

MARRIAGE AND FAMILY IN BRAVE NEW AMERICA

On Gay and Same-Sex Marriage

Vigen Guroian

In pagan Rome during the first centuries of the Christian era, marriage was one of several acceptable forms of cohabitation and family life, and was available as a legal status only to free citizens. If two such persons, man and woman, lived together in a regularized fashion and assumed the roles and responsibilities of husband and wife, then they were considered legally married. Marriage existed where there was the intention to form a household and did not require legal formalization. The couple could register with the state to qualify for the privileges accorded that institution. These included passing down of a family name to children and inheritance of the father's estate by legitimate offspring of that marriage.

There were other acceptable forms of cohabitation. When a freeman cohabitated with a slave woman, which was quite common, this did not qualify as marriage, but was defined legally as concubinage. Roman law stipulated that the essence of marriage is not in intercourse but in free consent. And since, from the standpoint of custom and law, freedom of consent was not attributable to a slave, a union of freeman and slave woman simply could not be regarded as a marriage. Concubinage was without the legal benefits of marriage that I have named and was less preferred. Nevertheless, it was regarded as a respectable estate, and the bearing of children within a concubinal relationship was accepted.

Thus, we can see that in this period of the early Roman Empire, let us say the second century, it was acceptable to beget children within marriage and outside of marriage with no special social stigma attached to the latter. For men, extramarital sex before marriage and even within marriage did not carry a stigma either within the wider society, though it most certainly did inside the church. Divorce was easily obtained. There was considerable tolerance of homosexual behavior, and abortion and infanticide were practiced widely. The former might be instigated by men to prevent the births of illegitimate offspring, the latter done to insure healthy children and heirs. The church condemned homosexual behavior, abortion, and infanticide from the beginning.

To this day, Western Christian understandings of marriage continue to reflect the Roman principle of consent, of which I have made mention. This consensual view of marriage dominated in Latin and Western Christianity as the church ingested Roman law. The principle of consent certainly contributed to the doctrine of the Roman Catholic church that the bride and groom are the ministers of the sacrament, thus, marry each other; whereas the Eastern Orthodox churches insist that the church marries the bride and groom through the officiation of the clerical celebrant who in his person represents Christ. This significant difference between Western and Eastern Christian conceptions of marriage is hardly known, understood, or considered within the contemporary debate.

Most North Americans who regard themselves as Christian or religious simply assume that the consent of the couple is the heart of marriage, whether or not marriage is conceived as a contract, covenant, or a blessing the church confers.

We can judge that the Roman legal principle of free consent was not without great benefit in the history of Western culture. It opened the way for the liberation of women from near slave status. And in this light, we can begin to understand why support of gay or single sex marriage gains momentum in our late modern context. In the Protestant churches, marriage is not viewed as a sacrament at all, but rather as a solemnized legal contract or a simple blessing that the church confers upon a couple that consent and promise to live together as husband and wife under law. And when vast numbers of people, even within the churches, no longer view homosexual acts as sinful in the religious sense, then the argument that gay marriage ought to be legitimized flows quite easily. When two gay persons desire and freely consent to share their lives with one another as a domestic couple, the state should grant this partnership marital status under civil law, and the church, which loves all its children, should afford them solemnization of that marriage. As was once the case with women, a great advance will take place. The freedom of gay and lesbian persons will be expanded. Those who choose to live together in a domestic household will be treated at last with full justice under the equal protection clause of the United States Constitution and receive all the benefits granted to married heterosexual couples and their families. That is the logic and I do not think that it can be stopped within the present cultural milieu, especially given the impetus of constitutional law.

A decade ago, I wrote a book entitled *Ethics After Christendom* in which I endeavored to define the meaning of that very formulation "after Christendom" and offered recommendations for how Christian ethics ought to be conducted from here on. Now I must confess that even then I did not anticipate that this accelerating cultural and legal dismantlement of the last vestiges of the old Christendom would entail also the disestablishment of the institution of marriage, as it has been known for millennia and was given to us by biblical faith.

It is evident that this society is preparing to depose monogamous heterosexual marriage from its privileged position in our civil code. As I edit this essay in the summer of 2004, the United States Senate has refused to pass a proposed constitutional amendment that would define marriage as consisting strictly of the union between a man and woman. The House of Representatives has responded by passing a measure that would block federal courts from

ordering states to recognize gay marriage sanctioned by other states. These are mere skirmishes in a broader social combat that debases all parties, but is weighted, certainly, toward the complete legal and cultural disestablishment of biblical faith; more than that even, its expulsion from the public square.

Marriage and family law remains principally, and rightly, in the hands of the individual states. So the complete disestablishment of marriage will take some time, unless the Supreme Court intervenes and mandates gay marriage. In the meantime, legalization of same-sex marriage and civil unions (the two are for all practical purposes the same) will move forward. And in all likelihood polygamous unions will gain legal status as well. For eventually, probably sooner rather than later, Muslims and Mormons will demand that right.

I leave it to others more knowledgeable than I to discuss and debate these legal and political prospects. Here my principal concerns are religious and theological and, therefore, also cultural. I am speaking not only as a Christian theologian, but also as an Orthodox churchman, for I believe that within the religious treasury of Eastern Christianity are a theology of marriage and historical experiences useful to the contemporary debate.

In North America, where Protestant and Roman Catholic Christianity have dominated, persons of biblical faith must think not only in post-Christendom terms but exercise their religious and moral imaginations in strange ways with which the Orthodox tradition is more familiar. At this cultural moment, Christians in North America are in a difficult and treacherous situation that calls for careful study and nimble negotiation. Wisdom is needed, perhaps as much wisdom as in that era commencing with Theodosius I (Roman Emperor 379–395 C.E.) and Theodosius II (Emperor 408–450 C.E.) and extending through the reign of the Emperor Justinian (527–565 C.E.). For during this period of some one hundred and fifty years, Christianity became the official religion of the empire and the great codes were promulgated that defined and lent shape to Christendom. This has been our legacy right up until today when the heart and spirit of Christendom are under siege.

A colleague and prominent professor of law at a major university in the South, who specializes in family law, recently reminded me that Orthodox Christians, especially those with the memory of and living ties to the Middle East, have valuable experience that is crucially relevant to the crisis in the meaning and practice of marriage in North America. Arrangements that defined Christian existence under the Ottoman millet system, and that persist in variant forms even today in many Middle Eastern countries, can serve as models here for new systems of church governance and legal relations with the state. For these churches of Greek, Syrian, and Armenian background have lived and in some places continue to live under arrangements in which civil marriage and religious marriage are clearly distinguished in law and practice. These churches have the historical perspective and the theological resources to navigate a different course here in North America.

In the spring of 2004 I delivered a keynote address to the annual diocesan meeting of the Eastern Prelacy of the Armenian Church of America. In that address I proposed that our bishops instruct priests to withdraw from the standard processes and not deliver marriage consecration on behalf of states that sanction or recognize gay marriage: in simple terms, that they not sign state marriage certificates. I argued that it may no longer be possible or permissible

for Armenian clergy in Massachusetts, and no doubt soon in other states, to cooperate or collaborate with governments in marrying persons, as has been carried on in one form or another within Christendom at large since the fifth and sixth centuries.

Such action would bring about a de facto two-tiered arrangement in which Christians obtain a civil marriage to meet legal requirements and qualify for married status in the eyes of the state and then come to the church to receive sacramental marriage. Even under present practices, in most states two marriage certificates are issued, one religious and the other civil. Henceforth, the church would no longer assume responsibility for consecration of the civil contract. By taking such action, the church would lodge its profound disagreement with the state's unilateral and theologically mistaken redefinition of marriage.

This ad hoc two-tiered system would be transitional, until that time in which the churches straighten out their ecclesiastical houses sufficiently so that they can manage internally, within the ecclesial body, marriage and all that attends to that institution, including divorce. Churches might then propose to the individual states a separate religious marriage that civil authorities would recognize but over which they would have limited jurisdiction, restricted mainly to guaranteeing basic civil liberties.

I realize that this strategy will seem strange to some churches whose history is different from that of my own confession. Liberal-minded Christians might be inclined to endorse gay marriage as the next step in the progress of Christianity and register their respect for the autonomy of the state and pluralism. They may not consider the possibility that the outcome will not be pluralism but a uniform secularism. Some conservative minded Christians might cling to the belief that that emulsion of church and society, which constituted Christendom, still exists. Others may concede that it is no longer an emulsion but a suspension. But they may continue to hope that, by vigorously shaking the contents, the emulsion will be reconstituted from the separated elements.

I believe that these contending outlooks and strategies are profoundly mistaken and bad for the churches. With the tidal shift in the civil definition of marriage that is on the horizon, Christian self-identity is at risk. Nevertheless, there may be a hidden silver lining in this risk. For the churches have been given an opportunity to recapture the full religious significance of marriage that was lost sight of in late modernity due to entanglements with a state that had become completely secular.

That, in any case, is how this Orthodox Christian theologian sees these matters. Yet such an assertion requires some explanation of the Orthodox theology of marriage. As I have stated several times, for Western Christians, Roman Catholics, and Protestants alike, the essence of marriage has been thought of as the freely given consent of bride and groom, husband and wife. In the Orthodox tradition, this is not so, although the church certainly regards human freedom very highly. One looks in vain to find in the Byzantine (Greek) rite of holy matrimony, for example, the familiar exchange of vows. And in all Eastern rites where this ritual does exist, it is a late addition under the influence of Roman law and Latin Christianity. In any regard, this exchange of vows belongs to the betrothal service that over the centuries was joined to the crowning ceremony.

In Orthodox Christianity, rather, the conjugal union is the heart of marriage and this union does not depend merely upon the consent of the parties. It is rooted in the will of God and effected by an act of God through the sacrament of marriage. Its dimension is not merely temporal but eschatological; its "body" is not merely contractual, or even covenantal, but ecclesial, Christological, and trinitarian.

In the Armenian rite this conjugal union is indicated by three key actions: the joining of the hands of bride and groom at the beginning of the service, the crowning of the couple, and sharing of the common cup. By joining the hands of the couple and the accompanying prayer, the celebrant calls to mind the creation of the first couple, Adam and Eve, as "one flesh" (Genesis 2:23). Marriage heals and restores the unsullied and perfect communion of male and female that existed before the ancestral sin and fall brought alienation and discord between the sexes. This is a mystical, sacramental, and eschatological event. An ancient practice of exchanging baptismal crosses, now sadly fallen into disuse, points back to baptism as a calling to discipleship. The crowning of the couple that follows in the rite points to membership in the kingdom of God.

Every marriage is, as the famous speech of St. John Chrysostom explains, a small church in which the virtues of the kingdom are learned and rehearsed. The bride and groom are king and queen of the new heavenly kingdom that is coming into being, as they are called upon also to practice that form of dominion over the world that God intended for the first couple. The crowning does not look merely to the kingdom of God though. It is also a reminder that the kingdom is gained only through self-giving and self-sacrificial love, as Christ demonstrated by going willingly to the cross. Here, then, is the ascetical and martyrial significance of the crowning ceremony.

The sharing of the common cup recalls Jesus' blessing of the wedding in Cana of Galilee. The water changed to wine is the sign that marriage "in the Lord," as St. Paul puts it, is a sacrament of the kingdom of God. "Natural" marriage is revealed to be the matter of that sacrament. Sharing the wine is emblematic of the one flesh union and a life of mutual love to which husband and wife aspire. This practice of the shared cup and the remembered events at Cana of Galilee allude to Baptism and Eucharist. Thus marriage, like these other two sacraments, is means by which persons become members of the Body of Christ and participants in the divine life (2 Peter 1:4).

Before all else, Christian marriage is marriage "in the Lord." Christian marriage belongs by its very essence to divine life from all eternity. This is because Jesus Christ, the eternal Son of God, who freely and willingly submitted to crucifixion and death on the cross for love of the world, is also, as the seer of the book of Revelation proclaims, "the Lamb slain from the foundation of the world" (Revelation 12: 11). He is slain in order that this fallen world might one day be reconciled to God in and through the church. In order that this is so, Christ is the groom of the bride, the church.

In his letter to the Christians of Ephesus, St. Paul writes, "We are members of His body, of His Flesh and of His bones. *'For this reason a man shall leave his father and mother, and be joined to his wife and the two shall become one flesh.'*" Then he adds: "This is a great mystery, but I am speaking concerning Christ and the church" (Ephesians 5:30–32). What does St. Paul mean but that the essence of

marriage belongs to the very being of God as unitive love, reflected in everything that God has done to woo Israel to him and all that he is doing to make the church a fitting bride of Christ?

Orthodox Christianity reads the Bible as enabling the church to say that God has intended from all eternity that it and Christ should be united as bride and groom so that the world might be saved from sin and death. Christian marriage is a sign and foretaste of a world reconciled in Christ to God. This is no mere analogy, but belongs to the deepest symbolism that God has built into the fabric of creation. God created and constituted man and woman as complementary beings, who in union constitute a single humanity, a single Adam–Eve existence. In marriage, man and woman together is a sacramental sign of the union of Christ and the church. God also has made this love union of man and woman procreative, so that in and through their mutual self-giving, mother, father, and child may begin to learn, image, and experience even on earth what is the triune life of God as the perfectly shared and communicated love of the Father, the Son, and the Holy Spirit.

The early church found no need to perform a special ritual for marriage. Rather, it recognized the legal validity of marriage performed by the civil authorities and invited couples to share the Eucharist together as a sign of their union in Christ and commitment as a couple to the kingdom of God. It was not until the ninth and tenth centuries that a full rite of matrimony emerged. At this time marriage was removed from the Eucharist and sharing of the common cup replaced it.

Today, the reasons why the church separated marriage from Eucharist are of great significance and instructive. But these reasons have also the bitter taste of a strong irony. In the ninth century, Leo VI (emperor 886–912) mandated that all marriages henceforth be sanctioned by a church ceremony. A marriage that was not blessed by the church would “not be considered as marriage,” but as illegitimate concubinage. Some received this gesture as a great achievement toward the complete Christianization of the empire. Canon 15 of the Armenian Synod of Dvin that met in 719 required compulsory ecclesiastical marriage nearly two centuries before Emperor Leo VI’s decree. It stated that “the priest . . . lead those who are to be crowned into the church and . . . conduct over them the order and canon according to Christian regulations.” Such promulgations, whether in Armenia or the larger empire, entailed serious matters of church discipline. They also forced compromises upon the church that ultimately blurred the distinction between religious and secular, and between marriage as a legal contract and marriage as a sacrament for baptized believers. Christians have been living with these compromises for over a thousand years for better and for worse (the pun intended).

There was one compromise the church could not and would not make, however, lest it lose completely its identity as the body of Christ in the world: that was admission of nonbelievers, unbaptized, and known sinners to the Eucharist. Thus, in order to mitigate this problem, the church developed a rite of matrimony separate from the Eucharist. It is only since Vatican II, for instance, that the Roman Catholic Church has reinstated a voluntary inclusion of marriage ceremonies within the eucharistic liturgy.

The moment has now arrived, however, when all churches would do well to rejoin marriage and the Eucharist (or Lord’s Supper) precisely in order to

protect and preserve the integrity of marriage. I will explain why I believe a return to this ancient practice is required in closing.

Conclusion

The Eucharist is the home of Christians, and it is the home of Christian marriage as well. The early Christian apologists, who fully acknowledged the legal validity of civil marriage, insisted upon this unbreakable connection between Christian marriage and the Eucharist. Listen to the second century writer Tertullian who wrote in a letter to his wife, "What words can describe the happiness of that marriage which the church unites, the [eucharistic] offering strengthens [i.e., confirms], the blessing seals, the angles proclaim, and the Father declares valid. . . . What a bond is this: two believers who share one hope, one desire, one discipline, the same service."

Clearly, Christian marriage is not about civil liberties, whatever loud voices may say. Civil liberties, however noble, are proximate goods and do not pertain to our immortal destiny: marriage does. Nor is the American Constitution the constitution of the kingdom of heaven. As a theologian and churchman, I am bound to say that Christ is the constitution of the kingdom, above all other constitutions. Jesus Christ, the incarnate Son of God, not only spoke the beatitudes to the multitude on the mount but also lived these virtues perfectly for the sake of all humankind in his representative humanity. Christ is the character of the kingdom as regards its excellence, beauty, goodness, and living truth. The norm and goal of Christian marriage is no less than the holiness God has prescribed, not what some men and women may desire as rights or the state declares as legal.

In these times, Christians must feed ever so much more eagerly at Christ's holy table and on his precious, healing, and life-saving body and blood. A Christian marriage can be no less than a feast at that table. "Let us be glad and rejoice and give Him glory for the marriage of the Lamb has come, and his wife has made herself ready. . . . 'Blessed are those who are called to the marriage supper of the Lamb'" (Revelation 19:7, 9).

Sometimes the children of God need to be wise as the serpent. Christians must look ahead to a day when in the United States, and other locations of a decayed and forgotten Christendom, attempts might be made to take marriage back from the church completely and place it firmly in the hands of a secular state. The United States Constitution has the free exercise of religion clause. One day, all of the churches might need to lean on it heavily to keep and defend holy marriage. The best position from which to do so will be in the claim that Christian marriage is wholly integral to Christian worship and is itself a eucharistic feast.

In a homily on St. Paul's Letter to the Colossians, St. John Chrysostom exclaims: "The gift of God, the root of the generation is insulted. This then let us cleanse away with our discourse. I am desirous of having marriage purified, so as to bring it back again to its proper nobleness, so as to stop the mouth of the heretics." This expresses what a profound and serious matter a correct understanding of marriage is for the church.

St. Theodore the Studite, in the ninth century, makes mention of two ele-

ments that belonged to eucharistic marriage as early as the fourth century. He informs us that a crowning ceremony existed, followed by a brief prayer. It is that prayer to which I direct my closing comments. For the prayer that St. Theodore cites is virtually replicated at the start of the Armenian rite of marriage. This prayer states: "Thyself, O Master, send down Thy hand from Thy holy dwelling place and unite these Thy servant and Thy handmaid. And give to those whom thou unitest harmony of minds; crown them into one flesh; make their marriage honorable; keep their bed undefiled, deign to make their common life blameless."

Here the whole meaning of Christian marriage is encapsulated. It is God who marries man and woman, and God is present at every Christian marriage. Christian marriage is a sacrament. It is a holy institution and divine calling to discipleship. And through marriage God opens up the gates of the kingdom of heaven to man and woman in their one flesh union, as God made them and intended for them to be when in the beginning he placed them in the garden of delight.

Now listen to that portion of the Armenian rite of matrimony that immediately follows the hymn of betrothal, when the bride and groom face one another to receive the priestly blessing. They stand facing each other as two complementary presences of one humanity, once divided, now to be reunited by God. With his own hand, the priest joins the right hands of the bride and the groom. Then he states: "God took the hand of Eve and gave it into the right hand of Adam. And Adam said: This is bone of my bones and flesh of my flesh. . . . Wherefore them that God has joined together, let no man separate. . . ." And he continues: "See my dear children in Christ, according to the divine command and the ordinances of the holy fathers of the church, you have come to this holy church in order to be crowned and wedded in holy matrimony. May God keep you in mutual love, lead you to a ripe old age, and make you worthy of the incorruptible crown in heaven. . . ."

Can it be right for a priest of the Armenian Church to use this very same hand with which, as a minister of God, he joins bride and groom in holy matrimony, to sign a license of marriage for a state that has impiously and unilaterally redefined the meaning of that act into something it is not and to its utter defilement? This is a question over which I have prayed and pondered. And I, in conscience, have to say, "It cannot be so!"

*Vigen Guroian is a professor of theology
at Loyola College in Maryland.*