

RESPONSE TO MAY 26, 2009 CALIFORNIA STATE SUPREME COURT RULING
ON THE CONSTITUTIONALITY OF PROPOSITION 8

Administrative Affirmation

Background Statement

On Tuesday morning, the leaders of the Northern California Nevada Conference of the United Church of Christ (UCC), preparing for its Annual Gathering, received with great disappointment the California State Supreme Court ruling that upholds Proposition 8 and denies equal marriage rights and equal protection to our gay, lesbian, bisexual and transgender brothers and sisters who are members of our communities, churches and families.

In 1972 the Golden Gate Association of this Conference became the first body of a mainline denomination to ordain an openly gay man.

In 2005 this Conference co-sponsored the UCC General Synod resolution "Equal Marriage Rights for All." This resolution "urges the congregations and individuals of the UCC to prayerfully consider and support local, state, and national legislation to grant equal marriage rights to couples regardless of gender."

Last year, at our 2008 Annual Meeting, this Conference affirmed with joy the California Supreme Court's Decision to extend equal marriage rights to all. This action was in keeping with a history of affirming equal rights for all God's children, regardless of their sexual orientation.

In November 2008, the voters of California approved Proposition 8 by a vote of 52% to 48% to change the California Constitution by defining marriage to be between a man and a woman.

The Conference Council joined other religious bodies in challenging the constitutionality of Proposition 8 claiming that the initiative was a revision to the Constitution, requiring a 2/3 vote, rather than an amendment, which requires a simple majority.

In its ruling, on May 26 the court asserted: *The principal issue before us concerns the scope of the right of the people, under the provisions of the California Constitution, to change or alter the state constitution itself through the initiative process," the court wrote, "not to determine whether the provision at issue is wise or sound.*

The decision by the California Supreme Court is a step backwards and is contrary to the central message of the Christian church and the deeply held convictions of many people of faith.

Administrative Affirmation to be Voted

The 2009 Annual Meeting of the Northern California Nevada Conference of the United Church of Christ is deeply distressed by the action of the California Supreme Court, made public on May 26, 2009, to uphold the constitutionality of Proposition 8 , which through a simple majority vote denied the civil rights of a minority of Californians. We reaffirm our Christian commitment to marriage equality and we recommit ourselves to working toward the day when marriage rights are available to everyone.

The 2009 Annual Meeting of the NCNC-UCC proclaims that the teachings of Jesus Christ affirm the dignity of all people. We therefore declare the Gospel message to be fundamental to our commitment to marriage equality.

Whereas, in 2005 the UCC General Synod passed the resolution “Equal Rights for All” which urged congregations to prayerfully consider and support equal marriage rights for all couples regardless of gender,

And whereas the California Supreme Court ruling of May 26, 2009 upheld Proposition 8, which eliminated marriage rights for same-sex couples,

We therefore call upon our Conference Council to act with our churches and their leaders as prophetic witnesses to the larger community advocating for the right of all couples to marry.

Recommendations for Implementation

- Issue an immediate press release expressing our Christian position supporting marriage equality.
- Encourage clergy not to act as civil agents by refraining from signing state-issued marriage licenses when performing religious marriage ceremonies until California recognizes marriage equality for all citizens.
- Form a task force, with youth participation, which will
 - organize a Conference-wide day of mourning marking the revocation of marriage rights of same-sex couples,
 - organize a Conference-wide event within six months to support our congregations in working for marriage equality with the intention of creating a unified voice and strategy,
 - promote education, Bible study and advocacy regarding marriage equality and,
 - explore collaboration with the Southern California Nevada Conference and national setting of the UCC to promote marriage equality and,
 - work with other faith communities and secular organizations.
- Provide pastoral care for all harmed by the recent Supreme Court ruling upholding Proposition Eight.

Fiscal Impact: None

Contact Persons: Rev. Jack Dawson uccjack@sonic.com
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The purpose of this email is to ask for your support in following the Administration Affirmation that was passed at the most recent Annual Meeting.

Specifically:

“In order to highlight the difference between a civil marriage and a religious/spiritual marriage ceremony and as a means to demonstrate our commitment to marriage equality for all people, clergy are encouraged to refrain from signing state-issued marriage licenses when performing religious marriage ceremonies.”

Rationale

Highlighting the difference between a civil marriage and a religious marriage (ceremony)

- A civil marriage is one that is legally recognized by the state and federal government and offers a number of protections and rights to those who are legally (civilly) married.
- A religious ceremony is a sacred recognition of the covenant and commitment made by a couple in a religious context. Different religious groups, denominations, and faiths have different theologies of marriage and marriage practices. Every religious group, denomination and faith tradition (and local church in some denominations) has the right to their theological beliefs and practices regarding marriage and can determine whom to marry.
- This difference has been blurred and is widely misunderstood. Some opponents of marriage equality have tried to link the two and have erroneously claimed that if civil marriage equality were to be upheld, individual churches, denominations, and faith traditions would be forced to perform same-sex marriage. This is not true.
- In California, the state government has given clergy the authority to act as agents of the state. Clergy can therefore sign civil marriage licenses making the marriage legally binding, sanctioned, and recognized. This is not true in all states, nor in all countries.

We believe that the constitution (state and federal) demands that all people are treated fairly and equally under the law. By refusing to sign marriage licenses, clergy are refusing to participate as state agents in a government (state) institution that does not treat all people fairly and equally.

Clergy are NOT being asked to stop performing religious marriage ceremonies. NCNC and UCC have made public its support of marriage equality and many UCC churches and clergy perform religious marriage ceremonies for all people regardless of gender. We encourage you to continue to do so and believe that this practice of marriage equality within our churches is a prophetic witness in the fight for marriage equality in California and beyond. The only action clergy are asked to make is to refrain from acting as a state agent by signing civil marriage licenses. Couples would need to have their marriage license signed by another authorized state agent which can be done at the time they pick up their marriage license.

We believe that by taking this position, clergy will help to foster dialogue and education about marriage and marriage equality.

Honoring our autonomy and covenant

This action is encouraged; it is not mandatory. We recognize that opinions vary, and that each clergy person must make his or her own decision. We also know that, as one collective body, our voice and actions speak louder than when we speak or act alone. We hope that all clergy will prayerfully consider participating in this action.

We plan to use this request to clergy in a press campaign to publicize our church conference's stand for marriage equality.

Biblical Self-Defense

1. **Start with the Bible's own perspective on the importance of same-sex behavior.**
 - How many passages relate to same sex behavior in the Bible? Six. How central can this issue be compared to issues like justice, service, helping the poor, which come up thousands of times?
 - The sin of Sodom in Genesis is interpreted in other Biblical books (Isaiah, Matthew, etc.) as a sin of inhospitality, violence, injustice, etc, not same sex behavior.
 - How often did Jesus bring up same sex behavior? He taught everything he believed to be important. Why does he never mention it. (The marriage statement is followed by a discussion of who should not get married.)

2. **Look at the Bible's own understanding of same-sex behavior.**
 - Biblical writers understand all people as being made for the opposite sex, made for marriage and children.
 - There is no understanding of something called an orientation, as we know it today. There is no understanding of two people of the same sex in committed relationships. There is really nothing in the Bible about *homosexuality* as we understand it today. The word *homosexual* is just over 100 years old.
 - The only understanding the Bible has of same-sex behavior is from the context of temple prostitution in pagan rituals and arguably Roman sexual debauchery.

3. **Consider how we determine that other matters in the Bible relate to a certain time and place, and to the facts known at the time.**
 - Women speaking in church, let alone women leaders, is considered to be wrong in the Bible.
 - Slavery is considered to be ordained by God in the Bible
 - The Old Testament holiness code requiring the death penalty for certain things is considered no longer relevant.

4. **Consider how the Holy Spirit speaks through human hearts and human - experience.**
 - Christianity teaches that the Holy Spirit makes us free. Paul says love and do as you will. In other words, the Spirit shows us what is right and wrong. The Spirit guides us in our interpretation of the Bible.
 - The Spirit speaks through the experience of all of us. Gay and Lesbian people experience themselves as beloved of God. They experience their relationships as loving and godly.

Making Sense of Same-Sex Interpretations of the Bible

Important Starting Point: Literal vs. Contextual Interpretation of the Bible

Literal Interpretation of the Bible:

- sees the meaning of scripture as “whatever it means to somebody reading it today,” (Helminiak 33), historical context unimportant
- understands “inspiration” as God putting exact words directly in the minds of people (Heb/Grk words?)
- understands “inerrancy” as truth of every literal detail
- has the advantage of simplicity
- has the problem of selectivity (Death penalty for cursing parents, having sex with menstruating women? Cut off your hand? Do not pray in public?)

Contextual Interpretation of the Bible:

- sees the meaning of scripture as “whatever it meant to the people who wrote it long ago” (Helminak 33), which means it says things for certain reasons and those reasons must be understood (example: sex with menstruating women)
- understands “inspiration” as God speaking essential truth through the words and customs of imperfect, fallible people with limited knowledge of physics, astronomy, etc
- understands “inerrancy” as referring to the essential truth of scripture (Creation by God vs. 7 actual days). Those essential truths are related to the *reasons* for a scriptural pronouncement since the reasons explain the real “truth” of the passage. The reasons help us sort out the distinction between cultural practices and the will of God
- has the advantage of allowing scholarly consensus about interpretation. All mainstream theologians (those with degrees from accredited seminaries and universities) have accepted a contextual method for many decades, both Catholic and Protestant theologians. Many churches accept this method but are reluctant to apply it to passages about homosexuality because to do so has disturbing ramifications
- has the challenge of requiring research of context

Fundamental Problems with Applying Same-Sex Scripture Passages to Homosexuality Today

1. In the days of the Bible there was no recognition of different sexualities. Scripture writers believed everyone was sexually oriented toward the opposite sex. Those who engaged in same-sex behavior were simply doing something out of character. In fact, the word “homosexual” (the Heb/Gk equivalent) doesn’t appear in the original scriptures because no such word or concept existed. It appears in English translations only in the 20th century, after the word was coined in 1892.
2. All 5 passages condemning same-sex activity give reasons that have nothing to do with same-sex activity per se.
 - Genesis 19:1-11: It’s a form of violent inhospitality (as other scripture passages attest: see Ezekiel 16: 48-49; Wisdom 19:13; Matthew 10:5-15).
 - Leviticus 18: 22 and 20:13: “Lying with men” is probably understood as anal sex. It’s a violation of the holiness code, meant to 1) set Israelites apart from other nations; 2) keep Israelites from idolatry; 3) uphold ritual purity (no contact with blood during sex and lying with men was understood to mean this).
 - Romans 1: 26-27: same sex activity (anal sex?) is wrong because it is understood as arising from lust, unnaturalness (socially unacceptable practices—like men having short hair), and denying God/Christ. So Paul’s words are only relevant if sex is not respectful of both persons (lust) or if sex is meant to deny God or Christ. And we don’t have to believe that something is immoral just because it’s unconventional.
 - 1 Corinthians 6:9 and 1 Tim 1: 9: same sex activity is wrong because it refers to actions of catamites (exploited youths) and sodomites (male prostitutes).
3. The Bible shows little interest in same sex acts between women (nothing in Holiness Code, and the one possible reference in Rom. 1:26 is disputable) probably because women were seen as socially inferior and for a woman to have sex with another social inferior did not disturb people, while it was disturbing for men to take on an inferior role (in passive anal sex).

Positive Scripture References to Same-Sex Relationships?

- Story of Centurion in Luke 7:1 and Matthew 8:5 could be story of male lovers.
 - Story of David/Jonathan/Saul, content and ambiguous vocab. (1 & 2 Samuel)
 - Story of Ruth and Esther (Book of Ruth)
 - Story of Daniel and the chief eunuch (Book of Daniel 1:9)
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Bibliography: Helminiak, Daniel. *What the Bible Really Says about Homosexuality*.

New Mexico: Alamo Square Books, 2000.

Scanzoni, Letha and Virginia Ramey Mollenkott, *Is the*

Homosexual My Neighbor. San Francisco: Harper and Row, 1978.

Essential Reading on the Bible and Homosexuality From a Christian Perspective

Comstock, Gary David. ***Gay Theology Without Apology***. Pilgrim Press, 1993.

Comstock suggests that we read all passages of the Bible through the lens of Jesus' life, words, and ministry (as well as through the Bible's great themes of liberation and justice.) A very affirming understanding of the Bible for LGBT people and all people oppressed by fundamentalist readings of the Bible.

Goss, Robert and Mona West, Eds. ***Take Back the Word: A Queer Reading of the Bible***. Cleveland: Pilgrim Press, 2000.

Treats the Bible as an affirming friend, with whom we have our differences. Provides imaginative readings of the Bible that take into consideration the experience of LGBT and other queer folk.

Helminiak, Daniel. ***What the Bible Really Says about Homosexuality***. Alamo Square Press, 2000.

Offers an excellent comparison of the literal vs. contextual approaches to the Bible. He also offers a clear explanation of the six texts of terror in light of today's standard Bible scholarship—all very affirming of LGBT people. One perk: Helminiak makes a great case for saying that Jesus knows of same-sex relationships and offers acceptance toward them.

Miner, Jeff and John Tyler Connoley. ***The Children are Free: Reexamining the Biblical Evidence on Same-sex Relationships***. Indianapolis: Found Pearl Press, 2008.

Ramey Mollenkott, Virginia and Letha Scanzoni. ***Is the Homosexual My Neighbor?: Another Christian View***. San Francisco: Harper and Row, 1994.

Examines scriptural, scientific, and ethical approaches to homosexuality. (Great chapter on the 6 texts of terror in the Bible.)

Wink, Walter, Ed. ***Homosexuality and Christian Faith: Questions of Conscience for the Churches***. Augsburg Fortress, 2003.

Essays by heterosexual theologians on topics like the Bible and homosexuality, ethics and homosexuality, and spirituality and homosexuality. "A collection of very accessible and varied essays affirming LGBT people in the church." (Augsburg Fortress On-line Catalog).