

Guidelines for Addressing Same-Sex* Marriage in the Episcopal Diocese of Northern California

*(The word "sex" is used here in compliance with Resolution A049 of the 2012 General Convention of the Episcopal Church.)

Gratefully adapted, with permission, from an original document from the Episcopal Diocese of Maine, for

the Rt. Rev. Barry Beisner

July 2013



The Framework Provided by A049 (2012 General Convention)

The decisions of the 2012 General Convention created a framework for the possibility of blessing a same-sex marriage in the Episcopal Diocese of Northern California. According to Resolution **A049**, a "generous pastoral response" is available to meet the needs of Episcopalians who live in states where same-sex marriage is legal. That same resolution also sets limits within which the generous response must be exercised.

The bishop has authorized the use of three liturgies, including: *The Witnessing and Blessing of a Lifelong Covenant* from I Will Bless You and You will be a Blessing; *A Covenant Blessing of a Relationship* and *The Celebration and Blessing of a Lifelong Covenant*, available on the diocesan website. The bishop may also adapt the service "to meet the needs of the members of this Church." The Episcopal Church has not changed its canonical definition of marriage, which is that marriage is a "solemn and public covenant between a man and a woman in the presence of God" (*The Book of Common Prayer*, p. 422), neither, *The Celebration and Blessing of a Marriage* nor *The Blessing of a Civil Marriage* in *The Book of Common Prayer* may be used.

With the bishop's permission, clergy may choose to host and preside at a service blessing a same-sex marriage. However, clergy are also free to refuse to preside at the blessing of a same-sex marriage, and there is no penalty for refusing to preside.

Within this framework, *the bishop has authorized the blessing of same-sex marriage by clergy and congregations who choose to do so. This authorization extends to signing of marriage licenses for same-sex couples in the State of California.*

Some Background

The 2012 General Convention adopted Resolution **A049** which authorized "...Liturgical Resources I: I Will Bless You and You Will Be a Blessing..." for use in The Episcopal Church. These resources include a service for *The Witnessing and Blessing of a Lifelong Covenant*, theological and liturgical resources for education in a congregation and materials to assist in preparing same-sex couples for life together.

This action extended the "generous pastoral response" first authorized by 2009 General Convention Resolution **C056**. In states where same-sex marriage is legal, **A049** now permits bishops to provide, "...generous pastoral response to meet the needs of members of this Church..." It further provides "...that bishops may authorize adaptation of these materials to meet the needs of members of this Church..." Bishop Beisner understands that to mean that, under his supervision as bishop, clergy may work with same-sex couples in preparation for civil marriage and may preside at the blessing of such marriages using the authorized and adapted rites.

A049 helps us address the needs of our gay and lesbian households, but we continue to confront the challenge created by differing definitions of marriage. The General Convention did not believe that the canonical definition of marriage should be amended by means of a resolution, but through the normal process of prayer book revision. Therefore, the 2012 General Convention Resolution **A050** created a

task force to undertake a study of marriage, in consultation with several other entities. This process may eventually result in a revision of *The Book of Common Prayer* marriage rite. In the meantime, we need to make best pastoral use of the resources available to us. With that in mind, Bishop Beisner offers the following guidelines.

Guidelines for Same-Sex Marriage

- i. Our primary work will be with faithful members of our own congregations. (A set of recommendations for working with out-of-state couples is listed below.)
- ii. There is no expectation that clergy should or must preside at any service for same-sex couples or for any couple, for that matter. As is the case with every marriage or service of blessing, the decision to preside is a matter of the sole discretion of the priest or deacon who has been asked to preside. No reason need be given for refusing to preside (Canon I.18.4). There is no penalty for refusing to preside.
- iii. Clergy do not need the bishop's permission to preside at the blessing of a same-sex marriage that is a first marriage. It is entirely a matter of their pastoral judgment.
- iv. Before the marriage or the blessing of the civil marriage of a same-sex couple, clergy are asked to talk with the leadership of their congregations. The sacramental rites of the church are the sole province of the clergy, but such rites take place in the context of community. Clergy should honestly and sensitively address the culture of their congregations. The bishop expects to be made aware of the outcome of these conversations.
- v. One member of the couple must be a baptized Christian.
- vi. Same-sex couples must undergo the same regimen of pre-marital preparation currently required of heterosexual couples. There should be no shortcuts. Pre-marital issues for same-sex couples are much like those of heterosexual couples, although same-sex couples may feel a particular vulnerability in our currently charged environment. In addition to the materials authorized by the General Convention, **Province I has produced an excellent guide to assist clergy in preparing same-sex couples**. That guide is available through the Province I website.
- vii. If either member of the couple has been married or part of a legal union and has divorced, the scrutiny called for in Canon I.19.3 is required. The bishop will want to see the appropriate forms. For persons who have lived in civil unions or covenanted relationships, but for whom divorce is not a legal option, clergy are asked to pursue a similar discipline, especially in regard to minor children.
- viii. **A Declaration of Intention** should be signed as part of pre-marital preparation.
- ix. All normal standards and policies regarding fees and use of the facilities would apply. Such policies should apply uniformly to all couples.

x. *The Witnessing and Blessing of a Lifelong Covenant* from I Will Bless You and You will be a Blessing; *A Covenant Blessing of a Relationship* and *The Celebration and Blessing of a Lifelong Covenant*, available on the diocesan website are the authorized rites. The Marriage rites from *The Book of Common Prayer* may **not** be used for the marriage of same-sex couples. *The Book of Common Prayer* and *Enriching our Worship* may be used for the celebration of Holy Eucharist. Many congregations have local marriage customs, such as the lighting of candles. These may be included in the service.

xi. Under the provisions of **A049**, California State Law and now with the bishop's authorization, clergy may preside using the following *adaptation* of *The Witnessing and Blessing of a Lifelong Covenant* and sign the license:

add the words "...in marriage according to the laws of the State of California..." to the third line of the opening address and change the penultimate line of the pronouncement to read "...in marriage according to the laws of the State of California..." as follows:

Dear friends in Christ,
we have gathered together today
to witness *N. N.* and *N. N.* publically committing themselves to one another
in marriage according to the laws of the State of California, and, in
the name of the Church, to bless their union: a relationship of
mutual fidelity and steadfast love, forsaking all others,
holding one another in tenderness and respect, in strength
and bravery,
as long as they live.

Inasmuch as *N.* and *N.* have exchanged vows of love and fidelity in the presence of God and the Church,
I now pronounce that they are bound to one another
in holy marriage *according to the laws of the State of California*,
as long as they both shall live. *Amen.*

xii. The entire service may take place at the congregation. Couples who prefer to be married at the town or city hall or in some other setting may do so and then come to the congregation, immediately following or at some other time, for the Covenant service and the Eucharist.

xiii. Same-sex couples who have been married civilly in California or elsewhere may wish to have their marriages blessed. That is appropriate, and marriage preparation is required. *The Witnessing and Blessing of a Lifelong Covenant* may be used for the blessing of a civil marriage. (We would ask the couple to "reaffirm" their vows.) Same-sex couples who have had their relationships blessed may now also seek to be married. Clergy should address these situations pastorally, but marriage is in order, including the blessing.

xiv. All services of marriage and all blessings of civil marriage should be recorded in the usual manner in church registers.

Marriage of Persons from Away

Out-of-state Episcopal clergy who ask to do weddings or blessings in our congregations will need the consent of their bishops to preside at the service in addition to our clergy's permission. We cannot grant permission for them to do things their own bishops will not authorize them to do.

Regarding persons who have peripheral connections with our congregations or with The Episcopal Church in Northern California, or who have come to Northern California for a "destination" wedding, should be treated in the same manner as all out-of-state couples with such connections. Clergy are free to make appropriate arrangements, but must attend to pre-marital preparation and seek permission for the remarriage of divorced persons.

The Blessing of Same-Sex Unions

The availability of civil marriage in California makes the blessing of same-sex unions in this time of transition a pastoral challenge and opportunity. Clergy who are approached by persons who do not wish to be married, but wish to have their relationships be blessed, have a special responsibility to explore the issue with them and to teach about marriage. Couples who have already had their relationships blessed may not see a need (sacramental or legal) to be married. There is no expectation that we will require marriage of same-sex couples any more or less than we require the marriage of heterosexual couples, but marriage is the standard we uphold.

Transparency and Accountability

The Episcopal Diocese of Northern California is committed to The Episcopal Church's ongoing conversation about same-sex marriage and will report to the House of Bishops and the General Convention. To that end, the bishop asks that clergy inform him of their intention to preside at a same-sex marriage, and to share with him their reflections upon actual experience.