

Guidelines for addressing same gender marriage in the Diocese of Iowa
October 3, 2009

In my pastoral letter of April 10, 2009, I outlined guidelines for handling the new circumstances created for the church by the Iowa Supreme State Court Ruling on Equal Marriage. Since that time, we have met as The Episcopal Church in General Convention, and I want to explore in conversation with you as clergy what I understand the granting of "pastoral generosity" by the 2009 General Convention means.

I am grateful that we do not have to do this work alone. Five other Dioceses are engaged in similar conversations even though their immediate contexts may be different. Equal marriage has been in force in Massachusetts for five years and for some time Vermont has been exercising the pastoral freedom to sign licenses for civil partnerships as well as provide blessings. Connecticut joins Iowa in having to respond from scratch, as it were, to their state's recent change in its definition of marriage. The Diocese of Connecticut's deliberations, however, are distinguished by a context in which their bishop is retiring and a new one is soon to be elected. Maine and New Hampshire both face challenges to the new definition before it comes into force at the New Year.

In this regard there is some uniqueness to Iowa's situation. Nevertheless my thinking on developing guidelines since General Convention has been assisted by the conversations we have been able to have together as bishops. I am also grateful to the Bishop of Maine, Stephen Lane for his excellent and precise articulation of the historical background, which I have taken the liberty to reproduce below inserting my own personal references where appropriate.

Some Recent Historical background

In the United States marriage has normally been understood as a lifelong, monogamous relationship between a man and a woman undertaken by the couple on their own behalf. This definition has been shared by both the state and the church. The clergy have presided as the couple exchanged vows on behalf of both the state and the church, signing the license and offering God's blessing. Since the 1970's, clergy in The Episcopal Church have also offered premarital counseling and have overseen a canonically defined process for the remarriage of divorced men and women.

The consensus regarding the definition of marriage has led to a significant corollary: both church and state recognize all marriages as essentially equivalent. Persons married in other countries, in other circumstances, are nonetheless acknowledged to be married. Whether one was married in the Vatican, in Las Vegas or on a cruise ship, we don't ask persons to be married again (although we might suggest pastorally that some marriages be blessed). Sometimes to honor families or cultures, persons marry in two different religious ceremonies or in two different places, but even then there is generally only one license and one "official" service.

In The Episcopal Church, there has been a 30 year conversation about the place of gay and lesbian persons in the life of the church. Although the church has disagreed about the propriety of partnered persons serving as bishops, priests and deacons in the church and about the marriage of same sex couples, the church has repeatedly affirmed the full civil rights of gay and lesbian persons and their full participation as baptized persons in the life of the church. We have acknowledged that gay and lesbian persons have long served in Holy Orders and every lay leadership position in congregations. We have acknowledged that the baptized membership of The Episcopal Church includes same sex couples living in lifelong committed relationships “*characterized by fidelity, monogamy, mutual affection and respect, careful, honest communication and the holy love which enables those in such relationships to see in each other, the image of God*” (GC 2000-D039). In many places, bishops and priests have felt called to offer God’s blessing on such relationships.

The presence of gay and lesbian persons in Holy Orders and the consecration of Gene Robinson as Bishop of New Hampshire have led to significant strains within the Anglican Communion. Some Provinces have felt called to sever relationships with Episcopal Church. Within our church, four seated diocesan bishops have left The Episcopal Church and many clergy and lay people have followed. Over the past decade, The Episcopal Church has worked tirelessly to remain in communion with the rest of the Anglican Communion while keeping faith with our gay and lesbian members.

The conversation about the place of gay and lesbian persons has also gone on in American society. Companies have changed their health insurance and benefit policies to include same sex partners. Courts have struck down laws discriminating against same sex partners. Legislation has been adopted in some states redefining marriage as a commitment between “two adults”.

The changing landscape regarding marriage has created two challenges for us in the church. First, there are now differing definitions of marriage. The majority of states still describe marriage as a commitment between a man and a woman. A few states now recognize marriage as between two adults. And there are other “equivalent” relationships (unions, partnerships, etc.) in other states. Second, there are questions about whether or not all marriages are equivalent. Some states say they will only recognize marriages that fit their definition. Others recognize marriage as it is defined by any state.

The rubrics of *The Book of Common Prayer* make it clear that a marriage must conform both to the laws of the state and the canons of the church (BCP. p.423). In six states it is no longer possible for the clergy to obey this rubric. In addition, faithful gay and lesbian Episcopalians, desiring the benefits of legal marriage for themselves and their families, are asking the clergy of their church to bless their marriage, creating a significant pastoral challenge in many congregations. This is true whether or not the clergy personally support same sex civil marriage.

General Convention 2009

For these reasons, as bishops in the six states where there is civil marriage equality for same sex couples we asked the General Convention for pastoral generosity in dealing with such marriages and for permission to adapt the Book of Common Prayer for such marriages. We wanted to be able to give guidance to the clergy and to establish norms and boundaries for use in congregations.

The General Convention, with the adoption of Resolution C056, did offer guidance for our pastoral work with same gender couples. The Convention approved generous discretion in our pastoral ministry with such persons. Along with my colleagues, I understand that to mean that, under my supervision as bishop, clergy may work with same gender couples in preparation for civil marriage, and may preside at the blessing of such marriages. This guidance eases the conflict created by the rubric requiring that marriage comply with the laws of the state and the canons of the church.

Still we continue to confront the challenge created by differing definitions of marriage. The Book of Common Prayer, in all three marriage rites, defines marriage as a covenant between a man and a woman. The State of Iowa defines a marriage as between two adults. The General Convention, in its wisdom, did not believe that the definition of marriage should be amended by means of a resolution, but through the normal process of prayer book revision. Therefore, the General Convention did not grant permission to adapt the Book of Common Prayer for same gender marriages. Instead the General Convention asked the Standing Commission on Liturgy and Music to begin gathering rites for review and evaluation.

We can respond in two basic ways to the challenge of the differing definitions. One is to uphold my previous request that clergy preside only at the blessing of a civil marriage after a justice of the peace or notary has presided at the marriage. Another approach would be to give clergy discretion in deciding whether or not to preside at the exchange of vows and in signing the license. Resolution C056 as I understand it intends to provide such generous pastoral discretion for all clergy in relation to same gender civil marriage, including those who do not wish to take part at all. My preference remains with the former of these two basic possibilities, but my permission is not required for the latter if your conscience so dictates at your local pastoral level.

The Province I dioceses have worked together for some time on this pastoral issue, and I am grateful for their collective wisdom as we seek to offer guidelines for our pastoral work with same gender couples. The Province has also developed rites for use in blessings, as well as programs for pre-marital counseling with same gender couples. I encourage those interested to investigate these especially as presented on the respective Diocesan websites.

One of the promises to General Convention was that we would be transparent and accountable to the House of Bishops and General Convention to continue our conversation about same gender marriage. To that end I am asking that you inform me of

your intention to preside at a same gender marriage. I ask that you keep a small confidential record of each such marriage listing the date, place, church where the couple worship, rite used (marriage or blessing of civil marriage), source of rite, and whether or not you presided at the vows and signed the license. I do not need the names of the couple. It is my hope that we can develop our own website based samples of rites being developed.

What follows are point by point guidelines for your consideration. Please note that these are guidelines for your pastoral use with couples who are members of your own congregations or have some affiliation with your congregation. For out of state couples, I am asking that you treat them in the same way you would any out of state couples who might approach you for a ceremony. Out of state clergy who ask to do weddings in your congregation must have the consent of their bishops to preside at the service. We cannot grant permission to do what their own bishops will not authorize them to do.

Guidelines for Same Gender Marriage

- i. My expectation is that our primary work will be with faithful members of our own congregations.
- ii. There is no expectation on my part that you should or must preside at any service for same gender couples or for any couple, for that matter. As is the case with every marriage or service of blessing, the decision to preside is a matter of the sole discretion of the priest or deacon who has been asked to preside. No reason need be given for refusal to preside.
- iii. You do not need my permission to preside at the blessing of a same gender marriage that is a first marriage. You are in the best position to make that pastoral judgment.
- iv. Before any service of the blessing of the civil marriage of a same gender couple, I ask that the leadership of the parish be fully consulted. Clergy should honestly and sensitively address the culture of their congregations.
- v. Same sex couples must undergo the same regimen of pre-marital counseling currently required of heterosexual couples. There should be no shortcuts. Pre-marital issues for same sex couples are much like those of heterosexual couples, although same sex couples may feel a particular vulnerability in our currently charged environment.
- vi. I expect your normal standards and policies regarding fees and use of the facilities would apply.
- vii. As is the case for heterosexual marriages, one member of the couple must be baptized Christian.
- viii. If either member of the couple has been previously married and divorced, the scrutiny called for in Canon I.19.3 is required. I will want to see the appropriate forms. For persons who have previously lived in legal civil unions or covenanted relations with other persons, but for whom divorce is not a legal option, I ask you to pursue a similar discipline, especially in regard to minor children. You need to bring your best judgment to bear, and I will be available for consultation.
- ix. *The Book of Common Prayer* may **not** be used for the marriage of same gender couples. *The Book of Common Prayer* and *Enriching our Worship* may be used for the Celebration of Holy Eucharist. Many congregations have local customs related to marriage. These may be included in the service.
- x. The entire service may take place at the church. Couples who prefer to be married at the town hall or in some other setting may do so and then come to the church, immediately following or at some other time, for a service of blessing and Eucharist. This approach is also available for heterosexual couples.
- xi. Regarding the exchange of vows, I believe there are two appropriate options: 1) a justice of the peace may preside using his or her preferred or usual rite and sign the license; and, 2) a priest may preside **using a rite other than the prayer book rite** and sign the license. The priest will preside for the remainder of the service, including the Service of the Word, the Blessing of the Marriage and the Eucharist. You will need to decide which option is appropriate for you and for your community. It may be helpful to engage your leadership in a conversation about the issue.

- xii. Some have suggested that it is appropriate to ask all couples to seek a civil marriage and to reserve the church's action to the blessing of the marriage. If that is your decision, I will support you, but I will also expect you to undertake an in-depth program of education in your community. While there was significant conversation about the church's role in marriage at the General Convention, no changes were made. Again, you will need to decide what is most appropriate for you and for your community.
- xiii. Whether or not you preside using an alternative rite and/or sign the marriage license, all services of marriage and all blessings of civil marriage should be recorded in the usual manner in the church registers.
- xiv. I support those clergy who find themselves under pressure by their people and even vestry to go against their conscience and open the Church to same gender marriages even if the services offered to be done by outside clergy. You have the canonical authority to determine for the use of the Church buildings.

Additional Notes:

It is my intention to name a small committee of clergy and laity which would be available to receive questions and concerns and to help us reflect on the work we are doing. It may also be helpful for the committee to consider and recommend appropriate rites. The committee can advise me on the development of future policy.

Blessing of Same Sex Unions

The availability of civil marriage in Iowa now makes the blessing of same sex unions problematic. If you are approached by church members who do not wish to be married, but wish to have their relationships blessed, I believe you have a special responsibility to explore the issue with them and teach about marriage. Persons who have already had their relationship blessed may not see a need (sacramental or legal) to be married. I have no expectation that we will require marriage of same sex couples any more than we require the marriage of heterosexual couples. I anticipate you will be confronted with a number of situations requiring pastoral sensitivity.

I think this matter is of special concern for clergy couples. I invite you to be in touch with me about your situation and relationship.

Closing Thoughts

We continue to be in a process of conversation with the rest of the church. It is important that we honor that process and exercise our pastoral care with integrity. Our work may provide the church with helpful experience and insight, but only as we are careful, thoughtful, compassionate and mutually supportive of one another. You will undoubtedly have many questions. I am open to specific and private conversations about all these matters.

Please keep the whole church in your prayers as we together seek to be faithful to God's call in this work.

+Alan Scarfe, Bishop of Iowa

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