

INTRODUCTION:

RESOURCE MATERIALS FOR THE DISCUSSION OF MARRIAGE AND THE BLESSING OF HOLY UNIONS.

This packet of materials is offered as one resource that may be helpful in congregational discussions concerning Marriage and the Blessing of Holy Unions. The packet contains **A Brief History of Marriage** by Wendell W. Meyer, Ph.D.; **Theological Perspectives on the Blessing of Holy Unions** by The Rev. Dr. Ellen Aiken, The Rev. Michelle Torres; and Dr. H. John McDargh. Also included is a resource list /bibliography for further information and discussion.

It is recognized that each congregation may be at a different point in their exploration of these topics; they are differences within congregations and differences of opinion. Through open and honest education and discussion, faithful people will have opportunities to share ideas, understandings and opinions.

The following suggestions are offered in the spirit that one model of presentation does not fit all needs or all styles of formation. These are given only as suggested approaches for presenting the materials of this packet. Of course, each facilitators style, congregational needs and timeliness of presentations all play an important role in how materials are presented in each setting.

The order in which the materials are presented here does not suggest that they should be shared in any particular order or that everything contained here is appropriate for your purposes. Leaders choose what is most appropriate for their goals and the goals of the congregation.

SETTING THE CONTEXT

It is helpful for these discussions to ensure that everyone has a basic understanding of the governance of the church. Some knowledge of the authority of General Convention, Diocesan Convention, Bishops, Priests and Vestry is helpful in assisting the community to understand how decisions are made. The Canons are a major resource in guiding these discussions.

For the purposes of these presentations, the major resolutions of the last General Convention (some of which are extensions of previously approved resolutions) are included. Included also are the resolutions of our Diocesan Convention and the Pastoral Letters of the Bishops regarding the ruling of the SJC and the Pastoral Direction of Bishops regarding the role of clergy in the Blessing of Holy Unions.

MARRIAGE

A major grace of these, sometimes difficult discussions of same-sex marriages, is the opportunity to discuss the Institution itself. These discussions should begin with conversations about the Institution. What are we doing when we marry? What is God hoping for when people marry? How did the Church get involved in the marriage contract?

Page 2

The lectures contained in **A Brief History of Marriage** are extremely helpful in examining the Institution of Marriage in general without regard necessarily to the issues of same-sex marriage or the Blessing of Holy Unions.

These lectures are given in three parts each of which is distinct in its offering of wisdom and fact and each giving an awareness of the progression of marriage, the marriage contract and the increasing involvement of the church. These lectures offer a well-rounded summary of the history of marriage as understood through Scripture, the ancient traditions of Israel and Rome, the culture of misogyny and finally the shaping of our understanding of Holy Matrimony.

It is suggested that this discussion of Marriage take place, at least, over three sessions using the guidance of the lectures themselves as the major portion of the exchange of ideas. Because these materials are primarily factual, it is advisable that a combination of didactic as well as conversational approaches in plenary sessions followed by discussions in small groups be used.

THEOLOGY

The six questions posed at the beginning of this resource create an outline for a discussion on the Theological Perspectives on the Blessing of Holy Unions. It would be helpful to have these questions posted so that all the participants can see them. A period of open discussion should follow the presentations of the materials.

The discussion of theology is often a rich and rewarding activity in that we all have an understanding of God and of God's continuing action in the world. How does our own understanding of that fit in with what God seems to be doing in the matter of inclusion of gay and lesbian people in the church and in basic social rights?

The positions offered by the writers of this section are of great help in engendering lively and constructive conversation.

The writers of this section of the packet have engaged in a dialogue themselves about these very important questions raised by the Blessing of Holy Unions. The material can be presented as part of a large congregational dialogue offering everyone an opportunity to share ideas and further questions.

The session could begin or end with a period of Sacred Listening. Depending on the size of the large group, this could be done in a plenary session or small groups. The idea here is that each person has an opportunity to express their feelings about marriage, civil marriage, Blessing of Holy Unions without cross talk, judgment or elaboration by others. It is an opportunity designed to give each person a chance to state their feelings on the matter freely. It is suggested that after each person speaks the group offers a prayer in silence in thanksgiving for the presence of the speaker in the group.

QUESTIONS AND ANSWERS

These questions and answers are those that were frequently asked during our conversations with clergy and laity of our diocese. They are helpful in many ways. In some cases, they answer questions that many people in congregations have all over the diocese. In some cases, these questions offer some resolution to a concern that has not been voiced yet. In every case the answers offered are clear and to the point.

Of course, every question cannot be anticipated so we are available to assist leaders of these discussions in their work of sharing these important resources with their congregations.

The Rev. Frank Fornaro
For the Task Force on the Blessing of Holy Unions
Summer, 2004

A Brief History of Marriage

A short while ago, *The New York Times* briefly reported on a study by the National Marriage Project at Rutgers University: “The State of Our Unions: The Social Health of Marriage in America.” According to this study’s findings, the health of the institution appears to be unstable at best, at worst in serious jeopardy. In the United States, the study suggests that the appeal of married life has discernibly weakened with fewer people getting married than at any time in the nation’s history. The researchers of the Rutgers’ study attribute the declining trend “to more couples choosing alternatives, including living together outside of marriage or putting off the vows until later in life¹.” The authors believe that this disturbing trend will continue as these alternative life-styles become more and more socially acceptable and more economically viable.

These demographic findings are certainly disturbing but are far from surprising. For the past few decades, attention has often been focused on the failing health of the institution of marriage, particularly with reference to the alarming rise in the divorce rate. Few would argue that marriage has not suffered over the past forty years from a variety of societal, cultural and even religious blows that have certainly undermined the attraction and appeal of the institution. Politicians, social commentators and religious and secular counselors have all expended enormous energy analyzing these threats to the institution and to the values which support and sustain it. Behind many of these analysis, however, seems to rest the assumption that until this present crisis, the institution of marriage had enjoyed a serene and stable history, serving society as the very emblem of the *status quo*. As I hope that this study will show, historically marriage has often been an institution under siege and throughout its long history, it has had to reconstitute itself in order to respond to the ebb and flow of the relentless tides of social, political, cultural and religious crusades and fashions. At various points in its rather vitriolic and haphazard evolution, the institution has had to reinterpret and redefine its basic nature and purpose, an ideological correction that all human institutions have to engage if they are to survive over the winding course of the centuries. It could well be that the current “crisis” that marriage seems to be experiencing is simply an invitation to engage in such a time of ideological and theological correction, returning to the basic questions which form and shape the identity of the institution. In other words, perhaps it is time to ask once again what is the fundamental purpose of marriage? Why does the institution exist? For example, if we ask that question of our legal institutions, some might suggest that the basic purpose of our complex legal and judicial system is to promote legality. Some times, I’m afraid, that does indeed seem to be the case. Deeper reflection, however, reminds us that the true purpose of that institution is to establish and serve justice which should be the font of all legality. What then is the fundamental purpose of holy matrimony? Over the course of the centuries, a variety of answers have been given to that question and before we dare formulate a response, we should become aware of what history has to teach us about both the institution and its ideological and theological foundations.

¹ The New York Times, July 3?,1999.

Any discussion of the history or ideology of marriage involves dealing with issues of human sexuality and within the Christian tradition it is extremely difficult to discuss such matters without engaging the volatile polemical debate that buffets and bruises so many of our churches and denominations. This is not a polemical study but its roots are in the soil of that polemical debate. Over the course of the last few years, as the fires of controversy have flared up around topics of human sexuality, many have argued that the only appropriate arena for sexual activity is within the institution of Christian marriage. As I listened to this argument, it became apparent to me that many people, on both sides of the issue, were speaking as if that institution of marriage had been ordained by Christ and had existed in its present institutional form unchanged since the wedding of Cana. Knowing something about history and something about human nature, I thought that this was probably not the case and so I decided to spend some time tracing the history of this rather remarkable religious and civil institution. These presentations represent some of the fruits of those investigations.

I need to preface these talks with two further observations. These are not scholarly presentations although they reflect a great deal of fine scholarship. What I mean by that is that I have not dealt with a lot of original sources but have relied on a number of secondary sources some of which I have listed in a handout. These works are by and large readily available and can be found or ordered in many bookstores or on-line. They are, for the most part, specialized historical works designed for an academic audience. What I have tried to do is to take some of the arguments and observations presented in these works and put them in a more general and accessible form, geared for a popular rather than a scholarly audience. In doing so, I have had to simplify and generalize, dangerous enterprises for a historian. As we all know human history is not simple nor general but incredibly complex and unique. What happened in 12th-France was not necessarily what happened in 12th-century England. For that matter, what happened in 12th-century Durham may have been entirely different from what was going on in 12th-century York. The customs and practices surrounding the joining together of men and women in holy matrimony differed greatly from one country to another, from one region to another, from one village to another. One has only to look at many different ethnic customs and traditions that still envelope many wedding celebrations today to get a sense of this remarkable diversity. For those of you who wish to delve into the complexities of this fascinating subject, the handout should provide you with innumerable directions to pursue that will open, in turn, many other interesting avenues of investigation.

Secondly, you should know that I have no particular ax to grind. I am not trying to come down on one side or the other in the debate on human sexuality nor am I seeking to attack or revere the institution of Holy Matrimony. My sole purpose is to make sure that when we enter into such debates and when we speak of Christian marriage, we do so with some understanding of the history of the institution. I am trying, so to speak, to level the playing field so that those who wish to enter the lists and debate related issues do so with some sense of historical integrity.

Rather surprisingly, research into the history of Christian marriage is a relatively recent phenomenon. In a lecture by the Cambridge historian, Christopher Brooke, in

1962, he noted that few scholars had taken on the subject of marriage, because it presents the historian with some significant challenges:

It can never be divorced from current prejudice; it cannot, it should not, be written without love or hate, it is no task for the Laodicean. Yet it is a task of extreme delicacy. The sacrament is performed by the parties themselves; in what it consists has never been clearly defined - and a theologian who tries to do so is guilty of interfering in matters which are not his concern².

One of the reasons that the topic of marriage has been so problematic for historians and theologians is that it is rife with ambiguity. Marriage is essentially a private affair that has a significant impact on public life. It is a public institution that is built upon a personal relationship. The decision to enter into marriage is made by two individuals privately but that decision has an enormous impact on how their families, their religious communities, their social circles and their government views and treats them. In many cultures, for example, marriage is that point when one becomes a full adult member of society. Given this fact, it has always been difficult for couples, families and political and religious institutions to decide where they should put the accent. Is marriage essentially a private affair, solely determined by two consenting adults or is it a public institution that demands conformity to various social and political laws and religious and familial customs? When does a marriage truly begin and what are its essential components? What determines whether a marriage is valid and conversely what deficit or obstacle makes it defective and hence no marriage at all? These are the kinds of questions that we will be dealing with, questions which arise out of the tension between the private expectations of two individuals seeking marital intimacy and the public expectations of families, political institutions and churches.

Brooke also mentions that it is extremely difficult for historians to divorce themselves from their prejudice and preconceived notions. The values that underpin the bonds of marriage are ones that have been cherished throughout human history: love, fidelity, intimacy, to name but a few. These are values that generally do not elicit a lukewarm or indifferent response but which actively engage the imagination of the heart, evoking strong feelings and allegiances. In addition, the experiences, thoughts and feelings that gave birth to these values are often private matters that are not easily and readily shared. When we look back into an historical period that is not our own we may find evidence that these values were indeed influential but we might not have any clear or specific record of the experiences that shaped those values or of the precise meaning and importance that they enjoyed. When reading the Bible, for example, we may well encounter a touching exchange between a husband and wife, an exchange that has all the hallmarks of marital intimacy as we know and experience it. The temptation is, of course, to project anachronistically our experience of such an intimate relationship, believing that marital intimacy as seen in that Biblical context is the same as that which we experience and value today. The emotional and ethical context of marital intimacy in the past may be

² Christopher Brooke, *The Medieval Idea of Marriage*, p. 6.

markedly different from that which informs our experience today and we need to be very wary of any tendency toward identification or projection.

Despite these difficulties, since Brooke's lecture, research into the subject has blossomed. One of the key elements in this new found popularity, Brooke's argues, is the search for relevance in history, the desire on the part of historians to investigate topics that have a some bearing on present experience³. As I suggested, we live in a time when marriage customs have become incredibly diverse and when many aspects of the institution have come under attack. In dealing with these new understandings and pressures, it can be useful to engage a historical perspective, looking into the mirror of history to discern how past ages coped with similar issues and concerns.

The model of Christian marriage did not spring up in a vacuum but was the by-product of prevailing marital customs. As we shall see, a clear-cut model for Christian marriage did not really emerge in the first millennium of the Common Era. During the first thousand years of Christian history, any number of marital customs and practices where "baptized" by the church, brought into the life of the Christian community as part of its cultural heritage. The two most important influences in this process of cultural assimilation were the marital laws and customs rooted in the Jewish and Roman traditions. Christianity was, of course, originally a Jewish sect and throughout its early history it continued to adopt and adapt many rites and customs which had their roots in the rich soil of its parental religion and in the sacred writings that they shared. Christians accepted Hebrew Scripture as authoritative and they looked to the books of what came to be called the Old Testament for inspiration and for models for living a life of faith.

The legal and political culture which dominated the early Christian world was, however, Roman not Jewish. In addition, in the first years of the fourth century with the "triumph" of the Emperor Constantine, Christianity went from being a backwater sect in the murky pool of Eastern Mediterranean cults to emerge as the dominant religious force in the Roman Empire. It was a transition which had an enormous impact on every aspect of the Christian community's life from the way the church worshipped to the way they sought to express and articulate their common belief in God in Christ. In this process of radical transformation, the church adopted many customs and traditions that had their origins in the legal and political realm of the Roman Empire.

The religious legacy of Judaism and the legal traditions of Rome both had a dramatic effect on the formation of the fledgling Christian understanding of marriage. The Jewish and Roman notions of marriage were, as you might imagine, very different in many fundamental aspects, but surprisingly, they did share a number of common features. First and foremost, they were both patriarchal, viewing marriage as basically the transfer of a woman from one male-dominated household, that of her father, to another male-dominated household, that of her husband's father and later, that of her husband. In order to understand the history of Christian marriage, we must begin by exploring the customs and concepts that grew up around this patriarchal model, a model that was to

³ Brooke 1989, pp. 7-8.

have a decided impact on the evolution of the Christian understanding of holy matrimony.

Unfortunately, we do not have an extant document that summarizes the concepts and practice of marriage in ancient Israel. Fortunately, what we do have is the witness of Hebrew Scriptures which presents us with a confusing but intriguing variety of marital vignettes, glimpses of marriages and married life representing a wide array of concepts and practices. As you would expect, much of this Biblical material requires linguistic and historical interpretation and so it is often the subject of intense scholarly debate.

Marital practice in the Hebrew Scriptures is difficult to speak about with any sense of uniformity and consistency, but it is clear that the dominant understanding of marriage was patriarchal.⁴ The father seems to have been in complete control of the marriage process and the husband was the dominant partner in the marriage itself. A wife only had rights and freedom within that patriarchal framework. The husband could even revoke a vow that his wife made to God as can be seen in the thirtieth chapter of the Book of Numbers (verses 10-14). Wives were classified with chattel property, an object acted upon rather than an initiator of action. The Ten Commandments lists a wife among a man's possessions, along with his slaves, ox and donkey (Exodus 20:17). The husband is referred to as the *baal* or "master" of his wife, just as he is the *baal* of his house or his field. To marry is literally to take possession of a wife.⁵ Given this, it has often been suggested that this notion of possession and property meant that the Israelites practiced a form of "marriage by purchase," a theory which some scholars argue is supported by the custom of the *mohar* or "bride-price." At betrothal, the young man paid the girl's father the *mohar* and with this exchange, the betrothal was concluded. In certain instances, a fiancée could do work or a deed of service in lieu of monetary payment as Jacob did for Rachel and Leah (Genesis 29:18-30) and as David did for Michal (I Samuel 18:23-27). It is difficult if not impossible to ascertain what the precise intention was behind this monetary gift. It could have been, in fact, the price of purchase, but it could also have been a form of compensation for the loss of the daughter's contribution to the family labor pool or it could have simply been a gift which established a material basis for the covenant of marriage. The giving of the *mohar* marked the conclusion of the betrothal after which intercourse with a third party was considered adultery even though the marriage itself had not been solemnized.

The Interpreter's Dictionary of the Bible, "marriage", vol. III, p. 279. Jacob and Moses seem to have been in a "beena" marriage where children remain in mother's control and settles in wife's house. Certain women also had their own tents and exercise right to give maid to husband as second wife. Author of article summarizes: *In evaluating the various positions held by biblical scholars as to the presence of material which presupposes the matriarchal type of marriage, the student should realize how these positions have been influenced by research outside of the biblical field, especially in the fields of anthropology and sociology. Drawn largely from primitive societies, data have been interpreted to fit into a concept of development from a stage of promiscuity, through subsequent stages of group marriages, matriarchy, etc., to monogamy. When this principle is applied to the culture of the Bible, the results are interesting but unimpressive....*

⁵Philip and Hanna Goodman, *The Jewish Marriage Anthology* (Jewish Publication Society:Philadelphia 1977) p. 70.

In the patriarchal model, the father as head of the household usually instituted the plans for marriage on behalf of his son, which included the selection of the bride. The bride was more or less a passive participant in the transaction since her father gave her away to be the wife of the man. Marriage was first and foremost a transaction or arrangement between families, headed by the fathers, who, occasionally in consultation with their wives, conducted the negotiations and made the final decisions. Marriage was not so much a matter of the mutual consent of two individuals as it was a matter of parents giving consent after mutual discussion. The agreement of the children, their consent, was implicit in their obedience to their parents. Essentially, marriage was an oral covenant between two families. The son's consent was implied by his automatic obedience to parental authority. The girl had absolutely no say in the matter since she was simply being placed under the control of a different man.

In the early Jewish tradition, the solemnization of the marriage was not a religious or a ritual matter. Its proper place was not the temple or the synagogue and it had nothing to do with the service of word or of sacrifice. Israel's priests or Levites had no role to play in it. The basis of the marriage was the covenant between families which after the Babylonian Exile in the sixth century B.C.E. often took the form of a written contract. The wedding ritual was a public acknowledgment of the bargain that had been struck and the family alliance that had been created. The chief ceremony was the wedding procession with the climax being the entry of the bride into the bridegroom's house. The veiled bride left her parent's house, blessed by father and her relatives. The bride's procession eventually met up with the groom's entourage, both accompanied by music and songs and they proceeded to the house of the groom's family. Many believe that we see examples of these bridal praise songs in the forty-fifth Psalm and in the Song of Songs. The significant action of the marriage was the giving away of the bride by her father and her reception by the groom's father in her new home. The marriage feast could last for several days as can be seen in the marriage of Tobias from the Book of Tobit (8:20) and was one extended drinking bout with the cup of wine blessed again and again by the groom's father. After the festivities, the couple was taken to the bridal tent where the veil was removed and the couple was left alone for the first time. There may have been a final ritual before the consummation of the marriage that involved a formal proof of the bride's virginity. Throughout this process, there were no religious officials present, although around 140 B.C.E., Rabbi Simon Gamaliel demanded that a marriage document be signed by a priest or Levite as a witness. Originally, the marriage document or deed was created and executed by the father and some have suggested that it was a bill of sale, transferring to the husband all rights over the daughter.⁶ Around the year 70 B.C.E., however, the Sanhedrin approved measures that allowed the suitor to draw up the marriage contract. That contract was then enacted by the payment of a nominal marriage token with a note of promise for payment of the full amount if the marriage was dissolved by death or divorce. The contract was valid as long as the bride accepted it. Such a measure opened the doors for many couples to marry who would have been prohibited under the old dispensation because of financial or familial concerns.

⁶ Goodman, p. 75. An example of such a contract can clearly be seen in the marriage negotiations between Tobias and Raguel in the book of Tobit (7:13).

Divorce and remarriage were always permitted in Hebrew law. Divorce was possible for the man but not for the wife. Initially, it was an almost unrestricted "right" of the husband; however, that authority was gradually moderated so that he had to find "some indecency" or "something objectionable" in her behavior or character (Deut. 24:1). The offended husband had simply to write a bill or certificate of divorce that declared that she was no longer his wife. Once he handed it to her, the marriage was annulled and both were free to remarry. In practice, the law was widely interpreted. After the Exile, there appears to have been a protest against the practice of divorce as can be seen in the book of Malachi where the author writes: "For I hate divorce, says the Lord, the God of Israel...So take heed to yourselves and do not be faithless." Some have argued that this suggests a notion of marriage as indissoluble, but it could also be that the prophet was simply speaking about the covenant between God and the community of faith. As we approach the Common Era, however, the repudiation of divorce became more common, presumably because of the influence of the more permissive Greek culture and customs. The Rabbinical traditions differed with regard to what grounds justified divorce. Some argued that only adultery or unchastity justified such actions while others listed numerous reasons, many seemingly insignificant like objections to the woman's cooking.

In the age of patriarchs, the prevalent form of marriage was, as one scholar has suggested, relative monogamy with a tendency toward bigamy, in which a man kept one chief wife and one concubine⁷. Polygamy was widespread in ancient Israel, assuming the form of polygyny, marriage with more than one woman. Wives and concubines were treated similarly. There was apparently an informal household hierarchy: legitimate wife, concubine, free woman, servant and slave, all of whom were sexually available to the head of the household. There were betrothed and unbetrothed concubines, the former enjoying legal and social status. The practice of polygyny was largely the result of several factors: love and lust as in the case of David and Bathsheba; the desire for children, particularly males, as in the case of Abram and Hagar and the need for diplomatic alliances, as in the case of Solomon's union with foreign princesses. In the semi-nomadic and early agrarian periods of Israel's history, the possession of several wives made for a large work force, many hands to plant and to tend the flocks. The number of wives was largely determined by economic factors. As one author has noted, monogamy was a matter of poverty not principle⁸. Social change, the breakdown of the semi-nomadic way of life and the influence of other cultures eroded the practice of polygyny in favor of monogyny. Following the Exile, there is a decided push toward monogamous relationships. Some scholars argue that by the Common Era polygyny had virtually disappeared in Israel but others believe that it was still prevalent.

Scholars tend to agree that for the nation of Israel, marriage was part of the divine revelation. The theology of marriage was anchored in the account of creation. Marriage was holy not because it bestowed or received some special religious blessing but because it was part of creation. As the Dutch theologian Edward Schillebeeckx suggests: "It was not the sacred rites which surrounded marriage which made it a holy thing. The great rite

⁷ Schillebeeckx, page 89.

⁸ Brundage, p. 52.

which sanctified marriage was God's act of creation itself⁹." Marriage was a secular reality. It was "worldly" in the Israelite understanding of that term which ironically was what bestowed upon it sanctity since the world was the work of God. It was God's world and marriage was a good gift of creation. It was a good gift because it promoted wholeness, completion. In rabbinical teaching, celibacy is seen as something that is unnatural. Marriage is not only for companionship and procreation but is something that promotes natural wholeness, without which a man is not a "proper man."¹⁰ Women and men were complimentary and hence a man was not complete without a woman and *vice versa*. Two becoming one flesh implied that two halves were being combined to create a whole. In that new wholeness, new life is given. Israel, however, also knew about the tragic or dark side of marriage. Marriage was a good gift of creation but it was affected by sin. In this sense, marriage became a powerful image for revealing and expressing Yahweh's relationship with his people. In the books of the Hosea, Jeremiah, Ezekial, Isaiah and Malachi, we see the relationship of Yahweh and his chosen people presented as a covenant of marriage, a covenant that the people of Israel violated repeatedly through adulterous acts. Israel commits adultery and God divorces himself from his chosen people.

What then was the role of love in such marriages and what can we learn about the values that supported and sustained this ancient institution? The use of marriage as an analogy of God's covenant with Israel raises some interesting questions about the values that formed and shaped the institution. Unquestionably, fidelity was an important and essential component of marriage and although practice, as we have seen, varied considerably, monogamy seems to have been a spiritual and theological ideal. Procreation was certainly the primary goal of marriage and was often seen as the criterion for the success of the union. Fertility was the greatest blessing that God could bestow on a marriage, a clear sign of God's favor. When Eve gives birth to Cain, she says that she has "produced a man with the help of the Lord" (Genesis 4:1). Similarly when Boaz takes Ruth as his wife, we are told that the Lord made her conceive and she gave birth to a son (Ruth 4:13). Conversely, in the First Book of Samuel it is the Lord who closes Hannah's womb and in the twentieth chapter of Leviticus, we see that to die childless is a sign of divine punishment (verses 20 & 21). The primary purpose of two becoming one is to produce new life and the absence of such life implies, at the very least, that the Lord's blessing on the marriage has been withheld. To have no children, specifically to have no male heirs, meant that one's name was "blotted out of Israel" as can be seen from the provision in Deuteronomy for Levirate marriages, the remarriage of a widow by her former husband's brother (25:6).

Despite this emphasis on the need to bear children, there are certain vignettes that suggest that procreation and the sustaining of the family name was not the sole goal of the institution. In the first chapter of the First Book of Samuel, we are given the touching story of Samuel's parents, Elkanah and Hannah. Elkanah had two wives, Peninnah who bore him sons and daughters and Hannah who had no children because, as noted earlier, "the Lord had closed her womb." Elkanah loved Hannah despite this liability and openly

9 Schillebeeckx, 1965, p. 15.

10 Encyclopaedia Judaica, 1972, p. 1028

avored her, a state of affairs that irritated and aggravated Peninnah who teased and provoked Hannah continually. Such treatment depressed the barren Hannah who wept and refused to eat, inspiring Elkanah to go in and comfort her. “Hannah, why do you weep?” he asked, “Am I not more to you than ten sons?” Hannah, of course, eventually produced the child Samuel, a birth that was seen as a special blessing of God because it took place so late in life. What is particularly interesting about this account, however, is the response of Elkanah to Hannah’s barrenness, a response that seems to imply that procreation was not the only operative value in marital relations. The account speaks a language of marital intimacy that we must guard against hearing anachronistically. What we can safely conjecture is that Elkanah valued the intimate companionship he enjoyed with Hannah which he placed it on par with the gift of “ten sons,” a legacy of great value. Presumably love made this relationship valuable and meaningful even though it was childless. Elkanah might, of course, have responded very differently had Peninnah not already secured his family line.

In addition, a number of Biblical accounts speak of love as a precursor to marriage. Jacob is so taken with Rachel that he weeps after he kisses her and he agrees to serve her father Laban for seven years in lieu of the *mohar*. Those seven long years of labor, we are told, seemed to him “but a few days because of the love he had for her.” (Genesis 29: 11 & 20). In the First Book of Samuel, we find the only Scriptural reference to a woman loving a man when it is reported that Mical loved David. The so-called Wisdom literature, written for the most part during and after the Exile, often speaks very positively of married love, although most frequently within a moralistic or ethical context. These glimpses of love and intimacy in marriage do not provide us with any clear and concise picture of its role and value within the institution. They do present us, however, with a useful and enticing corrective to help balance the overwhelming Biblical association of marriage and procreation.

Before we can leave the intriguing realm of marriage in Hebrew Scripture, we need to spend a few moments examining Jewish attitudes toward marital sex, a topic that will serve as a bridge leading to our consideration of marriage in ancient Rome. As mentioned above, in the Jewish tradition marriage was seen as an essential part of God’s creation and hence it shared the basic goodness of that creation. Furthermore, as we have seen, the primary purpose of marriage was procreation, the means by which human life was created and religious and familial traditions were sustained and passed on. Marriage and procreation were both seen as positive experiences, capable of conveying God’s blessing. Ironically, however, the essential link between the two, sexual activity, was shrouded in moral and theological ambiguity. Sex, even within the confines of marriage, was a very dangerous activity that had to be treated with caution and wariness.

The Jewish laws regarding sexual impurity clearly reveal the suspicions that enveloped the sexual act. As Schillebeeckx points out, those laws suggest that sexual relations were subject to a host of religious taboos “which cast a certain shadow on Israel’s essentially healthy view of marriage.”¹¹ In the fifteenth chapter of Leviticus, we see that any discharge of semen or blood was the cause for ritual concern that entailed

¹¹ Schillebeeckx, p. 89

numerous cleansing acts and sacrifices to restore a state of ritual purity. James Brundage has argued that sex itself was not seen as sinful but was conducive to sinfulness, capable of carrying the unsuspecting participant along the path of idolatry and the worship of false gods.¹² Sex was seen as a brutish activity, fit for animals but only to be engaged by humans in service of the demands of procreation. Marital sex should not be pursued for pleasure or enjoyment but only in response to the need for reproduction.

Next week, we will begin with an examination of how this rather negative notion of sexual activity was reflected in gentile culture and then we will turn to a consideration of the Roman understanding of marriage and marital material in the New Testament.

Second Presentation

Last week, we looked at some of the patriarchal marital traditions which emerged from the writings of Hebrew Scripture and which had significant influence on the fledgling Christian concept of marriage. We ended that presentation with a brief study of Jewish notions of marital sex, noting that sex was primarily seen as a means of procreation and that there was a certain wariness about sexual activity as can be seen by the laws of ritual purity. There was a certain latent fear of sex. It was, as I summarized, a brutish activity which should not be pursued for pleasure or enjoyment but only in response to the need for the maintenance of the human race.

This attitude toward marital sex was far from unusual during the inter-Testamental period and was actually widespread throughout the cultures of the Near Eastern and Mediterranean regions. In Greek philosophical culture, Stoics and Cynics promoted opinions that reflected a similar distrust of marriage and marital sex, both of which could distract the philosopher from his proper quest of philosophical reflection and contemplation. The reasoning behind these prejudices largely grew out of the contemporary understanding of male physiology. One has to remember that during the centuries preceding and succeeding the birth of the Christian era, young men of the privileged class grew up with a staggering sense of their intellectual and physical dominance, particularly over the opposite sex, and contemporary medical knowledge contributed significantly to that illusion. Biologically, the medical authorities suggested, males were those fetuses that had realized their full potential. They had amassed a decisive amount of "heat" and "vital spirit" in the early stages of life in the womb. Women were, by contrast, failed males, who had not received sufficient heat in the womb and hence were more soft, more liquid, more clammy and old.¹³ In order to maintain one's manhood and manly authority, one had to retain one's heat. Any diminution of that vital heat might manifest itself in feminine attributes or behavior. Love-making obviously required the expenditure of a tremendous quantity of heat. To engage in sex was literally to have one's blood boil, dispensing enormous amounts of that quintessential male spirit.¹⁴ In the second century of the Common Era, the court physician of Rome Galen

¹² Brundage, p. 51.

¹³ Peter Brown, *The Body and Society*, p. 12.

¹⁴ Brown, p. 17.

suggested that the philosopher Epicurus (341-270 B.C.E.) had concluded that sexual intercourse was never good for the health. Earlier, in the first century, the layman Celsus gave a somewhat more balanced view in his advice directed toward men of good health who wished to be both vigorous and their own masters: “Sexual intercourse neither should be avidly desired, nor should it be feared very much. Rarely performed, it revives the body, performed frequently, it weakens.”¹⁵ Frequent sexual activity was, therefore, a threat to one’s manhood rather than an expression of it. Athletes, for example, were encouraged not to have sex before competition for fear that it would deplete their masculine reserves, an argument which has echoed throughout the centuries. Galen thought that Olympic athletes could be castrated in a manner that would not disturb their fiery reserves and would then increase their strength and endurance. In a slightly different vein, the first-century orator Marcus Fabius Quintilianus believed that lawyers who wished to preserve their rich, persuasive masculine voices had to abstain from sexual activity prior to entering the courtroom. Any loss of heat would be realized in soft, womanish tones. Such things mattered greatly in the Roman society of the early Christian era. A young man’s bearing, his carriage, his manner and speech, were all the object of continual scrutiny and evaluation. A man’s *paedia*, his deportment and style was the very font of his authority and the means by which he exercised leadership.¹⁶

As threatening as sexual activity was to this concept of heat-driven masculinity, sex was necessary for the propagation of the species. Marriage was seen as the appropriate arena for this dangerous exchange because it provided a suitable emotional and psychological context for this vital but volatile activity. As in the Jewish tradition, sex was to be engaged in solely for the sake of procreation and even then, it was to be approached with decided patience, caution and circumspection. The way in which love was made, it was believed, had a direct impact on the health, character and even the sex of the soon to be begotten child. Eugenic sex required that love-making should be engaged in a decorous environment without any undue excitement or stimulation. On the positive side, it required that the wife must be willing, which inhibited incidents of rape or abuse. On the negative side, it was also believed that since the woman bore the egg and the seed, her mind had to be in a pristine and unsullied state at the time of conception, free from any adulterous thought or unsettling images. The decorum of love-making insisted on certain positions for intercourse, believing that deviations or experimentation might disturb the eugenic harmony.

As Peter Brown suggests, it has often been argued that the rather austere demands of early Christian sexual morality were in stark contrast with the general and pervasive licentiousness of “pagan” society. More recent scholarship has shown that the sexual mores of that society and culture were often as demanding and rigid as their Christian counterpart.¹⁷ The secular as well as the religious environment that sheltered the fledgling Christian culture was equally wary of marital sexual relations. Marital sex must

¹⁵ Osiek and Balch, *Families*, p. 105.

¹⁶ For an extensive discussion of this concept, see Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (University of Wisconsin 1992).

¹⁷ Peter Brown, *The Body and Society*, p. 21. See also Elaine Fantham, Helene Peet Foley, Natalie Boymel Kampen, Sarah D. Pomeroy and H. Alan Shapiro, *Women in the Classical World* (Oxford 1994), pp. 326 & 327..

only be engaged for the sake of reproduction and then only with much care and cautious preparation.

Within Judaism, there was one other attitude toward marital sexuality that deserves our consideration. Just as contemporary medical authorities saw sexual activity as a drain on the vital masculine heat, so some scholars believed that it sapped the spiritual strength and vision of the prophets. Philo of Alexandria, for example, suggested that following his encounter with God on Mount Sinai, Moses lost all interest in sexual relations. This contrast of spirituality and sexuality was a tradition that became very important to the early church as we shall see.¹⁸ Like the vital heat of masculinity, prophecy required its own vital spirit which prophets had to protect and nourish as vigilantly as athletes and orators. Abstinence from sexual activity was a sure method of being a responsible steward of one's spiritual gifts. The underlying message of this reasoning is quite clear. Spiritual authority as well as masculine authority thrives and blossoms best in an asexual environment.

As Christopher Brooke notes, Christian marriage grew up in the Roman Empire, and "however much it owed (and it owed much) to Jewish inspiration, however, much it developed its own Christian ethos, it lived for many centuries under the umbrella of Roman law." In dealing with the Roman understanding of marriage and its legal history, we briefly have to chart its evolution. Initially, in early or primitive Rome, marriage was part of the "religion of the hearth." Each family had its own prayers, rites and sacrifices, all dominated and supervised by the *paterfamilias*. In Roman family law the father carried the right of life and death over the entire household, including children, slaves and other dependents.¹⁹ Like the Hebrew patriarchal concept, marriage revolved about three basic acts that defined the transference of the bride from one father's house to another. The bride left her own house after her father had made an offering to the household gods. Wearing a veil and garland and clad in ceremonial white, she processed to the groom's house in a carriage accompanied by hymns. After a simulated abduction, she was carried over the threshold of the house by the groom. Now the marriage ceremony took place as she was carried over to the family hearth, sprinkled with water and allowed to touch the sacred fire. Prayers were then said and a sacrifice was made. Finally, the ceremony took place that eventually gave its name to the entire sacred rite - the *confarreatio* - the eating of a special wedding cake which was the "very pledge of the marriage."²⁰ Similar ceremonies can be found within the rites of the ancient Greeks.

During the period from the seventh to the fifth centuries B.C.E., a revolution took place in Roman marriage which secularized it, disassociating it from a religious perspective. The paterfamilial priesthood was divested of authority and in its place was put the will of the people. Marriage was no longer the expression of household religion but became defined by the intention of the parties, by their mutual consent. This growth

¹⁸

¹⁹ Elaine Fantham *et al*, *Women of the Classical World*, p. 227.

²⁰ Schillebeekx, page 235. This description of a early Roman wedding is taken largely from Schillebeekx, pp. 234&235.

toward the secularization of marriage was completed during the Imperial period and the entry into the Common Era. Both priestly and temporal authorities were excluded from the essential act of marriage which was strictly a private and personal family affair.

Marriage began with betrothal which was an enforceable legal agreement between the heads of two households concerning the future union of two persons. That agreement generally involved the giving of a dowry from the bridal *paterfamilias* and a wedding gift from the groom's family, gifts which created an economic basis for the union. The betrothal was formalized with a ritual kiss that was binding on both parties and their parents. The marriage normally occurred soon after the betrothal but if there was a delay the agreement terminated automatically after two years. Girls tended to marry in their early to mid teens while men waited until their twenties or thirties.

Consent was the sole essential requirement for Roman marriage. All rites and ceremonies, all customs and external manifestations were peripheral and unnecessary, except as evidence of consent. Hence betrothal, dowry, ceremonial procession to groom's house, the wedding feast: all were non-essentials except when they were used to prove the existence of consent. Proof of matrimonial consent was *honor matrimonii*, the decorum with which a husband treated his wife and *affectio maritalis*, the bond that joined husband to wife²¹. The former was often seen to be the outward and visible sign of the existence of the latter. Marriage in Roman law was a formless transaction, where no customs or usage were required. Consent was determined by the ambiguous marital affection.

The Roman jurist Modestinus (ca. 222-44 C.E.) defined marriage as “the joining of a man and a woman and their union for life by divine and human law.”²² Modestinus' definition implies, as we can see, mutual consent, the form of the marriage, and some sense of permanency. I say some sense because in reality Roman marriage was not seen to be indissoluble. The understanding was that at the time consent was given there was the desire for a permanent union. If over the course of time that desire waned or disappeared, the union could prove to be temporary. Divorce was an equally private and formless affair. As Brooke notes, marriage was as easy to leave as to enter.²³ In the reign of Augustus, a standardized divorce procedure first appeared which simply involved an oral repudiation of one spouse by the other in the presence of seven witnesses. A written repudiation did not come into common use until much later. Classical Roman law gave no specific grounds for divorce, although certain grounds were commonly understood to justify the action: adultery, capture or enslavement of either spouse, sexual impotence or insanity. Remarriage was permitted with little or no restrictions. Divorce appears to have been quite common in Rome, particularly among the upper classes. It was not uncommon for divorced partners to enter again into marital consent following a divorce. Augustus's attempts to regulate divorce proceedings were actually part of a larger plan to bring about a moral revitalization among the Roman citizenry. Augustan marital laws were designed to penalize those who remained unmarried or childless and those who committed adultery

²¹ Brundage, *Law*, p. 35.

²² Brundage, *Law*, p. 33.

²³ Brooke, *Medieval Idea of Marriage*, p. 40.

or lived with men or women of an inferior social rank or status. After the uncertainties and chaos of the years of civil wars, Augustus sought to promulgate conservative moral standards that would both re-instill in the Roman upper classes a sense of duty and communal responsibility which, he sincerely hoped, would promote marriage and boost the flagging birth-rate.²⁴

In addition to marriage, concubinage eventually became a legally recognized form of union. There were generally three reasons why one would choose concubinage over marriage. First, it could well be that marriage was legally impossible because of class or age differences (women over fifty were not allowed to marry free men). Secondly, there were relationships that the law regarded as concubinage no matter what the intentions of the participants, particularly if origins of either party were obscure. Finally, there were those who chose concubinage simply because they did not want to be married. Over the years, concubinage came to be a kind of inferior marriage where the woman and any offspring enjoyed fewer rights and less legal protection.²⁵

Why did people choose to marry? For money and status since dowries and familial alliances were one way to secure significant income. For legitimate heirs, children who were capable of inheriting property and estates and maintaining the family name and prestige. Marriage was often seen as a civic duty, a way of being a good citizen, particularly among the ruling and propertied classes, although Paul Veyne notes that this moral imperative shifted around the 1st century B.C.E. when men began to see marital value in terms of being a good husband rather than simply fulfilling their civic duty, an attitudinal trend that Augustus wanted to reverse.²⁶ In general, however, marriage was primarily a concern for those with property. Slaves, probably a third of the population in Italy, were not allowed to marry and a goodly portion of the five to six million free persons had scarcely enough property to be concerned with the legal validity of their unions, which were solely defined by their mutual consent. As Peter Brown points out in his excellent book *The Body and Society*, by the late antique period, when the Roman Empire was plagued with economic and political instability, despite the fact that a relatively small proportion of the total population were actually married, the institution of marriage became a very important symbol and ideal: “the married couple were presented less as a pair of equal lovers than as a reassuring microcosm of the social order.”²⁷ Throughout history, it would seem that the institution of marriage is often held up in such an iconic and paradigmatic fashion during and following periods of war and economic instability.

The Jewish and Roman understanding of marriage were very influential in the formation of a Christian concept; however, before we can turn to the history of that concept, we must first briefly look at two other important influences: the writings of the New Testament and the prevailing culture of misogyny.

²⁴ Fantham *et al* *Women in the Classical World*, pp. 299-306.

²⁵ Brundage, *Law*, pp. 39-41.

²⁶ *A History of Private Life*. volume I, *From Pagan Rome to Byzantium*, ed. Paul Veyne, pp. 42-49.

²⁷ Peter Brown, *The Body and Society*, p. 17.

Schillebeeckx notes that within the references to marriage in the New Testament there is a decided tension. Marriage is seen to be a secular reality that may have a sacred edge, so to speak, if it is experienced "in the Lord." Marriage is something that has entered into the stream of salvation and can provide couples with the goodness of a morally directed sexual life. On the other hand, it is also seen as an impediment to the experience of salvation which is imminent, the eschatological reality. Jesus preached the coming of the Kingdom, calling people to repent and obey because the Kingdom of God was at hand. According to certain texts, to prepare for the coming of that Kingdom, one should put aside all human, intimate relationships: "Whoever comes to me and does not hate father and mother, wife and children, brothers and sisters, yes, and even life itself, cannot be my disciple." (Luke 14:26) In the Gospel of Mark, Jesus says that at the moment of the eschaton it will be particularly hard for those who pregnant or nursing infants (Mark 13:17). The disciples themselves, of course, are paradigms of the Christian response, men who in some cases sacrificed their marriages in order to follow the Savior. In the Gospels, celibacy is not seen as obligatory for all the faithful but is presented as a special spiritual gift given by God.²⁸ Although marriage is not attacked or denigrated, there is the notion that it is for the spiritually impaired, those who can not rise to the taxing demands of true discipleship. The Jewish notion of marriage as a sacred relationship whose goodness rests in God's creation is not really present in the New Testament.

The Apostle Paul takes up a similar position as can clearly be seen in his first letter to the Corinthians where he tells his audience that if they are virgins or married they should remain so: "Yet those who marry will experience distress in this life and I would spare you that." Celibacy for the sake of the Kingdom is a possible, legitimate and honorable way of living, a Pauline understanding which is in the tradition of the Gospels. Marriage is not to be denigrated, but it belongs to this world which is passing away. Those who can live without it are clearly better prepared to enter into the kingdom. Earlier in that same chapter, Paul defends marriage. For Paul, the value of marriage is that it is a protection from the sin of lust: "...better to marry than to be aflame with passion." It also provides for procreation and can be a means of sanctification in that a believing wife may convert an unbelieving husband and *vice versa*. It should be noted, however, that this passage from first Corinthians is one that has received an enormous amount of scholarly attention without a great deal of agreement. Some scholars argue that the passage really has little to do with marriage but represents instead Paul's attempt to deal with the eccentricities of a vocal faction of the Corinthian church who were rejecting their sexuality.²⁹ Other scholars argue that Paul was not holding up sexual abstinence as a goal in and of itself but was recommending celibacy as a way that Christians could live an unencumbered life, dedicated to God and prayer and true to the Judeo-Christian prohibition against extra-marital relations.³⁰ Most scholars agree, however, that this

²⁸ Willy Rordorf, *Marriage in the New Testament and in the Early Church*, *Journal of Ecclesiastical History*, vol 20, 1969, pp. 194- 195.

²⁹ Carolyn Osiek and David Balch, *Families in the New Testament World* (Westminster John Knox Press 1997)

³⁰ Will Deming *Paul on marriage and celibacy* (Cambridge 1995)

problematic chapter can not be read as a general statement on marriage and celibacy, a theological “position paper.” It is instead a response to a particular situation, a specific communal crisis, and in dealing with that crisis, Paul comments on a great variety of issues. One scholar describes this response “as the work of a practical church administrator who has entered the fray because certain activities at Corinth appeared detrimental to the Corinthians faith.”³¹ In conclusion, we need to see that this particular passage is not a systematic exposition on the nature of Christian marriage, but a series of disjointed observations which are shrouded with a great deal of contextual ambiguity.

The well-known passage from the epistle to the Ephesians (5:22-33) “Wives be subject to your husbands as you are to the Lord” is one that is concerned more with certain family values and dynamics than a discussion of the nature or purpose of marriage. Most scholars, do not regard Ephesians as Pauline but believe it was written by a disciple of Paul as a circular letter to be distributed among any number of churches. The gist of the passage is captured in the last line: “Each of you, however, should love his wife as himself and a wife should respect her husband.”

As far as divorce is concerned, the Gospels leave little if any room for it: “Whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another, she commits adultery.” (Mark 10:11 & 12). Jesus does not entirely ban divorce but views it as a last resort rather than a routine solution. Adultery was the sole reason for divorce. Paul takes a similar stand, but does allow for remarriage if a partner dies but he does so begrudgingly. Remarriage is excluded for clergy and widows.

The evidence of the New Testament is very sketchy with regard to the institution of marriage. Jesus had almost nothing to say about the institution and what he did say was usually within a polemical exchange which dealt with some other theological or spiritual issue. This lacuna of explicit testimony is clearly reflected in the opening address of the marriage ceremony in our Prayer Book which begins with a theological reflection on the nature and purpose of the institution:

Dearly beloved: We have come together in the presence of God to witness and bless the joining together of this man and this woman in Holy Matrimony. The bond and covenant of marriage was established by God in creation, and our Lord Jesus Christ adorned this manner of life by his presence and first miracle at a wedding in Cana of Galilee.

Obviously, the authors of the service would have preferred to cite a passage from the Gospels where Jesus spoke favorably of the blessed state of Holy Matrimony; however, with no such reference available, they had to make the best of it by suggesting that he obviously thought very highly of marriage because he once attended a wedding. In truth, as I’m sure you are aware, the story of the wedding of Cana really has nothing to do with the bond and covenant of marriage. As we have seen, references to marriage in the

³¹ Deminag, *Paul on marriage and celibacy*, p. 217.

epistles are equally contextual and extremely difficult to interpret and hence the evidence of the New Testament does not shed a great deal of light on our Lord's intentions or those of his disciples.

As Willy Rordorf suggests in his article on marriage in the New Testament and in the early church, there were whole areas of marital morality that were not rooted in the witness of the Gospel but were the outgrowth of the acceptance of existing cultural and social norms. In this instance, the Christian message simply accepted those precepts without making any evident attempt to change them. The early Christian notion of marriage is rooted in the prevailing cultural understanding that marriage was not an equal partnership but an institution that placed the woman clearly under the authority of the man. We really do not have time to explore all the implications of this pervasive misogyny, but we should make note of two general results that certainly affected the embryonic concept of Christian marriage. Before marriage, a woman was regarded as less than a person and after marriage, her personhood was totally absorbed in that of her husband. Sexually, women were seen to be the daughters of Eve, cunning temptresses with insatiable sexual appetites who were constantly seeking to entrap men with the forbidden fruit of sex. Joyce Salisbury suggests that for the early Church Fathers "the primary characteristic of women who belonged to the carnal world was lust, which was a manifestation of their gender," an opinion which she supports with the following quotation from Jerome:

It is not the harlot, or the adulteress who is spoken of, but woman's love in general is accused of ever being insatiable; put it out, it bursts into flame; give it plenty, it is again in need, it enervates a man's mind, and engrosses all thought except for the passion which it feeds."³²

This attitude toward women and sex was to blossom and thrive in the early centuries of the Christian era and was to have a decided impact on the fledgling notion of Christian marriage. As Dyan Elliott summarizes, the early church fathers tended to see women for their sexual potential, sex for its procreative potential, and marriage as the institution created for the housing of these two most essential, but rather dangerous, components of society.³³

Next week, in our final presentation, we will look at how the ambiguity of the scriptural witness, the prevailing aura of misogyny and the cultural heritage of Rome and Jerusalem, all combined to form and shape the church's emerging sense of Holy Matrimony.

Third Presentation

Over the course of the past two weeks, we have cursorily examined the marital traditions of ancient Israel and Rome and we have also spent some time exploring the evidence of the New Testament and the prevailing culture of misogyny. This morning we

³² Joyce e. Salisbury, *Church Fathers, Independent Virgins*, p. 23.

³³ Dyan Elliot, *Spiritual Marriage*, p. 4.

will finally turn our attention to the heart of the matter as we attempt to see how these divergent traditions and influences coalesced to frame and shape the emerging Christian understanding of the bonds of Holy Matrimony.

As Willy Rordorf suggests, the Early Church did not conceive of a new form of marriage but simply took over and conventualized those local rites which it discovered in its midst.³⁴ There is no evidence in the New Testament that suggests that marriage was viewed as a sacrament. There is no mention in the New Testament or in patristic writings that there was any nuptial blessing presided over by a minister of the church.³⁵ During this seminal period of ecclesiastical history, the church was certainly not in the business of "marrying" people. It was not an ecclesiastical blessing or liturgy that made a valid Christian marriage, rather marriage was contracted according to the civil laws of a given time and place whether those laws were Christian or non-Christian. The church then recognized the validity of the contracted union. There was, however, pastoral concern for the marriage as can be seen by Ignatius of Antioch's (ca. 35-107) recommendation that Christian marriages should not be concluded without the bishop's approval.³⁶ The aim of this admonition, as Schillebeeckx points out, was not to create a separate marriage procedure for Christians but was a question of providing the couple with a pastoral relationship that might be useful in time of need.³⁷ As Schillebeeckx goes on to point out, in the case of the marriage of two Christians, the presence or participation of clergy was regarded as superfluous and unnecessary. Following the Constantinian Triumph, there is evidence of a priest's or bishop's blessing, but that blessing did not make the marriage but merely provided a spiritual context for the real marriage which was contracted civilly within the family circle.³⁸ In the east, it was not until the ninth century that the emperor imposed a liturgical celebration as a condition for the validity of a union and in the West, as we shall see, it was not until the Council of Trent in the sixteenth century. As far as pagan marriage ceremonies and customs were concerned, the church permitted them unless they involved sacrifices which is where the clergy drew the line.³⁹

Although Augustine of Hippo spoke of marriage as *sacramentum*, he did not use the term in an ecclesiastical or spiritual sense, but to translate the idea of mutual consent as the basis for marriage as was common in secular Latin. As Rordorf notes: "For Augustine, the sacrament of marriage is nothing other than the ethical imperative of perpetual fidelity, which is derived from the commandment of love preached by Jesus."⁴⁰

With the rise of asceticism and monasticism, Christian attitudes toward marriage

³⁴ Willy Rordorf, "Marriage in the New Testament and in the Early Church," p. 209. An opinion shared by Schillebeeckx in his *Marriage*, p. 233: "The ceremonies and popular customs associated with marriage in contemporary society also formed the marriage ceremonies for baptized Christians, and of course many of these customs were eventually brought within the church's orbit."

³⁵ Brown, *Body*, p. 12.

³⁶ *Early Christian Fathers*, Cyril C. Richardson (ed.) (Macmillan 1975) p. 119.

³⁷ Schillebeeckx, p. 245. He goes on to note that Ignatius' affirmation is an isolated example which is not reflected in any other writings and may be a product of his "episcopalism."

³⁸ *Ibid.* p. 251.

³⁹ *Ibid.* p. 247.

⁴⁰ Rordorf, p.

underwent a significant change. Celibate life came to be seen as the superior form of Christian living. As Henri Crouzel summarizes, the early church fathers were not moved by the philosophical argument that marriage was needed to populate earthly cities. For them, “the society which counted most...was the Church, and her growth was facilitated more by the spiritual fecundity of virginity than by marriage.”⁴¹ Patristic attitudes toward sex regarded it as a shameful and reprehensible act that should only be engaged for the sake of procreation. Many early church fathers regarded sex as something that was disgusting and obscene by its very nature. The African theologian Tertullian (ca. 150 - ca. 240) argued that *coitus* caused spiritual insensitivity and that sexual intercourse drove away the Holy Spirit. Tertullian’s attitude was echoed in many theological writings of the era that presented sexual activity as something which brought ritual impurity. This attitude was then coupled with the prevalent notions of misogyny so that women were seen as luring men into a state of spiritual uncleanness. Marriage was seen as the only context for this filthy activity, a necessary incubator for the disgusting business of procreation. Married couples had, however, to be very wary of sexual activity. They must not derive any pleasure from the act and must engage it solely for the sake of procreation. After child-bearing, couples should avoid sexual activity all together. During this period, the notion of chaste or celibate marriages begins to emerge, a tradition which continued well into the Middle Ages.⁴² In general, the early church fathers elevated virginity and celibacy from a position of a rare, charismatic choice made by a few, to a general virtue required of many.⁴³ This pejorative understanding of marriage is clearly reflected in the prohibition of clerical marriages that was first promulgated in the Council of Elvira in the first years of the fourth century. Clerical celibacy implies that marriage is undesirable for clerics because it creates ritual impurity, which undermines their role as an eucharistic minister. The church, however, had, as we shall see, enormous difficulty enforcing clerical celibacy.

The Fathers of the first three centuries countenanced divorce when one partner had committed adultery. Remarriage was strictly forbidden, although widows and widowers were allowed but not encouraged. Concubinage was common among Christians of this era and the church neither condemned nor condoned it. To its credit, the church regarded relationships that were not legally sanctioned, like a free woman living with a slave, as valid marriages.

The period from the Constantinian Triumph in the early fourth century to the systematic codification of canon law in the twelfth saw the development and expansion of several of these theological and ideological trends. Through the writings of Augustine, Jerome, Ambrose, Origen and their medieval successors, sex was viewed as a deadly spiritual danger that had to be combated even within the confines of marriage. Marital sexual relationships had, therefore, to be severely limited and should end after the birth of a child or two. Strict laws were enacted concerning forbidden times for marital sex. In addition, the theme of misogyny was accentuated. Augustine, like so many patristic

⁴¹ Will Deming, *Paul on marriage and celibacy*, p. 106.

⁴² Dyan Elliot, *Spiritual Marriage*

⁴³ Brundage, *Law*, p. 65.

writers, regarded women as inferior to men physically and morally. "I fail to see," Augustine wrote, "what use woman can be to man if one excludes the function of bearing children."⁴⁴ Ceremonially, marriage was still very much a civil or secular affair although, as noted earlier, by the fifth and sixth centuries we begin to see the emergence of a nuptial blessing. In Gaul, the blessing occurred over the couple as they lay in the marriage bed while in Italy it took place in the church building or at the church door. These two practices point to an emerging difference in what people regard as the act which defined marriage. In France, it was the consummation, while in Italy, in the Roman tradition, it was exchange of consent in the present tense. Throughout this period, there was still no understanding of marriage as a sacrament. Rather, marriage was an institution that existed solely in order to contain and regulate the nasty business of sex and procreation.

In the sixth century, the emperor Justinian appointed a ten-man commission to revise Rome's legal codes which had become chaotic and unwieldy over the course of the centuries. In the Justinian code, the basis of marriage rested in the intention of the parties. The code attempted to require a written document to establish that intent but that legal practice was only adopted by the upper classes who were obviously more concerned with proof of legitimacy. Divorce was permitted and there was no sense that marriage was either indissoluble or sacramental. The church, in fact, was given no jurisdiction over marriage. Concubinage was not only recognized but was put on an almost legal par with marriage. Justinian's code, however, was only active in the East and did not have a real effect on Western thinking until the twelfth century. In the west, the collapse of the Roman Empire allowed for the emergence of a new understanding of marriage that had Teutonic or Germanic roots.

Basically, Germanic law treated marriage as a union that was created by cohabitation rather than by a formal act. It was a social fact rather than a legal status. German law saw three legitimate ways of contracting marriage: by capture, by purchase or by mutual consent. There was little distinction made between marriage and concubinage. The Roman notion of marital affection played no part in the German understanding of a valid union for to their way of thinking, what made a relationship valid, whether it be marriage or concubinage, was consummation. Adultery was strictly a female crime and marriage was a matter of family policy not individual choice. As the Teutonic tribes converted to Christianity, these notions of marriage, the German and the Western Church's, proceeded to clash. For the Germans, the union was contracted, sealed and symbolized by sexual relationships. Marriage was dissoluble, at least for the man. For the church, marriage was a life-long union that was contracted by the consent of the individuals and the approval of their families. In the ninth and tenth centuries, some Catholic writers attempted to harmonize these two points of view. Archbishop Hincmar of Reims gave voice to a new definition of marriage that suggested that an unconsummated marriage was incomplete and not binding:

⁴⁴ Rordorf, *Marriage*, p. 210.

A true coupling in legitimate marriage between free persons of equal status occurs when a free woman, properly dowered, is joined to a free man with paternal consent in a public wedding [followed by] sexual intercourse.⁴⁵

Had the Church adopted this definition, matters would have gone more smoothly but Hincmar's innovative thinking was not to win the day, although during this period, weddings do begin to take place at dusk, a time thought more suitable for intercourse and procreation.

A quick parenthetical note on the marital tradition of rings seems appropriate at this time. In Roman tradition, rings were often given at betrothal as a pledge of the resolve to marry, an engagement ring. This custom was adopted by the Germanic tribes with once important exception. According to their tradition, the ring was the symbol of the marriage contract itself and so our wedding rings are of German rather than Roman origin.⁴⁶

During the tenth and eleventh centuries, church officials began increasingly to assert their authority in matters of marriage. During this period, increasing emphasis was placed on the church's role in the making of the marriage as weddings became enveloped with liturgical ceremonies. Ecclesiastical solemnization of marriage was certainly not a requirement although it was obligatory for the clergy.⁴⁷ In addition, from the sixth to the eleventh century, the church had begun, very hesitantly to develop a theology of marriage. A few ecclesiastical authors from this period even voiced positive opinions of marriage and marital love, even marital sex. Marriage began to be seen as a relative good, although no authorities of the period were willing to see it as an arena for operative sacramental grace. In addition to these fledgling attempts at creating a more positive theology of marriage, the church also began to define its marriage rules more precisely, particularly those rules which related to obstacles or impediments to marriage. The rules concerning consanguinity and affinity prohibited marriage not only between certain blood relatives but also between in-laws and baptismal sponsors. In this instance, incest was not the central issue. Rather it seems that the church was beginning to discover the power inherent in being a marriage broker and as early as the tenth century, the church was beginning to dictate marital strategies for the nobility in France. The church's policy on divorce lacked consistency and was applied on a case by case basis. Concubinage remained common throughout the period at least among the wealthy and prominent and the church's attitude toward it continued to be ambivalent. In summary, we can see that during the first ten centuries of the Christian era, the Fathers of the church recognized the jurisdictional authority of the state in matrimonial affairs. Even though wedding were developing liturgical trappings, the church continued to affirm that marriage was primarily a secular or civil union and it encouraged the faithful to obey the laws of the state in contracting their unions.⁴⁸

⁴⁵ Brundage, *Law*, p. 136

⁴⁶ Schillebeeckx, *Marriage*, p. 257.

⁴⁷ *Ibid.* p. 262

⁴⁸ *Ibid.* p. 272

During the eleventh century, however, canon law began to establish itself as a separate discipline, equal in authority to civil law. The canonists were very anxious to bring marriage exclusively under the control of the church, to replace customary or civil law with ecclesiastical law. They began to create a model of marriage which had seven basic features. It was to be monogamous. It was to be seen as indissoluble. It was to be contracted freely by the parties themselves, not by their families or parents. It was to be the only legally protected type of sexual relationship. All other sexual relationships were to be punishable by legal sanctions. All sexual activity, marital and extramarital, was to be placed under the jurisdiction of the church courts. Finally, marriage must be exogamous, no intermarriage between related groups. Despite significant resistance, this ecclesiastical model of marriage began to gather adherents and by the twelfth century it was the dominant understanding. In addition, by 1100, priests began to play a far greater role in weddings although a nuptial blessing was still not required for canonical validity. In general terms, the canonical reformers of the tenth and eleventh centuries managed to wrest marital authority away from the secular realm of civil law and to bring the matter of marriage under the control of the church. The church's role in marriage moved from the moral and pastoral plain to that of legal jurisdiction. In doing so, the canonists wittingly or unwittingly bestowed upon the church immense political and social power. It should be noted, however, that the church was not gaining jurisdiction over the making of marriage contract which was still determined by mutual consent, but was instead exercising its jurisdictional power in determining what impediments made marriage invalid and hence no marriage at all. By 1100, the nobility was bringing all questions of marital litigation and validity to the church courts. This seems to have been a calculated move on the part of church authorities to undermine the power of feudal families who could no longer amass large estates through marriage contracts without the approval of the ecclesiastical authorities. With regard to divorce, the canonists agreed that it must be discouraged and they carefully defined the grounds for separation and annulment. They also began to enforce clerical celibacy by stripping any such marriage of legitimacy and legality, making all children bastards.

This legal reformation was given a new formal authority in 1140 when a new code of canon law was published, the *Decretum* of Gratian. Following Augustine, he argued that the three things which gave marriage value were that it promoted conjugal fidelity, provided a suitable moral and religious environment for the raising of children and promoted mutual love and support. Like Hincmar of Reims, Gratian attempted to harmonize the two competing notions of marriage, the Roman and Germanic. He believed that marriage was established through a two-fold process. It was initiated when two people exchanged words which signified their consent and it was perfected through sexual consummation. Both steps are necessary since marriage is a spiritual and a physical union. With regard to divorce, a non-consummated marriage could be dissolved by mutual consent, while a consummated marriage could be dissolved if there was a serious flaw like impotence. Gratian's views concerning concubinage were ambivalent. He obviously disliked it but tended to treat it like an informal marriage.

Gratian's views about the nature of marriage seemed like an excellent compromise

between the Germanic and Roman notions of marriage; however, his opinions, like Hincmar's, did not carry the field. Most post-Gratian law took the form of decretals, papal letters that decided particular legal cases. Periodically, these decretals were collected and these collections became the basis for new concepts of canon law. The most comprehensive collection was done at the request of Gregory IX in 1234, the *Liber Extra*, which remained in force among Roman Catholics until 1917. The marriage theory which evolved out of these canonical collections shifted the definition of marriage back securely into the consensual camp, a move that was to create serious problems for the church in the years to come. Marriage came to be conceived as a relationship that was created by the consent of the two parties, which placed the validity of marriage firmly on the intention of the bride and groom. Consent in the future tense entailed betrothal. Consent in the present tense made marriage. Since consent was the sole criterion for marriage, marriage did not necessarily have to be public, although the church strongly urged that it be so. For nearly half a millennia, well into the 18th century, the church struggled with this tension of insisting on the couple's right to contract marriage freely and societal and familial interest in requiring folk to marry openly and publicly. The net result of these changes was that marriage was easier to contract and more difficult to dissolve. Since marriage was increasingly regarded as indissoluble, divorce began to hinge upon proof that a valid marriage never existed. If that could not be proved, couples could separate, but could not, of course, remarry or have extramarital sex. The church's power to regulate marriage, divorce and separation was by the end of the thirteenth century an accomplished fact, accepted by secular as well as religious authorities.

Although the legal authority of the church to determine the validity of marriage was firmly in place, the church's role in weddings was still highly questionable. Marriage customs, of course, differed widely from region to region and unfortunately extant documents almost exclusively deal with marriages within the nobility and the propertied classes. As might be expected, among the prosperous and the wealthy, marriage was entered into with forethought and preparation. Despite the church's teaching about mutual consent, families struggled to maintain tight control on marital contracts. Negotiations were generally conducted by parents and senior family members. The bride and groom often were not present at these negotiations and met for the first time at the formal betrothal where they exchanged future consent and where the groom gave the bride the wedding ring. Betrothal, once formalized, was binding on both parties, but could be broken, especially if one party contracted a clandestine marriage in the mean time. The marriage ceremony was a formal family affair and did not necessarily involve the participation of the clergy. The celebration was followed by a banquet and then the couple consummated their union. In the popular imagination, marriage required sexual consummation and despite the triumph of the consensual theory, couples and their families continued to regard consummation as essential to the validity of marriage. It was not until the fourteenth and fifteenth centuries that English synods insisted that marriages take place in the church, which was also the common practice in France.⁴⁹ Christopher Brooke notes that there is a great deal of ambiguity about where these marriages were actually taking place. It appears that often they were done in the porch of the church rather than in the nave or sanctuary which helps explain the dominance of that

⁴⁹ Brooke, *Medieval Idea of Marriage*, pp. 250 & 251.

architectural feature in so many medieval parishes. In summary, Brooke argues that there is evidence that churches were the site of some marriages, however, it is also evident “that many marriages were not made in the church, and that this was partly because, in the view of some – perhaps of very many – the church was not the place for marriage.”⁵⁰ He goes on to note an “extreme example” discovered in Toulouse where the marriage contract was performed in the presence of a notary, a reliable secular witness like a justice of the peace. In many parts of Europe, especially Italy, marriages continued to be contracted in the home.

Before we leave the fertile ground of the Middle Ages, we should make note of the development of the notion of marriage as a sacrament. As we have seen, the church fathers of the first ten centuries had considerable difficulty speaking about marriage as something with positive spiritual value, a fact that is really not surprising given the fact that all those who were writing about marriage and devising marital and sexual rules and regulations were celibate males. Interestingly, it was the advent and activity of heretical groups like the Cathars, who rejected marriage and regarded procreation as sinful, which prompted the church to create a sacramental understanding of marriage. The medieval theologian Duns Scotus (1270-1308) was one of the first to develop a sacramental notion of marriage. Scotus distinguished between the marriage contract and the sacrament of marriage. Not every marriage was in and of itself sacramental. The marriage only became sacramental when it was ratified by the church. In the fourteenth century, we see the emergence of a new liturgical formula in the evolving marriage rite in which the priest says: “Et eg coniungo vos in nomine Patris, et Filii, et Spiritus Sancti,” a phrase which remained in certain Roman Catholic liturgies until the 20th century. Here we see the notion that it is the priest who marries the couple, a practice which ironically served as a seed-bed for the fledgling idea of marriage as sacrament. Priests are the arbitrators of sacraments and it was the priest’s nuptial blessing which conferred the sacrament not the marriage contract. Thomas Aquinas and others, however, argued that the exchange of consent itself conferred grace in the same way that other sacraments did. This view was adopted by the Council of Florence in 1438 and although the matter continued to be debated for the next century, the Council of Trent in the mid-sixteenth century condemned all contrary views as heretical.

The Council of Trent felt the need to affirm this doctrine dogmatically because of the attacks of the Reformers. Luther, Calvin and Zwingli all rejected the notion that marriage was a sacrament. They also repudiated celibacy and criticized canon law for condoning clandestine marriages and concubinage. Both Luther and Calvin believed that marriage must be public and must be entered into with parental consent. The Reformers disregarded much of the Catholic church’s teachings regarding marriage and divorce. Most of the reformers allowed for divorce and for remarriage. On the whole, despite their “sacramental” misgivings, they held a far more positive attitude about marriage, seeing it as a holy state, spiritually preferable for most people.

The peculiarities of the English Reformation, however, meant that unlike other Protestant nations, Anglican ecclesiastical courts continued to use medieval canon law.

⁵⁰ *Ibid.*, p. 253.

Cranmer did not see marriage as a sacrament, but as "a holy estate, instituted of God himself." And yet despite this shift in theological perspective, the legal situation remained anchored in the Middle Ages. Before the middle of the nineteenth century, the prime authority in all matters of sexual behavior, marriage and separation lay with the ecclesiastical Courts. The law administered by these courts was medieval canon law which meant that marriage, as the historian Lawrence Stone has noted, was far too easy to enter into, but extremely difficult to get out of.⁵¹ Unfortunately, we really don't have time to explore all the fascinating implications of this anachronism, but I need to make a couple of disjointed observations about some of its ramifications.

Before the marriage act of 1753, in order to be legally binding, a marriage did *not* have to be performed in church, by a clergyman of the Church of England, according to the Book of Common Prayer. According to canon law, all that was required to make a marriage was mutual consent in the present tense. Consent in the future tense was betrothal, which if followed by consummation was a marriage since intercourse implied consent in the present tense. Thus in church law a verbal contract, if duly performed in the present tense before witnesses, was complete in substance, though not in ceremony, and was indissoluble. An official marriage ceremony was conducted in a church by a clergyman in regular orders, according to the Book of Common Prayer. Canons of 1604 proscribed that the ceremony had to take place during canonical hours [8 to 12 a.m.] in a church within a parish in which one of the parties was resident. Prior to the ceremony, banns were read in the church on three successive Sundays. The closing ritual was the symbolic bedding of bride and groom, which included folk customs, like the throwing of a stocking. For most folk, the cost of an official wedding was prohibitive, completely out of reach for the lower classes.

A clandestine marriage was a ceremony which was conducted by a person who purported to be a clergyman and which followed the rite of the Book of Common Prayer. It was done in secret with no reading of the banns and often took place in a "Peculiar," a church which, for historical reasons, was exempt from episcopal jurisdiction. It could, however, take place anywhere, in a private house, an alehouse, a coffee house, a prison or a brothel. The advantages of such a marriage were that it involved clergy and ceremony which gave it an air of respectability. It was secret, avoiding any impediments or potential problems with unhappy parents or kinsfolk. It was legally binding and considerably cheaper, although the "officiants" often demanded fees that were significantly higher than the normal ecclesiastical charges.⁵² For obvious reasons, the church sought to suppress such unions, levying heavy fines on participating clergy, but it was extremely difficult to control the practice as long as canon law recognized such marriages as legitimate. In his book about ritual and religion in Tudor and Stuart England, David Cressy argues that during that period clandestine marriages were not very common since the age of Queen Elizabeth and the early Stuarts "stands out as a period of exceptional cultural discipline," when legal, social and moral pressure "brought all but the most marginal or the most reckless into line and into church."⁵³ For a variety of

⁵¹ Lawrence Stone, *Uncertain Unions and Broken Lives*, p. 4.

⁵² David Cressy, *Birth, Marriage & Death*, p. 325.

⁵³ *Ibid.* p. 316.

reasons, however, at the time of the Restoration of the monarchy following the Cromwellian era, clandestine marriages became more prevalent as can be seen by the number of cases that wound up in court. The system lent itself to abuse and fraud to such an extent that finally in 1753 public opinion was sufficiently aroused that Parliament passed the Hardwicke Marriage Act, which subjected clergy participating in clandestine marriages to a penalty of transportation for fourteen years to America and invalidated any marriage of a minor without written consent of parents or guardians.

Theologically, in the preface to the service of Solemnization of Matrimony in the first Book of Common Prayer in 1549, Thomas Cramner included three reasons for the creation of marriage.⁵⁴ Echoing the arguments of St. Augustine in the fourth century, marriage was seen to have been ordained for the procreation of children; as a remedy against sin, to avoid fornication; and for mutual society, help and comfort, given in prosperity and adversity. As early as 1551, the Continental reformer Martin Bucer argued that the order should be changed so that mutual society be placed first instead of last.⁵⁵ Cramner's Prayer Book rite was to have two movements. The first was to take place in the nave as the couple "contracted" their marriage, exchanging consent. The second was to take place in the sanctuary where prayers were offered and the couple received counsel about the nature of spiritual nature of marriage. Then followed holy communion. In our Prayer Book tradition, the central act of marriage is still consent. Unlike the earlier Catholic tradition, the priest does not "marry" the couple, but stands as a witness to their vows and pronounces the blessing of the church on their union.

Legally, many matters surrounding the validity of marriage have been removed from the church's control. As far as the government and society are concerned, the church's participation is not essential for the creation of a valid marriage. The priest serves a civil function by acting as a state-appointed agent and witnessing the license. It is the state, however, which determines who receives the license and it is the state which determines when a marriage contract is no longer valid. Marriage is a contractual matter, attested to by signatures on legally binding documents.

As Duns Scotus suggested, however, not all marriages are sacraments and holy matrimony is not the same as marriage. What makes Christian marriage distinct? As we have seen, many of the customs associated with Christian marriage are not even Christian but have their roots in pagan culture. Is it simply because the wedding takes place in a church and receives a nuptial blessing? What defines Christian marriage and when does it actually take place? The church's long-standing tradition has been that consent defines marriage. If so, people are married at that moment when they agree to enter a life-long union. What role then does consummation play in defining Christian marriage? In certain parts of medieval France, consummation immediately followed the future consent of betrothal. The wedding took place some time later after the couple had lived together for some time, perhaps even after they had a child. The wedding was a public celebration of

⁵⁴ Marion J. Hatchett, *Commentary on the American Prayer Book* (Harpers 1995) pp. 432 & 433. Hatchett notes that the Exhortation included elements from the Sarum Rite, from the Cologne *Encheiridion*, from Luther's marriage rite and from the *King's Book*.

⁵⁵ *Ibid.* p. 433

the marriage that had already taken place. And what about public celebration? Most Episcopal weddings take place in a parish church, but rarely are they performed in the midst of the worshipping community. More often than not, they are still very much family affairs. What then is the role of the parish community in Christian marriage and what has that to do with the wedding ceremony? And finally, of course, what is the purpose of Christian marriage? Do we still feel that the primary reasons for the institution are to provide us with a haven for procreation and a safeguard against the temptation of fornication? If so, are marriages without the potential for procreation valid and does adultery automatically sever the marital bond?

These are some of the questions that confront the church and as you can see, the experience of history provides few answers. On the contrary, the historical witness tends to call into question many of the assumptions we have made about the nature of Holy Matrimony. It would be pretentious of me to suggest that I have answers to those daunting questions, particularly after I assured you that I have no axe to grind. I will bring these presentations to a close, however, by suggesting that we need to be about the business of creating a new theological understanding of holy matrimony, the sacrament and the institution. To my mind, the sacrament of marriage, the outward and spiritual sign, is, to borrow the Roman term, marital affection. In modern parlance, marital affection is, I believe, intimacy and it is the growth and nurturing of such intimacy that is the *raison d'être* of marriage. It is through such intimacy that we experience the inward and spiritual grace of an Incarnate God who has made human love a reflection of the love that moves the planets in their spheres. The institution of marriage, and any joining ceremony which it entails, must be seen as the context for such intimate, loving sharing. It is intimacy which makes marriage valid. Without intimacy the institution is simply a legal contract, a contractual union without a soul. Marriage is not the product of a moment but is the fruit of a life lived within the bonds of an intimate relationship. The validity of the marriage does not rest on a contractual agreement but on the ongoing presence of an intimate and loving relationship. The cultural, social, legal and religious framework of the institution exists solely to provide a context, a nurturing environment for the emergence and sustenance of such intimacy. It is our faith in an Incarnate God that enables us to engage the daunting challenges of intimacy, the joyful and painful task of truly experiencing the "otherness" of another human being and of revealing our deepest selves to them. It is also our faith which gives such intimacy its true purpose and meaning, making it a vehicle by which we encounter the full humanity our Lord accepted and redeemed. Intimacy engaged in faith is what defines Christian marriage. What makes it holy is the sacramental and sanctifying grace which God continually showers upon all those who offer Her their broken humanity couched in faith.

Wendel W. Meyer, Ph.D.
St. John's Episcopal Church
Beverly Farms, MA

These presentations were written several years ago. Since that time, I have continued my research into the topic and have learned a great deal more. Nothing I have learned, however, has caused me to question the basic shape of the argument. I have attached a

*revised Bibliography which includes several sources that have appeared since these talks were written. For those who wish to learn more about the American scene, I highly recommend Nancy Cott's **Public Vows** and for those who want a very helpful religious historical overview, John Witte, Jr.'s **From Sacrament to Contract**.*

Anyone having any questions, comments or corrections, please feel free to contact me at wmeyer@stjohnsbeverlyfarms.org.

THEOLOGICAL PERSPECTIVES ON THE BLESSING OF HOLY UNIONS

1. The Historical Massachusetts Moment in Context—Finding Our Way Forward Together (HJM)

One of the needs expressed by diocesan clergy at the Clergy Day held in March 2004 was for some overview of the relevant *theological* issues raised by same-sex civil marriage and the blessing or solemnizing of such marriages in the context of the Episcopal Church. What follows is a first effort by members of the task force to respond to this request. It is hardly a comprehensive statement of all the theological issues around same-sex Holy Unions, let alone a last word. Rather, think of this as an effort to provide some guidance for an ongoing dialogue. Among the questions we have heard which we wanted to address are these:

(1) What is the theological horizon of our corporate and individual response to this historical moment in the Christian church? (2) Is Holy Matrimony or the blessing of Holy Unions a sacrament? (3) What scriptural metaphors might provide guidance and reference in reflecting on the meaning of marriage and in particular the marriage of same-sex Christian couples; (4) What is a useful understanding of “unity” that may help us negotiate the inevitable theological and ethical conflicts that arise around a matter about which Christians of good will may have very different views; (5) In what sense are the conventions and practices around Christian marriage a matter of “doctrine” and what way are they not?; and finally (6) what does it mean to talk about “blessing” a committed relationship, or what do we do when we “bless” in the church? Around this last question we also introduce a personal voice, in the belief that the reverent, honest conversation that these matters require means that all participants will need to bring to the dialogue the witness of their own relational lives in community.

Few contemporary thinkers in our church may be more helpful in taking our bearings at this historical moment than William Countryman (Professor of New Testament, Church Divinity School of the Pacific) who invites his fellow Episcopalians to approach the question of the Blessing of Holy Unions from the standpoint of classical Anglicanism. He particularly has in his sights Richard Hooker’s effort in the seventeenth century to steer the Anglican Church between what he saw as the problematic positions of Rome and Geneva. In marginal note to a religious tract Hooker once penned, “Two things there are which greatly trouble these later times: one that the Church of Rome cannot, another that Geneva will not err.”

By contrast, classical Anglicanism, Countryman writes, “focused not on the detailed and certain knowledge of the mind of God, but on maintaining life and conversation in the faithful community. We believe that no one will ever know it all, but that the Spirit will work with us in the unity (not uniformity) of the church to bring us toward truth. . . . Classical Anglicanism values the ongoing life and conversation of the

faithful community, however awkward and irritating it may become, far above such doctrinal assurances, attractive though they may seem. We are pretty sure that God's help will not fail us if we continue to work and pray together."¹

It is helpful to recall that well before the Supreme Judicial Court of Massachusetts in *Goodrich versus the Department of Public Health* took up the case of the civil marriage of lesbian and gay citizens, the question of the creation of liturgical forms for the blessing of faithful, monogamous unions of baptized same-sex couples was being explored at many levels through out the whole Episcopal Church in the United States. The covenants of gay and lesbian Christians have been celebrated in Episcopal churches in every diocese of the country, as well as in other parts of the Anglican Communion. In the Diocese of Rochester, for instance, for nearly thirty years such unions have been celebrated with the tacit approval of the diocesan bishop. Nearly twenty-five years ago (1988) the Diocese of California approved a resolution to "support liturgies for the open blessings of committed loving couples of the same sex." In our own diocese over the last fifteen years many parishes have had gay and lesbian members who have brought their relationships to the parish leadership for prayerful discernment and in dialogue with the bishops of the diocese have found appropriate forms for blessing and celebrating those commitments.²

Remembering this history is important in order to hold onto two matters.

First is to recall that the movement for the blessing of same-sex committed relationships has not been some initiative arising from outside our Episcopal communities and promoted by any kind of gay or lesbian political lobby. It developed very much from the "ground level" religious experience of particular congregations. It precedes the legal efforts to secure the rights, protections, safe-guards and obligations of marriage for same-sex couples. In some respects it even proceeds from different motivations and asks different questions from those that characterize the legal initiative. For instance, the Rev. Jennifer Phillips and the Rev. Richard Valantis addressed the bishops of Massachusetts nearly fifteen years ago petitioning for permission to celebrate the covenanted relationships of their gay and lesbian congregants. They wrote that in the case of their parish community the discernment of the religious imperative for blessings

¹ The Rev. Dr. William Countryman, "The Big House of Classical Anglicanism," a speech to the Claiming the Blessing Conference, St. Louis, MO November 2002 (<http://www.claimingtheblessing.org>).

² Owen Thomas (Professor of Theology Emeritus, Episcopal Divinity School) has written an account of the process where by the rectors and people of the Church of St. John the Evangelist, Bowdoin Street, Boston in 1989 worked with Bishop David Johnson, Suffragan Bishop Barbara Harris, and Assistant Bishop David Birney to find a form for such blessings. See "The Story of Two Communities" in Charles Hefling, ed., *Our Selves, Our Souls and Bodies: Sexuality and the Household of God* (Boston: Cowley, 1996). A long and thorough account of an extended parish process of study, discernment and development of a liturgy for the blessing of the covenant of a lesbian couple is available at http://www.clgs.org/marriage/pastoral_good_shepherd.html, "In All Our Loving, We Praise You, O God," *Celebrating Relationships at the Church of the Good Shepherd A Report to the Diocese of California*, December 1994.

of same-sex unions came from asking a distinctively religious question and discerning a particular answer.³

Can our God, to whom we entrust the relationship of a man and a woman in marriage, also work actively and graciously in a relationship of two people of the same sex? Our experience has been that God indeed does act there: we have seen among our own people that God is present, active, sanctifying strengthening and enlivening homosexual men and women in their respective relationships. So we want to recognize and celebrate the presence of God where we have seen God, and that would entail the public liturgy of blessing.

The second dimension to hold in mind is that the men and women who will step forward to ask for a blessing of the marriages they hope to contract after May 17 are most likely to be, as they have been in the past, devout and committed members of particular faith communities in the diocese. As such these pastoral practices that are already part of the memory of this diocese may be a resource that we have to draw upon.

If the blessings of same-sex committed relationships have been a thoughtfully evolving practice in both the local church and elsewhere, what has changed? Around most of the country, nothing; but here in Massachusetts something quite unprecedented—at least in these United States.⁴ With the decision of the Supreme Judicial court that exclusion of same-sex couples from civil marriage is violation of fundamental rights for equal protection under the law, same-sex couples will have the possibility of contracting civil marriage. What kind of opportunity and what kind of challenge do this represent for our church?

The bishops of the Diocese of Massachusetts, recognizing the legal distinction between civil marriage and religious marriage, issued a statement in support of the Supreme Judicial Court's finding that there were substantial matters of justice and equity at stake; and that, in the opinion of Chief Justice Marshall, "The marriage ban works a deep and scarring hardship on a very real segment of the community for no rational reason." A special diocesan convention in March affirmed, by way of a resolution, our bishops' support of the SJC decision. An ethical judgment on civil marriage leaves open however the question of how parishes within our diocese should most appropriately and

³ In many respects we might say that this development as *theological* is shaped by the way in which faith communities have taken seriously the "experience" dimension of the "Wesleyan Quadrilateral"—Wesley's elaboration of the "reason" leg of classical Anglican theologizing (scripture, tradition, and reason)—in particular the experience of particular parish communities of the committed same-sex relationships among them as "icons" of the love and faithfulness of Christ.

⁴ In many European countries the distinction between civil and religious marriage is a well-established legal practice. Couples intending to marry execute a legal marriage before a magistrate and then subsequently, if qualified, may seek a nuptial blessing in a religious ceremony. Further, in the Netherlands (since April 2001) and Belgium (since January 2003) bills were overwhelmingly approved in Parliament granting marriage rights to same-sex couples.

faithfully respond to this emergent opportunity for gay and lesbian citizens to contract civil marriage.

Many of the priests of the diocese we have heard from welcome the possibility of “getting out of the marriage business” and back into the “blessing business”—the proper responsibility and mission of a religious community assembled in the name of Christ. Regardless of how they feel about serving as agents of the Commonwealth in the solemnizing of marriages, many more of our priests express a hope and a desire that this development on the legal front might provide a much needed opportunity for the church do some fundamental rethinking of the spiritual meaning and place of marriage in the life of the believing communities. Those of us who may have strong theological or prudential reservations about extending the contractual obligations, protections, and social status of marriage to same-sex couples, nevertheless often share with those of us who support such a development a deep concern about an apparent deterioration of married life. Nearly half of all marriages in the United States end in divorce, and only 52 percent of coupled households are married at all (down from 70 percent thirty years ago). We have heard understandable fears that a social and cultural shift apparently so profound may somehow accelerate whatever is problematic in society around marriage. A critical historical perspective on the actual social history of marriage in the West and on its evolving cultural and theological meanings usefully challenges the myth of an “unchanging 3000 year old institution.” Still we might ask what kind of change is it and to what end when gay and lesbian Christians present themselves to their communities for a blessing on their lives together? One way that our communities may reflect on this is to revisit our understanding of “sacrament.”

2. Is the Blessing of Holy Unions a sacrament? (HJM)

The whole discourse about “sacrament” in the Christian tradition is in some way or another all about how it is that the Creator God and human kind are mutually inter-related in an ongoing cycle of reception and response. It is creation itself, the goodness and mystery and wonder of life generously and undeservedly offered, which is the first blessing or gift to humankind. Our response in gratitude, awe, and appreciation—our embodied thankfulness—is how we “bless God” in return. But there is more. The most profoundly gracious gift to which all other gifts gesture, that which the tradition aptly calls “grace,” is the intimate presence of God-with-us as our deepest meaning, identity, and source of value.⁵

To say that creation is “sacramental” is to affirm that our concrete historical experience of life lived in relationship to the earth, to human others, and especially to that community in time called “the church”—is the place, and the only place, where we meet and are met by the unseen and inward Presence of the One who graciously calls us into

⁵ “The sacraments are outward and visible signs of inward and spiritual grace, given by Christ as sure and certain means by which we receive that grace.” (*BCP*, 857) “The two great sacraments given by Christ to his Church are Holy Baptism and the Holy Eucharist” (*BCP*, 858).

being and mercifully receives us in the end. It is for this reason that Anglican theologian Urban Holmes asserts that “the Church is the primordial sacrament of Christ” and that “the sacraments are the living out of the sacramentality of the church. . . the sure promise of God’s presence to us at the deepest level of our reality.”⁶

Now the Anglican Communion has long said that the two universal “blessings” or sacraments are Baptism and Eucharist (The Chicago-Lambeth Quadrilateral 1886, 1888, *BCP*, 876–88). The church has also recognized that there are other “outward and visible signs” which through the life cycle become occasions for encountering the grace of Christ. The Blessing of Holy Unions is one such moment, and therefore might be said to be one such sacrament.⁷

Baptism and Eucharist help us understand what it means to say of any special ritual event in the life of the Christian community that it is “sacramental.” In Baptism the Church bestows on the infant child or the adult the blessing of their identity as “belonging to Christ forever” and therefore sharing in the mission and ministry of Christ in the world. In Eucharist the seed of that new life is fed and the new creation which it promises is anticipated by a meal which draws in everyone to the hospitality of God in Christ—a “real presence” that nurtures, heals and strengthens us for mission (*BCP*, 365). “Holy Matrimony,” or “Holy Union” as we are here referring to the blessing of the civil unions of same-sex persons, is sacrament inasmuch as it is a further deepening and living out of both Baptismal vocation and Eucharistic intimacy with Christ’s loving self-donation and with one another.⁸

Two persons, at least one of whom has been baptized, who are drawn to one another in desire and wish to share a life of a loving mutuality, intimacy, respect, hospitality and life long faithfulness present themselves to a community that in some fashion discerns the authenticity and integrity of this desire and evokes God’s blessing on that life together. On the one hand, as we shall discuss in the final section of these reflections, such a blessing is an expressing of gratitude for what is already manifest and true in that couple’s life. On the other hand, there is also an important sense in which this blessing is a claiming of God’s promised future—not just for the couple but indeed for the whole world of which this new household is one important part. This is the “new creation” dimension of such a blessing, the “eschatological horizon” as it is variously referred to in our reflections. In the sacraments we respond to God’s initiative in bringing a new creation into being, a new creation that finds its consummation in the eschaton, the end times.

⁶ Urban T. Holmes, *What is Anglicanism?* (Milton, CT: Morehouse, 1982), 36–37.

⁷ Holmes writes, “One of the most futile arguments that has wracked the Anglican communion is the number of sacraments. There is no merit in counting! Knowing the number of sacraments gives us control, but blocks that thinking with the left hand which is foremost in comprehending the sacramental life. . . . The sacraments of the church lie at one end of a continuum of varying possibility of the physical world employed symbolically being an instrument for our coming into the presence of God who is there in his creation all the time.” (*What is Anglicanism*, 38)

⁸ Thomas F. Breidenthal, *Christian Households: The Sanctification of Nearness* (Boston: Cowley, 1997).

If this future-oriented, “eschatological” dimension of blessing is true of heterosexual couples, it may be even more powerfully true at this moment in history of the Church’s blessing of same-sex civil marriage. This is of course part of the contested question around the meaning and value of same-sex unions and we would not want to foreclose a dialogue and exploration that is still quite unresolved for many of the faithful. Still, a case may be made that this “new thing coming into being,” is a development faithful to the Gospel imperative to break with existing conventions when these exclude those who are defined outside our love and care. For examples, we might think here of Peter’s conversion to include in the community of the baptized the Gentile family of Cornelius (Acts 10–11) or of Philip baptizing the Ethiopian eunuch (Acts 8:26–40).

To return to William Countryman, we trust “that God’s help will not fail us if we continue to work and pray together.”

3. Scriptural metaphors for the Blessing of Holy Unions (EBA)

When two people come together in an intimate relationship to make a vowed commitment to a life-long union and to seek the blessing of God and the church on this relationship, we affirm that this relationship is revelatory of God. The couple reveals something of the holiness of God; in this respect they are hierophantic—the relationship speaks of the sacred. Like a prism, the couple refracts the love of God, and it becomes possible to see various aspects of the divine working in them through the ordering of their common life. The tradition of the church has over the centuries emphasized aspects of what of God is revealed in marriage: creativity, mutual love, constancy, fidelity, forgiveness, joy, unity, hospitality, and companionship. The Prayers for the couple in “The Celebration and Blessing of a Marriage” (*BCP*, 429–430) are particularly evocative of the ways in which the couple is a “sign of Christ’s love” to the world.

At the heart of how a couple thus becomes revelatory is an understanding of their union as “covenant.” The scriptural concept of covenant is that of a mutually agreed relationship between two parties; covenant becomes in scripture a structuring principle for understanding the relationship between God and humanity or between God and Israel (e.g., faithfulness to the covenant on the part of humanity or Israel allows them to be revelatory of the character of God (e.g., “you shall be holy, for I the Lord your God am holy” Lev 19:2; cf. Matt 5:48; Luke 6:36). As we speak of holy unions, covenant may serve as a particularly useful scriptural metaphor for understanding the nature of the relationship. Because “covenant” is not a necessarily gendered metaphor, it can function well for both heterosexual and same-sex couples. (We note, however, that in scripture the metaphor of covenant may be used in gendered ways, as, for example, in Hosea. Similarly, when the author of Ephesians uses heterosexual marriage to speak of the relation between Christ and the church and vice versa, he feminizes the church within this covenant relationship, as a means of supporting the structures of the Roman household; Eph 5:25–33). Nevertheless, the ways in which covenant speaks of lasting union, responsiveness to one another, and mutuality, together with its heritage as a means of

divine revelation through human relationship, renders it a spacious theological category for understanding holy unions.

In exploring other scriptural metaphors for holy unions, it is important to seek out images and stories that speak of the intimacy of relationship (apart from or including sexuality) as a place of divine initiative and creativity. In addition, those passages of scripture that help us to understand that human love is informed by the self-giving love of God in Christ help to set the love of the couple in the perspective of the gospel. This work thus provides resources to deepen what may begin primarily as romance and to sustain love over the long term through troubles and joys. These resources also assist a couple, clergy, and congregation in the discernment of what is indeed a “holy union.” Many of the passages suggested as readings for marriage in the *Book of Common Prayer*, 426, are suitable for the blessing of holy unions, although those that emphasize male-female unions and procreation may not be appropriate for all couples. In addition, the stories of Ruth and Naomi (Ruth 1:6–22); Jonathan and David (1 Sam 18:1–5); and Mary’s visit to Elizabeth (Luke 1:39–56) may evoke something of the particular character of a holy union. Ecclesiastes 4:9–12 (“two are better than one”) and much of the Song of Songs may serve well. The point of seeking scriptural passages appropriate to the blessing of holy union is not to find an exact match between the couple and a portion of scripture. It is rather to find in scripture a testimony to the activity of God that will be of particular use to the couple and congregation in discerning how their relationship reveals the love and holiness of God.

4. On the unity of the Church (EBA)

The current discussions about sexuality and same-sex relationships in the Episcopal Church and Anglican Communion have, like other issues before them, placed the question of the unity of the church in the spotlight. For some, the question may be how we simultaneously uphold the unity of the church as a value central to our common life and respond theologically and pastorally what we perceive as the initiative of God in our midst, here and now in our present context. For others, the question may be focused in terms of how much diversity and dissension the unity of the church can contain. The question of unity may be played out in global terms in the relation of one autonomous province of the Anglican Communion to another or as a matter of ecumenical dialogue. At the same time, we recognize that there needs to be significant reflection on unity in terms of relations within a congregation, diocese, and the national church. Such reflection necessarily has both theological and practical dimensions. As a dimension of the work in this diocese around the blessing of Holy Unions we offer some reflections on the question of unity as resources for our pastoral work and conversations.

Unity or oneness of the people of God begins and ends in God, in the oneness of God (Eph 4:4–6). As such it is an aspect of our covenantal relationship with God wherein the character of the covenant community mirrors the character of God (often expressed in terms of holiness, perfection, mercy, or love). Yet as Christians we affirm that community exists in the heart of God as Trinity, in terms of unity of being and trinity of

persons. “Unity” is thus fundamentally relational and contains the possibility of dynamic conversation, diversity, and mutuality of action. According to the theology of the Gospel of John, the oneness of the Christian community, bound in mutual love to one another, reflects the relation between Jesus and the Father (John 17:11), a relationship of love, agency, revelation, and self-offering. Paul’s letters employ the image of the body of Christ to speak of how the members of the Christian community work together, energized by the spirit of the crucified and risen Christ, to serve and care for one another in love. Here unity is envisioned in terms of cooperation in the work of ministry (1 Corinthians 12–14). When Paul exhorts the Philippian community to “be of one mind,” he goes on to describe this “mind” as the “mind of Christ,” exemplified in the self-emptying of Jesus on the cross (Phil 2:2–11). Although we may recognize that in this instance Paul probably does want his ancient audience to be in agreement with him on specific issues and that he employs the idea of oneness to advance his cause, it is nevertheless instructive to see that he understands the desired unity of the church as mirroring the character of the crucified and exalted Jesus. The goal of seeking the unity of the church is so that our common life reveals the self-offering love of God as at the heart of sovereignty of the Trinity in the world.

Our baptism provides our entry into the oneness of God. We are “made one” with Christ and thus one another through baptism (Rom 6:5; cf. *Book of Common Prayer*, 306). Hence baptismal identity and the faith that we confess through baptism, not adherence to a specific set of opinions or doctrinal teachings, may serve as a starting point for reflection on the unity of the church. In this respect, what unity we have begins in the initiative of God and is part of God’s creative work in us; our concern for unity is consequently a matter of nurturing, sustaining, and cooperating with God’s activity. It is thus also part of how we participate in the mission of God in the world.

Unity, however, is chiefly a dimension of our eschatological hope. We recognize that true and eternal unity is unattainable in this world, but belongs rather to the consummation of all things in Christ at the last days, when God is “all in all” (1 Cor 15:28). Paul understands this hope as part of the work begun in us through baptism, but locates its fulfillment in the end times. We may also note that in the Gospel of John Jesus prays for the oneness of his followers (John 17:22–23); this last great prayer of Jesus’ in John’s Gospel establishes an eschatological horizon for how we live into God and for the showing forth of God’s glory. As a dimension of our hope, such unity properly guides the care that we take with one another and motivates our continuing conversation across theological differences great and small. Yet we may recognize that unity is something that we are growing into and a divine initiative that is coming into being. It is at times necessary as a dimension of our participation in this divine work to express points of view and take actions that appear to impair concord in the present moment. We do so, however, as a result of prayerful consideration informed by the horizon of hope in the unity that God is bringing into being.

From a historical perspective, it is also important to acknowledge that there was no pristine unity of the Church from which we have fallen away over time. The picture that the Book of Acts paints of a community of believers initially unified in action and worship (cf. Acts 2:43–47) does not accord with what we know from the earliest days of

the Church of great diversity in the expressions of what it meant to follow Jesus. The picture in Acts is less of a historical account and more of a foundational epic for the Church, a story that stresses unity in part to present Christianity as an acceptable and superior form of religion in the Roman Empire. It is also a picture informed by an eschatological hope for unity. Our work for unity is therefore not a matter of restoring what has been lost but of living into a hope to which we are called.

Pastorally those involved in the leadership of the church, we would suggest, have a responsibility to encourage both the envisioning of unity as our hope and the discerning of our cooperation with God's activity in the present. In holding these two orientations together, we profoundly need one another; it is critical that we stay in conversation across difference and avoid demonizing those with whom we disagree. It is also vital to continue to pray for unity in the church as a means of continuing to be informed by this eschatological hope. Speaking of oneness less in terms of singularity and more in terms of concord, harmony, cooperation, and our being knit or woven into one another may help to highlight the variegated and diverse character of the unity upheld in scripture and our history. Entering into any call to unity with an awareness of the dynamics of power and authority at stake and with a deep regard for the dignity of each person and community is likewise important as our life seeks to mirror the justice and mercy of God.

These reflections do not promise easily solutions to the difficult structural questions of unity in the Church today and at other times. We offer them rather to provide some orientation for the discernment of how to act faithfully and in communion with one another.

5. On the “doctrine of the Church” (EBA)

At the heart of discussions about the blessing of holy unions of same-sex couples and about same-sex marriage within the Episcopal Church is the question of whether such actions are contrary to the “doctrine of the Church.” We recognize that this is an area fraught with tension and debate. It is our intention here not to resolve that debate but rather to clarify the discussion with some remarks on the definition of “doctrine” within the Episcopal Church. To these we add some pastoral reflections on the use of the category “doctrine” in congregational discussions on marriage and holy unions.

We would distinguish two uses of the term “doctrine” in the practice of the Episcopal Church and its ecclesial making of decisions. We follow here the distinction made in the rulings and majority opinion of the ecclesiastical trial court in the 1996 Bishop Righter Case.⁹ The decision in this case differentiated between “Core Doctrine” and “Traditional Doctrinal Teaching.” We quote here the wording of this decision: “Core Doctrine is understood as of the essence of Christianity and necessary for salvation, and is therefore binding on all who are baptized. Core Doctrine, therefore is unchangeable.” The decision went on to locate the Chicago-Lambeth Quadrilateral of 1886, 1888 (*Book*

⁹ The decision in the Bishop Righter Case can be found at <http://www.episcopalian.org/items/verdict.htm>.

of Common Prayer, 876–78) as “a reflection of this understanding of Core Doctrine” and as describing both articles of belief and a way of life: “the use of scripture and the [Apostles’ and Nicene] creeds in worship, the centrality of the dominical sacraments of Holy Baptism and the Eucharist, and the practice of episcopal government.” The decision further argued that this Core Doctrine is what is protected by the Canons of the Church, Title IV.1.1 (c) 2003. The decision also argued that doctrine is “not found but rather grounded in Holy Scripture” and, moreover, should not be “confused with ‘theology’ which is prayerful reflection on scripture and Core Doctrine in the light of Christian experience.”

Alongside “doctrine” thus understood exists the “traditional doctrinal teaching” of the church, which is often referred to also as doctrine. The majority opinion in the Bishop Righter Case cites as examples “the doctrine of marriage” and “the just war doctrine.” To quote again at length, “Doctrinal teachings as illustrated by these examples are used by the Church to guide its members in living the faith day by day in the Church and the world. Doctrinal teachings, grounded in Holy Scripture, seek to interpret Holy Scripture, the Core Doctrine described above, and the Church’s tradition, that the people of God may understand and faithfully live out the mission entrusted to us. . . . Doctrinal teachings are of vital importance for the life of the Church. They are the deposit of tradition from age to age, understood and expounded by the gift of reason which integrates the lived experience of the people of God in particular times and places, under the guidance of the Holy Spirit. ‘Doctrine’ in this sense consists of ‘communally authoritative teachings regarding belief and practice that are considered essential to the identity and welfare of the group in question.’” Such doctrinal teaching encompasses “belief, practice, faith, and morals.” The majority opinion recognizes the counterpoint between upholding the “stability of doctrinal teaching” and openness to changes in doctrinal teaching in response to changing contexts, circumstances, and understandings. It cites as instructive examples of such change the shifts in the Episcopal Church’s teachings on slavery, divorce and remarriage, and the use of contraception. References to the “doctrine of marriage” in the Episcopal Church and the Anglican Communion should be understood as using the term “doctrine” in this second sense, namely, as referring to the traditional doctrinal teaching of the church, and not to the body of unchanging “Core Doctrine” of the Church.

Pastorally we further recognize that the term “doctrine” is received variously among members of the Episcopal Church and those who are attracted to its life and worship. For some, “doctrine” connotes dry, legalistic statements of belief that are perceived as exclusionary, punitive, and prohibiting the free exploration of life in Christ. For others, “doctrine” signifies a rich world of theological expression, debate, and, in the words of St. Anselm, “faith seeking understanding”; doctrine is thus perceived as an outgrowth of a communal life of deep prayer and worship. For still others, “doctrine” may simply suggest a distant and confusing world of theological debate with little bearing on everyday life. It is important to be aware that discussions of the “doctrine of marriage” accordingly fall on different ears. From a historical perspective, it is possible to describe doctrinal statements (whether of Core Doctrine or of traditional doctrinal teachings) as the result of complex processes of discussion, prayer, politics, and social reflection within the body of the church. It is certainly true that this is a history marked at

times with use of statements of belief to harm and exclude certain people and group; it is equally a history marked with the earnest intention of inviting people to share the riches of life in Christ.

We would suggest, therefore, that clergy and others engaged in Christian formation have a particular responsibility to open up the historical teachings of the Church about belief and practice in such a way that allows people to understand the story behind the doctrine, rather than to use “doctrine” to foreclose debate. Such formation thus enables all of us to recognize the various matters at stake in a statement of doctrine. It is thus important to help people ways to perceive connections between the encounter with God to which a doctrinal statement testifies and their own life of faithful witness and prayer. This conversation between our own lives and the experience and story out of which doctrine is formed can provide the means to discover within our larger history resources for thinking about how to live today.

6. What is a blessing? What are we doing when we bless a Holy Union? Why do we bless? (MAT)

There are a couple of ways in which we can understand, “What is a blessing?” A blessing is what the church does when it invokes God’s presence and grace. In our liturgical activity, we celebrate the creations of God in which we feel called to affirm and raise them up for a particular purpose, such as in ordination and Holy Unions. As our colleague, the Rev. Mark Bozzuti-Jones proclaimed on the March 2004 Clergy Day, “We bless what has already been made manifest as holy in our midst.” For example, when two people have been living together in a covenanted relationship based upon love, fidelity and commitment, we can recognize that the presence of God is clearly present in their relationship. The public ceremony provides the context to bless the set of promises or vows the couple will be making to one another. The blessing acknowledges what is already present in the relationship and the new creation that God is bringing into being. Their vows formulate the vision and our prayers affirm that which this couple have professed and felt called to live into. The celebration of a Holy Union and the opportunity to profess life long vows to love and care for one another provides the occasion for the ultimate expression of love and the desire to form a family.

The blessing of a Holy Union has both a “now” and a “not-yet” orientation. The blessing celebrates what currently is and responds to the eschatological vision, which includes a more inclusive image of love, justice and family. The future orientation of the vows points the couple and the community to this vision of what love looks like. We bless the relationship and we bless the two people in the relationship in recognition and in affirmation of what is already present and in the “new creations” that will result from their physical, psychological, and spiritual union. Children, whether adopted or biological, new ministries and new spiritual resources are just some of the new creations that can result from a Holy Union. To quote Archbishop Rowan Williams, “the characteristic form of God’s doing is the formation of community: the formation of Israel, the formation of the church, the formation of the common life lived in such a way as to

manifest not just the inherent goodness of creation but the possibility of new creation, of healing and justice and forgiveness.”¹⁰

As an incarnated example of this understanding of blessing, we offer this story from the Rev. Michele Torres, a member of our task force. She writes,

Indeed two of the most memorial days of my adult life are the day I came out to my parents as a lesbian and the day they were present at the blessing of my Holy Union with my partner, Emily. In the eight-year span between these two events, both my parents and I experienced deep hurt, misunderstanding, fear and rejection. We went through a five-year period of barely speaking. It was after I met Emily and my parents could hear the joy in my voice, 3,000 miles away on the telephone as I spoke about her, that they began to accept their lesbian daughter. For our ceremony we chose two women as officiants, who have been our dear friends for many years and who happen to be a couple living in a covenanted relationship with one another. These two women are both ordained ministers with the United Church of Canada and are in their mid-fifties and sixties. I mention their age, because their age and their presence as a beautiful, healthy, and loving couple at our ceremony provided my parents and the gathering of family and friends a concrete image of the eschatological vision of the future of our relationship. Not that our relationship would become exactly like theirs but that they mirrored our future together. Needless to say, as we publicly professed our love and commitment to each other and made promises to continue to do so in good times and bad and in sickness and in health, my partner and I received a profound experience of healing, justice and forgiveness through the active witness and affirmation of the community. In addition, after the ceremony, many people told us in person and others wrote letters to express their deep gratitude for being part of something Holy, and an experience that filled them with love and hope for the future.

Why do we bless? “Why kiss your spouse when you both know you love each other?”¹¹ To paraphrase Charles Hefling, states of being, such as love and holiness have an intrinsic need for expression. “They ‘need’ to be manifested, communicated, brought to common awareness, even though none of that really adds anything to the fact that it gets manifested.”¹² The act of expressing your love for another person reinforces and even deepens your love. This phenomenon is similar to the principle of “lex orandi, lex

¹⁰ Rowan D. Williams, in “Imagining the Kingdom: Some questions for Anglican worship today,” in *The Identity of Anglican Worship*, ed. Kenneth Stevenson and Bryan Spinks (Harrisburg, PA: Morehouse, 1991), 10, quoted in Charles Hefling, “What Do We Bless and Why?” p. 6, reprinted by the North American Association for the Diaconate, from *Anglican Theological Review* 85 (2003).

¹¹ Robert Farrer Capon, quoted in Hefling, “What Do We Bless and Why?” 4.

¹² Hefling, “What do we bless and why?” 4.

credendi.” Praying shapes believing. Many people have reflected often times with surprise, on how their relationship feels different after experiencing the spiritual and public nature of a Holy Union. The fact that a blessing requires a minimum of two witnesses adds a level of accountability to the vows the couple will exchange with one another. The support and affirmation provided by the gathered community are an embodiment of the power and presence of the love of God. The love that the couple has for one another is amplified and shared with the community. When members of the couple and the community have endured marginalization, hatred, and violence because of their love for one another, there is a deep hunger for the blessing of God. Life-long, covenanted relationships, whether gay or straight, require a great deal of work. The bottom line is we need God’s help to stretch and grow and meet all the joys and challenges of forming a family. The blessing both recognizes the holy already manifest in the couple’s relationship and invites the continued presence of God in a very intentional way. The blessing is God’s answer to the couple that they will journey together into the future with God’s help. The Eucharistic community is one incarnation of God’s help. The Celebration and Blessing of a Holy Union calls each of us to a greater vision of love, justice, and family.

The Rev. Dr. Ellen B. Aitken
The Rev. Michele A. Torres
Dr. H. John McDargh
for the Task Force on the Blessing of Holy Unions
Diocese of Massachusetts
May 2004

Pastoral and Liturgical Guidelines for the Blessing of Holy Unions

© Episcopal Diocese of Massachusetts

Prepared by the Task Force on the Blessing of Holy Unions: Cathy George, Chair
Ellen Aitken, George Dallas, Frank Fornaro, Jeff Gill, Barbie Hart, John McDargh,
Tad Meyer, Michele Torres, Dana Whiteside

I. Introduction:

Since May 17th many clergy in the Diocese have been asked to bless same-sex civil marriages. The choice whether to perform such a blessing and whether to have it in the church is entirely up to you. You are not obligated by any civil or ecclesiastical authority to perform such rites or to allow them to be performed in the parish church.¹

For those, however, who wish to perform the blessings, you might find these pastoral guidelines useful in your planning for the service. Additionally, this memo also provides general liturgical guidelines for such blessings, pursuant to the *Book of Common Prayer* (page 13, paragraph 3). It is not necessary to ask permission to bless a same sex-civil marriage or to inform the bishop of such blessings.

II. Pastoral Guidelines: The Couple, the Parish, Yourself

As far as your response is concerned, there seem to be three areas of pastoral concern: the couple, the parish and, of course, yourself.

(1) The Couple

We strongly recommend that you extend the same pastoral care to same-sex couples as you would to heterosexual couples. You should invest the same amount of time preparing them for the service as you would for any couple who comes to you seeking Holy Matrimony. It may be, however, that this new dimension to our common life provides us with a fresh opportunity to re-think and re-design our pastoral response to all couples who are seeking the church's blessing on their unions whether they be gay or straight.

Many people are concerned about the parish's role in a couple's preparation. Holy Unions in the parish tend to be family affairs with very little involvement or participation on the part of the congregation. Are there ways that we can take this opportunity to expand or enrich the congregation's participation in the preparation, celebration and care of a joined couple? Here again, these suggestions would apply to all couples who come to have their unions blessed no matter what their sexual orientation.

¹ You are also not obliged to function as an agent of the Commonwealth in the solemnizing of any civil marriage and some clergy of the diocese have taken the position that they will ask all couples, gay or straight, to have a civil marriage separate from either a marriage according to the *Book of Common Prayer* or a blessing of a holy union.

- a) Should all couples who are to be joined in the church be introduced to the congregation several Sundays before their service?
- b) Should a couple from the parish be assigned to mentor the couple as they prepare for the service and afterwards?
- c) Should there be a time set aside when all couples preparing for services have a time to socialize and share their experiences?
- d) If the couple have children, either their own or from a previous relationship, what steps can the parish take to welcome them and bring them into the parish community?
- e) If both members of the couple are members of the congregation, does it make sense to celebrate the union in the context of the Sunday Eucharist, like the sacrament of baptism?

These are just a few suggestions that might spark some imaginative thinking about the way we approach our pastoral work with couples.

(2) *The Parish*

Whether your parish is completely united in support of same-sex unions or significantly divided, special care has to be taken to prepare the congregation for this new role. The key here is to make sure that there are ample opportunities for discussion and sharing. Although you certainly do not have to ask permission to perform such blessing services, it is probably a good idea to take the matter to the Vestry for their input, particularly if the service is to take place in the parish sanctuary. Church spaces are “common” spaces and even though some folk may be totally behind the concept of same-sex blessings, they may suddenly find themselves dealing with new emotions and thoughts when it is taking place in that shared space.

Having a chance to acknowledge and address some of these issues beforehand may spare you a great deal of anxiety and anger later. Some clergy are finding certain pockets of disquiet and opposition in what they thought was unanimous support. Many of us provided many educational events over the course of the past year and we assume that folk knew about these efforts and chose not to participate because they did not feel a need. Many, however, may have been unaware of the programs or simply did not think at the time that the matter was that critical and so it is important for us to continue to provide opportunities for education and discussion. The Diocese and the Task Force hope to make available a number of educational materials and resources to help facilitate such discussion.

(3) *Yourself*

These are exciting and difficult time for clergy in this Diocese. It is a time when we need to be very intentional about our own resources and how best to use and preserve them. If you yourself are presently in a relationship, take some time to focus on it and make sure that you are not neglecting or ignoring it. It is difficult for us to speak with integrity about such important issues as intimacy, care and life-long commitment if we are not caring for those relationships that are at the center of our own hearts.

No matter whether we are enthusiastically supportive of such blessings or dead set against them, we need to make sure that we do not fall prey to insensitivity or self-righteousness. We need to be confident of our beliefs but not callous to opinions that differ from our own. We need to continue to educate ourselves about these new developments and all the myriad issues that surround them. We must not cherish our opinions to the degree that they blind us to the truth of the Gospel and its mandate to love and respect one another.

This is obviously a time when we are called to a stance of deep prayer, offering to God all the joy and anguish of our minds and hearts, our heartfelt aspirations and our shattered dreams, praying that God will continue to infuse this new reality with the healing and redeeming touch of God's grace, love and mercy.

III. Liturgical Guidelines

- ***General Observations:***

At the present time, the worldwide Anglican Communion remains sharply divided over the matter of the blessing of same sex marriages. In accordance with the dictates of the Book of Common Prayer and Canon 18, the Presiding Bishop and Archbishop of Canterbury have asked our bishops to instruct the clergy to hold back from officiating at the marriages of gays/lesbians while those primates continue the hard work of maintaining unity within the world wide Anglican Communion and within our own country where the dialogue about the nature of Christian marriage is on-going.

So although, after years of study and debate, many of us are persuaded that there is no ethical or theological obstacle save consideration for the consciences of such Anglican kin (I Corinthians 10: 28) and preservation of the Anglican Communion, at this time we may not perform the Celebration and Blessing of a Marriage as set out in the Book of Common Prayer, where the language refers to "a man and a woman."

- ***Civil marriage and the Blessing of a Holy Union distinguished and related***

Those clergy who feel , in fidelity to our fundamental Baptismal promise to "strive for justice...and respect the dignity of every human being" , that they should bless and celebrate the civil marriages of our gay/lesbian members are asked to do so within the following guidelines:

1. If the civil ceremony before a Justice of the Peace or other authorized agent of the Commonwealth of Massachusetts takes place at a completely separate time and at a different place, prior to the Blessing, the church ceremony –

whether at the main Sunday service or at another time – can proceed according to whatever rubrics the parish and its rector have approved. The recommended nomenclature for this liturgy is the “Blessing of a Holy Union”.

²

2. If the couple and the rector desire to combine the solemnizing of a civil marriage with a blessing of that union by the Christian community in a single liturgical event, the following are some of the ways in which that might be done that make the separation of the civil rite from the sacred abundantly clear.
 - a. The civil marriage before the Justice of the Peace or other authorized non-Episcopal clergy person can take place as workable and appropriate in the narthex of the church, in the church hall or parlor, on the church porch or in the church yard, after which the civilly married couple and the wedding party, or indeed the entire congregation, may proceed in celebrative procession into the church for the Blessing.
 - b. If the entire ceremony is to take place inside the church building there are several ways the ritual may proceed:
 - i. The couple may follow the priest and ministers in procession to the front of the church while an opening hymn is sung. As the priest proceeds to the altar, the couple and their witnesses stop in the nave where they are met by a justice of the peace or someone temporarily licensed by the state to perform a civil marriage.
 - ii. The priest and ministers are already in the chancel, the couple with their witnesses enters in procession and the civil marriage takes place in the nave as above.
 - c. Couples may want to ask a member of their congregation or from their family to perform this function. It is not appropriate for an elected officer of the congregation or a vestry member to perform this civic function, however, so as not to confuse the civic and ecclesiastical roles.

² In the parish bulletin or order of worship for an event such as described here a clarifying statement could be added with words such as these:

There is separation between church and state. In this ceremony the Commonwealth of Massachusetts will be marrying _____ and _____. The state of marriage is created and governed by the laws of the Commonwealth. Also, within this ceremony there will be a blessing of _____ and _____ and the commitment they have made to each other. Blessing such a mutual commitment is the role of the church. You will be part of both important acts by _____ and _____.

- d. The essential elements of the civil ceremony are a (1) declaration of intent, for instance, *“We are here of our own free will and volition to enter into marriage according to the laws of the Commonwealth of Massachusetts”*, (2) the exchange of vows, (3) a proclamation of a marriage *“Now by the authority vested in me by the Commonwealth of Massachusetts I pronounce you partners for life, legally married.”* A signing of the marriage certificate can appropriately take place at this time. The role of the Justice of the Peace ends with the pronouncement of a civil marriage (no. 3). The pronouncement of the Blessing is reserved for the celebrant in the ceremony that follows.
- e. After this civil ceremony the couple can be greeted as may be fitting and the Blessing of the Holy Union begun with the singing of an opening hymn.

- ***Component Parts of a Liturgy for the Blessing of a Holy Union***

It is not the intention of the Task Force on the Blessing of Holy Unions to recommend or prescribe any particular liturgical model for this blessing. There are rituals that have been thoughtfully and prayerfully developed both in the ECUSA and in the Church of Canada that are available from a variety of sources.

. In general a ritual of blessing should have these component parts:

- **Invitation:** The presider addresses the couple and all those present to proclaim the purpose of the gathering and the purposes for which God draws human beings into loving and intimate relationships. (The theology of the bidding in the BCP is helpful here).
- **Liturgy of the Word:** Selections from Scripture suggested by clergy, couple to be married, BCP or other source. A reading of the Gospels should be one of the required readings.
- **Homily**
- **The Commitment and Vows / Blessing and exchange of rings**
- **Commitment and Vows of Support of the Community**
- **Prayers for the Couple**
- **The Blessing**
- **The Holy Eucharist (optional)**