

On this Item, the Civil Union and Marriage Issues Committee, acted as follows:

Other

[Counted Vote - Committee]

Affirmative: 0 [**This action has not been verified for accuracy by committee leadership.]

Negative: 0

Abstaining: 0

Final Text:

That PC-biz Item 12-13 be substituted for committee recommendation on Item 12-12.

Signed:

**Philip Henkel, Presbytery of Beaver-Butler
Emily Main, Presbytery of Maumee Valley
Paige Eubanks, Presbytery of Mid-South
James Benson, Presbytery of Shenango
Gary Ferbet, Presbytery of Giddings-Lovejoy**

Assembly committee moderator's statement:

In accordance with Standing Rule E.7.h.(1), I affirm that the position expressed as recommendation for action by the assembly in this minority report was presented to the whole committee during its consideration of the matter.

RECOMMENDATION

[Note: See also Item 12-13, Minority Report of the Special Committee to Study Issues of Civil Union and Christian Marriage to the 219th General Assembly (2010) Presbyterian Church (U.S.A.).]

1. The Special Committee to Study Issues of Civil Union and Christian Marriage recommends that the 219th General Assembly (2010):

a. commend the committee's report to sessions and presbyteries, and urge them to engage in study of the issues presented in the report; and

b. commend to the Presbyterian Church (U.S.A.) the covenant "Those Whom God Has Joined Together, Let No One Separate" (see at V.C. below) as a guide by which we broken and hurting people, seeking to be faithful, might come together to discuss issues about which we disagree.

2. The Special Committee to Study Issues of Civil Union and Christian Marriage recommends that the 219th General Assembly (2010):

a. affirm the church's call to extend Christ's compassion to all; and

b. encourage presbyteries and sessions to be diligent in their exercise of care in all the transitions of life, confessing our common brokenness and our unique individual expressions of that brokenness (W-6.3009, W-6.3010).

3. The Special Committee to Study Issues of Civil Union and Christian Marriage recommends that the 219th General Assembly (2010):

a. encourage all presbyteries and sessions to provide resources consonant with the Constitution of the Presbyterian Church (U.S.A.) regarding use of church facilities administered by said governing bodies for marriages and blessing ceremonies; and

b. encourage all presbyteries to provide resources consonant with the Constitution of the Presbyterian Church (U.S.A.) regarding clergy participation in marriages and/or same-sex union ceremonies. Such resources should include guidance on fulfilling the requirements for solemnizing of marriages within the civil jurisdiction or jurisdictions within which the presbytery is located.

4. The Special Committee to Study Issues of Civil Union and Christian Marriage recommends that the 219th General Assembly (2010) direct the General Assembly Mission Council, through its Office of Theology Worship and Education, and the Office of the General Assembly's Department of Constitutional Services, to provide updated guidelines and resources addressing the difference between a ceremony of Christian marriage and a same-sex union ceremony.

5. The Special Committee to Study Issues of Civil Union and Christian Marriage recommends that the 219th General Assembly (2010):

a. encourage all sessions to engage in study of issues of biblical interpretation using the General Assembly papers, "Presbyterian Understanding and Use of Holy Scripture" and "Biblical Authority and Interpretation";

b. direct the General Assembly Mission Council, through its Office of Theology Worship and Education, to develop

and distribute a study guide for use with the General Assembly papers, “Presbyterian Understanding and Use of Holy Scripture” and “Biblical Authority and Interpretation” that will help sessions engage in issues of civil unions and Christian marriage in light of the principles contained within those papers; and

c. commend to sessions the use of additional resources related to biblical interpretation, specifically the video segment *Biblical Authority and Interpretation*, with its accompanying study guide, that was developed by the Theological Task Force on Peace, Unity, and Purity of the Presbyterian Church (U.S.A.).

RATIONALE

These recommendations and report are in response to the following referral: *2008 Referral: Item 04-13. On Equal Rights for Families of Same-Gender Partners, Recommendation 2. Direct the Moderator to Appoint a Special Committee, Representing the Broad Diversity and Theological Balance of the PC(USA) to Study History of Laws Governing Marriage and Civil Union, How Theology and Practice of Marriage Have Developed in Reformed and Broader Christian Tradition, Relationship Between Civil Union and Christian Marriage, Effects of Current Laws on Same-Gender Partners and Their Children, and Place of Covenanted Same-Gender Partnerships in Christian Community—From the Presbytery of Denver (Minutes, 2008, Part I, pp. 258–60).*

I. Introduction

So then you are no longer strangers and aliens, but you are citizens with the saints and also members of the household of God, built upon the foundation of the apostles and prophets, with Christ Jesus himself as the cornerstone. In him the whole structure is joined together and grows into a holy temple in the Lord; in whom you also are built together spiritually into a dwelling place for God. (Eph.2:19–22)

The Presbyterian Church (U.S.A.) is wrestling with the issue of same-gender marriage. Responding to this struggle, the 218th General Assembly (2008) of the Presbyterian Church (U.S.A.) directed the Moderator

... to appoint a special committee, representing the broad diversity and theological balance of the Presbyterian Church (U.S.A.), to study the following, ... including any policy recommendations growing out of the study:

- a. The history of the laws governing marriage and civil union, including current policy debates.
- b. How the theology and practice of marriage have developed in the Reformed and broader Christian tradition.
- c. The relationship between civil union and Christian marriage.
- d. The effects of current laws on same-gender partners and their children.
- e. The place of covenanted same-gender partnerships in the Christian community. (*Minutes*, 2008, Part I, p. 259)

As members of Christ’s church, we differ profoundly; but can we see that those who disagree with us are seeking to love one another with God’s grace, advance the gospel in all its far-reaching inclusiveness, and promote greater faithfulness to the Triune God under the authority of Scripture and guided by the confessions? Though we reach very different conclusions, we can rejoice that our church is willing to wrestle together prayerfully with the question: How do we extend the grace of God to all, calling all persons to repentance, transformation, and discipleship—regardless of sexual orientation—so that all will experience God’s gracious intention for humanity?

In many ways, life in the body of Christ is not unlike a marriage: In the course of our life together, we have good days and bad days, good times and challenging times, great joy and wrenching pain. We talk, we laugh, we cry. We agree and disagree. Occasionally, we get angry and are tempted to walk away. But like Christian marriage, in the body of Christ we know that the One who holds us together is more important than the arguments that threaten to tear us apart. That One is Jesus Christ, who said, “I give you a new commandment, that you love one another. Just as I have loved you, you also should love one another. By this everyone will know that you are my disciples, if you have love for one another” (Jn. 13:34–35).

II. Biblical and Historical Summary

The one sufficient revelation of God is Jesus Christ, the Word of God incarnate, to whom the Holy Spirit bears unique and authoritative witness through the Holy Scriptures, which are received and obeyed as the word of God written. ...¹

In matters of faith and practice, the church turns to Scripture to hear the testimony of the Holy Spirit, acknowledging that it comes to us in human words, conditioned by the times in which they were written, times different from our own. Guided by literary and historical understanding, we study Scripture, so that we might follow the Word of God incarnate in our changing world.

In our study, considerable differences became apparent in understanding what the words of the Bible and the confessions say. Our committee’s differences reflect similar differences within the denomination. The General Assembly has approved documents that detail the different ways Presbyterians approach Scripture.²

A. *Old Testament*

The Old Testament assumes an ancient Semitic understanding of marriage as the basis for the family, the fundamental unit of Hebrew society. Marriage provides four benefits to humanity:

- The birth and nurture of children (Gen. 1:28; 9:1; 15:1–6; 16:1–16; 21:1–7, and 29:1–30:24);

- Companionship, mutual support, and affection (Gen. 2:18–24 and 1 Sam. 1:1–28);
- Economic partnership, providing financial support for the family (Prov. 31:10–31 and the book of Ruth); and
- A political tool to form alliances between nations and advance political ambitions (1 Sam. 18:17–27; 19:11–17; 25:44; 2 Sam. 3:13–15; 6:16–23; and 1 Kings 11:1–4).

The Torah contains many laws regulating marriage and divorce. These include Ex. 20:14, 17; Deut. 5:18, 21; Lev. 18:6–18; 20:10; Num. 5:11–31; Deut. 22:13–21; 24:1–5; and 25:5–10.

Marriage is used often by the prophets as a symbol of God's relationship to Israel. Usually, it represents the exclusive attachment of Israel to God, who is referred to as Israel's husband. The repeated history of the Israelites worshiping gods of the people around them is likened to adultery.³

- Hosea marries a prostitute, symbolizing God's gracious love for Israel as Hosea forgives her.
- God restores God's forsaken wife, Israel (Isa. 54:1–8, 62:1–5).
- Jeremiah speaks to Israel as a young bride (Jer. 2:2), while in 3:6–10 he represents the faithlessness of Israel as adultery.
- Ezekiel depicts Israel's disobedience as the adultery of an unfaithful wife (Ezekiel 16).

Since God is consistently represented as the husband of Israel, the exclusively female images of the unfaithful partner flow from the imagery. With Judah (Gen. 38:26) and David (1 Sam. 12:1–15), Scripture censures male infidelity, as well.

B. *New Testament*

Jesus' public ministry begins at a wedding feast in Cana, where he performs his first miracle (Jn. 2:1–11). Throughout his ministry, Jesus makes significant statements about marriage:

- Jesus addresses a question about a hypothetical widow of seven husbands, indicating that marriage is not part of life in the resurrection (Mt. 22:23–33, as well as Mk. 12:18–27, and Lk. 20:27–40).
- Jesus condemns divorce, restricting it further than provided by Jewish law (Mt. 19:3–9 and Mk. 10:2–12).⁴
- Jesus seems to indicate a preference for celibacy in his comment about eunuchs, while acknowledging this may not be best for everyone (Mt. 19:10–12).
- Jesus uses marriage as an illustration in several parables (Mt. 22:1–14; Mt. 25:1–13; and Lk. 12:35–38).

In the first-century church, marriage was an issue because of the expected imminent coming of the kingdom of God and because the diverse marriage practices in the Greco-Roman culture posed a challenge to good order in the Christian community.

- Paul writes of the divine gift of marriage as an antidote against *porneia*, a Greek term originally meaning "prostitution," but later broadened to cover a range of sexual misconduct (1 Cor. 7:2–6).⁵
- Paul writes against divorce (1 Cor. 7:7–9, 32–40).
- Paul indicates his preference of celibacy over marriage (1 Cor. 7:7–9, 32–40).
- An analogy is drawn elsewhere between the marriage of husband and wife and the union of Christ with his church (Eph. 5:25–27; Rev. 19:6–8; and Rev. 21:9–10).

Toward the end of the first century, as the expectation of an imminent arrival of God's kingdom faded and the church prepared itself to be a continuing human institution, several trends emerged, as mentioned in 1 Timothy:

- Qualifications for church leaders (ministers) included being married, but only to one wife (3:2).
- Some parties within the church promoted celibacy as an ideal, even as a requirement for faithful Christians, but this was rejected by the orthodox leaders (4:1–6).
- Young widows were encouraged to remarry for economic support, procreation, and to avoid immorality and scandal (5:14).

C. *Historical Summary*

1. *The Early Interplay of Church and State*

The institution of marriage appears not only on the pages of Scripture but also in the ancient world. In ancient Rome, a couple was considered legally married if they agreed that marriage was the intent behind their cohabitation. Because marriage alliances in the ancient world were based on money and power, they could be revoked as quickly as they were invoked if another marital alliance offered more of either.

Early Christians understood themselves as set apart and distinct from the culture around them. In Ephesians and elsewhere, the ideas of mutual submission and love distinguished Christian marriage from the absolute rule of the *paterfamilias*⁶ characteristic of Graeco-Roman marriage.

The early Christian church was an underground and often persecuted movement with little ability to influence official policies in the Roman Empire on matters like marriage. Nevertheless, theologians showed a vital interest in the understanding and practice of marriage in the early Christian community. When Christianity became the official religion of the Roman Empire in 313, laws enacted under Constantine and his successors began to reflect the influence of Christian views about marriage. The writings of Augustine (354–430) were a primary source for Christian understandings of marriage. Augustine expounded upon the three “goods” of marriage—offspring, exclusive fidelity, and the unbreakable bond between husband and wife.

By the mid-fifth century, legal codes enacted after Constantine⁷ included many statutes on marriage:

- Restrictions on divorce and remarriage,
- Prohibition of same-sex marriage, and
- Proscription of clergy to marry, though married men could become clergy.

After the disintegration of the Roman Empire in the West, and for the next several hundred years, marriage was regulated at a local level. The church was involved, but not in a regulatory capacity. Gradually, local customs were combined with biblical interpretations and developed into canon law. Beginning about 800, the church increasingly asserted its authority over marriage.

In 1215, the Fourth Lateran Council decreed the absolute prohibition of “clandestine weddings”⁸—the longstanding practice that if two people had privately consented to marry, it was a valid marriage. By so doing, the church claimed jurisdiction over marriage by insisting that all marriages be held in the church building and before a priest.

During the Middle Ages, the Roman Catholic Church developed further canon law governing marriage, including proscriptions against incest, polygamy, bestiality, and sodomy. Provisions were made for the annulment of marriages formed through duress or fraud, as well as those between persons related by blood or family ties; the church also claimed the power to declare valid marriage bonds indissoluble. By the early sixteenth century, the church’s canon law was the predominant law governing marriage in the West.⁹

Thus, on the eve of the Reformation, in the Roman Catholic Church:

- Celibacy was the norm for clerical and monastic life;
- Marriage, although less holy than celibacy, was a sacrament and “means of grace”; and
- The church regulated marriage law.

2. *The Protestant Reformation*

In the sixteenth century, the Protestant Reformers insisted that Scripture alone be the basis of authority in the church, and re-examined marriage and canon law in light of biblical teaching. In Protestant churches:

- Marriage became a Christian vocation and was considered good, but no longer a sacrament, and
- Celibacy was no longer required of clergy.

However, Protestant views on the theology and regulation of marriage differed:

- Martin Luther (1483–1546) promoted the state’s role in the regulation of marriage. For Luther, civil magistrates acted as God’s vice-regents in the governance of marriage. Civil marriage codes replaced canon law, although many of the principles of canon law (consent, publicity, proscription of prohibited relationships) continued in force. Church leaders were expected to counsel civil authorities in the administration of marriage law.

- King Henry VIII (1491–1547) broke with the Roman Catholic Church to obtain a divorce. He placed church authority under the monarchy, thus beginning the English Reformation. Henry regulated the church, and the church retained control of marriage. The family was seen as a “little commonwealth” and the fundamental institution undergirding society.

- John Calvin (1509–1564) brought his legal background to his theology. He stressed marriage as a covenant between individuals, God, and the community. Calvin’s three reasons for marriage were mutual love and support, the birth and nurture of children, and protection from sexual sin. Regulation of marriage in Calvin’s Geneva was shared between church and state.

Some radical reformers extended the principle of “Scripture alone” to justify polygamy using the example of the Patriarchs and Old Testament laws.¹⁰ Others understood Christ’s redemptive act as freeing true believers from sin, so that nothing done in Christian love was sinful. Reformed church leaders distanced themselves from such unorthodox beliefs and unruly behaviors.

The Reformed understanding of and concerns about marriage were made evident throughout the Reformation-era confessions. The Second Helvetic Confession cautioned against making celibacy a mark of spiritual merit and explicitly condemned polygamy.¹¹ The Heidelberg Catechism urged Christians to “live chaste and disciplined lives, whether in holy wedlock or in single life.”¹²

The Westminster Confession of Faith addressed the excesses that abounded in England between 1640 and 1660, attacking polygamy and spousal desertion to consort with another, both advanced on religious grounds. The Westminster Confession’s original provision on marriage indicated that polygamy was an issue of concern for the Westminster divines: “Marriage is to be between one Man and one Woman: neither is it lawfull for any Man to have more than one Wife, nor for any Woman to have more than one Husband; at the same time.” The confession then outlined the purposes of marriage: “...ordained for the mutual help of Husband and Wife, for the increase of man-kinde with a legitimate issue, and of the Church with an holy seed and, for preventing of uncleannesse.”¹³

3. *Early America*

Immigrants from Lutheran, Reformed, Anglican, and Roman Catholic traditions brought their own assumptions and practices of marriage to the American colonies, making understandings of marriage complex. Enlightenment thinking introduced a fifth pattern—marriage as a social contract. The Enlightenment was an eighteenth-century philosophical movement that held human reason as applicable to all areas of life, including biblical studies. It stressed ideals of freedom, equality, and individual rights, and found fertile ground in the American colonies. Over time, this emphasis resulted in marriage becoming more focused upon personal happiness and self-fulfillment and being seen increasingly as a bilateral personal contract.

In America, states regulated these personal contracts. Marriages were required to be registered with civil authorities. While courts routinely ruled that public cohabitation was sufficient evidence of a valid marriage, by the latter part of the nineteenth century, states began to nullify such “common-law” marriages. They exerted more control over who was allowed to marry, including the prohibition of bigamy and a subsequent series of federal laws designed to prohibit the practice of polygamy. States prohibited marriages on the basis of a variety of conditions, including alcoholism, drug addiction, prior marriage, or lack of mental capacity. Significant among these prohibitions were interracial relationships during Jim Crow segregation.

4. *Recent Developments in Marriage Law*

As societal attitudes about marriage began to change, so did the government’s assertion of its authority to regulate marriage. The U.S. Supreme Court’s 1967 ruling in *Loving v. Virginia*¹⁴ eradicated state laws prohibiting interracial marriage. The court ruled that Virginia’s prohibition of interracial marriage violated the Fourteenth Amendment:

Marriage is one of the “basic civil rights of man [sic],” fundamental to our very existence and survival.... To deny this fundamental freedom on so unsupported a basis as the racial classifications embodied in these statutes ... is surely to deprive all the State’s citizens of liberty without due process of law.¹⁵

With this ruling, the court granted all adults the right to marry without consideration of race, citing constitutional principles of equal protection and due process in limiting the state’s power to regulate marriage.

With the Supreme Court having declared marriage a fundamental civil right, both church and nation began to struggle with whether the principles voiced in *Loving* extended to persons barred from marriage on the basis of their gender.¹⁶

In 1996, Congress passed the Defense of Marriage Act (DOMA), defining marriage as a legal union between one man and one woman for purposes of all federal laws, and including the provision that states in which same-gender marriage is not legal do not have to recognize a same-gender marriage from another state. To date, thirty-seven states have approved their own DOMAs, thirty-one of which have state constitutional amendments defining marriage as between one man and one woman.

Opponents to DOMA have questioned the constitutionality of the act based on the Full Faith and Credit Clause of the Constitution (“Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state”). This clause generally mandates that states must recognize marriages solemnized in any other.

Concerned with potential court challenges to DOMA, advocates introduced legislation calling for a Federal Marriage Amendment to the U.S. Constitution, which would preclude any constitutional challenge to DOMA. The amendment has been introduced unsuccessfully four times in Congress since 2003.

In 2004, Massachusetts became the first state to expand civil marriage to same-gender couples. At the time of this writing, four additional states (New Hampshire, Vermont, Iowa, and Connecticut) and the District of Columbia have done likewise. Several others, including California, New Jersey, Washington, and Oregon, allow civil unions or domestic partnerships that provide same-gender couples some rights and privileges of marriage under state law.

5. *Marriage in the PC(USA)*

Changing societal views on marriage over the last two centuries have affected the church in general and the Presbyterian Church (U.S.A.) in particular. In examining Scripture and the cultural assumptions about marriage in biblical times, the church has come to embrace marriage as an equal partnership between husband and wife. In the 1950s, the church also re-examined the issue of divorce in light of the full sweep of Jesus’ teaching and modern experience, and

loosened doctrinal restrictions by amending The Westminster Confession of Faith.¹⁷

The Confession of 1967 lifts up “anarchy in sexual relationships” as one of four issues of particular concern in the church at that time. The confession enumerates the positive benefits of marriage¹⁸ as a remedy for the “perennial confusion about the meaning of sex.”

Since the late 1970s, issues related to homosexuality have been debated in the PC(USA) and its predecessor denominations. People of deep faith and commitment are struggling to discern how the church can respond in theological and biblical integrity and love to the changing patterns of marriage and sexual practice in American culture.

6. *Mirroring the Civil Disagreement in the Church*

Since 1991, the PC(USA) has wrestled with the question of same-sex union and Christian marriage. The General Assembly Permanent Judicial Commission (GAPJC) has declared that any same-sex ceremony “considered to be the equivalent of a marriage ceremony... would not be sanctioned under the *Book of Order*.” As such, it has instructed ministers of the Word and Sacrament not to “state, imply, or represent that a same-sex ceremony is a marriage,” and has instructed sessions against the use of church facilities in any same-sex ceremony deemed to be the equivalent of a marriage.¹⁹

In *Benton, et al. v. Presbytery of Hudson River* (2000) the GAPJC did allow for individual ministers and sessions to conduct a same-sex ceremony that “celebrates a loving, caring and committed relationship” that does not “confer a new status” but “blesses an existing relationship.” These services are not to be confused with Christian marriage or civil marriage, “do not constitute a marriage ceremony,” and “should not be construed as an endorsement of homosexual conjugal practice proscribed by the General Assembly.”²⁰

Thus, the GAPJC decision permitted ecclesiastical rites for same-sex couples that allow those couples to receive a public benediction, but do not confer a new status to these couples or their families within the community of faith.

Just as with same-sex unions, some view public rituals of blessing for same-sex couples, without a change of status, as socially indeterminate. Others find it to be a helpful compromise. Finally, others believe that the blessing of same-gender relationships may implicitly, if not explicitly, condone and/or encourage behaviors that they believe to be biblically inappropriate.

7. *Where Other Christian Traditions Currently Stand*

Several Christian denominations and traditions are confronting the issues raised by same-gender marriage.

The three bodies with whom the PC(USA) is in full communion have taken differing positions to date:

- The United Church of Christ (UCC) recognizes same-sex marriage: “We ... affirm that all humans are made in the image and likeness of God, including people of all sexual orientations, and God has bestowed upon each one the gift of human sexuality. Further, we recognize and affirm that, as created in God’s image and gifted by God with human sexuality, all people have the right to lead lives that express love, justice, mutuality, commitment, consent and pleasure.”²¹
- The Reformed Church in America (RCA) restricts marriage to “the union of one man and one woman, to the exclusion of all others.” In 1996, the RCA entered into a dialogue with the UCC, “encouraging the UCC to move toward a more biblically faithful understanding of human sexuality and a repeal of all policies condoning homosexual behavior.” While neither denomination changed its views, better understanding resulted from the dialogue. In recent years, the RCA held three years of dialogue after which they affirmed their position on marriage.
- The Evangelical Lutheran Church in America (ELCA) affirms “marriage is a covenant of mutual promises, commitment and hope authorized legally by the state and blessed by God. The historic Christian tradition and the Lutheran confessions have recognized marriage as a covenant between a man and a woman...” Currently, the ELCA “lacks consensus” on the matter of “lifelong monogamous same-gender relationships,” and “encourages all people to live out the faith in the local and global community of the baptized with profound respect for the conscience-bound belief of the neighbor.”²² Its churchwide assembly voted in 2009 to “commit itself to finding ways to allow congregations that choose to do so to recognize, support and hold publicly accountable life-long, monogamous, same-gender relationships.”²³

The Roman Catholic Church holds to its sacramental view of marriage, continuing to refuse to countenance divorce. “The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized.”²⁴

Standing outside the Western tradition, the Orthodox Church in America maintains its ancient, sacramental understanding of marriage between a man and a woman as a “Holy Mystery.” It is not a juridical contract and is not entered with vows or oaths. It is, in essence, the “baptizing and confirming” of human love in God by Christ in the Holy Spirit. The Orthodox Church recognizes as a Christian sacrament only those marriages entered into by baptized communicant members.²⁵

The Episcopal Church views marriage as a “sacramental rite.” “Holy Matrimony is Christian marriage, in which the woman and man enter into a life-long union, make their vows before God and the Church, and receive the grace and blessing of God to help them fulfill their vows.” There is great ferment and disagreement within the Episcopal Church over the issue of same-gender marriage.²⁶

The United Methodist Church, an offshoot from the Anglican tradition, appears to have adopted an understanding of marriage as a contract. “We affirm the sanctity of the marriage covenant that is expressed in love, mutual support, personal commitment and shared fidelity between a man and a woman.”²⁷

The Universal Fellowship of Metropolitan Community Churches, “the world’s first church group with a primary, positive ministry to gays, lesbians, bisexual and transgender persons,”²⁸ strongly supports “marriage equality.”

The Southern Baptist Convention teaches: “Marriage is the uniting of one man and one woman in covenant commitment for a lifetime. It is God’s unique gift to reveal the union between Christ and His church and to provide for the man and the woman in marriage the framework for intimate companionship, the channel of sexual expression according to biblical standards, and the means for procreation of the human race.”²⁹

This report has not considered the positions of many other denominations and independent Christian bodies, both in the United States and around the world. Given their wide variety of theological views, cultural contexts, and ways of understanding and interpreting Scripture, similar diversity in their views of marriage, divorce, and same-gender relationships can be expected. As we seek understanding around these issues within the PC(USA), we also strive to maintain communion with our brothers and sisters in the global church, a goal that is made more complex because of that diversity.

III. The Relationship Between Civil Union and Christian Marriage

The PC(USA) *Book of Order* states that “marriage is a gift God has given to all humankind for the well-being of the entire human family. Marriage is a civil contract between a woman and a man. For Christians, marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship. In a service of Christian marriage, a lifelong commitment is made by a woman and a man to each other, publicly witnessed and acknowledged by the community of faith” (W-4.9001).

Included in the mandate of this special committee was a directive that we were not to change the *Book of Order’s* definition of marriage. Because there are distinct differences in the way terms like marriage, civil union, and domestic partnership are understood, and because those terms are interpreted differently in various civil jurisdictions, the chart below outlines our understanding and identifies the way these terms will be used in this study.

	Civil Marriage	Redefined Civil Marriage ³⁰	Civil Union/Domestic Partnership ³¹	Christian Marriage in the PC(USA)
Structure	government-licensed contract between a man and a woman	government-licensed contract between two persons	contract between two persons by an individual jurisdiction	covenant before God of a lifelong commitment between a man and a woman
Recognition	all states and federal level	not all states or federal level	not all states or federal level	all states and federal level ³²
Purpose	social institution consisting of a man, a woman, and any children they have	social institution consisting of two people and any children they have	legal arrangement between two people	a gift of God to humankind for the well-being of the entire human family; marriage is the full expression of love between a man and a woman
Institution	commitment, publicly witnessed	commitment, publicly witnessed	commitment, publicly registered	lifelong commitment, publicly witnessed, acknowledged by the community of faith

Rights/Privileges	households recognized as social units	households recognized as social units	reciprocal rights/ responsibilities that may or may not approximate marriage	those who are married “live out together before God their lives of [Christian] discipleship” (<i>Book of Order</i> , W-4.9001)
Responsibilities	accountable to each other and government	accountable to each other and government	accountable to each other and government	accountable to each other and government; called to live out discipleship before God

A. *The Difference Between Civil Marriage and Christian Marriage*

Noting the difference between civil marriage and Christian marriage is important to understanding the relationship between civil unions and Christian marriage. Civil marriage, whether or not it is redefined, is a state-licensed *contract* between two consenting adults. Christian marriage is a *covenant* through which “a man and a woman are called to live out together before God their lives of discipleship.”³³

Civil marriage occurs through a state-licensed contract granted to parties who meet particular criteria, which may include residency, identification, premarital counseling, evidence that neither party is currently in a civil marriage, medical testing, lack of consanguinity, and age. In most states, difference in gender is a state-required criterion; in some, people of the same sex may be licensed to marry.

Civil marriage determines the delineation of the household and a person’s next-of-kin, primary parental rights and responsibilities, and other benefits granted by states to those in licensed civil marriages (e.g., filing taxes together, joint home-ownership). Civil marriage is a necessary, but not sufficient, criterion of Christian marriage in the PC(USA).

In Christian marriage, a couple’s covenant to live out their discipleship together in lifelong commitment must accompany civil marriage. A couple must demonstrate sufficient “Christian understanding” to be able to enter into the covenant of Christian marriage.³⁴ Thus, while every state empowers ministers of the Word and Sacrament to officiate on its behalf in civil marriage, the *Book of Order* instructs them not to conduct any covenant ceremony of Christian marriage that they feel is “unwise.” This covenant is so important that the *Book of Order* provides an opportunity for a civilly married couple to enter into it.³⁵

B. *A Comparison of Civil Union and Marriage*

Marriage, whether civil or Christian, represents more than a mechanism to gain state and/or federal benefits. Both constitute the creation of a social unit, household, source of meaning, and identity.

Institutions like marriage and parenthood are not simply mechanisms to fulfill individual needs and aspirations. They are also thick, multi-layered realities that speak to the needs for meaning and identity within human community.³⁶

Since civil unions do not share a connection to this social dimension of marriage, some think that such unions cannot adequately substitute for marriage, fearing that the socially indeterminate nature of civil unions may even encourage impermanence among such couples.³⁷ Others see it as a helpful compromise in a polarized and polarizing debate.

While there may be significant, small populations for whom a civil union is a useful contract,³⁸ civil unions, as qualitatively different from marriage, cannot fully make peace between those who view homosexual practice differently.

IV. The Effects of Current Laws on Same-Gender Partners and Their Children

*God gave us marriage for the well-being of human society, for the ordering of family life, and for the birth and nurture of children.*³⁹

Scripture and the confessions recognize marriage as creating a basic unit of ordered human society. The family provides a structure for the birth and nurture of children, essential for the continuation of the human race. Marriage is held up as “an expression of hope and confidence in God’s providential care.”⁴⁰

As the body of Christ and as people of God, we have a responsibility for the “shelter, nurture, and spiritual fellowship of the children of God” and a responsibility to the culture around us for “the exhibition of the Kingdom of Heaven to the world.”⁴¹ While we hold differing interpretations of Scripture regarding same-gender relationships, we still have an obligation to understand and respond to the social implications of the situation in the society around us for families of same-gender partners.⁴²

Laws are the result of a political process, which is an “allocation of public values,”⁴³ and therefore will always differ

according to value outlook. Among those differing perspectives are⁴⁴:

Perspective 1: Laws that fail to give benefits equal to marriage to same-gender couples and their families violate the standards of social justice and equality.⁴⁵ The differences in benefits result in legal, financial, and social hardships that create social justice issues that may affect children. Using the Equal Protection clause of the U.S. Constitution, there should be no difference made between relationships based on gender. From a biblical perspective, it is important to note the different cultural settings between modern and biblical times, especially in the role of the extended family structure in the latter.⁴⁶ From a sociological direction, there is no clear evidence whether children from same-gender parent families are at a developmental disadvantage.⁴⁷

Perspective 2: Same-gender relationships are of low importance in comparison to other more pressing societal issues. While the concerns of those who oppose same-gender marriage may be understandable, when it comes to matters of faith, it is God's place, not the place of human beings to determine the appropriateness of a relationship.⁴⁸ Under no circumstances should children of same-gender couples be treated any differently under the law because of their parents' relationship. Same-gender couples and their families should receive fair treatment by society and the church.

Perspective 3: It does not violate social justice or equal protection to offer different benefits to same-gender couples from those offered to a man and a woman who are married. Every relationship or contract does not have to be accorded the same value, protection, or benefit. Marriage between one man and one woman is foundational to the stability of society and is the best possible context for the nurture and flourishing of children. In controlled studies, children separated from one or more biological parent fare less well.⁴⁹ All children should be supported regardless of their family situations; however, public policy should not grant the same favor to relationships in which children are separated from at least one biological parent, such as same-gender partnerships. To promote social stability and justice for children, the law should encourage relationships that are optimal by granting particular benefits to a woman and a man who marry.⁵⁰

Perspective 4: Opposing the acceptance of same-gender marriage rises beyond a sociopolitical argument to an issue of conscience. All sexual activity outside of marriage between a man and a woman is unacceptable. Behavior that is explicitly proscribed by Scripture cannot be encouraged. Providing legal benefits equal to marriage for same-gender couples makes society complicit in encouraging this behavior.⁵¹

A. *Census Figures*

Determining the size of the populations involved is not a straightforward task because information on same-gender partners has not been collected in past decennial census reports. However, information collected on same-gender couples by the U.S. Census Bureau's 2008 American Community Survey⁵² indicated a total of 564,743 same-gender couple households in this country. Approximately one-fifth (115,421) of those households included children.

For purposes of comparison, the survey showed around thirty-eight million households with children under the age of eighteen. Of those, twenty-six million households were "male-female parent" households, married and unmarried, and twelve million households were single-parent households. So, while the number of same-gender partner households with children under the age of eighteen, 115,421, is statistically small (0.30 percent), the number of households is still significant.

B. *Federal Laws*

Since the federal government has adopted the Defense of Marriage Act (DOMA) and does not currently recognize same-gender relationships, same-gender couples do not enjoy the federal benefits that are afforded to married heterosexual couples. A 1997 Government Accounting Office report found 1,049 federal laws in which "marital status is a factor," and a 2004 update found 1,138 "federal statutory provisions" in which "marital status is a factor in determining or receiving benefits, rights, and privileges."⁵³ The extension of some benefits to same-gender partners of federal employees in June 2009 marks one of the few significant federal recognitions of these relationships. Other extensions are being considered.

Areas most significantly affected by federal laws, principally DOMA, are:

- Tax code: Given the complexity of the federal tax code, the benefits, or penalties, of a married filing status depends on a household's financial situation; still, low- to moderate-income couples who can file as married pay less federal tax than couples that cannot file as married.⁵⁴

The tax code offers other benefits to married couples. For example, the premiums paid for health insurance for a spouse and children are exempt from federal taxes, while premiums paid for a domestic partner are not.

- Social Security and federal retirement benefits: These programs provide benefits to the spouse of a deceased or disabled plan member. Spousal benefits are limited to a spouse of the opposite sex. A domestic partner or same-gender spouse is not eligible for these benefits.
- Immigration: A same-gender spouse of a U.S. citizen is not eligible for legal permanent resident status ("green card") or work visa based on marital status. If the individual is in the country without current immigration documents, he or she may be subject to deportation. This applies equally to same-gender couples legally married in the U.S. or in another country.

- Recognition of same-gender marriage across state lines: A provision of the federal DOMA declares that states need not recognize other states' same-gender marriages. While this has withstood several challenges in lower courts,⁵⁵ the U.S. Supreme Court has yet to hear an appeal of these cases.

C. *Varieties of State Laws*

States can be divided into five general configurations.⁵⁶

Legal elements	State configurations				
	Constitutional prohibition states (e.g., S.C.)	DOMA states (e.g., Wash.)	Non-DOMA states (e.g., N.M.)	Civil unions/ domestic partnerships states (e.g., Calif.)	Redefined civil marriage states (e.g., Maine)
Constitutional language	yes	no	no	yes	no
DOMA	yes	yes	no	no	no
Restrictive state law	yes	maybe	yes	no	no
Civil unions/ domestic partnerships	no	maybe	maybe	yes	no
Recognition of other states' redefined civil marriages	no	no	no	no	yes

Some of the states that recognize civil unions/domestic partnerships have granted benefits that are arguably equivalent to the benefits granted through marriage.⁵⁷ These benefits fall into several broad categories:

- **Parental:** Without the recognition of a civil marriage/domestic partnership, many parental rights may be denied to one member of a same-gender couple. These include joint or co-parent adoption and recognition of a child's relationship to both parents, as well as eligibility for foster parenting. This lack of a recognized relationship can have implications for the ability to direct medical care for a child, custody of a child on the death of the biological parent, eligibility for public housing or subsidy programs, and ability to extend the nonbiological parent's employer health insurance to the children.
- **Partner:** The rights and benefits not available to an unmarried partner are even more numerous. They include the lack of health insurance and Medicare benefits, as well as the inability to direct medical care and receive survivor benefits. They extend into many economic and commercial areas that married couples take for granted, including the ability to have joint credit, and to own property with special tax benefits and legal protections for a married couple. A number of legal benefits and processes are also unavailable—protection against being forced to testify against a spouse in court; the ability to structure a dissolution of the relationship through a court-supervised divorce, including child custody and visitation rights; and the right to sue for wrongful death of a partner.
- **Tax code:** State and local tax codes vary too widely to draw general conclusions about the benefits or penalties of marriage. In general, state tax laws are roughly parallel to federal laws and, more often than not, low- to middle-income married couples receive more favorable treatment than similar unmarried couples. Married couples generally receive more favorable treatment regarding the taxation of income from self-employment, family businesses, and inheritance.
- **Health benefits:** Current legislative activity is focusing on securing medical coverage for same-gender partners and the nonbiological children of the insured partner.⁵⁸ Family medical leave is also a concern.

D. *Current Research*

While it is possible to describe the differences in the law regarding same-gender relationships, including differences in benefits that might arise between heterosexual marriage and same-gender relationships, it is still difficult to make definitive statements on the sociological effects of these laws on same-gender families and their children. Research on this specific topic encounters some significant challenges.

The journal of the American Academy of Pediatrics offers a comprehensive review of the literature related to the psychosocial aspects of same-gender parents and their children, including the challenges to conducting and evaluating this research.⁵⁹ Factors such as small sample size, children originally born into a heterosexual parental relationship, investigator bias, and community attitudes are still present in some current research.

In addition, the effect of the laws and the developmental differences of children in same-gender parent families are

difficult to determine because cultural attitudes are not static. As community attitudes change and same-gender marriage finds greater acceptance, outcomes in current and future studies of children being raised in such families can be expected to differ from earlier studies.⁶⁰ As one article states:

...whether same-sex marriage would prove socially beneficial, socially harmful, or trivial is an empirical question that cannot be settled by any amount of armchair theorizing. There are plausible arguments on all sides of the issue, and as yet there is no evidence sufficient to settle them.⁶¹

V. What Is the Place of Covenanted Same-Gender Partnerships in the Christian Community?

But now in Christ Jesus you who once were far off have been brought near by the blood of Christ. For he is our peace; in his flesh he has made both groups into one and has broken down the dividing wall, that is, the hostility between us. ... So then you are no longer strangers and aliens, but you are citizens with the saints and also members of the household of God, built upon the foundation of the apostles and prophets, with Christ Jesus himself as the cornerstone. In him the whole structure is joined together and grows into a holy temple in the Lord; in whom you also are built together spiritually into a dwelling place for God. (Eph. 2:13–22)

“We belong to one another only through and in Jesus Christ,” Dietrich Bonhoeffer writes:

What does this mean? It means, first, that a Christian needs others because of Jesus Christ. It means, second, that a Christian comes to others only through Jesus Christ. It means, third, that in Jesus Christ we have been chosen from eternity, accepted in time, and united for eternity.⁶²

We all come to Christ as sinners, as strangers, whether we are in worship the week we are born or come to know Christ in our youth or old age. But once in Christ, we are inextricably linked to one another—not by affinity, comfort, or culture, but because we belong to Christ. It is Christ who sets a place for us at the table; it is Christ alone who calls.

With Christ’s call comes the forming of Christ’s mind in each believer. In Christ, no matter who we are or what our condition, we come to understand our own and others’ essential humanity, which Christ redeems from the shadows of sin. Because Christ alone knows us, it is through the mind of Christ alone that we truly come to know others.

Christ is the center of our lives, individually and together. Christ calls us to leave behind our lives bound by sin and alienated from self, others, and God, and to enter into fellowship with people we did not and might not have chosen. As Bonhoeffer states, “When Christ calls a man [sic], he bids him come and die.”⁶³ We are not our own. We have been bought with a price.

A. *Our Current Situation*

The Presbytery of Denver’s overture to the 218th General Assembly (2008), which commissioned this study, envisioned an emerging compromise that might cool the conflict over homosexual practice to the point that both sides could disagree in peace without impinging on one another’s liberties of action or conscience. This two-tiered form of recognition of committed relationship (one being civil union or domestic partnership and the other civil marriage, defined as between one man and one woman) has not found hoped-for acceptance. In church and society, the conflict over homosexuality and the definition of marriage has hardened and deepened.

This seemingly insoluble conflict mocks the hopes and prayers of our brothers and sisters who first reported to the 190th General Assembly (1978) of the United Presbyterian Church in the United States of America that:

the church’s grappling with the issue of homosexuality has already energized its membership in a remarkable awakening of prayer and theological study. Our study should continue with the aim of reaching harmony in our diverging positions on homosexuality and other critical issues. Our prayer should now be concentrated upon this process of internal reconciliation⁶⁴

History’s trajectory during the thirty years since the expression of those hopes and prayers has not been a gradual harmony, but an increasingly strident and rigid disharmony that threatens once more to tear the church asunder. But the Presbyterian Church (U.S.A.) is not our possession; it belongs to Christ.

What is the place of covenanted same-gender partnerships in the Christian community? The members of the PC (USA) cannot agree. We affirm that individuals in same-gender relationships, no differently from any persons in the Christian community, are to be welcomed by the church and—no differently from any other persons in the Christian community—are called to be transformed by the radical and redeeming love of Jesus Christ. Still, some believe acceptance of same-gender partnerships to be tantamount to approving homosexual practice, which they find at odds with Scripture and our confessions. Others have no difficulty accepting same-gender partnerships, pointing to biblical principles of love and justice.

But “when Christ calls a man [sic], he bids him come and die.”⁶⁵ The PC(USA) is not ours, and our unity in Christ does not depend on our agreement. We did not choose Christ; Christ has chosen us and appointed us—each and every one—to go and bear fruit that will last in this part of Christ’s vineyard. We believe that it is our Christ-given calling to stay in relationship with one another, especially when we disagree.

B. *Resources of Our Tradition*

We are Presbyterians. Our polity, our way of living and working together in faithfulness, relies not on hierarchical human authority to compel or enforce, but upon God’s Spirit to form the mind of Christ in each believer. We trust that the Spirit is working—even when we cannot see it clearly—to reshape and reform us according to God’s word.

Our historic principles of church order begin with words from The Westminster Confession of Faith:

God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men [sic] which are in anything contrary to his Word, or beside it in matters of faith or worship.⁶⁶

With this radical freedom comes a radical responsibility. We are held accountable to Christ before the God of history for how we act, how we live, how we love. We hold:

that truth is in order to goodness we are persuaded that there is an inseparable connection between faith and practice, truth and duty.⁶⁷

The tension between our freedom and our responsibility has meant that our life together is often marked by disagreement, a sign of how seriously we take the gospel and the consequences of our actions. So, we believe:

that there are truths and forms with respect to which men [sic] of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other.⁶⁸

It is to this principle of mutual forbearance that we appeal. Recognizing that Christ is our peace, we must love, support, and trust each other as together we search for Christ's truth. This is how we model what it means to be the body of Christ for each other and for the world.

But if we come to see our brothers and sisters with whom we disagree as our—or worse yet, Christ's—enemies, we have denied the unifying power of Christ's redeeming, reconciling love. We must seek a way to live together as the body of Christ, not through peaceable uniformity, but by exercising mutual tolerance and forbearance in those areas where people of good faith differ. The sacrifice required to do this should be evenly distributed and shared across the whole body until Christ the Head brings clarity, which may not come quickly. And even when clarity does come, we must understand and accept that it will sooner or later be followed by yet another conflict.

C. *Our Covenant*

“Baptism is the sign and seal of incorporation into Christ. ... The body of Christ is one, and Baptism is the bond of unity in Christ.”⁶⁹ Thus, we all have been brought into a covenant relationship with one another, perhaps expressed by a new commitment to an age-old declaration: Those whom God has joined together, let no one separate.

Throughout our time of prayerful deliberation—and sometimes difficult disagreement—the members of the PC (USA) Special Committee to Study Issues of Civil Union and Christian Marriage have been blessed and challenged by a profound sense of our unity in Christ. Because of that, our time together has been marked by a remarkable degree of mutual respect, commitment to one another, and Christian love. We can only attribute these gifts to the living presence of Christ among us and to the transforming power of the Holy Spirit.

From the gifts of unity, respect, commitment, and love that we have received, we commend to our brothers and sisters in the PC(USA) the following covenant, particularly when governing bodies meet together to discuss divisive issues.

Those Whom God Has Joined Together, Let No One Separate

We acknowledge and confess that the Presbyterian Church (U.S.A.) displays the marks of the true Church (the gospel is rightly preached and heard, the sacraments are rightly administered, and ecclesiastical discipline is uprightly ministered).⁷⁰ Christ has chosen each one of us here, and has called us to this place. *Those whom God has joined together, let no one separate.*

By the grace of the Lord Jesus Christ, with the love of God, and in the communion of the Holy Spirit, we covenant together to:

- Honor the truth that Christ has called and God works through each member;
- Listen to one another with openness and respect;
- Support and pray for each other and for one another's ministries;
- Earnestly seek and carefully listen to each person's discernment of God's will found in Scripture;
- Struggle together with perseverance to find God's will for us even when the way is difficult;
- Love one another even when we disagree, and to commit ourselves to the reconciliation of any broken relationships we have with one another;
- Honor who we are as Presbyterians by respecting the fallible discernment of the body, bearing in mind that individual conscience, held captive to the word of God, cannot be thus bound.

D. *Steps Toward Mutual Forbearance*

Exercising the mutual forbearance to which we are called:

1. We agree that Christ calls all persons into fellowship with him, regardless of race, sex, occupation, ethnic origin, sexual orientation, or any other worldly condition, and that congregations are to welcome all persons who respond in trust

and obedience to God's grace in Jesus Christ and who desire to become part of the membership and mission of Christ's church.⁷¹

2. We confess that we are brothers and sisters bound together in Christ, and that while these conversations are difficult and intense, our disagreements do not negate our unity. Threats of departure or coercive ways of achieving uniformity are ultimately unhelpful and do little more than draw lines and force us to become more deeply entrenched in our positions and prejudices.

3. We recognize that our interpretations of Scripture lead us to different conclusions regarding homosexual behavior and same-gender partnerships. We hold that the Christian life is one of sanctification, and we confess that Scripture holds out a transforming hope of radical change in Jesus Christ that requires us to be dead to sin and alive to all that is good. For some of us, that means same-gender couples should be encouraged to abstain from sexual relations; for others of us, that means that same-gender couples should be encouraged to enter into faithful, covenanted, lifelong partnerships.

4. We agree that Christian marriage is not a "right" conferred upon anyone, but a gift given to us by God to nurture and form human beings into the kind of sacrificial, self-giving love that we see in Jesus Christ.

5. We recognize the organic nature of the Presbyterian church's polity, where responsibility and accountability for ministry and governance is assigned at all levels of the church. Questions of marriage and civil union are already being addressed at congregational and presbytery levels, where the issues have human faces, concrete circumstances, and real consequences. Any successful resolution must begin with individual sessions and presbyteries. In this time of flux, all voices are needed in this conversation.⁷²

6. We acknowledge that current law, in which clergy act as agents of the state, is a source of confusion.⁷³ Some argue that the church should relinquish its state-sanctioned power to marry. Others feel that, even in confusion, it should be retained to further the cause of the gospel.

7. We affirm that the church is called to offer pastoral care to all members of the church family experiencing times of special need and crisis.⁷⁴ Recognizing our common brokenness and our unique individual expressions of that brokenness, we encourage presbyteries and sessions to extend appropriate pastoral care to all experiencing the joys and sorrow of human life in all of its manifestations.⁷⁵

8. We acknowledge the presence of same-gender partners in our communities and congregations. Together, we are members of the body of Christ and joined by the reconciling work of Christ. As the body of Christ, we affirm the call of the church, in its ministry and mission, to offer to all persons God's gracious provision of redemption and forgiveness, calling all persons into loving obedience to God's will.

VI. Conclusion

A struggle continues in the Presbyterian Church (U.S.A.)—a struggle mirrored by the members of our committee.

- We find that our church is united in our gratitude for God's word that is authoritative for us and for the theological heritage that has formed and informed us. Yet our different ways of interpreting the Bible and other foundational texts have left us deeply divided about the conclusions we draw from these sources of guidance. We have honest and sincere disagreements, but also a conviction that we should not caricature or condemn our sisters and brothers with whom we disagree.
- We see great diversity in the laws around this issue, and these laws have changed even as we have embarked on this study. We have reached no consensus on a faithful response to the changing nature of civil marriage.
- We find that there are a significant number of children in same-gender households, and the reported numbers will likely increase in the next U.S. Census. Our responses as a church to the questions raised have real consequences in the lives of these children.
- We find that the compromise suggestion of civil unions/domestic partnerships offers no true solution to the struggle around same-gender partnerships. Civil unions/domestic partnerships provide neither the state-sanctioned benefits nor the societal acceptance that marriage (redefined or not) offers.

A struggle continues in the PC(USA), but important points of unity are also present—unity mirrored by the members of our committee.

- The church is not ours; it belongs to Christ. We are part of the church solely by the grace of God. Thus, it is inappropriate for us to seek to define "the place" for any of our sisters and brothers in Christ within Christ's church. Rather we confess that, apart from anything we have done, Christ has prepared a place for every one of us.
- Every one of us is called to mutual forbearance and mutual accountability in how we practice our lives of faith together.
- We are the body of Christ, called to live into our Christ-reconciled life together, acting in a manner that lives out our covenant, "Those whom God has joined together, let no one separate."

We now offer to the church the work we have done together in two forms—a report and a call to covenant. Far more than commending our work, we entreat the Presbyterian Church (U.S.A.) to affirm the covenant relationship into which

Christ calls all of us by praying for and seeking to live into the covenant life that Christ provides for us, a covenant life marked by reconciliation.

In truth, this is only the most current in a long series of disagreements and differences of opinion that the Presbyterian Church (U.S.A.) has had to and will have to confront. The nature of our polity predisposes us to debate and struggle with each other, always striving to discern the mind of Christ for our life together. We have weathered these debates before and we will face them again in years to come.

The question before us is not what issue will define us at any given moment, but whether the PC(USA) can confess that our unity in Christ supersedes any other claim or argument that vies for our attention. Our hope and prayer is that this current debate provides an opportunity to reflect upon and renew our relationships in the body of Christ and our call to ministry together.

Whatever actions the 219th General Assembly (2010) of the Presbyterian Church (U.S.A.) takes, we commend to you this covenant as a way to remember that it is Christ who calls us, Christ who redeems us, and Christ who reconciles us to one another in covenant faithfulness.

Those whom God has joined together, let no one separate.

Members of the Special Committee to Study Issues of Civil Union and Christian Marriage: The Reverend Clayton F. Allard; The Reverend Emily J. Anderson; The Reverend Earl Arnold; Elder Luis Antonio De La Rosa; Emily W. Miller, candidate for minister of the Word and Sacrament; Elder Katina Miner (through August 2009); The Reverend Margaret Aymer; Elder Stephen L. Salyards; The Reverend Tracie Mayes Stewart; The Reverend Jim Szezyller (moderator); The Reverend William Teng; Elder Lisa Cooper Van Riper; The Reverend Derrick Weston.

The following committee members have reserved the right to submit a minority report: The Reverend Tracie Mayes Stewart; The Reverend William Teng; Elder Lisa Cooper Van Riper.

Endnotes

1. *The Book of Confessions*, 9.27.
2. “Presbyterian Understanding and Use of Holy Scripture” and “Biblical Authority and Interpretation” are printed together and available from Presbyterian Distribution Service (#70420-98-006) or online at www.pcusa.org/oga/publications/scripture-use.pdf.
3. Some of these passages have been misappropriated to excuse spousal abuse. Because of our deep concern with domestic violence, we refer all readers to the excellent treatment of this in “Turn Mourning into Dancing! A Policy Statement on Healing Domestic Violence,” 213th General Assembly (2001) of the Presbyterian Church (U.S.A.),
4. This passage is quoted widely in discussions regarding marriage and it should be noted that by Jesus pointing them back to Genesis 1–2, some read this passage as also condemning homosexuality and polygamy.
5. Frederick Danker, et al., *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, 3rd edition (Chicago: University of Chicago Press, 2001); Robert A.J. Gagnon, *The Bible and Homosexual Practice* (Nashville: Abington Press, 2001), 436.
6. The *paterfamilias* (“father of the family”) was the male head of a Roman household who held the power of life and death (*patria potestas*) over all members of the household, including slaves. [Suzanne Dixon, *The Roman Family* (Baltimore: Johns Hopkins, 1992), chap. 2.]
7. Matthew Kuefler, “The Marriage Revolution in Late Antiquity: The Theodosian Code and Later Roman Marriage Law,” *Journal of Family History*, 2007.
8. Stephanie Coontz, *Marriage, A History: How Love Conquered Marriage* (New York: Penguin Books, 2005), 106.
9. John Witte Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* (Louisville: Westminster John Knox Press), 4.
10. See Deut. 21:15–17.
11. *The Book of Confessions*, The Second Helvetic Confession, 5.245, 5.246.
12. *The Book of Confessions*, The Heidelberg Catechism, 4.108.
13. *The Book of Confessions*, The Westminster Confession of Faith, 6.131.
14. 388 U.S. 1 (1967).
15. 388 U.S. at 11, citing *Skinner v. Oklahoma*, 316 U.S. 535, 541 (1942), citations omitted.

16. Compare *Baker v. Nelson*, 191 N.W.2d 185 (1971)—rejecting constitutional challenge to same-sex marriage prohibition, and *Goodridge v. Department of Public Health*, 440 Mass. 309 (2003)—sustaining a constitutional challenge.
17. See *The Book of Confessions*, The Westminster Confession of Faith, 6.132 and 6.137–139. The original language of Chapter XXIV, paragraphs 5 and 6, is available at
18. *The Book of Confessions*, The Confession of 1967, 9.47 “...each person has joy in and respect for his (sic) own humanity and that of other persons; a man and woman are enabled to marry, to commit themselves to a mutually shared life, and to respond to each other in sensitive and lifelong concern; parents receive the grace to care for children in love and to nurture their individuality.”
19. Request 91-23, *Minutes*, 203rd General Assembly (1991), Part I, p. 395; *Jane Adams Spahr v. Presbyterian Church (U.S.A) through the Presbytery of Redwoods*, <<http://www.pcusa.org/gapjc/decisions/pjc21812withconcurrences.pdf>>, also *Minutes*, 2008, Part I, p. 330ff.
20. <http://www.pcusa.org/gapjc/decisions/pjc21211.pdf>, see also *Minutes*, 2000, Part I, p. 588.
21. <www.ucc.org/assets/pdfs/in-support-of-equal-marriage-rights-for-all-with-background.pdf>, p. 2–3.
22. “Human Sexuality: Gift and Trust,” August 19, 2009, Evangelical Lutheran Church in America, <<http://www.elca.org/~media/Files/Who%20We%20Are/Office%20of%20the%20Secretary/Assembly/CWA%202009%20Revised%20Social%20Statement%20HSGT%20FINAL%20090309.pdf>>.
23. Resolution 2 at <<http://www.elca.org/Who-We-Are/Our-Three-Expressions/Churchwide-Organization/Office-of-the-Secretary/ELCA-Governance/Churchwide-Assembly/Actions/Voting.aspx#MP>>.
24. <http://www.vatican.va/archive/ENG1104/_P3V.HTM>.
25. <<http://www.oca.org/OCchapter.asp?SID=2&ID=56>>.
26. <http://gc2009.org/ViewLegislation/view_leg_detail.aspx?id=898&type=Final>.
27. <http://www.umc.org/site/apps/nlnet/content.aspx?c=1wL4KnN1Lth&b=5066287&content_id={1F927523-A422-4005-BA60-517220DB6D1E}-oc=1>.
- 28.
29. Southern Baptist Convention, “The Baptist Faith and Message,” as amended June 14, 2000,
30. “Redefined civil marriage” denotes the extension of the rights of marriage to same-sex couples.
31. The terms used and benefits conveyed vary among jurisdictions.
32. PC(USA) marriages are required to fulfill the legal requirements of civil marriage (*Book of Order*, W-4.9001).
33. Here and throughout this report, Christian marriage refers to *Book of Order*, W-4.9001.
34. *Book of Order*, W-4.9002b.
35. *Book of Order*, W-4.9002b.
36. Dan Cere, *The Future of Family Law: Law and the Marriage Crisis in North America*. (New York: Institute for American Values, 2005), 40.
37. <<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/13/AR2009021303365.html>>, last accessed 15 September 2009.
38. For example, two elderly persons who need to retain separate custodial living arrangements, but who wish to be blessed within the church.
39. *Book of Common Worship* (Louisville: Westminster John Knox Press, 1993), 842.
40. *Christian Marriage: Supplemental Liturgical Resource 3* (Louisville: Westminster John Knox Press, 1986), 91.
41. *Book of Order*, G-1.0200.
42. James G. Pawelski, et al, “The Effects of Marriage, Civil Union, and Domestic Partnership Laws on the Health and Well-being of Children,” *Pediatrics* 118, no. 1 (2006), <<http://pediatrics.aappublications.org/cgi/content/full/118/1/349>> (1 July 2006). While a bit older, this article covered this topic in more detail than available to the committee.

43. Walter E. Volkmer, *American Government*, 8th edition (Upper Saddle River, N.J.: Prentice Hall, 1998), 4.
44. For a thorough treatment of the spectrum of viewpoints regarding same-gender relationships, see William Stacy Johnson, *A Time to Embrace: Same-Gender Relationships in Religion, Law, and Politics* (Grand Rapids: Wm. B. Eerdmann, 2006), 39–108.
45. Mt. 22:39, Mt. 7:12, Am. 5:24.
46. Ruth 4:13–17, Esth. 2:7.
47. “Transforming Families,” 216th General Assembly (2004) of the Presbyterian Church (U.S.A.), <http://www.pcusa.org/oga/publications/transformingfamilies.pdf>, see also *Minutes*, 2004, Part I, p. 747ff.
48. Mt. 7:1–5.
49. “Transforming Families,” 216th General Assembly (2004) of the Presbyterian Church (U.S.A.),
50. Gen. 1:27–28; 2:23–24, Mk. 10:6–9, Eph. 5:21–6:4.
51. Heb. 13:4, 1 Cor. 6:12–7:17, Eph. 5:1–3.
52. <<http://www.census.gov/acs/www/index.html>>. Narrative by Gates,
53. <<http://www.gao.gov/archive/1997/og97016.pdf>>; <<http://www.gao.gov/new.items/d04353r.pdf>>. Not all of these provisions are of equal magnitude. See further <<http://www.marriagedebate.com/pdf/iMAPP.GAO.pdf>>.
54. Stephen T. Black, “Same-Sex Marriage and Taxes,” *BYU Journal of Public Law* 22, no. 327, <<http://www.law2.byu.edu/jpl/Vol22.2/Black.pdf>>. Due to the complexity of the federal tax code, higher income married couples may have different tax burdens and benefits.
- 55.
56. The current status of a particular state can be found at <<http://www.ncsl.org/IssuesResearch/HumanServices/SameSexMarriage/tabid/16430/Default.aspx>> or <<http://marriage.about.com/cs/marriagelicense/a/samesexcomp.htm>>.
57. See Glenn T. Stanton and Bill Maier, *Marriage on Trial* (Downers Grove, IL: Intervarsity Press, 2004), 20 for the affirmative argument, and Pawelski (p. 356) for the negative.
58. Linda J. Waite and Maggie Gallagher, *The Case for Marriage* (New York: Broadway Books, 2000), 20.
59. Pawelski, p. 358ff.
60. Pawelski, p. 359.
61. Meezan and Rauch, 2005, “Gay Marriage, Same-sex Parenting, and America’s Children,” *The Future of Children*, vol. 15, no. 2, p. 110. Even the most recent comprehensive summary, the monograph *Lesbian and Gay Parents and Their Children: Research on the Family Life Cycle* (Abbie Goldberg, American Psychological Association, 2010), recognizes methodological limitations and the need for further research regarding children, youth, and adult children of same-gender couples.
62. Dietrich Bonhoeffer, *Life Together* (New York: Harper & Row Publishers, 1954), 21.
63. Dietrich Bonhoeffer, *The Cost of Discipleship* (New York: Macmillan, 1959), 7.
64. “The Church and Homosexuality: Policy Statement and Recommendations.” United Presbyterian Church in the United States of America, *Minutes*, 1978, Part I, pp. 261–66, p. 58.
65. *Ibid.*
66. (“Men” and “man’s” in this 18th-century quotation should be understood as applying to all persons.) *The Book of Confessions*, 6.109. See also *Book of Order*, G-1.0301.
67. *Book of Order*, G-1.0304.
68. *Book of Order*, G-1.0305.
69. *Book of Order*, W-2.3001, W-2.3005.
70. *The Book of Confessions*, 3.18.
71. United Presbyterian Church in the United States of America, *Minutes*, 190th General Assembly (1978), Part I, p. 261ff; and Presbyterian Church in the United States, *Minutes*, 119th General Assembly

(1979), Part I, p. 362ff.

72. See particularly *The Book of Confessions*, 9.40.

73. We acknowledge that a conflict may exist between some current civil definitions of marriage and the definition of Christian marriage. However, changing the definition of marriage in the *Book of Order* (W-4.9001) falls outside the mandate of this committee.

74. *Book of Order*, W-6.3005.

75. *Book of Order*, W-6.3010.

COMMENT

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Joint COGA/GAMC Comment

The Office of Theology and Worship and the Office of the General Assembly's Department of Constitutional Services suggest that commissioners may wish to review the following existing resources:

Benton, et al. v Presbytery of Hudson River, Remedial Case 212-11, *Minutes*, 2000, Part I, p. 586, or online at <<http://www.pcusa.org/gapjc/decisions/pjc21211.pdf>> (see also under "Additional Resources").

Spahr v Presbytery of Redwoods Case 218-12, *Minutes*, 2008, Part I, p. 330, or online at <<http://www.pcusa.org/gapjc/decisions/pjc21812withconcurrences.pdf>> (see also under "Additional Resources").

Advisory Opinion #7, <<http://www.pcusa.org/constitutionalservices/ad-op/advisory-opinion07.pdf>> (see also under "Additional Resources").

Book of Order, Directory for Worship, Chapter W-4.9000 (W-4.9001–W-4.9006) (see under "Additional Resources").

ADDITIONAL RESOURCES

Joint COGA/GAMC Comment Additional Resources

[pic21812withconcurrences.pdf](http://www.pcusa.org/gapjc/decisions/pjc21812withconcurrences.pdf)

Joint COGA/GAMC Comment Additional Resources

[advisory-opinion07.pdf](http://www.pcusa.org/constitutionalservices/ad-op/advisory-opinion07.pdf)

Joint COGA/GAMC Comment Additional Resources

[directory-for-worship-4-9000-only.pdf](http://www.pcusa.org/gapjc/decisions/pjc21211.pdf)

Joint COGA/GAMC Comment Additional Resources.

[pic21211.pdf](http://www.pcusa.org/gapjc/decisions/pjc21211.pdf)