

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.).**

Source: Agencies **Sponsor:** Special Committee to Study Issues of Civil Union and Christian Marriage

Committee: [12-13] Civil Union and Marriage Issues **Type:** General Assembly Full Consideration

Topic: Unassigned

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ASSEMBLY ACTION

On this Item, the General Assembly, acted as follows:

Answer with Action on another Resolution

Answered with action on Item 12-12

Voice Vote

COMMITTEE RECOMMENDATION

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

Answer with Action on another Resolution

[Counted Vote - Committee]

Affirmative: 15

Negative: 40

Abstaining: 1

Final Text:

That the recommendation be answered by action taken on Item 12-12.

RECOMMENDATION

[**Note: See also Item 12-12, 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.).**]

We the undersigned, a minority of the Special Committee to Study Issues of Civil Union and Christian Marriage, recommend that the 219th General Assembly (2010):

1. Approve the minority report (I. Introduction; II. What is the Place of Covenanted Same-Gender Partnerships in the Christian Community?; and III. Conclusion) and provide the section *Rationale/Commentary* as commentary to, and rationale for the minority report.

2. Commend this report to sessions and presbyteries, urging them to engage in study of the issues presented in this report.

3. Commend to the Presbyterian Church (U.S.A.) the covenant, found at II.G. in this report, as a guide for a broken and hurting people, seeking to be faithful, that they might come together to discuss issues about which they disagree.

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

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; and
- e. The place of covenanted same-gender partnerships in the Christian community. (*Minutes*, 2008, Part I, p. 259)

The members of the special committee reached different conclusions—reflective of the divide in the larger church—over the nature and meaning of Christian marriage and therefore the place of covenanted same-gender partnerships in the Christian community.

It is the intent of this report to represent the church's biblical, historic, and confessional position that, among all varieties of sexual relationships, only marriage between a man and a woman is ordained by God and blessed by our Lord Jesus Christ.

Our Starting Place

Included in the mandate of this special committee was a directive that the PC(USA) constitutional definition of Christian marriage *not* be changed. In our confessions, marriage is consistently defined as a lifelong covenant between God, a man and a woman, and the community of faith.

The PC(USA) *Book of Order* states:

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)

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

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)

*When Christ calls a man [sic], he bids him come and die.*¹

A. *Our Current Disconnect*

The Presbytery of Denver's overture to the 218th General Assembly (2008) of the Presbyterian Church (U.S.A.) is part of the larger struggle that our denomination has had over homosexual practice for the past three decades.

The 190th General Assembly (1978) of the United Presbyterian Church in the U.S.A. issued a report on homosexual practice that found the following: (1) "homosexuality is a contradiction of God's wise and beautiful pattern for human sexual relationships revealed in Scripture ..."; (2) "unrepentant homosexual practice does not accord with the requirements for ordination"; (3) "Persons who manifest homosexual behavior must be treated with the profound respect and pastoral tenderness due all people of God" as they "strive toward God's revealed will in this area of their lives and make use of all the resources of grace"; (4) "There is no legal, social, or moral justification for denying homosexual persons access to the basic requirements of human existence" (*Minutes*, UPCUSA, 1978, Part I, pp. 261–66) The authoritative interpretation on ordination (point 2 above) was set aside by the 218th General Assembly (2008) (*Minutes*, 2008, Part I, p. 373).

This same 1978 report asserted that

the church's grappling with the issue of homosexuality has already energized its membership in a remarkable reawakening 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 reconciliation... (*Minutes*, UPCUSA, 1978, Part I, pp. 261–66)

History's trajectory, looking at the thirty years that separate us from those hopes and prayers, has not been a gradual harmony, but an increasingly strident and rigid disharmony that threatens to once more tear the PC (USA) asunder.

Two reasons for this continued discord are: (1) disconnect between the theological/pastoral and advocacy strands of the 1978 report on homosexuality and (2) divergent readings of Scripture. Because these are foundational principles, the special committee could not reach consensus.

Over the past three decades, General Assemblies have agreed to pursue advocacy for the homosexual person. During the same time, in presbytery votes, the theological standards have been upheld, particularly in regard to the sexual behavior of those seeking ordination. Recent General Assemblies have begun to advocate for rights for same-gendered couples instead of the individual person.

Most recently, the 218th General Assembly (2008) acted to “renew and strengthen the long-standing Presbyterian Church (U.S.A.) commitment to equal protection under the law for lesbian and gay persons and the 216th General Assembly (2004)’s affirmation of the right of same-gender persons to civil union and, thereby, to all the benefits, privileges, and responsibilities of civil union” (*Minutes*, 2008, Part I, p. 259). This action did not define what the “benefits, privileges, and responsibilities of civil union” should be or how they might relate to the privileges and responsibilities of civil marriage or Christian marriage.

The difficulty is this: Whereas one could advocate for civil rights of the person while continuing to uphold the theological standard cited above and providing pastoral care that worked toward conformity with this theological position, when the General Assembly began to move toward advocacy for the couple, the strands became disconnected for many members in the PC(USA). It seemed contradictory to encourage public favor and subsidy for a behavior that the church had found to be outside of God’s design. Or, from the other perspective, it seemed contradictory to demand equality in society that was denied within the church.

B. *Variant Interpretations*

Second, there truly exist variant interpretations of Scripture that in turn dictate different pastoral models and advocacy models. The variant interpretations of Scripture are the foundational reason that the 1978 theological/pastoral/advocacy strands have unraveled. The ongoing controversy around this issue and others will not be resolved until consensus is reached on the interpretation of Scripture. Unity cannot be reached through polity inventions. Unity will only be reached through common affirmation of truth.

There are at least two larger approaches to biblical interpretation at play in these debates. One tends to call itself “liberal” or “progressive.” The other is variously labeled as “evangelical,” “conservative,” “orthodox,” or “traditional.” Admitting that the terms and descriptions are oversimplified and miss many nuances, it is still useful to compare the two perspectives.

Both approaches appeal to Scripture, although they read it differently. Both refer to history and biological and social sciences. Both see their approach as compassionate toward lesbians and gays, although they understand the requirements of compassion quite differently.

Traditionalists tend to focus on specific biblical commandments that appear to prohibit same-sex relations categorically. Progressives tend to focus on broader principles of love and justice that they regard as more important than the specific commandments.

Traditionalists tend to emphasize a core meaning of marriage established by God in creation. They see the near universality of marriage in almost all known cultures as confirmation of God’s design in creation. They think it unwise for either church or society to alter the core meaning of marriage. Progressives tend to emphasize the variability of marriage across human history and around the world. They are reluctant to fix a core meaning. They view further evolution of the institution as natural and necessary.

Traditionalists tend to see the biblical writers, and the church through its history, as elaborating a fairly consistent strand of teaching on marriage, under divine inspiration. They believe that the church can apply that teaching directly today, despite the differences and even injustices of the societies in which it was formed. Progressives tend to stress contradictions between various biblical passages and church attitudes toward marriage over the years. They view the biblical authors as captives of limited cultural perspectives prevalent in societies deformed by patriarchy and other injustices. They are reluctant to apply sexuality standards originating in the ancient Near East to a modern society that has more scientific knowledge about sexuality.

Traditionalists tend to view the two sexes, male and female, as an important part of God’s providence in creation. They therefore regard marriage, the institution joining the two sexes, as of unique social importance. Although they recognize how sin has distorted relationships between the sexes, and how the grace of Jesus Christ may open new possibilities for just relationships between men and women, they do not believe that God’s grace in Christ nullifies God’s earlier grace in making two complementary sexes to be joined together. Progressives tend to be wary of any purported distinctions between the sexes, in which they suspect the taint of past patriarchal attitudes. They take Paul’s declaration that in Christ “there is no longer male and female” (Gal. 3:28) as a mandate for reconfiguring institutions, such as traditional marriage, that take account of sex differences. For them the biological or social gender identity of a spouse should be an irrelevant factor.

Traditionalists tend to see God’s commands as offering clear choices between limited options. For them, marriage is the single norm for human sexual expression. The ways to God’s blessing are two: either fidelity

in marriage or chastity in singleness. Progressives tend to be open to other kinds of covenanted sexual relationships.

Traditionalists draw out biblical themes of purity, emphasizing the calling of Christians to keep their bodies as “the temple of the Holy Spirit.” They speak against specific sexual acts—homosexual acts, or any sex outside of marriage—that they understand to violate that purity. Progressives tend to regard this emphasis on purity as outdated and unhelpful. They are more concerned about the emotional content of a relationship—the love, trust, and commitment between individuals—than about the form of the relationship or the bodily acts by which it is expressed.

Traditionalists acknowledge that sexual desires may be deep-seated; however, they emphasize the choices that individuals have in how to act on their desires. They affirm that, by God’s grace, the behaviors—and even sometimes the desires—can be transformed. Progressives tend to view sexual orientation as a fundamental, indelible part of an individual’s personality. They stress the likelihood that persons will act on their desires and the unlikelihood that the desires can be redirected.

Traditionalists acknowledge that the church has changed its mind previously on issues such as slavery, divorce, and women’s ordination. But they believe those revisions of doctrine came about because of fresh insight into the Scriptures—not merely out of a desire to conform to social trends. They do not see the issue of homosexuality as analogous, because the biblical texts on that topic are much less ambiguous. Progressives believe that sometimes God moves first in society to bring about greater justice and then pulls the church along behind. They believe that changes in teaching on slavery, divorce, and women’s ordination do set a valid precedent for a possible change in teaching on sexuality.

The pastoral model for traditionalists is: Compassion toward practicing homosexual persons means calling them, with all heterosexuals who have departed from God’s intentions, to repentance and restoration. The advocacy model is to call society away from its destructive “anarchy in sexual relationships” (*The Book of Confessions*, The Confession of 1967, 9.47). For progressives the pastoral model is: Compassion means affirmation of everyone’s sexual orientation and encouragement to use it responsibly in covenanted relationships. The advocacy model is to seek the dissolution of distinctions between marriage and same-gender relationships.

C. *A Question for the Church*

The 2008 overture that mandated the formation of this special committee recognized this disconnect. The overture recognized that there are same-gendered partners in the PC(USA). It asked the special committee to state the place of such partnered couples within the Christian community. The overture further asked the committee to explore marriage from a historical, sociological, and political (legal) perspective. The committee has attempted to do this exploration in an accurate, descriptive manner.

Discerning the place of same-gender partnerships in the Christian community, however, requires us to move beyond description and affirm an understanding of the nature of Christian community. First, the Christian community is found in the church. The church is for “the gathering and perfecting of the saints” (*The Book of Confessions*, The Westminster Confession of Faith, 6.142). We are sealed by baptism into this community. But baptism signifies “forgiveness of sins” (*The Book of Confessions*, The Nicene Creed, 1.3), “walk[ing] in newness of life” (*The Book of Confessions*, The Westminster Confession of Faith, 6.154), “an open and professed engagement to be wholly and only the Lord’s” (*The Book of Confessions*, The Larger Catechism, 7.275), “dying with Christ and a joyful rising with him to new life” (*The Book of Confessions*, The Confession of 1967, 9.51), “present[ing] [our] bodies to be living sacrifices to God” (*Book of Order*, W-1.3033).

Therefore the question must be addressed from the perspective of the church as a place to gather and perfect the saints. Ultimately, we find the answer in the person and work of Jesus Christ, as known in Scripture, affirmed in the confessions, and operationalized through the *Book of Order*. It is only by looking at this question as one of discipleship, of sanctification, that we can ensure that the PC(USA) bears the marks of a true church: “first, the true preaching of the Word of God ...; secondly, the right administration of the sacraments of Christ Jesus ...; and lastly, ecclesiastical discipline uprightly administered, as God’s Word prescribes ...” (*The Book of Confessions*, The Scots Confession, 3.18). It is only when we find our unity in the purity of the Word of God that we fulfill our connectional responsibilities to each other.

Based on the above-outlined diversity in views of Scripture and resulting pastoral and advocacy models, the special committee could not develop consensus on the question about same-gender partnerships. The special committee believes there is also significant disagreement among members and officers of the church regarding this question.

D. *Historic Principles*

In this situation of disagreement, we do well to return to the “Historic Principles of Church Order” expounded in Chapter I of the PC(USA) Form of Government: “God alone is Lord of the conscience,” it declares, “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” (G-1.0301). So our consciences are not free in every respect, but rather we are called to bring them into captivity to God’s Word. It is only when confronted with demands that are “contrary to his Word, or beside it,” that we may claim freedom of conscience.

Regarding such scripturally undetermined matters, the historic principles state that “there are truths and forms with respect to which men of good characters and principles may differ.” They advise that “in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other” (*Book of Order*, G-1.0305). On the other hand, where Scripture does determine a question, “it is incumbent upon these officers, and upon the whole Church, in whose name they act, to censure or cast out the erroneous and scandalous, observing, in all cases, the rules contained in the Word of God” (*Book of Order*, G-1.0303).

The issue before us is whether this question of covenanted same-gender partnerships is determined by the Word of God or not. The fact that equal sisters and brothers in Christ have differing convictions does not imply that all those convictions have equal standing in the church. The historic principles maintain that “no opinion can be ... more pernicious or more absurd than that which brings truth and falsehood upon a level, and represents it as of no consequence what a man’s opinions are. On the contrary, we are persuaded that there is an inseparable connection between faith and practice, truth and duty” (*Book of Order*, G-1.0304).

E. *The Constitution Holds*

As we work through our disagreements, we recognize that church teaching and church policy are still set by the Constitution of the Presbyterian Church (U.S.A.). Members of the special committee may not agree on civil unions and Christian marriage; however, the Constitution has authoritative provisions that bear on these questions. Until such time as the church’s understanding of marriage is changed in *The Book of Confessions* and the *Book of Order*, those provisions remain in force. The burden of proof rests on those who would change the teaching.

Since decisions relating to marriage are made by ministers and sessions, it is well to review the obligations of those officers. All church officers vow to “be instructed and led by those confessions as [they] lead the people of God.” They also pledge to “be governed by our church’s polity” and “abide by its discipline” (*Book of Order*, W-4.4003c, e).

“So far as may be possible without serious departure from these standards [of the Reformed faith and polity as expressed in *The Book of Confessions* and the Form of Government], without infringing on the rights and views of others, and without obstructing the constitutional governance of the church,” officers have “freedom of conscience with respect to the interpretation of Scripture.” But “in becoming a candidate or officers of the Presbyterian Church (U.S.A.) one chooses to exercise freedom of conscience within certain bounds. His or her conscience is captive to the Word of God as interpreted in the standards of the church so long as he or she continues to seek or hold office in that body” (*Book of Order*, G-6.0108a–b).

Regarding marriage, the Constitution consistently declares that:

- Marriage “was instituted by the Lord God himself” (*The Book of Confessions*, 5.246; also 6.131, 6.133, 7.130, 9.47, and *Book of Order*, W-4.9001);
- Marriage is a “spiritual and physical union [of] one man and one woman” (*The Book of Confessions*, 6.131; also 5.246, 6.133);
- Marriage is “designed of God to last as long as they both [husband and wife] shall live” (*The Book of Confessions*, 6.133; also 6.131, 6.137, 9.47 and *Book of Order*, W-4.9001);
- “Marriage is a gift God has given to all humankind for the well-being of the entire human family” (*Book of Order*, W-4.9001; also *The Book of Confessions*, 6.131);
- Marriage serves purposes including “the mutual help of husband and wife; ... the safeguarding, undergirding, and development of their moral and spiritual character; ... the propagation of children and the rearing of them in the discipline and instruction of the Lord” (*The Book of Confessions*, 6.134; also 6.131);
- “Marriage is a civil contract between a woman and a man” (*Book of Order*, W-4.9001);
- “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” (*Book of Order*, W-4.9001);

- Christian marriages are to be “publicly witnessed and acknowledged by the community of faith” (*Book of Order*, W-4.9001);
- Christians are called to continence in single life or “complete love and concord” in marriage (*The Book of Confessions*, 5.245–.246; also 4.108, 7.248–.249).

Authoritative interpretations of the Constitution have established that:

- “Officers of the Presbyterian Church (U.S.A.) who are authorized to perform marriages shall not state, imply, or represent that a same-sex ceremony is a marriage because under W-4.9001 a same-sex ceremony is not and cannot be a marriage” (*Spahr case, Minutes*, 2008, Part I, p. 331, 333).
- Sessions “should not allow the use of the church facilities for a same sex union ceremony that the session determines to be the same as a marriage ceremony” (*Minutes*, 1991, Part I, p. 395).
- Ministers and churches may celebrate a “loving, caring, and committed relationship” between persons of the same sex. But such a ceremony should not “appropriate specific liturgical forms from services of Christian marriage,” nor should it “confer a new status” upon the persons being blessed. It should not be “construed as an endorsement of homosexual conjugal practice.” Same-sex couples should be instructed “that the service to be conducted does not constitute a marriage ceremony” (*Benton case, Minutes*, 2000, Part I, p. 588).

F. *A Faithful Answer*

God calls us into relationship with God and then with others. In fact, the call to love one’s neighbor is a command. In fulfilling this command for relationship with others, we must act in conformity with the first relationship to God that we have through Jesus Christ. Then in this life of discipleship to Christ, we are called to become his bond servant: body, soul, and mind. Our bodies are the dwelling place of the Holy Spirit. We must use our bodies within God’s design. Because God’s design is rooted in creation, this design is not just for the believer but for humanity. Therefore, friendships, whether of same or opposite gender, which do not violate God’s boundaries of sexual expression as defined in Scripture, the confessions, and the *Book of Order* can be honored and encouraged. However, those relationships, whether same or opposite gendered, that although committed and caring, which are outside of God’s design of sexual expression, cannot be encouraged or blessed. Pastoral care must be extended to all people within the body of Christ. Such care should always conform to the standards of the confessions as the church works to “gather and perfect” the saints.

For over three decades, the PC(USA) has wrestled with questions of human sexuality. When presbyteries have been asked to depart from the historic teaching of the church, they have declined. The *Book of Order* has been amended to make clear that chastity outside of marriage and monogamy within marriage, with marriage being defined as one man, one woman is a requirement for ordination. If this standard is considered serious enough to bar ordination, then the church in good conscience cannot encourage behavior or relationships that violate this standard. The *Benton* and subsequent decisions make it clear that in blessing same-sex couples, such blessings cannot be seen as marriage and cannot be construed as blessing sexual activity within these relationships.

This answer to the question about the place of covenanted same-gender partnerships may not be the answer that the Presbytery of Denver expected or desired. Others, too, may be disappointed. But this is the most faithful answer that we can give, within the faith that we have received and to which we have pledged ourselves.

G. *Our Covenant*

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 by a remarkable degree of mutual respect, commitment to one another, and Christian love.

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.

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.

III. Conclusion

In conclusion, the question of the place of covenanted same-gender partnerships in the Christian community lifts up only one segment of our community. However, in Ephesians 2, we remember Jesus Christ came to reconcile all of us to God. Therefore, we call the church to a radical inclusivity that invites all people to be transformed by the radical redeeming love of Jesus Christ. We boldly proclaim the power of Jesus Christ to be our peace and to deliver us from all activities and passions that Scripture and our confessions call sin. We challenge the PC(USA) to gather around the cross of Christ and to rejoice that sin and death have no power over the Christian. We call all within our church to repent of whatever sin binds them.

Ephesians 2 talks of growing into a "holy temple in the Lord" (Eph. 2:21) and becoming a "dwelling place for God" (Eph. 2:22). As persons within whom the Spirit of God dwells, we are to pay particular attention to the ways we use our bodies. Our bodies are precious to God. Even the hairs on our head are numbered by our good and glorious God. We believe our bodies will be resurrected one day from dust, ashes, and decay. The way we conduct ourselves sexually is therefore extremely important, and God in God's mercy has given us a perfect plan for this.

In Genesis God says it is not good for man to be alone. A woman is made who completes Adam and the two of them become one flesh. Adam's joy knows no bounds as he embraces Eve and cries out, "This at last is bone of my bones and flesh of my flesh" (Gen. 2:23). God's gracious intent for our sexuality is that we would find the one who completes us. Our bodies are carefully designed by the Creator to belong to the one created for us before the foundation of the world was laid. Any sexual activity outside of marriage violates this beautiful intention of God.

Humanity is created male and female, and the sexes complete and complement each other. When creation is so marred, God destroys it with a flood, and it is restored by those who enter the ark two by two, male and female. Jesus mentions the two becoming one flesh as he speaks against divorce and polygamy. "The one who made them at the beginning 'made them male and female' ... and two shall become one flesh" (Mt. 19:4, 6; cf. Mk. 10:6, 8). We are to be celibate until marriage and to not violate our marriage vows.

Too often in our hedonistic culture, sex is seen as a liberating act. We falsely believe that there is freedom in doing what feels good and what we want. But like all sin, sexual sins have consequences. God's beautiful gift of sex wrongly used causes terrible emotional and physical carnage. As the church, we should call our young people to the empowering liberation and freedom of knowing they are far too precious not to wait for the one God designed for them. We should see celibacy as a gift as Paul did and support and encourage single people.

The Christian life is one of sanctification. We are to be dead to sin and alive to all that is good. We are to transform our culture and offer to all the joy, grace, and freedom that come from striving daily to be obedient to God's Word. We are to proclaim without exception the all-encompassing power of Jesus Christ to deliver us from any sin with which we struggle. This journey will have times of difficulties, and we will all fail, but the church should be a place of grace, repentance, and restoration, as we seek to be molded into the image of Christ.

The Confession of 1967 says,

The relationship between man and woman exemplifies in a basic way God's ordering of the interpersonal life for which he created mankind. Anarchy in sexual relationships is a symptom of man's alienation from God, his neighbor, and himself. ... The church, as the household of God, is called to lead [all] out of this alienation into the responsible freedom of the new life in Christ. Reconciled to God, each person has joy in and respect for his 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. The church comes under the judgment of God and invites rejection by man when it fails to lead men and women into the full meaning of life together, or withholds the compassion of Christ from those caught in the moral confusion of our time (*The Book of Confessions*, 9.47).

We are called to offer the Gospel's grace to a hurting world full of people who desperately need to know God loves them and they can be freed of the things of this world that so easily enslave us. Love is never about license and, for too many years, the PC(USA) has been silent as the carnage of sexual hedonism engulfs our culture. Let us boldly proclaim that God has a place for sex: It is within marriage between a man

and woman and that commitment is for life. Let us work to support, encourage, and nurture those who are not married and help them know that God's plan for them is just as important as God's plan for married people. Let us honor celibacy and those who practice it as engaging in a profitable spiritual discipline that may be lifelong or for a season of life.

Holding us all to the same biblical standard will help strengthen the peace, unity, and purity of the PC (USA) and help us all grow in the grace of our Lord and Savior, Jesus Christ.

To God alone be the glory!

Rationale/Commentary²

A. *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.*³

In matters of faith and practice, the church turns to Scripture to hear the testimony of the Holy Spirit, so that we might follow the Word of God incarnate in our changing world. A review of Scripture, the confessions, and the history of marriage in the church presents a consistent view of the most foundational aspect of the nature of marriage: that it unites a man and a woman.

Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh (Gen. 2:24).

[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" (Mt. 19:4–6).

Christian marriage is an institution ordained of God, blessed by our Lord Jesus Christ, established and sanctified for the happiness and welfare of mankind, into which spiritual and physical union one man and one woman enter, cherishing a mutual esteem and love, bearing with each other's infirmities and weaknesses, comforting each other in trouble, providing in honesty and industry for each other and for their household, praying for each other, and living together the length of their days as heirs of the grace of life (*The Book of Confessions*, The Westminster Confession of Faith, 6.131).

1. *Old Testament*

Genesis 2:18–24 tells how God gives humanity the gift of marriage. The Old Testament presents marriage as the basis for the family, the fundamental unit of society. Marriage provides:

- Complementary completeness for man and woman: Genesis 1–2;
- The birth and nurture of children: Gen. 1:28, 9:1 (creation, after the flood), 15:1–6, 21:1–7 (Abraham and Sarah);
- Companionship, mutual support, and affection: Gen. 2:18–24 (Adam and Eve) and 1 Sam. 1:1–28 (Hannah);
- Economic partnership, providing financial support for the family: Prov. 31:10–31 (the virtuous wife).

Marriages were also used as political tools to form alliances: 1 Sam. 18:17–27, 19:11–17, 25:44, 2 Sam. 3:13–15, 6:16–23 (Saul's daughter, Micah, and David), and 1 Kings 11:1–4 (Solomon and his wives).

The Torah contains many laws regulating marriage and divorce. These include Ex. 20:14, 17; Deut. 5:18, 21 (the Ten Commandments); Lev. 18:6–18; 20:10; Deut. 24:1–5 (divorce and no military service).

Marriage is used by the prophets as a symbol of the exclusive attachment of Israel to God, who is referred to as Israel's husband. Worshiping other gods is likened to adultery.⁴

- 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).
- Ezekiel depicts Israel's disobedience as the adultery of an unfaithful wife (Ezekiel 16).

Scripture censures male infidelity, as well (Judah—Gen. 38:26; David—2 Sam. 12:1–15). The exclusively female images above flow from the imagery of God as the husband of Israel. These images are transformed in the New Testament where the church (the new Israel) becomes the bride of Christ.

2. *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:

- In addressing a question on divorce, Jesus defines marriage (Mt. 19:4–6; Mk. 10:6–9). In this definition Jesus wipes away generations of misused tradition (divorce, polygamy) and brings humankind back to God's design in Gen. 2:24.
- 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 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).
- Marriage is used as a metaphor for the union of Christ with his bride, the 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, several trends emerged, as mentioned in 1 Timothy:

- Qualifications for church leaders (ministers) included that those who were married have only 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).

3. *The Early Interplay of Church and State*

Marriage, in varied forms, is almost universal among human societies. It appears as an already existing institution in the earliest records of civilization.⁶ 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*⁷ characteristic of Greco-Roman marriage. Christians also distinguished themselves from pagan cultures in confining full sexual expression to marriage between a man and a woman.

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 (John Chrysostom, Tertullian, etc.) showed 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 and chastity. 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 Constantine⁸ included many statutes on marriage:

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

After the disintegration of the Roman Empire in the West, 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.

By the early sixteenth century, the Roman Catholic canon law of marriage was predominant in the West.⁹ It included proscriptions against incest, polygamy, bestiality, and sodomy. Provisions were made for the annulment of marriages formed through duress or fraud; the church claimed the power to declare valid marriage bonds indissoluble. Celibacy was the norm for clerical and monastic life. Marriage, although seen as less holy than celibacy, was a sacrament and “means of grace.”

4. *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.
- Celibacy was no longer required of clergy.

However, Protestant views on marriage differed:

- Martin Luther (1483–1546) promoted the state’s role in the regulation of marriage. In Luther’s doctrine of the earthly and heavenly kingdoms, 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 continued in force.
- King Henry VIII(1491–1547) broke with the Roman Catholic Church to obtain a divorce. He placed church authority under the monarchy, while the church retained control of marriage. The family was seen as a “little commonwealth” and the fundamental institution undergirding society.
- John Calvin (1509–1564) 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.

The Reformed understanding of marriage was made evident throughout the Reformation-era confessions. The Second Helvetic Confession cautioned against making celibacy a mark of spiritual merit and condemned polygamy.¹⁰ The Heidelberg Catechism urged Christians to “live chaste and disciplined lives, whether in holy wedlock or in single life.”¹¹

The Westminster Confession in the original 1647 version stated: “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 Book of Confessions*, 6.131). “Marriage is designed for the mutual help of husband and wife; for the safeguarding, undergirding, and development of their moral and spiritual character; for the propagation of children and the rearing of them in the discipline and instruction of the Lord.”¹²

Although the reformers viewed the sacramental nature of marriage differently from the Roman Catholic Church, and although the reformers took varying views on the role of the state in marriage, all never wavered in their view of the basic nature of marriage as a union of man and woman.

5. *Marriage Laws in America*

Immigrants from Lutheran, Reformed, Anglican, and Roman Catholic traditions brought their traditions of marriage to America. 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. It stressed ideals of freedom, equality, and individual rights. During this time, neither laws nor church teachings questioned the nature of marriage as a union of man and woman.

Marriages were required to be registered with civil authorities. States imposed various limitations on each person’s choice of possible marriage partners, excluding categories such as close blood relatives, minors, persons deemed legally incompetent, and persons already married. Significant among these prohibitions were interracial relationships during Jim Crow segregation.

As societal attitudes about interracial marriage began to change, the federal government intervened. The U.S. Supreme Court’s 1967 ruling in *Loving v. Virginia*¹³ eradicated state laws barring interracial marriage. The court ruled:

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 unsupportable 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.¹⁴

The court concluded that race was an extraneous feature having nothing to do with the essence of marriage, and therefore states lacked the power to limit the choice of possible marriage partners to members of the same race. But within these national constitutional parameters, states still retained the ability to regulate marriage.

Proponents of same-sex marriage later tried to extend the reasoning in *Loving* to their cause. They suggested that biological sex, like race, might be an extraneous feature having nothing to do with the essence of marriage, and therefore states might lack the power to limit a person's choice of potential marriage partners to members of the opposite sex. Several states rejected this reasoning. An example is *Baker v. Nelson*, a case in which the Minnesota Supreme Court ruled that Minnesota law "does not authorize marriage between persons of the same sex and that such marriages are accordingly prohibited" and that this limitation did not violate the U.S. Constitution. The plaintiffs appealed, and the U.S. Supreme Court dismissed the appeal "for want of a substantial federal question."¹⁵

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 of 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.

In 2004, Massachusetts became the first state to redefine civil marriage to include same-gender couples, a year after its state's highest court ruled that a ban on gay marriage was unconstitutional.¹⁶ 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. Legislative and judicial efforts to redefine marriage in Maine and California have failed in public referenda.

6. *Marriage in the PC(USA)*

The PC(USA), in careful study of Scripture and its application to current culture, has come to embrace marriage as an equal partnership between husband and wife. The church has also amended The Westminster Confession of Faith concerning divorce, calling it a result of sin but allowing remarriage after repentance.¹⁷

The Confession of 1967 lifts up "anarchy in sexual relationships" as one of four issues of particular concern in the church. The confession enumerates the positive benefits of marriage¹⁸ as a remedy for the "perennial confusion about the meaning of sex." This confession clearly defines marriage as between a man and a woman.

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 bring God's redemptive grace to a culture experiencing what The Confession of 1967 refers to as sexual "anarchy."

In 1991, the General Assembly responded to a request for constitutional interpretation by declaring that any same-sex ceremony "considered to be the equivalent of a marriage ceremony ... would not be sanctioned under the *Book of Order*" (*Minutes*, 1991, Part I, p. 395). It advised sessions against the use of church facilities in any same-sex ceremony deemed to be the equivalent of a marriage. A more recent General Assembly Permanent Judicial Commission (GAPJC) decision instructed ministers of the Word and Sacrament not to "state, imply, or represent that a same-sex ceremony is a marriage."¹⁹

In 1996, the *Book of Order* was amended to require that those being ordained "lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or chastity in singleness."²⁰ All attempts to delete this section from the *Book of Order* have failed to be ratified by a majority of presbyteries.²¹

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." Such

a ceremony does not “confer a new status” but “blesses an existing relationship.” These services “do not constitute a marriage ceremony” and “should not be construed as an endorsement of homosexual conjugal practice proscribed by the General Assembly.”²²

7. *Other Christian Traditions and Marriage*

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

- The United Church of Christ (UCC): “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.”²³
- 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 encouraged “the UCC to move toward a more biblically faithful understanding of human sexuality and a repeal of all policies condoning homosexual behavior.”
- The Evangelical Lutheran Church in America (ELCA): “[M]arriage 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.”²⁴ In 2009, its churchwide assembly voted 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.”²⁵

The Roman Catholic Church holds to its sacramental view of life-long marriage. “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.”²⁶

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 the “baptizing and confirming” of human love in God by Christ in the Holy Spirit.²⁷

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 disagreement over the issue of same-gender marriage.²⁸

The United Methodist Church: “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.”²⁹

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,”³⁰ strongly supports “marriage equality.”

The Southern Baptist Convention: “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.”³¹

Other church bodies in the United States, Canada, and Europe are wrestling with issues similar to those our special committee was charged with considering. It is important to note, however, that the vast majority of churches in developing nations view these debates negatively and even threaten to break communion with churches that would deviate from traditional views of marriage. This is seen in the current debates within the Anglican Communion.³² Most Pentecostals, Church of God in Christ, nondenominational, and charismatic churches also hold a more traditional view of marriage.

B. *The Relationship Between Civil Union and Christian Marriage*

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 ³³	Civil Union/Domestic	Christian Marriage in the PC(USA)
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			Partnership ³⁴	
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 of a life-long commitment between God, man and a woman, and the community
Recognition	all states and federal level	only some states	only some states and localities	all states and federal level ³⁵
Purpose	social institution by which a man and a woman form a family, often with the expectation of children resulting from their sexual union	social institution by which two people form a family; children with biological parent(s) outside the household may be brought inside	legal arrangement between two people	mutual help of husband and wife; moral and spiritual development; propagation and rearing of children in the discipline of the Lord (The Westminster Confession of Faith, 6.134)
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
Sexual Expression	traditionally consummated by male-female intercourse	sexual relationship presumed but acts not specified	no necessary sexual relationship	the full expression of love between a man and a woman (<i>Book of Common Worship</i> , 842)

Civil marriage in forty-five states is a state-licensed contract between a man and a woman. In five states and the District of Columbia, marriage has been redefined as 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."³⁶

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 the vast majority of states, difference in gender is a state-required criterion; in a small minority, 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 man and a woman's covenant to live out their discipleship together in lifelong commitment must accompany civil marriage. The man and woman must demonstrate sufficient "Christian understanding" to be able to enter into the covenant of Christian marriage.³⁷ 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."³⁸

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

Since civil unions do not share 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.³⁹ Others see such unions as a helpful compromise in a polarized and polarizing debate. In any case, civil unions cannot fully make peace between those who view homosexual practice differently.

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

Scripture and the confessions recognize marriage between a man and a woman as creating a basic unit of ordered human society. "The birth and nurture of children are essential for the continuation of the human race and are an expression of hope and confidence in God's providential care."⁴⁰

Laws are the result of a political process, which is an "allocation of public values."⁴¹ Our view of the beneficial or detrimental effect of any legal proposal will be dependent upon our value outlook. Among those differing perspectives which are represented within the PC(USA) are:⁴²

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.⁴³ The differences in benefits result in legal, financial, and social hardships 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.⁴⁴ From a sociological direction, there is no clear evidence whether children from same-gender parent families are at a developmental disadvantage.⁴⁵

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.⁴⁶ 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.⁴⁷ 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.⁴⁸

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.⁴⁹

1. *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 census reports. However, information collected on same-gender couples by the U.S. Census Bureau's 2008 American Community Survey⁵⁰ indicated a total of 564,743 same-gender couple households in this country. Approximately one-fifth (115,421) of those households included children. The vast majority of these children are from previous heterosexual relationships.⁵¹ The number of same-gender couple households with children represents .3 percent of around 38 million total households with children under the age of eighteen.

2. *Federal Laws*

In 1997, the General Accounting Office (GAO) reported there were 1,049 laws (updated to 1,138 in 2004) in which "marital status" was a "factor ... even though some of these laws may not directly create benefits, rights, or privileges" (for example, this includes some laws that apply to American Civil War widows). The GAO cautioned:

[N]o conclusions can be drawn, from our identification of a law as one in which marital status is a factor, concerning the effect of the law on married people versus single people. A particular law may create either advantages or disadvantages for those who are married, or may apply to both married and single people. For example, those who are unmarried fare better than their married counterparts under the so-called marriage penalty provision of the tax laws, while married couples enjoy estate tax benefits not available to the unmarried.⁵²

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 depend on a household's financial situation.

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. 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. The U.S. Supreme Court has yet to hear an appeal of these cases.⁵³

3. *Varieties of State Laws*

States can be divided into five general configurations.⁵⁴

Legal Elements	State configurations					
		Constitutional Prohibition States (e.g., SC)	DOMA States (e.g., WA)	Non-DOMA States (e.g., NM)	Civil Unions/ Domestic Partnerships (e.g., CA)	Redefined Civil Marriage States (e.g., MA)
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
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Some states that recognize civil unions/domestic partnerships have granted benefits that are arguably equivalent to the benefits granted through marriage.⁵⁵ These 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, recognition of a child's relationship to both parents, and eligibility for foster parenting. This 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. However, as previously noted, the vast majority of children residing in same-gender households are from previous heterosexual relationships. Differences described in this section may not apply to these children.
- **Partner:** Rights and benefits not available to an unmarried partner include health insurance and Medicare benefits, and the ability 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. A number of legal benefits 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. State tax laws are roughly parallel to federal laws.

4. *Current Research*

While it is possible to describe the differences in the law regarding 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 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.⁵⁶ Challenges such as small sample size, children originally born into a heterosexual parental relationship, investigator bias, and community attitudes are present in current research.

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 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."*⁵⁷

Endnotes

1. Dietrich Bonhoeffer, *The Cost of Discipleship* (New York: Macmillan, 1959), 7.
2. This "Commentary," though similar to Sections II.–IV. of the majority report, reflects a different perspective. Members of the minority appreciate the work of the full committee.
3. *The Book of Confessions*, The Confession of 1967, 9.27.
4. 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.), .
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. Code of Hammurabi (Codex Hammurabi, c. 1790 BC),no. 127–156. Also, "In all or nearly all human societies, marriage is socially approved sexual intercourse between a woman and a man, conceived both as a personal relationship and as an institution, primarily such that any children resulting from the union are—and are understood by society to be—emotionally, morally, practically,

and legally affiliated with both parents." [David Blankenhorn, *The Future of Marriage* (New York: Encounter Books, 2007), 91.]

7. 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.]
8. Matthew Kuefler, "The Marriage Revolution in Late Antiquity: The Theodosian Code and Later Roman Marriage Law," *Journal of Family History*, 2007.
9. John Witte Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* (Louisville: Westminster John Knox Press), 4.
10. *The Book of Confessions*, Second Helvetic Confession, 5.245, 5.246.
11. *The Book of Confessions*, Heidelberg Catechism, 4.108.
12. *The Book of Confessions*, The Westminster Confession of Faith, 6.134.
13. 388 U.S. 1 (1967).
14. 388 U.S. at 11, citing *Skinner v. Oklahoma*, 316 U.S. 535, 541 (1942), citations omitted.
15. *Baker v. Nelson*, 191 N.W.2d 185 (1971).
16. *Goodridge v. Department of Public Health*, 440 Mass. 309 (2003).
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. 411; *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. *Book of Order*, G-6.0106b.
21. In 1994, 1997, 2001, and 2008.
22. <http://www.pcusa.org/gapjc/decisions/pjc21211.pdf>; see also *Minutes*, 2000, Part I, p. 588.
23. <www.ucc.org/assets/pdfs/in-support-of-equal-marriage-rights-for-all-with-background.pdf>, pp. 2–3.
24. "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>>.
25. 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>>.
26. <http://www.vatican.va/archive/ENG1104/_P3V.HTM>.
27. <<http://www.oca.org/OCchapter.asp?SID=2&ID=56>>.
28. <http://gc2009.org/ViewLegislation/view_leg_detail.aspx?id=898&type=Final>.
29. <http://www.umc.org/site/apps/nlnet/content.aspx?c=lwL4KnN1Lh&b=5066287&content_id={1F927523-A422-4005-BA60-517220DB6D1E}-oc=1>.
30. .
31. Southern Baptist Convention, "The Baptist Faith and Message," as amended June 14, 2000, .

32. Conclusion based on the reading of Thaddeus Barnum, *Never Silent* (Colorado Springs: Eleison Publishing, 2008).
33. "Redefined Civil Marriage" denotes the extension of the rights of marriage to same-gender couples.
34. The terms used and benefits conveyed vary among jurisdictions.
35. PC(USA) marriages are required to fulfill the legal requirements of civil marriage (*Book of Order*, W-4.9001).
36. Here and throughout this report, Christian marriage refers to *Book of Order*, W-4.9001.
37. *Book of Order*, W-4.9002b.
38. *Book of Order*, W-4.9002b.
39. <<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/13/AR2009021303365.html>>, last accessed 15 September 2009.
40. *Christian Marriage: Supplemental Liturgical Resource 3* (Louisville: Westminster John Knox Press, 1986), 91.
41. Walter E. Volkmer, *American Government*, 8th edition (Upper Saddle River, NJ: Prentice Hall, 1998), 4.
42. 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.
43. Mt. 22:39, Mt. 7:12, Am. 5:24.
44. Ruth 4:13–17, Esth. 2:7.
45. "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.
46. Matt. 7:1–5.
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. Gen. 1:27–28; 2:23–24, Mk. 10:6–9, Eph. 5:21–6:4.
49. Heb. 13:4, 1 Cor. 6:12–7:17, Eph. 5:1–3.
50. <<http://www.census.gov/acs/www/index.html>>. Narrative by Gates, .
51. "The Effects of Marriage, Civil Union, and Domestic Partnership Laws on the Health and Well-beings of Children: In Reply," Den A. Trumbull, Joseph R. Zanga, Leah M. Wilson, and Vicki Tucci, *Pediatrics* 2006; 118; 2261b-2264 DOI: 10,1542/peds.2006-2310,p. 2262.
52. <<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>>.
53. .
54. 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/marriagelicenses/a/samesexcomp.htm>>.
55. See Glenn T. Stanton and Bill Maier, *Marriage on Trial* (Downers Grove, Ill.: Intervarsity Press, 2004), 20 for the affirmative argument, and Palewski (p. 356) for the negative.
56. Pawelski, p. 358ff.
57. 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.