



God Is Still Speaking About Marriage

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Throughout the Bible we are told to welcome the stranger. We in the United States have an ambiguous history when it comes to the stranger or the alien. Those who are different have received an uncertain welcome. But throughout the Hebrew texts we are reminded to welcome the alien in our midst as a "citizen." A marriage license is a sign of citizenship, just like a driver's license, a passport, and a social security card. In this land that honors freedom and equality, on what basis can we deny some this important sign of citizenship?

*--Rev. John H. Thomas
General Minister and President
United Church of Christ*

**"Never place a period where God has placed a comma."
*Gracie Allen***

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A Prayer by Rev. John H. Thomas

General Minister and President

July 4, 2005

Lord Jesus, to you we live, to you we suffer, to you we die.
Yours will we be in life and in death.
Today, as in ancient Bethlehem,
the hopes and fears of all the years are met in you.

We give thanks for your presence
during these days of prayer and discernment,
and especially for your presence here this morning.
We have felt your warm embrace, stilling us as we tremble
with joy, with hope, with fear, with disappointment.
Remind us that as we are tempted to run from each other,
so too we run from you.

We know that every choice confers a cost,
so let us attend in the coming hours and days
to those for whom this decision confers a particular burden.

Let us find words that comfort
rather than congratulate;
Let us seek to be a community of grace and forgiveness
rather than organizing constituencies of protest,
Let us use our hands not to clap,
but to wipe away every tear.

And in all this may we know in surprising new ways
the comfort of belonging to You.

This is our prayer.
Hear us, Lord Jesus.
Amen.

This prayer was offered by Rev. John H. Thomas following the vote on the resolution, "In Support of Marriage Equality for All," at the 25th General Synod of the United Church of Christ, Atlanta, GA.

God Is Still Speaking, about Marriage

A Discussion Guide

Introduction

About this Discussion Guide:

The purpose of this discussion guide is to help congregations and other groups facilitate healthy conversations and study about marriage. Recent concerns about marriage, particularly recent public debate about who may legally marry, provide an important context for these discussions. This discussion guide encourages participants to explore the various aspects of marriage and look at them more closely. Participants will have opportunities to share stories and experiences of marriage, explore biblical stories, look at various traditions, both sacred and secular, and then, consider the questions concerning equal marriage rights for same sex couples.

Suggestions for the Leader:

Designing the Process

This discussion guide is organized in parts. Each part may be used as a session, however, those organizing the study and discussion should discern the needs of their church or group and the time they have for the study. While we recommend at least four sessions, planners are free to choose and adapt materials as needed. If you only have time for one session, carefully choose materials from each of the 4 parts. For more than 4 sessions, sub-divide the parts you wish to spend more time on and check the UCC web site, www.ucc.org, for updated and additional materials. If you are unable to find the resources you need, please contact the Office for Health and Wholeness Advocacy and we do our best to help you find what you need.

Keys to facilitating good group study and discussion:

- Create an environment in which people are safe to share.
- Create a sacred space that evokes the sense of God's presence.
- Engage participants in the process/conversation.
- Follow the process design.

Creating Safe Space

...read the following articles:

- *A Call to Dialogue*, A pastoral letter from the Conference ministers of the United Church of Christ, June 4, 1997.
- *Talking About Tough Stuff...such as marriage*, by Rev. Peg Slater.

Sample Discussion Ground Rules:

- Always share your concern and beliefs
- Listen carefully to others
- Be willing to examine your own beliefs in light of what others say
- Speak your mind freely, but strive to maintain an open mind
- Strive to understand the position of those who disagree with you
- Cooperate with the leaders to keep the discussion on track
- Don't monopolize the discussion
- Address remarks to the group and not at an individual
- Communicate your needs to the leaders
- Value your own experience and opinions
- Engage in friendly disagreement: avoid emotional argumentation, yelling and personal put-downs
- Remember that humor and a pleasant manner can go far in helping you make your points

Creating Sacred Space

We live in a world that is in need of peace, love and protection. Many members of faith communities are begging for a place to slow down, reflect and feel safe. They are searching for an inward journey that will help them stay connected to what really matters - their own values and the values of their faith community. And, they are seeking ways in which they can make a difference in the world.

To strengthen the experience of religious community in this journey, we suggest that the leadership give some thought to the creation of sacred space.

The sacred space may be created in any or all of the following ways:

- * Bring a candle to light during the opening ritual or every session.
- * Create a centering/focus area on a low table or on a piece of carpet on the floor. Some cultures use the circle throughout sessions, so you might set your chairs in a circle with an "altar" of sacred objects in the middle.
- * Cover the centering/focus area with a cloth you bring in or have participants decorate a plain cloth with their names and a symbol of themselves. Fabric paint, fabric crayons, or permanent markers can be easily used for this activity.
- * From time to time, bring in, or invite participants to bring in, appropriate symbolic objects to place on the table. You can vary the objects depending on the session theme, or you can display the same symbols throughout the program.
- * Use a meditation gong or chimes to introduce a moment of silence.
- * Use soft, meditative music for a time of reflection.
- * Open and close each session with prayer.

Taking the Bible Seriously

The biblical story is an important part of this process. Leaders are encouraged to talk about taking the Bible seriously, lifting up sound methods for interpreting the biblical message. The following web links are to three papers on biblical authority delivered at the Dunkirk Colloquy (October 2000).

[Taking the Bible Seriously: Paul Hammer](http://www.ucc.org/theology/hammer.htm)

(<http://www.ucc.org/theology/hammer.htm>)

Dr. Paul Hammer is retired professor of biblical interpretation at Colgate-Rochester Divinity School in Rochester, N.Y.

[Taking the Bible Seriously: John Thomas](http://www.ucc.org/theology/thomas.htm)

(<http://www.ucc.org/theology/thomas.htm>)

The Rev. John Thomas is General Minister and President of the United Church of Christ, Cleveland, OH.

[Taking the Bible Seriously: Fred Trost](http://www.ucc.org/theology/trost.htm)

(<http://www.ucc.org/theology/trost.htm>)

The Rev. Frederick R. Trost is the founding convener of Confessing Christ and former President and Conference Minister of the Wisconsin Conference of the United Church of Christ.

Engaging Participants: Tips for Effective Discussion Leadership

(Courtesy of the Study Circles Resource Center, Pomfret, CT, www.studyircles.org)

The more participants engage in the discussion, the more the group will benefit. The following article provides helpful suggestions.

1. Be prepared

The leader does not need to be an expert (or even the most knowledgeable person in the group) on the topic being discussed, but should be the best prepared for the discussion. This means understanding the goals of the discussion, familiarity with the subject, thinking ahead of time about the directions in which the discussion might go, and preparation of discussion questions to aid the group in considering the subject. Solid preparation will enable you to give your full attention to group dynamics and to what individuals in the group are saying.

2. Set a relaxed and open tone

- Welcome everyone and create a friendly and relaxed atmosphere
- Well-placed humor is always welcome and helps people focus differences on ideas rather than on personalities.

3. Establish clear guidelines for discussion

At the beginning of the study circle, establish the guidelines and ask participants if they agree to them or want to add anything:

- All group members are encouraged to express and reflect on their honest opinions; all views should be respected.
 - Though disagreement and conflict about ideas can be useful, disagreements should not be personalized. Put-downs, name-calling, labeling, or personal attacks should not be tolerated.
 - It is important to hear from everyone. People who tend to speak a lot in groups should make special efforts to allow others the same opportunity.
 - The role of the leader is to remain neutral and to guide conversation according to the ground rules.
- ### **4. Stay aware of an assist the group process**
- Always use your “third-eye”; you are not only helping to keep the group focused on the content of the discussion, but you will be monitoring how well the participants are communicating with each other – who has spoken, who hasn’t spoken, and whose points haven’t yet received a fair hearing.
 - Consider splitting up into smaller groups to examine a variety of viewpoints or to give people a chance to talk more easily about

their personal connection to the issue.

- When wrestling with when to intervene, err on the side of non-intervention.
- Don't talk after each comment or answer every question; allow participants to respond directly to each other. The most effective leaders often say little, but are constantly thinking about how to move the group toward its goals.
- Don't be afraid of silence. It will sometimes take a while for someone to offer an answer to a question you pose.
- Don't let anyone dominate; try to involve everyone.
- Remember: a discussion is not a debate, but a group dialogue. If participants forget this, don't hesitate to ask the group to help reestablish the guidelines.

5. Help the group grapple with content

Make sure the group considers a wide range of views. Ask the group to think about the advantages and disadvantages of different ways of looking at an issue or solving a problem. In this way, the trade-offs involved in making tough choices become apparent.

- Ask participants to think about the concerns and values that underlie their beliefs.
- Don't allow the group to focus on or be overly influenced by one particular personal experience or anecdote.
- Either summarize the discussion occasionally or encourage the group members to do so.

- Remain neutral about content and be cautious about expressing your own values.
- Help participants to identify 'common ground' but don't try to force consensus.

6. Use questions to help make the discussion more productive, such as:

- What seems to be the key point here?
- What is the crux of your disagreement?
- Does anyone want to add to (or support, or challenge) that point?
- Could you give an example or describe a personal experience to illustrate that point?
- What experiences or beliefs might lead people of faith to support that point of view?

7. Reserve adequate time for closing the discussion

- Ask the group for last comments and thoughts about the subject
- You may wish to ask participants to share any new ideas or thoughts they've had as a result of the discussion.
- If you will be meeting again, remind the group of the readings and subject for the next session.
- Thank everyone for the contributions.
- Provide some time for the group to evaluate the group process, either through sharing aloud or through a brief written evaluation

Part 1: Opening the Conversation

1. Creating Sacred Space

- a. Provide and identify tangible symbols in the room, such as lighting a candle, to remind participants that the space in which this discussion takes place is sacred space. Some cultures use the circle throughout sessions, so you might set your chairs in a circle with an "altar" of sacred objects in the middle.
- b. Worship activity
 - Scripture: 1 Corinthians 12:12-27
 - Devotional: *A Call to Dialogue*, A Pastoral Letter from the Conference Ministers of the United Church of Christ, June 4, 1997
 - Prayer (may be offered in unison)

O God, we gather to celebrate your gift of love and its presence among us. We rejoice that two people may choose to commit themselves to a life of loving faithfulness to one another. We praise you, O God, for the ways you have touched our lives with a variety of loving relationships. We give thanks that we have experienced your love through the life-giving love of Jesus Christ and through the care and affection of other people. Help us to recognize your presence in our midst that we may hear and discern how you are still speaking to us today about marriage. Bless us with open minds and listening hearts, grounded in the gospel message of love, justice and compassion. Amen.

based on a prayer in the Order for Marriage from the UCC Book of Worship

2. Creating a healthy/safe place for sharing and learning

- a. Values: Share values for having a healthy conversation about a difficult topic. You may wish to summarize the values shared in *A Call to Dialogue* and the article, *Talking about Tough Stuff...such as marriage*, by Rev. Peg Slater
- b. Ground Rules:

- Read and post the ground rules for the discussion. (See the “Sample Discussion Ground Rules” in the introduction materials for suggested ground rules.)
- Ask the group if there anything they wish to add.
- Ask the group to agree to ground rules for the discussion.

3. Opening the Conversation

- a. Share your name and one question you have about marriage.
 - b. Discussion Starter – In pairs or triads (groups of 2-3), share your earliest memory about marriage. How old were you? What happened? What were your impressions of what a marriage is? How were they similar to or different from your understanding of marriage today?
 - c. On a poster board, newsprint or butcher paper, ask participants to take a marker and write some of their understandings of marriage today.
- ### 4. Why do people get married?
- a. Read the three stories, “Why I Got Married” and then ask the participants, “Why did the people in the stories get married?”
 - b. Then, ask participants to reflect and share why they think people get married today...
 - c. Ask who would share why they got married, or would like to get married. Recognize that for a variety of reasons, some people choose not to marry, and that is a valid/honorable choice, but try to focus on the reasons one chooses or desires to get married.
- ### 5. A Closer Look at Marriage: Ask participants to read, “The Baggage in the Marriage Carriage” and discuss the questions in the article.
- ### 6. Close the session with a prayer.

Resources for Part 1: Opening the Conversation

- * *Why I Got Married?*
- * *A Call to Dialogue, A Pastoral Letter from the Conference
Ministers of the United Church of Christ, June 4, 1997*
- * *Talking About Tough Stuff ...such as marriage*, by Peg Slater
- * *Baggage in the Marriage Carriage*, by Mike Schuenemeyer

Why I Got Married?

Why I Got Married: A Man from the 1940's

She was all that kept me going during my time serving in the Army. We had met in high school and graduated together in 1940. Our plans were for me to enter the Army and she was going to enroll in a two-year teaching program. We both did these two things - however, Pearl Harbor changed everything. My three-year commitment turned into five years - and she quit school to work in a factory. But, in 1945, we were married - three days after I returned to the states. Although we've had our tough times, our love today, after 59 years of marriage, is as strong as the love we shared while writing all those letters to each other during the War.

Why I Got Married: A Woman from the 1960's

I was told during high school that a woman's primary reason for going to college was to find a man to marry. Becoming a teacher or a nurse was the expected course of action. Sex was something that was talked about in negative terms - and my Mother told me that if I got pregnant before marriage, she would die. I did meet someone and we married before I graduated from college. We were married for 20 years and had three children. Now, I realize that our commitment to each other was very shallow - it was not based on intimacy and mutuality. I wish I knew then what I know now.

Why I Got Married: A Woman from 2003

We dated for six years and lived together for two years before we married. We are different people - he's the romantic one and I'm more pragmatic. We're both passionate about justice issues however and have had some good arguments about how to go about 'making' peace and justice happen. He was raised in a different faith than mine but we both respect each other's faith journeys. All I know is that he brings out a part of me that I like - and I do the same for him. We're in 'it' for the long haul.

A Call to Dialogue

A Pastoral Letter from the Conference Ministers of the United Church of Christ

June 4, 1997

The Church in every generation has been faced with issues of great complexity and moral difficulty that have caused the household of faith to reaffirm the things that bind us together as the Body of Christ. The Preamble of the Constitution of the United Church of Christ reminds us that while the Church “claims as its own the faith of the historic Church. . .,” it also has “the responsibility. . .in each generation to make this faith its own in the reality of worship, in honesty of thought and expression, and in purity of heart before God.”

Former generations have had to deal with such social and cultural challenges as the institution of slavery, divorce and remarriage, war and peace, the ordination of women, civil rights, and a variety of other complex issues. Our readings of scripture have resulted in sometimes confusing and occasionally even conflicting interpretations. In each of these points of tension, some of which continue in our midst, we have had to struggle together as a people of God in ways that test our resolve to remain steadfast to both biblical truth and to our faith community. Each issue has tested the Church’s ability to speak boldly and to act passionately while remaining in covenant about that which we believe to be true and good. The Church has been most faithful when it has attempted prayerfully to discern the mind of Christ, engaging scripture and our traditions under the guidance of the Holy spirit.

One challenge facing the Church in our time is the issue of blessing relationships between same-sex couples and extending to them the same rights and privileges afforded to heterosexual couples. It has become a divisive issue in our culture and has split families, churches, and communities into opposing camps. Scriptures are quoted by all sides in this debate, disclosing both the essential truth of the biblical insights and the limited character of our understanding of God’s continuing revelation among us.

When we engage this difficult topic, we see human faces not abstract issues of sexual ethics, theology, or even matters of church order. First of all we see people; we see brothers and sisters, sons and daughters. We see the very neighbors Jesus has invited us to love. Our families often include gay men and lesbians who are baptized in Christ, members of our congregations, struggling and seeking the meaning and expression of covenantal commitment in Christian community.

We who serve among you as Conference Ministers, like the rest of the Church, and, indeed, like the rest of the society, are not of one mind on this issue. Some members of the household of faith believe that same-sex couples ought to enjoy the same rights as heterosexual couples; others disagree. There are those who argue persuasively that the Gospels have nothing to say about the issue of homosexuality and that therefore we should not judge. There are others who point out that Jesus holds the marriage covenant between a man and a woman as sacred. There is room here for open, honest, and loving debate in “honesty of thought and expression and purity of heart before God.”

We believe that the Holy Spirit equips the Church to deal compassionately and faithfully with this contentious matter, not because Christians are especially gifted intellectually or rhetorically, but because of the great gift we have in Jesus Christ in whom all things are reconciled to God. We trust that the bond in Christ which knits us to each other is stronger than anything that can divide us.

We therefore invite you, our sisters and brothers in Christ, in the months ahead to engage in thoughtful, sincere, and respectful dialogue with one another. In congregations, Associations, and Conferences, let us explore our faith in relation to these issues: the meaning of Christian marriage, the blessing of unions among same-sex couples, the honoring of diverse expressions of loving and caring human relationships, being guided in all things by the love of Jesus. Above all, may these conversations be ventured in humility and prayer.

Note: The names of Conference Ministers/Interims who have voted to affirm this document appear on the separate sheet.

--F. Russell Mitman, Secretary, Council of Conference Ministers

Note: The absence of a name does not indicate an expressed opposition to the letter. Only those who responded by June 4, 1997 are listed. There were no “no” votes among the responses.

Mary Susan Gast, California	Bennie Whiten, Massachusetts	Donald Overlock, Penn Northeast
Northern Nevada	Kent Ulery, Michigan	Russell Mitman, Pennsylvania
Herman Haller, California Southern	William Kaseman, Minnesota	Southeast
John Deckenback, Central Atlantic	Gayle Engle, Missouri	Paul Westcoat, Penn West
Hector Lopez, Central Pacific	John Schaeffer, Montana-Northern	Daehler Hayes, Rhode Island
Davida Foy Crabtree, Connecticut	Wyoming	William Dalke, Rocky Mountain
Douglas Borko, Florida	Daniel Vanderploeg, Nebraska	Gene Miller, South Dakota
Robert Sandman, Illinois	Carole Carlson, New Hampshire	Timothy Downs, Southeast
Ronald Eslinger, Illinois South	Benjamin Crosby, New Hampshire	Rollin Russell, Southern
Roger Perl, Indiana-Kentucky	William Briggs, New York	Cally Rogers-Witte, Southwest
Susan Ingham, Iowa	Jack Seville, Northern Plains	Samuel Fogal, Vermont
John Krueger, Kansas-Oklahoma	Ralph Quellhorst, Ohio	Lynne Fitch, Washington-N. Idaho
Jack Richards, Maine	Lyle Weible, Penn Central	Frederick Trost, Wisconsin

Talking About Tough Stuff.....such as marriage.

by Rev. Peg Slater, February 2004

A Guide for Helpful Conversations

It is not easy for members of our congregations to begin to talk with each other about many of the controversial issues that face all of us in the twenty-first century. Yet, if we don't speak with each other about really tough stuff, we risk destroying hard built community and the sense of being the Body of Christ for our day and time. We risk losing our unity just because we might not all have the same opinions or beliefs on a difficult issue.

This guide to helpful conversations may offer some useful ways your congregation can discuss "tough stuff" (such as marriage) in ways that are healthy, faithful, and not threatening to maintaining community. It will share some information and exercises that will help pull people together with some common understandings and some differing experiences that may help folks understand the variety of histories we share. There will also be a sample discussion format, suggested resources, and possible questions for group use.

Bible Study

Why must we talk about difficult issues that impact our lives, our culture, and our communities? Why, because it is the faithful thing to do. Remember the story of Jacob wrestling with God on the bridge at the ford of the Jabbok (Genesis 32:22-30)? Here a powerful and frightened Jacob wrestles over right

relationship, almost prevails with his way of living and is finally tricked by God into a different perception of right and wrong. After the wrestling match, Jacob emerges as a God sanctioned leader and is renamed as Israel....is-ra-el, the human one(s) who wrestle with God. As "israel" today, we are called to wrestle with the tough stuff to discern God's will for us....here and now. This text, or others (Acts 15), would be a helpful Bible study to begin a discussion about engaging in difficult group conversations. It is important to use Bible study, in what ever format the leadership chooses, to begin any difficult conversation.

A Brief History of Discussing Tough Stuff in Church

At the end of World War II many citizens of the United States felt significant unity after fighting wars all over the world. Most people believed that the United States had fought the good fight and that all of us sacrificed to make the world a safer place. The 1950's were a time of significant growth in faith communities. Almost any local church that built a Sunday School wing built it in the 50's for the overflow of children coming to classes. There was a deep sense of unity and common ground in society and in our churches.

What changed for our churches? In the 1960's and 1970's the issues of civil rights and the Vietnam war had a huge

impact. Many congregations took polar opposite sides on these two powerful events. Many pastors preached about the rightness or wrongness of these issues. A significant sense of division occurred among faithful people. Even almost a half-century later many congregants believe that church is no place to talk about divisive issues. People, based on experience and legend, learned that talk is not cheap. Talking about tough stuff is understood as inflammatory and divisive and so many congregations, to this day, avoid discussions about difficult, but timely topics.

Most people who are members of local congregations deeply wish to be part of a close community. There is a deep yearning for community in our ever changing world. Sociologists, community organizers, therapists and others in the helping professions tell us that in order to build healthy relationships and good community people must be willing to 'go deep', take risks, and be honest with each other about what each person believes and holds dear. Without 'going deep' community and relationships will suffer and eventually end.

Yet, with the fear of our experiences in the 1960's and 1970's lingering in our collective minds, many churches try to keep difficult conversations off the agenda in order to preserve what people value and love. By protective avoidance of difficult issues many congregations make the unconscious assumption that for the sake of unity they will avoid all hard conversations and debates.

Difficult discussions that would challenge us, or heaven forbid, change us, must be avoided at all costs!

So, we keep things "safe" and mundane and at surface level. This pattern of behavior does serve a purpose. Basic human connections are made, mutual concern may be expressed, a sense of belonging may be experienced. On the surface all looks well, but a failure to "go deep", a failure to wrestle with God, a failure to deal with tough stuff will eventually destroy the community for which people yearn.

Congregations that learn to talk about hard subjects in a healthy way begin to build a bridge between a safety-and-survival only model of community into a community that talks about difficult things in a way that allows people to be both diverse and still faithful. To avoid the wrestling will not serve God or the local church.

The Rev. Katie Day is an ordained Presbyterian minister who is associate professor of church and society at Lutheran Theological Seminary in Philadelphia. She has written a marvelous book: *Difficult Conversations, Taking Risks, Acting With Integrity*, (Alban Institute, 2001). It would be an excellent resource for congregational leaders who wish to facilitate difficult conversations in a local setting. Much that we have just been talking about is expanded on in her work.

What Makes Talking About the Tough Stuff Possible?

Fewer and fewer Americans, and that includes church members, trust our institutions. As Americans we have become more independent than interdependent. It is trust, an interdependence on others that makes hard conversations possible. Trust, however, can not just be wished for or just assigned to a group trying to dialogue about difficult subjects. Trust must be earned over a period of time. A group trying to engage in difficult conversation must review the existing trust, name where they are in a given situation and devise a structure of behavior that will continue trust or begin to build it. This is an essential discussion to have early on in a group that is trying to dialogue about tough stuff.

Trust is a confidence in others, or an institution or a local church, that they will act with integrity and in ways that are constructive. Trust is built on experience and hope! So, to build trust, behave trustworthily.

Another factor to take into consideration in order to talk about difficult issues is safety. The group must build into the discussion a place for some ground rules and an understanding of active listening.

Ground Rules: these are the rules that a group trying to engage in difficult conversation will set up prior to beginning dialogue. They are based on the kindergarten concept of “No biting, no fighting”! They might look like:

1. Everyone will have a chance to speak.
2. We will not call each other names or imply that others are Unfaithful.
3. We will finish on time.
4. etc.

Active Listening is working hard at really listening to what others are saying, not just waiting politely for someone to finish in order to state one’s opinion. Active listening is to put others’ words in one’s own mouth.....

- to wrestle with what one heard,
- to verify in a respectful manner what one thought he or she heard,
- to clarify what one heard,
- to listen with all your being.

A Helpful Exercise

Members of a congregation come to an event to talk about tough stuff with a variety of expectations. Most just want a problem solved and a satisfying decision made. Many would just like an issue to ‘go away’. It is important to remember the vast majority of people fear controversial conversations. Others delight in talking about difficult issues. One of the best ways to bring this discrepancy to the attention of a group that is about to engage in talking about difficult issues is to do a simple exercise about difference.

Ask participants to take a moment to think about their families of origin. Ask; “How did your family deal with conflict or controversy?” Allow people time to reflect. Ask if some people would like to share their memories? In most

groups there will be a variety of responses. Some will talk about the fear of conflict. Others might say the dad made all the decisions and no one else was allowed an opinion. Some may say that the mother controlled the situation through manipulation. Still others might say their family loved a good fight! Reflect on the differences. Note that the variety of responses

reflects some significant difference in a congregation at a very basic level.

Ask participants how they work out their family of origin differences in their present families? What works? What gets in the way?

Move on to the rest of the discussion at hand.

Baggage in the Marriage Carriage

by Mike Schuenemeyer

(based on an essay by Loey Powell)

The first wedding I ever performed was at the age of 10 when I officiated at the marriage of the family dogs, Clover and Chipper. It was the social affair of the summer of '67. My siblings and I, along with some neighbor kids, got everything ready. We set up folding chairs on the lawn, complete with stick-on bows and fresh cut daisies from the side of the road. Rummaging in the basement, we found a bonnet that we managed to secure as a veil for Clover. My brother grabbed the clip-on tie he wore on Sundays to church and attached it to Chipper's collar.

To us kids, it just seemed like the right thing to do. The two dogs had practically grown up together. They were great friends and companions and besides, they spent every night curled-up right next to each other. They were only dogs, but it was a great wedding.

Our understandings of marriage begin at an early age. We mostly get them from experiences in our own families and the communities where we grow-up. Children are often featured in weddings, dressed smart and adult-like in their tuxes and pretty dresses to bear the rings and the flowers for the bride and groom. The clear message is that one day they will participate in a similar ceremony of their own. By the time we

are old enough to consider marriage, we have collected a lot of baggage from our parents, families, friends and society. There's probably a lot in that baggage we don't need to be lugging around. For anyone who gets married, much of that baggage is liable to weigh down the relationship in unhelpful, unhealthy and potentially destructive ways. While I don't presume to know what's in anyone else's baggage, I do want to suggest some of the bags that exist and raise some questions for sorting through them.

Invisibility is a problem. Most of the baggage we carry is invisible, that is, we either take it for granted, or avoid and ignore it altogether. When we don't "see" what we are carrying in terms of family, social and religious expectations, we don't ask the questions which need to be asked. However, when the invisible is made visible, tangible, and real, questions abound. We need to pursue these questions, learn where all this baggage comes from and come to a deeper understanding of what marriage is really about. Doing so will help us be clearer about expectations worth having, traditions worth honoring, futures worth living into, and commitments worth making. So, before we go making decisions about marriage, we had better sort through marriage a

bit and make some careful decisions about what's worth keeping, what needs to be thrown out and what's missing that we need to acquire.

First, let's look in the "Suitcase of Expectations." It is usually filled with everything Mom and Dad ever said to you about you, your future mate, and their future grandchildren. It's stuffed with societal measures of what constitutes an acceptable wedding, weighed down by all your own thoughts and feelings about what this day should be like, and, of course, crammed with the Divine Expectation that this relationship will be for the rest of your natural life.

Consider, share, discuss...

- What's in the "Suitcase of Expectations?"
- What should be kept, thrown out or acquired?
 - Parents and family expectations?
 - Peer expectations?
 - Cultural and societal expectations?
 - Faith or religious expectations?

Now let's explore the "Carry-ons of Traditional Marriage." These would be the bags such as the "Shoulder-bag of Normalcy," and either the matching "Handbag of Femininity" or "Wallet of Masculinity". They are typically filled with lots of clever items which can be seen on billboards, in magazine ads, on television or the big screen. The contents of these bags assure us that this is how things were meant to be. This is what marriage has always been and

should always be. They reassure us that we are normal, and so all must be well with the world. In a moment of insecurity, simply open-up the appropriate "Carry-on" and you will instantly know that you are doing the right and normal thing. Tucked inside the Handbag and Wallet is a prayer card from your faith tradition which reminds you that your source of Divine Inspiration had just this moment in mind long before you were even born.

Consider, share, discuss...

- What's in the "Carry-ons of Tradition?"
- What should be kept, thrown out or acquired?
 - Shoulder-bag of Normalcy?
 - Handbag of Womanhood?
 - Wallet of Manhood?

Of course, there's also the "Trunk of the Future" to deal with. It's a big one. In fact, it comes to the wedding on handy wheels for easy hauling. It is the largest because it is filled with all those hopes and dreams of a good and meaningful life, full of joy and happiness. It's also full of other potential, too, which includes the weight of challenging and difficult times. Plus, the "Trunk of the Future" isn't only about your future, the future of humanity also depends on people getting married, having children and maintaining "the family" as it has been known since the beginning of time. It is also the most awkward of the marriage baggage because you and your mate may not quite be ready to take on the entire future, so the Trunk is there to

remind you that eventually you must deal with it.

Consider, share, discuss...

- What's in the "Trunk of the Future?"
- What should be kept, thrown out or acquired?
...for a good and meaningful life, full of joy and happiness?
...for dealing with challenging and difficult times?
...for contributing to the future of humanity?

Wow... that's a lot of baggage to carry. Perhaps it's time to lighten the load a bit, in fact, maybe we should consider a whole new set of bags altogether—bags that don't overwhelm or weigh one down. Bags that serve the purpose of clearing the space between these two people who say they want to live the rest of their lives with each other, through thick and thin. One bag might even do it. We might call it the Carry-all of Integrity, Accountability, Equality, and Commitment. All of its contents need to be closely examined long before the actual joining ceremony and couples must pledge to go through its contents on a regular basis so that their relationship is one that grows together with them, expands with the nuances of life and living, and embraces them with vibrancy through changes, challenges

and choices.

The process of considering whether to take on the all that's in the Carry-all of Integrity, Accountability, Equality, and Commitment, may help couples better discern weak or ill-conceived relationships. Should a relationship fail, as some relationships will, then, being a person of integrity and treating each other with integrity; being accountable and holding each other accountable; and relating to each other as equals would assist in a more graceful dissolution—which is far different from what most couples experience when such truly important matters are never discussed.

Sorting through the Carry-all of Integrity, Accountability, Equality, and Commitment may lead to fewer couples sharing vows (the numbers are already inflated by second, third and fourth marriages or committed relationships), but for those who do, their relationships would more likely be strong, honest, vibrant, committed relationships. Who would not welcome that?

Consider, share, discuss...

- What's in the "Carry-all?"
- What should be kept, thrown out or acquired?
...in terms of Integrity?
...in terms of Accountability?
...in terms of Equality?
...in terms of Commitment?

Part 2: Marriages in the Biblical Story

1. Creating Sacred Space
 - a. Provide and identify tangible symbols in the room, such as lighting a candle, to remind participants that the space in which this discussion takes place is sacred space.
 - b. Worship activity
 - i. Scripture: Ruth 1:16-18
 - ii. Brief Devotional or Meditation
 - iii. Prayer
2. Creating a healthy/safe place for sharing and learning
 - a. Review values and the Ground Rules
3. Opening the Conversation
 - a. Share your name and briefly tell who is one of your favorite biblical characters and why?
4. Preparing for the Bible Discussion
 - a. Read and briefly discuss the contexts for biblical interpretation in the article, *Taking the Bible Seriously*: Paul Hammer
5. Stories of Marriage and Family from the Bible
 - a. There are many examples of marriage and family life found in the stories of the Bible. Think about the favorite biblical persons named in the discussion starter.
 - i. Pick three or four and learn/share what the story says about their married and family life. Discuss how those marriages and family

settings are the same or different from marriages and family settings today.

- ii. Look at the following stories of significant biblical characters. What do their relationships tell us about marriage and family life in the Bible? How are they similar or different from marriage and family life today?
- b. In the Hebrew Scriptures (Old Testament):
 - i. Adam and Eve: Genesis 2:18-4:9
 - ii. Abraham and Sarah: Genesis 16, 21:1-14
 - iii. Jacob, Leah and Rachel: Genesis 29:1-30:24
 - iv. Ruth and Naomi: Ruth 1:16-18
 - v. Queen Esther: Esther 2
 - vi. David and Bathsheba: 2 Samuel 11;1-12:25
 - c. In the Christian Scriptures (New Testament)
 - i. Zachariah and Elizabeth, John: Luke 1
 - ii. Mary and Joseph, Jesus: Matthew 1:16-25
 - iii. Jesus' Disciples: Mark 4:16-20, Luke 14:25-33
 - iv. Paul: I Corinthians 7:7-9

6. A Biblical Ethic for Marriage

- a. Read and discuss: *The Gospel vs. Scripture? Biblical theology and the debate about rites of blessing*, an interview with Walter Brueggemann by Julie Wortman for The Witness, November 2000
- b. Read the following passages and discuss the question:
 - i. Read and reflect/discuss the following scriptures commonly used in marriage and other covenanting services:
John 13:34-35; 1 Corinthians 13:4-8a; Ephesians 3:14-21;
1 John 4:7-12; Colossians 3:12-17
 - ii. What are the Gospel values expressed in these passages that make for good relationships?
- c. Sacred Covenants: Explore 3 or 4 liturgies for marriage or other covenanting services* and discuss the following:
 - i. How is God present?

- ii. What is the role of the witnesses (congregation/guests)? Where is the accountability and support for the relationship?
- iii. What are the promises given and received?
- iv. How are the values of the gospel (e.g., love, justice, compassion...) expressed in the liturgies?
- v. As we consider marriage today, who should be encouraged to live according these values and make these covenant promises?

*A liturgy for marriage may be found in the [UCC Book of Worship](#). It is also available at the UCC web site:

<http://www.ucc.org/worship/tch/marriage.pdf>

7. Close the session with a prayer.

Resources for Part 2: Marriages in the Bible

- * *Taking the Bible Seriously*, by Paul Hammer
- * *The Gospel vs. Scripture? Biblical theology and the debate about rites of blessing*, an interview with Walter Brueggemann by Julie Wortman for The Witness, November 2000
- * *Order for Marriage*, from the UCC Book of Worship (available from UCC Resources, 800-538-5594) or download from

Taking the Bible Seriously

by Dr. Paul Hammer, retired professor of biblical interpretation at Colgate-Rochester Divinity School in Rochester, N.Y.

This is the introduction to the Bible study at the 2000 Dunkirk Colloquy.

Where shall we begin Bible study? In one way, it is quite unbiblical to begin with the Bible. Biblical writers generally do not begin with an exegesis of texts, but with the reality of their situations. Then they tap into their traditions and texts to help them meet the situations they face in their faith communities and in their worlds.

As a former colleague of mine says, "The word became flesh, not text." And when it comes to texts, we know that no interpretation of a text can ever be absolutized, for the only Absolute is neither the Bible nor the Church but the living God.

One of my favorite stories about biblical interpretation is about two boys whose mothers were ministers. They were arguing about whose mother was the better preacher. Said the one, "My mother can take the same text and preach a different sermon each Sunday." "That's nothing," said the other. "My mother can take a different text and preach the same sermon each Sunday."

Perhaps there is a bit of truth in both. No text is ever exhausted by any one sermon. And every text finally points to the saving love of God for everyone in God's beloved world.

Bible's unity is enriched by its diversity

What I would like to do is to offer what I see as the interpretive or hermeneutical contexts generally of biblical writers themselves, though of course we cannot fit all these writers, who span a thousand years of Hebrew Christian history, into one mold. The diversity of biblical writers is quite amazing, but what would one expect from the multiple struggles they faced over such an extended period of time? Any biblical unity is enriched by such diversity.

Obviously, there is no one way to articulate such interpretive contexts, but I would suggest the following: a *cosmic* context, an *ecclesial* context, a *canonical* context, an *evangelical* context, and a *pneumatic* context.

World-embracing context

First, a *cosmic or world-embracing context*. (*Kosmos* means "world.") Biblical writers embrace the realities of their worlds and their situations where they and their communities find themselves. Do they, like we, really have any other choice than to begin where we are?

Further, I find it instructive that the way in which the biblical writings are put together in our Bible places them in the context of creation in Genesis at the beginning and of new creation in Revelation at the end. Thus the Bible as a whole has this cosmic or world-embracing context. As you and I come to this colloquy, we bring our cosmic contexts: our personal lives, our interpersonal relationships, our work, our leisure, our economics, our politics. We bring the glory and the tragedy of life in our world. We do our Bible study in a cosmic context.

Community-of-faith-participating context

Second, an *ecclesial or a community-of-faith-participating context*. (*Ekklesia* means the "called-out" assembly, the church.) Biblical writers were part of communities of faith, even when as prophetic persons they had to challenge their own communities. These faith communities were communities of worship, of instruction, of supportive fellowship, of wider mission in that cosmic context of which they were a part. Their life in an ecclesial context intended to guide and nourish and challenge them to be faithful in the larger cosmic contexts of their worlds.

We too bring to this colloquy our life in the faith communities of our churches, with their worship, their education, their fellowship, their ministries and missions. As early Christians prepared for their world-embracing mission, says

Luke, "they devoted themselves to the apostles' teaching and fellowship, to the breaking of bread and the prayers" (Acts 2:42).

Parenthetically, I find it interesting that here Luke says nothing about preaching! Life within the faith community calls for *teaching*. For Luke, *preaching* is for those who have yet to hear "the good news of great joy for all the people" (Luke 2:10). Someone once said that sometimes we seem to speak to the church as if it were the world and to the world as if it were the church.

Teaching is more for the ecclesial context. Preaching is more for the cosmic context. At any rate, we do our Bible study in an ecclesial context.

Bible-engaging context

Third, a *canonical or Bible-engaging context*. Though the earliest biblical writers may not yet have had their scriptures, they did have their oral traditions. These traditions and the biblical writings that emerged from the communities of faith during a thousand years became canonical for Israel and the Church. From among other writings, these, taking several centuries of usage, finally became the canon or "measuring stick" to engage them again and again to inspire and challenge and keep them on course, though these writings hardly spoke with one voice as they engaged their ecclesial as well as their cosmic contexts.

In fact, an important aspect of the biblical writings is the way scripture can

challenge scripture and point to an ongoing interpretive process. The canonical context points to both content and process, and thus the Bible canonizes both the writings themselves and the dynamically continuing process of interpretation. In Matthew's witness, Jesus himself carried on that process repeatedly with the words, "You have heard that it was said ... but I say to you." He can challenge ancient texts with fresh interpretive power. As we compare biblical writings, we can see this interpretive process continuing at many points. In other words, it is quite biblical to challenge the Bible. For example, we would certainly want to challenge this text: "Happy shall they be who take your little ones and dash them against the rocks!" (Ps. 137:9).

It holds even for the Bible (as someone has said), "None of us is entirely useless. Even the worst of us can serve as horrible examples." The great authenticity of the Bible is that it's all there, the good and the bad, the glory and tragedy of human life. It's no put up job where everything fits into a simplistic mold. As we do Bible study, we do so in the canonical context of the whole Bible.

Gospel-happening context

Fourth, an *evangelical or gospel-happening context*. Why bother with the Bible? Because the Bible as canon witnesses to the Word that became flesh, not text, that is, to the *evangel*, the "good news" of God's working in real human existence to touch it with creative and liberating and healing power. I am grateful that

one of the uniting churches in the United Church of Christ bore the name "evangelical," which comes directly from the Greek word *euangelion*.

I am quite unhappy with those Christians who define themselves as *the* evangelicals, as if other Christians are not. All Christians are by definition evangelicals, for we all have our life in God's evangel, God's good news. Our life has to go on in an evangelical context.

We sometimes limit the evangel to what God has done in Jesus Christ, but Old Testament writers also use the term. More than five hundred years before the coming of Jesus, Isaiah writes, "How beautiful upon the mountains are the feet of the messenger who announces peace, who brings good news, who announces salvation" (Is. 52:7).

The whole Exodus event is "good news" for Israel. The Ten Commandments are preceded by the grace and good news of God's liberation. "I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery; (therefore) you shall have no other gods before me". (Ex. 20:2-3).

And it is striking that the Apostle Paul can interpret his scripture (our Old Testament) in this way: "And the scripture, foreseeing that God would justify the Gentiles by faith, declared the gospel beforehand to Abraham, saying, 'All the Gentiles shall be blessed in you'" (Gal. 3:8). What here is the good news for Paul? It is the good news of God's

inclusiveness in the promise to Abraham.

An evangelical context means that we live with the expectation that good news will happen to people, to communities, to God's beloved world: that God's good news for the world will bring a deeper sense of faith and hope and love, of freedom and justice and peace, of grace and truth and glory – the glory of God's self-giving love in the cross of Jesus Christ.

We do our Bible study in an evangelical context, in the expectation that God's good news will take on flesh among us as we live together in our canonical, ecclesial and cosmic contexts.

Spirit-empowering context

Fifth, a *pneumatic or Spirit-empowering context*. Biblical writers speak of God's spirit or Holy Spirit in differing ways (Isaiah is not Jeremiah and Jeremiah is not Ezekial; Paul is not Luke and Luke is not John.) We need to let each speak for themselves. But generally, the Spirit of God takes the events of God's deeds in the past (creation, exodus, cross, resurrection) and makes them alive in the present with a foretaste of the future. The Spirit empowers the present with good news from the past and with pregnant hopes for the future.

But how does that happen? It happens in part with the gifts of the Spirit, the *charismata* with which the Spirit empowers the life of each person and enlivens the evangelical, canonical, ecclesial and cosmic contexts of our

lives. We are empowered not only for our own inner spiritual life but for that work of the Spirit that meant for Isaiah and Jesus "good news to the poor ... release to the captives ... sight to the blind ... liberty to the oppressed" (Luke 4:18-19).

Again, some Christians have appropriated the word "charismatic" for themselves with their particular gifts of the Spirit. But from New Testament usage, *all* Christians are charismatics, for we all are blessed with various gifts of the Spirit and we need to value each one in mutuality and edification and mission together. We do our Bible study in a pneumatic context.

What does this mean for Sunday worship?

To conclude, let me try to put these five contexts into our worship on Sunday mornings. Are they part of the picture?

Well, any sound planning of worship is going to have to take into account the cosmic context of what is going on in the world around us and in the lives of those who come to worship. The worship itself is an expression of the ecclesial context, the gathering of that community of faith with the multiple aspects of its life. In the worship is the reading of the scriptures and their engagement in the sermon, thus expressing the canonical context. And what we hope will happen in the worship is that God's good news will touch us individually and corporately, the evangelical context. And then we hope that people will be empowered by

the Spirit with gifts to go forth to live the good news, individually and corporately, and so let it impact the cosmic context of the week that lies ahead. Then back again next week.

Every Sunday is a time to be empowered by the Spirit, for the sake of good news, as we engage the Bible, in the community, in order to be faithful servants in God's beloved world.

As to our sermons, I like the story of the sexton who used to greet his pastor after the service in one of three ways. If the sermon was good he would say, "Pastor, today the sheep were fed." If it was a so-so sermon he would say, "Pastor, that was a difficult text." And if it was really lousy he would say, "Well, Pastor, today the hymns were well chosen." Given that my spouse is a musician, I've learned how important it is that the hymns be well chosen. Thank you all.



The Gospel vs. Scripture?

Biblical theology and the debate about rites of blessing

An interview with Walter Brueggemann

by Julie A. Wortman (for *The Witness*, November 2002)

The Witness (www.thewitness.org) interviewed Old Testament scholar Walter Brueggemann to get his perspective on the controversial issue of whether churches should approve rites of blessing for lifelong, committed relationships outside of marriage. A coalition of groups called Claiming the Blessing is meeting this month in St. Louis to kick off a campaign to win approval for rites at the Episcopal Church's 2003 General Convention next summer in Minneapolis. (See www.claimingtheblessing.org for how to be involved.)

Walter Brueggemann is the William Marcellus McPheeters Professor of Old Testament at Columbia Theological Seminary in Decatur, Ga. He has been interested in the interpretive issues that lie behind efforts at Old Testament theology. This includes the relation of the Old Testament to the Christian canon, the Christian history of doctrine, Jewish-Christian interaction and the cultural reality of pluralism. He is the widely read author of many books and articles, including *Theology of the Old Testament: Testimony, Dispute, Advocacy* (Fortress Press, 1997) and *Deep Memory, Exuberant Hope: Contested Truth in a Post-Christian World*, Patrick D. Miller, ed. (Fortress Press, 2000).

Julie Wortman: The Episcopal Church's 2003 General Convention will be considering a proposal that rites of blessing be developed to support "relationships of mutuality and fidelity other than marriage which mediate the Grace of God." When I asked if you'd be willing to offer your perspective on whether such rites of blessing should be approved, you said that you were just an "exegete" and that maybe we'd want to talk to someone with a "larger horizon" on the issue. What did you mean by that?

Walter Brueggemann: I just think that after you do the Bible stuff, there are people who know the whole ethical tradition of the church better than do I. The arguments can't just be made out of the biblical text as such, but they have to be made in the context of how the church has handled the Bible in many other ethical questions.

Julie Wortman: But I'm told your views are views that the "movable middle" takes seriously - maybe a big reason is that you're a scholar who writes accessibly, which many scholars don't,

but it seems likely that it is also because you're a biblical scholar whose social and political views are grounded in Scripture and ancient tradition. Is it your experience that Scripture is the chief authority for moderate Christians, and is it the chief authority for you?

Walter Brueggemann: The answers to both of those questions is, "Yes." It is the chief authority for moderates and it's the chief authority to me as long as one can qualify that to say that it is the chief authority when imaginatively construed in a certain interpretive trajectory.

I incline to think that most people, including the movable moderates, probably make up their minds on other grounds than the Bible, but then they are uneasy if it collides with the Bible or at least they have an eagerness to be shown how it is that the Bible coheres. I don't think, on most of these contested questions, that anybody – liberal or conservative – really reads right out of the Bible. I think we basically bring hunches to the Bible that arrive in all sorts of ways and then we seek confirmation. And I think that I'm articulate in helping people make those connections with the hunches they already have.

Julie Wortman: Do you think lesbian, gay, bisexual, and transgender (LGBT) folks are sinners?

Walter Brueggemann: Yes, like we all are. So I think that our sexual interpersonal relationships are enormously hazardous and they are the place where we work out our fears and

our anxieties and we do that in many exploitative ways. So I don't think that gays and lesbians and so on are exempt from the kind of temptations that all of us live with.

Julie Wortman: Is their struggle for full inclusion in the life of the church a justice struggle?

Walter Brueggemann: Yes. Martin Luther King, Jr., famously said that the arc of history is bent toward justice. And the parallel statement that I want to make is that the arc of the Gospel is bent toward inclusiveness. And I think that's a kind of elemental conviction through which I then read the text. I suspect a lot of people who share this approach simply sort out the parts of the text that are in the service of inclusion and kind of put aside the parts of the text that move in the other direction.

Julie Wortman: And what do you do with those other parts?

Walter Brueggemann: Well, I think you have to take them seriously. I think that it is clear that much or all of the Bible is time-bound and much of the Bible is filtered through a rather heavy-duty patriarchal ideology. What all of us have to try to do is to sort out what in that has an evangelical future and what in that really is organized against the Gospel. For me, the conviction from Martin Luther that you have to make a distinction between the Gospel and the Bible is a terribly important one. Of course, what Luther meant by the Gospel is whatever Luther meant. And that's what we all do, so there's a highly

subjective dimension to that. But it's very scary now in the church that the Gospel is equated with the Bible, so you get a kind of a biblicism that is not noticeably informed by the Gospel. And that means that the relationship between the Bible and the Gospel is always going to be contested and I suppose that's what all our churches are doing - they're contesting.

Julie Wortman: You've done a lot of work on the Hebrew prophets. What do you think we can learn from the prophets about justice in this particular issue of lgbt people and their quest for justice?

Walter Brueggemann: As you know the prophets are largely focused on economic questions, but I suppose that the way I would transpose that is to say that the prophets are concerned with the way in which the powerful take advantage of the vulnerable. When you transpose that into these questions, then obviously gays and lesbians are the vulnerable and the very loud heterosexual community is as exploitative as any of the people that the prophets critiqued. Plus, on sexuality questions you have this tremendous claim of virtue and morality on the heterosexual side, which of course makes heterosexual ideology much more heavy-handed.

Julie Wortman: Yeah. This makes me think of an interview you did with former Witness editor Jeanie Wylie-Kellermann about four years ago in which you said, "The church has made a centerpiece of our worship how bad we

are." It sort of connects with the virtue thing. Can you say something about that again?

Walter Brueggemann: That's a judgment I make of my Calvinist liturgics tradition. I never have that feeling in Episcopalianism - even though there's a regular confession of sin, it doesn't seem as weighty as a Calvinist confession of sin. But I incline to think that the weight of God's graciousness readily overrides our guilt and what we ought to talk about is God's grace.

The other conviction I have is that, on the whole, I don't think people are troubled by guilt in our culture. I think they are troubled by chaos. And therefore most of our talk about confession and forgiveness is beside the point. The reason that's important to me is that I have the deep conviction that the adrenaline that gathers around the sexuality issues is not really about sexuality. It is about the unarticulated sense people have that the world is falling apart.

The anxiety about chaos is acute among us. Obviously, 9/11 makes that more so, but it was there before that. The world the way we have known it is passing away from us and I believe that people have taken the sexuality issue as the place to draw a line and take a stand, but it's not a line or a stand about sexuality. It's about the emotional sense that the world is a very dangerous place. Sexuality is, I think, one way to talk about that.

Julie Wortman: That opens up for me something that I heard Peter Gomes say recently about young people at Harvard who are hungry for a life of sacrifice and service. Does that connect with what you're talking about?

Walter Brueggemann: I would have some wonderment about whether it's that clean and simple. But people are becoming aware that the recent practices of material consumption are simply destructive for us and they do not contribute to our humanness. And the more people that know that, the more encouraging it is.

Julie Wortman: What I was thinking is that the sexuality debate seems so beside the point given the church's call in these times.

Walter Brueggemann: Yeah. Well, in my own [Presbyterian] context, I have the sense that continuing to argue about sexuality is almost a deliberate smoke screen to keep from having to talk about anything that gets at the real issues in our own lives.

I think the issues are economic and, you know, many of the great liberals in my church don't want to talk about economics. The reason for that is many of us liberals are also into consumption in a big way. So this is something else you can talk about without threatening them.

Julie Wortman: What's the nature of blessing in the Old Testament? How is it used there?

Walter Brueggemann: It's used in a lot of ways, but I believe that the primary meaning is that it is the life force of creation that makes abundance possible. If you look at the recital of blessings, for example, in Deuteronomy 28, it's about very mundane material matters. May your livestock prosper. May your bread rise. May your corn grow. So I think it has to do with abundance, productivity, the extravagances of the material world. And a curse then, as in Deuteronomy 28, is that the life force of vitality is withdrawn from us and our future just kind of shrivels up.

Julie Wortman: Is that different from the way Jesus would use it in the New Testament? Especially thinking about the Beatitudes?

Walter Brueggemann: No, I think the Beatitudes are exactly that way when it says, you know, blessed are the peacemakers. I think this means the life force of God's creative spirit is with people who live that way. And that they are destined for abundant well-being. So when you talk about a ritual of blessing, it is the church's sacramental act of asserting that this relationship will be a place in which God's generativity is invested.

Julie Wortman: So why do you think folks balk at the idea of rites of blessing for same-sex relationships that are free of promiscuity, exploitation and abusiveness and that are marked by "fidelity, monogamy, mutual affection, respect, careful honest communication and the holy love that enables those in such relationships to see in each other

the image of God," as they did at the Episcopal Church's 2000 General Convention?

Walter Brueggemann: I think it's very complex and it's about anxiety and all of that, but in the light of what I was saying, I think it's a moralistic judgment that people like this are not entitled to well-being. And therefore for the church to sacramentally guarantee well-being for these people is an unearned gift that falls outside the moral calculus.

Now in Presbyterianism the question that's sometimes put to theological articulation is "too many people are being saved!" You don't want all these people saved. That's called universalism. I think it's the same calculus that is articulated by Job's friends, that only the obedient are entitled to well-being. If these relationships are understood to be an act of disobedience, then the church ought not to be asserting well-being for them.

Julie Wortman: So there's a logic to the balking?

Walter Brueggemann: I think it is a logic. I think it's a logic that's rooted in fear and it's rooted in resentment. It is parallel to welfare reform in which the undeserving poor ought not to get food stamps.

Now, morality does matter and living obediently and responsibly is important. But that is always in tension with the other claim we make that the very fact that we exist as God's creatures gives us some entitlements.

Julie Wortman: As a person who bases what he thinks on Scripture, what would you say the biblical standards are for relationships?

Walter Brueggemann: Well, I think fidelity. It takes a lot of interpretation, but it's basically to love God and love neighbor. And the first neighbor I suppose we love is the one to whom we make these holy vows. So that has to do with relationships that are honorable and just and faithful and reliable and all that neat stuff. Then you can argue out what all that means. This is relational thinking.

But the sort of thinking that you can establish out of the Book of Leviticus, where so much of this anti-same-sex blessing stance comes from, involves a substantive material sense of contamination that has nothing to do with relationships. To this way of thinking there is a palpable poison that is turned loose in the community that must be resisted. People who think this way cannot take into account the relational dynamics that we're trying to talk about. That way of talking about physical contamination is deeply rooted in the Bible, though, which is a problem.

Julie Wortman: There are people who say the situation of LGBT people is analogous to that of the canary in a coal mine.

Walter Brueggemann: I've said that in the city homeless people are the canaries, but I think that's right about LGBT people. A general principle is that whoever is the most vulnerable is the

canary. That is, it is always the test case about whether we are following Jesus. And then if you extrapolate to say that

gays and lesbians are the most vulnerable in this issue, then they are indeed the canary.



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ORDER FOR MARRIAGE

From the UCC Book of Worship

INTRODUCTION

The essence of marriage is a covenanted commitment that has its foundation in the faithfulness of God's love. The marriage ceremony is the glad occasion on which two people unite as husband and wife in the mutual exchange of covenant promises. The one presiding acts as an official representative of the church and gives the marriage the church's blessing. The congregation joins in affirming the marriage and in offering support and thanksgiving for the new family.

It is the responsibility of the one who presides to meet with the couple prior to the marriage ceremony in order to counsel them concerning the Christian understanding of the marriage relationship. Congregational participation, ethnic traditions, and local customs may be taken into consideration when planning the Order for Marriage. Hymns and other music of joy, praise, and thanksgiving may be included in the service after consultation with the congregation's music leaders and in keeping with a sense of the appropriateness of their use in a religious service. Psalms may be sung or said responsively, and other readings or statements may be used.

The one presiding may invite the couple to share in the writing and planning of their service. A Christian marriage ceremony is a service of worship offered to God. Family and friends of the couple may be invited to share the leadership of the service by reading scripture or by offering prayers or in other ways. If the couple desires to be married within the regular Sunday service of the congregation, the Order for Marriage may be celebrated following the sermon.

If a couple requests Holy Communion on the occasion of their wedding, a Service of Word and Sacrament may be used as indicated in this order. The one presiding needs to use informed judgment as to circumstances in which Holy Communion can be celebrated meaningfully and with theological and biblical integrity. The religious affiliations of those to be assembled for the wedding will affect the decision. When a Service of Word and Sacrament is used, the prayers and other elements of the service printed here may be substituted in the proper places in that service. All present may more easily participate in the service if a copy of this order is available to them in a bulletin.

It is the responsibility of the one presiding at the marriage to understand and conform to the marriage laws in the place where the ceremony is to be held.

OUTLINE

Prelude
Entrance
Greeting
Introduction
Prayer
Reading of Scripture
Sermon
Declaration of Intention
Pledge of Support
Vows of the Marriage Covenant
Exchange of Symbols
Announcement of Marriage
Blessing
Passing the Peace
Prayer of Thanksgiving Order for Holy Communion
Prayer of Our Savior
Benediction
Hymn or Postlude

PRELUDE

ENTRANCE

Banners, ribbons, flowers, candles, white carpeting, or other items may be used in the procession in accordance with local custom. A hymn, psalm, canticle, or anthem may be sung, or instrumental music may be played. The couple to be married may enter the sanctuary together or separately. They may be accompanied by their parents, other members of the family, and friends. People in the congregation who are able may stand for the processional.

GREETING

The couple to be married and the wedding party may stand, if they are able, facing the one presiding. Usually the groom is at the right of the bride as they face forward. The one presiding may use one of the following greetings or another one based on scripture.

PASTOR

The grace of our Lord Jesus Christ and the love of God and the communion of the Holy Spirit be with you
all.¹

PEOPLE

And also with you.

PASTOR

Love comes from God. Everyone who truly loves is a child of God.² Let us worship God.

INTRODUCTION

The one presiding may state the Christian understanding of marriage, using one of the following or other words.

PASTOR

Dearly beloved, we are gathered here as the people of God to witness the marriage of (bride) _____ and (groom) _____. We come to share in their joy and to ask God to bless them.

Marriage is a gift of God, sealed by a sacred covenant. God gives human love. Through that love, husband and wife come to know each other with mutual care and companionship. God gives joy. Through that joy, wife and husband may share their new life with others as Jesus shared new wine at the wedding in Cana. With our love and our prayers, we support (bride) _____ and (groom) _____, as they now freely give themselves to each other.

PASTOR

Dear Friends, we have come together in the presence of God to witness the marriage of (bride) _____ and (groom) _____, to surround them with our prayers, and to share in their joy. The scriptures teach us that the bond and covenant of marriage is a gift of God, a holy mystery in which man and woman become one flesh, an image of the union of Christ and the church. As this woman and this man give themselves to each other today, we remember that at Cana in Galilee our Savior Jesus Christ made the wedding feast a sign of God's reign of love. Let us enter into this celebration confident that through the Holy Spirit, Christ is present with us now. We pray that this couple may fulfill God's purpose for the whole of their lives.

PRAYER

One of these, a prayer of confession with an assurance of pardon, or a prayer for illumination may be offered.

ALL

O God, we gather to celebrate your gift of love and its presence among us. We rejoice that two people have chosen to commit themselves to a life of loving faithfulness to one another. We praise you, O God, for the ways you have touched our lives with a variety of loving relationships. We give thanks that we have experienced your love through the life-giving love of Jesus Christ and through the care and affection of other people. At the same time, we remember and confess to you, O God, that we often have failed to be loving, that we often have taken for granted the people for whom we care most. We

selfishly neglect and strain the bonds that unite us with others. We hurt those who love us and withdraw from the community that encircles us. Forgive us, O God. Renew within us an affectionate spirit. Enrich our lives with the gracious gift of your love so that we may embrace others with the same love. May our participation in this celebration of love and commitment give to us a new joy and responsiveness to the relationships we cherish; through Jesus Christ we pray. Amen.

PASTOR

Through the great depth and strength of God's love for us, God reaches out to us to forgive our sins and to restore us to life. Be assured, children of God, that God's love enfolds us and upbuilds us so that we may continue to love one another as God has loved us.³

ALL

Gracious God, always faithful in your love for us, we rejoice in your presence. You create love. You unite us in one human family. You offer your word and lead us in light. You open your loving arms and embrace us with strength. May the presence of Christ fill our hearts with new joy and make new the lives of your servants whose marriage we celebrate. Bless all creation through this sign of your love shown in the love of (bride) _____ and (groom) _____ for each other. May the power of your Holy Spirit sustain them and all of us in love that knows no end. Amen.

READING OF SCRIPTURE

The congregation may be seated. One or more scripture lessons may be read by the one presiding, by members of the family, or by members of the wedding party. If Holy Communion is to be celebrated, it is appropriate that the readings include a Gospel lesson. A hymn, a psalm, or other music may be offered between readings or before or after the sermon. Passages for consideration for use include the following ecumenical suggestions.

OLD TESTAMENT

Genesis 1:26-28, 31; 2:18-24

Psalms 23, 33, 34, 37:3-7, 67, 100, 103, 112, 117, 121, 127, 128, 136, 145, 148, 150

Song of Solomon 2:8-13, 8:6-7

Jeremiah 31:31-34

Isaiah 54:5-8

Hosea 2:16-23

EPISTLES

Romans 8:31-39; 12:1-2, 9-18

1 Corinthians 6:15-20, 13:1-13

Ephesians 3:14-21; 5:2, 21-33

Colossians 3:12-17

1 Peter 3:1-9

1 John 3:18-24, 4:7-16
 Revelation 19:1, 5-9

GOSPELS

Matthew 5:1-12; 5:13-16; 7:21, 24-29; 19:3-6; 22:35-40
 Mark 10:6-9, 13-16
 John 2:1-11, 15:9-17

SERMON

A brief sermon, charge, or other response to scripture may be given. Depending on the religious affiliations of those gathered for the marriage service, it may be appropriate for all who are able to stand and say a creed or affirmation of faith. Forms of the United Church of Christ Statement of Faith, historic creeds, and other affirmations are in the Resource Section, beginning on page 509.

DECLARATION OF INTENTION

PASTOR

addressing the couple

Before God and this congregation, I ask you to affirm your willingness to enter this covenant of marriage and to share all the joys and sorrows of this new relationship, whatever the future may hold.

PASTOR

addressing the groom

(groom) _____, will you have (bride) _____ to be your wife, and will you love her faithfully as long as you both shall live?

GROOM

I will, with the help of God.

PASTOR

addressing the bride

(bride) _____, will you have (groom) _____ to be your husband, and will you love him faithfully as long as you both shall live?

BRIDE

I will, with the help of God.

PLEDGE OF SUPPORT

This pledge of support should be used at the discretion of the pastor and in consultation with the people involved. It allows the family and congregation to pledge their support and encouragement to the couple. It is important to consider use of the pledge when there are children

from previous relationships. Children who will share in the new family may be addressed in these or similar words. They may stand, if able, at their places or may move near the couple.

PASTOR

addressing each child by name,

(names) _____, you are entering a new family. Will you give to this new family your trust, love, and affection?

EACH CHILD

I will, with the help of God.

PASTOR

addressing the bride and groom

(bride) _____ and (groom) _____, will you be faithful and loving parents to (names) _____?

COUPLE

We will, with the help of God.

The pastor may invite the immediate families of the groom and bride, including adults or younger children from previous relationships, to stand in place, if they are able, and to offer their support in these or similar words.

PASTOR

addressing the families

Will the families of (bride) _____ and (groom) _____ please stand/please answer in support of this couple. Do you offer your prayerful blessing and loving support to this marriage? If so, please say, "I do."

FAMILY MEMBERS

I do.

All family members may be seated. The person(s) who escorted the bride may be seated with her family. The pastor may address the congregation in these or similar words.

PASTOR

addressing the congregation

Do you, as people of God, pledge your support and encouragement to the covenant commitment that (bride) _____ and (groom) _____ are making together? If so, please say, "We do."

PEOPLE

We do.

An intercessory prayer, using the following or other words, may be offered.

PASTOR

God of our mothers and of our fathers, hear our pledges encouraging and supporting this union of (bride) _____ and (groom) _____. Bless us as we offer our prayerful and loving support to their marriage. Bless them as they pledge their lives to each other. With faith in you and in each other, may this couple always bear witness to the reality of the love to which we witness this day. May their love continue to grow, and may it be a true reflection of your love for us all; through Jesus Christ. Amen.

VOWS OF THE MARRIAGE COVENANT

The pastor may introduce the covenant promises in the following or similar words.

PASTOR

(bride) _____ and (groom) _____, by your covenant promises shared with us, unite yourselves in marriage and be subject to one another out of reverence for Christ.

PASTOR

(bride) _____ and (groom) _____, speak your covenant promises that you have come to offer God.

If able, the couple may face each other and join hands, the woman first giving her bouquet, if any, to an attendant. The groom and bride may say these or other words of covenant.

BRIDE

(groom) _____, I give myself to you to be your wife. I promise to love and sustain you in the covenant of marriage, from this day forward, in sickness and in health, in plenty and in want, in joy and in sorrow, as long as we both shall live.

GROOM

(bride) _____, I give myself to you to be your husband. I promise to love and sustain you in the covenant of marriage, from this day forward, in sickness and in health, in plenty and in want, in joy and in sorrow, as long as we both shall live.

EXCHANGE OF SYMBOLS

It is recommended that the giving and receiving of rings or other symbols be shared equally by both bride and groom.

PASTOR

(bride) _____ and (groom) _____, what will you share to symbolize your love?

The groom and bride may name the symbol(s) and present them/it to the pastor, who may hold or place a hand on the symbol(s) and offer one of these or another prayer.

PASTOR

By *these symbols/this symbol* of covenant promise, Gracious God, remind (bride) (bride) _____ and (groom) _____, of your encircling love and unending faithfulness that in all their life together they may know joy and peace in one another.

PEOPLE

Amen.

PASTOR

Eternal God, who in the time of Noah gave us the rainbow as a sign of promise, *bless these symbols/this symbol* that *they/it* also may be *signs/a sign* of promises fulfilled in lives of faithful loving; through Jesus Christ our Savior.

PEOPLE

Amen.

If both husband and wife receive symbols, options A and B are used.

GROOM

(bride) _____, I give you *this/these* (symbol/s) _____ as a sign of my love and faithfulness.

BRIDE

(groom) _____, I receive *this/these* (symbol/s) _____ as a sign of our love and faithfulness.

BRIDE

(groom) _____, I give you *this/these* (symbol/s) _____ as a sign of my love and faithfulness.

GROOM

(bride) _____, I receive *this/these* (symbol/s) _____ as a sign of our love and faithfulness.

ANNOUNCEMENT OF MARRIAGE

If able, the couple may stand or kneel and join hands, and the pastor may place a hand on their joined hands while announcing the marriage, using one of these or other words.

A. PASTOR

addressing the couple

(bride) _____ and (groom) _____; you have committed yourselves to each other in this joyous bride groom and sacred covenant. Become one. Fulfill your promises. Love and serve God, honor Christ and each other, and rejoice in the power of the Holy Spirit.

addressing the congregation

By their promises made before us this day, (bride) _____ and (groom) _____, have unite themselves as husband and wife in sacred covenant. Those whom God has joined together let no one separate.⁴

B. PASTOR

addressing the congregation

Those whom God has joined together let no one separate.⁵

addressing the couple

(bride) _____ and (groom) _____, you are wife and husband with the blessing of Christ's church. Be merciful in all your ways, kind in heart, and humble in mind. Accept life, and be most patient and tolerant with one another. Forgive as freely as God has forgiven you. And, above everything else, be truly loving. Let the peace of Christ rule in your hearts, remembering that as members of one body you are called to live in harmony, and never forget to be thankful for what God has done for you.⁶

BLESSING

If they are able, the couple may stand or kneel, with children from previous relationships who will share their household, if any, standing nearby. A blessing may be given for the couple or the family.

blessing for the couple

PASTOR

The grace of Christ attend you; the love of God surround you; the Holy Spirit keep you that you may grow in holy love, find delight in each other always, and remain faithful until your life's end.

PEOPLE

Amen.

blessing for the family

PASTOR

May the God of Sarah and Abraham, who watches over all the families of the earth, bless your new family and establish your home in peace and steadfast love.

PEOPLE

Amen.

PASSING THE PEACE

The one presiding may invite those who are able to stand and exchange gestures of peace.

PASTOR

The peace of God be with you always.

PEOPLE

And also with you.

The bride and groom may embrace. Using the same words as the pastor or similar one, the groom and bride may move among the congregation exchanging the peace. After passing the peace, the people may be seated, and the couple may return to their places.

PRAYER OF THANKSGIVING

The people may be seated. One of these or a similar prayer of thanksgiving and intercession may be offered.

PASTOR

Let us pray.

A. PASTOR

Most gracious God, we give you thanks for your tender love. You sent Jesus Christ to come among us, to be born of a human mother, and to make the way of the cross into the way of life. We thank you, too, for consecrating the union of a man and a woman in Christ's name. By the power of your Holy Spirit, pour out the abundance of your blessing on (bride) _____ and (groom) _____. Defend them from every enemy. Lead them into all peace. Let their love for each other be a seal on their hearts, a mantle about their shoulders, and a crown on their heads. Bless them in their work and in their companionship, in their sleeping and in their waking, in their joys and in their sorrows, in their lives and in their deaths. Nurture them in a community of the faithful gathered about you.

B. PASTOR

Merciful God, we thank you for your love that lives within us and calls us from loneliness to companionship. We thank you for all who have gone before us: for Adam and Eve, for Sarah and Abraham, for Joseph and Mary, and for countless parents whose names we do not know. We thank you for our own parents, and for all, whether married or single, who are mother or father to us, as we grow to the fullness of the stature of Christ. Bless (bride) _____ and (groom) _____, that they may have the grace to live the promises they have made. Defend them from all enemies of their love. Teach them the patience of undeserved forgiveness. Bring them to old age, rejoicing in love's winter more fully than in its springtime.

The following words of the prayer may be used if children are present who will share in the couple's household. If these words are not used, continue with option A or B of the prayer.

PASTOR

Bless *this child/these children*, _____, that *he/she/they* may find in this new home a haven of love and joy where Jesus Christ is honored in kind words and tender deeds.

PASTOR

Finally, in your mercy, bring (bride) _____ and (groom) _____, to that table where your saints feast for ever in your heavenly home; through Jesus Christ our sovereign Savior who, with you and the Holy Spirit, lives and reigns, one God, for ever and ever.

PEOPLE

Amen.⁷

PASTOR

At the last, receive them and all of us at the love feast prepared for all the faithful in your eternal home, where Jesus Christ, with you and the Holy Spirit, one God, reigns in love for ever.

PEOPLE

Amen.

ORDER FOR HOLY COMMUNION (see UCC Book of Worship)

PRAYER OF OUR SAVIOR

Standing, sitting, or kneeling, all may sing or say the prayer received from Jesus Christ.

ALL

Our Father in heaven, hallowed be your name, your kingdom come, your will be done, on earth as in heaven. Give us today our daily bread. Forgive us our sins as we forgive those who sin against us. Save us from the time of trial and deliver us from evil. For the kingdom, the power, and the glory are yours now and for ever.

Amen.⁸

ALL

Our Father who art in heaven, hallowed be thy name. Thy kingdom come. Thy will be done on earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For thine is the kingdom, and the power, and the glory, for ever and ever.

Amen.

ALL

Our Father who art in heaven, hallowed be thy name. Thy kingdom come. Thy will be done on earth as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil. For thine is the kingdom, and the power, and the glory, for ever.

Amen.

BENEDICTION

All who are able may stand. One of these or another blessing may be given for all present.

PASTOR

Go forth in the love of God; go forth in hope and joy, knowing that God is with you always. And is the peace of God, which passes all understanding, keep your hearts and minds in the knowledge and love of God and of Christ Jesus;¹⁰ and the blessing of God, Creator, Redeemer, and Sanctifier, be with you, and remain with you always.

PEOPLE

Amen.

PASTOR

May god bless you and keep you. May God's face shine upon you and be gracious to you. May God look upon you with kindness and give you peace.¹¹

PEOPLE

Amen.

HYMN OR POSTLUDE

A hymn may be sung or other suitable music offered as the wedding party and congregation depart.

Footnotes:

1. 2 Corinthians 13:14, adapted.
2. Based on 1 John 4:7.
3. Based on an unpublished prayer by Ann Asper Wilson.
4. Based on Matthew 19:6.
5. Based on Matthew 19:6.
6. Adapted from *The Worshipbook – Services*. Copyright © MCMLXX The Westminster Press. Adapted by permission.
7. This prayer, except for the blessing of the children, is adapted from The Episcopal Church *The Book of Common Prayer* (Boston: Seabury Press, 1979).
8. International Consultation on English Texts.
9. Based on Gospel and Epistle accounts.
10. Phillipians 4:7, adapted.
11. Numbers 6:24-26, adapted.

Part 3: Marriage, Yesterday and Today

1. Creating Sacred Space
 - a. Provide and identify tangible symbols in the room, such as lighting a candle, to remind participants that the space in which this discussion takes place is sacred space.
 - b. Worship activity
 - i. Scripture: 1 Corinthians 13
 - ii. Brief Devotion or Meditation
 - iii. Prayer
2. Creating a healthy/safe place for sharing and learning
 - a. Review the Ground Rules
3. Opening the Conversation
 - a. Share your name and a word or phrase that you think describes marriages in your grandparents' generation and culture?
 - b. Discussion Starter:
4. Marriage in the Christian Era
 - a. Read the article: *A Brief History of Marriage in the Christian Era*
 - i. The First 1500 Years
 - How was marriage viewed by the church?
 - How was marriage for nobility and landowners different from the marriages of peasants?
 - ii. Reformation and Victorian
 - How did Martin Luther change the way the church viewed marriage?

- How did the industrial revolution change marriage in the 19th and early 20th centuries?
- b. Read the article: *How marriage has changed in the last 50 years*
- How have the roles of women and men changed? What has influenced this change?
 - How has the percentage of married people changed? What has influenced this change?
 - How has the average age of persons marrying changed? What has influenced this change?
 - What has happened to the rate of divorce? What has influenced this?
 - Read the article: *The 1968 U.S. Supreme Court decision, Loving v. Virginia*. What fears were expressed about this decision and how do they compare to the fears expressed about the freedom to marry today? How did this decision actually change marriage for today?
5. What is the appropriate role of the church concerning marriage...
- a. ...in discerning the viability of a relationship for marriage?
 - b. ...in preparing the couple for marriage?
 - c. ...in designing and administering the ritual and blessing of marriage?
 - d. ...in the ongoing nurture and support of the marriage relationship?
6. Civil/Legal Marriage
- a. What is the different between civil/legal marriage and religious/sacred marriage?
 - Civil/legal marriage is a marriage that is legally recognized by the state. All the legal rights and responsibilities accorded to those who are married are based on civil/legal marriage.
 - Religious institutions have the right to regulate who is married according to the rules and teachings of each particular religious institution. This has no bearing on the recognition of civil marriages by the state.
 - b. What is the appropriate role of the state concerning civil/legal marriage?
 - i. In what ways might the right to civil/legal marriage be an important aspect of the right to "life, liberty and the pursuit of happiness?"

- ii. How does civil/legal marriage create and protect such rights, benefits and responsibilities that provide stability for the family unit, including the care and protection of children?

Read the following articles:

- “Civil Marriage – What’s at Stake, Legal/Economic Protections”
- “The General Account Office Report on Federal Laws Involving Marital Status”
 - iii. How should the value of “equal protection under the law” make a difference in the practice of civil/legal marriage?
 - iv. Who should define the sanctity (sacredness) of marriage, individual religious institutions, such as a church, or the state and why?
 - v. Who should sign the legal marriage documents and why?

7. Close the session with a prayer.

Resources for Part 3: Marriage, Yesterday and Today

- * *A Brief History of Marriage in the Christian Era*
- * *How Marriage Has Changed in the 20th Century*
- * *The 1968 U.S. Supreme Court Decision, Loving v. Virginia*
- * *Civil Marriage – What’s at Stake, Legal/Economic Protections*
- * *The General Account Office Report on Federal Laws Involving Marital Status*

A Brief History of Marriage in the Christian Era

Written by: Michael Schuenemeyer and Laura Tisher
 Health and Wholeness Advocacy Office, Wider Church Ministries
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Marriage has existed in some form or another for thousands of years. Yet over time, this institution has been anything but static. Economic, political, ecclesial, social, psychological, sexual and other factors have pushed it, pulled it, twisted it, and transformed it, sometimes slowly over decades and centuries, and at other times more quickly. Recognition and knowledge of this dynamic history is critical in understanding marriage today and in beginning to envision its role into the future.

The First 1500 Years:

Marriage in Late Antiquity

During the Roman Empire marriage played an integral role in the lives of nobles and peasants alike. At this time in history, the institution of marriage was greatly defined and shaped by the political, economical, and social statutes, understandings, and needs of the day. Marriage helped establish relationships and connections which were vital for survival and growth in this ancient culture. Without the institution of

marriage, this society and its legacy would have been much different.

In late Antiquity, marriage and politics were intricately interwoven. "In the absence of an international economy and legal system, marriage was one of the key mechanisms through which diplomatic, military, and commercial ties were forged" (Coontz 54). For kings, pharaohs, emperors, and nobility, who you married had lesser personal significance, and instead, more economic and political consequences. Roman leaders frequently relied on "personal and family ties to recruit and reward followers, make alliances, and establish their legitimacy" (Coontz 53). Marriages were not only often influenced by wider political desires, but divorces were also regularly affected by such endeavors. In the upper classes in ancient Rome, "a marriage could be dissolved by either the husband or wife, unilaterally or by mutual consent" (Hunter 7). During his reign, though, Roman Emperor Augustus (63 B.C. - 14 B.C.E) made it a

bit more difficult to divorce by making it “necessary that a notification of divorce be issued in the presence of seven witnesses” (Hunter 7). All of these components of marriage in the ancient world show that the connection between marriage, divorce, and politics for nobility in the Roman Empire was clearly indivisible and indispensable.

Procreation was also an important aspect of marriage, particularly for Roman citizens. More specifically, ancient Romans saw “procreation as a civic duty, and all citizens of marriageable age were expected to contribute” (Hunter 7). Conquered people, on the other hand, sometimes viewed celibacy as resistance. “Many Christians, for example, used celibacy as resistance to obligations to support the Empire” (Walker). In lower socio-economic classes, especially, within the Roman Empire, procreation was often vital in meeting the demands of the land, though. “Marriage was one of the ways farmers and peasants organized the growing workload in horticultural societies” (Coontz 66). But it was not only the necessities of fulfilling the daily work demands that encouraged people to marry and procreate. These marriages, and the children that they produced, ensured a family’s legacy. “One of the most important functions of marriage for the propertied classes was

the production of legitimate children who would perpetuate the family’s property” (Coontz 66). Marriages were not only established with an eye for the future, though. “The intense demands on [daily] household production in ancient states practically forced people to marry or cohabit. Single-person households [often struggled to] survive” (Coontz 67). Marriage was most intricately intertwined with societal survival and success landowners, farmers, and peasants in late antiquity.

There were some laws or common understandings regarding marital unions. “There was considerable anxiety in Roman society about the falling population of Roman citizens” (Walker). Therefore, it was required (by the State) that Roman citizens marry each other. “Roman citizens had to get permission [from the State] to marry foreigners. They could not marry slaves or prostitutes and senators were prohibited from marrying women of low social origins” (Coontz 79).

Everyone also acted under the mutual agreement that “a union entered into without the consent of an individual’s father was not valid” (Coontz 79).

Single citizens had to pay a sizeable fine for failure to marry or remarry, if they were widowed young” (Walker). Even with all of these requirements, for the most part, “the Romans were generally

casual about what made for a legal marriage” (Coontz 79). In the Roman world “no formal contract was required, except when the transfer of dowry was involved; nor was it necessary for a ceremony to be held” (Hunter 6). The legality of marriage during this period also varied for different socio-economic classes. “Propertied families usually drew up private marriage contracts, but for commoners there were no special rituals or licenses necessary to get married” (Coontz 66). In any case, with or without State endorsement or official documentation, marriage most definitely played a vital role in the Ancient Roman world for both nobility and peasantry by providing the means to develop significant relationships and facilitate procreation.

Reflection Question:

How was marriage for nobility and landowners different from the marriages of peasants?

Marriage and the Early Church

Christianity began to develop in the height of the Roman Empire. Much of Jesus’ and early Christians’ discourse and teachings, though, were countercultural to that of the Roman Empire and others in the wider society. These new Christian voices quickly gained much long-lasting power and influence, particularly around marital issues. “Early Christian thought on

marriage, sexuality, and procreation had an enormous influence on the subsequent development of Christian ethics and, indeed, on the marital ethos of the Western World more generally” (Hunter 1). This influence changed marriage, not just once, but over and over again, throughout history.

“The world into which Christianity first emerged was profoundly ambivalent on the question of marriage” (Hunter 2). While Judaism had a rich tradition of religious reflection on marriage and the Romans (as stated earlier) also encouraged marriage (albeit for different reasons – i.e. in order to further the Roman Empire); others, such as those who were drawn into the growing popularity of apocalyptic ideals, had quite different, and often more negative or cynical, views of marriage. “The apocalyptic proclamation of the imminent coming of God’s kingdom seemed to require a degree of commitment so radical as to eclipse all other ‘worldly’ loyalties, including marriage” (Hunter 2). This diversity of opinion did not exist only between different groups, (Romans, Jews, apocalyptic Christians, etc.) though. It is worthy to note that even within Christianity there were no settled views about marriage – it was itself culturally diverse (Walker). In the midst of these various points of view, many within the

early Church did develop the fundamental belief that “loyalty to God was above family and marital ties” (Coontz 87). This reversal in allegiances, especially from traditional Roman ideas, came out of the understanding that family and marital ties were “worldly” notions. And “early Christianity was indifferent, even hostile, to the things of this world” (Coontz 87). Therefore, “becoming Christian meant renouncing family ties and sexual relations” (Ruether 34). And so, the Christian insistence on celibacy was established, never to completely disappear, but only to evolve over the years. Rosemary Radford Ruether further explains the reasoning behind this concept by saying:

This renunciation of sex was seen as a key expression of world renunciation. Sex tied a person to marriage and family, to the pride and greed of the kinship group that desired to reproduce large houses and great landholdings with their crowds of slaves and clients, and the demand for power and status in the civil and imperial world. Through sex and marriage, ‘the world’ as a social system of power and possessions was reproduced. To renounce marriage was to renounce that ‘world’ in all its social, economic, and political implications (38).

Disagreements over marriage, particularly among theologians, and the attempt to live in communities with diverse ideologies did not end quickly. “The mid-second century Christian church saw many arguments between those who endorsed a countercultural and subversive Christian view of the family and those who sought to reintegrate Christianity into patriarchal family and social patterns” (Ruether 35). Arguments over marriage often showed up during this time in conversations about incarnation and the value of the material world and the physical body. “Christianity often affirmed the value of the material world as God’s creation and therefore held to the idea of incarnation and affirmed marriage as well” (Walker). More specifically, some second century theologians, like Irenaeus and Tertullian, “made a point of defending the goodness of marriage by arguing that marriage and procreation were part of God’s original intention for humanity” (Hunter 13). In the second chapter of the text, “To His Wife,” which Tertullian wrote between 197 – 220 CE, he states that “We do not indeed forbid marriage, blest by God as the seminary of the human race, and devised for the replenishment of the earth and the furnishing of the world, and therefore permit it,” (<http://www.earlychristianwritings.com/text/ter tullian29.html>). Others, such

as Valentinus and Marcion, second century Gnostic believers, disagreed. They believed that “human sexual activity [and hence marriage] (as a prominent aspect of physical existence – “the world”) was something to be repudiated” (Hunter 12). By the early third century, some theologians, like Origen, continued to believe that “those who desired reunion with God should avoid all sexual coupling” (Ruether 41). But for the most part, “mainstream Christianity in the early third century was characterized by a more moderate attitude toward marriage: the superiority of celibacy was maintained, but the permissibility of marriage was also upheld” (Hunter 16). Randi Walker explains that “while there were Christians who followed a celibate life, in reality, most Christians at this time were married or in some kind of committed relationship, or at least regarded these relationships as normal, though, perhaps not the only way to live.” In the fourth century, the marriage debate continued with theologians such as Augustine. He “defended marriage, saying that marriage had benefit in producing children and channeling the sexual urge into faithful wedlock, thus guarding against the worse evil of fornication” (Ruether 45). In Augustine’s letter, “On the Good of Marriage”, written in 410 CE, he explains these ideas by stating

that “the good of marriage, therefore, among all nations and peoples lies in the purpose of procreation and in the faithful preservation of chastity [XXIV.32]. (Hunter 120). Even with this support, though, Augustine often also made marital sex seem “third-rate, bordering on sinfulness” (Ruether 45). In this way, Augustine, like so many others, continued to embody the tug between those endorsing marriage and sexual relations and opposition to it, which continued for many years after the beginnings of Christianity.

Scriptural authority and tradition held much value as theologians and religious leaders in the early church attempted to define their own marital ideologies. Theologian John Chrysostom, for example, often turned to Paul’s writings as a basis for sermons and for developing marital understandings. Chrysostom, in particular, wrote a series of sermons during the fourth century in which he lifted up, wrestled with, and reflected on Paul’s ideas concerning marriage. In his comments on Ephesians 5 22-23, for example, Chrysostom lifts up the importance he sees in being married. More specifically, he states that honoring one another (and hence loving one another), as husband and wife, as Paul urges in this biblical text, is so important because “the love of a married couple is the force

that welds society together” (Chrysostom 44). Clearly Paul’s biblical writings continued to help define marriage and influence understandings of marriage long after he wrote them.

Modern day theologian, Mary Ann Tolbert and others, raise other biblical references which have influenced believers for centuries, even during the years of the early church. Tolbert explains that many people throughout the years have looked towards parts of the creation stories in Genesis as a prescription for marriage. She raises two specific verses, Genesis 1:27 and 2:24, which according to some are the basis for the necessity for marriage between men and women. While Tolbert and many others over the years have challenged such interpretations (see: http://www.clgs.org/marriage/lecture_tolbert_wisconsin.html), it cannot be ignored that others, especially during the time of the early church, have indeed used these particular passages to help shape their understandings of marriage.

The renunciation of sex and marriage has long been an issue, particularly among Western clergy. Even in the midst of this conversation, “the majority of Western clergy were married in the early Middle Ages” (Coontz 105). As

conversations continued over the years around this issue, though, opposition to marriage of clergy grew in the West.

“Marriage came to be prohibited to those living in monastic orders because it prevented the development of clerical dynasties” (Walker). Despite growing opposition to the practice from the fifth century, though, change came very slowly (Coontz 105). Officially, canon law did not completely forbid Western clerical marriage until 1139 A.D. (Coontz 106). Some more formal changes concerning understandings of marriage, such as how marriage relates personally to clergy, took many years to evolve and officially transform.

As time went on, the Church and State in the West grew closer and closer together. By the fourth century, under the rule of Constantine, the Church and the State were very closely related in the Western World. “As the Church gained power and acquired more and more property, it became more interested promoting interests of social stability, and hence, in promoting marriage, particularly favoring those with property” (Walker). At this time, then, the Church began to develop many clear understandings of marriage and how it ought to be conducted. In particular, “the church had established specific marriage codes, separate from secular laws, including strict monogamy, no divorce or remarriage, and abstinence

for prescribed periods within marriage, which were enforced through internal church discipline and canon law” (Ruether 51). In the west, the Church had inherited a rich history of marriage and it clearly become more and more involved in continuing to shape society’s rules of marriage.

“As the Roman world became Christian, people wanting to get married looked more and more to the church to take over the role of the pagan priesthood in blessing such unions” (Walker). As a result, the Western Church established some very distinct doctrine related to marriage, but “the medieval church developed little in the way of a marriage ritual [... and] precisely what distinguished a binding marriage from a casual affair was [still] often unclear” (Ruether 53). This was particularly true for lower socio-economic classes, which was not always required to abide by all of the regulations put on upper classes. “Gradually [however] all social classes came to live by the rules for forming and dissolving marriages [that had already been established] among monarchs and nobles during the early medieval period” (Coontz 104). In the meantime, “the Church held that a marriage was valid if entered into by mutual consent and then sealed by sexual intercourse” (Coontz 106). This was the general agreement among most

people until the twelfth century. “In the mid-twelfth century, Peter Lombard, Bishop of Paris, argued that if sex was necessary for a valid marriage, Mary and Joseph could not have been legally married” (Coontz 106). Instead, “he insisted that an exchange of consent – ‘I take you as my husband’ and ‘I take you as my wife’ – made a marriage legally and sacramentally binding even if the couple did not engage in sex” (Coontz 106). This reasoning soon influenced official practice. By the early thirteenth century in western culture, “a proper marriage became a long, drawn-out affair, including a formal betrothal, a prenuptial marriage contract, an official church announcement three weeks before the exchange of vows, and finally the exchange of vows at the church door, in front of witnesses and with the priest’s blessing” (Coontz 107). It took time, however, for all of these new marital requirements to become official practice. “The Western Church remained slow to insist that a priest had to officiate for marriages to be valid” (Coontz 106). In the mid-twelfth century “Pope Alexander III considered issuing a ruling that a marriage was valid only if it had been solemnized in a church, but he ultimately decided the order was impractical” (Coontz 106). In the midst of all of the growing formality around marriage, “the Western Church viewed a clandestine marriage as

disobedient, illicit, even reprehensible, but nonetheless valid” (Coontz 107). Clearly, the influence of Church beliefs and doctrine on the changing face of marriage in the West existed throughout the Middle Ages, albeit slow and gradual.

The developing relationship between Church and State in the West over the years not only allowed Church doctrine to shape societal norms, but many people also began looking towards Church proclamations on marriage in attempts to resolve issues underlying political conflicts and other broader concerns. For example, “by the eighth century, the spread of the church throughout the Western empire had brought with it the spread of monogamy and the prohibition of incest with kin” (Ruether 52). Such values led to a new “sharp distinction between wife and concubine, and between legitimate children and bastards” (Ruether 55). These doctrinal assertions often came to the forefront when discussing and discerning topics such as royal succession. Stephanie Coontz explains more specifically that

one way to reduce bloody conflicts over succession was to make it harder for kings to take more than one wife, or to swap one wife easily for another, and to encourage kings to remain piously

unmarried after they were widowed. Some rulers and reformers saw a solution in Christianity’s matrimonial principles, which prohibited polygamy and sharply limited divorce and remarriage (93).

Even though these regulations were in place and some attempted to use them to influence political situations, “the princely class did not readily give up its desire for a succession of wives, or the diversity of sexual relations to satisfy its sexual and affective appetites” (Ruether 54).

The influence of the early Western Church on the institution of marriage was clearly significant. This phenomenon not only remained true in the midst of the growth of the early Church, though. The Church, along with other social, political, and economic factors, continued to affect the changing face of marriage throughout history.

Reflection Questions:

How was marriage viewed by the early church?

What role has scripture played in defining marriage?

The Reformation and Victorian Ages: Marriage and the Protestant Reformation

Years later, the Protestant Reformation greatly changed not only the face of the Church, but it also greatly affected the face of marriage. These changes affected not only specific Christian circles, but also the wider society as well. The theological reforms of the new, radical 16th century Protestant theologians, like Martin Luther and so many others, would have lasting affects on the face of marriage and how it was lived out throughout society. While the Protestant Reformers saw the need for change in the Church on many levels, concerning many issues, "one of the central disputes between Catholics and Protestants was over the role of marriage" (Coontz 132). Whereas some voices in the Catholic Church had been arguing for years against the necessity for marriage and sexual relations, "protestants insisted that marriage was the fundamental building block of society" (Coontz 134). This shift in perspective would have many consequences on marriage in society into the future.

Martin Luther, one of the most prominent and renowned Protestant reformers, definitely had some strong opinions and beliefs concerning marriage, which would inevitably

influence how not only the Church, but also society would understand marriage. Luther believed that "marriage had universally fallen into awful disrepute" (Ozment 3). In order to repair it, first of all, a thorough study and understanding of marriage was needed. "For Luther, marriage had been given to men and women by God as the basic unit of society for companionship and procreation" (Ruether 74).

According to Luther, the importance of this gift made "the celibate idea [not only] both wrong and impossible, [... but] it was [also] an insult to God" (Ruether 74). He believed that "all should marry because God's intention since the beginning had been to unite men and women in marital union and bid them to procreate" (Ruether 74). Not only that, but "all must [also] marry because lustful urges could be contained without sin only in marriage" (Ruether 74). Luther and others believed that "marriage controlled the sins of concupiscence and fornication by giving each person a handy, regular, and legitimate sexual partner" (Ozment 8). Concerning the way marriage was established, "Luther rejected the canonical view that consent of the couple alone was essential for a marriage's validity, and insisted, instead, on parental consent for the youth and also on public blessing in church" (Ruether 78). More specifically,

“Luther argued that parents did not have the right to force a child into a loveless match but that they were totally justified in forbidding a match, even if the couple loved each other” (Coontz 135). All of these doctrinal changes set forth by Martin Luther would have significant influence on the continuously changing face of marriage.

Luther and the Protestant Reformers were not only concerned with why people got married, but they also had opinions on who got married, how people got married, and the legality of this institution. “The Church traditionally forbade marriage within a broad spectrum of relationships” (Ozment 44). At the beginning of the 16th century, the Church denied marriage to clergy, those related by blood or marriage, couples of different religions, those who suffered from premarital impotence, and many other restrictive situations (Ozment 44). Martin Luther “condemned the church’s impediments as only ‘snares for taking money and nets for catching souls [...] and adhered only to the prohibitions stated in Leviticus 18:16-18, which permitted many previously forbidden marriages” (Ozment 45). In addition to concern with marital restrictions, the Reformers were also interested in redefining how marriages were established. “Most of the actual rituals

of marriage belonged to folk traditions carried out by the family over a long period of time” (Ruether 77). The Reformers disagreed with many of these folk traditions, “which they saw as a source of sinful waste, gluttony, drunkenness, and lascivious dancing” (Ruether 77). All of this led to two specific shifts in marriage. First of all, “the reformers encouraged the state to tighten the definition of legal marriage” (Coontz 135). At the same time, “in the later Middle Ages, the Church [also] began to play a more prominent role in the marriage ceremony itself” (Ozment 28). As a result, church weddings were encouraged with a new vigor at this time in history.

Another new introduction led forth by the Protestant Reformation was the Protestant Church’s endorsement of divorce. “Because medieval theology deemed marriage to be for eternity, separated spouses remained husband and wife in the eyes of the church, even though all personal contact and commerce between them came to an end” (Ozment 80). The Protestant church believed that “the marriage bond remained and neither was free to enter a valid relationship with another” (Ozment 80). The reformers slowly began to disagree with these traditional ecclesial ideas. “Protestant thinkers found it increasingly difficult to

recognize the validity of [such] marriages and they challenged the laws that deemed otherwise” (Ozment 83). With these changing ideas, the possibilities for divorce began to increase. “Newly established Protestant marriage courts made divorce possible, albeit granting it rarely, an option that had been rejected by the medieval church” (Ruether 79). As a result, divorce rates would slowly increase from this time forward and affect the face of marriage into future centuries.

All of these new ideas and changes came about during the Protestant Reformation quite suddenly, in one sense, and at the same time, it would take years for many of these new doctrines to be fully embraced. Not only were some ideas slow to catch on, but also “the changes brought about by the Reformation were not always clear-cut and uniform” (Ozment 30). Nonetheless, the Protestant Church had set forth its beliefs, ideals, and values, which would shape and define marriage for years to come.

Reflection Question:

How did Martin Luther change the way the church viewed marriage?

Marriage During the Industrial Revolution

By the nineteenth century, the Industrial Revolution brought with it not only a new market economy, but also more changes in the role of marriage throughout society. The growing importance of romantic love between husbands and wives was by far the most significant modification of marriage during this time. Even as marriage continued to evolve, though, its importance as a vital societal institution remained. For many, in fact, particularly women, marriage continued to remain essential for survival in this economically changing society.

By the end of the 1700s, marriage had taken on a new look. “Personal choice of partners had replaced arranged marriage as a social ideal, and individuals were encouraged to marry for love” (Coontz 146). As a result, “for the first time in five thousand years, marriage truly came to be seen as a private relationship between two individuals rather than a link in a larger system of political and economic alliances” (Coontz 146). This change not only affected how marriages were arranged or established, but it also affected how marriages were evaluated and assessed. “The measure of a successful marriage was no longer how big a financial settlement was involved,

how many useful in-laws were required, or how many children were produced, but how well a family met the emotional needs of its individual members” (Coontz 146). All of these changes had profound affects on people’s lives and how society functioned.

Because of the shift in emphasis and importance on love within marital relations at this time in history, the centrality of marriage in people’s lives took on new significance. “For the first time in history, people tried to make marriage the pivotal experience in people’s lives and married love the principle focus of their emotions, obligations, and satisfactions” (Coontz 177). While this shift was intended to strengthen marriage, in many ways, it accomplished just the opposite. “The people who took the idealization of love and intimacy to new heights during the nineteenth century did not intend to shake up marriage or unleash a new preoccupation with sexual gentrification” (Coontz 178). But in reality, this was, in many ways, the result of the changing image of marriage. More specifically, “the focus on romantic love put new strains on the institution of marriage” (Coontz 178). There were significant changes in how people understood marriage during the Industrial Revolution, yet some remnants of older ways of

understanding still remained. “Although the relationship between husband and wife was romanticized in the nineteenth century in ways that would have horrified seventeenth century Protestants and Catholics alike, ongoing commitments to parents and siblings prevented the nuclear family from becoming completely private” (Coontz 183). While changes in marriage occurred during this period, more were to come. During the Industrial Revolution “husbands and wives [still] felt stronger ties to their birth families than they would in the twentieth century” (Coontz 183). This was most definitely a time of transition.

Even with all of these changes and shifts in perspective on marital relations, marriage remained an essential part of society and an essential survival tool for many people, women in particular. It was an undeniable fact that “women needed to marry in order to survive” (Coontz 185). Without the economic security of marriage, “single women had a dreadful propensity for being poor” (Coontz 185). Because of the way society was structured at this time, “it was virtually impossible for an unmarried woman to earn a living wage by herself” (Coontz 185). Widowed mothers were, above all, the worst off. “A widowed mother with young

children would be in perilous straits, forced to eke out a living by needlework, doing housework and laundry for others, and taking in boarders if she had room" (Ruether 89). From this perspective, it is clear that marriage played an essential role in society during the Industrial Revolution, making survival possible for many whom otherwise might not have found ways to prosper.

Reflection Question:

How did the industrial revolution change marriage in the 19th and early 20th centuries?

Conclusion

History has clearly shown that marriage has never been a static institution. It is instead a dynamic, socially constructed concept that is influenced by society and changes as society in general changes. Tolbert explains this when she states

that "marriage is not [...] an unchanging tradition of thousands of years. Rather, marriage, like all other social institutions is quite variable and has gone through many different forms over the course of history and across many cultures"

(http://www.clgs.org/marriage/lecture_tolbert_wisconsin.html). As we look at and begin to understand marriage, families, and relationships today "it is critical that we not remain ignorant of the traditions of previous generations" (Hunter 2). Past situations and experiences provide infinite knowledge into understanding current changing customs, traditions, and practices. We cannot, therefore, even begin to discuss and explore the current, ever-changing face of marriage or future understandings in any sort of educated manner without first understanding from where we have come.

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How Marriage Changed in the Twentieth Century

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The twentieth century brought with it many changes in the ways marriage and families were established, what they looked like, and how they functioned. All of these changes came quite quickly throughout the twentieth century, with some ideals lasting not much more than a decade at a time. Influenced by sexuality, politics, economics, social and psychological understandings, marriage molded into society in many different ways throughout this time. By the end of this century, some feared that marriage was doomed, yet, in reality, the continual change of marital understandings was simply becoming more apparent.

Gender Roles

One important factor influencing marriage throughout the twentieth century was the rapid change in gender roles that took place throughout Western societies during this time. One significant economically-led change, for example, was the fact that by the 1920s, many married women were joining the work force, with a new vigor. “An important impetus driving more women

to work after marriage was the new domestic consumer economy” (Ruether 125). The invention of automobiles, washing machines, and other pieces of modern technology created the desire and demand for more money and hence led more women to work. This new shift would soon be halted, though, with the onset of the Depression. “One major result of the Depression was that the idea that women should both work and have families was temporarily curtailed, not to be emphasized as much again until the 1960s” (Ruether 131). This slow movement of women joining the work force in new ways greatly affected society and the state of marriage in the years to come.

A few decades later, during the 1950s, gender roles once again shaped the face of marriage. “The reigning social propaganda [of this time period] pictured the suburban housewife and fulltime mother as normative” (Ruether 136). Any women who stepped outside of this role were not often favored, nor respected much at all. In fact, “women who departed from this norm were

decried as the lost sex – unhappy, maladjusted, and in need of therapy to reconcile them to their biological destiny of motherhood and submission to their husbands” (Ruether 136). During this “golden age of marriage,” as the 1950s and early 1960s came to be known, images of the husband as breadwinner and wife as homemaker dominated. This social construct did not last long, though. From the 1960s until the 1990s, it gradually disintegrated.

Throughout the second half of the twentieth century, gender roles continued to influence marriage as women gained more and more legal and human rights. For example, “until the 1960s employers still had the right to require female employees to stay single as a condition of employment” (Coontz 256). Even beyond employee rights, political and legal systems also influenced redefinitions of marriage, particularly around gender issues. In the 1970s, for instance, “legislators across North America and Western Europe repealed all remaining ‘head and master’ laws and redefined marriage as an association of equal individuals rather than as a union of two distinct and specialized roles” (Coontz 255). At this time in history, many more “women [also gained] access to [other] legal rights, education, birth control, and decent jobs” (Coontz 261). More and more women eagerly

entered the work force, with new energy, both as a result of the feminist movement as well as in response to the decline in the value of wages during this time, making two incomes increasingly necessary to support families with children. All of these transformations in the women’s liberation movement affected the face of marriage throughout society. By the end of the twentieth century, many of these changes not only led “couples throughout America to rethink how their marriages should function” (Coontz 255), but they also led to a decline in marriage in general on a societal level.

Fluctuating Statistics:

Percentages of Married People

The face of marriage also changed throughout the twentieth century as the number of people getting married fluctuated. Several factors influenced these changes. In the first two decades of the twentieth century, a sexual revolution took place in the United States. “Suddenly sex was the number one topic of conversation” (Coontz 198). This allowed “people to gain unprecedented information about sexuality [and ...] relieved many previous sexual tensions and fears” (Coontz 197). With this sexual revolution also came the “pressure for couples to put marriage first and foremost in their lives” (Coontz 205). This new emphasis on the importance of

marriage then led to an increase in the numbers of marriages taking place, especially during the 1920s. Both the Depression and the following years of war, though, quickly caused a notable decrease in people getting married. As men went off to war and more women went work, just in order to survive, marriages began to lose their prime spot in people's lives. After the Second World War ended, however, many "men and women rushed to marry and start families" (Coontz 225). Some people saw this "surge in marriage as a temporary readjustment to the backlog of the postponed marriages that had built up during the Depression and the war" (Coontz 226). But this was not just a temporary change. Instead, it was the beginning of the birth of an even larger boom and even more changes in marital ideology.

During the height of the "golden age of marriage," the 1950s and early 1960s, "ninety-five percent of all persons in North America and Western Europe were marrying" (Coontz 226). Society was very much defined by marriage at this point in history. "Marriage had become the stepping-off point for adulthood. It provided the context for just about every piece of most people's lives" (Coontz 226). This marital boom would not last long, though. "During the last third of the twentieth century, [...] marriage began to lose its power to

organize sexual behavior, living arrangements, and child rearing" (Coontz 262). Because of these changing ideologies, and so many other economic, cultural, demographic, and legal factors, the number of people marrying slowly declined during this time period. This decline continued through the end of the century. In the 2000 census, only "70% of all American households were listed as families (defined as two or more people living together and related by marriage, blood, or adoption) [Ruether 182].

Age

Just as many factors influenced the number of people getting married, the age at which people married throughout the twentieth century also changed with the times.

"During the first three decades of the twentieth century, the age of marriage fell for both men and women" (207 Coontz). This movement to marry at a younger age was influenced in large part by changing ideas of familial importance and obligations as well as a changing society. During this time in history, when urban industrialization dominated previously powerful rural economies, societal changes gradually discouraged the bonds of extended families and weakened the ties between adult children and their parents. As a result, "by the end of the 1920s the idea

that marital privacy was more important than adults' ties with their parents was firmly established" (Coontz 207). Such shifts in marital statistics continued for several years.

"In the war years and into the 1950s the median marriage age fell [again] to twenty for women and twenty-two for men, the lowest in American history" (Ruether 138). Couples were waiting longer and longer to marry during this time, not only because of the war, but they were also waiting to marry until they could afford to do so. The age of young people marrying dropped so much during this time that "by 1959 almost half of all women were married by the age of nineteen, and 70 percent were married by twenty-four" (Coontz 225). Likewise, "by 1950 more than 40 percent of American males between twenty and twenty-four were married, a sharp increase since the beginning of the century [22% in 1900]" (Coontz 225). Young people in the 1950s were very aware of this marital trend and it even affected their self-image. "The norm of youthful marriage was so prominent in the 1950s that an unmarried woman as young as twenty-one might worry that she might end up an 'old-maid'" (Coontz 227).

During the second half of the century, the average age when people married gradually started going back up. By the

late "1960s, people were marrying later" (Coontz 247). During this time more and "more women were postponing marriage to complete college" (Coontz 253). And even other "women who had no college plans spent a few years enjoying the life of a single working girl before settling down to marriage" (Coontz 253). Still others chose to be single simply because they valued independence. Throughout the 1970s and 1980s, these trends continued as the age of marriage continued to rise (Coontz 261). "By 1998, nearly 40 percent of women aged twenty-five to twenty-nine were single" (Coontz 264). And "by the year 2000, the average age of marriage was in the mid-twenties for women and late twenties for men" (Ruether 182).

Divorce

With the changing face of marriage throughout the twentieth century also came the constant, yet also fluctuating presence of divorce. At the beginning of the twentieth century, the rate of divorce in the United States was quite low. More specifically, "twelve percent of American marriages ended in the divorce in 1900" (Ruether 183). At this point in history, it was still very difficult to get a divorce. Most US states prohibited divorce except in cases of adultery and a small number of other

very limited circumstances (Coontz 214). Divorce rates slowly began to increase, though, in the 1920s (Coontz 211). “The divorce level then continued to rise, after the [second world] war, when many hasty wartime marriages unraveled as vets returned to find the women they had married grown accustomed to autonomy” (Ruether 138). By 1946, more than one in three marriages ended in divorce” (Coontz 224). These rising divorce rates did not mean, though, that people remained single. “Most young divorcés [of the 1950s] quickly remarried, though women with children had less chance of remarrying than men” (Ruether 138). Divorce rates slowly declined for a short time during the 1950s, but then quickly “started rising again by 1957” (Coontz 252).

Throughout the second half of the twentieth century, divorce and all of its complexities quickly became a considerable part everyday jargon. Between the 1960s and 1990s, divorce rates soared. By the 1970s, “suddenly a divorce was much easier to get [... which caused] the divorce-rate to more than double between 1966 and 1979” (Coontz 261). It was now possible to get a divorce based on “incompatibility,” which had not been possible before, even though advocacy for more lenient divorce laws had been going on for many years (Coontz 261). This growth

in the divorce rate “continued to rise steadily [...] and peaked in 1980” (Ruether 183). At this point in history, “the divorce rate stood at 50 percent” (Coontz 263). Then “in 1981, divorce rates leveled off and began a slow decline” (Coontz 263). As the twentieth century came to a close, “the divorce rate was 26 percent lower than in 1979” (Coontz 264), with “about a third of American households containing divorced persons” (Ruether 183).

Rosemary Radford Ruether describes the slow increase in divorce throughout the twentieth century in the following way:

three major changes shaped the pattern of divorce between 1900 and 2000: first, economic production virtually disappeared from the home, and so couples no longer functioned as a team in a household economy; second, women gained many legal rights, including the right to vote and own property and their earning capacity greatly expanded; and third, legal independence allowed women to be much more economically self-supporting, even without husbands (188).

Ruether explains further that “because many women could be self-supporting, unhappy marriages needed to no longer be endured” (189). In addition to more economic and legal independence of women, another factor affecting the continually increasing divorce rate was the fact that “both men and women now lived twice as long as they did in centuries past and thus went through more stages of life-development in which a relationship that was satisfactory in one stage of life may be deeply hampering in another” (Ruether 189). And so, by the end of the twentieth century, divorce and “serial monogamy had become an established reality [for many people] in modern, industrial societies” (Ruether 189).

Children

Children have played an important part in shaping marriage throughout history. Both inheritance rights and recognition (or lack thereof) of illegitimate children have been among the many debated aspects of marriage for centuries. Understandings of the role of children in marriages, in families and in society remained an important and influential part of defining marriage throughout the twentieth century.

By mid-century, in the 1950s, the connection between marriage and children was strong. At this time in history, during the “golden age” of

marriage, social norms dictated that pregnancy automatically led to marriage. This understanding led to and influenced many young, and often rushed marriages during this time. By 1957, the peak of the baby boom in the United States, marriage was defined closely by child-bearing and child-rearing (Coontz 227).

Just a few years later, “in the 1960s and 1970s, though, there was an avalanche of reform in North America and Western Europe, [...] which expanded the rights of illegitimate children and unwed mothers” (Coontz 257). These reforms broke down years of inequalities and distinctions that divided legitimate and illegitimate children, yet they also “stripped marriage of a role it had played for thousands of years and weakened its hold on people’s political and economic rights and obligations” (Coontz 257). Marriage was clearly changing as rights of children and women were also evolving.

By the end of the century, the connection between marriage and children continued to grow apart. “A 1997 study found that more than 40 percent of births to unmarried American women in recent years were intentional pregnancies” (Coontz 270). Furthermore, “one-third of the fifty thousand children adopted in the US in

2001 went to single women” (Coontz 270). New standards for marital and familial expectations in certain sectors of society were developing and becoming more and more popular with time.

College, professional education, and establishing careers continued to gain more importance for many women throughout the twentieth century. As a result, “marriage and bearing children now [at the end of the twentieth century] occurs later than at any period in American history” (Ruether 182). While teenage pregnancy remains common, many other women are waiting to have children in their mid- to late thirties (Ruether 183). New priorities for many continue to lead to more changes in how people live out their married lives.

“The reproductive revolution [of the twentieth century] shook up the relationships between marriage, conception, childbirth, and parenting” (Coontz 275). Today, marital and parental norms, including childless marriages, married couples that use reproductive technologies to have (or not have) children, step and blended families, sperm donors, egg donors, etc., continue to “challenge the tradition that children are the central purpose and glue of a wedded relationship” (Coontz 275). All of these ongoing scientific developments and social progressions,

particularly with regards to the role of children and the responsibilities that come with child-rearing, have resulted in a constantly changing image and understanding of marriage in the world today.

Church and Marriage

Separation of the church and the state in the United States is provided for in the First Amendment of the US Constitution, which came into effect in 1791. While the principles laid out in the US Constitution have guided our country throughout the last two centuries, understanding the roles of each entity – church and state – and how they properly interface with one another remains confusing, even today. The lines between the two bodies continue to blur quite often, especially around the issue of marriage.

While many people still have an image when thinking of marriage of “a church, synagogue, mosque or temple full of dressed-up family members and friends” (Wolfson 103), the reality is that this is more and more often not the case for many couples. By the end of twentieth century, “nearly 40% of marriages in the United States took place without any religious ceremony, in civil ceremonies presided over by judges, clerks or justices of the peace” (Wolfson 111). This is one more way in

which the face of marriage continues to evolve with time.

Legal Significance of Marriage

Years ago, during the time of the ancient Roman Empire, marriage arrangements were based much more on the economic and political consequences of these unions rather than personal significance. The transfer of property, family legacy issues and the economic significance of the union were of utmost importance in most marital agreements.

As marriage evolved through the centuries, these priorities shifted, so that the relationship between the couple and their love for one another gained much more meaning than ever before. Even with this transformation in marital understandings, though, the institution of marriage continues to hold much legal power in western societies. In the United States today, "marriage confers 1,138 legal federal benefits to married couples" (Wolfson 5), not available to couples who remain unmarried or unrecognized by the state or federal government. This vast array of protections and benefits include "access to health care and medical decision making, parenting and immigration rights, inheritance, taxation, social security and other government benefits, property ownership, etc. (Wolfson 4). Despite so many changes in the institution of marriage over the years, it

clearly remains today legally "one of the major safety nets in life" (Wolfson 5).

The Influence of the Courts

While social, economic, and other factors affected the changing face of marriage throughout the twentieth century, the courts also played a significant role in defining appropriate sexual and marital behaviors as well as establishing norms concerning who could marry whom during this time.

Marital activity throughout the United States in the twentieth century was influenced by the gradual movement to more rights for victims of abuse. Throughout most of the century, the issue of battered women surfaced occasionally, but it did not really come to the forefront until the 1970s. "As women gained more equal rights in the last third of the twentieth century, spousal abuse started to become much more of a public issue" (Camporeale). From 1978 to 1984, various bills concerning this issue were presented to Congress. Finally in 1984, "The Family Violence Prevention Services Act" passed through Congress. This Act authorized the Secretary of Health and Human Services to make state-wide grants in order to assist in responding to abuse. These grants supported the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and

to provide shelter and related assistance for victims and their dependents (Camporeale).

Another shift in the twentieth century that most definitely affected marriage was the repeal of bans on birth control. At the turn of the century, the Comstock laws banned birth control, on the federal level and in twenty-two states. In the first half of the century, “between 1912 and 1959, over twenty bills [concerning contraception] were submitted; some passed in the House but were defeated in the Senate” (London). In 1961, Dr. C. Lee Buxton and Estelle Griswald opened a birth control clinic in New Haven, Connecticut. They were quickly arrested and fined. This incident led the Planned Parenthood League to appeal the *Griswald vs. Connecticut* case and, in 1965, the U.S. Supreme Court declared the 1879 birth control law as unconstitutional. After 86 years, birth control could be used legally, and contraceptive services slowly become increasingly available (London). For the first time, for a lot of woman, couples could enjoy active sexual relationships without having to consider many of the consequences.

Equally important to note in the discussion of twentieth century marriage are changes concerning marital rape. Throughout history, it was acceptable for men to force their wives to have sexual relations against their will. In 17th century England, Chief Justice, Sir

Matthew Hale, wrote, “the husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract, the wife hath given herself in kind unto the husband, which she cannot retract” (Bergen). This rationale remained largely unchallenged until the latter part of the twentieth century. In the 1970s, some members of the women's movement began to argue quite adamantly against spousal rape. Finally on July 5, 1993, marital rape became a crime in all 50 states. Today, in 17 states and the District of Columbia, there are no exemptions from rape prosecution granted to husbands. However in 33 states, there are still some exceptions given to husbands. “In these states a husband is exempt from rape prosecution under certain circumstance, such as if a wife is mentally or physically impaired, unconscious, asleep, etc.” (Bergen).

At the turn of the twentieth century, miscegenation laws, which had kept those from various races separated for centuries, also greatly influenced the face of marriage, by defining who could marry whom. “These laws [enacted in many states throughout the US,] gave the government the authority to determine who was - or was not - an appropriate spouse” (Wolfson 67). In 1948, the California Supreme Court marked the beginning of the end of race discrimination in marriage with its 4-3 decision in the *Perez vs. Sharp* case (Wolfson 68). By the end of this case, the California Supreme Court justices decided that

each person seeking a license to marry the 'wrong' kind of person finds himself [*sic*] barred by law from marrying the person of his [*sic*] choice and that person to him [*sic*] may be irreplaceable (Wolfson 68).

Nineteen years later, in 1967, "the US Supreme Court overturned anti-miscegenation laws nationwide in the *Loving vs. Virginia* case" (Wolfson 68). In this ruling, it was decided that "the freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men [*sic*]" (Wolfson 70).

All of these court cases, related to abuse, birth control, rap and race, are representative of the constantly changing understandings of appropriate marital activity and they all demonstrate the power of the courts in determining and shaping such evolving concepts.

Conclusion

Actions taken throughout the twentieth century and times before it, as well, have clearly shown that marriage is not, has never been, and will most likely never be a static institution. It is instead a dynamic, socially constructed concept that is influenced by society and changes as society changes. As we look at and begin to understand marriage, families and relationships today it is also necessary to realize that "American families are increasingly diverse" (Ruether 181). This diversity is not something to shy away from, nor cover up, but rather something to embrace. In American culture today, "it is no longer possible to speak of one predominant 'normative' family" (Ruether 181). Therefore, without acknowledging the diversity in our midst, it becomes increasingly difficult to even converse about or discuss all of the complexities of marriage throughout our world today. It is precisely through our open conversations with one another that we come to more understanding and grow in God's grace.

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The 1968 U.S. Supreme Court Decision, Loving v. Virginia

Why the Ugly Rhetoric Against Gay Marriage Is Familiar to this Historian of Miscegenation

By Peggy Pascoe

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We are in the midst of an attempt to ground a category of discrimination in the fundamental social bedrock of marriage law. I would argue that it is virtually impossible to understand the current debate over same-sex marriage without first understanding the history of American miscegenation laws and the long legal fight against them, if only because both supporters and opponents of same-sex marriage come to this debate, knowing or unknowingly, wielding rhetorical tools forged during the history of miscegenation law. The arguments white supremacists used to justify for miscegenation laws--that interracial marriages were contrary to God's will or somehow unnatural--are echoed today by the most conservative opponents of same-sex marriage. And supporters of same-sex marriage base their cases on the equal protection

clause of the Fourteenth Amendment, echoing the position the U.S. Supreme Court took when it declared miscegenation laws unconstitutional in the case of *Loving v. Virginia*. Both sides confront the structures of marriage law exclusion that were also forged during the history of miscegenation, including, as I show below, the legal maneuvering over the seemingly minor bureaucratic practice of issuing marriage licenses.

A Brief History of Miscegenation Laws

Today, when one out of every fifteen American marriages is interracial, many people are surprised to learn that laws prohibiting interracial marriage (otherwise known as miscegenation laws) were so deeply embedded in U.S. history that they would have to be considered America's longest-lasting

form of legal race discrimination--they lasted far longer than either slavery or school segregation. All told, miscegenation laws were in effect for nearly three centuries, from 1664 until 1967, when the U.S. Supreme Court finally declared them unconstitutional in the *Loving* decision.

The first law against interracial marriage was passed in the colony of Maryland in 1664. It set a precedent that spread to the North as well as the South: Massachusetts, for example, adopted a miscegenation law in 1705. After British colonies turned into American states, they continued, one by one, to pass miscegenation laws, until, by the time of the Civil War, they covered most of the south, much of the mid-West, and were beginning to appear in western states, too. Before the Civil War, there was only one significant challenge to this pattern of steady expansion. In Massachusetts, in the 1830s, a remarkable group of radical abolitionists went out on a limb to argue that the Massachusetts miscegenation law contradicted the fundamental American principle of civil equality. For more than a decade, abolitionists urged the Massachusetts state legislature to repeal the law; finally, in 1843, they succeeded.

Outside Massachusetts, however, laws against interracial marriage held firm right through the Civil War--and beyond. One of the first things defeated white Southerners did at the end of the Civil War was to pass new, and stronger, miscegenation laws as part of their infamous black codes. Determined to overcome Southern resistance, the

federal government built its Reconstruction program around the promise of equality, then embedded this promise in the language of the Fourteenth Amendment to the U.S. Constitution, which guarantees all citizens "equal protection" of the law. During Reconstruction, the collision between the power of the federal government and the resistance of white Southerners was sharp enough to dislodge miscegenation laws in several Southern states. In fact, during Reconstruction eight of the eleven formerly Confederate states abandoned their laws against interracial marriage.

But it soon became apparent that Reconstruction would not survive long enough to become a turning point in the history of miscegenation law. As Reconstruction collapsed in the late 1870s, legislators, policymakers, and, above all, judges began to marshal the arguments they needed to justify the reinstatement--and subsequent expansion--of miscegenation law.

Here are four of the arguments they used:

- 1) First, judges claimed that marriage belonged under the control of the states rather than the federal government.
- 2) Second, they began to define and label all interracial relationships (even longstanding, deeply committed ones) as illicit sex rather than marriage.
- 3) Third, they insisted that interracial marriage was contrary to God's will, and

4) Fourth, they declared, over and over again, that interracial marriage was somehow "unnatural."

On this fourth point--the supposed "unnaturalness" of interracial marriage--judges formed a virtual chorus. Here, for example, is the declaration that the Supreme Court of Virginia used to invalidate a marriage between a black man and a white woman in 1878:

The purity of public morals," the court declared, "the moral and physical development of both races....require that they should be kept distinct and separate... that connections and alliances so unnatural that God and nature seem to forbid them, should be prohibited by positive law, and be subject to no evasion.

The fifth, and final, argument judges would use to justify miscegenation law was undoubtedly the most important; it used these claims that interracial marriage was unnatural and immoral to find a way around the Fourteenth Amendment's guarantee of "equal protection under the laws." How did judges do this? They insisted that because miscegenation laws punished both the black and white partners to an interracial marriage, they affected blacks and whites "equally." This argument, which is usually called the equal application claim, was hammered out in state supreme courts in the late 1870s, endorsed by the United States Supreme Court in 1882, and would be repeated by judges for the next 85 years.

During the late 19th century, this

judicial consensus laid the basis for an ominous expansion in the number, range, and severity of miscegenation laws. In Southern states, lawmakers enacted new and tougher laws forbidding interracial marriages. Seven states put miscegenation provisions in their state constitutions as well as in their regular law codes, and most raised criminal penalties to felony level. In Florida, for example, the penalty for interracial marriage was a maximum of 10 years in prison; in Alabama, 2-7 years. Meanwhile, western states set off in a new direction by expanding the racial coverage of the laws. A dozen states passed laws prohibiting whites from marrying American Indians; a dozen more targeted Asian Americans; nine targeted Filipinos. Some states went even further. Arizona, for example, prohibited whites from marrying "Hindus" and my own state of Oregon prohibited whites from marrying Native Hawaiians, or Kanakas. Courts responded by expanding the racial coverage of the equal application claim, too. Thus the Oregon Supreme Court declared that Oregon's miscegenation law did not discriminate (in this case, against Indians) because, as the judge explained, it "'applied alike to all persons, either white, negroes, Chinese, Kanaka, or Indians."

Between 1880 and 1950, the regime of miscegenation law was at the height of its power. The laws were in effect in thirty states--every Southern state, the vast majority of western states, and several states on the border, like Indiana. Those states that didn't have

miscegenation laws on their books, mostly in the Northeast, boasted that they didn't need to, because opposition to interracial marriage was by then so deeply rooted that new laws were simply unnecessary.

The power of these laws was reflected in the variety of ways that the laws were enforced, civil as well as criminal. Criminal prosecutions were by no means uncommon. To give only one example, as political scientist Julie Novkov has recently shown, the state of Alabama prosecuted 343 people for the so-called crime of "miscegenation" between 1883 and 1938. In other states, prosecutions for interracial marriage operated in tandem with arrests for illicit sex (that is, because interracial couples were forbidden to marry, they were subject to prosecution under fornication and adultery laws). Throughout the South, the legal practice of enforcing miscegenation laws was shadowed by the vicious, extra-legal, practice of lynching.

The Role of Marriage License Clerks

It's worth emphasizing that miscegenation laws were also enforced--probably even more effectively--through civil law. Many an interracial couple managed to avoid attracting the attention of local police only to find their marriages challenged in other court proceedings--in divorce and annulment cases, for example, in pension disputes, and especially, and repeatedly, in inheritance cases. And the civil provisions of miscegenation laws were significant in another respect, too.

In the early twentieth century, when marriage licensing served as a kind of public health surveillance system, marriage license clerks were, in effect, assigned responsibility for serving as the gatekeepers of white supremacy, and they wielded this power with considerable effect. Long after most public officials had discarded the blatantly racist justifications originally used to enact miscegenation laws, county clerks continued to refuse marriage licenses to interracial couples, claiming that they were merely carrying out the requirements of laws they were obliged to obey whether they wanted to or not.

Putting an end to the regime of miscegenation law was a long and difficult process. Between 1913 and 1927, the NAACP took the first step by fighting off a rash of attempts to enact miscegenation laws in northeastern states. In the 1930s, a few especially bold couples took the next step by bringing marriage license officials to court in an attempt to challenge the racial classifications of miscegenation laws. These challenges failed, but the fact that the suits were brought at all showed the gradual erosion of the notion that interracial sex and marriage were "unnatural." During World War II, when the social dislocations common in wartime led to interracial marriages at home and abroad, the NAACP, sometimes with the help of the Red Cross, tried an indirect approach, helping individual couples evade the miscegenation laws of their home states by directing them to marriage license officials in Northern states.

The Beginning of the End

The first significant courtroom victories didn't appear, though, until civil rights groups began to support, strategize, and finance direct challenges to the constitutionality of miscegenation laws. The first group to do this was the Catholic Interracial Council of Los Angeles, a small but remarkably effective pressure group founded in 1946, which argued that miscegenation laws were a violation of the constitutional guarantee of religious freedom. In the 1950s, the ACLU began to bring test cases, and the Japanese American Citizens League argued for the repeal of miscegenation laws in several western states. Both groups marshaled all the arguments they could find. They insisted that scientists no longer believed that the differences between the races were either "natural" or significant. They maintained that interracial sex and marriage were perfectly natural, perhaps even especially tempting. They argued that the only thing miscegenation laws really accomplished was to label otherwise long-term, committed relationships as illicit sex rather than marriage. Finally, building on the arguments the NAACP's Legal Defense Fund was making in its famous campaign against school segregation, they argued that the equal application rationale defied common sense. Surely, they insisted, miscegenation laws were a blatant violation of the Fourteenth Amendment's guarantee of equal protection.

In 1948, the Supreme Court of California took a giant step toward ending the regime of miscegenation law when it broke an sixty-five year string of post-Reconstruction judicial precedents and declared California's miscegenation law unconstitutional. Speaking for a deeply divided court, Justice Roger Traynor flatly rejected the shopworn claim that miscegenation laws applied "equally" to all races. "A member of any of these races," Traynor explained, "may find himself barred by law from marrying the person of his choice and that person to him may be irreplaceable." "Human beings," he continued, "are bereft of worth and dignity by a doctrine that would make them as interchangeable as trains." "The right to marry," Traynor insisted, "is the right of individuals, not of racial groups." Nineteen years later, in 1967, in the case of *Loving v. Virginia*, the United States Supreme Court agreed, this time in a unanimous decision written by Chief Justice Earl Warren. "There can be no doubt," Warren wrote, "that restricting the freedom to marry solely because of racial classifications violates the central meaning of the Equal Protection Clause."

The *Loving* decision spelled the formal end of America's three-century-long history of miscegenation laws, though opponents of interracial marriage didn't give up overnight. Alabama, for example, waited until the year 2000 to remove the miscegenation provision from its state constitution. By and large, however, Americans adjusted remarkably quickly to the new judicial consensus that interracial marriage, like

marriage itself, was, as Earl Warren had insisted in *Loving*, "a basic civil right." In the 1980s, when I first started studying the history of miscegenation law, it often seemed as if no one wanted to remember a part of American history that now appeared to be little more than an embarrassment.

Gay Marriage

Historians tend to be uncomfortable making direct comparisons between the present and the past, and I'm no exception to that rule. It is important to remember that there are real differences in the case of gay marriage and so-called mixed marriages. The situation of a lesbian or gay couple in 2004 is not the same as that of an interracial couple in the 1930s, when miscegenation laws carried criminal penalties, when whites were nearly unanimous in their condemnation of interracial marriage, and when the specter of lynching hovered over discussions of interracial sex. The federal government is a much bigger player in the fight over same-sex marriage than it ever was in the case of miscegenation law; in the case of interracial marriage, there was no federal equivalent to the Defense of Marriage Act.

Supporters of same-sex marriage face formidable obstacles, but in large part because of the successes of twentieth century opponents of miscegenation law, they have also found support that interracial couples in the 1930s would have envied--from legal experts on the constitution, from county clerks in Oregon who recently decided that rather than discriminate on the basis of sex, they would refuse to issue any marriage licenses at all (to opposite-sex or same-sex couples), and even from the justices of the Supreme Judicial Court of Massachusetts, who cited the *Loving* case repeatedly in their *Goodridge* decision. If the campaign for same-sex marriage succeeds (and I hope, very much, that it does), it will be not only because of the efforts of lesbian and gay activists but because of the civil rights advocates (black, white, Asian American and American Indian) who spent so much of the twentieth century working to put an end to American's three-century tradition of miscegenation laws.

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CIVIL MARRIAGE: WHAT'S AT STAKE?

Legal/Economic Protections

Today, same-sex couples may not legally marry in any state — no matter how long they have been together, no matter how committed their relationship, and no matter how much their families need the protection, benefits and responsibilities that come with civil marriage.

Most same-sex couples already take on many of the same responsibilities as married couples, but have none of the legal protections or benefits that accompany civil marriage. In fact, despite taking legal responsibility for their partner's well-being, both economically and emotionally, same-sex couples are legally viewed as nothing more than roommates. As a result, one partner is often denied visitation and involvement when the other is in the hospital, couples are refused "family" health coverage, taxation and inheritance rights; and children are denied protection in the event the relationship ends — sometimes even resulting in a partner's children being taken away. In addition, same-sex couples are denied the social and emotional security marriage provides for so many.

Although many lesbian and gay couples are in long-term relationships, and undertake responsibilities toward one another just as married couples do, they

are denied the vast array of legal, economic and practical protections that married couples enjoy. Among these are the rights to:

- share such government benefits as Social Security and Medicare;
- file joint tax returns and get special marriage or family rates or exemptions;
- have joint parenting, adoption, foster care, custody and visitation;
- obtain joint insurance policies for home and auto, as well as family health coverage;
- inherit automatically in the absence of a will;
- secure equitable division of property and determine child custody and support in cases of divorce;
- obtain veterans' discounts on medical care, education and housing loans;
- enter jointly into rental leases with automatic renewal rights;
- make medical decisions on partner's behalf in the event of illness;
- choose a final resting place for a deceased partner;
- take bereavement or sick leave to care for a partner or child;
- receive spousal exemptions to property tax increases upon the death of a partner;
- obtain wrongful death benefits for a surviving partner and children;

- apply for immigration and residency for a partner from another country;
- obtain a domestic violence protection order;
- visit a partner or child in the hospital and other public institution;
- immigration/family reunification.

In total, there are over a thousand legal rights and responsibilities that come with civil marriage. Most of these protections cannot be privately arranged or contracted through other means, even

for those who can afford to pay a lawyer (for legal work that legally married couples do not have to hire a lawyer to do). A recent report issued by the General Accounting Office of the United States Government outlines 1,049 “rights, benefits and privileges” accorded in federal law on the basis of legal marital status. Furthermore, private employers, banks and other businesses often extend important benefits and privileges — such as special rates or memberships — to legally married couples only.

Information provided by the Lambda Legal Defense and Education Fund, 120 Wall Street, Suite 1500, New York, NY 10005-3904; (212) 809-8585. Used with permission.

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GAO-04-353R Defense of Marriage Act

United States General Accounting Office
Washington, DC 20548

January 23, 2004
The Honorable Bill Frist
Majority Leader
United States Senate

Subject: *Defense of Marriage Act: Update to Prior Report*

Dear Senator Frist:

The Defense of Marriage Act (DOMA) provides definitions of “marriage” and “spouse” that are to be used in construing the meaning of a federal law and, thus, affect the interpretation of a wide variety of federal laws in which marital status is a factor.¹ In 1997, we issued a report identifying 1,049 federal statutory provisions classified to the United States Code in which benefits, rights, and privileges are contingent on marital status or in which marital status is a factor.² In preparing the 1997 report, we limited our search to laws enacted prior to September 21, 1996, the date DOMA was signed into law. Recently, you asked us to update our 1997 compilation.

We have identified 120 statutory provisions involving marital status that were enacted between September 21, 1996, and December 31, 2003. During the same period, 31 statutory provisions involving marital status were repealed or amended in such a way as to eliminate marital status as a factor. Consequently, as of December 31, 2003, our research identified a total of 1,138 federal statutory provisions classified to the United States Code in which marital status is a factor in determining or receiving benefits, rights, and privileges.

To prepare the updated list, we used the same research methods and legal databases that we employed in 1997. Accordingly, the same caveats concerning the completeness of our

¹ The Defense of Marriage Act defines “marriage” as “a legal union between one man and one woman as husband and wife”; it defines “spouse” as referring “only to a person of the opposite sex who is a husband or a wife.” The Act requires that these definitions apply “[i]n determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States.” 1 U.S.C. § 7.

² U.S. General Accounting Office, *Defense of Marriage Act*, GAO/OGC-97-16 (Washington, D.C.: January 31, 1997).

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collection of laws apply to this updated compilation, as explained more fully in our prior report. For example, because of the inherent limitations of any global electronic search and the many ways in which the laws of the United States Code may deal with marital status, we cannot guarantee that we have captured every individual law in the United States Code in which marital status figures. However, we believe that the probability is high that the updated list identifies federal programs in the United States Code in which marital status is a factor.

We have organized our research using the same 13 subject categories as the 1997 report. As agreed with your staff, in addition to providing you with a primary table of new statutory provisions involving marital status, we have prepared a second table identifying those provisions in our prior report that subsequently have been repealed or amended in a manner that eliminates marital status as a factor. Finally, in a third table, we have listed those provisions identified in our 1997 report that have since been relocated to a different section of the United States Code. We have also attached a brief summary of the 13 research categories; a full description of each category is set forth in the 1997 report.

We plan no further distribution of this report until 30 days after the date of this letter. At that time, we will send copies of this letter to interested congressional committees. The letter will also be available on GAO's home page at <http://www.gao.gov>.

If you have any questions, please contact me at (202) 512-8208 or by E-mail at shahd@gao.gov. Behn Miller Kelly and Richard Burkard made key contributions to this project.

Sincerely yours,
Dayna K. Shah
Associate General Counsel

[Note to users of God Is Still Speaking About Marriage: The complete GAO Report Update may be found on the web at <http://www.gao.gov/new.items/d04353r.pdf>]

GAO United States
General Accounting Office
Washington, DC 20548

Office of the General Counsel

B-275860

January 31, 1997

The Honorable Henry J. Hyde
Chairman, Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

The Defense of Marriage Act,¹ which became law on September 21 of last year, defines “marriage” as “a legal union between one man and one woman as husband and wife”; similarly it defines “spouse” as referring “only to a person of the opposite sex who is a husband or a wife.” Because the Act makes both definitions apply “[i]n determining the meaning of any Act of Congress,” it potentially affects the interpretation of a wide variety of federal laws in which marital status is a factor.

In connection with the enactment of the Defense of Marriage Act, you asked us, in your September 5, 1996, letter, to identify federal laws in which benefits, rights, and privileges are contingent on marital status. Your staff agreed that we should identify more generally all those laws in the United States Code in which marital status is a factor, even though some of these laws may not directly create benefits, rights, or privileges.

To find laws that meet these criteria, we conducted searches for various words or word stems (“marr,” “spouse,” “widow,” etc.), chosen to elicit marital status, in several electronic databases that contain the text of federal laws. From the collection of laws in the United States Code that we found through those searches, we eliminated (1) laws that included one or more of our search terms but that were not relevant to your request² as agreed with your staff, any laws enacted after the Defense of Marriage Act. The result is a collection of 1049 federal laws classified to the United States Code in which marital status is a factor.

¹ Public Law 104-199, 110 Stat. 2419.

² For example, our search for the word stem “marr,” designed to capture words such as “marriage” and “marry,” also produced references to laws mentioning bone marrow transplants, the city of Marrakesh, and proper names containing the letters “marr.”

This collection of laws is as complete and representative as can be produced by a global electronic search of the kind we conducted, but such a search has several limitations. Most significantly, it cannot capture every individual law in the United States Code in which marital status figures. However, we believe that the probability is high that it has identified those *programs* in the Code in which marital status is a factor.

Because of the inherent limitations of any computer search³ and the many ways in which the laws in the United States Code may have dealt with marital status, the only way to create an exhaustive list of laws in the Code implicating marital status would be to read and analyze the Code in its entirety. We believe that such an effort would not generate substantially more useful information than we have provided here.

A second caveat concerning our data is that they include only laws classified to the United States Code. As you know, the Code is a compendium of “general permanent” laws. Although appropriations and annual authorizations, for example, might contain references to marital status, they are typically in effect for a single year, and therefore do not appear in the Code.

Finally, no conclusion 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 provisions of the tax laws, while married couples enjoy estate tax benefits not available to the unmarried. Other laws apply both to married and single people by virtue of terms like “survivors,” “relatives,” “family,” and “household.”

³ One such limitation results from the use of statutory definitions. Our search for occurrences of “spouse” would find a law defining “relative,” for purposes of a program, as including a spouse. It would not find the laws in that program that, by referring to “relative,” apply to a spouse. A search for “relative” does not solve this problem. That word is used commonly in senses unrelated to marital status (as are other terms such as “single”). A computer cannot distinguish between these senses; a lawyer would have to examine each occurrence of “relative” to determine whether it refers to marital status.

The raw data produced by our searches were in a form that made them unwieldy and difficult to use. One reason for this is the sheer number of individual laws that we identified. Also, we conducted multiple searches in several databases, resulting in several separate lists in varying formats. Finally, the laws on the lists were organized as they are in the United States Code; for a reader attempting to understand what kinds of laws make marital status a factor, that organization is not consistently helpful. Some of the Code's 50 titles contain laws on seemingly unrelated subjects. Title 42, under the broad designation "The Public Health and Welfare," includes laws ranging from Social Security to nuclear waste disposal to civil rights and privacy protection. Conversely, closely parallel provisions may appear in different titles: benefits for most federal civil servants are in Title 5, Government Organization and Employees, but similar provisions for Foreign Service officers are in Title 22, Foreign Relations and Intercourse.

To give readers a sense of the kinds of federal laws in which marital status is a factor, we classified the laws on the list into the following 13 categories⁴:

- Social Security and Related Programs, Housing, and Food Stamps
- Veterans' Benefits
- Taxation
- Federal Civilian and Military Service Benefits
- Employment Benefits and Related Laws
- Immigration, Naturalization, and Aliens
- Indians
- Trade, Commerce, and Intellectual Property
- Financial Disclosure and Conflict of Interest
- Crimes and Family Violence
- Loans, Guarantees, and Payments in Agriculture
- Federal Natural Resources and Related Laws
- Miscellaneous Laws

While we believe this classification scheme is useful for organizing the hundreds of statutes on the list, and for representing the range of federal programs and activities in which the law makes marital status relevant, it should not be regarded as definitive. Other ways of categorizing these laws would be equally valid. Moreover, the categories we use are not mutually exclusive: many laws could arguably be in a different category.

⁴ The order of the categories is not significant, except that the first four are those in which marital status is most pervasive, and are the largest.

A general description of each category and a few examples of the laws it contains are in enclosure I. The full lists of statutes in each category are in enclosure II.

As arranged with your staff, unless you announce its contents earlier, we plan no further distribution of this letter for 7 days after its issue date. At that time, we will make copies available on request.

If you have any questions, please call me at 202-512-8203 or Susan Poling, Assistant General Counsel, at 202-512-2667.

Sincerely yours,

Barry R. Bedrick
Associate General Counsel

Enclosures (2)

ENCLOSURE 1

Categories of Laws Involving Marital Status**CATEGORY 1—SOCIAL SECURITY AND RELATED PROGRAMS, HOUSING, AND FOOD STAMPS**

This category includes the major federal health and welfare programs, particularly those considered entitlements, such as Social Security retirement and disability benefits, food stamps, welfare, and Medicare and Medicaid.⁵ Most of these laws are found in Title 42 of the United States Code, The Public Health and Welfare; food stamp legislation is in Title 7, Agriculture.

In many of these programs, recognition of the marital relationship is integral to the design of the program. For example, the law establishing the Old Age, Survivors, and Disability Insurance (OASDI) program (Social Security) is written in terms of the rights of husbands and wives, and widows and widowers. Once the law sets forth the basic right of an individual participant to retirement benefits, it prescribes in great detail the corresponding rights of the current or former spouse. Whether one is eligible for Social Security payments, and if so how much one receives, are both dependent on marital status. This is reflected in the provisions for what happens upon the death of a beneficiary: if certain conditions are met, then a spouse or a divorced spouse (as well as a widow or widower) has a right to payments based on the marriage, rather than on his or her own earnings.

The part of the Social Security Act that governs the OASDI program is unusual in that, unlike many other laws we have identified, it defines the terms “husband” and “wife.” It does so in terms of state law: a person is the wife or husband of an insured individual for purposes of OASDI if “the courts of the State [of domicile]... would find that such applicant and such insured individual were validly married...” or, if not, that under the state’s laws of interstate succession, the person would have the same status with respect to the individual’s property as a wife or husband, widow or widower. Those 65 or older who are eligible for Social Security retirement benefits, or who have received Social Security disability benefits for at least 2 years, are also eligible for benefits under Medicare.

The Social Security Act also authorizes the Supplemental Security Income (SSI) program, for the needy aged, blind, and disabled. Under SSI, both the level of income to

⁵ The recently enacted welfare reform bill, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, greatly affected some of the provisions in this category, but the changes are not generally effective until July 1997. Where both the old and new provisions appear in the United States Code, we have included both—the ones in effect until July 1997 and the ones that take effect thereafter—in Enclosure II.

determine eligibility and the level of benefits for those who are eligible differ, depending whether the applicant has an eligible spouse or not. SSI defines “eligible spouse” as an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual. The SSI law goes on to say that, in determining whether two individuals are husband and wife, state law generally apply, except that if a man and a woman have been determined to be husband and wife for purpose of OASDI or, if a man and woman are found to be holding themselves out to the community as husband and wife, they are also husband and wife for purposes of SSI.

Child support enforcement is another program, also established under the Social Security Act, that contains provisions affecting spouses. Its purpose is to provide help (1) in enforcing the support obligations of absent parents to their children and to the spouse with whom the children may be living, and (2) in obtaining child and spousal support. If an obligation has been established under state law for one spouse or support another, and if the supported spouse is receiving assistance under Medicaid (see below) or AFDC (Aid to Families with Dependent Children), then a state participating in the child support enforcement program must help enforce the support obligation.

Medicaid is a jointly funded federal-state entitlement program to provide medical assistance to qualifying low-income people, including those eligible for AFDC⁶ and SSI, non-AFDC low-income children and pregnant women, and low-income Medicare beneficiaries. In determining a person’s eligibility for Medicaid based on income, states may consider the spouse’s financial responsibility for the person, but may not consider anyone else’s financial responsibility. Spouses are considered “essential” to individuals receiving Medicaid benefits, and are therefore eligible for medical assistance themselves. The Medicaid statute also prescribes how to account for the income and resources of the spouse of an institutionalized person, for purposes of determining that person’s eligibility for benefits.

In the broad federal program of housing assistance for low-income families, the definition of “families” takes marital status into account. For some purposes, the term means families whose heads, or their spouses, are elderly, near-elderly, or disabled. However, the same provision includes a definition of families—“2 or more elderly persons, near-elderly persons, or persons with disabilities living together”—that does not require any marital relationship. The same law makes marital status a factor in determining whether a family qualifies for assistance in terms of income. Applicants may exclude \$550 for each family member who is under 18, or is disabled or handicapped or a full-time student, but this exclusion does not apply to “the handicapped or a full-time student, but this exclusion does not apply to “the head of the household or his spouse.” Also to be excluded is any payment by a member of the family for the support and maintenance of a spouse or former spouse who does not live in the household.

⁶ Under welfare reform, AFDC will be replaced by Temporary Assistance for Needy Families in July 1997. States will have the option of terminating Medicaid benefits for individuals who refuse to work.

In the National Affordable Housing program, marital status also is significant. The program is intended to assist families, and particularly “first-time homebuyers,” in buying homes. “First-time homebuyer” is defined, in part, as an individual “and his or her spouse” who have not owned a home during the preceding 3 years.

In the Food Stamp program (also to be broadly affected by welfare reform), marital status is not central, but does play a role. Eligibility for benefits under the program is determined on the basis of households, and “household” includes not only spouses who live together, but also groups of individuals who live together and customarily buy and prepare food together.

CATEGORY 2—VETERANS' BENEFITS

Veterans' benefits, which are codified in Title 38 of the United States Code, include pensions, indemnity compensation payments for service-connected deaths, medical care, nursing home care, right to burial in veterans' cemeteries, educational assistance, and housing. Husbands or wives of veterans have many rights and privileges by virtue of the marital relationship.

A surviving spouse or child of a veteran is entitled to receive monthly dependency and indemnity compensations when the veteran's death was service-connected, and to receive a monthly pension when the veteran's death was not service-connected. If it is discovered that a veteran's marriage is invalid, the purported marriage may nevertheless be deemed valid under certain circumstances, as long as a “real” widow or widower does not ask for benefits.

Veterans who have at least 30 percent disability are entitled to additional disability compensation if they have dependents. For this purpose a spouse is considered a dependent. A veteran's spouse may also receive compensation if a veteran disappears. On the other hand, a spouse's estate is considered along with the veteran's when the Secretary of Veterans Affairs determines whether it is reasonable that some part of the veteran's assets be used for the veteran's maintenance and whether the Secretary should discontinue paying the pension.

The spouses of certain veterans are entitled to medical care provided by the government. In determining, based on income and assets, whether a veteran has the ability to defray necessary home care and medical expenses, the property of the spouse of the veteran is included as an asset of the veteran. Spouses of veterans may be beneficiaries of National Service Life Insurance, and are also eligible for interment in national cemeteries if the veteran is eligible. The surviving spouse of a veteran who died of a service-connected disability is entitled to educational assistance for up to 45 months, and to job counseling, training, and placement services. Spouses and widows or widowers of certain veterans also enjoy preferences in federal employment.

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CATEGORY 3—TAXATION

The distinction between married and unmarried status is pervasive in federal tax laws, this is one of the largest categories, with 179 provisions. Tax law does not define such terms as “husband,” “wife,” or “married.”

Marital status figures in federal tax in provisions as basic as those giving married taxpayers the option to file joint or separate income tax returns. It is also seen in the related provisions prescribing different tax consequences depending on whether a taxpayer is married filing jointly, married filing separately, unmarried but the head of a household, or unmarried and not the head of a household.

The different treatment in the tax code of married couples and single individuals gives rise to one of the most contentious tax policy issues, the so-called marriage penalty (and its counterpart, the marriage bonus). This issue comes into play in connection with income tax rates, the treatment of capital losses, credits for the elderly and disabled, taxation of Social Security benefits, and a number of other provisions of the tax code. In our report, [Tax Administration: Income Tax Treatment of Married and Single Individuals](#),⁷ we identified 59 provisions in income tax law under which tax liability depends in part on whether a taxpayer is married or single.

Marital status also plays a key role in the estate and gift tax laws and in the part of the tax code dealing with taxation on the sale of property. For estate tax purposes, property transferred to one spouse as the result death of another is deductible for purposes of determining the value of the decedent’s estate. Gifts from one spouse to another are deductible for purposes of the gift tax. Gifts from one spouse to a third party are deemed to be from both spouses equally. The law permits transfers of property from one spouse to another (or to a former spouse if the transfer is incident to a divorce) without any recognition of gain or loss for tax purposes. These provisions permit married couples to transfer substantial sums to one another, and to third parties, without tax liability in circumstances in which single people would not enjoy the same privilege.

CATEGORY 4—FEDERAL CIVILIAN AND MILITARY SERVICE BENEFITS

This category includes laws dealing with current and retired federal officers and employees, members of the Armed Forces, elected officials, and judges, in which marital status is a factor. Typically these laws address the various health, leave, retirement, survivor, and insurance benefits provided by the United States to those in federal service and their families.

Over 270 of the 1049 provisions we found fall in this category. They appear primarily in Title 5 of the United States Code, Government Organization and Employees, for civilian employees, and Title 10, Armed Forces, for military members. However, parallel

⁷ GAO/GGD-96-175, September 3, 1996.

provisions are found in 19 other titles covering, for example, Foreign Service officers (Title 22, Foreign Relations and Intercourse), Central Intelligence Agency employees (Title 50, War and National Defense), Lighthouse Service employees (Title 33, Navigation and Navigable Waters), and members of the Coast Guard (Title 14, Coast Guard).

Marital status is a factor in these laws in many ways. Among the laws governing federal employees and officers, it figures in the following provisions: a law establishing health benefits or survivor benefits for spouses; a law prescribing the order of precedence in payment of final paychecks and life insurance benefits of employees or officers who die without having designated a beneficiary; and a law determining the rights of current or former spouses to a retirement annuity after the death of an employee.

In addition, under provisions for reimbursement of employees' expenses in connection with a government-ordered relocation, spouses are eligible for per diem allowances or subsistence payments. Federal civil service employees are entitled to unpaid leave in order to care for a spouse with a serious health problem, and an employee disabled by work-related injuries receives augmented compensation if he or she is married.

A different set of laws governs military personnel and their families. Some of the provisions unique to military service include: employment assistance and transitional services for spouses of members being separated from military service; continued commissary privileges for dependents, including spouses, of members separated for spousal or child abuse, and the right of minor spouses of overseas military personnel to free secondary education through the Defense Department school system.

CATEGORY 5—EMPLOYMENT BENEFITS AND RELATED-LAWS

Marital status comes into play in many different ways in federal laws relating to employment in the private sector. Most such laws appear in Title 29 of the United States Code, Labor. However, others are in Title 30, Mineral Lands and Mining; Title 33, Navigation and Navigable Waters; and Title 45, Railroads.

This category includes laws that address the rights of employees under employer-sponsored employee benefit plans; that provide for continuation of employer-sponsored health benefits after events like the death or divorce of the employee; and that give employees the right to unpaid leave in order to care for a seriously ill spouse. In addition, Congress has extended special benefits in connection with certain occupations, like mining and public safety. The spouse of a coal miner who dies of black lung disease is entitled to benefits, for example. The surviving spouse of a public safety officer killed in the line of duty is eligible for a death benefit of up to \$100,000.

Spouses are sometimes excluded from coverage as employees under certain laws. For example, under the National Labor Relations Act, an individual working for his or her spouse does not come within the definition of "employee," and therefore does not have the right, available under the Act to other employees, to organize or to engage in

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collective bargaining. If the only regular employees of a business are the owner and his or her spouse, then the business is not subject to regulation of wages and hours under the Fair Labor Standards Act of 1938 (FLSA). Similarly, the spouse or other family member of an employer working in agriculture is not covered under FLSA requirements like minimum wage.

Some laws protect the interests of one spouse when the other becomes eligible for some benefit. The Employee Retirement Income Security Act prohibits an employee from changing beneficiaries in a retirement plan or from waiving the joint and survivor annuity form of retirement benefit, without the written consent of his or her spouse.

The Railroad Retirement Act confers many rights on retired railroad employees and their spouses. Spouses may be eligible for annuities and lump sum benefits. Congress has also enacted a workers' compensation law for longshore and harbor workers that establishes survivor benefits for spouses.

CATEGORY 6—IMMIGRATION, NATURALIZATION, AND ALIENS

This category includes laws governing the conditions under which noncitizens may enter and remain in the United States, be deported, or become citizens. Most are found in Title 8, Aliens and Nationality.

The law gives special consideration to spouses of immigrants and aliens in a wide variety of circumstances. Under immigration law, aliens may receive special status by virtue of their employment, and that treatment may extend to their spouses. For example, the spouses of aliens who come to the United States on a temporary basis (to work as registered nurses, seasonal agricultural workers, or in certain specialty occupations), and who meet other criteria, are not subject to the worldwide numerical limitations on levels of immigration. Also, spouses of aliens granted asylum can be given the same status if they accompany or join their spouses.

Spouses of aliens do not enjoy favored immigration status in all circumstances. Posthumous citizenship is authorized for noncitizen members of the armed forces who die during hostilities, but not their spouses. When the government revokes the citizenship of someone because it was obtained through misconduct, and that person's spouse derived his or her citizenship from the marriage, the spouse's citizenship will also be revoked.

Some provisions of immigration law are designed to prevent misuse of marital status. The law calls for termination of the permanent resident status of an alien granted on the basis of marriage, if it is determined that the marriage was for the purpose of procuring the alien's entry to the United States, or if the marriage is annulled or terminated (other than through the death of a spouse) within two years.

The Congress recently limited the eligibility of qualified aliens for certain federal programs—such as SSI, Temporary Assistance for Needy Families (which will replace

AFDC), and Social Services block grants—but it made a few exceptions, one of which directly benefits spouses of veterans. Aliens who are serving on active duty in the Armed Forces or who are honorably discharged veterans, and their spouses, remain eligible for these benefits in the same manner as a citizen. Federal law also provides that the incomes of the sponsor of an immigrant, and of the sponsor's spouse, are to be taken into account in determining the immigrant's eligibility for means-tested public benefits.

CATEGORY 7—INDIANS

The indigenous people of the United States have long had a special legal relationship with the federal government through treaties and laws that are classified to Title 25, Indians. Various laws set out the rights to tribal property of white men marrying Indian women, or of Indian women marrying white men, the evidence that is required, and the rights of children born of marriages between white men and Indian women.⁸

The law also establishes Indians' rights to develop descent and distribution rights regarding their property as long as they include certain provisions. Most relevant to this discussion is the right of a surviving spouse who is neither an Indian nor a member of the deceased spouse's tribe to elect a life estate in property that he or she is occupying at the time of the death of the other spouse. Another law governing rights of Navajo and Hopi Indians gives relocation benefits to spouses who relinquish their life estates.

Health services can also be made available to otherwise ineligible spouses of an eligible Indian if all such spouses are made eligible by an appropriate resolution of the governing body of the tribe. Health professionals seeking positions in the Indian Health Service and their spouses may be reimbursed for actual and reasonable expenses incurred in traveling to and from their homes to an area in which they could be assigned to allow them to evaluate the area with respect to the assignment.

CATEGORY 8—TRADE, COMMERCE, AND INTELLECTUAL PROPERTY

or not the sp This category includes provisions concerning foreign or domestic business and commerce, from the following titles of the United States Code: Bankruptcy, Title 11; Banks and Banking, Title 12; Commerce and Trade, Title 15; Copyrights, Title 17; and Customs Duties, Title 19.

Federal law prescribes the right of debtors to seek bankruptcy protection and the rights of creditor when their debtors adopt that strategy. It expressly permits spouses to file jointly for bankruptcy protection. This may benefit both the debtors and their creditors: the married couple pays only one filing fee and creditors file only one claim.

⁸ The laws in this category dealing with marriage that use the terms "Indian" and "white" are more than 100 years old, and have not been amended since their enactment in 1888.

Bankruptcy law prescribes how to distribute the assets of a bankrupt person, assigns specific priorities to different classes of creditors, and permits a bankrupt debtor to be “discharged” (i.e., released) from the obligation to repay certain debts. A former spouse of the debtor making a claim in a bankruptcy proceeding for payments pursuant to a divorce decree or separation agreement is given a higher priority than some other creditors. Also, a discharge in bankruptcy generally does not relieve a debtor of the obligation to pay alimony or support to a spouse or former spouse in connection with a divorce decree or separation agreement.

The National Housing Act addresses the rights of mortgage borrowers. Banks often use a so-called due-on-sale clause in mortgage agreements that permits them to declare the loan payable in full if the borrower sells the property without their consent. The Act prohibits use of the due-on-sale clause in case of transfers of residential property from one spouse to another.

For some purposes, the laws regulating investment companies and advisers apply not only to the advisers themselves, but also to what the law terms “interested persons.” “Interested persons” is defined to include the spouses of certain persons, of their parents, and of their children.

The Consumer Credit Protection Act regulates some aspects of garnishment of wages, a legal process whereby a creditor collects a debt by having the debtor’s employer pay part of the debtor’s wages directly to the creditor. The Act establishes that at most 25 percent of the disposable earnings of an individual can be withheld through garnishment. However, if the purpose of the garnishment is to enforce an order for the support of a spouse, the maximum is 60 percent or, if the wage earner is supporting a spouse (not the former spouse for whose benefit the support order was issued), 50 percent.

The Copyright Act gives renewal rights and termination rights, in some circumstance, to the widow or widower of the creator of a copyrighted work. The law defines “widow or widower” as the creator’s surviving spouse under the law of the creator’s domicile at the time of his or her death, whether or not the spouse subsequently remarries.

The amount of customs duty on imported merchandise depends on its value. Under the law, the actual transaction value—that is, how much the buyer paid the seller—may be used to establish value if the buyer and seller are not “related.” For this purpose, spouses are deemed to be related. Also, certain countries that deny or restrict the ability of their citizens to emigrate in order to join “close relatives” in the United States can be penalized by the imposition of restrictions on their trade with the United States. “Close relative,” for purposes of this law, includes a spouse.

Under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993, the federal government provides a mechanism for financing programs to strengthen the market for cut flowers and greens, through an assessment of “handlers” of these products whose annual sales exceed \$750,000. Marital status comes into play in

determining whether a handler meets the \$750,000 threshold: for this purpose, sales by one spouse are attributed to the other.

CATEGORY 9—FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

Federal law imposes obligations on Members of Congress, employees or officers of the federal government, and members of the boards of directors of some government-related or government-chartered entities, to prevent actual or apparent conflicts of interest. These individuals are required to disclose publicly certain gifts, interests, and transactions. Many of these requirements, which are found in 16 different titles of the United States Code, apply also to the individual's spouse.

The law regulates the conditions under which gifts from foreign governments and international organizations may be accepted by spouses of employees of the Postal Service, the Postal Rate Commission, certain government contractors, employees of the District of Columbia government, members of the uniformed services, Members of Congress, the President, and the Vice President. Employees of executive, legislative, and judicial agencies may not appoint relatives, including spouses, to agencies in which they serve or exercise control. The spouses of members of the Senate may not accept, in any calendar year, gifts worth more than \$250, without getting a waiver.

Elsewhere in the Code are rules intended to prevent conflicts of interest on the part of members of various councils and boards. For instance, members of the boards of directors of the National Sheep Industry Improvement Center and the Alternative Agricultural Research and Commercialization Corporation are prohibited from participating in any matter pending before either board in which a spouse holds an interest. The law governing the members of Regional Fishery Management Councils is somewhat different. Members are required to disclose and make available for public inspection any financial interests they or their spouses might have in an activity that the councils might undertake.

Another variation in the treatment of conflict of interest involving spouses appears in connection with the National Foundation for Biomedical Research. Instead of prescribing conflict of interest rules for the Foundation, the Congress directed it to devise its own standards. However, those standards must ensure that officers, employees and agents of the Foundation (including members of the Board), and their spouses, avoid encumbrances that could result in a financial conflict of interest or a divided allegiance.

CATEGORY 10—CRIMES AND FAMILY VIOLENCE

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This category includes laws that implicate marriage in connection with criminal justice or family violence. The nature of these provisions varies greatly. Some deal with spouses as victims of crimes, others with spouses as perpetrators. These laws are found primarily in Title 18, Crimes and Criminal Procedure, but some, dealing with crime prevention and family violence, are in Title 42, The Public Health and Welfare.

Attempting to influence a United States official through threats directed at a spouse is a federal crime, as are killing, or attempting to kill, foreign officials or their spouses, or threatening to kill certain persons protected by the Secret Service, such as major presidential candidates and their spouses.

Under federal criminal statutes, spouses and others have some protections against domestic violence. It is a federal crime for a person to travel across a state line with the intent to injure a spouse or "intimate partner" if that person intentionally commits a crime of violence and causes bodily injury to the spouse or intimate partner. The term "spouse or intimate partner" is broadly defined to include a former spouse, someone who "shares a child in common" with the abuser, and someone who "cohabits or has cohabited with the abuser as a spouse."

In some cases, marriage can be a factor in triggering criminal liability. For example, a widow's or widower's entitlement to federal employee survivor payments ceases upon remarriage; such a widow or widower who remarries and continues to accept payment may, if found guilty, be fined or imprisoned.

Claiming marital status that does not exist can also be a crime. Falsely representing oneself to be the spouse or surviving spouse of an individual in order to elicit information about the Social Security number, date of birth, employment, wages, or benefits of that individual, is a felony.

Comprehensive crime control legislation directed the Attorney General to study the means by which abusive spouses obtain information concerning the addresses or locations of estranged or former spouses, despite the desire of the victims to have the information withheld. Congress also has charged the National Commission on Crime Prevention and Control to evaluate the adequacy of federal and state laws on sexual assault and the need for a more uniform statutory response to sex offenses. This mandate specifically addresses sexual assaults and other sex offenses committed by offenders who are known, or related by blood or marriage, to the victim.

Criminal justice grants are given to encourage arrest of domestic violence offenders; "domestic violence" includes an act of violence by a current or former spouse. Another provision gives nationals of the United States who are victims of acts of terrorism committed outside the United States, and their survivors, including spouses, a statutory right to bring a civil action for treble damages.

CATEGORY 11— LOANS, GUARANTEES, AND PAYMENTS IN AGRICULTURE

Under many federal loan programs, a spouse's income, business interests, or assets are taken into account for purposes of determining a person's eligibility to participate in the program. In other instances, marital status is a factor in determining the amount of federal assistance to which a person is entitled, or the repayment schedule.

Education loan programs are found primarily in Title 20, Education; housing loan programs for veterans are found in Title 38, Veteran's Benefits. Title 7, Agriculture, includes provisions governing agricultural price supports and loan programs that are affected by the spousal relationship.

Under the federal family education loan program, the income and assets of an independent student's spouse are attributed to the student for purposes of determining whether the student is eligible for a loan and, if so, the amount. Married couple may consolidate their separate student loans into one if they agree to be jointly and severally liable for repayment of the consolidated loan, without regard either to the amounts of the respective loan obligations to be consolidated or to any subsequent change in their marital status. Under the federal direct student loan program, the Secretary of Education, in order to determine the annual repayment amount when repayment is contingent on the borrower's income, may obtain information regarding the income not only of the borrower but also of the borrower's spouse. Repayment schedules are generally based on the adjusted gross income of both spouses.

Many of the laws governing veterans' benefits implicate marital status. Eligibility for assistance in borrowing for housing extends to the surviving spouses of veterans who die from a service-connected disability, and to the spouses of certain veterans who, for more than 90 days, have been missing in action, captured by hostile forces, or forcibly detained by a foreign government.

The laws governing agriculture include provisions for price supports and loan programs that are affected by marital status. For example, the law limits the amount of certain crop support payments that any one person can receive. For this purpose, a husband and wife are considered to be one person, except to the extent each may have owned property individually before the marriage. Also, agricultural loans for real estate, operating expenses, and emergencies may be made to "family farms" defined as those farms in which a majority interest is held by individuals related by marriage or blood.

CATEGORY 12—FEDERAL NATURAL RESOURCES AND RELATED LAWS

Federal law gives special rights to spouses in connection with a variety of transactions involving federal lands and other federal property. These transactions include purchase and sale of land by the federal government and lease by the government of water and mineral rights.

When the government purchases land for national battlefields, monuments, seashores, or parks, the law commonly allows those from whom the land is purchased and their spouses to continue to use and occupy it during their lifetimes. For example, those

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owning houses (and their spouses) when the Stones River National Battlefield and Sleeping Bear Dunes National Lakeshore were created have life estates in the land. Although these laws affect relatively few individuals, we found more than 40 such provisions in Title 16, Conservation.

In addition to playing a role under these provisions for the government to buy land, spousal relationship has also been a factor in determining priorities among potential buyers when the government is selling federal lands. For example, when Congress decided in 1955 to terminate ownership of land used by the Atomic Energy Commission and sell it to local entities and private parties, it generally barred any transfer of priorities for purchase, but allowed a husband and wife to exercise a priority in their joint names.

The marital relationship may affect whether an individual can be considered a surface mine owner with whom the Secretary of Labor can negotiate a lease. To be designated a surface mine owner, an individual must hold legal or equitable title to the land for a 3-year period and his or her principal residence must be on the land. In computing the 3-year period, the Secretary may include periods during which a relative by blood or marriage, including a spouse, owned the land.

Under laws governing reclamation and irrigation of lands by the federal government, the basic unit of ownership is 160 irrigable acres. Under certain conditions, if the death of a spouse causes lands in private ownership to become excess lands (having more than 160 acres) but those lands were eligible to receive water from a project under the Federal reclamation laws without a recordable contract, the Secretary of the Interior is authorized to furnish water to them, without requiring the contract, as long as the lands are owned by the surviving spouse. If the surviving spouse remarries, the exception no longer applies, and lands in excess of 160 irrigable acres are appraised in the usual manner.

CATEGORY 13—MISCELLANEOUS

This category comprises laws that do not fit readily in any of the other categories and that in our judgment did not warrant a separate category. It is a heterogeneous mix of provisions from 14 titles of the United States Code.

Fourteen statutes in the Code that prohibits discrimination on the basis of marital status are listed in this category. For example, such discrimination is prohibited in executive agencies, and is unlawful for a creditor in a private financial transactions.

This category includes the laws chartering various patriotic societies, such as the Veterans of Foreign Wars, that have as one of their purposes to assist the widows and children of servicemen or others. The Gold Star Wives of America and Navy Wives Clubs of America have one of our search terms in their titles.

We also included in this category laws related to the federal financing of presidential election campaigns. To be eligible for federal funds, candidates may not spend more

than \$50,000 of their own money or that of members of their immediate families for their campaigns. A spouse or a close relative's spouse is deemed to be a member of the candidate's immediate family for this purpose.

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Part 4: Equality in Marriage?

1. Creating Sacred Space
 - a. Identifying sacred symbols
 - b. Provide and identify tangible symbols in the room, such as lighting a candle, to remind participants that the space in which this discussion takes place is sacred space.
 - c. Worship activity
 - i. Scripture: Galatians 3:28
 - ii. Brief Devotion or Meditation
 - iii. Prayer
2. Creating a healthy/safe place for sharing and learning
 - a. Review the Values and Ground Rules
3. Opening the Conversation
 - a. Share your name and one reason you think marriage might be important to some same gender couples.
 - b. Discussion Starter: Read and select questions to discuss from the article, *There's More to Marriage than a License* by Mitch Albom
4. Ask the group to make a list of values important to healthy, lasting, committed relationships?
 - a. For example: love, freedom, choice, faith, compassion, justice, power, communication, responsibility, accountability, sex, faithfulness, integrity, flexibility...
 - b. Which five do you think are the most important and why?
 - c. How is equality an important dynamic in marriage or other covenanted relationships?

5. Considering equal civil/legal marriage rights for same gender couples
 - a. Read: *Case Studies* and discuss the “Questions to consider.”
 - b. Discuss the difference between marriage and civil union?

6. Read *Relationships: Blessed and Blessing*, James B. Nelson and discuss the issues related to the church’s blessing of same gender relationships.

7. Close the Session with a prayer.

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Resources for Part 4: Equality in Marriage

* *There's More to Marriage than a License,*
by Mitch Albom

* *Case Studies*

* *Relationships: Blessed and Blessings,*
by James B. Nelson

MITCH ALBOM: There's more to marriage than a license

BY MITCH ALBOM FREE PRESS COLUMNIST

February 15, 2004

Last week, a group of Michigan lawmakers, hoping to stem the alarming divorce rate, proposed a law: couples would have to undergo four hours of pre-marital counseling.

If they refused, they would have to wait 27 days for a marriage license, instead of just three.

Now, I can hear our married readers screaming, "Go for the 27! Are you crazy?" This only shows the disconnect between those who dream of jumping over the broom, and those who are already sweeping up.

Here's my problem with this law: In the four hours, the counselors inevitably will speak about "love" and "commitment" and "devotion."

And as any married person will tell you, what does any of that have to do with the toilet seat?

If I were in charge of handing out marriage licenses, I would begin by asking the following questions:

1. Have you ever seen your partner first thing in the morning?
2. Have you ever seen your partner throw up?

3. Do you know the exact temperature that makes your partner say, "It's too cold"?
4. Is it within 10 degrees of yours?
5. Do you know how often your partner needs the bathroom on a road trip?
6. Have you ever seen your partner actually clean a room?
7. Have you met your partner's friends?
8. Could you stand them once a week?
9. Can you make your partner laugh?
10. Can you talk all night to your partner without getting bored?

If the answer is "no" to any of these, sorry, come back in 27 days -- and try again.

Divorce isn't first option

If the couple passed Section One, I would pull out Section Two. Answer these questions:

1. Do you think your relationship is special because "We don't fight!"
2. Are you certain of your love because "We like all the same things!"
3. Do you say, "I don't care if my partner ever earns a penny;"

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- money doesn't matter in a marriage."
4. Do you ever say, "I know my partner has a nasty temper, but it will get better once we're married"?
 5. Do you model your relationship after a Hollywood couple?
 6. Is the core of your relationship that "opposites attract?"
 7. Do you have different views on having children, but figure you'll work it out during the marriage?
 8. Do you think your mother's and father's problems will never happen to you because you're "different?"
 9. Is your favorite thing about your partner, when you're really being honest, his or her shape?
 10. Do you ever say, "If it doesn't work, we can always get divorced"?
4. What happens if your partner wants to move and you don't?
 5. What happens if you had a sick child?
 6. What happens if one of you cheated?
 7. What happens if your partner said your parents were "impossible?"
 8. What happens if you achieve your dreams but your partner fails?
 9. What happens if it's the other way around?
 10. What happens if you wake up one day and suddenly feel trapped?
 11. What happens if you fall out of love?

If the answer to any of these is "yes," come back in 27 days -- and try again.

For better or for worse

1. Finally, I'd ask the following:
2. What would you do if your partner got a debilitating disease?
3. What would you do if your partner suddenly went bald or got obese?

If your answer is, "It won't be a problem, because we love each other so deeply" -- sorry, that's the movies. Come back in 27 days.

But if your answer is, "I don't know. Marriage is a shared risk. We know we have a deep respect for each other, we love *and* like each other, and we are committed not just to the other person, but to the idea that a marriage itself is worth preserving" - well, here's your paperwork.

Don't forget to hire a good caterer.

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Case Studies

Reprinted and adapted from handouts 3 and 11, *Of Love and Justice, Toward the Civil Recognition of Same-Sex Marriage*, A Congregational Guide for Study and Action, produced by the Justice, Global and Ecumenical Relations Unit, The United Church of Canada, Toronto, Ontario, Canada www.united-church.ca (Used with permission.)

As you read the following case studies, consider these questions:

- i. What kind of support do you think this family needs?
- ii. What kinds of formal, or informal, recognition or support exists for this family in your community?
- iii. What rights and privileges would this family have under the existing laws, federal, state and local?
- iv. What rights and privileges that exist for heterosexual couples are denied to this family and how might that affect them?
- v. How might greater legal recognition of their relationship benefit them and/or the community?

#1

Rico and Michael have lived together in an intimate relationship for 20 years. They are both approaching retirement age. They are do-owners of their house. They are fairly “out” to their family and friends, but have never discussed their relationship openly in their work situations. Michael has been having some heart problems recently. Michael has a son by a previous marriage with which he maintains a relationship, even though the son is a member of a conservative religious group that denounces gay and lesbian relationships.

#2

Francine and Loretta have been together for 12 years. Loretta was a single parent of a baby when they met, and they have raised the child together. Francine is employed part time. Full-time work in her field is hard to get in the area where they live, but it is important for them to live close to Loretta’s family-owned business, where Loretta works at least 50-60 hours per week. They often have money problems, and arguments about money, work, and time are putting a considerable strain on their relationship.

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#3

Jo and Chris have just begun to date, and are considering entering into an intimate relationship. For both of them this is the first time they have dated since the end of long-term relationships. They feel very good about the time they spend together but are not sure if they are ready to make another long-term commitment. Both of them have recently come out to their families. This was a positive and affirming experience for Jo, but Chris's family reacted very negatively, cutting off all contact. They both have a spiritual need – a shared sense of spirituality was one of the things that drew them together – but have not been able to find a faith community where they would be welcomed as a couple.

#4

Martin and John have had a relationship for two years. They moved in together a year ago. John's two-year old granddaughter, Kate, is a frequent visitor in their home. John's daughter is addicted to cocaine and cannot adequately care for Kate. Kate has cerebral palsy and cannot walk or speak. Martin and John both feel a strong commitment to Kate and would like to adopt her.

#5

A few years ago, Jamall's partner Glen was suddenly incapacitated by a stroke. To his shock, Jamall found that even though they had been together for 23 years, he had no right to make medical decisions on behalf of Glen because those rights belonged by law to the closest family member. Because the law didn't recognize Jamall's and Glen's relationship, the closest family member was defined as Glen's sister, whom Jamall had never met. She had long opposed their relationship and had refused to ever enter their house. However, upon the death of her brother, she stepped in and took over the decisions affecting Glen.

#6

Veronica had been in a same-sex relationship for 15 years when her partner left her. The two had jointly raised two adopted children, but the children were adopted by Veronica's partner because the law prohibited same-sex couples from adopting jointly. When the couple separated, Veronica had no right to spousal support, even though she was the one who had chosen to stay home to care for the children. She had no right to apply for custody, and was cut off from any access to the children with no legal recourse. And she was not accorded the protection married couples receive for property division.

#7

A young couple, Monique and Shari are just beginning a relationship. As they seek to foster this lifetime commitment, they realize they need the support and encouragement from their faith community. They would like to have a public service of commitment and blessing in their church, but their church is not open to this. On the other hand, they wonder whether they would be best to keep their relationship very private because of taunting and threats from one of their neighbors. They feel very isolated.

#8

Robbie may be only nine years old, but he has a way of crystallizing an issue that a score of lawyers took five days to elaborate for a panel of Canadian judges. "I think this case means no one will be able to say I don't have a real family," Robbie told reporters on the steps of Osgoode Hall, when the Ontario Supreme Court began hearing a constitutional challenge made by his parents Alison and Joyce. Alison and Joyce went to court because they had been refused the right to marry. Why? Because they were the same gender.

Alison and Joyce have been together since 1984. They have had two children within the relationship, Hannah Ruth, who was born to Joyce in 1986 and Robbie, who was born to Alison in 1992. Both children have been jointly raised since birth by the couple and were jointly adopted by each parent in 1995.

By denying gays and lesbians the right to marry Alison believes that society sends a message that homosexuals and their families aren't real. This fosters discrimination and even violence. As Joyce states, "I am engaged in this struggle to achieve the freedom to marry as part of our continuing effort to keep our kids safe – not just our kids, but all kids."

RELATIONSHIPS: BLESSED AND BLESSING

By James B. Nelson

Minnesota's prodigal son, Garrison Keillor, has now been welcomed home after his dissolute life in the far country of New York City. A story Garrison tells describes the cowboy riding across the range -- that beautiful open country, out where the deer and the antelope play. The cowboy approaches a herd of buffalos. He dismounts, walks up to one of the animals, looks it over, and says: "Yuk! Just look at you! Look at that matted hair, those blood-shot eyes, that foul breath. Yuk!" Then the cowboy mounts his horse and rides off into the sunset. The buffalo thinks for a moment, then turns to another buffalo and says, "You know, we seldom hear that kind of thing around here. But I think I've just hear a discouraging word."

I am feeling a discouraging word about this presentation. I take it from Dr. Samuel Johnson, the great 18th century literary figure. An aspiring young writer gave him a manuscript to read. Johnson read it, and returned it to the author with this note: "Dear Sir: I find your manuscript both good and original. Unfortunately, the parts that are good are not very original, and the parts that are original are not very good."

Uncomfortably, I am finding that a bit applicable to me. Most of what I will say will not be very original, for I owe my insights to many, many other people -- particularly to lesbian and gay friends in the church who have taught me so much. You are "a great cloud of witnesses." And, if there is anything original in what I say, it may not be strong enough -- precisely because I cannot speak "from the underside" of sexual power relations with the experience and insight that you can and do.

But, I am deeply convinced that the issues of sexual orientation and the church's inclusiveness are, in this society at our time in history, the pre-eminent test case of whether the church can be the church. My topic is a double one: blessed relationships and blessing relationships. Let me take them in reverse order.

The Blessing of Lesbian Unions and Gay Unions

It is obvious that I do not need to try to persuade you of the theological legitimacy and importance of the blessing of holy unions. What we need to think about is how to bring the rest of the church along. And the groundwork is all important on this question. So I have a suggestion: *let*

us make clear to the rest of the church that we take seriously the authority of scripture and tradition: and, on that basis, let us vigorously challenge the false myths about marriage and family that are still all too alive.

One of my political heroes of two decades ago was George McGovern. Throughout that difficult presidential campaign of 1972, during the agonies of Vietnam, McGovern always wore an American flag lapel pin. He did so, he said, because he loved his country and its flag, and he was not about to let those who interpreted patriotic symbols far differently claim a monopoly on the truth of what the flag represented. I urge us not to let those Christians who are terrified by the thought of blessing the unions of same sex couples claim a monopoly on Bible and tradition regarding these things.

As Christians, you and I, too, are "people of the book." The Scriptures are of critical importance. *But we must shift the biblical debate from its periphery to its center.* You have become tired, as we all have, of debating those infamous seven Bible texts that purport to condemn gay, lesbian and bisexual people. So now, let us insist -- more loudly than ever -- that the church attend to the central message of the scripture. And how does this' look? [1]

It pictures Jesus as setting aside every human barrier, every false

tradition that violates the oneness of God and the oneness of God's human community. It pictures the Jesus who lived out the life-changing reality that God's oneness cannot be compromised by human prejudice, human fear, or human bigotry.

That same scripture tells us that after Pentecost there was an important first test case for this new faith community of Jesus people. The question was whether a person, regarded by tradition as sexually abnormal could be part of the body of Christ. It was the highly controversial baptism of the Ethiopian eunuch by Philip. And while his critics screamed that this baptism was in clear violation of the holy scriptures, Philip set aside even the prejudices of the Bible in favor of the Gospel of Christ.

That same Christian scripture depicts Peter convinced that gentiles could become full Christians only by keeping the ceremonial traditions of the Jews as a prerequisite. And Peter's revelation came in a dream wherein the heavenly voice said to him, "Peter, what God has called clean, do you dare call unclean?"

So, more vigorously than ever, we must shift the scriptural debate from its periphery to its center, where it truly belongs. We must challenge every part of the Bible that rests in fear and ignorance and that violates the central message of the Gospel -- the oneness of God, the oneness of

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God's community, the liberation of all of God's people from oppression, and *the sanctifying of blessed relationships for all of God's people*. What God has called clean, who dares call unclean?

That same principle holds true when we move from the Bible to *the church's historic tradition* over the centuries. G.K. Chesterton once counseled our taking out "membership in the democracy of the dead." To do so, in Chesterton's thought, is to refuse to submit to that small, arrogant oligarchy of those people whose only virtue is that they happen, at that moment, to be alive and walking about. When we join this democracy of the dead by taking our tradition seriously, we realize that our ancestors in faith have relevant and important insights for us, too, and not just for those who want nothing in the church to change.

Regarding the blessing of holy unions, I find that Christian tradition strikingly poses a series of questions -- questions that challenge much of the church's conventional wisdom. One is this: has the church's condemnation of gay and lesbian people been consistent throughout its history? Many Christians today assume so. It is not true, as Yale historian John Boswell has amply demonstrated.[2] There were periods of toleration and, indeed, of affirmation of lesbian and gay leadership. Further, the opposition that arose during many periods was

not theological in its grounding, but cultural and political. To know that is to take the church's tradition seriously.

Another question from tradition: has the church always agreed with heterosexual marriage as the appropriate sexual pattern. Those who take the tradition seriously must answer NO. After all, singleness, particularly celibate singleness, was prized above marriage for most of the first sixteen centuries of the church. Moreover, a careful look at tradition reveals that heterosexual marriage was not celebrated by Christian wedding services in church worship until at least the ninth century, and quite possibly not until the eleventh. We have no evidence of Christian wedding rites until that time. Obviously, many Christians married during these earlier centuries, but marriage was considered a civil order and not a rite of the church. Furthermore, according to Boswell, there is some emerging evidence that unions of gay and lesbian Christians were celebrated in some Christian churches far earlier than heterosexual marriages. Those who take Christian tradition seriously simply have to deal with the evidence.

The tradition suggests another question: is it true that procreation has always been deemed primary to the meaning and expression of Christian sexuality? That is, if we do not use our sexuality with the intent

to procreate, or at least with the possibility of doing so, is there something deficient about it? Obviously it is an important question, for the procreative norm has often been used to judge lesbians and gays adversely: "your sexuality is unfit to bless because your acts are inherently non-procreative."

Once again, tradition casts large question marks on many current assumptions. In those times wherein celibacy was more highly honored than marriage, it is obvious that procreative sex was not the norm -- it was second class on the ladder of virtue. But what of the centuries, particularly since the Reformation, when heterosexual marriage has been blessed as the normative Christian calling?

Still the answer is NO. In the seventeenth century, a number of Christians -- especially among the Puritans, Anglicans, and Quakers -- began to teach, preach and write about a new understanding. It appeared to them that God's fundamental purpose in creating us as sexual beings was not that we might make babies, but that we might make love. It was love, intimacy, mutuality -- not procreation -- that was central to the divine intention for sexuality. Some Puritans, for example, declared that if children were born to a marriage that was "an added blessing," but not the central purpose of the marriage.

Most heterosexual Christians - even, despite the Vatican, most Catholics -- believe that God intends people to make love far more often than making babies. The proof is the widespread acceptance and use of contraception. Yet, a curious double standard still exists. The procreative norm has been smuggled in the back door and applied negatively to lesbians and gay men, insisting that your unions cannot be blessed because they are not biologically procreative. That is a blatant double standard, and we must name it for what it is.

Increasingly, I am convinced that a critical reassessment of Christian marriage is critical to the attainment of full equality for same gender oriented persons in church and society. What are some of the other myths of marriage that we must examine and challenge? [3]

- The church has been living with the myth that men are incomplete without women, women incomplete without men and that marriage completes two half humans. We must say clearly that *we do not need co-dependent models of love*. We need post-dependent models in which persons are bound together in covenant not by differences, not as symbols of lost parts of themselves, but bound together by the shared energies of mutual respect,

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mutual caring and mutual delight.

- Far too frequently, the church has been living with the myth that marriage involves a dominant/submissive structure of authority and that sexual intimacy involves the surrender of personal power. Let us say clearly that *equality is the most authentic form of human love.*
- For too long the church has been conveying the idea that, since “God has ordained heterosexual marriage,” anyone who is not married somehow has sinned against God and nature. Let us say clearly that *singleness for many persons is a God-given, wise, and life-giving choice.* Let us demonstrate that when two people choose each other, it must not be a choice under compunction but a choice *made freely and out of love for what that commitment can bring into being.*
- For too long the church has lived with the myth that its authority or its clergy have the power to bring marriages into being. In pressing for the blessing of your committed relationships and equal marriage rights, you who are gay or lesbian are exposing that error, for it isn't so. If I say to you as a clergy person

that “I married Jane and John last Saturday night,” we would have an interesting “menage a trois.” Of course, what I mean is: I officiated at the wedding service in which *they* -- through the exchange of vows and, perhaps, rings -- declared that they were married to each other, and the gathered community, gathered in God's blessing presence, celebrated that reality with joy and thanksgiving. The union is not created by the church or its clergy. *The union is created through the covenant of two persons with each other and with God.* And that applies to same sex holy unions just as fully as it applies to those of us who are committed to one another in heterosexual marriage covenants.

The church has capitulated to a series of false myths not only about marriage, but also about the form of the family. For far too long, the image of the nuclear family has held a grip on the mind of the church, resulting in the temptation to police the sexuality of everyone who does not fit that mold. Often unwittingly, sometimes intentionally, the church has used one narrow family norm in theology, liturgical imagery, religious education materials, and the promotion of family night suppers. In doing so, we have elevated a relative historical (and bourgeois) social structure to ultimacy, and we have enforced a

sexual model which excludes and devalues countless persons.[4]

So we are suffering from two “F-words” -- “family fundamentalism.” Just as the fundamentalist movement in biblical interpretation did not arise until the 19th century (the Victorian era, I remind you), so also “family fundamentalism” is based on a romantic view of the 19th century family. Well, a great deal has happened since then, even since Norman Rockwell did his Saturday Evening Post “family portraits” covers. There are, of course, legally recognized and religiously sanctioned marriages consisting of one man and one woman. But statistically, the traditional so called nuclear family (husband working outside the home, wife working inside the home, 2.2 children, station wagon, and a dog, cat and parakeet) is clearly in the minority in this society -- about five percent of American households. More commonly, both adults work outside the home because of economic necessity. This is one form of committed living, but only one. What are other family forms today?

There are, in society and in most of our churches:

- trial marriages;
- live-in households;
- single parent families;
- blended families from previous marriages;
- couples with children no longer at home;
- couples permanently childless by choice;
- families composed of an aging parent and adult children; and
- families who share neither blood ties nor sexual relationships yet are
- families by virtue of covenant.

This is where we are, folks. And, note well, each of these family forms has gay and lesbian embodiments as well as heterosexual ones.

But, some will ask: Is it biblical? Some Christians would have us believe that the Bible clearly endorses the modern nuclear family. You and I know that this form of the family is a relatively modern invention — it didn’t appear until at least nineteen centuries after the Biblical writings were completed.

What then, does the Bible describe and endorse for family forms? [5] Listen to the possibilities:

- the patriarchal (father-ruled) extended family, including grandparents and servants -- here is Abraham's household;
- polygamous marriage (one man with several wives or concubines and their children) -- many places in the Old Testament;

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- the matriarchal (female-headed) extended families -- here is Rahab and her household;
- matrilocal families -- Jacob and Moses lived for long periods of time with the birth-families of their wives;
- single parent families -- the widow and her two sons;
- levirate marriages -- the brother marrying the widow of his dead brother;
- monogamous heterosexual marriage -- Paul's description of "one-flesh";
- same-sex partnerships -- Naomi and Ruth; the two disciples on the road to Emmaus who invited Jesus to stay with them;
- trial marriages -- which were expressly sexually -- for example, the couple in the Song of Solomon, or Ruth and Boaz;
- adult siblings sharing a home -
- Mary, Martha and Lazarus;
- celibate single persons -- John the Baptist, and perhaps Jesus and Paul;
- Christian communes -- holding all property in common;

- dual-career marriages - Priscilla and Aquilla both traveled with Paul, did team-taught Bible workshops, and made tents for money.

There is the Biblical picture on the family -- and it is a bit more expansive than some Christians would have us believe!

All right, what if we say that Jesus Christ is the final norm - in what he taught, in how he lived -- that only Jesus Christ defines the family?

Well, Jesus himself was a bit of a non-traditionalist about family life. For a time his was a refugee family, not a traditional form -- remember, they were chased out of Palestine into Egypt. Also, he apparently lived in a one-parent family for some time (Joseph disappeared from the scene after Jesus' twelfth year). He lived as a single adult -- a non-traditional way of life, especially for a good Jew.

And what did he teach? Surely, he taught the seriousness of the marriage bond. He also clearly taught that the blood family must never be absolutized. "Who are my mother and my brothers?" he asked. "Those who do the will of God -- those are my mother and my brothers!"

In short, both scripture and tradition raise critical questions about marriage and family. George

McGovern believed that true patriotism and the flag are too important to allow, by default, a monopoly to the super patriots. Let us, similarly, claim our right to read carefully and listen deeply to scripture and tradition. When we do, I believe we will discover liberating truth of considerable relevance to committed same gender covenant relationships.

From the Blessing of Relationships to Blessed Relationships

What is a blessed relationship? I looked up the word "blessed" in Webster and found these definitions: 1. holy, sacred; consecrated. 2. enjoying great happiness; blissful. 3. of or in eternal bliss. 4. bringing forth comfort or joy. Not bad! When we know our own feet of clay, to think that our deepest relationship will always be eternal bliss might stretch the point a bit, but the definitions are in the right direction.

Let's just say that *a blessed relationship is one that blesses the partners and the world around them. It is a relationship that gives life and gladdens the universe and the heart of God.*

Let me suggest some appropriate markers to the ethics of relationships, specifically sexual relationships to be sure, but intimate non-genital relationships as well.

The first and most important thing to say is this: I urge us to claim a single-

standard relational ethic, and that single standard is *love*.

One of my favorite saints, St. Mark -- that is St. Mark Twain -- was fond of saying, "There are two kinds of people in the world: people who divide people into two kinds of people, and people who don't." A Christian relational ethic cannot divide people into two kinds of people. It cannot say that there is one ethic for heterosexuals, another for gays, lesbians and bisexuals. It cannot say there is one ethic for young folks, another for the aging. It cannot say that there is one sexual ethic for those who are temporarily able-bodied, another for those with disabilities. There is only one kind of people -- God's people. And there is only one standard for everyone -- and that is *love*.

Beware, however. Single-standard love ethics are controversial, particularly when it comes to sexual ethics. A lot of people not only want to divide people into different sexual categories and apply different standards to the different categories. They also want the comfort of having highly specific sexual rules -- particularly if those rules give religious justification to what they like to do.

Some years ago, a group of Roman Catholic authors wrote a very good book: Human Sexuality: New Directions in American Catholic Thought. In it they attempted to

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move Catholic sexual ethics from legalism to an ethic of love. The book was soon banned in Boston, in Rome, and by the American bishops. But it was a good try. In 1991, the Presbyterian Church's Special Committee on Sexuality proposed a majority report that was based on a single standard -- *justice-love* -- and numerous Presbyterians got nervous about that, some even claiming that this love and justice stuff was unbiblical! [6]

Nevertheless, highly specific moral codes are not terribly helpful for intimate relationships, as you well know. Those Presbyterians who did not know their John Calvin well did not realize that even on such a major issue as sex between unmarried, consenting adults there is no explicit prohibition in either Old or New Testaments -- which, much to his dismay, Calvin discovered in his own search of the scriptures.

There are, indeed, numerous biblical rules about sexual relationships, numerous biblical descriptions of sexual customs, numerous biblical injunctions -- and many of them are contradictory. But there is no systematic, coherent biblical sexual ethic as such. I believe that our best biblical scholarship reaches Walter Wink's conclusion: "There is no biblical sex ethic. The Bible knows only a love ethic, which is constantly being brought to bear on whatever sexual mores are dominant in any given country, or culture, or period." [7] Yes, the Bible knows only a love

ethic. So does tradition at its best, and so does our reason, and so does our experience.

But what might a love ethic for our human relationships look like in our time? Let's move to a few other descriptions to flesh out the blessed relationships of love. I will call them "some beatitudes of relational love."

First, blessed are *just* relationships.

Any decent love ethic for sexual intimacy is a justice ethic, which means mutuality and equality. There is shared power. Justice becomes real when partners have mutuality: when each has the power, self-confidence, and the encouragement freely to give and freely to withhold consent -- without coercion, manipulation, or control. Mutuality requires genuine equality and respect.

Second, blessed are *self-liberating* relationships.

Self liberating! Let's say it boldly. Though self-love has gotten a bad review in much of the Christian press through history, Jesus affirmed that we were to love each other *as* ourselves, not instead of ourselves. Our sexual relationships, whatever they be, ought to enhance our own self-fulfillment. They ought to liberate us to be the fullest, most whole persons we can be. Sexual expressions have legitimate self-interest in them. Any relationship you and I enter that is utterly

altruistic, born only out of our desire to give to the other but not to receive for ourselves is flawed from the beginning. Blessed relationships are self-liberating.

Third, blessed are *other-enriching* relationships.

Self-liberating relationships at the same time need to be generous in concern for the well-being of the other. This means more than non-manipulation or non-exploitation. It means, as H. Richard Niebuhr wrote years ago, a positive commitment "to the otherness of the other."^[8] Love is rejoicing in the beloved's presence. It is the gratitude for the existence of the other. It is a reverence that does not try to swallow the other up or fashion the beloved into a replica of the self. Love is the profound satisfaction in everything that makes the other great and glorious.

Fourth, blessed are *honest and faithful* relationships.

A relationship that blesses and gives life is an honest one. Our intimate and sexual expressions must convey as truthfully as we can what the relationship means to us. Pretense, evasion, deception betray the trust on which blessing rests.

And, a life giving relationship is faithful. But what is fidelity? Ah, there's the rub! And we could spend another full hour talking about the meanings of fidelity. The common

interpretation in the history of the church has been genital exclusivity: sex only with the spouse. Infidelity then equals adultery which equals sex with someone other than the spouse.

I am aware that you who are gay and lesbian may have little desire to embrace heterosexual definitions of fidelity, which have not been terribly evident in many heterosexual marriages. Let me simply say here that the fullest meaning of fidelity goes far beyond sex acts. Fidelity means *faithfulness*. It means commitment to the centrality of *this* person in my life. It means faithfulness to the primacy of *this* relationship and to all that builds it up. For most of us, fidelity means that full sexual intimacy will be expressed with the covenanted partner only.

Honest communication and fidelity will deepen trust and the intimacy, sexual and relational, that two people share in a covenant relationship. To be sure, there is no risk-free fidelity. But honest fidelity blesses and gives life.

Fifth, blessed are erotic relationships.

We desperately need more embodied, more erotic, more incarnational, more sexually-positive spiritualities. That realization still escapes many in the church, but you who are gay and lesbian know it well. Others have tried to deprive you of your passion and convince

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you of a passionless spirituality and you have said a firm and holy NO! Eros is that love born of our hungers, our passions, and our desires for one another. Eros has often been contrasted with self-giving love, agape, and, to our impoverishment, the straight-white-male tradition has embraced an agape reductionism. So, we've been taught that agape is good and eros is cheap and sub-Christian. Most of us were reared on that kind of theology. Many religious people still learn to fear, despise, trivialize, and be ashamed of their erotic bodies. I surely was. I got the idea that if you just sat real still and didn't wiggle, eros would go away. (It didn't.)

But, dear friends, if we do not know the Gospel of God in our bodies, we may never know it. When we find bodily life an embarrassment to so-called high-minded spiritualized religion, we lose our capacity for passionate caring and justice. We lose the sense of the holiness of the bodies of starving children and the bodies of women and men torn by violence. An incarnational theology is a body theology, and body theologies are erotic -- connecting us in meaningful ways with *every* body.

So also, a relationship with little erotic hunger and little passion gives little blessing. A relationship that fears the ecstasy of shared pleasure dries up. Alice Walker reminds us, in The Color Purple of the importance of sexual pleasure: "God love all them feelings. That's some

of the best stuff that God did. And when you know God loves 'em, you enjoys 'em a lot more. You can just relax, go with everything that's going, and praise God by liking what you like." [9]

Sixth, blessed are relationships *that connect us with God.*

The true experience of our eros in a blessed relationship is, indeed, the experience of God. For God is the sacred basis of our ability to participate in life-giving intimacy. But, while Christian tradition has insisted that God is love, it has largely recoiled from speaking from God as Lover -- fearing that the image of God as Lover would be religiously contaminating. However, if the lover relationship is the most intimate of all human relationships, the most powerful and life-giving, might not God as Lover be a central metaphor for speaking of some aspects of the God-world, divine-human relationship? [10]

James Weldon Johnson, in "God's Trombones," depicts the Holy One at creation this way: "And God stepped out onto space, and [God] said, 'I'm lonely. I'll make me a world!'" That's eros! In the face of oppressive attempts to deny you of your eros, you have refused to give up your passion for life-giving touch and connection. You, too, have come to see the divine eros as that fundamental energy of the universe that is the passion for connection, the hunger for justice, and the yearning

for life-giving communion. You teach us that these hungers are blessed. An ancient prayer says, "It was God's good pleasure to take on our human flesh." It was, and it still is. Our sensuous selves deeply know that a distant, violence-prone, punitive God envisioned by patriarchy is a parody of the Gospel. Perhaps the existence of pleasure -- surely including intimate, sexual pleasure -- is the greatest proof for the existence of God.[12] Symphonies and sunsets, breakfast in bed, the wonderfully familiar smell of your lover's neck -- we are recovering the pleasure of God and

the life-giving pleasures of our incarnate life. And we need not be afraid of God's good creation.

It *is* God's good pleasure to take on our human flesh. And a special way many of us know that is in relationship. Every blessed relationship will bless each partner, will bless the community of life around them, and will gladden the universe. Some day the whole church will know that. And the heart of the incarnate God will sing for joy.

Notes:

- 1 For a fuller exposition of these passages and their meaning for full equality for lesbian, gay and bisexual persons, see the Rt. Rev. John S. Spong, "The Oldest Debate in Christian History," More Light Update 12/4 (November 1991), pp. 6ff.
- 2 See John Boswell, Christianity Social Tolerance. and Homosexuality, (Chicago: University of Chicago Press, 1980).
- 3 See Rebecca Parker, "The Myths of Monogamy," Open Hands, 4/3 (Winter 1989), pp. 7f, for a helpful discussion of the above three points.
- 4 See Janet Fishburn's useful Confronting the Idolatry of the Family (Nashville: Abingdon Press, 1991).
- 5 I am indebted to Virginia Ramey Mollenkott for listing these biblical family forms in an unpublished, undated paper.
- 6 See Anthony Kosnick, et al., Human Sexuality: New Directions in American Catholic Thought (New York: Paulist Press, 1977), esp. Chap. IV; and The General Assembly Special Committee on Human Sexuality, Presbyterian Church (USA), Keeping Body and Soul Together: Sexuality, Spirituality and Social Justice (Louisville:

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Presbyterian Church [USA], 1991), esp. Chap. 1, Sections E & F. I will draw on the qualities of love enumerated in these volumes in some of the paragraphs that follow.

- 7 Walter Wink, "Biblical Perspectives on Homosexuality," The Christian Century, Nov. 7, 1979.
- 8 H. Richard Niebuhr, The Purpose of the Church and Its Ministry (New York: Harper & Brothers, 1956), p. 35.
- 9 Alice Walker, The Color Purple (New York: Washington Square Press, 1982), p. 178.
- 10 See, for example, Sallie McFague, Models of God (Philadelphia: Fortress Press, 1987).

See James Weldon Johnson, "The Creation" in God's Trombones: Seven Negro Sermons in Verse (New York: Viking Press, 1927), p. 17.

See Mary E. Hunt, "Love Your Friends as You Love Yourself: Rethinking Religious Ethics," unpublished address, International Conference of Sex and Religion, Amsterdam, June 20, 1991, pp. 16f.

The Rev. James B. Nelson, Ph.D., is Professor Emeritus of Christian Ethics at United Theological Seminary of the Twin Cities. This is an address presented at the Twelfth National Gathering of the United Church Coalition for Lesbian/Gay Concerns held at Macalester College in St. Paul, Minnesota, June 1992. Reprinted and edited for Equal Rights In Covenant Life resources with permission of the author.

Other Resources and Bibliography

- * *General Synod Policy Statements Relating to Same Sex Relationships, Families, Marriage and Other Covenanted Relationships*
- * *Reflections on “Marriage Equality”* by Rev. John H. Thomas, General Minister and President of the United Church of Christ
- * *A Reflection on Marriage*, by Mary Susan Gast
- * *Bibliography*

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General Synod Policy Statements

Relating to Same Sex Relationships, Families, Marriage and Other Covenanted Relationships

(GS - General Synod)

In Support of Equal Marriage Rights for All

(GS 25, Atlanta, GA, 2005)

Beloved, let us love one another, because love is from God; everyone who loves is born of God and knows God. 1 John 4:7

"Therefore what God has joined together, let no one separate." Mark 10:9

Background

Ideas about marriage have shifted and changed dramatically throughout human history, and such change continues even today. At different points marriage has been defined in response to economic realities, by the primacy of procreation and by societal understandings of the role of men and women. In the Gospel we find ground for a definition of marriage and family relationships based on affirmation of the full humanity of each partner, lived out in mutual care and respect for one another. Scripture itself, along with the global human experience, offers many different views of family and how family is to be defined. This unfolding revelation and understanding needs to be weighed carefully by people of faith considering the issue of equal marriage rights for couples regardless of gender. Jesus radically challenged his traditional cultural roles and concepts of family life.

Jesus boldly declared members of the household/family of God to be whoever hears and follows the will of God.

Civil/legal marriage carries with it significant access to institutional support, rights and benefits. There are more than 1,400 such rights and benefits in the federal statutes alone. Efforts to ban civil marriage to couples based on gender denies them and their children access to these rights and benefits, and thus, undermines the civil liberties of these couples, putting them and their children at risk.

Throughout its history, the United Church of Christ has been at the forefront in the struggle for justice and equality. For more than 30 years, the General Synod of the UCC has adopted resolutions affirming lesbian, gay, bisexual and transgender (LGBT) persons, consistently calling for an end to discrimination, equal protection

under the law, deploring LGBT hate crimes and violence, supporting LGBT relationships and families, celebrating the gifts of LGBT persons for ministry and encouraging all settings of the church to be open and affirming of LGBT persons, welcoming them and encouraging their participation in every aspect of the mission and ministry of the church.

Theological and Biblical Foundations

The message of the Gospel is the lens through which the whole of scripture is to be interpreted. Love and compassion, justice and peace are at the very core of the life and ministry of Jesus. It is a message that always bends toward inclusion. The biblical story recounts the ways in which inclusion and welcome to God's community is ever-expanding – from the story of Abraham and Sarah, to the inclusive ministry of Jesus, to the baptism of Cornelius, to the missionary journeys of Paul throughout the Greco-Roman world. The liberating work of the Spirit as witnessed in the activities of Jesus' ministry has been to address the situations and structures of exclusion, injustice and oppression that diminish God's people and keep them from realizing the full gift of human personhood in the context of human communion.

The biblical call to justice and compassion (to love one's neighbor

as one's self) provides the mandate for marriage equality. Justice as right relationship seeks both personal and communal well being. It is embodied in interpersonal relationships and institutional structures, including marriage. Justice seeks to eliminate marginalization for reasons of race, gender, sexual orientation or economic status.

The language of covenant is central to the message of scripture concerning relationships and community. Both in the message of the prophets and the teachings of Jesus, covenant relationships are important, taken seriously by God and are to be taken seriously by God's people. The overriding message of the Gospel is that God calls God's people to live fully the gift of love in responsible, faithful, just, committed, covenantal relationships of trust that recognize and respect the image of God in all people. These Gospel values are at the core of the covenantal relationship that we call marriage.

It is essential to note that the Gospel values of covenant do not come from the practices of marriage, which change and evolve throughout the history of the biblical story. Indeed, it is not possible to rely exclusively on scripture for understanding marriage today. For example, biblical texts that encourage celibacy, forbid divorce, or require women to be subservient to their husbands are not considered to be authoritative

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because they are primarily expressions of the cultural norms of the ancient Middle East. At the same time, there are also many biblical models for blessed relationships beyond one man and one woman. Indeed, scripture neither commends a single marriage model nor commands all to marry, but rather calls for love and justice in all relationships.

We recognize and affirm that the covenantal values that are essential to the Gospel are central to how we understand marriage in this time. We also recognize and 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.

Is God still speaking about marriage? The overwhelming testimonies of countless couples, regardless of gender, throughout the United Church of Christ, and beyond, say, "Yes, God is still speaking." Couples who have chosen to exchange covenantal vows attest to the blessing of God's abundance and life-giving power in their relationships. Through their committed relationships, many throughout the church - parents, siblings, children, friends and others - have witnessed the liberation of the gifts of God for service in the world.

Therefore, theologically and biblically, there is neither justification for denying any couple, regardless of gender, the blessings of the church nor for denying equal protection under the law in the granting of a civil marriage license, recognized and respected by all civil entities.

The Resolution

WHEREAS the Bible affirms and celebrates human expressions of love and partnership, calling us to live out fully that gift of God in responsible, faithful, committed relationships that recognize and respect the image of God in all people; and

WHEREAS the life and example of Jesus of Nazareth provides a model of radically inclusive love and abundant welcome for all; and

WHEREAS we proclaim ourselves to be listening to the voice of a Still Speaking God at that at all times in human history there is always yet more light and truth to break forth from God's holy word; and

WHEREAS many UCC pastors and congregations have held commitment services for gay and lesbian couples for some time, consistent with the call to loving, long-term committed relationships and to nurture family life; and

WHEREAS recognition of marriage carries with it significant access to institutional support, rights and benefits; and

WHEREAS children of families headed by same-gender couples should receive all legal rights and protections; and

WHEREAS legislation to ban recognition of same-gender marriages further undermine the civil liberties of gay and lesbian couples and contributes to a climate of misunderstanding and polarization, increasing hostility against gays and lesbians; and

WHEREAS a Constitutional Amendment has been introduced to this Congress to limit marriage to “only the union of a man and a woman”; and

WHEREAS equal marriage rights for couples regardless of gender is an issue deserving of serious, faithful discussion by people of faith, taking into consideration the long, complex history of marriage and family life, layered as it is with cultural practices, economic realities, political dynamics, religious history and biblical interpretation;

AND

WHEREAS the Tenth General Synod pronounced that all person are entitled to full civil liberties and equal protection under the law without discrimination related to sexual preference; and

WHEREAS the Eleventh General Synod urged that States should legislatively recognize that traditional marriage is not the only stable living unit entitled to legal protection; and

WHEREAS the Nineteenth General Synod called on the church for greater leadership to end discrimination against gays and lesbians; and

WHEREAS the Executive Council of the United Church of Christ in April, 2004 called the church to action and dialogue on marriage;

THEREFORE LET IT BE RESOLVED, that the Twenty-fifth General Synod of the United Church of Christ affirms equal marriage rights for couples regardless of gender and declares that the government should not interfere with couples regardless of gender who choose to marry and share fully and equally in the rights, responsibilities and commitment of legally recognized marriage; and

LET IT BE FURTHER RESOLVED, that the Twenty-fifth General Synod of the United Church of Christ affirms equal access to the basic rights, institutional protections and quality of life conferred by the recognition of marriage; and

LET IT BE FURTHER RESOLVED, that the Twenty-fifth General Synod calls for an end to rhetoric that fuels hostility, misunderstanding, fear and hatred expressed toward gay, lesbian, bisexual and transgender persons; and

LET IT BE FURTHER RESOLVED, that the Officers of the United Church of Christ are called upon to communicate this resolution to local, state and national legislators, urging them to support equal marriage rights for couples regardless of gender.

In recognition that these resolutions may not reflect the views or current understanding of all bodies, and acknowledging the pain and struggle their passage will engender within the gathered church, the General Synod encourages the following:

LET IT BE FURTHER RESOLVED, that the Twenty -fifth General Synod calls upon all settings of the United Church of Christ to engage in serious, respectful, and prayerful discussion of the covenantal relationship of marriage and equal marriage rights for couples regardless of gender, using the “God is still speaking, about Marriage” study and discussion guide produced by Wider Church Ministries of the United Church of Christ (available online at UCC.org); and

LET IT BE FURTHER RESOLVED, that the Twenty-fifth General Synod calls upon congregations, after prayerful biblical, theological, and historical study, to consider adopting Wedding Policies that do not discriminate against couples based on gender; and

LET IT BE FINALLY RESOLVED, that the Twenty-fifth General Synod urges the congregations and individuals of the United Church of Christ to prayerfully consider and support local, state and national legislation to grant equal marriage rights to couples regardless of gender, and to work against legislation, including constitutional amendments, which denies civil marriage rights to couples based on gender.

Funding for the implementation of this Resolution will be made in accordance with the overall mandates of the affected agencies and the funds available.

GS 10 – Pronouncement: Civil Liberties without Discrimination Related to Affectional or Sexual Preference. July 1975.

...The 10th G.S. of the U.C.C. proclaims the Christian conviction that all persons are entitled to full civil liberties and equal protection under the law.

... declares its support for the enactment of legislation at the federal, state and local levels of government that would guarantee the liberties of all persons without discrimination related to affection or sexual preference.

... calls upon the various settings of the church to work for the enactment of such legislation in all levels of government.

GS 11 – Reaffirmed the Pronouncement Civil Liberties without Discrimination Related to Affectional or Sexual Preference. GS 10, July 1975

GS 11 – Resolution: Recommendations in Regard to the Human Sexuality Study. July 1977.

#17. Urges that States legislatively recognize that traditional marriage is not the only stable living unit which is entitled to legal protection in regards to socio-economic rights and responsibilities.

GS 14 – Resolution: In Response to the Concerns of Same-Gender Oriented Persons and Their Families within the United Church of Christ. June 1983.

Reaffirms the commitment that all families be ministered to creatively and that persons regardless of their family patterns, be affirmed and supported in the life of the church, manifesting our unity as a family in Christ.

GS 19 – Resolution: Calling on the Church for Greater Leadership to End Discrimination Against Gays and Lesbians. July 1995.

#3. Calls for passage of domestic partnership laws designed to provide greater justice for gays and lesbians;

#4. Opposes attempts in Missouri, and any other state, to file petitions and pass laws to prevent the civil rights of gays and lesbians from being protected;

GS – 21 Resolution: Fidelity and Integrity in All Covenanted Relationship, July 1997.

...reaffirm that the standard for sexual and relational behavior for members of the United Church of Christ is fidelity and integrity in marriage and other covenanted relationships, in singleness, and in all relationships of life;...

...and encourages the development of a church-wide dialogue on these matters...

GS 22 – Resolution: Affirming and Strengthening Marriage and Other Covenanted Relationships. July 1999.

...encourages the use of resources produced by the United Church of Christ and other resources that affirm and strengthen marriage and other covenanted relationships.

...encourages local churches to provide counsel and preparation for those seeking to be married;

...the Covenanted Ministries of the new structure, Local Church Ministries, continues development and promotion of resources and programs to these ends.

NOTE:

This document contains excerpts from adopted General Synod Policy Statements. For a fuller and more complete understanding of these statements, please refer to the actual policy statements which may be found on the UCC web site:

<http://www.ucc.org/lgbt/statements.htm>

Reflections on “Marriage Equality”

John H. Thomas
General Minister and President
United Church of Christ

August, 2005

Since the July 4, 2005 action of the General Synod affirming “marriage equality” I have received many letters and emails ranging from affirmation and appreciation to bewilderment and anger. Several local churches have expressed through a formal vote their dissent from the position of the General Synod. A few local churches have voted to leave the United Church of Christ. Some local churches, not currently affiliated with the United Church of Christ, have expressed interest in affiliation. Many local churches are studying the General Synod’s action and many more will be entering into study processes this fall. Rather than responding superficially to the correspondence I have received, I offer these reflections on some of the key questions raised in many of those letters by United Church of Christ members troubled by the General Synod’s action. These reflections are my own. They are intended as one contribution among many to the on-going discussions about this very important issue in the life of our church and society.

Many have asked, **“How did we arrive at this decision in the life of the United Church of Christ?”** Quite frankly, some have felt shocked, even “blind-sided” by this decision, and assume it is a response merely to the current national political debates in our nation. In fact, this decision of the General Synod, while obviously responding to a pressing social and moral question, is part of a long trajectory going back as far as four decades. It was not an “issue” or the alleged “gay agenda” that caught the attention of the church. It was the presence of gay and lesbian persons in our churches, as well as their families, who began to be unwilling to be silent about their sexual orientation, and who began to say to us that it is wrong to ask our gay, lesbian, bisexual, and transgender members to choose between their baptismal identity and their sexual identity.

A study on human sexuality commissioned by the Synod in the 1970's explored emerging understandings of homosexuality from a moral, theological, biblical,

and scientific perspective. While a significant minority in the church dissented from the perspectives offered in *Human Sexuality*, the General Synod affirmed these perspectives and challenged the church to incorporate them into our common life. Also in the 1970's, local churches began to participate in the "Open and Affirming" process which invites congregations, after careful study, to declare that they are open and affirming to the membership of gay, lesbian, bisexual, and transgender persons in the life and ministry of the church. Local churches were not forced to participate in this initiative, but over the years several hundred have made this commitment.

At about the same time, Committees on Ministry in our Associations (which have the responsibility for examining candidates and ordaining on behalf of the whole church) began to be approached by openly gay and lesbian persons who were discerning calls to ministry and presenting themselves for examination as candidates for ordination. Over time this experience led the General Synod in the early 1990's to encourage Associations to no longer consider sexual orientation, in and of itself, as a bar to ordination. Associations were, of course, free to accept or reject this advice, and some determined that they would not follow the Synod's encouragement on this issue. But increasingly most Associations have demonstrated

their readiness to ordain openly gay or lesbian candidates who have received a call to an authorized ministry in the UCC and who meet the qualifications for ordination set forth in *Manual on Ministry*. Many of these persons have been called to serve as pastors by local churches and are now serving with distinction in all settings of the United Church of Christ.

Also in the late 1990's, ecumenical conversations and proposals led to dialogue on the various churches' convictions about the membership and ministry of gay, lesbian, bisexual, and transgender persons. While it is clear that the position of the United Church of Christ differs from that of many other denominations, in our partnership with the Christian Church (Disciples of Christ), our participation in Churches Uniting in Christ, and in our full communion agreement with the Presbyterian Church (USA), the Reformed Church in America, and the Evangelical Lutheran Church in America, views on homosexuality have consistently been deemed important and significant, but not "church dividing." In particular, an extensive formal dialogue on this matter with the Reformed Church in America determined that one could hold positions affirmed by the General Synod while remaining faithful to Scripture.

Finally, in recent years many same sex couples have approached

their local churches requesting services of “blessing” for their partnerships or holy unions. Due to the autonomy of each setting in our polity, this decision, as with all other matters related to the worship and sacramental life of the church, remains the prerogative of a local church and its pastoral leadership. However, as these services of blessing have occurred, congregations have begun to experience the value of bringing the same sex relationships of their members within both the blessing and the discipline of the church where those relationships, like those of heterosexual couples, can be nurtured and shaped in healthy ways.

Affirmation of same gender marriage is, admittedly, a new step in this journey, one that is deeply challenging to many in our church even as others celebrate it. But it is a step that is part of a much longer theological and pastoral journey, a journey prompted not by political considerations, but by the gift and the challenge of gay, lesbian, bisexual and transgender persons in our midst. I know that the action of the General Synod did come as a shock to many of our members. But those who have been attentive to our life together for these four decades were not surprised, regardless of whether they agreed or disagreed with the decision.

Many who have written to me, while acknowledging all that I

have written, continue to be offended by an action that, to them, appears to ignore or demean the Bible. **“How can we square this action of the General Synod with what the Bible says about homosexuality or about marriage?”** Those who raise this question typically point to six or seven passages in Genesis, Leviticus, and the letters of Paul. These texts have been the source of intense debate among scholars, though in recent years a consensus is emerging. First, it is now no longer clear that the passage in Genesis associated with Sodom refers to homosexuality at all; most scholars believe the “sin of Sodom” was a failure to exhibit hospitality to strangers. Indeed, the sexual relations judged in Genesis 19 are not homosexual acts between loving adults, but violent abuse and rape committed by some citizens in Sodom against Lot’s guests. Curiously, Lot’s solution - offering his daughters to the mob for sexual violation - goes unchallenged in the story and, by inference, is affirmed. This affront to our modern sensibilities ought to caution us about too easily translating an ancient story into a contemporary ethical position. Just because the name “Sodom” has been associated with homosexuality in history should not deter us from a much more critical reading of the text.

Prohibitions in Leviticus are mingled with numerous other prohibitions about dietary, liturgical, sexual, and ethical matters which no

one today believes are binding for Christians. On what basis do we select only these passages on homosexuality as valid when there are no special criteria offered in the text itself for doing so? Paul's admonitions seem clear, but he was writing in a time when no one had any concept of anything called sexual orientation. For Paul, only heterosexual activity was "natural." But today there is a growing consensus among scientists of many disciplines that there is a percentage of the population that is oriented toward same gender sexual attraction. Thus it appears that, for some, homosexual relationships are "natural." Paul writes with no knowledge of men or women involved in life-long, monogamous homosexual relationships. If this is true, then what appears to be so clear in Romans may not, in fact, be clear at all for us today. My own view is that the Bible says little about homosexuality while saying a great deal about covenanted relationships. Fidelity, not homosexuality, is at the heart of the Gospel, and the call to fidelity is a gift and a discipline that makes as much sense for same gender couples as for heterosexual couples. Isn't this what the church should focus on?

Over the years the church has heard the scripture speaking in new ways. There was a time when Christians believed the Bible condoned slavery. There was a time when Christians believed the Bible prohibited women from offering

certain kinds of leadership in the church. In each case a few passages were identified to "prove" the point. But as Christians began to listen more carefully to the whole of Scripture, new insights emerged. Recently I saw a magnificent tomb stone behind an Episcopal Church in Georgia. It marked the grave of a prominent church member in pre-Civil War America. The inscription reads, "A profound statesman who laboured faithfully for the public good. A man gentle and true, a devoted husband and father, a kind master." Today no one would praise "a kind master." As the hymn puts it, sometimes "time does make ancient good uncouth." Not every new theological and biblical insight is true or valid. But we must recognize that interpretations change in light of new understandings, that to embrace new insights is not necessarily to abandon scripture but rather to read scripture in the light of life's new challenges and opportunities under the guidance of the Holy Spirit.

But what about the Bible's affirmation of marriage? Actually, the Bible doesn't say much about marriage either, particularly if we think only of the "traditional marriage" of one man and one woman of the last few centuries. The same Hebrew Bible that includes prohibitions about homosexuality in Leviticus offers models of family that include multiple wives. Jesus own genealogy in Matthew is filled with non-traditional relationships. The

New Testament does include strong admonitions against divorce, including Jesus' words that to divorce and remarry is to commit adultery. While divorce is certainly not celebrated in our churches today, it is clearly accepted as a difficult and deeply disappointing step that is sometimes necessary and that should not separate a Christian from the care and love of the church. And no one who discovers new love after the pain of divorce is accused by our pastors of being an adulterer. Do Christians who divorce fail to take the Bible seriously? Or do they read the texts about divorce in the context of the whole Biblical message about a Gospel of forgiveness and grace? The phrase from one of the creation stories about "a man leaving his father and mother and clinging to his wife and becoming one flesh" is repeated several times. It is included in our marriage services as well. The Bible doesn't talk about two men or two women becoming one flesh. But this is hardly surprising since the Biblical writers would never have experienced a committed, life-long covenantal relationship between a same-gender couple. The Bible describes, but does the Bible proscribe in this instance? To argue that the Bible's silence about same gender marriage implies prohibition is like saying that just because the Bible says nothing about new medical procedures allowing some women unable to conceive a child outside of "normal" sexual intercourse therefore, it is to be prohibited.

So if the Bible is not quite so clear about homosexuality and marriage as we sometimes want to think, what does the Bible say about relationships? At the center, of course, is the story of God's faithfulness to a people, a fidelity that endures in spite of human sin and betrayal, a fidelity that is as intimate as the relationships within the Trinity, a fidelity that honors the flesh and its passions and pain through the Word made flesh of the incarnation. It is a fidelity that is to be lived out in our relationships to all that God relates us in covenant: the creation, the poor and the vulnerable, the stranger in our midst, and those who become our intimate partners in life. Sexual orientation, by itself, offers no inhibition to fulfilling these covenantal responsibilities. In our marriage service we describe marriage as a sacred covenant so that couples can "come to know each other with mutual care and companionship and share their new life with others as Jesus shared new wine at the wedding in Cana." Theologically it is a sign of the "image of the union of Christ with the church." These are vocations same gender couples are just as able to fulfill as heterosexual couples.

Even if one agrees with all or much of what I've said, some wonder **why we couldn't talk about "blessing" instead of "marriage" for same gender couples.** Indeed, some same gender couples may prefer to

have their union “blessed” by the church. It is clear, however, that marriage confers specific and important rights and responsibilities, in the civil society and in the church. To deny some access to the name of marriage, and to some or all of the rights and responsibilities afforded heterosexual couples is to permanently relegate them to a lesser status, including the ability to care for life-long partners in a terminal illness, or to adopt children. Obviously there are many in our country today, and some in the church, who believe that such a lesser status is appropriate. I disagree. Even if we could guarantee the same rights and responsibilities, separate has seldom meant equal in our society. Throughout the Bible we are told to welcome the stranger. We in the United States have an ambiguous history when it comes to the stranger or the alien. Those who are different have received an uncertain welcome. But throughout the Hebrew texts we are reminded to welcome the alien in our midst as a “citizen.” A marriage license is a sign of citizenship, just like a driver’s license, a passport, and a social security card. In this land that honors freedom and equality, on what basis can we deny some this important sign of citizenship?

Finally, and quite apart from anything I’ve said thus far, some ask how the General Synod could take such an action without first asking our members their views. **Why**

wasn’t I asked what I believed? Shouldn’t each local church have gotten a vote? Shouldn’t the action of a General Synod be submitted to the churches to be ratified? There is nothing inherently wrong in any of these proposals. Some denominations do function in this way. Our polity, our way of decision making, is different. Does that mean the Synod or its officers don’t care what our members think? No. In fact, there were numerous opportunities for local churches and individual members to study this issue well in advance using resources prepared by the national setting. Resolutions were published well prior to Synod on our web site and in *UCNews*. Delegates were encouraged to hear the views of the churches in the conferences they represent. In a representative polity, persons elected by local churches make decisions in Associations and Conferences; persons elected by Conferences or Associations make decisions at the Executive Council or the General Synod. In each case local church members are the ones who act, basing their vote on their own conscience, on their own interpretation of the Bible, on their own knowledge of what is good for the church, on their own conviction about what is just and right. Every Synod delegate I encountered in Atlanta was very aware of the diverse perspectives in the church. Those diverse perspectives were shared and discussed thoroughly. They were heard with respect. The discussion on the floor was prayerful

and thoughtful. This discussion was no political debate in which one side tried to dominate the other. It was a time when the diverse views of the church were shared, tested, and heard. Our vote was followed not by celebration, but by prayer asking for God's presence in the weeks and months to come.

What difference will this vote make? Many members of the United Church of Christ, and many local churches, are thinking about marriage in a more intense and thoughtful way than ever before. Often this is in the midst of conflict and diverging views and, quite frankly, many do not appreciate the discomfort such conflict causes and wonder if having this particular question pressed right now is helpful to the church. I understand that concern and want you to know that I, too, wrestled with that question prior to the Synod. No time ever seems like the right time. Such has been the case throughout our history when the church has been asked to speak on an issue of compelling moral importance.

At the same time, I have heard from countless people inside the United Church of Christ and beyond who experienced our vote as a witness to the Gospel, a word they had despaired of hearing from the church, a word that felt graciously liberating when what is often heard from the church sounds rigid and excluding. I don't think this vote will make us much bigger or much

smaller. New members have been attracted by the vote in some places, something we celebrate. But in other places some members have felt they must leave. Those decisions are terribly painful for those congregations and for me. Also painful are decisions by churches to withdraw mission support through Our Church's Wider Mission. While such an action may make a statement, it also deprives Conferences and the National Setting of dollars that nurture and support the church in countless ways, ways that unite us around common concern for the poor, for the vulnerable, and for the health and vitality of our congregations.

Does this vote make us a "one issue church?" No, in 2005 alone we have helped raise and distribute over \$4 million for tsunami relief, have started new congregations, have produced an exciting array of new worship resources, have placed ads on national television raising the visibility of our church, have advocated for peace and justice in the Sudan, in Israel/Palestine, and in the Philippines. I personally helped dedicate a dormitory for impoverished high school girls and a peace institute for a conflicted community, both in India, both made possible by gifts to Our Church's Wider Mission. **Does this vote lead us toward becoming a "gay church?"** No, our new members and our newly ordained ministers are gay and straight. What

this vote does do is say we are a church seeking to extend an extravagant welcome, a church that is willing to follow its forebears in acts of evangelical courage. It does say that today the issue of equality is important to this church, that today those in our community who often feel most excluded and sometimes most vilified, particularly those who are gay, lesbian, bisexual, or transgender, are welcome here.

These reflections are intended to be a witness to my own conviction, convictions I believe were shared by many at our General Synod. I understand that many who read them will not be convinced. Deep differences remain between us. Because of that we will need to continue to listen to each other and to others who offer insight. In that spirit let me commend to you a new book on this subject: *What God Has Joined Together? A Christian Case for Gay Marriage* by David G. Myers and Letha Dawson Scanzoni (HarperSanFrancisco). This book begins not with individual rights, but with the importance of marriage, and argues that the church should do everything it can to strengthen marriage and extend it to all. Let me also commend to you the resources on marriage found on our website at ucc.org.

I close with the prayer I offered immediately following the vote on marriage equality at General Synod. It was a prayer that attempted to include all, regardless of how they voted. It continues to be my prayer for the church today:

Lord Jesus, to you we live, to you we suffer, to you we die. Yours will we be in life and in death. Today, as in ancient Bethlehem, the hopes and fears of all the years are met in you. We give thanks for your presence during these days of prayer and discernment, and especially for your presence here this morning. We have felt your warm embrace, stilling us as we tremble with joy, with hope, with fear, with disappointment. Remind us that as we are tempted to run from each other, so too we run from you. We know that every choice confers a cost, so let us attend in the coming hours and days to those for whom this decision confers a particular burden. Let us find words that comfort rather than congratulate; let us seek to be a community of grace and forgiveness rather than organizing constituencies of protest, let us use our hands not to clap but to wipe away every tear. And in all this may we know in surprising new ways the comfort of belonging to You. This is our prayer. Hear us, Lord Jesus. Amen.

Reflection on Marriage

by Rev. Mary Susan Gast, Conference Minister,
Northern California Nevada Conference, United Church of Christ
January 2004

I have been married to the same man for more than 30 years. To confirm your mental calculations, we exchanged our vows early in the 1970's when getting married wasn't all that popular. I remember explaining to many of our acquaintances just *why* it was we were doing this. We deflected spacey warnings about "hanging loose" [as opposed to "getting entangled," we supposed] and historical-political exhortations on the inherent oppressiveness of marriage as an institution. We said things like, "We can't imagine our future without the other," and "We want to celebrate, and bring our friends and family in on it."

Some months after our wedding, while sitting in a doctor's waiting room after completing various forms, I overheard the receptionist say to her assistant, "She's married. But she didn't take his name. What's the point?" Marriage. What *is* the point?

Marriage is a phenomenon. Observed and remarked-upon from our own particular perspectives. Familiar, freaky, and fascinating all at the same time. We all "know" what marriage is. Until someone

comes along to challenge our assumptions.

Marriage is: a legal contract; vows; a lifelong commitment; dissoluble by mutual consent; a sacrament; in trouble; all, some, or none of the above. Biblical views of marriage include polygamy and women-as-property. Christian thinkers have concluded that marriage is, variously, worse than celibacy but OK for those who can't control their lust; necessary for the procreation of children; the supreme metaphor of Christ's love for the church; blessed union. As an ordained minister I have officiated at weddings that were religious and legal, religious but not legal, and (once) legal but not religious.

Heterosexuals haven't achieved great success in making legal marriage work. Marriage is frequently entered into too lightly, often with more heed to the wedding finery than the far-reaching repercussions. The divorce rate is so high as to dizzy our hopes for constancy in raising children, and elevate our anxiety over the sheer number of adults walking around with wounded spirits while struggling to carry on capably.

Surely legal same-sex marriages would be as glorious and as flawed as different-sex marriages are.

Jesus shook up the crowds with his parables. His story of the good Samaritan was a tale of the right thing done by the “wrong” person—by the person most likely to be despised by the righteous folks of that day. It is an indictment of the religiously well-versed folks who were not willing to risk touching what might very well have been a dead body, and, thus, unclean.

I pray that all of us who attempt to follow Jesus will be delivered from the sin of taking refuge within the familiar and the comfortable in the face of hurt and need. I pray that we all—as individuals and as a nation—will repent of the urge to clothe privilege in the garment of sanctity and condemn whatever threatens our stability.

Committed relationships—households that endure—need all the help they can get. Aside from the 1400 or so documented financial and tax advantages of which legally married people can partake, there are more benefits not so easily quantified: unhesitating admission to your spouse’s hospital room; unquestioned guardianship of your children; health insurance coverage; public and pervasive recognition of your commitment to one another, with the full implication that pledging your troth and abiding in faithfulness are within your capacity as a human being. Perhaps heterosexual Christians need to reflect upon marriage in the spirit of the injunction in Romans 13:14 and not “put a stumbling block or hindrance in the way of another.” Instead, remove the obstructions. Clear the way for all those seeking to live and love in faithful commitment.

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UCC-Related Marriage Equality Resources

Office for Lesbian, Gay, Bisexual and Transgender Ministries (Health and Wholeness Advocacy, Wider Church Ministries)

- www.ucc.org/lgbt

Rev. Mike Schuenemeyer, Executive

Email: schuenem@ucc.org

Phone: 866-822-8224, ext. 3217

700 Prospect Avenue, Cleveland, OH 44115

Pilgrim Press

- www.pilgrimpress.com

The Pilgrim Press has a number of books on issues related to relationships, marriage, justice and sexuality. One of their newest releases is on the topic of same-sex marriage by Marvin M. Ellison, entitled: *Same-Sex Marriage, A Christian Ethical Analysis*.

United Church Press

- www.unitedchurchpress.com

The United Church Press has a number of resources and books related to relationships, marriage, justice and sexuality.

Just Peace Action Network

- www.ucc.org/justice

The UCC Justice and Peace Action Network (formerly known as the Justice and Peace Ministry) is our denomination's grassroots advocacy network. The Network is composed of individual members and local UCC congregations across the country. The UCC Justice and Peace Action Network engages its members in shaping public policy and advocating for systemic change in keeping with God's vision of a just and loving society. Our work is grounded in General Synod teachings, consonant with historic UCC witness, and formed by a biblical understanding of prophetic ministry.

UCC Coalition for Lesbian, Gay, Bisexual Concerns -

- www.uccoalition.org

Rev. Ruth Garwood, National Coordinator

Email: nationalcoord@uccoalition.org

Phone: 800-653-0799

Address: 2592 West 14th Street, Cleveland, OH 44113

Same Gender Marriage Study Packet for Youth Groups and Campus Ministries

A new study packet is available, created by the Youth and Young Adult Program of the UCC Coalition for LGBT Concerns. The packet is a study of same-gender marriage, and is designed to be done in one long or two shorter sessions with youth. This resource is available for a sliding scale suggested donation of \$15-40. Postage \$3.85. Contact:

Timothy Brown, Commissioned Minister,
PO Box 460455 Glendale Station, Denver, CO 80246,
Email: yyacood@ucccoalition.org.

Other Resources

Index of Articles:

- *Baggage in the Marriage Carriage*, Mike Schuenemeyer
- *Brief History of Marriage in the Christian Era**
- *Call to Dialogue, A Pastoral Letter from the Conference Ministers of the United Church of Christ, June 4, 1997*
- *Case Studies*
- *Civil Marriage – What’s at Stake, Legal/Economic Protections*
- *How Marriage Changed in the Twentieth Century*
- *Relationships: Blessed and Blessing*, James B. Nelson
- *Taking the Bible Seriously* by Paul Hammer
- *Talking About Tough Stuff ...such as marriage*, Peg Slater
- *The 1968 U.S. Supreme Court decision, Loving v. Virginia*
- *General Account Office Report on Federal Laws Involving Marital Status (1997)*
- *The Gospel vs. Scripture? Biblical theology and the debate about rites of blessing, an interview with Walter Brueggemann* by Julie Wortman for [The Witness, November 2000](#)
- *There’s More to Marriage than a License*, Mitch Albom
- *Tips for Effective Discussion Leadership*, Courtesy of the Study Circle Center, Promfret, CT

- *UCC General Synod Policy Statements Relating to Families, Marriage, Same Gender, and Other Covenanted Relationships*
- *UCC Order for Marriage, UCC Book of Worship*

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Christianity and the Making of the Modern Family, Rosemary Radford Ruether, Beacon Press, July 2000

From This Day Forward : Commitment, Marriage and Family in Lesbian and Gay Relationships, Gretchen A. Stiers, Palgrave Macmillan, June 2000

Gay Unions, In the Light of Scripture, Tradition and Reason, Gray Temple, Church Publishing, Inc. , 2004

In My Family/En Mi Familia, illustrated by Carmen Lomas Garza, Children's Book Press; Bilingual edition (April 2000)

Of Many Colors: Portraits of Multiracial Families, by Gigi Kaeser (Photographer), Peggy Gillespie, Glenda Valentine (Introduction), Univ. of Massachusetts Press; November 1997

Same Sex Marriage, A Christian Ethical Analysis, Marvin Ellison, Pilgrim Press, January 2004

Same Sex Marriage: Pro and Con: a Reader, edited by Andrew Sullivan, Vintage, March 1997

What God Has Joined Together? A Christian Case for Gay Marriage, by David G. Myers and Letha Dawson Scanzoni, Harper Collins, 2005

Why Marriage Matters, by Evan Wolfson, Simon and Schuster, 2005

- Pilgrim Press selections may be ordered from the Pilgrim Press web site: www.pilgrimpress.org
- All other selections are available through the various online bookstores, such as Amazon.com.

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Abbreviations:

JWM – Justice and Witness Ministries

LCM – Local Church Ministries

OGM – Office of General Ministries

WCM – Wider Church Ministries