

Chapter Five It is NOT about Marriage!

There is probably no issue about which fundamentalist Christians have been more antiChrist than homosexuality. While there are a number of topics where one might debate what Jesus said and what he meant, this would not be one of them. Jesus was completely silent about this issue. Still, that has not stopped conservatives from using the name of Jesus to marginalize lesbian and gay people. Conservative Christians have essentially excommunicated lesbian, gay, bisexual and transgender (LGBT) people from the Church, and only a handful of denominations are now inviting these children of God to come home. Someday, the church will look back with shame on how it has treated LGBT people, just as it has on the issue of slavery and, in most cases, equality for women.

It is one thing to use a handful of debatable scriptures to deny LGBT people ordination or other rites and sacraments; it is quite another to use those obscure passages to discriminate against law-abiding taxpayers. This is the area of our common lives where the spirit of the antiChrist has infected our government most completely. There is no rational reason offered for taxpayer discrimination, other than the religious beliefs of the majority. Fortunately, this is changing in many places in our world, and, inevitably, it will change in our country. Denying LGBT people the right to marry is discrimination against law-abiding, taxpaying citizens, and, sooner or later, it will be recognized as such.

On November 18, 2003 the Supreme Court of Massachusetts followed the model of our neighbors to the north in Canada and ruled that lesbian and gay citizens deserve the same rights as heterosexual citizens. Just two months later, in his State of the Union address, George W. Bush called for a constitutional amendment to prevent other states from following the Commonwealth of Massachusetts' example. With that, gay marriage became a wedge issue for politicians and a fundraising bonanza for the Religious Right. Above the din that has provided much more thunder than lightning, I have tried to remind our community of one basic principle:

It is NOT about marriage; it is about discrimination.

Let me explain what I mean. On December 12, 1912, U.S. Representative Seaborn Roddenberry of Georgia proposed a constitutional amendment that read, in part:

Inter-marriage between Negroes or persons of color and Caucasians within the United States ... is forever prohibited.

This amendment failed to pass, though, at that time, *90 percent* of white southern Americans opposed interracial marriage. In 1958 popular opposition was up to 96 percent.¹ That year, Mildred Jeter and Richard Loving committed a felony under

state law because, after exchanging wedding vows in the District of Columbia, they lived together as husband and wife in Caroline County, Virginia. Doing so violated the state's Racial Integrity Act, which prohibited "any white person ... to marry any save a [nother] white person." Richard was white, and his bride, Mildred, was black. For their transgression, a Virginia judge sentenced Loving to a year in prison, but offered to suspend that sentence on the condition that they leave the state and not return for 25 years. The judge also lectured them on the importance and justifiability of the state's policy, asserting that the fact that "Almighty God" had initially placed the races on different continents "shows that he (sic) did not intend for the races to mix."

Today, we may be tempted to laugh at that judge, but the sentiments he voiced decisively shaped people's lives and were by no means idiosyncratic. Opposition to the marriage of same-gender taxpayers reflects remarkably similar logic. According to surveys conducted in 2006, slightly more than 50 percent of Americans oppose same-sex marriage.² It is probably not coincidental that the very states that were the last to give up racial marriage discrimination were the first to pass laws prohibiting lesbian and gay people from marrying.

Like all laws that institutionalize discrimination, this battle for marriage equality could do great harm to the LGBT community. The danger is that our government is making lesbian and gay people second-class citizens eligible for a range of discrimination. The United States has a strong history of protecting minority rights and resisting discrimination, but we have seldom done so willingly, quickly or easily.

The lesbian and gay community has great ambiguity about the issue of marriage and, therefore, has not mobilized for the struggle against these laws as it might. Marriage, in its present form, has rightly been seen as a flawed and generally sexist institution. Many do not want to simply buy into an institution that historically has been based more on property rights than love. In heterosexual marriages, for instance, the pastor traditionally asks, "Who gives this woman to be married to this man." Women were historically regarded as property to be given and received. The idea behind a dowry was that a father *paid* a man to take his daughter off his hands. It is little wonder we want no part of *that* system.

Since the time of Ruth and Naomi, and of David and Jonathan, people of the same gender have made sacred covenants of love. So why do we need the state's approval of our relationships now? The main issue is that in this country there are more than 1,100 civil protections afforded legally married couples that are not available to same-sex couples. Britney Spears, who got married for 24 hours as a joke received all of those rights, yet gay or lesbian couples together for 24 *years* get none of them. Rights like:

- **Hospital Visitation:** Heterosexually married couples are considered next-of-kin for the purpose of making medical decisions or even hospital visitation. I have seen, with my own eyes, long-term partners bared from their dying lovers' hospital rooms because they were not legally family.

- **Ultimate Decisions:** The legal protection of marriage is the only way to ensure we get to make ultimate decisions for our loved one upon their death. Many years ago a member of this congregation died of AIDS. He was very specific about his desire to be cremated and his ashes interred in the Memorial Garden of our church. He did not want to be buried in his hometown, which had been abusive to him when he was young. He wrote out his wishes and made his partner promise to carry them out. However, upon his death, his biological family swooped in, took all the possessions in the home the couple owned jointly, and claimed the body. When I contacted an attorney on behalf of the partner, I was informed that in Texas dead people have no rights, and the next-of-kin gets to make all of these decisions. Before we could get a hearing in court, the grieving partner had lost everything they owned in addition to the love of his life.
- **Social Security Benefits:** Married couples receive Social Security payments upon the death of a spouse, yet, despite paying the *same* taxes, lesbian and gay couples do not receive a penny, regardless of how many years they were together.
- **Immigration:** On a regular basis, the Cathedral of Hope is called upon to help couples where one partner is being deported because they are not a U.S. citizen. Heterosexuals can meet at a bar, marry the next day and their partner is allowed to stay, while long-term, same-gender couples are forced to split up or move to another country.
- **Health Insurance:** Many corporate or government employees are able to provide health insurance to their husband or wife, but same-gender couples do not receive this benefit. Even if a company does provide domestic partner benefits, the same-gender partner is forced to pay income tax on the value of the insurance.
- **Estate Taxes:** A married person automatically inherits all the property belonging to his or her spouse without paying taxes. A gay or lesbian spouse must go through the probate process to retain even their own home, and then, if the estate is great enough, must pay estate taxes as if they had received an inheritance from a stranger.
- **Family Leave:** Married workers are legally entitled to unpaid leave from their jobs to care for an ill spouse. Gay and lesbian workers have no such rights. During the AIDS crisis, many gay men had to choose between losing their jobs and abandoning their dying partners.
- **Nursing Homes:** Although none of us believe it will ever come to this for us, it will. Married couples have a legal right to live out their last days together in a nursing home. Lesbian and gay couples have no such protection at the end of their lives.
- **Home Protection:** Laws protect married seniors from being forced to sell their homes to pay for the cost of their partners' nursing home care.

Same-gender couples have no such protection. If you jointly own the home, you can be forced to sell it and give the nursing home half, or, if you are able, buy back half of your own home from your own spouse.

- **Pensions:** After the death of an employee, most pension plans pay survivor benefits, but they will only pay a legally married spouse. A gay or lesbian partner of a lifelong employee is left with nothing.

This list goes on, but I hope you see that this is an issue with significant implications. I remind you that these are *civil rights* that are being denied to *American taxpayers*. Regardless of how someone might feel about the religious issues surrounding marriage, this is not about marriage; it is about *discrimination*.

In the 1970s there was a great poster that hung in many churches that said, "Ordain women or stop baptizing them!" The point, of course, was that there are no second-class Christians. Well, there should not be second-class citizens either, so I'm proposing this poster:

Marry gay people or stop taxing them.

The truth that I keep trying to communicate to people is simply this: The Cathedral of Hope has been marrying same-gender couples since 1970. The United Church of Christ, Unitarian Universalists, and Metropolitan Community Churches also marry same-gender couples, as do others. I have personally married hundreds of couples. No one has died, civilization has not come to an end, and, as far as I can tell, the institution of marriage has not been harmed in any way that can be traced to those services.

The Cathedral of Hope marries both heterosexual couples and homosexual couples. We use the same ritual, exchange the same rings, say the same vows. In fact, the only difference between those two services is that heterosexual couples walk out of church with about 1,100 civil rights and protections that the same-sex taxpayers do not get.

That is discrimination, and it has *nothing* to do with what the Bible says and doesn't say about marriage. It has nothing to do with religion; churches have always been free to do these services or not. Many churches will not remarry divorced people. While I disagree with that position, it can be defended with considerably more integrity, because Jesus actually talked about divorce and remarriage, while he never talked about homosexuality. Ironically, divorce is one of the many marriage issues about which our culture has made dramatic social and cultural shifts in the not too distant past. Religious institutions resisted that shift for some time, but, today, the overwhelming majority of churches have been able adapt to a more graceful way. Episcopal churches ordained divorced Bishops, and, despite the words of Jesus about the issue, the church was not split apart by it.

Still, religions have every right to determine who they will and will not ordain or marry. The Roman Catholic Church practices wholesale sexual discrimination, but

no one is suggesting the government ought to force them to comply with civil rights protection laws. So too with marriage. No church would ever be forced to marry a couple in a relationship of which they disapprove. However, a marriage license from the state is a civil right, not a religious one. The subsequent marriage is often, but not always, blessed by a religious ceremony. It is not a religious ceremony authorized by the state. Even when I perform heterosexual marriages, I never say the words, “By the power vested in me by the State of Texas, I now pronounce you ...” As a pastor, I am clear that any power or authority I have comes from God, not from the state. I can preside over any couple making sacred covenants before family and friends. The government bestows or withholds the civil rights and protections afforded married couples, and it is discrimination to grant those rights to certain taxpayers and withhold them from others. Same-gender marriage is not a religious issue, but, while we are on that subject, there are some things we should note. As Jamie Raskin, a professor of law at American University, now famously observed, our politicians place their hands on the Bible and swear to uphold the Constitution; they do not put their hands on the Constitution and swear to uphold a fundamentalist’s interpretation of the Bible.

Leadership Journal is a fairly fundamentalist Christian publication. In an issue published after the Massachusetts ruling, they interviewed four evangelical pastors about the issue of same-sex marriage. Tony Campolo, whom I love, had this to say when the interviewer asked, “So the biblical model of marriage is one man, one woman, one lifetime?”

A “biblical model” is harder to establish than you think. A colleague of mine has identified, I think, 16 models of marriage in the Hebrew Bible, including polygamy, concubinage, handmaidens, levirate arrangements, purchasing of wives, and spouses that accompany political alliances. It’s so pious to say “the biblical model of marriage.” Which of those forms of marriage do you mean?

John Yates, an Episcopal priest in Virginia and friend of President Bush, answered the same question by saying, “I believe Genesis 2 gives us the foundation—a man and woman leaving, cleaving, and becoming one flesh—and then I jump to Mark 10 and Jesus’ understanding of the permanence of that relationship.”

Campolo, in response observed:

Speaking of Mark 10, what do you do with divorced people who remarry? Do you accept them in church? I mean, while Jesus never speaks about gay marriage, he speaks very clearly about those who remarry after a divorce. I don’t know many churches that enforce a no-remarriage rule.

Has the church said, “We have to be faithful to Scripture about marriage, except on the issue of divorce and remarriage?” Or do we

extend grace? Because if we're going to show grace toward people who are divorced and remarried, an area Jesus specifically called sin, then how do you not show grace to people in a sexual relationship that Jesus never mentions?

Well, there you have it, from the mouth of one of America's most prominent evangelicals. It is remarkable how in the past 50 years the church has dramatically shifted its stand on divorce. We have been guided by grace and reinterpreted the teachings of Jesus in our modern context. Yet when it comes to a topic about which Jesus said NOTHING, most churches remain legalistic, punitive and primitive in their thinking. Even if the fundamentalists are right theologically, the government is wrong to enforce their beliefs by discriminating against law-abiding citizens.

In our conversations with family and friends, it might be helpful to raise the issue of what Jesus said about divorce:

And I say to you, whoever divorces his wife, except for unchastity, and marries another commits adultery.

Matthew 19:9

Except for the most legalistic and fundamentalist, few Americans believe that divorce is sinful—unfortunate, yes—but divorced heterosexuals are not treated as sinners, though these words appear in red in the gospels. Churches interpret these words because the world is different than the one in which Jesus spoke. That is how it should be, but why is that different from same-sex couples asking for civil rights for their relationships? The whole issue of same-gender marriage is about justice and fairness, but it has been used as a wedge issue and to increase voter turnout for political candidates. The only time I have been ashamed to be a gay man in the last 30 years was when I read that the anti-gay marriage amendment in Ohio was probably responsible for the re-election of George W. Bush.

When Texas was considering its own anti-gay-marriage amendment to its state constitution my 13-year-old daughter's teacher made a remark in her class in support of the amendment. Our daughter, very courageously, challenged that view and asked how someone else getting married hurt her (the teacher). Although she is quite likely heterosexual and subject to the same ridicule or ostracizing as any teenager, she couldn't let words of injustice stand. She knew her Bible well enough to know that Jesus said nothing about homosexuality, but He did tell us to love our neighbor. That day, one person was giving voice to the Spirit of Jesus, and I was proud to know her.

¹ "Marriage: Mix and Match," *New York Times*, March 3, 2004.

² www.religioustolerance.org/hom_marp.htm