

AN OVERVIEW OF SAME-SEX MARRIAGE IN THE PRESBYTERIAN CHURCH CCPC MARRIAGE TASK FORCE -- SEPTEMBER 2012

Spirituality. Morality. Equality. Justice. Love. Compassion. Permanent Truths. Practical Realities. Corporate Bodies. Personal Convictions. These are just a few of the dimensions which inform our questions surrounding same-sex marriage in the Church.

As individuals, as members of the CCPC congregation, and as part of the Presbyterian Church (USA), we are on a journey of discovery and discernment. Read on to learn more, and consider how you can join the conversation.

We are at a historical intersection. Our society's views on the nature of sexual orientation are rapidly evolving. Our legal system has firmly established that discrimination on the basis of sexual orientation is no longer tolerated. Building on that foundation, we increasingly see broader acceptance of same-sex relationships, and a pattern of partner rights is solidifying across an expanding range of corporate, educational and governmental institutions. This trend has accelerated in recent years as several states and the District of Columbia have now legalized same-sex marriage.

Within the Presbyterian Church, however, the definition of Christian marriage remains as "a covenant through which a man and a woman are called to live out together before God their lives of discipleship". As a result, under the polity of the Presbyterian Church (USA), our pastors may not perform same-sex Christian marriage services and our Session may not allow church facilities to be used for those purposes.

This dichotomy leads us to potential conflicts that are not easily resolved. It also creates an opportunity for our congregation to engage in prayerful discussion.

The Session of CCPC has not previously considered how it would respond should a request be made to conduct a same-sex marriage ceremony pursuant to the District of Columbia law. Accordingly, in June 2011 the Session commissioned the Marriage Task Force to study the topic of same-sex marriage and lead the congregation through a process of discernment. As part of that effort, the Marriage Task Force has created this summary paper to help individuals learn more about the subject of same-sex marriage in the Church.

The remainder of this document is organized into the following sections:

- Scriptural Perspectives
- The History of Marriage in the Christian Tradition
- Legal Status of Same-Sex Marriage
- The Definition of Marriage and Presbyterian Church Polity
- The General Assembly
- The CCPC Marriage Task Force

NOTE: This summary borrows heavily from the following sources:

- The Final 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.)
- The entry under the heading "Same-sex marriage in the United States" on www.wikipedia.com, as of September 2012.

AN OVERVIEW OF SAME-SEX MARRIAGE IN THE PRESBYTERIAN CHURCH CCPC MARRIAGE TASK FORCE -- SEPTEMBER 2012

SCRIPTURAL PERSPECTIVES

The debate within the church centers on the interpretation of scripture. There is, at present, no consensus as to the manner in which the scripture should be interpreted.

There are two larger approaches within the church to scriptural interpretation. We refer to the first approach as “Liberal” or “Progressive”. This approach focuses upon the broader principles of love and justice contained within the Bible and in the teachings of Jesus Christ. We will call the second approach “Traditional” or “Conservative”. This second approach emphasizes a core meaning of “marriage” as established by God, with focus upon specific biblical passages that prohibit same sex relations and give specific characteristics of “marriage.”

Fortunately, as brothers and sisters in Christ, both groups see their approach as compassionate to gay people. In addition, all seek a respectful conversation around this issue.

Let’s start by examining passages which can support the Traditional perspective.

From the Old Testament, we find references to marriage uniting a man and a woman: “Therefore, a man leaves his father and his mother and clings to his wife, and they become one flesh.” (Genesis 2:24)

This passage is referenced by Jesus himself in the New Testament. As the Pharisees quiz him about the lawfulness of divorce, “Jesus answered, ‘Have you not read that the one who made them at the beginning made them male and female and said for this reason a man shall leave his father and mother and be joined to his wife and the two shall become one flesh? So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate.’” (Matthew 19: 4-6)

The Old Testament presents marriage as the basis for the family, the fundamental unit of society. Genesis tells how God gave humanity the gift of marriage, and identifies the purpose of marriage as being for:

- Completeness for man and woman
- Birth and nurture of children
- Companionship, mutual support, and affection
- Economic partnership

We find many laws regarding marriage and divorce in Leviticus 18: 6-18, and Proverbs 31: 10-31. And the story of Sodom and Gomorrah (Ezekiel 16:49) is also cited as support for God’s intentions.

The New Testament brings the reader full circle to the previously cited passage from Genesis. In Matthew 19: 4-6 and Mark 10: 6-9, Jesus defined marriage. In doing so, he brought mankind back to God’s design and away from misuse (divorce, polygamy.)

We also find several examples of the importance of marriage identified in the New Testament:

- Jesus’ public ministry began at a wedding feast (John 2: 1-11)

AN OVERVIEW OF SAME-SEX MARRIAGE IN THE PRESBYTERIAN CHURCH CCPC MARRIAGE TASK FORCE -- SEPTEMBER 2012

- Marriage is used as an illustration in the parables (Matthew 22: 1-14, Matthew 25 1-13, Luke 12: 35-38)
- Marriage is presented as an antidote to sexual misconduct (1 Corinthians 7: 2-6)
- The issue of celibacy is discussed in Matthew 19:10-12
- The relation to economic support can be found in First Timothy 5:14

Turning now to the Liberal Interpretation, we find an overall theme that any interpretation of scripture must be informed by the work and ministry of Jesus Christ. And that the larger focus must be on love and justice.

“I give you a new commandment, that you love one another. Just as I have loved you, you should also love one another. By this everyone will know that you are my disciples, if you have love for one another.” (John 13:34-35)

Differences from Traditional scriptural interpretation are reconciled by viewing the Scripture as the Word of God conditioned by the times in which it was written.

The Liberal perspective also relies on the absence of specific commentary. We are encouraged to look at not only what is written in the Bible, but also what is not:

- Jesus said nothing about homosexuality. Contrast with greed, divorce, adultery, hypocrisy etc.
- There is nothing in the Ten Commandments.
- There is nothing mentioned by the prophets.
- There is nothing mentioned in the Gospels.

Moreover, the Liberal perspective argues for a contrary view on certain passages that might otherwise support the Traditional view:

- Leviticus 18: 6-18: The “Holiness Code” was designed to maintain the ritual purity of ancient Israel; the Code contains hundreds of directives which are no longer followed; the only same-sex activity referenced at the time involved same-sex rape and sexual abuse, not loving, committed relationships.
- Sodom and Gomorrah (Ezekial 16:49): The sex referenced is rape; the sin of Sodom and Gomorrah was pride, idleness, and the failure to welcome and help the stranger, the poor, and the needy. The sin was not, as is commonly believed, homosexuality.
- The Writings of Paul: The only form of same-sex behavior that he knew of was the debauched pagan expression of it (i.e., male prostitution and not committed relationships).

AN OVERVIEW OF SAME-SEX MARRIAGE IN THE PRESBYTERIAN CHURCH CCPC MARRIAGE TASK FORCE -- SEPTEMBER 2012

THE HISTORY OF MARRIAGE IN THE CHRISTIAN TRADITION

Early Christians saw themselves as separate from the Roman culture around them. They confined sexual expression to the union of one man and one woman and they drew on New Testament ideals of mutual submission and love.

Under Constantine, Roman law began to reflect Christian views of marriage and chastity. The writings of Augustine were especially influential in the Christian understanding of marriage: procreation, exclusive fidelity and unbreakable bonds between husband and wife. By the mid-fifth century, the legal codes on marriage included restrictions on divorce and remarriage and prohibition of same-sex marriage. By the beginning of the thirteenth century, the church claimed jurisdiction over marriage by insisting that all marriages be held in the church building and before a priest. By the sixteenth century, the Roman Catholic canon law of marriage was predominant in the West. Marriage was a sacrament and “means of grace”.

The Protestant Reformation re-examined marriage and canon law in light of biblical teaching, and marriage became a Christian vocation, and considered good. It was no longer a sacrament.

Martin Luther promoted the state's role in the regulation of marriage. Civil marriage codes replaced canon law even though many of the principles of canon law continued in force.

John Calvin stated that marriage was a covenant between individuals, God, and the community. His reasons for marriage were mutual love and support, the birth and nurture of children, and protection from sexual sin. Church and state shared the regulation of marriage.

The Westminster Confession (1647) stated that marriage is between one man and one woman. It also was not lawful for a man to have more than one wife or for any woman to have more than one husband at the same time.

Although the reformers differed from the Roman Catholic Church regarding the sacramental nature of marriage and the role of the state in marriage, both churches firmly believed that marriage was a union between a man and a woman.

Immigrants coming to America brought with them their own traditions of marriage. Marriages were required to be registered with the civil authorities, and the states regulated these personal contracts.

States imposed several prohibitions of which one, in some states, was the prohibition of interracial marriage. In 1967 the U.S. Supreme Court eradicated state laws barring interracial marriages. Marriages continued to be a union between a man and a woman.

AN OVERVIEW OF SAME-SEX MARRIAGE IN THE PRESBYTERIAN CHURCH CCPC MARRIAGE TASK FORCE -- SEPTEMBER 2012

LEGAL STATUS OF SAME-SEX MARRIAGE

Same-sex marriage is currently recognized only at the state level, as the federal Defense of Marriage Act explicitly bars federal recognition of such marriages.

Six state governments (along with the District of Columbia, the Coquille Indian Tribe, and the Suquamish tribe) have passed laws offering same-sex marriage and currently offer same-sex marriages: New York, Massachusetts, Connecticut, Iowa, Vermont, and New Hampshire. In all six states, same-sex marriage has been legalized through legislation or court ruling. Same-sex marriage has been legal in Massachusetts since May 17, 2004; in Connecticut since November 12, 2008; in Iowa since April 27, 2009; in Vermont since September 1, 2009; New Hampshire since January 1, 2010; and New York since July 24, 2011. In 2009, New England became the center of an organized push to legalize same-sex marriage, with four of the six states in that region granting same-sex couples the legal right to marry.

Out of 28 states where constitutional amendments or initiatives that define marriage as the union of a man and a woman were put on the ballot in a referendum, voters in all 28 states voted to approve such amendments. Arizonans voted down one such amendment in 2006, but approved a different amendment to that effect in 2008. In 1998, Hawaiian voters approved language allowing their legislature to ban same-sex marriage. In 2009, Maine voters prevented legislation permitting same-sex marriage from going into effect.

Maryland recognizes same-sex marriages formed in other jurisdictions, but does not allow forming such marriages within their own borders. New York had been in a similar situation as its courts had held that same-sex marriages conducted in states where they are legal must be recognized by those states, but that the state statutes did not allow the issuance of same-sex marriage licenses, a situation which changed when its legislature legalized granting licenses to same-sex couples in 2011. On February 13, 2012, Washington Governor Chris Gregoire signed legislation into law that would institute same-sex marriage in the state, effective June 2012, unless forced to a November 2012 voter referendum.

A bill to legalize same-sex marriage in Maryland was passed by the Maryland General Assembly in February 2012 and signed on March 1, 2012, by Governor Martin O'Malley. Under its provisions, same-sex couples will be permitted to marry beginning January 1, 2013. However, a sufficient amount of signatures was gathered by some opponents of the law to certify a same-sex marriage referendum on the general election ballot, which will ask voters in the state to either approve or reject the law on November 6, 2012.

On May 8, 2012, North Carolina voters approved, 61%-39%, a constitutional amendment banning same-sex marriage as well as all other types of same-sex unions. North Carolina already prohibited same-sex marriages by statute, and became the final state in the South to do so by constitutional amendment.

AN OVERVIEW OF SAME-SEX MARRIAGE IN THE PRESBYTERIAN CHURCH CCPC MARRIAGE TASK FORCE -- SEPTEMBER 2012

THE DEFINITION OF MARRIAGE AND PRESBYTERIAN CHURCH POLITY

The Presbyterian Church has long struggled with the meaning of Christian marriage in light of changing societal values and reexamination of scripture and assumptions about marriage in biblical times. The Church has come to embrace marriage as an equal partnership between husband and wife. This focus is emphasized in the Confession of 1967, which makes no mention of marriage partners of the same sex.

Christian Marriage is one of four forms of formalizing a committed relationship:

- **Civil Marriage** is a government-licensed contract between a man and a woman. It is recognized in all the states. It is publicly witnessed and the couple is accountable to the government and to each other.
- **Redefined Civil Marriage** is a government-licensed contract between two persons. It is publicly witnessed and the couple is accountable to the government and to each other. It is recognized only in the states of Connecticut, Iowa, Massachusetts, New Hampshire, New York, Vermont, Maryland, and the District of Columbia.
- **Civil Union/Domestic Partnership** is a contract between two persons by an individual jurisdiction. The purpose of a Civil Union/Domestic Partnership is to have a legal arrangement between two people. It may or may not approximate marriage. It is recognized only in some states and localities. The contract is publicly witnessed, and the couple is accountable to the government and to each other.
- **Christian Marriage** in the Presbyterian Church (USA) is a covenant of life-long commitment between God, a man and a woman and the community of faith. It is recognized in all the states and at the federal level. It is a lifelong commitment and the couple “live out their lives of Christian discipleship” (Book of order, W-4.9001). The couple is also accountable to the government and to each other.

The Book of Order (constitution) of the Presbyterian Church clearly defines marriage as a gift of God, given to humankind for the well-being of the entire human family (W-4.9001). It goes on to say “Marriage is a civil contract between a man and a woman. For Christians, marriage is a covenant through which a man and a woman are called to live out together their lives of discipleship.”

This definition of marriage has been reaffirmed by our General Assembly, and the Permanent Judicial Commission has reminded both teaching elders and ruling elders, that to act in defiance of this ruling, that is to perform same-gender marriages, may place the minister at risk of disciplinary action. A consenting session is equally warned.

There have been charges brought by Presbyteries and Synods, and appeals to the General Assembly, against ministers who have performed same sex marriages. In all cases the ruling of the General Assembly has been upheld, and the parties have faced censure or sanctions. To quote: “by definition in W4.9001, a same sex ceremony can never be a marriage.”

AN OVERVIEW OF SAME-SEX MARRIAGE IN THE PRESBYTERIAN CHURCH CCPC MARRIAGE TASK FORCE -- SEPTEMBER 2012

Until the General Assembly, or some subsequent assembly, modifies this definition or allows some freedom of discretion, the ruling stands. Until that time, the Presbyterian Church USA does not recognize a resulting relationship to be a marriage in the eyes of the church.

THE GENERAL ASSEMBLY

Since the late 1970s, the Presbyterian Church (USA) and its predecessor denominations, has been seriously debating the question of how the church can respond in theological and biblical integrity and love to the changing patterns of marriage and sexual practice in American culture.

In 1991, the General Assembly Permanent Judicial Commission (GAPJC) stated 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 the church facilities in any same-sex ceremony deemed to be the equivalent of marriage.

In 2000, a decision of the General Assembly Permanent Judicial Commission allowed for individual ministers and sessions to perform same-sex ceremonies that celebrate a loving, caring and committed relationship. This ceremony blesses an existing relationship. It is not a Christian or civil marriage ceremony, and does not confer a new status on the couple.

In 2010, the General Assembly received the Final Report and the Minority Report of the Special Committee to Study Issues of Civil Union and Christian Marriage and ordered they be sent out for study by the wider church. By this action, the General Assembly maintained the definition of marriage as between a man and a woman.

In 2012, the General Assembly's Committee on Civil Union and Marriage received overtures from congregations and presbyteries throughout the country asking that the General Assembly take various actions. Generally, these overtures fell into four categories of request:

- Change the definition of marriage from "man and woman" to "two people";
- Allow pastoral discretion when asked to officiate at a ceremony for two people;
- Provide authoritative interpretations of the Book of Order that either specifically allow for officiating same-sex marriages, or do not prohibit them; and
- Confirm the current definition of marriage or otherwise assert that marriage ceremony can only be performed for a man and a woman.

The committee decided to send two proposals to the full General Assembly —one that would change the definition of marriage from between a woman and a man to between two people, and another proposal, generated from within the committee, that called for a “season of serious study and discernment” about the meaning of Christian marriage.

AN OVERVIEW OF SAME-SEX MARRIAGE IN THE PRESBYTERIAN CHURCH CCPC MARRIAGE TASK FORCE -- SEPTEMBER 2012

The assembly chose not to change the current definition of marriage that is in the Presbyterian Church (USA) constitution, namely, that marriage is a civil contract “between a man and a woman.” Rather, through its action to approve a two-year study, the assembly is inviting the entire church to engage in serious, deliberate conversation on this issue.

THE MARRIAGE TASK FORCE

The CCPC Marriage Task Force (MTF) was commissioned by the Session in June 2011, and charged with two specific objectives:

- Develop and lead a process of discernment for the congregation
- Make a recommendation to the Session on whether or not to allow same-sex marriage ceremonies on Church property

The Members of the MTF are Carol Crawford, Julia Fegley, Grace Hyslop, Betty-Kay Kindred, Rich Lindahl (Chair), and Britt Reynolds.

Over the past year, the MTF has been collecting information and meeting regularly as a group to discuss the topic of same-sex marriage in the church. The MTF also facilitated a discussion session with the Session and Deacons in November 2011. In addition, the MTF led conversations at the Open Forum meetings on April 22, 2012 and May 6, 2012.

The MTF compiled the information in this document and is developing a “Same-Sex Marriage Resource Center” page for the CCPC Website. During the Fall of 2012, the MTF is planning additional events that will seek to engage more members of the congregation in continued dialogue on the topic of same-sex marriage in the Church.

The MTF welcomes your input. If you have a question or a comment you would like to make known, please either contact individual members of the MTF or leave a note addressed to “CCPC Marriage Task Force” with the receptionist in the Church office.