

19 October 2008

## Proposition 8

This morning I want to reflect with you about Proposition 8, which seeks to write into the state constitution a prohibition against marriage possibility for all, commonly spoken of as a same-sex-marriage issue. This is a sensitive area, with people of good intentions on all sides. I'm going to be asking us to think about several different things this morning. I will also be sharing my thoughtful opinions, with which you may disagree, but if you do, you must do so thoughtfully and with good reasoning. None of this, "Well, that's just the way I believe," as if that were justification enough. It's not.

First, a couple of preliminaries. One is to register my dismay with our California proposition process. Propositions are often badly written with enormous legal problems. They are shopped around like selling beer or cosmetics, rather than thoughtfully evaluated for their impact. We pay our state legislators lots of money to do the research and legal thinking and writing for us; we shouldn't let them weasel out of their responsibilities through the proposition process.

Secondly, we have the issue of the church and politics. The church indeed has no place telling us to vote particular parties or candidates. However, the church has every right to speak out on the moral and ethical issues of the stands that laws, propositions, and candidates take. This is the delicate point of intersection of the political process and moral judgment. The church has every right, indeed every responsibility, to stand in this place and speak. We rightly condemn the churches of Nazi Germany for not standing up against repugnant policies and laws.

The first facet of this issue is historicity. Should what we have always done be what we do now? Marriage has always been thought of theologically and legally as between men and women, rather than between same sexes. Should this continue to be our position? That question has been asked on different issues with different answers by our church tradition, sometimes re-affirming tradition, sometimes changing it. Our Episcopal Church asked that question in the early twentieth century about allowing divorce, after centuries of not allowing it. A little later it asked the question of allowing artificial birth control, after centuries of condemning it. We asked the question in the past decades about whether women could be priests or not. In the nineteenth century we asked whether or not it is moral to own another human being (the Bible does not condemn slavery.). The answers all were that tradition was insufficient in new circumstances and had to be changed.

The moral issue before us is: is same-sex love sinful? After centuries of answering "yes," more and more thoughtful Christians are answering "no," for they see no evil in an affection that harms no one and builds relationships of love and caring. The related question is: what is a family? For centuries we answered it was that safe place a man and woman created for their own nurture and the nurture of children, if they were granted children. More and more thoughtful Christians are saying that there is no reason to doubt that same-sex couples are capable of creating a safe place for their own nurture and the nurture of children, if children are a part of their lives. We as modern Christians are required to think through these questions; we cannot

avoid them. And if we should disagree in our answers, we are required still to love one another – genuinely, compassionately, gently, love one another. If we fail in that, we are not Christian.

We must also separate the legal issue from the theological issue. We Americans have lived in a relatively simple place where a church service created a marriage because the state recognized the priest as its own witness. That's why priests and ministers sign the state's license to marry and return it to the local courthouse. In Europe, this is often not the case. To create a marriage, one must go down to the city clerk and be married by an official of the government; that creates the legal entity. Then, if a couple wishes it, they go to their church for a ceremony of blessing; that creates the sacramental reality. Sometimes we try to distinguish between these acts by calling what the state creates "marriage" and what the church creates with God's blessing "matrimony." It's a useful distinction. Perhaps part of our solution is to go to a pattern like this. State-sanctioned marriages could come into existence with all the legal protections, while the churches retain the right to bless or not bless what they recognize or don't recognize as matrimony.

The Christian theology of government is that the state exists for the welfare of its citizens. (Romans 13.1-7) Does same-sex marriage further the welfare of the entire citizenry? I think the answer is yes. It creates islands of legal, financial, and emotional stability and safety for the couple and for their children in the chaos of modern living. Traditional marriages have no reason to be threatened by this new reality. We all know traditional marriages that we would not be part of for a million dollars, yet our own marriages are not threatened by that rejection. The same can be said of same-sex marriages. The creation of legal, financial, and emotional stability is in the best interest of the state and of society in general.

What about our church's theology of marriage? Here is the theological facet: can a same-sex couple be married, or perhaps we could say matrimonialized? Our *Book of Common Prayer* marriage service says this about the purpose of marriage: "The union of husband and wife in heart, body, and mind is intended by God for their mutual joy; for the help and comfort given one another in prosperity and adversity; and, when it is God's will, for the procreation of children and their nurture in the knowledge and love of the Lord." (P 423) I think all would recognize that same-sex couples can do the first and second elements of this definition for one another; they can find joy and help and comfort in one another. By the nature of their union, they cannot physically procreate, but they can certainly nurture children. Two questions help me to think about this third aspect: 1) Does "the procreation of children" mean that male-and-female couples who cannot or do not have children should be denied marriage? That has never been the position of the Church; we do marry such couples. 2) What is the nature of procreation? Can nurture be seen as an aspect of procreation? I was reared by a step-father who had as much or more to do with the creation of the person I am as my biological father. I think a theological case could be made for the life creativity of same-sex couples. We can expect more theologizing in this area in the years to come.

Every California bishop in the Episcopal Church has come out against Proposition 8. While we Episcopalians do not slavishly follow anyone (God knows every Episcopal priest is aware of that!), we still value and weigh the teachings of our theologians. We should do so now.

In closing, I must note that there are advertising gimmicks that are false, that are not worthy of the followers of the Lord of Truth. Allowing same-sex marriage will not endanger churches' tax-exempt status. No minister will be forced to officiate at marriages he does not approve of. The creation of marital stability does not threaten traditional marriages.

This is demanding stuff, isn't it? But we must do the hard work. Many souls' welfare depend upon our answers. Be sure to think. Be sure to pray. Be sure to love. Be sure to vote. It's the Christian thing to do.