synod were not thereby eligible for ministry in any other synod. The LCA and the ELCA established a national ministry.

3.5.5 No standard created by the ecclesial organization for the ordained ministry is beyond question.

3.5.5.1 For example, it is a modern phenomenon that the standards seek to exclude persons with certain kinds of mental illness and/or a propensity for manipulative behavior from the candidates for ordination.

3.5.5.2 At other times, the church has in the past and may again consider such characteristics to be acceptable or even desirable in candidates for ordination.

3.5.5.3 In the ELCA, standards are defined at the level of the ELCA assembly and administered locally by the synod.

3.5.5.4 The resolution under discussion proposing an independent action of the Central States Synod in defining standards for ministry denies this interdependent relationship and is therefore not valid in the context of the governing documents of the ELCA and its Model Constitution for Synods.

3.5.6 Determining this constitutional invalidity does not respond to the theological issues raised by the resolution.

3.5.7 Standards may be based on any factor, whether or not it is referred to in the Bible, that actually affects the pastor's functioning in a given community.

3.5.8 Different ecclesial organizations may have differing standards for ordination and continuation in ministry.

3.5.8.1 Differing standards for ordination and continuation in ministry must be reflected at the organizational level.

3.5.9 The definition and administration of standards for ordination and retention in ministry should not be confused with the office of the keys.

3.6 When the ecclesial organization creates, interprets, and applies standards for ordination and/or for continuance in the ordained ministry, its decisions are based on considerations of rational prudence. Thus the ecclesial organization in one generation ordains persons who would not have been ordained in another generation.

3.6.1 For example, in the eighteenth and nineteenth century, the ecclesial organization engaged in extensive conversation about the level of regeneration which candidates were required to demonstrate before ordination.

3.6.2 For example, the ecclesial organization has introduced standards through which it seeks to exclude persons with low levels of mental health and with high levels of psychopathology such as manipulative behavior.

3.6.3 For example, the ULCA in the 1960's permitted ordination and continuance of ministry to persons who had been divorced on condition that they demonstrate repentance and amendment of life.

3.6.4 For example, the ALC and the LCA in the 1970's began to ordain women.

3.7 The prudential element in the ecclesial organization's decision is based on various realities which each organization and each generation is responsible to evaluate.

3.7.1 One reality is a decision as to whether the ordained

minister will be able to function effectively as the ecclesial organization's representative in the community.

3.7.2 Another reality is a candidate's fitness to represent the ecclesial organization to the congregation.

3.7.3 Another reality is the candidate's fitness to represent the congregation in the community.

3.7.4 Another reality is the candidate's fitness to represent the congregation in relationships with its members.

3.7.5 Another reality is the willingness of the baptized to delegate leadership to pastors meeting the standards defined by the ecclesial organization.

3.8 In ecclesial organizations whose governing documents specify that all ordained ministers meeting the ecclesial organization's requirements are eligible for call and that all congregations call only such pastors, the redefinition of those standards constitutes a de facto revision of the governing documents even though the standards are not explicitly defined in the governing documents.

3.9 Many conditions which have their source in the reality of creation or experience are properly defined by the ecclesial organization as defining eligibility and ineligibility for the delegation of leadership functions through ordination to ministry (standards).

3.9.1 For example, assuming that the ecclesial organization requires a certain level of education as a standard for the ministry:

3.9.1.1 Many baptized are by reason of conditions of their creation or by experience unable to meet these educational standards.

3.9.1.2 Such baptized may but will often never become eligible for ordination. Inability to meet this standard does not in any way limit or infringe on their exercise of their baptismal vocation.

3.9.2 For example, assuming that the ecclesial organization



requires a certain level of mental health or absence of psychopathology:

3.9.2.1 Many of the baptized are by reason of conditions of their creation or by experience unable to achieve that level of mental health.

3.9.2.2 Many of the baptized by reason of conditions of their creation or by experience demonstrate a level of psychopathology that prevents them from meeting the standards.

3.9.2.3 Such baptized may but will often never become eligible for ordination. Inability to meet this standard does not in any way limit or infringe on their exercise of their baptismal vocation.

3.9.3 For example, the ecclesial organization requires certain levels of maturity in Christian experience.

3.9.3.1 Persons suffering from addiction are required to overcome this behavior and to demonstrate success over some period of time. Many of the baptized are unable to achieve such success.

3.9.3.2 Persons whose personal history contains a confused period of sexual behavior are required to demonstrate fidelity in heterosexual relationships and abstinence when their sexual preference is homosexual.

3.9.3.3 Such baptized may but will often never become eligible for ordination. Inability to meet this standard does not in any way limit or infringe on their exercise of their baptismal vocation.

3.10 Whatever standards for ordination the ecclesial organization establishes and applies, such standards

represent the best judgment of the ecclesial organization at a given time and may be changed by the ecclesial organization.

3.10.1 The resolution properly suggests that the ecclesial organization may reconsider and change its standards.

3.10.2 The resolution errs in proposing that eligibility for ordination be reduced to baptism or that the ecclesial organization reduce its standards to those which all the baptized are able to meet.

3.10.3 The resolution errs in assuming that being welcome as a member includes being eligible for ordination.

3.10.4 The resolution errs in proposing a revision of the standards at only one level of the ecclesial organization.

3.11 The ecclesial organization's standards for ordination and continuation in the ordained ministry are valid in so far and only in so far as they reflect the willingness of the baptized to delegate the public functions of ministry to persons meeting those standards.

4 The resolution further confuses law and gospel by defining ordination as an ecclesial action that communicates the gospel. Ordination is assumed to include approval of personal and public behavior.

4.1 The resolution states this negatively by contrasting the ELCA's welcome of "gay and lesbian people as individuals created by God ... to participate fully in the life of congregations in the ELCA" with the simultaneous refusal to ordain practicing homosexuals: "This welcome has not been extended ... however, to gay and lesbian pastors who are living in committed relationships.

4.2 The ELCA's specific welcome to one group of people and the "reconciled in Christ" movement raises the question as to

whether there are any people whom the ELCA does not welcome, does not wish to baptize, and whether there are any already baptized people whom God does not wish to reconcile to Himself in Christ.

4.2.1 Pastors and congregation councils do on occasion identify some persons who are not welcome.

4.2.2 The ELCA governing documents give congregations wide latitude in selectively refusing to accept already baptized persons for inclusion on the congregation's roll of the baptized.

4.2.3 The ELCA governing documents give congregations wide latitude in selectively removing members from the roll.

4.2.4 The ELCA governing documents do not distinguish criteria for refusing to accept or for excluding members from the roll of baptized, confirmed, and voting members.

4.2.5 The meaning of inclusion or exclusion on the roll of the baptized is radically different from the meaning of inclusion or exclusion on the roll of voting members. Except that inclusion on the roll of the baptized is prerequisite for inclusion on the roll of voting members, the rights, privileges, and functions of members on these rolls are not commensurate.

4.2.6 The ELCA governing documents are deficient in failing to establish the difference between the roll of the baptized and the roll of those who are accepted as potential voting members as soon as they commune and make a contribution of record.

4.2.6.1 The Resolution not only mirrors but magnifies this deficiency by assuming continuity between eligibility for inclusion on the roll of the baptized and eligibility for ordination.

4.2.7 The underlying issue here is the question about whom the congregation exists to serve, i.e. to minister to. Four possibilities need to be examined which will be listed in

order of their increasing potential for the confusion of law and gospel.

4.2.7.1 The congregation ministers to the community in which it exists and to all persons who are members of this community. God uses this ministry to create faith when and where God wills.

4.2.7.2 The congregation serves the baptized. Persons in the community who are not baptized are not eligible subjects of the church's ministry until they are baptized; until then, the congregation's ministry is defined in terms of efforts to bring such persons to baptism. This ministry is often called "evangelism."

4.2.7.3 The congregation serves only those baptized who are also members of the congregation. Persons in the community who are not baptized are not eligible subjects of the church's ministry until they either accept baptism within the congregation or, if already validly baptized, reaffirm their baptism by affiliating with the congregation.

4.2.7.4 The congregation receives into membership only those previously baptized who presently meet the congregation's standard for what it is to be a Christian. The ministry of the congregation is to screen the pool of candidates (including infants) for baptism and of those already baptized to select those whom it considers worthy of membership. This is often called "church growth." Persons accepted but later identified as not meeting the congregation's standards are excluded from the roll of the baptized. This is often called "church discipline" and is not to be confused with "discipleship."

4.2.8 The governing documents of the ELCA are examples of the fourth alternative. There is no differentiation of the spiritual requirements of retention on the roll of the baptized members of the congregation and voting members apart from the requirement of communing and making a contribution of record.

4.2.9 The ELCA governing documents and practice thus foster that confusion of law and gospel in which the Christian is defined in terms which do not characterize all Christians at all times.

4.2.9.1 This confusion underlies the position that we have a full ministry only to those baptized whose behavior we condone.

4.2.9.2 Specifically, this position assumes that if we are to have a full ministry to practicing homosexuals, we must first designate their condition as God's good gift, approve their behavior, and designate them as "reconciled in Christ" in ways that are not true of others whom God wills to save and who can not be considered "reconciled to God in Christ" because of behavior which we do not condone.

4.2.9.3 This is not the ministry of reconciliation described in 2 Corinthians 5.

4.2.10 This special status of practicing homosexuals is further affirmed and protected by excluding this behavior from the factors which the church properly examines in screening candidates for ordination.

5 When the theological rationale of arguments for the ordination of any special group or revision of the standards for ordained ministry is removed, the remaining questions are matters to be made prudentially on the basis of rational consideration of the effectiveness of ordained ministry. These considerations are not different from those relevant to any candidate for ministry.

5.1 The text of the resolution states:

*“We in the ELCA are living a contradiction in need of resolution. We proclaim welcome to gays and lesbians and we place homosexual pastors in a terrible bind. We need to talk and listen. We need a safe time and place where all voices can be heard. We need to trust that the Holy Spirit will lead us into practice and theology which is consistent with the Gospel we proclaim.”*Because the ministry of the baptized is central to the life of the church

*Because the church is called to inclusiveness in its ministry  
Because we believe that we must be faithful to God’s calling  
Because we desire open, honest, and safe dialog on this issue  
...”*

This formulation does not seem to include all of its relevant assumptions.

5.2 The presence of unstated assumptions becomes clear when we attempt to substitute other categories of the baptized. For example, if we examine the level of mental function required for ordination and continuance on the roster from this perspective, we might have to say:

*We in the ELCA are living a contradiction in need of resolution. We proclaim welcome to high school dropouts and illiterate persons and we place pastors who since their ordination have suffered strokes which have so diminished their intellectual capacities that they could no longer meet the educational requirements of the standards in a terrible bind. We need to talk and listen. We need a safe time and place where all voices can be heard. We need to trust that the Holy Spirit will lead us into practice and theology which is consistent with the Gospel we proclaim.*Because the ministry of the baptized is central to the life of the church

*Because the church is called to inclusiveness in its ministry*  
*Because we believe that we must be faithful to God's calling*  
*Because we desire open, honest, and safe dialog on this issue*

5.2.1 Mutatis mutandis the same argument might be made on behalf of many other groups whom we welcome into membership but who do not meet the requirements for ordination.

5.2.3 It is of course possible that the framers of the resolution are accurate in their perception of our willingness to receive certain groups of those for whom Christ has died into membership. Perhaps there are many groups of the baptized whom we neither desire to ordain nor to welcome into membership nor do we consider them appropriate subjects of ministry. Different congregations would make different choices: the aged, the poor, the mentally ill, recovering addicts, addicts and their families, addicts without their families, the developmentally disabled, released prisoners, homeless people, convicted sex offenders, the hungry, the thirsty, the sick, those in prison, anyone who will consume more of our resources than they will ever be able to contribute.

Robert C. Schultz

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