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**Title: Beyond Theology: The Social Construction
of Compliance Within the Evangelical Lutheran
Church in America**

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Beyond Theology: The Social Construction of Compliance within the Evangelical
Lutheran Church in America

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Abstract

Insights from sociology of law have seldom informed sociology of religion, despite the ability of congregations to construct practical meaning and application with church doctrine. In August of 2009 the Evangelical Lutheran Church in America (ELCA) lifted its ban on “active homosexuals,” allowing for the ordination of homosexuals within committed same-sex relationships. How do individual congregations within the ELCA interpret and implement this new social statement? I have conducted semi-structured interviews with pastors from ELCA congregations concerning the social statement and homosexuality. Interviews demonstrate the ability of actors to construct compliance and to interpret ambiguous policies in a way beneficial to themselves and their congregation. Furthermore, results confirm that ambiguity in text itself is not necessary for the social construction of compliance but rather that actors actively create uncertainty in order to produce policies favorable to individual congregations. As demonstrated, the sociology of religion benefits from the application of legal theory in order to better understand the processes of interpretation and implementation of church doctrine.

The ordination of homosexuals remains one of the most debated issues within mainline Protestantism today (Rudy 1997:127). As social attitudes concerned with homosexuality become increasingly more progressive and tolerant, mainline denominations struggle to adhere to the authority of sacred scripture while also adapting to social change. Many mainline Protestant denominations have created ambiguous church doctrine regarding the ordination of homosexuals in an attempt to compromise between liberal and conservative factions within the church. However, this compromise results in contradictory statements concerning human sexuality, allowing for variation in implementation (Rudy 1999; Rogers 1999).

The Evangelical Lutheran Church in America (ELCA), the largest Lutheran denomination in the country, has been debating the issue of homosexuality since its formation in 1989. "The ELCA echoes with cacophonous voices of debates over sexuality, and especially over the level of welcome and acceptance offered to gay and lesbian members" (Scharen 2000:88). Individuals who identify as homosexual have been able to be ordained since the church's conception. However, such individuals were required to abstain from any homosexual activity, thus requiring a life-long vow of celibacy. This policy was reversed in August of 2009 as the church assembly voted to lift the ban on "active" homosexuals. This action, along with the adoption of the social statement "Human Sexuality: Gift and Trust" allows for the ordination of homosexuals within committed, monogamous same-sex relationships, and also recognizes the rights and commitments of congregants' same-sex relationships. While such a

statement is much bolder in its inclusiveness of homosexuals than previous ones, its language and contradictory statements still provide for a variety of interpretations. Thus, my research asks the following question: How do congregations interpret and implement the new social statement?

In this paper I approach the interpretation and application of "Human Sexuality: Gift and Trust" from a legal framework. The sociology of religion and the sociology of law have often acted as separate and, at times, competing frameworks. Such an approach neglects the structure of mainline Protestant denominations as organizations composed of competing congregations and individuals. While church law may be passed at the larger organizational level, the individual congregations within the church interpret and implement such policies. In addition, to approach the sociology of religion without the context of legal theory neglects the ability of actors within congregations to interpret and construct the practical meaning of church law in a manner favorable to themselves and their congregations. Similarly, law is not passed in isolation to the larger social context. Rather, law is influenced by a variety of factors such as political and social patterns. Approaching religion with a legal framework allows for an examination of how larger social factors contribute to the development and application of law.

Thus, I apply neoinstitutional socio-legal theory to the application of the social statement, allowing for a synthesis of legal theory and the sociology of religion. Such an approach demonstrates the ability of social actors to construct compliance with church guidelines in a manner favorable to individual and

congregational interests. Thus, while there has been a tendency within academics to approach religious law as concrete, we must recognize that religious actors have the potential to construct the practical meaning of church law in a way drastically different from its original intent.

Literature Review

Traditionally, Protestantism has opposed homosexuality (Balmer & Winner 2002). However, as society has become more inclusive and accepting of homosexuals, various denominations have attempted to balance scripture with cultural practices (Cage 2002). The issue of homosexuality, particularly relating to ordination, lies at the very foundation of a church: how to interpret and implement scripture (Olson & Cadge 2002; Cage 2002). Should such scripture be viewed as the absolute word of God, or rather as a guideline understood within its historical and cultural context?

The issue of homosexual ordination is often understood within a bipolar cultural war context, neglecting the “ambiguous middle” where most individuals lie (Wellman 1999). Rather, James Wellman argues for approaching such an issue from the perspective of subgroup identity theory, in which elites on both sides of the theological spectrum frame the debate with the creation of the “other.” Both conservatives and liberals use the issue of homosexuality as a rational mechanism to compete with other congregations. By creating outgroups, individuals’ cultural and religious identity is legitimized in comparison to what they are not. With the development of the increasingly pluralistic religious society, tension serves as a mechanism for identity and recruitment (Finke &

Stark 1992). Thus, the “construction of enemies, imaginary or real, is integral to group solidarity,” serving the interests of elites by creating the illusion of a cultural war (Wellman 1999:187).

Such a theory focuses on the tension between denominations, neglecting the increasing conflict and division *within* individual churches. What if the “other” is another congregation within one’s own denomination? The implementation of the social statement “Human Sexuality: Gift and Trust” can be understood as a mechanism for establishing individual congregations’ identities. For example, ELCA congregations have interpreted former social statements differently, picking and choosing which issues to adhere to and which to neglect (Scharen 2000). Congregations simply adopted policies that reflected the social and political demographics of the congregation. Similar to Goffman’s “schemata of interpretation,” individuals understood and interpreted former church doctrine through lenses created from their social contexts (Olson & Cage 2002).

As individual congregations have considerable influence in the interpretation and implementation of this ambiguous church doctrine, it is beneficial to approach the implementation of religious doctrine in a manner similar to law. Church doctrine acts as the legal code for acceptable behavior and practices within a church. Individuals or congregations found in violation of church doctrine are disciplined by either state synods or the office of the Presiding Bishop. Yet like law, church doctrine is not universally implemented. Rather, “Structurally similar laws may be implemented differently across jurisdictions, with resulting variation in the impact of law” (Larson 2004:737). Similar to law,

church doctrine in contemporary society “becomes a form of social mediation, a locus of social contest and construction,” often differing significantly from text and interpretation (Mertz 1994:1246). One should approach church doctrine with the understanding that actors have “at least some ability and power to shape and respond to legal innovations” (Mertz 1994:1246). In addition, rather than viewing “law [or church doctrine] as a given authority that organizations either obey or resist,” emphasis must be placed on the process by which individuals respond to such authority (Edelman 1992:1534).

Laws that contain vague or controversial language allow organizations a variety of ways to interpret and mediate such laws. Edelman (1992), in her study of employers’ compliance with the 1964 Civil Rights Act, found that the tendency “to set broad and ambiguous principles give[s] organizations wide latitude to construct the meaning of compliance” (1532). Thus, organizations such as churches often construct their own forms of compliance to ambiguous law. Such practices become institutionalized within the social framework, resulting in a variety of interpretations and processes of implementation (Larson 2004). Therefore, the practice of compliance, or non-compliance, becomes embedded within the institutional framework, fostering an identity based on the organization’s particular interpretation and application of compliance.

However, ambiguity in the legal sphere does not necessarily arise from the text itself, but often from its application (Kelly 2003). Even when the law is concrete, actors can portray a new interpretation of the text, drastically different from its original intent, in which their interests are better represented. Interested

actors are able to create ambiguity in the text while simultaneously constructing compliance. Thus, the transformation of law is not dependent on ambiguity in text itself but rather the social construction of uncertainty by actors (Kelly 2003). Using uncertainty, actors are “able to offer creative, self-interested interpretations of law, even when the law is explicit and seems to point unambiguously to particular interpretations” (Kelly 2003:615). Therefore, while ambiguity does aid self-interested interpretations and applications of law, actors are able to actively create uncertainty in order to advocate their particular interests and identities.

For organizations that disagree with policy, there exist two options with which to voice protest: exit and voice (Hirschman 1970). Applicable to religion, individuals can either stop buying the product or service of a church, or can voice their dissatisfaction in protest. Albert Hirschman (1970) coins these terms exit and voice, respectively. Because religion is a strong component of individual identity there exists intense loyalty to congregational and religious practices and thus a desire to voice protest rather than exit. Therefore, individuals “attempt to change the practices, policies, and outputs of the firm” (Hirschman 1970:30). Of course, there are some who will simply exit a church because of doctrinal changes, but individuals first attempt to alter the undesired policy or practice before enacting the option of exit. “The voice option is more likely to be taken at an early stage. Once you have exited, you have lost the opportunity to use voice” (Hirschman 1970:37).

The option of voice, the desire to change a policy, becomes a form of social mediation between organizations, with individuals and congregations

attempting to legitimize their own interpretations. Similar to the understanding of Kelly, ambiguity and uncertainty aid the application of voice, as individuals not only voice protest but do so in a manner in which their interests are favorably represented and legitimized through textual interpretation. Thus, voice is strongly connected to social compliance as individuals attempt to voice protest in a rational manner in which policies will eventually be molded to fit individual and congregational interests.

Methods

In order to best understand how individual congregations interpret and implement the new church doctrine, I examine three congregations within the ELCA with differing views concerning “Human Sexuality: Gift and Trust.” Previous research has often approached mainline Protestant denominations as unified bodies, neglecting the increasing theological diversity and tension within such bodies (Rudy 1999). The ability to engage with congregations and pastors from a variety of theological beliefs allows for a more accurate portrayal of the diversity of views within the ELCA and how such views affect interpretations and implementations of the social statement.

While Protestant denominations have historically acted as unified bodies, social issues, particularly those concerning sexuality, have resulted in denominations acting as polarized and competing factions (Rudy 1997). The emergence of liberation theology in which oppression is questioned and understood as a moral evil has required Protestant denominations to balance the moral conduct of individuals as well as society’s social evils. Those embracing

liberation theology approach biblical text through the eyes of the oppressed, stressing the need to embrace the most vulnerable members of society (Tabb 1986). Thus, two competing factions within Protestantism have developed: one approaching biblical text from a traditional Christian standpoint in which spiritual salvation is emphasized, while the other stresses the social evils of this world. In order to ensure group solidarity and unity, denominations have attempted to please both liberal members, those embracing liberation theology, and conservative members who tend to approach scripture in a more traditional manner. "As a result, current mainline positions on homosexuality are largely a result of compromise and often seem both confused and contradictory as to whether or not gay people are welcome in ministry" (Rudy 1997:127).

I selected congregations for inclusion based on their position on the social statement articulated prior to the assembly that approved the doctrinal change. Each congregation differs significantly with regard to political and social views, size and location. By sampling a small number of congregations I am best able to understand how congregations interpret and make sense of the doctrinal change. My research does not attempt to generalize to all ELCA congregations or make inferences about theological views within the ELCA. Rather I have selected a diversity of cases in order to examine how diversity affects implementation. I have separated the congregations into a congregation in support of the statement, one opposed and one unable to create a position on the issue. They are as follows:

Congregation A is located within an urban setting, with a membership diverse in terms of ethnicity, sexuality and economic status. Having previously

defied ELCA guidelines by ordaining a lesbian pastor in a committed same-sex relationship, the congregation faced sanctions and disciplinary punishment from the larger ELCA. In addition, the church has a program within its congregation which ministers specifically to lesbian, gay, bisexual, and transgender individuals. Being in favor of the social statement, Congregation A advocated on behalf of the passage of “Human Sexuality: Gift and Trust” prior to the ELCA’s General Assembly.

Congregation B is located in a small Minnesota town. Unable to effectively form views in either favor or opposition to the social statement, I have labeled it as moderate in its views regarding sexuality. Its pastor must navigate through a variety of views concerning human sexuality. Having to please both the interests of more liberal and conservative members, the congregation demonstrates a hesitation to take strong views in either favor or opposition to issues pertaining to sexuality. As many congregations within the ELCA are neither prominently liberal nor conservative, this congregation demonstrates the “ambiguous middle” where many mainline congregations find themselves with regard to homosexuality (Wellman 1999).

Located within the Minnesota suburbs, Congregation C subscribes to a much more conservative philosophy concerning sexuality. One of the largest Lutheran congregations within Minnesota, it possess considerable influence, both legislatively and financially, within the larger ELCA. Having opposed the adoption of “Human Sexuality: Gift and Trust” and currently debating leaving

the ELCA, its views regarding sexuality demonstrate a more conservative approach to religious and theological doctrine.

My research relies on hour-long interviews with pastors of the selected congregations. It is the pastors of congregations who strongly influence views on social issues (Olson & Cadge 2002). Thus, by interviewing clergy, I am able to best understand not only pastors' views concerning the social statement but also those of the larger congregation. Interviews are arranged in a semi-structured manner in order to allow for dialogue rather than simply question and answer. By structuring interviews in such a manner I am best able to understand pastors' interpretations and how such interpretations affect the process of implementation. Interview questions concern the congregation's views regarding homosexuality, the social statement, and application of the social statement.

Analysis

While church doctrine applies to all congregations, how they interpret and implement such policies differs with regard to congregational interests and identity. All congregations, regardless of views on sexuality, interpret church doctrine in a manner favorable to the particular congregation. Though particular emphasis is placed on current interpretations of "Human Sexuality: Gift and Trust," to ignore prior interpretations neglects the evolution of law and its application.

Prior Interpretations

While emphasis must be placed on the current interpretations of the social statement, attention is also devoted to each congregation's prior usage of church

doctrine. Until the 2009 General Assembly, the ELCA did not have a cohesive policy concerning homosexuality. Rather, like many mainline Protestant denominations, the ELCA's policies concerning homosexuality were unclear and contradictory. While emphasizing that individuals with homosexual orientations were children of God, the former policy, adopted in 1996, viewed sexual relations outside of legally recognized marriages as sinful ("Sexuality: Some Common Convictions" 1996). The most cohesive policy concerning homosexuality was that of "Vision and Expectations: Ordained Ministers" in which ordained ministers who were homosexual in their self-understanding were expected to abstain from homosexual relationships ("Vision and Expectations" 1993:8). Yet, as congregations approached church doctrine, their interpretations or re-interpretations of such policies differed.

Though previous doctrine required pastors who identified as homosexual to remain celibate, Congregation A actively defied ELCA doctrine, ordaining a lesbian pastor in a committed same-sex relationship. While such action was in conflict with the ELCA's policy, the congregation attempted to legitimize her ordination through an alternative process, similar to that in the ELCA.

A traditional approach to ordination within the ELCA involves a call committee, which examines the qualifications of each pastor prior to his or her ordination. The pastor's sexual orientation and relationship status excluded her from such a process. However, the congregation demonstrated the importance of such a process by consulting an alternative body in favor of homosexual ordination. The body, Extraordinary Lutheran Ministers (ELM), follows the exact

process for ordination found in the ELCA except for allowing for the ordination of non-celibate homosexuals. A non-sanctioned ELCA body, ELM operates outside of the ELCA, composed of congregations and individuals in favor of the ordination of non-celibate homosexuals. Congregations wishing to defy former ELCA guidelines were able to consult ELM as an alternative to the traditional call committee. Using the tradition of Martin Luther, the pastor explains the alterantive process as:

closely related to Martin Luther and his confronting the Catholic Church. Much like he used his 95 Theses to get the attention of the church, we use this method, though not recognized officially by the ELCA, as a method of saying GLBT people do deserve and should be ordained.

Rather than neglect the process of examination, the congregation consulted a body similar to that in the ELCA in order to demonstrate its understanding and respect for the process. But more importantly, the alternative process, cloaked in an understanding of the namesake of the ELCA, acts as a mechanism for legitimizing the pastor's ordination, while also confronting, in their opinion, the ELCA's unjust policy. Even when actively defying ELCA doctrine, the congregation attempted to construct compliance in a manner more favorable to the ELCA.

Furthermore, Congregation A's violation of church guidelines demonstrates the ability of social actors to implement policies and actions in direct defiance of legal code. "Visions and Expectations" was quite clear in that active homosexuals were excluded from participation in ordained ministry. Relying on an interpretation of scripture, in which inclusion of all is encouraged, the congregation legitimized its defiance of church law.

More importantly, however, was the response of the larger ELCA.

Previous congregations that had violated church guidelines had been dismissed from the ELCA. Yet, Congregation A received no punishment beyond a letter of censure which the pastor describes as “nothing more than paper.” She continues,

I think the ELCA knew this is the way things were going and to isolate individuals within the Church would do more harm than good. Yes, they could have kicked us out, or reduced our funding, but I think they knew that eventually gays and lesbians would need to be recognized within this Church.

The application of law is rarely universal, with aspects being applied differently according to situation, culture and interest. While the ELCA had punished former congregations with dismissal, Congregation A received limited punishment. A punishment of exclusion would have publicly damaged the ELCA, which as the pastor of Congregation A notes, believed that gays and lesbians would eventually be fully accepted within the church. In addition, by taking a more passive approach to discipline, the church was able to maintain cohesion within the ELCA, pleasing competing theological factions. Thus, as Congregation A demonstrates, it is not only the interests of congregations that must be understood when examining the application of law but also those of the larger body of enforcement.

In contrast, Congregation B has taken little action with regard to homosexuality. With individuals almost evenly on both sides of debate, the congregation must navigate between competing interpretations of scripture and acceptance of homosexuality. Congregation B is located within a “Reconciling in

Christ” Synod. As the 1990s saw increased attention directed at gay and lesbian rights, certain congregations throughout the United States came together in voicing support for the inclusion of LGBT individuals within the church. Out of this developed the “Reconciling in Christ” movement in which congregations and synods vocally advocate for the inclusion of sexual minorities within the ELCA. Synods that are “Reconciling in Christ” make a particular effort to reach out to LGBT people. Attention is placed on the advertising of the church as open to all regardless of gender, sexual orientation, race, or economic status. However, according to the pastor of Congregation B, “Our Synod is ‘Reconciling’ only on paper. No policies in this congregation have been adopted to move toward the direction of ‘Reconciling in Christ.’”

Though provided as a guideline, Congregation B has neglected to adopt aspects of the synod’s recommendation. To do so would upset a significant faction within the congregation. But with the synod’s move to become “Reconciling in Christ,” individuals with more progressive views concerning homosexuality are pleased, even if such satisfaction is derived from theory and not action. This approach by Congregation B acts as a balancing mechanism, hoping to ensure cohesion within the congregation by pleasing members of competing theological factions.

Like Congregation B, Congregation C has taken a passive role in the debate concerning homosexuality even though issuing a statement against the adoption of the new social statement. Unlike other congregations within the ELCA, the congregation, while opposed to the ordination of “active”

homosexuals, has attempted to distance itself from the issue. A young congregation with over 7,500 members within a politically conservative district, Congregation C has struggled with the issue of homosexuality. Rather than study the issue of sexuality like the majority of ELCA congregations, the congregation chose to opt out of study.

No, we didn't study the issue before the Assembly. Whenever I heard about study groups, it seemed to polarize the congregation and created problems. People don't really want to study, they just want their views validated. It really is a distraction.

Rather than create controversy, Congregation C attempted to distance itself from the issue of homosexuality. Theological disagreement and debate was seen as a distraction from the congregation's larger goals. The pastor describes, "We should focus more on issues related to poverty and homelessness than issues like sexuality which divide congregations and individuals." But more importantly, by not allowing for study, the congregation silenced individuals in support of the doctrinal change. Such a strategy allowed for cohesion, or at least the appearance of cohesion, within the congregation, intensifying its more theologically conservative beliefs.

Thus, congregations' approaches to the issue of homosexuality prior to the adoption of "Human Sexuality: Gift and Trust" were largely dependent on interest. Congregations were able to navigate church doctrine in a way beneficial to interests and congregational cohesion. Congregation A, composed of numerous LGBT members, defied former ELCA doctrine and ordained a lesbian pastor within a committed same-sex relationship. Contrary, Congregation B, with no

openly gay members, approached the issue of homosexuality with passivity choosing not to implement policies favoring the inclusion of homosexuals within the congregation. While Congregation B had studied the issue of homosexuality prior to the Assembly, Congregation C attempted to distance itself from the debate. Even while issuing a statement opposed to the social statement, Congregation C chose not to study sexuality in order to avoid congregational conflict. Thus, congregations' interpretations and implementation of prior church doctrine were based largely on congregational interest and identity.

Rational Interpretation

Each congregation interprets the social statement in a manner conducive to its interests and identity. As social actors, their interests differ significantly and, thus their construction of the practical meaning of the social statement also vary.

Congregation A approaches the issue of LGBT rights within the church as a matter of multiculturalism and social justice.

I see GLBT as being part of a multi-cultural pallet. The ELCA as a whole won't see it that way, but culture has to do with family, with values, and so many other things.

Multiculturalism is not a narrow topic. It includes a wide variety of things and, as I said, I think it is a pallet of a diversity of people.

Under the umbrella term of multiculturalism, Congregation A legitimizes its inclusive nature of LGBT people. Rather than specifically referencing gay rights, the pastor draws upon a socially accepted term in order to advocate for the role of LGBT people within the ELCA. While unable to effectively articulate a working definition of social justice describing it as "difficult to

define,” the pastor describes social justice “as integral to this church both presently and historically.” She notes,

The scripture is rooted with concepts of social justice that are continually overlooked, not so much in the ELCA, but certainly others. While we can debate the finer points of scripture, Christ’s emphasis on helping the poor and oppressed is something that is hard to overlook.

The ELCA has long used the term social justice and multiculturalism for much of its ministry to the poor and needy. In addition, the terms reflect the ELCA’s need to articulate a message of cultural diversity as the church attempts to minister to an increasingly globalized society. No longer ministering solely to Scandinavian ancestors, the church is adopting policies in which racial and cultural diversity is recognized and respected. By including LGBT people within the framework of social justice and multiculturalism, the pastor cloaks the congregation’s interpretation in the already accepted and approved language of the ELCA.

While such an approach may benefit the congregation by framing compliance in a manner more suitable with the ELCA, it also demonstrates the congregation’s embrace of liberation theology. Absent in the pastor’s speech is the personal code of conduct of more traditional or conservative congregations in which spiritual salvation is emphasized. Rather a focus on the social evils of this world, poverty, violence, and oppression are stressed. As the pastor describes, “We don’t read scripture, the scripture reads us.” By personalizing scripture, and thus shifting the focus, the pastor demonstrates a desire to understand scripture not as an absolute authority but rather a device that must be

understood within its historical context. Shying away from the authoritative nature of biblical text, the congregation embraces liberation theology in which oppression is recognized and understood as an element of sin. Such an emphasis on oppression speaks to many individuals within the congregation who have been marginalized by both the church and civil society.

While Congregation A does rely on accepted terms with ambiguous definitions to interpret and advocate its interests, the congregation actively creates uncertainty and ambiguity in order to construct compliance. Homosexuality and homosexual relations are only one aspect addressed in "Human Sexuality: Gift and Trust." The social statement takes an all-encompassing approach to sexuality including relationships between heterosexuals. When asked if the new doctrine would have any consequences relating to same-sex marriage, the pastor drew upon a passage not intended for same-sex relationships but rather heterosexuals in cohabitation. The passage states, "Because this church urges couples to seek the highest social and legal support for their relationship, it does not favor cohabitation arrangements outside of marriage" (Human Sexuality 2009:17). The pastor views these standards as applying to not only heterosexuals but also homosexual relationships. "It [the social statement] has us try to seek the most publicly accountable relationship available." The pastor crafts her argument for marriage equality within the rhetoric of the social statement. In addition, by referencing such a passage within the context of same-gendered relationships, she actively creates confusion and ambiguity. Thus, while ambiguity does exist within the

social statement, the pastor creates uncertainty by offering an alternative interpretation.

Contrary to Congregation A's inclusive interpretation of the social statement, Congregation B approaches the doctrinal text with more hesitation. As the pastor notes, [while] "individuals may be in favor of something at the national level they are uncomfortable with it when they directly deal with it." Though unable to form an opinion as a congregation in favor or opposition to the social statement, the pastor believes that many are in support. However, such support is directed at the national level not that of the congregation. Rather than basing support on terms of social justice or biblical text, Congregation B approaches the social statement with practicality. "I don't think the majority in this congregation would view the social statement as an act of social justice. I believe the majority simply believes it to be practical [for the ELCA]."

Aware that social change is occurring, many within the congregation view the ordination of homosexuals and the theological acceptance of homosexuality and same-gendered partnerships as inevitable. Individuals within this congregation understand the competitive implications of a religiously plural society. As society changes, so too must religious doctrine in order to remain competitive in the religious economy. This method serves as a practical element for the congregation. By appearing as though policies within the church have changed, the congregation is able to please those with more progressive views and yet, by actively maintaining the status quo, conservative Christians' interests are also represented. As a congregation with individuals on both sides of the

theological spectrum, Congregation B must construct an approach that pleases both factions, resulting in a fragmented approach to sexuality.

Congregation B, located within a rural community, has no openly gay members and, therefore, an interpretation of utmost inclusion is not within the congregation's interests. Rather, as the pastor noted, "Numerous families within the congregation have openly gay children." It is important for such families to feel as though their religion does not condemn their children but rather recognizes their children and their relationships as spiritually whole. Not having to directly deal with the issue of homosexuality, the congregation is able to comply with the national level policy while choosing not to adopt the guidelines at the congregational level. Representing the "ambiguous middle" in which congregations are neither completely supportive or opposed to the inclusion of LGBT people, the church crafts its interpretation of the social statement in a manner conducive to a variety of competing factions within the congregation.

Congregation C represents a much more conservative faction within the ELCA. As the pastor notes,

We tend to be conservative, like many Lutherans, in the sense that we don't make changes just for the sake of change. We seek scripture and study before making changes. We're simply what Lutherans are. We have these values and we hold to them. Classic Lutheranism.

Approaching scripture more cautiously, the congregation views the social statement as simply change for the sake of change. Continually referring to the Bible throughout the interview, the pastor notes the importance of biblical text and understanding within individuals' lives. "The Bible is the norm for our lives,"

he declares when asked about scriptural interpretation. While other congregations did have Bible Study groups, Congregation C continually emphasizes the importance of such study, having numerous groups within the congregation devoted to biblical study as means of furthering faith. The pastor questions the social statement on the grounds that it neglects aspects of biblical importance.

We think the Bible is really important and that everyone should be reading it within this congregation. How are we to increase levels of biblical literacy when the ELCA is telling us to neglect these passages?

While Congregation A approaches scripture emphasizing its historical context, Congregation C takes a more literal approach to biblical text, applying such text as the norm for individuals' lives. The pastor is quick to note, however, "Not all aspects of the Bible are equal, but they are all important. If some of it is invalid then all of it is invalid."

However, when asked what action should have been taken the pastor responds,

We should have let Bishops decide. Now we have this control thing. In the past, Bishops and congregations decided who pastors were going to be. It was sometimes under the radar. That should have continued. Somewhat of a "Don't Ask Don't Tell" but it worked for this church as a whole.

The pastor is not against the ordination of active homosexuals but rather against a public policy that addresses the issue. As he notes, individual pastors within committed same-sex relationships had been able to be ordained by more liberal Bishops but only under the radar of the larger public. While the pastor of Congregation C may be able to construct disagreement within biblical themes and

ideas, primary opposition is drawn from the public role the social statement has played.

The approval of the social statement by the ELCA generated significant media attention. It is this attention, rather than the policy itself that fosters the pastor's opposition. As he notes, "I think we should have continued as we had. It [the ordination of homosexuals] should have continued under the radar until there existed a consensus on the issue." The pastor of Congregation C is interested in maintaining the status quo. With many individuals within Congregation C opposed to the ordination of active homosexuals, maintenance of the status quo, even if that means some LGBT individuals are ordained under the radar, is necessary for cohesion within the congregation. Thus, a congregation deeply rooted and devoted to scriptural literalism is able to overlook such theological approaches when concerned with group solidarity.

Upset with the ELCA's approval of the social statement, Congregation C is actively considering options for voicing disagreement with the ELCA. Many individuals within the congregation have already refused to allow any of their offerings to be given to the ELCA. Rather such individuals want their funds to remain solely within Congregation C. As one of the largest Lutheran congregations within Minnesota, the congregation has been able to provide considerable funds to the ELCA, giving nearly \$110,000 to the ELCA general fund last year. Seeing limited options for changing church doctrine, the congregation is drawing upon its financial resources as a means of creating financial uncertainty for the ELCA. As the pastor describes,

We are encouraging individuals to continue giving to the church [congregation] but if they believe it necessary, [we] withhold funds from the ELCA's general fund. We gave a lot of money last year to the ELCA, and I think this financial element will make the church think about its actions.

Many within Congregation C have voiced strong support for leaving the ELCA and establishing themselves as an independent Lutheran Church. Though the pastor sees leaving the church as unlikely, he notes, "We don't really need the ELCA. They need us more than we need them. Small congregations need the ELCA more. We don't have that problem. We have the funds and staff necessary to continue without the ELCA."

Relying on the congregation's significant financial assets, Congregation C is able to voice strong opposition to the ELCA and the newly endorsed policies. Congregations with less financial opportunities are limited in their ability to disobey or protest church policies. However, advantaged by size and finances, Congregation C is able to vocally protest the ELCA's policies with little worry of penalty.

Individual congregations interpret the current social statement in a rational manner in order to best benefit congregational interests and identity. Each congregation, differing in approach to scripture, homosexuality, and religious cohesion, interprets the social statement in a different manner. Thus, the social statement is a mechanism for the promotion of congregational and individual interests.

Discussion and Conclusion

Law is not concrete, rather the interpretation and application of law is dependent on social actors. Thus, law can differ significantly from text and application (Mertz 1994). Individuals are able to interpret and construct compliance in a manner favorable to self-interest, therefore allowing law to differ from its original intent (Edelman 1992). In addition, actors are able to create ambiguity within legal doctrine by offering alternative interpretations, or re-interpretations, of even concrete law (Kelly 2003). By doing so, individuals attempt to legitimize their interpretations by creating uncertainty within the text. By using what Albert Hirschman (1970) famously termed voice, actors articulate protest or disagreement with policy in order to constructively change or adapt such policies in a manner more favorable to individual interest.

As demonstrated, congregations are able to interpret and socially construct compliance with church law in a manner conducive to individual and congregational interests. As congregations' interests vary, so too do interpretations and applications of the social statement. The social statement, full of ambiguity and uncertainty, is used by actors in a way beneficial to the social lenses of congregations. Furthermore, certain congregations, in order to advocate and pursue actions in accordance with congregational interests, create uncertainty and ambiguity within the text. Thus, while ambiguity in text aids actors in constructing social compliance, actors are often the creators of the uncertainty as a means of promoting and eventually institutionalizing congregational interests. Therefore, rather than being concrete doctrine, the social statement is a mechanism for the promotion of interests.

While there has been a tendency within academic research to approach the sociology of religion and the sociology of law as separate theoretical frameworks, my research demonstrates the practicality and benefits of synthesizing the two disciplines. Law is an interdisciplinary field, applicable to areas of secular and non-secular concern. My research displays the need to examine the sociology of religion and law as not competing but rather complementary theories.

My research must be understood within the context of Minnesota, as all congregations were located within the state. Future research would benefit from a larger sample size using a survey in order to determine ways in which compliance happens and which congregations and individuals comply with church doctrine. In addition, because my research was limited to pastors there is a possibility of neglecting the voices of congregants and lay people, therefore, inaccurately representing congregational interests. Future research should address the issue of congregants in order to better understand the process of interpretation between clergy and lay people within congregations. As the social statement was recently passed, application of the doctrine is not complete. Rather congregations are in the process of determining application. Therefore, future attention should be directed at the actual implementation of the social statement and how such implementations are institutionalized into the larger ELCA.

Whatever the approach to future research, it is clear that mainline Protestant denominations do not act as unified bodies. Rather congregations, while still subscribing to common principles and doctrinal truths, interpret such material in a way beneficial to congregational interests. Such interpretations

augment the diversity of theological and social views within mainline Protestantism today. Thus, regardless of denomination, future studies must recognize the disconnect between doctrine and its application, understanding that religious actors do have the power to construct varying degrees of compliance with religious doctrine.

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