

Some Questions and Answers: Same-Sex Marriage and Holy Matrimony

Prepared by the Bishop's Task Force on Marriage
The Episcopal Church in the Diocese of Los Angeles

October 2008

An Introduction

With the legalization of same-sex marriage in the state of California, several questions have emerged about our church's theology and practice with regard to same-sex marriage. We have attempted to answer some of these "frequently asked questions," but before proceeding further we note the following.

First of all, this document is not meant to be a comprehensive theological treatise, nor is it an official position paper of the Episcopal Church. Rather, we are trying to use some everyday language that may be able to help with the everyday questions that people who are sitting in our pews may be asking (or may have asked of them by friends from other faith traditions). We realize that these questions may be particularly relevant in light of the considerable publicity currently surrounding the vote on Proposition 8 on the California ballot in the November election.

We may also face a host of questions with regard to the more encompassing issue of our position on "homosexuality" and how this phenomenon is understood within the biblical and historic tradition of our church. While some of the questions and answers we offer here may indirectly address issues of homosexuality and same-sex affiliation, our purview here is limited to questions about the sacrament of marriage.

In this document we are proceeding from a fundamental reliance upon our core baptismal covenant: we are people committed to bringing about a just society and to respecting the dignity of every human being. With these principles as a foundation and a guide, we proceed to answer some specific *marriage questions*, relying upon core, fundamental, guiding principles.

Question 1. The many recent advertisements urging voters to accept Proposition 8 suggest that – if the proposition to ban same-sex marriages is voted down, and California constitutionally and permanently legalizes same-sex marriage – churches that oppose same-sex marriage will lose their tax-exempt status. Also, the ads say that officials of churches who oppose same-sex marriage will be able to be legally sued if they oppose the state. So, is that correct?

Answer. The answer to this question is quite simple: No! (We include this question first because we want to clear up any confusion and also because these false claims point to a deeper issue.) Churches that oppose same-sex marriages and are unwilling to marry same-sex couples have the right to do so without reprisal from the state. While the *state* cannot refuse to marry anyone who is legally able to contract a marriage, *churches* can. Churches are not under the same obligation to solemnize a marriage as is the state.

For example, according to our own Episcopal Church policy, we have a built-in canonical right to refuse to perform any marriage. The priest of the congregation makes a determination as to whether or not a couple is able to enter into marriage as we define it (a life-long covenant) in the prayer book liturgy. If the priest determines that a couple is unable to enter into such a union, the priest may (and is obligated to) refuse marriage. This is done without any recourse to the state's position about who may get married. No church or priest will be forced either by state or by church authorities to perform marriages of any kind.

The issue here may be the confusion between state legislation and church theological standards. The state cannot regulate a church's belief system. It is our right and duty to consider how our theology interfaces with legal practice. For example, divorces have been legal in California for some time, but for many years various denominations refused to marry divorced persons within the church. In those cases, the state law did not match up with a theology of marriage as a life-long covenant that could not be broken by human intervention.

While churches are allowed to oppose the state's legalization of same-sex marriage and refuse to engage in same-sex marriage ceremonies, it is the position of the authors that it falls within our own historic/biblical teaching and practice to support the state's legislation and to solemnize same-sex marriage as now allowed by the state. Some of the following questions and answers are directed to explaining why we believe this is the case.

Question 2. I am sometimes confused about the difference between getting married by a priest in church and getting married by a judge in a garden or a courthouse. Is there any difference between the two types of weddings? And in order to be legal, don't you have to have some state official also perform some type of civic or legal ceremony even if you are married in the church?

Answer. Actually, there is a lot of cloudiness about the relationship between church and state when it comes to weddings. If these matters are confusing to you, you are certainly not alone.

In the first instance, marriage is a civil or legal contract. In most states (including California), in order to get married a couple must first obtain an official marriage license from the state. This document testifies that you are legally able to contract a marriage under the rules of the state, and it gives you permission to legally enter into marriage. All

couples, regardless of what kind of marriage ceremony they will have, must first obtain this marriage license.

The ceremony for officially legalizing the marriage can then be conducted by any number of persons with any number of wedding ceremonies. It can be conducted by a judge or other person recognized by the state in a garden, a home, a judge's chambers. After some sort of public exchange of marriage vows, the officially designated officer of the state signs the license and testifies that the two are now legally married. With the signing of the license, the couple is legally married in the eyes of the state of California.

Now, here is where the church gets into it. In our country (which is not the case in many European countries), it is the custom that church weddings can also be *one of the ways in which a marriage can be legalized*. Thus at the end of the church ceremony, the clergy person (who is, in essence, an agent of the state here) signs the license testifying that vows were exchanged and with the signing of the license the couple is legally wed in the eyes of the state of California.

But when we get involved as a church, some additional content, far beyond the legal recognition of the union, gets put on the table. While it is true that the priest is acting as an agent of the state in performing a marriage, a priest is also an agent of the church, and a marriage ceremony in the church makes a theological statement and has spiritual significance.

Like all our prayer book liturgies, "what we pray is what we believe." Our liturgy is the proclamation of our doctrine. When we use the prayer book and celebrate marriage as Episcopal/Anglican Christians, we say something about how we understand marriage and we make a profession of faith.

So, yes, there is a difference between a church ceremony and a civil ceremony. Both provide a "legal" means of getting married, but, in addition, the church ceremony provides a spiritual context and allows the Christian community to offer a definition of what marriage is all about.

Question 3. Is marriage a sacrament of the church?

Answer. The short answer to this is "yes." A more careful answer might be to say that baptism and the eucharist are the *primary* sacraments of the church from which the sacrament of marriage flows, along with other sacraments such as the healing of the sick, confirmation, ordination, and reconciliation.

Question 4. If baptism is one of the primary sacraments, are there qualifications for someone to be baptized? And how does this relate to marriage?

Answer. There are no qualifications for baptism. In fact, we make a rather bold statement about the amazing grace of baptism when we baptize infants. Doing so demonstrates the fact that baptism is primarily an unearned gift given to us by God. Baptism, first and foremost, is God's invitation into participation in God's life. God's invitation is extended to any who wish to accept. In baptism we are invited to enter into the real presence and community of God. We included this as a first question because we wanted to clear up any confusion and also because these false claims point to a deeper issue – a lifelong relationship with Father, Son, and Holy Spirit. Baptism is actually the focal point of all sacraments. In baptism we are initiated into a mystery: We are invited to participate in God's own life.

While a period of preparation may sometimes be required before people are baptized (to help persons understand the nature of the sacrament and the promises involved) there are never any objective barriers which would prohibit someone from being baptized.

So, for example, we would not even think of denying baptism to a person on the basis of gender or sexual orientation, physical attributes, race, ethnic heritage, age, socio-economic status, intelligence level, or any other "label." And so there are no built-in qualifications or disqualifications for baptism. Any human being who desires to be baptized and is willing to enter into the covenant (either of his/her own accord or through the pledge of parents/sponsor) is welcome to be baptized.

In baptism, we are initiated into the life of the Christian community and together with our fellow Christians, we are sealed as Christ's own forever. As Christ's own, we pledge to embrace a *lifestyle* whereby we will (like the Christ in whom we are sealed) fearlessly give ourselves over to God's all-abiding presence and offer our lives for the building up of the common good in service to our fellow human beings.

Holy matrimony, like all the other sacraments which flow from baptism, provides baptized Christians with yet another threshold/doorway to enter more fully into the experience of God into which we were first initiated at baptism.

Question 5. Can you explain what makes marriage a sacrament?

Answer. Like all sacraments, marriage is a doorway for helping us enter into the experience of God's holy presence. Marriage, like all sacraments, provides us with a place where the divine and the human can intersect. In a sacrament we enter into an encounter with the living God. At a deep spiritual level, we meet the living resurrected Christ.

In Christian marriage, two people who have developed a committed relationship with one another publicly vow and express their intention and desire to enter into a lifelong relationship in which they will support and nurture one another without condition. Thus, marital love is intended to be God-like love: unconditional and persevering. When we celebrate Christian marriage, we are invited into a glimpse of the circle of love of the

couple being married. As we do so, we get a glimpse into the circle of God's own love. Our humanity meets divinity. In this way, Christian marriage is indeed sacramental.

Question 6. Is it possible for persons of the same gender to enter into the sacrament of marriage?

Answer. Some of the previous conversation about baptism and marriage helps us to formulate the first portion of this answer.

Since baptism is the primary sacrament from which all other sacraments flow, it is logical to assume that the standards for admission to the sacrament of baptism (the primary sacrament) should likewise apply to all other sacraments. With this in mind, no person should be disqualified from receiving any sacrament of the church on the basis of who they are or how they are created. If persons are not disqualified from baptism because of gender, age, race, sexual orientation, and so on, neither should they be denied the other sacraments of the church.

Having said this, we also recognize that some sacraments, like marriage or ordination, might not be made *available* to some persons under particular circumstances. For example, after a period of discernment, a bishop or Commission on Ministry may refuse to ordain or recommend a person seeking the sacrament of holy orders because it is believed that the person seeking ordination is doing so for personal gain (e.g. career advancement). Or, as mentioned earlier in this document, a priest may refuse to solemnize the marriage of a couple because it is believed that the couple is incapable of entering into a relationship of lasting commitment as understood by our church. However, these sacraments are never withheld because something basic to the very nature of the person has disqualified them, e.g., being a man, a woman, a gay person, a white person, a black person.

This being said, a gay person, who is not disqualified from baptism, should not be barred from other sacraments because of his or her sexual orientation. We can argue, therefore, persons who are able to enter into a lifelong commitment as the church understands it should be able to receive the sacrament of marriage in a same-sex union.

The second part of this answer with regard to same-sex couples being able to enter holy matrimony focuses back upon our earlier definition about what makes marriage a sacrament.

As noted earlier, the sacrament of marriage involves the exchange of vows between two people who make a public declaration of unconditional, covenantal love. This God-type love draws us all into the experience of God.

It seems obvious that two men or two women are just as capable of making such a covenantal commitment of lifelong, God-like love as are a man and a woman. Hence,

persons of the same gender are obviously able to engage in the sacramental action and public promise of marriage.

Question 7. How about marriage and children? Isn't having children a necessary part of marriage? In fact, doesn't the prayer book marriage ceremony include having children as one of the essential purposes of holy matrimony?

Answer. One can turn to page 423 in the prayer book and read the beginning of the marriage ceremony where the purposes of Christian marriage are carefully articulated. With this reading, the idea that "bearing children" is a pre-requisite to holy matrimony will be quickly dispelled. The prayer book suggests that there are three purposes for holy matrimony: first, the mutual joy that a married couple can provide for one another; secondly, so that the couple might help and comfort one another in prosperity and adversity; and finally, for "the procreation of children and their nurture in the knowledge and love of the Lord *when it is God's will*" (italics added).

The church has always married couples for whom the procreation of children was not even an option: for example, couples past child-bearing age, or couples in which one of the partners has a physical disability that precludes conceiving or bearing children. Moreover, couples may choose not to have children for a multitude of reasons.

Question 8. But for couples who do intend to have a family, how can "procreation" be understood for same-sex couples?

Answer. If one looks at the tradition of the church over time, a widely accepted definition of "procreation" is cooperation with God in the creation of a new human person whose destiny is to share God's life forever. This definition of procreation is far broader than the actual physical conception and bearing of a child.

For example, a man and woman who adopt a child are certainly bringing the child into a new life in this world. As this man and woman raise this child in the knowledge and love of the Lord (as the prayer book directs) they nurture the child to share God's life forever. Although the child is not a physical product of their bodies, they are certainly *procreators* in every way in which procreation is understood.

If all of the above can be said of a man and woman who do not naturally conceive and bear a child from their own bodies, why cannot the exact same reasoning be applied to same-sex couples? Two men or two women might likewise adopt a child, nurture and guide the child in "the knowledge and love of the Lord" and nurture the child to share in "God's life forever." As such, they are procreating.

Question 9. If we perform prayer-book marriage ceremonies for persons of the same gender, will we be abandoning our heritage and changing our biblical tradition?

Answer. We have to remember that, through the years, almost everything we understand about marriage has changed and evolved. In fact, if we were to base our current understanding and practice of marriage upon Old Testament principles and practice, every man in the church would have a whole house full of wives to help carry on the family line.

Gradually, the custom of marriage between one man and one woman evolved and became prevalent in most of the Christian West. However, even in the context of monogamous marriage, the understanding of the purpose of marriage back in the time of our ancestors was certainly different from our current understanding.

Throughout antiquity, including Christian antiquity, marriage was primarily viewed as a social vehicle for uniting families for various political and social gains, from increasing the size of a farm or business to uniting nations. Women were basically commodities, who along with their dowry, were sold into a marital union, not only to assure for the passing on of lineage, but also to protect the woman from harm lest she be left to fend for herself in a society that demanded and expected the protection of a husband.

Furthermore, our ancestors placed great stock in the necessity of physically consummating a marriage. A couple was not “wed” until the marriage was physically consummated. Thus, the conception and bearing of children enjoyed primary significance and was an absolute necessity for Christian marriage in the past, again, to shore up the lineage and insure the continuation of the family.

The idea of marrying for love or the notion that marriage was a way for couples to express mutual joy was essentially a foreign concept in antiquity and not part of our Christian heritage. For *The Book of Common Prayer* to suggest that the primary purposes of marriage are “mutual joy” and “the help and comfort given to one another in prosperity and adversity” represents a serious and significant evolution from the ancient heritage and from the biblical tradition, and a relatively modern idea.

More recently, our views on divorce have changed dramatically. As recently as fifty years ago, divorce was reckoned to be a greater sin than, for example, staying in a violent marriage that exposed a spouse and children to a great risk of harm at the hands of the other spouse. Most Christians no longer believe that. Divorced persons are permitted remarriage in most churches.

So here is the point: as humanity and divinity have danced together over the ages, we have evolved in our experience of God and have come to newer understanding as to how best be faithful people and committed followers of Jesus. The biblical tradition from the Old Testament through the Christian era to our very own time is marked by evolution and emergence. Throughout our evolution, we do not change for the sake of change, but rather we change in order to be more faithful people and followers of Jesus.

When we are caught up in the “flow of God” we will always be moving in the direction of love. As such, our evolutions over time may be judged according to whether or not they have led us to greater and greater love – to the love of God and the love of one’s neighbor as one’s self.

Certainly, the notion of persons of the same gender being married is a change from our historic heritage, and change is never easy. However, same-sex marriage is not an abandonment of our tradition, but rather an evolution and emergence from it.

Question 10. But even if we believe same-sex marriage is right, shouldn’t we wait for the prayer book to catch up? We can’t simply rewrite it to suit ourselves, can we?

Answer. We would certainly never advocate abandonment of *The Book of Common Prayer*. However, it is vital to regard it not as static and unmoving, but as a living document whose forms follow the prophetic movements of the church. For example, when women were first ordained, the words of the ordination rite were adapted to fit the needs of the occasion, and we did not say, “We need to wait until a new prayer book is printed!” At some point we decided that women were not, after all, unclean after giving birth and hence we no longer needed the service for the “Churching of Women after Childbirth.” We did not wait for a new prayer book before we abandoned that particular service. Trial liturgies have given us opportunities over the years to see whether we can find better ways of expressing through worship our relationship with God. In the same way, we anticipate revisions of the marriage service, perhaps as minor as the changing of a few pronouns, to deepen and broaden our experience of marriage between committed, faithful partners.

Conclusion

In the beginning of this document, we mentioned that we had no intention of answering every possible question that may arise regarding the subject of same-sex marriages and the Christian tradition. In fact, even our “answers” to these questions are not so much definitive answers as they are guidelines to help formulate ideas leading to further dialogue.

Perhaps, though, the best and most convincing way for individuals to move forward in their understanding about whether they can embrace same-sex marriage within the Christian tradition and in our own Episcopal Church is one which is far more “incarnational” and far less theological or rational.

So here is a final thought: if you want to discover whether or not the love of God can be experienced and expressed in the marital relationship of a same-sex couple, have some conversation with people of the same gender who have been in lifelong committed relationships with each other.

Interact with these folks. Look at the fruit of their life together. Many of our churches are graced and gifted with the presence and ministry of such couples. Spend some time together. Share your stories with one another: go have dinner, get a cup of coffee or have a glass of wine together.

When we are able to see and interact with real loving people who share the same joys and the same struggles and are on the same journey of faith, theological questions and position-taking about the nature of “orthodox” faith often become irrelevant.

When we encounter the living God and meet the risen Christ in fellow human beings, we need no argument that they belong to Christ and that we all belong to God. And, when we know that we all belong to God, we have no longer need to debate over who deserves more or who deserves less because, belonging to God, everyone has been given everything. That is the nature of amazing grace.

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