

DIOCESE OF MASSACHUSETTS TASK FORCE ON CHRISTIAN UNIONS

Questions & Answers Generating from Conversations with Clergy of this Diocese:

Q1. May I preside at the marriage of a same-sex couple?

A. No, because the Canons and Prayer Book define marriage in heterosexual terms. By your ordination vows you agreed "...to conform to the doctrine, discipline and worship of the Episcopal Church." (BCP pp. 526 & 538) The Celebration and Blessing of a Marriage (BCP pp. 422-432) and Order for Marriage (BCP pp. 435-438) speak only in heterosexual terms. The Catechism defines Christian marriage as "...the woman and man enter(ing) into a life-long union," (BCP p. 861) and ECUSA Title I, Canon 18 on the Solemnization of Holy Matrimony speaks only in heterosexual terms. Any changes to this will have to take place through actions of General Convention.

Q2. May I bless a same-sex Civil Marriage?

A. Yes. The Bishop, pursuant to page 13, third paragraph, of the Book of Common Prayer, allows such form of a blessing.

Q3. Should I ask for the bishop's permission to bless a same-sex civil marriage?

A. No. This is not necessary.

Q4. Should I inform the bishop of my intention to bless a same-sex civil marriage?

A. No. This is not necessary.

Q5. What will these blessings be called?

A. Holy Unions. Our bishops together with all the bishops of Province I have agreed upon the use of this term.

Q6. Can I use a liturgy of my choosing for Holy Unions?

A. The Bishops will provide sample liturgies for the blessing of a holy union between people of the same-sex in this Diocese. The liturgies will be available by mid-May, 2004.

Q7. May I participate in a same-sex civil marriage if I do not actually preside at the civil ceremony?

A. Yes, provided the separation of the civil rite from the sacred is abundantly clear. You may not officiate at the civil rite or sign the marriage license as solemnizer.

- Q8. May I permit my church to be used for the solemnization of a civil marriage?
- A. Yes, so long as it is absolutely clear that the civil rite is being performed by a Justice of the Peace, or other authorized person, including clergy of another denomination, and you are not presiding at the civil ceremony.
- Q9. May I permit a civil marriage to take place in my church followed immediately by a Holy Union?
- A. Yes, again, provided that it is absolutely clear when the civil ceremony (at which you do not preside) begins and ends, and when the Holy Union begins, in which you may be the officiant.
- Q10. Can gay clergy in our diocese be civilly married and not be in violation of their ordination vows?
- A. After May 17, 2004, when it is legal for people of the same sex to be civilly married, clergy, like all citizens of the Commonwealth of Massachusetts, would have the right to marry. However, because of the Constitutions & Canons of the Episcopal Church, the marriage could not be solemnized by Episcopal Clergy.
- Q11. May I permit a civil marriage to be performed in my church if a majority of the Vestry, or congregation, oppose it?
- A. Sensitivity and respect for all opinions and feelings of a congregation should always be observed in this and all controversial issues. While clergy have the canonical authority to perform rites of this church and other liturgies permitted by the Bishop, including the blessing of Holy Unions, they are also called in their pastoral responsibility to love and serve all within their care.
- Q12. Can my vestry prevent me from blessing a same-sex union?
- A. Your vestry cannot prevent you from blessing a same-sex union. Where there is dissension around the issue of such blessings, clergy should do their very best to exercise pastoral care for all and work toward the most inclusive possible sense of Christian community. Again, clergy are permitted to perform these rites and are entitled to the use and control of church buildings for worship. (*Title III, Canon 9.5(a)(2)*)
- Q13. I am opposed to the civil marriage of same-sex couples. Must I bless such a couple after they have been married?
- A. No. ECUSA Title I Canon 18.4 permits you "...to decline to solemnize any marriage." It would follow that you do not have to bless same-sex couples if you are opposed to such unions on theological, scriptural, pastoral or any other grounds.

Q14. I am opposed to the civil marriage of same-sex couples but a member of my congregation wants to have his/her Holy Union to take place in my church, though I need not be present. May I forbid such a rite being performed in my church?

A. Yes, In accordance with *Title III, Canon 9.5(a)(2)*.

Q15. What might happen if I performed a same-sex civil marriage?

A. You could be liable to a Presentment and Trial in the Ecclesiastical Court pursuant to ECUSA Title IV, Canon 1 for holding and publicly teaching a doctrine contrary to that held by the Church (c), violating a rubric of the BCP (d), violating the Canons of the General Convention (e) or violating your Ordination vows (h). Also, your legal authority to officiate is contingent on the fact that you are "...a duly ordained minister of the gospel in good and regular standing with his (*sic*) church or denomination,..." (M.G.L. c. 207, Section 38) and if you performed a same-sex civil marriage you might lose your "good and regular standing" in the Episcopal Church.

Q16. What is the difference between civil marriage of same-sex couples and civil unions of same-sex couples?

A. Currently there is no such thing as a "civil union" recognized under Massachusetts law. In fact, only Vermont has such a legally recognized status for couples. There are proposals in the Massachusetts legislature to create civil unions. To do so would require a Constitutional amendment; this could not become effective until 2006, at the earliest. While many of the rights married couples in Massachusetts currently enjoy could be extended to include both members of a same-sex civil union, the Supreme Judicial Court recognized in the Opinion of the Justices that a civil union is not the same as marriage. A civil union could provide legal protection to couples under Massachusetts law, but would omit federal protection as well as the dignity, clarity, security and power of the word "marriage." A Massachusetts same-sex civil marriage would not be recognized as a "marriage" under federal law or the law of any other state, (1 USC, Section 7 and 28 USC, Section 1738C, known as the Defense of Marriage Act, or DOMA), but quære whether DOMA will withstand the constitutional test of the "Full faith and credit..." clause of the U.S. Constitution (Art. IV, Sections 1 and 2).

Q17. If we bless same-sex civil marriages can we also bless polygamous marriages?

A. No. We can only bless civil marriages that are legal in the Commonwealth of Massachusetts.

Q18. What is the difference between "blessing" and "solemnizing"?

A. "Blessing" is what the Church does when it invokes God's presence and grace. "Solemnize" has a broader meaning that might include the civil as well as the sacramental actions in marriage. According to Webster's New Collegiate Dictionary, "solemnize" means "to observe or commemorate with rites or ceremonies."

Q19. What will happen if I cease to sign *any* marriage licenses?

A. Some clergy in our diocese, throughout the Episcopal Church, and in other denominations, have already decided in conscience to no longer sign any marriage licenses so long as they cannot do so for same-sex couples. Doing so underscores the distinction between the civil and legal aspects of marriage and the sacramental role of the Church in blessing unions. In the interest of equality for gay and straight couples, it is entirely reasonable to expect the civil authorities to sign marriage licenses in both cases, and for the clergy simply to bless those marriages – i.e., to conduct Holy Unions. If you expect a civil authority (Justice of the Peace, judge, etc.) to sign the marriage license, the reasons for doing so will need to be carefully communicated to the parties involved: the couple themselves, their parents and families, and the congregation.

Q20. Will there be diocesan resources available to help me discuss the issue of same-sex blessings with my parish?

A. Yes. The Task Force has resources available today and will also make them available through the diocesan website.

Q21. May we bless an intimate relationship, same-sex or heterosexual, without a civil marriage?

A. There are circumstances that may warrant a pastoral response using the liturgies of the Church. This should never be done because of a reluctance of a couple to commit to a lifelong union, for reasons of legal impediment to marriage, or to avoid the discipline of the Church implied in Holy Matrimony or a Holy Union.

Q22. Do same-sex couples have to sign a Declaration of Intention (*Title I, Canon 18.3(d)(e)(f)(g)*)?

A. Strictly speaking, No. Since a blessing of a same-sex civil marriage does not at this time fall under the Canon on Marriage (Title I, Canon 18), there is no canonical requirement to sign the Declaration of Intention. However, those who choose to offer blessings to such couples may want to have the couples sign a Declaration of Intention and to follow all of the Canons on Marriage in anticipation of “the eschatological horizon.” These requirements include: lifelong intent; free consent; at least one party having received Holy Baptism; instruction as to the nature and meaning of Holy Matrimony; 30 day notice of intention; presence of two witnesses; record in the parish register (*Title I, Canon 18.2 and 18.3*). There will be a sample Declaration of Intention available on the diocesan website along with the Liturgies for Holy Unions.

Q23. Do previously married and divorced persons have to receive the bishop's permission to have their marriages blessed in the Church?

A. Yes, for heterosexual couples (*Title I, Canon 19.3*). No, for same-sex couples, for the same reasons given in the previous question and answer, i.e., that the blessing of a same-sex civil marriage does not at this time fall under the Canons on Marriage. In spite of the narrow requirements of the law, clergy are encouraged to seek such permission and to follow the requirements for doing so, once again, in light of our hopes for a yet to be achieved equality among gay and straight couples.

Q24. May a deacon preside at a Holy Union as described in the aforementioned Questions and Answers?

A. No. Deacons in the Diocese of Massachusetts are not allowed to preside at the service of Holy Matrimony or the blessing of Holy Unions.