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The many meanings of marriage

As Oregon considers same-sex unions, religious leaders, anthropologists, historians and others add perspective

Nancy Haught

Leaving the ultimate "we do" – or "we don't" – to the Oregon Supreme Court, the state's politicians or voters, Multnomah County Circuit Judge Frank L. Bearden ordered Multnomah County last Tuesday to stop issuing same-sex marriage licenses.

Bearden ruled that the state must continue to record same-sex marriages performed since March 3, and gave the Legislature a deadline for extending the benefits of marriage to same-sex couples.

As all sides of the debate calculate their next steps, some central questions about the meaning and manner of marriage swirl through the air like a thrown handful of rice. Here's what anthropologists, sociologists, legal scholars, historians and religious leaders have to say as Oregon contemplates same-sex unions.

Is there a single definition of marriage?

No.

"In the big sweep of human history and broad cross-cultural comparison, monogamous, heterosexual marriage, voluntarily entered into, is a pretty rare form of marriage," says Roger N. Lancaster, a professor of anthropology at George Mason University in Fairfax, Va.

Lancaster is the designated spokesman for the American Anthropological Association, the world's largest group of cultural experts, and the author of "The Trouble With Nature: Sex in Science and Popular Culture" (University of California Press, \$21.95, 455 pages).

Anthropologists study a wide range of marriage practices, Lancaster says, including cultures where one man marries a group of women or one woman marries a group of men or, rarely, groups of men marry groups of women. Same-sex unions are also in evidence, as are marriages that take place outside the realm of religion.

"A wide swath of cultures have allowed or encouraged or celebrated same-sex unions," Lancaster says.

"The results of more than a century of anthropological research on households, kinship relationships and families, across cultures and through time, provide no support whatsoever for the view that either civilization or viable social orders depend upon marriage as an exclusively heterosexual institution," his group says in a prepared statement.

In North America, Lancaster points to Native American cultures that allowed men to marry other men, if one partner underwent a ritual that assigned him a woman's responsibilities. In the 1800s, Lancaster says, two women could live together and be spoken of as a "Boston marriage."

Two examples from elsewhere in the world are the Nuer people of the Sudan in Africa, who allowed women to marry other women, and the samurai warriors of Japan, who sometimes married other men, he says.

For much of the world's population, marriage is not connected to a religious ritual, Lancaster says. "In much of Latin America, in large parts of Africa and of Asia, even in modern societies, the bulk of the population doesn't get married. Instead, they live in what Americans might call 'common law marriages.'"

What would a biblical marriage look like?

The Bible does not include any passages about same-sex marriage. It includes a handful of passages about heterosexual marriage, which may or may not add up to a simple picture. Often marriage becomes a metaphor that describes the relationship between the faithful and their God (in the book of Hosea, for example) or one that is defined by their relationship with Jesus Christ (Ephesians 5).

Other passages directly address heterosexual marriage. In the Old Testament, or Hebrew Bible, for example, marriage is the reason a man leaves his father and mother and clings to his wife (Genesis 2). A man may have more than one wife (Genesis 29), or have sex with his wife's

maidservant (Genesis 16). A man is allowed to divorce his wife (Deuteronomy 24). Adultery was forbidden (Exodus 20 and Deuteronomy 5) and punishable by death (Exodus 20).

The New Testament, some scholars say, is less clear in what it says about marriage. Jesus quotes the Old Testament, that a man and a woman shall become one flesh and that "what God has joined together, let no one separate" (Mark 10). He also said that remarriage, after a divorce, may make either a man or a woman an adulterer (Mark 10). But the apostle Paul argues that marriage may distract one "from the affairs of the Lord" and does not recommend it to everyone (I Corinthians 7).

How feasible would it be to legally adopt a biblical definition of marriage?

The problem of settling on a biblical view of marriage entails choosing which biblical verses to include, according to Bernadette J. Brooten, professor of Christian studies at Brandeis University.

American culture has already moved beyond many biblical ideals by not allowing polygamy, by assuming that men and women have equal rights in relationships and that adultery is not punishable by death, she says.

"Today, many politicians refer to marriage as a sacrament," she says, "as if that were an ancient way of thinking about marriage. It is not." In biblical times, marriage was not so much a contract between two people as it was a matter of "private law," she says.

"Christians didn't change that for quite some time. Just as Christians didn't change the way that people contracted to build buildings or sell produce or build ships or send things by ship," she says. Christians didn't intervene in the private law understanding of marriage from the first century until about 1,400 years later.

In the 16th century, the Catholic Church declared once and for all that marriage was one of seven sacraments, which Augustine defined as signs "of a sacred reality." But, historically, not all Protestant churches, Jews and Muslims have agreed that marriage is a sacrament, Brooten says.

How do ministers who oppose same-sex marriage see the argument?

It boils down to their attitude toward Scripture.

"True believers believe the Bible is absolute truth," says Frank Damazio, senior pastor of the 4,000 member City Bible Church and a member of the statewide Defense of Marriage Coalition.

"God has given absolute truth in his word for all matters of moral and ethical living," Damazio says. A true believer, he says, will not "bend the rules to fit" his or her opinions.

"God's intention for human sexual relationship is limited to heterosexual unions between a man and a woman in marriage," he says, referring to the first two chapters of Genesis.

"Nowhere in Scripture are homosexual relationships encouraged or condoned," Damazio says. In the New Testament, he says, the apostle Paul teaches about homosexuality in Romans 1:24-28 and argues in I Corinthians 6:9-11 that homosexuals are among those who may be transformed by Jesus and the spirit of God.

"A homosexual person is loved by God, just like anybody else. We separate the person from the behavior. We don't condemn the person, but we judge the behavior or the lifestyle," Damazio says.

Are all religious leaders opposed to same-sex marriage?

No, they are not. Almost 50 ministers from 13 different religious groups issued a statement in support of same-sex marriage the week that Multnomah County began issuing marriage licenses to same-sex couples. It read in part, "As people of faith, we believe that God has created all of us in the divine image. We hereby assert that equality in marriage is a justice issue and strongly encourage equity that crosses all barriers, including sexual orientation."

Signers included ministers from the United Church of Christ, United Methodist Church, Presbyterian Church in the U.S.A., Episcopal Church in the United States, Unitarian Universalist Association, Reform and Reconstructionist Judaism, Metropolitan Community Church, Evangelical Lutheran Church of America, Quakers, the Koinonia Catholic Community, peace churches and the Community of Welcoming Congregations.

Do some pastors who favor same-sex marriage have the backing of their denominations?

Yes. Two examples are the Rev. Marilyn Sewell, senior minister of First Unitarian Church, and the Rev. Patricia S. Ross, senior minister of First Congregational United Church of Christ, both in downtown Portland.

The Unitarian Universalist Association, which includes but is not exclusively Christian, affirmed same-sex unions in 1984. Sewell performed her first wedding ceremony for a gay couple, in Florida, soon after she was ordained in 1986.

It is a natural extension, she says, of the Unitarian Universalist belief in the inherent worth and dignity of all people. The denomination considers the Bible to be "a book of spiritual truth, not a rule book," she says.

Ross, and other United Church of Christ ministers, looks at the question a little differently.

"As a denomination, we take the Bible very seriously, but not literally," Ross says.

Scripture's prohibitions on homosexual behavior were important when they were written, she says, but modern believers have an obligation to bring sociology, modern theology and other disciplines to bear.

Some of the Old Testament prohibitions are tucked into a list of laws in Leviticus that includes not eating shellfish or pork, not wearing blended fabrics, stoning women for adultery and putting disrespectful children to death, she says.

Leviticus 20:9, in the New King James Version, reads, "Everyone who curses his father or his mother shall surely be put to death." In 20:13, Leviticus reads: "If a man lies with a male as he lies with a woman, both of them have committed an abomination. They shall surely be put to death."

"Not every rule that applied 5,000 years ago," Ross says, "needs to apply today."

As a denomination, the United Church of Christ voted in 1985 to become an "open and affirming church" that accepts and affirms gay, lesbian and bisexual people. Ross' congregation adopted that stand in 1992 and recently extended it to transgender people.

Are some ministers speaking out, despite the fact that their denominations are torn over the matter of same-sex marriage?

Yes. Two who are in favor of same-sex marriages while their denominations are struggling are the Rev. John T. Schwiebert, a retired Methodist minister who is pastor of the Metanoia Peace Community, and the Rev. W.J. Mark Knutson, senior pastor of Augustana Lutheran Church, both in Northeast Portland.

Schwiebert, who testified in favor of the Multnomah County decision, is preparing to attend the United Methodist Church's general conference in Pittsburgh later this month. Gay rights, including ordination and marriage, will be on the agenda, he says. Last month, a panel of Methodist clergy acquitted a Washington pastor of violating church law by her involvement in a same-sex union.

"The strongest message is an inclusive message," says Knutson, whose congregation is part of the Evangelical Lutheran Church in America, which will consider gay rights at its summer 2005 national assembly. Members are not all in agreement, he says.

"But you have to go where your conscience calls you," he says of his position. "We worship Christ, not the Bible." He says that the Bible is "the story of God's continuing, saving acts" and contains more than a few contradictions.

"Moses OK'd divorce," he says, "and Jesus, a Jewish man, condemned it."

Where does the notion of a marriage license come from?

Probably, in the case of the United States, from England, says Bernard Vail, a professor at Lewis & Clark Law School. Up until the 18th century, marriages in England were a matter of private agreement between two parties. As such, they created legal problems, especially in matters of inheritance, Vail says.

"When someone died, someone else could pop up and say, 'We were married' and argue that he or she was entitled to inherit property." Private marriage agreements, which may or may not have been recorded in writing, caused problems, too, in deciding whether children were legitimate or not and whether or not they could inherit property.

Lord Hardwicke's Marriage Act of 1753 declared that marriages must be public. The law required that the Church of England publish the banns, or an announcement that the marriage was planned, that a minister preside as an official witness, and that the marriage be registered.

"There was no requirement that you have a religious ceremony," Vail says. "That was an option. A lot of people did, and a lot of people didn't."

Once the government required that marriages become public, it was probably human nature – and the desire to keep vital statistics – that prompted the issuing of marriage licenses, Vail says.

In the United States, there was no official state religion, says Michael Broyde, a law and religion professor at Emory University, a senior fellow on the university's "Marriage, Sex and Family and the Religions of the Book" project and an ordained rabbi.

Early on, couples lived together in common-law marriages, a practical necessity when they lived miles away from either clergy or a government official with the power to marry them, he said.

In recent years, the states that allow common-law marriages have dwindled, he said, and the emphasis has been on recording marriages. "Nowadays every one of us is identified by a unique characteristic – our Social Security number," he says. "A marriage license is the government's attempt to keep track of who's marrying whom."

In Oregon, whose constitution is patterned on those of Iowa, Indiana and Michigan, marriages have been recorded since territorial days by county governments, says Richard Engeman, public historian for the Oregon Historical Society.

"There was a period when not every marriage that was recognized by a given community was recorded by a courthouse," he says. "That was not easy to do in the 1850s. Sometimes they would be solemnized in a church or before a local official and recorded later."

The United States still offers the option of a sacred or a secular marriage, Broyde says. For some people, their marriages – and perhaps their funerals – may be the only time they practice their religious faith. "Most people in the United States go to religion for fundamental rituals," he says, "and marriage is one of those."

How old is the idea of a civil marriage?

In the United States, it goes back to the Pilgrims. As they settled near Plymouth Rock, they borrowed the Dutch custom of civil marriage, which they'd learned about during their sojourn in the Netherlands. They opposed the English system of church marriages as being unscriptural, wrote Peter J. Gomes, a professor of Christian morals at Harvard University, in *The Boston Globe*.

"The first marriage in New England, that of Edward Winslow to the widow Susannah White, was performed on May 12, 1621, in Plymouth by Gov. William Bradford, in exercise of his office as magistrate," says Gomes, an ordained Baptist pastor and minister of Harvard University's Memorial Church.

The first Christian clergyman, the Rev. Ralph Smith, wouldn't arrive in Plymouth until 1629, but marriage would continue as a civil affair until 1692, after the colony was merged with Massachusetts Bay and clergy were authorized to solemnize marriages, Gomes says.

Why doesn't the state require a civil marriage, as other countries do, and leave a religious ceremony an option?

"Because we never fought a civil war over religion," says Broyde, the Emory professor. "We never had a fight between church and state in the United States. We separate them and they get along."

State laws allow civil authorities or religious ones to preside over marriages and allow couples to decide who should marry them. Religious leaders have the right to decline to marry a couple, and most ministers ask couples to submit to some counseling.

What does the future of marriage hold?

No one can be sure. Some advocates of traditional marriages support the idea of covenant marriages, which are legal now in three states, says Rebecca L. Warner, professor and chair of sociology at Oregon State University and author of a textbook, "Marriages and Families: Relationships in Social Context" (Wadsworth Publishing, \$87.95, 624 pages).

Arizona, Arkansas and Louisiana allow covenant marriages, which limit grounds for divorce to abuse, adultery, addiction, felony imprisonment or separation for two years, and require counseling if problems arise, Warner says. But only about 1 percent of eligible couples choose a covenant marriage, she adds.

Covenant marriages, and now same-sex marriages, are two new ways of looking at marriage in a country whose attitudes toward marriage have always been in flux, Warner says.

In the 18th century, Americans, especially on the East Coast, "lived in tally," or without having their marriages solemnized, and the courts recognized their relationships, she says.

"Early on, marriages were instrumental, alliances made between families in order to maintain society. Now marriage is compassionate, individual alliances created out of love."

American attitudes toward marriage have changed over time, she says. There have been "pockets of differences" that have included polygamy among early religious communities. Attitudes have also changed about women's status in marriages, in terms of property and income, Warner says.

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