

## ***Heidi Jokinen – Eetu Kejonen***

# **Living with Pluralist Voices: What the Church Can Learn from Restorative Justice**

### **Abstract**

Prevailing pluralism challenges traditional institutions. They find their old approaches unsuited to responding to changed conditions. Many individuals are inclined to make up their own minds rather than being subjected to external authorities. Organized churches, for example, are faced with complicated queries in many morally relevant questions. This article brings forward the debate on same-sex marriage in the Evangelical Lutheran Church in Finland. It has led to a cumbersome process, with many individuals not abiding by the commonly held rules but proceeding to actions of their choice. This challenges the church in an unprecedented way. The article aims to point to both practically valid and theologically viable ways of countering such dilemmas. It is argued that as the church has been wrestling with contemporary ethical questions, recent developments in the legal system open up pathways to incorporate individual voices in the process. While restorative justice is brought forward as a successful practice showing that it is doable, queer theology is presented as a theoretical framework underlining that the potential exists even in theological thinking. Here, also different liberation theologies can be mentioned.

### **Resumen**

El pluralismo imperante desafía a las instituciones tradicionales, que hallan que sus antiguas formas de hacer ya no son válidas para responder a las condiciones cambiantes del presente. Muchas personas prefieren decidir por sí mismas en lugar de sujetarse a autoridades externas. Las iglesias se enfrentan a muchas preguntas de complicada respuesta en cuestiones morales de relevancia. Este artículo se centra en el debate sobre el matrimonio entre personas del mismo sexo en la Iglesia Luterana Evangélica de Finlandia. Este debate ha resultado ser un proceso difícil, en el que muchas personas no siguen las normas comunes que la iglesia adopta, sino que priorizan sus propias decisiones. Ello significa un desafío sin precedentes para la iglesia. El artículo quiere identificar formas tanto prácticamente válidas como teológicamente viables de contrarrestar estos dilemas. Se arguye que, mientras que la iglesia tiene dificultad para lidiar con cuestiones éticas contemporáneas, algunos desarrollos recientes en el sistema legal pueden ofrecer vías para incorporar voces individuales al proceso. Se presenta la

justicia restaurativa como una práctica exitosa, a la vez que se recurre a la teología *queer* como marco teórico a fin de enfatizar que existe un potencial semejante en el pensamiento teológico. En este contexto, también pueden citarse distintas teologías de la liberación.

### **Zusammenfassung**

Der vorherrschende Pluralismus fordert die traditionellen Institutionen heraus. Sie finden ihre alten Ansätze ungeeignet, um auf die veränderten Bedingungen zu reagieren. Viele Menschen neigen dazu, sich ihre eigene Meinung zu bilden, anstatt sich externen Autoritäten zu unterwerfen. Die organisierten Kirchen zum Beispiel sehen sich in vielen moralisch relevanten Fragen mit komplizierten Fragen konfrontiert. In diesem Artikel wird die Debatte über die gleichgeschlechtliche Ehe in der evangelisch-lutherischen Kirche in Finnland vorgestellt. Sie hat zu einem mühsamen Prozess geführt, bei dem sich viele Einzelne nicht an die allgemein gültigen Regeln halten, sondern nach eigenem Entschluss handeln. Dies stellt die Kirche vor eine noch nie dagewesene Herausforderung. Der Artikel will sowohl praktisch gültige als auch theologisch tragfähige Wege aufzeigen, um solchen Dilemmata zu begegnen. Es wird argumentiert, dass, während die Kirche mit zeitgenössischen ethischen Fragen gerungen hat, neuere Entwicklungen im Rechtssystem Wege eröffnen, um individuelle Stimmen in den Prozess einzubeziehen. Während die wiederherstellende Gerechtigkeit als erfolgreiche Praxis vorgestellt wird, die zeigt, dass sie machbar ist, wird die queere Theologie als theoretischer Rahmen vorgestellt, der unterstreicht, dass das Potenzial sogar im theologischen Denken vorhanden ist. Hier können auch verschiedene Befreiungstheologien erwähnt werden.

**Keywords:** pluralism, restorative justice, same-sex marriage, ethics, queer theology, liberation theology.

### **Introduction**

The world today caters for plenty of opportunities for people to articulate their life-choices, moral values and interests.<sup>1</sup> This pluralism can get many different appearances.<sup>2</sup> What is common for all these is that many people not only see

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<sup>1</sup> Rowan Williams, *Faith in the Public Square* (Bloomsbury: London 2015), 75; Ronald Inglehart and Pippa Norris, "Trump, Brexit, and the Rise of Populism: Economic Have-Nots and Cultural Backlash," in: *Harvard Kennedy School Faculty Research Working Paper* (2016), series RWP16-026, here 29-30. ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2818659](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2818659), 5 June 2022); Sindre Bangstad, *Sekularismens ansikten* (Studentlitteratur: Lund 2012), 24-25.

<sup>2</sup> Gregory Baum, *The Oil has Not Run Dry: The Story of My Theological Pathway* (McGill-Queen's University Press: Montreal 2017), 67; Hanna Salomäki et al. (eds.), *Uskonto arjessa ja juhlassa: Suomen evankelis-luterilainen kirkko vuosina 2016-2019* (Kirkon tutkimuskeskuksen

the opportunities, but they are also keen on actively profiting of them. Being in dissent, rather than in accordance with a community is a prevalent inclination in our time.<sup>3</sup> This desire to decide for oneself rather than being subjected to external authorities challenges entire Western societies the cohesion of which is put into question.

Many traditional institutions find their old approaches less adapted to current circumstances where any single entity can hardly claim to be the sole source of legitimate common life. Organised churches are one example of such old institutions: recent studies from throughout Europe show that there is a broad unwillingness to adhere to traditional religious ways of life.<sup>4</sup> People wishing to define the content of their faith themselves challenges the doctrinal authority of the church. This is particularly urgent in connection to complex moral questions such as same-sex marriage or female ministry. The church's official stand becomes just one amongst many as competing interpretations are voiced by the members.

The theme of the ESWTR Journal 2023 notes a Europe that is experiencing a re-emergence of polarising discourses. The church is not unaffected by discourses where strongly diverging views pertaining to values, human rights as well as doctrinal truths are intertwined. The situation needs a whole new theological approach.

The question of same-sex marriage has preoccupied the Evangelical Lutheran Church in Finland (hereinafter: Church) for years. On governance level, the process to find a suitable approach has been cumbersome and lengthy. To date it has not led to a solution that would satisfy all members. However, what makes the situation particularly challenging is that ever more individuals are choosing to act based on their personal convictions, rather than waiting for what the Church as a collective has to say. The Church is now challenged with what comes to content of the dogma. It is also challenged with what comes to the process, who should be the authority formulating the dogma. The situation calls for theological scrutiny and a renewed approach.

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julkaisu. Kirkon tutkimuskeskus: Tampere 2022); Michelle A. Gonzalez, *A Critical Introduction to Religion in the Americas; Bridging the Liberation Theology and Religious Studies Divide* (NYU Press: New York, London 2014), 128.

<sup>3</sup> See Nadia Urbinati, *The Tyranny of the Moderns*, translated by Martin Thom (Yale University Press: New Haven, London 2015), 5.

<sup>4</sup> See for example Salomäki et al., *Uskonto arjessa ja juhlassa*, 259; Williams, *Faith in the Public Square*, 85-86.

This paper adheres to the position put forward by Sarah Coakley, who emphasizes the indispensability of fieldwork observation for systematic tasks. She argues that without a critical and at the same time sensitive use of tools of social science, theology will just distance itself from the complexities of actual lived religion.<sup>5</sup> An important point of departure for this article are the observations made regarding the lived realities of both the Church and its individual members within the context of the question of same-sex marriage.

We claim that the complexities coming to the fore today must become the object of theological discussion. The traditional approach adopted by the Church has been challenged in an unprecedented way. Even this observation is in line with Coakley's point, as she claims that an attentive analysis of lived religion usually reveals that the purity of the doctrine is not always what it seems when purveyed in the field.<sup>6</sup> In line with Coakley we ask what this possible renewed approach could look like. The article does not finish at the mere observation but posits that there are fruitful ways forward.

The article brings to the fore some recent developments in the retributive legal system. The two institutions, retributive legal system and the organised Church, merit a comparison based on a number of similarities. Both are grounded on a dogmatic foundation and the interpretative principles that go with it. Both deal with complex moral questions and claim universal validity for their decisions. In addition, both now find this fundament challenged. Interestingly, however, the two have adopted quite different approaches. We argue that looked at side by side, these two institutions offer interesting perspectives into potential strategies in tackling current challenges.

The material to underpin the argument consists of three types of sources. Firstly, there is a selection of handlings of the General Synod, pointing to central elements in the Church's official approach. Secondly, a selection of personal accounts of individual members extracted from existing sources is put forward. These exemplify the deep controversy between the individual lived realities and the Church's official positions. By giving space for these pluralist voices, a central argument of this paper is put forward: solutions to the current challenges may be found by expanding the community whose voices are heard. This position is grounded on the third type of materials. To lay out some interesting changes in the retributive legal system the paper relies on secondary literature

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<sup>5</sup> Sarah Coakley, *God, Sexuality, and the Self: An Essay 'On the Trinity'* (Cambridge University Press: Cambridge 2013), 67.

<sup>6</sup> Coakley, *God, Sexuality, and the Self*, 68.

depicting the changes. The paper closes with an analysis of how the model suggested could work in a church setting, offering thus some musings for how a theological recognition of the lived realities on the ground may take form.

### **Church as a governance body**

The word church can mean many things. It can refer to material entities like buildings or Eucharist wine; to arts like church music; to a community or to a certain person like a deacon; it can also be associated with events connected to the life cycle of individuals, like baptisms.<sup>7</sup> These portray participatory and affectionate models of the shaping of the concept. However, while correct they leave an elementary aspect of the concept unattended.

Besides a community, and a body of Christ, the church is in many cases also an administrative body, with a defined governance and decision-making structure with numerous administrative duties. For example, in Finland the Church is connected to the public arena by way of legislation, with local parishes exercising several societal duties. Economic ties with the public sector are close with the membership fees collected as part of the municipal taxation.<sup>8</sup>

To manage the administrative duties, many churches have developed into robust governance organisations. This comes to the fore both in big churches and in small. The body of Christ is intertwined with complex legal considerations regarding administrative decision-making as well as contents of the doctrine. Two entirely different sets of questions are raised: the ones relating to the content of the doctrine and the ones relating to the right process order to define that content. What is challenging for the church is that it is increasingly being challenged on both counts. This comes to the fore, among others, in the case of same-sex marriage.

The law enabling same-sex marriages was passed in the Finnish Parliament in 2014.<sup>9</sup> This gave a new urgency to the debate also in the Church, the key

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<sup>7</sup> Troy M. Troftgruben, *Rooted and Renewing: Imagining the Church's Future in Light of its New Testament Origins* (Augsburg Fortress Publishers, project MUSE 2019) ([muse.jhu.edu/book/68215](http://muse.jhu.edu/book/68215), 9 February 2022), here 1-3.

<sup>8</sup> Anne Birgitta Pessi and Henrietta Grönlund, "The Place of the Church: Public Sector Or Civil Society? Welfare Provision of the Evangelical Lutheran Church of Finland," in: *Journal of Church and State* 54 (3/2012), 353-374, here 353-355.

<sup>9</sup> Järviö, Nina, *Polkuja Suomalaiseen Tasa-arvoon?: Kansalaistoiminta, Tahdon2013 ja Translaki* (Helsinki: Helsingin yliopisto 2018), 1. See also Bishops' Conference, *Piispainkokouksen vastaus kirkolliskokouksen pyyntöön*, [Engl. Reply from the Bishops' Conference on the request from the General Synod 2020].

question relating to the theological consequences of the changed societal approach to same-sex marriage. In the Church, the General Synod, its highest decision-making body, makes fundamental decisions relating to doctrine and ministry. It comprises a total of 109 members, including all ten bishops. It works and votes according to democratic principles. Resolutions concerning the faith and basic doctrine need a three-quarters majority to pass. Questions around marriage fall under this category.

After the amendment of the Marriage Act in the Parliament the General Synod, having the lawful decision-making authority in the matter, asked in November 2015 the Bishops' Conference to prepare a report on the core elements of the marriage theology of the Church and to describe the duties of individual pastors based on that definition. The bishops issued an 11-page document in August 2016. The document starts with emphasising the essential value of each individual as the image of God; and the clear commandment to love one's neighbour. It is made clear that the Church wishes to be open to all and to support its individual members in whatever questions regarding sexuality they may have. The report then goes on listing a series of documents and sources that inform the Church of the relevant marriage theology: the Bible, the Christian tradition, the Church Act and order and other regulations of the Church, as well as selected writings of Martin Luther. Based on these the report concludes that marriage remains a union between a man and a woman and that it is the duty of a pastor to abide by these rules.<sup>10</sup>

The approach adopted in the report follows a reasoning introduced by Tuomo Mannermaa, a professor in ecumenical theology in the university of Helsinki particularly known for his research on Luther. According to Mannermaa, the divide between "the constant elements and the changing elements of the doctrine" can be defined by referring to the difference between questions regarding faith and order and questions regarding love. The latter is the sphere where care and love for the other comes to the fore. The former, however, can be seen as more dogmatically foundational.<sup>11</sup> In line with this approach, the practices formed through centuries and through the reading of the central documents are considered more decisive than any perceived contemporary changes in

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<sup>10</sup> Bishops' Conference, *Piispainkokouksen selonteko avioliittolain muutoksen johdosta*, [Engl. Statement of the Bishops' Conference based on the change in the Marriage Act 2016].

<sup>11</sup> Tuomo Mannermaa, *Paralleleja. Lutherin teologia ja sen soveltaminen* (Suomalaisen teologisen kirjallisuusseuran julkaisuja 182. Suomalainen teologinen kirjallisuusseura: Helsinki 1993), 224.

attitudes or values. This approach, however, proves to become more and more problematic.

In addition to the bishops' advice, individual members of the General Synod have continued to push for their preferred outcomes.<sup>12</sup> In 2017 a total of 22 members of the Synod submitted a motion whereby the Church should start preparing for same-sex marriages. After a vote in 2018 the General Synod disregarded the proposal and re-emphasized that sufficient reasons to change the approach to marriage as a union between a man and a woman had not been put forward. The Synod, however, asked the Bishops' Conference to clarify opportunities to solve the impasse in the matter.<sup>13</sup>

The bishops presented the General Synod in 2020 with a paper once again describing the Church's official take. Much of it follows the spirit of the report in 2016. The newer report lists the thorough work done in the past two decades around the theme and underlines the need to preserve the unity of the Church. The paper maintains the general and dismissive attitude towards same-sex marriage, but gives a glimpse of a possible future development, where different convictions may need to exist side by side.<sup>14</sup> The process, however, continued.

In 2021, 44 representatives at the General Synod submitted a motion asking the Bishops' Conference to prepare a proposal enabling same-sex marriage in the Church. In early 2022 the General Synod decided to ask the Bishops' Conference to continue its work on the matter.<sup>15</sup> The General Synod seems profoundly divided in the matter, although the power-relations still weigh more on the more traditional side, leaving the Synod and the Church as a whole dismissive to the attempts at changing the situation.

The Church insists on the sole privilege of the predefined decision-making hierarchy to exercise its powers, as well as on the universally imposed rightful interpretation of relevant documents. In an anthology providing an outlook on the changed models of intimate relationships in the contemporary Nordic societies professors Johanna Gustafsson Lundberg and Tage Kurtén identify tensions between the pluralism of different individual choices and the church's

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<sup>12</sup> For a summary of some of the highlights of the debate, see for example Laura Kallatsa, *Homoseksuaalisuus ja papit: Suomen evankelis-luterilaisen kirkon pappien käsitykset samaa sukupuolta olevien avioliitosta ja asenteet homoseksuaalisuutta kohtaan* (University of Eastern Finland: Joensuu 2020), 17-29; Kaisa Raittila, *Yhteyden rakentajat. Kohti kaikille avointa kirkkoa* (Kirjapaja: Helsinki 2020), 271-272.

<sup>13</sup> General Synod, *Minutes from the plenary session 18.5.2018 at 09.34* (in Finnish).

<sup>14</sup> Bishops' Conference, *Piispainkokouksen vastaus*.

<sup>15</sup> General Synod, *Minutes from the plenary session 4.5.2022 at 18.15* (in Finnish).

moral reasoning concerning sexuality. They note how a ‘top-down’ mentality has been typical for the later one, which means that ethics dictated from above should not be questioned.<sup>16</sup> This kind of tension is something that, we argue, is now increasingly starting to come to the fore.

The debate regarding same-sex marriage shows the level of complexity. The debate continues as the outcomes thus far have not produced an official position acceptable by all. Attempts to form universally valid approaches become foreign to the pluralism where different, even opposing voices live side by side. Antagonism between the two sides is clear, and this tension is also present within the Church, something which we present in the next section.

### **Church officials openly disagreeing with the official stance**

The actual complexity in the situation is not that there is a divide between the Church’s official standpoint and individual personal convictions, but rather that many individuals refuse to accept the official standpoint, if it differs from their personal convictions. It is here that a current gap comes to the fore. Attempts at underlining an administrative privilege to form policies, even in a sound and democratic order, are no longer considered acceptable, especially if those policies and standpoints differ from one’s personal and deeply held convictions.

One of the most visible examples of the open discrepancy are the attitudes as well as actions of individual pastors in the Church. Research shows that while some 40% of pastors are against same-sex marriage in Church, about half are in favor.<sup>17</sup> Many of these have also chosen to have their names and contact details openly available on a website listing pastors willing to wed same-sex couples.<sup>18</sup> In addition, dozens of pastors have not only expressed their conviction out loud, they have also wedded same-sex couples in the Church.<sup>19</sup> These individual pastors are not only speaking up about their personal

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<sup>16</sup> Johanna Gustafsson Lundberg and Tage Kurtén. “Tillit och risktagande i senmoderna relationer: Om ungdomar, sexualitet och kärlek,” in: Johanna Gustafsson Lundberg and Mikael Lindfel (eds.), *Kärlekens förändrade landskap: teologi om samlevnad* (Verbum: Stockholm 2009), 165-193, here 178.

<sup>17</sup> Laura Kallatsa, “‘Meneekö kirkko rikki?’ Pappien näkemykset samaa sukupuolta olevien kirkollisen avioliittoon vihkimisen seurauksista,” in *Uskonnontutkija – Religionsforskaren* (4/2021), 1-20, here 2.

<sup>18</sup> See Sateenkaaripapit, “*Pastors for same sex couples in Finland*,” (<https://sateenkaaripapit.wordpress.com/>, 17 December 2018)

<sup>19</sup> Kallatsa, “‘Meneekö kirkko rikki?’” 1.



convictions that differ from the Church's official teachings. They have openly acted against the Church.

The Church has started intricate legal and administrative processes to counteract the noncompliance. The diocese of Oulu in Northern Finland makes a poignant example. In October 2017, a pastor was disciplined with a warning for having decided to wed a same-sex couple. The warning in its rationale stressed the pastor's obligation to adhere to the Church's order and to the existing decision-making hierarchy.<sup>20</sup> After complaints to different legal bodies, the High Administrative Court ruled in September 2020 in favor of the diocese emphasising that the diocese has the judicial authority to rule over its pastors.<sup>21</sup>

It is to note that for the High Administrative Court the question was not about what the theologically rightful interpretation in the case is, but who has the administrative authority to impose its interpretation. This is a particularly important point underlining the twofold perspectives to the question. There are both doctrinal and processual elements in it. However, what points to the changed times and to the spirit of those times, neither the theological arguments put forward in and by the General Synod, nor the judicial decision from the High Administrative Court succeeded to put a stop to the debate in the Church. Many individuals were keen to keep to their own convictions rather than to the Church's official standpoint.

In fact, the movement driving to opposing directions had only accelerated. More and more, even more powerful individual voices came forward. Since the new Marriage Act had entered into force, several vicars had opened their parish churches for same-sex weddings throughout the country.<sup>22</sup> In August

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<sup>20</sup> Oulun hiippakunta, "Oulun hiippakunnan tuomiokapituli antoi pastori Árpád Kovácsille varoituksen," in: ([www.oulunseurakunnat.fi](http://www.oulunseurakunnat.fi) 2017). (<https://www.oulunseurakunnat.fi/uutiset/-/news/29463212>, 19 May 2023). In addition to Oulu diocese, a similar warning was issued also in the diocese of Kuopio. See Meri Toivanen, "Kuopion tuomiokapituli poisti sateenkaariparin vihkimisestä annetun varoituksen mutta piti varoituksen perustelut voimassa" in ([www.kotimaa.fi](http://www.kotimaa.fi) 4 October 2021). (<https://www.kotimaa.fi/artikkeli/kuopion-tuomiokapituli-poisti-sateenkaariparin-vihkimisesta-annetun-varoituksen-mutta-piti-varoituksen-perustelut-voimassa/> 7 November 2022)

<sup>21</sup> Korkein hallinto oikeus (Supreme Administrative Court), *Kirkollisasia – avioliittolain muutos – samaa sukupuolta olevien henkilöiden vihkiminen avioliittoon – pappisviran velvollisuuksien ja pappislupauksen vastaisuus – varoituksen antaminen*, September 18 (2020: 97). (<https://www.kho.fi/fi/index/paatokset/vuosikirjapaatokset/1600323418463.html> 23 December 2021)

<sup>22</sup> Kirkko Helsingissä, "Helsingissä mies- ja naispareja vihittään muutamassa kirkossa," 31 January 2017 in: (<https://www.helsinginseurakunnat.fi/uutiset/ILSJpKKBZ> 14 November 2022);

2020 the bishop of Helsinki announced that pastors in the diocese are permitted to wed same-sex couples.<sup>23</sup> All this while the official approach of the Church still remained intact and marriage officially still being a union between a man and a woman. As many pastors in the Church are disagreeing with the official standpoints, so are many individual members.

### **Individuals raising their voices to challenge the Church**

Research shows that particularly younger Finnish generations are nowadays largely willing to welcome Church weddings of same-sex couples.<sup>24</sup> This goes both to those who belong to the LGBTQI community themselves and to those who advocate for such rights. There is a twofold urgency to listen to these voices.

Firstly, the individual voices witness of the changed environment where individuals no longer hesitate to put forward their opinions that differ from the Church's official standpoints. They ask even the difficult questions and keep challenging the Church. Secondly, they witness to a more general need to explicitly listen to those affected, and who now raise their voices. This last need is further explained by Sarah Coakley who claims that it is all too easy from a privileged position to be morally righteous about justice for the oppressed, while disregarding their voices amidst of one's own high-sounding plans for reform.<sup>25</sup>

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Turun ja Kaarinan Seurakuntayhtymä, "Martinseurakunta avaa tilansa samaa sukupuolta olevien vihkimisille," 23 March 2022, in: ([https://www.turunseurakunnat.fi/uutiset/-/news/100397805/](https://www.turunseurakunnat.fi/ uutiset/-/news/100397805/) 14 November 2022); Yle.fi, "Monissa seurakunnissa keskustellaan taas siitä, kenelle kirkkoviikiminen kuuluu – homoparien vihkimistä vastustanut aloite kumottiin Oulussa," 18 February 2022 in: (<https://yle.fi/uutiset/3-12324808/> 14 November 2022).

<sup>23</sup> Teemu Laajasalo, "Samaa sukupuolta olevat parit voidaan vihkiä – Helsingin hiippakunnassa on jo toimittu ja voidaan myös jatkossa toimia nyt hahmotellun sovintomallin mukaisesti," in: ([www.helsinginhiippakunta.fi](http://www.helsinginhiippakunta.fi) 6 August 2020). (<http://helsinginhiippakunta.fi/piispa-teemu-laajasalo-samaa-sukupuolta-olevat-parit-voidaan-vihkia-helsingin-hiippakunnassa-on-jo-toimittu-ja-voidaan-myos-jatkossa-toimia-nyt-hahmotellun-sovintomallin-mukaisesti/> 17 January 2022)

<sup>24</sup> "Vihkioikeus: Näkemykset kirkollisesta avioliittoon vihkimisestä". Helsinki: Taloustutkimus Oy [collection of data]; Tampere: Kirkon tutkimus ja koulutus [producer]. Tampere: Kirkon tutkimus ja koulutus in (<https://public.tableau.com/> 4 September 2018). (<https://public.tableau.com/app/profile/kirkon.tutkimuskeskus/viz/Vihkioikeus/Story1> 12 March 2023)

<sup>25</sup> Coakley, *God, Sexuality, and the Self*, 47-48.

To underline the urgency of listening to the individual voices a collection of such accounts is now brought forward.<sup>26</sup> They all address a confusion regarding the Church's approach to same-sex marriage: the Church, on one hand, claiming to encounter homosexuals with a welcoming attitude, and on the other hand, denying same-sex marriage. It is difficult to understand what comes first, the denial or the acceptance.

One such story is from a Lutheran pastor whose same-sex relationship led to conflicts with the local bishop. She was perplexed after visiting Sweden, where the approach to same-sex marriage differs substantially from that of Finland:

[...] When we go to Sweden, it feels as if our relationship and our life are not questioned. There we are what we are, simple and open.<sup>27</sup>

The remark raises the question of the nature of the Christ's global body. Comparing different Christian churches makes the Church's approach sound arbitrary. A concern for the missing logic comes to the fore also in another story:

As far as I understand, in February 2018 I could still have married my partner in the Church. In March 2018 that was no longer the case. The only thing that had changed was my new social security number. Why did this happen?<sup>28</sup>

The quote referring to a Finnish practice of certain types of social security numbers being given to men and other types to women, thus making possible to tell the gender from the number,<sup>29</sup> speaks of an open questioning. If the rationale behind a decision coming from above is not clear and with a sound internal logic, one is not willing to just accept it. A legitimate decision is one that is felt as such by the individuals.

What is, moreover, important here is that the questioning is not about the faith itself, or about the love of God as such. The main critique is directed at the Church as an institution.

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<sup>26</sup> Translations by Heidi Jokinen.

<sup>27</sup> Kati Leskinen, "Ruotsin kirkossa parisuhdettamme ei kyseenalaisteta," in: (www.yle.fi 5 June 2012). (<https://yle.fi/a/3-6165122/> 4 August 2022)

<sup>28</sup> Selja Purovaara, "Ei ole tässä miestä eikä naista – muunsukupuolisia marginaalihuomioita kirkon kaanoniin," in: Anni Tsokkinen (ed.), *Taantuvan tasa-arvon kirkko* (Kustantamo S&S: Helsinki 2019), 85-95, here 91.

<sup>29</sup> See Kevät Nousiainen and Anu Pylkkänen, *Sukupuoli ja oikeuden yhdenvertaisuus* (Helsingin yliopisto, Forum Iuris: Helsinki 2001), 7.

As already mentioned in connection to Coakley, this highlights the importance and role of lived religion in the lives of individuals. University Lecturer Helena Kupari from University of Eastern Finland and Professor Elina Vuola from the University of Helsinki notice how lived religion, meaning the different forms of individual religiosity, can shape individual attitudes towards religious institutions and their ways of formulating official standpoints.<sup>30</sup> This impact is particularly apparent in a story where a man recalls the time when he decided to distance himself from the Church:

I once asked a young pastor if he would wed me if I fell in love with a man. He said no and told me such thing would be against God. That's when I decided I would no longer go to Church. It is not a safe place, and I'm not welcome there.<sup>31</sup>

The idea that the main problem lies with the Church as an institution becomes evident in a quote where someone pinpoints the Church in a chronological continuum with different phases throughout the history:

One hundred years have passed, and once again the Evangelical Lutheran Church has refugees [...T]he doors to the church are once again closed, and one keeps on wondering whether one can be blessed, marry, not to mention entering the church with this particularly serious sin of homosexuality.<sup>32</sup>

These individual voices show that there is a broad unwillingness to accept just any theological interpretation in the matter. Rather, many individuals are increasingly determined to question the reasoning and rationale of the current practices. This questioning speaks of the current challenge to the old ways of doing theology in the Church. There is a need to rethink the approach. The notion of lived religion highlights what is going on.

Vuola and Kupari explain further that the discrepancy between lived experiences and official religious dogma can lead to a clearly uttered critique of institutional standpoints at the individual level. For them the question of same-sex marriage in the Finnish Church is such a potential source of

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<sup>30</sup> Helena Kupari and Elina Vuola: Johdanto. "Mitä on eletyn uskonnon tutkimus?," in: Elina Vuola (ed.), *Eletty uskonto. Arjen uskonnollisuudesta ja sen tutkimuksesta* (Tietolipas 265. Suomalaisen Kirjallisuuden Seura: Helsinki 2020), 7-39, here 7, 11, 21-22.

<sup>31</sup> Marjo Valtavaara, "Pappi, joka pelkää kirkkoa," in: *Helsingin Sanomat* (15 December 2019). (<https://www.hs.fi/kotimaa/art-2000006343700.html>, 29 January 2021)

<sup>32</sup> Aino-Maija Elonheimo and Outi Elonheimo, "Pakolaisena omassa kirkossa," in: Anni Tsokkinen (ed.), *Taantuvan tasa-arvon kirkko* (Kustantamo S&S: Helsinki 2019), 61-71, here 62.

conflict.<sup>33</sup> Precisely this can now be seen based on the examples put forward in this article. The urgency of this observation becomes even more poignant when looking at how the Church has tried to cope with some of the concerns exhibited. As the example from the Oulu diocese illustrates, or the numerous reports circulated at the General Synod, there is an attempt to fix disputes with further top-down rulings. This is a typical approach in a challenged institution.

Professor of theological ethics and a renowned advocate for liberation theology and LGBTQ rights, Gregory Baum describes in his autobiographical *The Oil Has Not Run Dry* (2017) different institutions that fight change. He argues that such institutions, be it companies, universities or churches, tend to take a defensive attitude towards any criticism. They attempt to regulate the dogma according to their interests. Alternative ways for organising one's life are feared. Norms are emphasised more than the well-being of the individual members.<sup>34</sup>

This can be seen as a potential source of conflict in relation to different lived individual experiences and religious convictions. While typical of the Church, precisely this attitude is increasingly problematic. This comes to the fore in one of the individual voices presented, ready to question the Church's current practices:

We should learn to accept diverse perceptions of who and what people can love. We are surprised that instead of such a generous approach most bishops are reiterating their fears and prejudices. They do so by putting together investigations and statements, and by keeping on delaying the battle [...].<sup>35</sup>

When individual, confronting accounts become numerous enough, they have the power to challenge any institution. Coping with pluralist voices requires a whole new approach from the Church, as pointed out in a book presenting ecclesiastical decision-making throughout history: “nothing demonstrates the need for a fresh look at the means of ecclesiastical government better than the threatened or emergent schisms assailing historical churches at the present time. The schismatic spirit appears in diametrically opposed form: a divisive progressivism and a divisive traditionalism.”<sup>36</sup>

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<sup>33</sup> Kupari and Vuola, “Johdanto,” 21-24.

<sup>34</sup> Baum, *The Oil has Not Run Dry*, 66.

<sup>35</sup> Elonheimo and Elonheimo, “Pakolaisena omassa kirkossa,” 68.

<sup>36</sup> Paul Valliere, *Conciliarism: A History of Decision-making in the Church* (Cambridge University Press: Cambridge 2012), 2.

We argue that such a schism comes to the fore in the case of the debate on same-sex marriage in the Church in Finland. The Church has ended up in between two opposing views and a decision-making structure put into question. There is a need for a fresh look at the ecclesiastical government. An example of such an innovative fresh look comes from the legal sphere.

### **Legal systems open for flexible solutions**

Legal systems come across as examples of further institutions that pertain to modern universalism. Predefined norms are assumed to guarantee a fair and just treatment of all. This manifests in a strong concern with both procedural and substantive justice.<sup>37</sup> Fundamental values of state courts are equal treatment of all, legal predictability, transparency, and consistency, which are safeguarded by elaborate codes of procedure prescribing detailed and technical rules for judicial proceedings.<sup>38</sup> Also the publicly available laws are assumed to be impartial, and they may be interpreted in terms of the bounded discourses of the law.<sup>39</sup>

However, this approach, typical of Western and neoliberal contexts is being increasingly challenged. Ample documentation demonstrates that the processes rarely produce the equitable results expected. Instead, the outcomes seem to be influenced by among others race, socioeconomic status and gender.<sup>40</sup> This suggests that the legal system was never quite so equal after all and that inherent variabilities have always been part of it.<sup>41</sup>

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<sup>37</sup> Michael Palmer, "Formalisation of Alternative Dispute Resolution," 23.

<sup>38</sup> Joachim Zekoll, Moritz Bälz and Iwo Amelung, "The Changing Face of Dispute Resolution," in: Joachim Zekoll, Moritz Bälz and Iwo Amelung (eds.), *Formalisation and Flexibilisation in Dispute Resolution* (Brill: Leiden 2014), 1-13, here 1.

<sup>39</sup> Michael Palmer, "Formalisation of Alternative Dispute Resolution Processes: Some Socio-Legal Thoughts," in: Joachim Zekoll, Moritz Bälz and Iwo Amelung (eds.), *Formalisation and Flexibilisation in Dispute Resolution* (Brill: Leiden 2014), 17-44, here 22-23. See also Wesley Cragg, *The Practice of Punishment: Towards a Theory of Restorative Justice* (Routledge: London 1992), 2.

<sup>40</sup> Mara Schiff and David Anderson Hooker, "Neither Boat nor Barbeque: In Search of New Language to Unleash the Transformative Possibility of Restorative Justice," in: *Contemporary Justice Review: Issues in Criminal, Social and Restorative Justice* 22 (3/2019), 219-241, here 223. See also Nousiainen and Pylkkänen, *Sukupuoli ja oikeuden yhdenvertaisuus*, 47.

<sup>41</sup> See, for example, Baudoin Dupret, "Legal Pluralism, Plurality of Laws, and Legal Practices," in: *European Journal of Legal Studies* 1 (1/2007); Scott J. Shapiro, *Legality* (Harvard University Press: Cambridge and Massachusetts 2011), 26.

Moreover, recent shortcomings of the traditional judicial proceedings include high costs, frequent delays, barriers to access, the exclusion of certain interests, a binary win/lose outcome, and a low degree of acceptance of results.<sup>42</sup> This last point is highly interesting for the purpose of this article. It witnesses to the wish of the two parties even in a legal process to have a say of their own.

According to existing studies, the two parties are more likely to agree on the legitimacy of legal resolution if they have had an opportunity to influence the outcome themselves, rather than through judicial professionals. In an article discussing the changing trends of dispute resolution in the Nordic countries, professor and legal historian Pia Letto-Vanamo underlines the essential aspects of the perception of justice today: it is no longer only the impartiality nor the high professional and ethical standards of the judge that counts, it is also the opportunity of the parties to participate in the proceedings, and the manner in which they are treated during the court procedure that weighs in.<sup>43</sup>

This wish of the individuals to have a say is accelerated and supported by other developments recurring in society, such as information technology. In an article emphasising the need for more mediation in child custody cases, Jessica J. Sauer describes how the use of internet has enabled the two parties to access endless materials of different sorts to sustain or to dismiss virtually ‘any position on anything.’<sup>44</sup> The parties want and are equipped to advocate for their standpoints.

Moving away from a one-norm approach, the standpoints that individuals exhibit have become more pluralistic. To describe the nature of current needs of individuals John Braithwaite, a renowned figure within the restorative

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<sup>42</sup> Zekoll, Bälz, Amelung, “The Changing Face,” 1-2.

<sup>43</sup> Pia Letto-Vanamo, “Judicial Dispute Resolution and its Many Alternatives: The Nordic Experience,” in: Joachim Zekoll, Moritz Bälz and Iwo Amelung (eds.), *Formalisation and Flexibilisation in Dispute Resolution* (Brill: Leiden 2014), 151-163, here 155-156. For similar observations, see, for example, Eve M. Hanan, “Decriminalizing Violence: A Critique of Restorative Justice and Proposal for Diversionary Mediation,” in: *New Mexico Law Review* 46 (1/2016), 123-170, here 136; Kaijus Ervasti, *Lakimies, oikeus, yhteiskunta: Oikeus yhteiskunnallisena käytäntönä* (Edita Publishing: Helsinki 2017), 253; Juhani Iivari, *Oikeutta oikeuden varjossa: Rikossovittelulain täytäntöönpanon arviointitutkimus* [Engl. Justice in the Shadow of Justice: An Evaluation Study of the Implementation of the Act on Mediation in Criminal Cases], (Terveyden ja hyvinvoinnin laitos: Helsinki 2010), 160.

<sup>44</sup> Jessica J. Sauer, “Mediating Child Custody Disputes for High Conflict Couples: Structuring Mediation to Accommodate the Needs & Desires of Litigious Parents,” in: *Pepperdine Dispute Resolution Law Journal* 7 (3/2007), 501-533, here 508.

justice movement, argues that in the multicultural world intracultural conceptions of justice are ineffectual when faced with inter-cultural situations. Therefore, Braithwaite insists, “a more culturally minimalist approach in which respectful listening provides the contextual empowerment of all participants” is considered more just.<sup>45</sup> Individuals claim opportunities for their diversified and pluralist values to be expressed.

To address the changed operational environment and the individual needs coming to the fore, many national legal systems have gone through massive changes.<sup>46</sup> Many of these exhibit similar trends. Letto-Vanamo explains that while the traditional core of legal systems lies in formal legal certainty, the courts can no longer rely on this only. They now also need to satisfy the demand of a felt justice and fairness. There is an internationally recognisable movement towards ideals of negotiated law and pragmatically acceptable compromises.<sup>47</sup>

In an article about alternative dispute resolution Michael Palmer points to the development of processes and institutions that are non-bureaucratic in structure. They are undifferentiated from society and rely on small and local fora. Unlike large legal bureaucracies, these can come to grips with the social relationships of the parties. The processes seek not to rely on professionals but to be accessible to ordinary people.<sup>48</sup>

This article suggests that precisely here lies an interesting point of contact with the challenges taking place in the Church. Like Sarah Coakley advocated for a need for an analysis of the operational environment for enhanced theological conclusions, an analysis of the changes coming to the fore in the legal systems shows that both institutions, Church and legal systems struggle with similar societal developments. Both are challenged with what comes to their traditional approach. In both institutions a wish to be heard and included in the processes comes to the fore. In both cases, the system’s ability to stand as the sole guarantee of its legitimacy has been put into question.

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<sup>45</sup> John Braithwaite, “The Fundamentals of Restorative Justice,” in: Sinclair Dinnen, Anita Jowitt, and Tess Newton (eds.), *A Kind of Mending: Restorative Justice in the Pacific Islands* (ANU Press: Canberra 2010), 35-44, here 39.

<sup>46</sup> See, for example, Anna C. Korteweg, “The Sharia Debate in Ontario: Gender, Islam, and Representations of Muslim Women’s Agency,” in: *Gender and Society* 22 (4/2008), here 434-454; Dupret, “Legal Pluralism,” 8-11. See also Ervasti, *Lakimies, oikeus, yhteiskunta*, 49.

<sup>47</sup> Letto-Vanamo, “Judicial Dispute Resolution,” 163.

<sup>48</sup> Palmer, “Formalisation of Alternative Dispute Resolution,” 22.



With these similarities in mind, it is fruitful to further analyse what changes have been put forward within the legal sphere to address the situation. Of all the different new approaches one is presented in the following.

### **Restorative justice presents a new way of co-existing**

Restorative justice as a modern-day movement started some 50 years ago as a series of almost simultaneous practices aiming at developing more feasible ways for conflict resolution after crimes of different sorts. It was acknowledged that the adversarial courtroom process was not very satisfying for the two parties in the conflict. According to a definition put forward by John Braithwaite “restorative justice is a process in which all the stakeholders affected by an injustice have the opportunity to discuss the consequences of the injustice and what might be done to put them right.”<sup>49</sup> This way the two can impact both the process and the outcome to their satisfaction.

At its most traditional, a restorative process entails a meeting organized between the two parties in a conflict, that is, usually the victim and the offender of a particular criminal act. This meeting is facilitated by a neutral third party, whose role is to support the two in their deliberations. The two parties are given an opportunity to discuss the conflict and express their thoughts about it. Through this dialogue the two expectedly can define for them the most applicable and feasible solution to the conflict, which may or may not be in line with the predefined legal provisions.

Depending on the national legislation, this outcome defined by the two parties can have legal consequences. Different national legislations have different approaches to how restorative practices are fitted in. One such approach is that restorative practices can complement the traditional legal system by substituting the punishment altogether.<sup>50</sup> This is the groundbreaking idea that restorative justice offers in connection to legal systems. What the two parties define, quite according to their own liking, without regard to legal provisions, can result in legal consequences.

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<sup>49</sup> Braithwaite, “The Fundamentals of Restorative Justice,” 35.

<sup>50</sup> Maritha Jacobsson, Lottie Wahlin, and Eva Fromholz, “Victim Offender Mediation in Sweden: An Activity Falling Apart?” in: Anna Nylund, Kaijus Ervasti and Lin Adrian (eds.), *Nordic Mediation Research*, (Springer International Publishing: Cham 2018), 67-79, here 77; Ida Helene Asmussen, “Mediation in Light of Modern Identity,” in: Anna Nylund, Kaijus Ervasti and Lin Adrian (eds.), *Nordic Mediation Research* (Springer International Publishing: Cham 2018), 133-43, here 135.

With restorative justice, a retributive, punitive understanding of how crimes are dealt with is replaced with the two parties being empowered to make the decisions they feel appropriate despite any preconceived process descriptions or penalty scales. This leads inevitably to a genuine diversity regarding the resolutions. Similar crimes can lead to very varied solutions.<sup>51</sup> This is where the restorative process becomes particularly interesting for this article. In restorative justice, it is not the top-down approach that guarantees a just outcome, but the satisfaction of those involved.

Restorative justice has become a widely used method for alternative conflict resolution.<sup>52</sup> It witnesses of how legal systems have managed to renew through allowing for flexible alternatives that empower those affected, rather than by only coming with externally imposed solutions. While the law is traditionally based on a logic of objectivity and equal treatment of all, the restorative process derives its legitimacy from the personal participation of the parties affected. This creates a dynamic, which encourages emotional, cognitive, and behavioural changes in the two parties. This happens when the participants are included in the decision-making regarding their lives and are empowered to have a say in the shaping of their futures.<sup>53</sup>

Legal systems successfully accommodating some current needs show that there are not only meaningful but also applicable ways forward. Restorative justice has made it possible not only to imagine but to try out in practice a new approach to conflict resolution. Considering the recent developments of restorative justice in general, this approach becomes even more relevant for this paper.

In recent times, restorative justice has developed from dealing with crimes into dealing with conflicts of many sorts. Restorative processes are being used in a multitude of contexts, in workplace disputes and school bullying. Moreover, restorative justice is developing into becoming a more holistic approach

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<sup>51</sup> Heidi Jokinen, *Medling vid brott: en begreppslig analys av en konfliktlösningsmetod i en senmodern tid*. (Åbo Akademis förlag: Åbo 2011), 251-254.

<sup>52</sup> Schiff and Anderson Hooker, "Neither Boat nor Barbecue," 223; Theo Gavrielides, "Some Meta-Theoretical Questions for Restorative Justice," in: *Ratio Juris* 18 (1/2005): 84-106, here 84; Paul Takagi and Gregory Shank, "Critique of Restorative Justice," in: *Social Justice* 31 (3/2004), 147-163, here 147.

<sup>53</sup> Ruby Zarriga, "Restorative Justice in Papua New Guinea; A Collaborative Effort," in: Sinclair Dinnen, Anita Jowitt, and Tess Newton (eds.), *A Kind of Mending: Restorative Justice in the Pacific Islands* (ANU Press: Canberra 2010), 115-122, here 115.

beyond mere conflict resolution.<sup>54</sup> This widened scope is captured in a definition put forward by Theo Gavrielides who defines restorative justice “as an ethos and a way of living. Restorative justice is allegedly a new approach to life, interpersonal relationships and a way of prioritising what is important in the process of learning how to coexist.”<sup>55</sup>

This approach offers, we argue, an interesting lens to be used also in connection to the Church. The ethos of restorative justice shows that in matter of principle, questions about right and wrong do not have to be addressed through doctrine and order. Instead, they can be approached by allowing for a plurality. Legitimacy is not sought in hierarchies, but by incorporating the pluralist perspectives. Restorative practices show that there are great opportunities in doing so.

We argue that restorative thinking puts forward an interesting example in identifying fruitful approaches to contemporary challenges elsewhere, too, where current societal developments challenge the old models of governing.

### **Living with pluralist voices in churches**

Central Christian concepts like forgiveness and reconciliation will bring churches and Christian communities a long way in their attempts to live with profound differences and conflicts. However, the point made in this article goes in another direction. We claim that the differences need to be addressed, quite like individuals themselves are prepared to address the controversial issues they identify in the universalist attempts at organizing common life. Professor Werner Jeanrond underlines gratitude to modern hermeneutics because of its recognition of the need for different communities of interpreters in which the pluralism of interpretation can unfold its enriching nature. He underlines how many theologians are already demanding a reorganization of the authority structures in the church to give space for the new spirit of pluralistic interpretation.<sup>56</sup> Pluralism is there and it needs to be acknowledged and reflected on. Some theological attempts in that direction have already been coming to the fore.

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<sup>54</sup> See Braithwaite, “The Fundamentals of Restorative Justice,” 35 on how restorative justice can be used in different contexts.

<sup>55</sup> Theo Gavrielides, “Clergy Child Sexual Abuse and the Restorative Justice Dialogue,” in: *Journal of Church and State* 55 (4/2013), 617-639, here 621.

<sup>56</sup> Werner G. Jeanrond, “Hermeneutics and Christian Praxis: Some Reflections on the History of Hermeneutics,” in *Literature and Theology* 2 (2/1988), 174-188, here 175.

A major practical example in the theological framework are the many liberation theologies originating predominantly in Latin America in the 1960s.<sup>57</sup> According to Sarah Coakley, they bear witness to the felt perception that classical, official church theology has often failed in satisfactory theological responses to problems of social and political oppression.<sup>58</sup> As Coakley suggests, and as we have shown in this article, many groups seem to be neglected by the official church theologies. Over the years, liberation theology has been split into several subcategories dealing with social injustices of many sorts – for example regarding nature, economy, ethnicity, and gender.<sup>59</sup> Many advocates and those affected no longer agree to remain silent.

A type of liberation theology is the “homosexual liberation theology”, which examines the different ways of marginalisation of the non-heterosexual persons, both secular and religiously motivated. In this kind of theological work, individual voices are of relevance.<sup>60</sup>

Expanding into queer theology in general, this approach can offer two relevant perspectives to this article. These are emphasised by Grace M. Jantzen who argues for theological creativity of queer thinking. She insists, that “queer thinking can support theology to get rid of the narrow boundaries of traditional Christendom”<sup>61</sup> and to “be open to difference, fluidity, and curvature.”<sup>62</sup>

Quite like the notion of restorative justice has expanded over time, so has queer theology moved from a mere method of doing theology by and with queer people to stand for a more general desire to put old hierarchies into question. The different, yet very individual approaches coming from different directions may prove to be fruitful in the long run. Faced by the challenge of pluralism, the Church can gain from queer theology a vision for an entirely renewed approach, in which plurality is not to be avoided but embraced.

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<sup>57</sup> Gonzalez, *A Critical Introduction to Religion*, 25-26; Elina Vuola, *Limits of Liberation: Praxis as Method in Latin American Liberation Theology and Feminist Theology* (Diss. Academia Scientiarum Fennica: Helsinki 1997), *Annales Academiae Scientiarum Fennicae, Humaniora* 289, 33-34, 36-40.

<sup>58</sup> Coakley, *God, Sexuality, and the Self*, 47.

<sup>59</sup> Baum, *The Oil has not Run Dry*, 77.

<sup>60</sup> Lars Gärdfeldt, *Hatar Gud bögar? Teologiska förståelser av homo-, bi- och transpersoner: En befrielse-teologisk studie* (Diss. Normal: Stockholm 2005), 26-28.

<sup>61</sup> Grace M. Jantzen, “Contours of a Queer Theology,” in: *Literature and Theology* 15 (3/2001), 276-285, here 276.

<sup>62</sup> Jantzen, “Contours of a Queer Theology,” 276; see also Susannah Cornwall, *Controversies in Queer Theology* (SCM Press: London 2011), *Controversies in Contextual Theology Series*, 11.

In fact, this change might well be on the way. In a study on the Church's notion of marriage, Professor Eila Helander put forward the idea that different conceptions could coexist in the Church, as it seems impossible to reach complete unanimity in the matter.<sup>63</sup> The complexity is not particular only the situation of the Church in Finland. Challenges of pluralism come to the fore in other churches as well.

Pointing to the need for renewed approaches Mark Wingfield argues in *Why Churches Need to Talk about Sexuality* that “[t]he policy of ‘don’t ask, don’t tell’ that permeates most Christian Churches in America no longer works. Today, people are asking, and people are telling. And most church members are ill equipped to respond.”<sup>64</sup> This seems to correspond exactly to the point made in this article. Yet it elevates the point onto a more general level: it is impossible to ignore the fact that the current times challenge institutions globally. However, there are fruitful ways forward.

## Summary

An elementary starting point for this article has been the vital need for theology to pay attention to the lived realities of individuals. This goes also for churches. The paper has looked at the Evangelical Lutheran Church in Finland and its dealing with the question of same-sex marriage. While the Church has tried to solve the situation with hierarchical decision-making, many individual members have openly and actively challenged this. The Church finds itself in a new situation with its legitimacy put into question and its old approaches ill equipped in responding to the changed circumstances.

This article has argued that there are fruitful ways to meet these challenges. Moreover, the article has suggested that such ways do not need to be about tightened control nor complete relativism. To point towards such more fruitful approaches this article discussed some recent developments in the judicial system.

The comparison was deemed appropriate as the church and the judiciary are moral actors who both interpret and instruct of necessary parameters for a

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<sup>63</sup> Eila Helander, *Selvitys Suomen evankelis-luterilaisen kirkon vihkioikeudesta luopumisesta ja avioliittoon vihkimisen merkityksestä kirkon identiteetille* (Suomen evankelis-luterilainen kirkko 2017) in (<https://evl.fi/documents> 6 September 2017). (<https://evl.fi/documents/1327140/32925062/Selvitys+evankelis-luterilaisen+kirkon+vihkioikeudesta+luopumisesta/ecc892c5-88dc-5475-19a7-c9bb223071f5> 13 March 2023), 98; see also Bishops' Conference, *Piispainkokouksen vastaus*.

<sup>64</sup> Mark Wingfield, *Why Churches Need to Talk about Sexuality: Lessons Learned from Hard Conversations about Sex, Gender, Identity, and the Bible* (Augsburg Fortress Publishers 2019), 1.

good life. While both were traditionally based on universally held truths, both are now challenged by the prevailing pluralism. However, to face these challenges the two institutions have adopted very different approaches.

Restorative justice was used as an example to argue for a proven and practice-anchored potential of a renewed approach. Expanding from a conflict resolution method, restorative justice has developed towards a wider philosophy and ethos addressing questions relating to the coexistence of pluralistic viewpoints. The successes of restorative justice can showcase the opportunities of addressing the challenge of a plurality of voices in a whole new way.

Rather than being subjected to top-down decision-making, individuals insist on having their own say. Complex moral issues can no longer be solved solely by hierarchically imposed normative moral statements or bureaucratically driven decision-making. This lived reality requires new kinds of approaches where the differences are acknowledged and not pushed aside.

Moving back to a theological arena, the article went on to argue that new approaches to do theology have been put forward in the church, too. Different liberation theologies, including queer theology, show an openness to a dismantling of hierarchical approaches. In this way, theology(ies) has already laid a foundation for offering constructive criticism of universalist, non-nuanced attempts at doing theology, thereby pointing toward solutions.

The paper has touched upon the landscape of both practical and systematic theologies. As such it has underlined the importance of remaining attentive to the lived realities on the ground while doing theology. The paper has put forward a practically proven and conceptually possible approach in which inherent pluralism becomes part of the solution rather than remaining as part of the problem. This condition calls for more theological thinking as well as practical engagement from the Church going forward.

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