



**An Apologia:**  
**Presiding at the Wedding of Two Women**  
**And**  
**Purporting that their Relationship is a Marriage**  
**Are**  
**Fully Within the Bounds**  
**Of**  
**Holy Scripture,**  
**Reformed Tradition**  
**And**  
**The Constitution of the Presbyterian Church (U.S.A.)**

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#### **References**

**Addendum to Apologia: Timeliness in Judicial Proceedings in  
the Presbyterian Church (U.S.A.)**

## **A. Introduction**

On Saturday, June 25, 2005, the Rev. Janet McCune Edwards, Ph.D. presided at the wedding of Nancy McConn and Brenda Cole. The following Tuesday the usual kind of joyful announcement of the marriage appeared in the Celebrations section of The Pittsburgh Post-Gazette with details, including the Rev. Dr. Edwards as the officiant. After reading this notice, colleagues in the Presbyterian Church (U.S.A.) (PCUSA), who disagree with the Rev. Dr. Edwards' point of view on the place of gay, lesbian, bisexual and transgender (LGBT) people in the church and on the nature of marriage, filed accusations which have led to this opportunity for the Rev. Dr. Edwards to defend her actions.

This Brief stands in the long Christian tradition of "apologia," characterized by the Rev. Peter Gomes as "a formal argument to speak in defense of anything that may cause dissatisfaction. It is more explanation than excuse. It does not ask for pardon but rather seeks to offer light to those who may need it but may not want it." The Good Book, p. x. This Apologia is intended to establish that the Rev. Dr. Edwards' considered position on marriage between two men or two women rests soundly upon reputable interpretation of Scripture, essential elements of Reformed tradition and sensible understanding of the Constitution of the PCUSA. As will be shown, the charges that her action offended Scripture and the Constitution of the PCUSA have no merit.

### **1. Scripture**

The Charges filed against the Rev. Dr. Edwards state that she acted "contrary to the Scriptures" in the "purported marriage ceremony" of Brenda Cole and Nancy McConn. In support of such Charges, the Prosecuting Committee has set forth a list of

Scripture passages without any explanation as to how the marriage was contrary to those Scripture passages. Section B below will examine the Scripture passages identified by the Prosecuting Committee and others which relate to marriage and the marital relationship. Scripture will be examined under the existing Presbyterian document *Presbyterian Understanding and Use of Holy Scripture*, adopted in 1982 and finally published by the PCUSA in 1999. That examination concludes that there is no Scriptural prohibition for same-gender marriage, and in fact, certain texts may even support it.

## 2. Reformed Tradition and Christian Marriage

The Charges that the Rev. Dr. Edwards acted contrary to the Scriptures suggest that there is a Biblical standard for marriage which is embodied in Scripture and transmitted through tradition to our time. Section C below examines the history of Christian marriage and demonstrates that there is no historic single tradition. Just as there is no single Biblical ethic for marriage, the tradition of marriage has evolved as Christians have come to new understanding and awareness of relationships. It will be shown how the Reformation contributed to change regarding marriage, setting an example for the Rev. Dr. Edwards to engage in the same ministry now.

## 3. Constitution of the PCUSA

The Charges state that the Rev. Dr. Edwards acted contrary to the Constitution of the PCUSA in performing the wedding of Brenda Cole and Nancy McConn. Section D below will examine the Constitution of the PCUSA and recent decisions of the courts of the Church. We will demonstrate that there is no prohibition against purporting that the

covenant between two women or two men is a marriage and that in the absence of a prohibition, these marriages are permitted.

#### 4. Summary

This Apologia concludes that officiating at the wedding of Brenda Cole and Nancy McConn was not an offense. That the Rev. Dr. Edwards offended her accusers is certain and so it is her fervent prayer that this Apologia may contribute to the Holy Spirit opening all our eyes to the wider horizons of what is possible within the Body of Christ and God's good world.

### **B. Interpretation of Scripture**

The Charges state that the Rev. Dr. Edwards acted contrary to the Scriptures. The Scripture passages cited by the Prosecuting Committee in the Charges are not on their face condemnatory of marriages between two women or two men. Also, there are many other passages from the Scripture which support the covenant between two women which the Rev. Dr. Edwards celebrated at the wedding of Brenda Cole and Nancy McConn. First, we address the standard for interpretation of Scripture.

#### 1. How do we derive ethical decisions from the Bible's text?

We listen to Scripture, not to copy the response of people to God then, but to listen to Jesus speaking now.  
-- Karl Barth, *Church Dogmatics* IV.67.4, p. 683

Any interpretive approach that turns the entire Bible into a deposit of legal precedents is a theological mistake.

-- Presbyterian Church in the US, *Presbyterian Understanding and Use of Holy Scripture*, p. 4

Given the wide variety of Scriptures in our Bible, it is not possible to obey every verse. Even within 1 Corinthians, we would soon be frustrated by the command that

women not speak in church (14.34) together with the command that women speak in church with their heads covered (11.5-15). Nor is it desirable to turn the whole Bible into so many legal instructions, for Christians have always believed that divine revelation is far more than a list of laws to be obeyed. But if we cannot pick out isolated verses to enforce as law, how are we to have any kind of Biblical ethic? Is the only other option to ignore Scripture altogether?

The existing Presbyterian document *Presbyterian Understanding and Use of Holy Scripture*, adopted by the PCUS in 1982 and finally published by the PCUSA in 1999, says no. Scripture remains our "rule of faith and life" as the Confessions affirm. Scripture is not of one voice. "The variety of material in Scripture is almost as wide as the variety of literature itself. Scripture is 'rule' for us as a whole and in the way that a literature of such richness and diversity can speak to us." (4). But Scripture is no mere "collection of documents from the past. ... The Bible has a unique and abiding authority. The God to whom Scripture points is the living and true God whose word and work are the supreme reality of the present." (5).

These Presbyterian guidelines are useful in this case. They are coherent with our Confessions and with our most authoritative Reformed theologians. They "are proposed primarily for use on those occasions when Scripture is appealed to for guidance in making decisions about specific questions posed in the courts of the church. On such occasions, the questions ... concern the evaluation and development of specific positions on believing and obeying. ... The entire range of Scripture's witness must be brought to bear on the question in an accurate and appropriate manner. If appeal is made to only one text or a selected few, rather than to the whole of Scripture, conclusions may lack

adequate foundation or qualification." (5)

These are the guidelines offered to the Presbyterian Church by the  
aforementioned document:

(1) **The Purpose of Holy Scripture** (9): Scripture's purpose is to tell us about God and what God wants from humanity. It is not, for example, an astronomy or biology textbook.

(2) **The Precedence of Holy Scripture** (9-11): Scripture comes first, before all other sources of knowledge; it does not replace other sources of knowledge.

(3) **The Centrality of Jesus Christ** (11-12): Jesus is the central message of Scripture. Although this does not imply a "canon within a canon" (11) any decision made on the basis of Scripture should be coherent with the way Jesus taught and embodied God's person and will.

(4) **The Interpretation of Scripture by Scripture** (12-13): When faced with one text, investigate all the other texts relevant to the same issue. This includes interpreting the Old Testament on the basis of the New, and the New on the basis of the Old.

(5) **The Rule of Love** (13-14): "The fundamental expression of God's will is the two-fold commandment to love God and neighbor, and all interpretations are to be judged by the question whether they offer and support the love given and commanded by God."  
(13)

(6) **The Rule of Faith** (14-15): "Scripture is to be interpreted in light of the past and present Christian community's understanding of Scripture." (14) For us, that means the confessions and catechisms. That does not mean new interpretations are automatically discounted, but anything new must be submitted "to the judgment of and

possible correction by that tradition." (14)

(7) **The Fallibility of All Interpretation** (15): "Every reading, confession, and theology that refers to Scripture is subject to testing by further and more faithful searching of the Scripture to see if it is genuinely in accord with the Bible's witness." (15)

(8) **The Relation of Word and Spirit** (15-16): Our tradition has always believed that the role of the Spirit in illuminating the reader is an essential part of Scripture's authority.

(9) **The Use of All Relevant Guidelines** (16): Hold law and gospel in tension, use both Old and New Testament, and use all of these Reformed guidelines for interpreting Scripture.

With these guidelines in mind and with a particular effort to understand Scripture through the eyes of Jesus, an examination of the Scriptures, especially those cited by the Prosecuting Committee, reveals no simple rules for marriage or same-gender relationships. For the Rev. Dr. Edwards to be found guilty of having acted contrary to the Scriptures, her colleagues must ignore the richness and complexity of the Scriptures and rely on "proof-texting" which is contrary to the Church's own guidelines.

## 2. Marriage Ceremonies in Scripture

There are no marriage ceremonies in Genesis through Nehemiah. There is the frequent expression "to take a wife" (using the verb *laqach*) which in Hebrew is literally "to take a woman." No ceremony seems to be connected with it. From context, the first time a couple has sexual intercourse could also count as the moment they are "married." (For example, Gen 24.67: "Isaac brought her into his mother Sarah's tent, and he took Rebekah, and she became his wife...").

In Esther, Psalms, and Song of Songs, we begin to find references to weddings for royalty, or at least to wedding feasts, coronations and processions. King Ahasuerus puts the royal crown on Esther's head, hosts a banquet, proclaims holidays to all his provinces, and gives gifts. (Est 2.17-18). Psalm 45, a "song of love," begins by celebrating the glory of the king. It includes instructions to the "daughter": "Listen, O daughter ... forget your people and your father's house; then the King will desire your beauty. Because he is your lord, bow down to him." (45.10-11). The Psalm focuses on the king's riches, might and wisdom in governing, and the promise of numerous descendants who will be princes, to be remembered and celebrated forever. Although gender is not the emphasis of this Psalm, it is obviously a male-female wedding. The Song of Songs includes a description of Solomon's procession, including a "traveling couch," sixty soldiers, and a cedar sedan chair. Solomon is wearing the crown "with which his mother crowned him on the day of his wedding (*chathunatho*)." Is this the wedding procession itself, or is the wedding in the past? Either way, the wedding day included a coronation by his mother. (Songs 3.6-11).

Hosea 2.19-20 uses language that sounds like it could be from a formal betrothal ceremony, but there is no evidence to support that guess.

Joel 2.16 refers to a "bridegroom (*chathan*) and bride (*kallah*)"; part of gathering all the people is bringing out both these people from their separate chambers.

Mal 2.14, a relatively late Old Testament book (~400 BC) is the first mention of a marital "covenant" between a man and a woman. This covenant binds both partners. It is unclear what the man's violation of it was. There is no reference to a ceremony that began this covenant; however, since Genesis, covenants between God and people have

always begun with ceremonies, so it would be reasonable to guess that this covenant began with a marriage ceremony.

Parables in Matthew, Mark and Luke mention wedding feasts. (Mt 22.2-14, Mt 25.1-13, Mk 2.19, Lk 14.8-11). Only the parable in Mt 25.1-13 mentions number and gender: one bridegroom and ten virgins. It is unclear how many (if any) of the virgins are actually marrying the bridegroom.

In John, Jesus attends a wedding and does a miracle there. The bridegroom is mentioned, but not the bride. (2.1-11).

In Revelation, part of Babylon's punishment is that the voices of bridegroom and bride will never be heard there again. (18.23). In contrast, the heavenly Jerusalem is presented as a Bride (of Christ) that comes down from heaven and invites all believers in. (22.17).

The above references to marriage ceremonies are the only ones in Scripture. In sum, it seems normal for marriage ceremonies to be between men and women, although there is no statement that marriage ceremonies *must* be between men and women, and many passages do not mention the gender of both partners. There is no emphasis on monogamy.

### 3. Rules For Heterosexual Marriage in Scripture

This part summarizes rules set out in Scripture for heterosexual marriage. Two cautionary notes are in order. First, it is not always easy to tell which texts are law, which are exemplary stories meant to be imitated, and which are stories not meant to be imitated. Second, linguistic difficulties in Hebrew and Greek make it hard to discern when characters in Scripture are married and when they are not. In Hebrew, "woman"

and "wife" are the same (*ishshah*). So are "man" and "husband" (*ish*). The rarely-used word "*ba`al*" means husband or owner. The verb, also rare, is *ba`al*, meaning marry or rule over. "*Ba`alah*" can mean married woman, necromancer or sorceress. Words exist for "female concubine" (*pilegesh*), "bridegroom" (*chathan*, also means daughter's husband) and "bride" (*kallah*, also means son's wife.) They are also rare. When families are being formed in narratives, the usual words are "*ish*" and "*ishshah*," not any of the more specific marriage-related words. In Greek, the situation is similar. "Woman" and "wife" are the same (*gyne*). "Man" and "husband" are the same (*aner*). "Bride" (*nymphē*) can also mean a daughter-in-law or a young woman. "*Nymphios*" means bridegroom, and only means bridegroom. The verb "marry" is "*gamew*" and it always means "marry." With one exception (Mk 10.12) men "marry," active voice, and women "are given in marriage," passive or middle voice.

Whenever a woman is joined to a man in Scripture, she becomes part of that man's family, and belongs to him.<sup>1</sup> Women/wives are often equated with property and can be bought and sold.<sup>2</sup> A man may have one or more wives/women, including concubines and slaves.<sup>3</sup> A minority of texts call for covenant obligations for the man as well, and still fewer call for monogamous marriage.<sup>4</sup> Some late New Testament texts call for submission of wives to husbands; these do not quite say that wives are husbands'

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1 Gen 2.24-25 and Jesus' quotation of it say the opposite (that a man leaves his parents to marry), but in Biblical narrative it is always the woman who leaves her family and joins the man. See also Gen 12.14-18, Gen 31.43-55, Gen 34, Gen 38, Ex 20.19, Ex 21.4, Ex 21.7-11, Ex 22.16, Lev 22.12, Num 25.1-9, Num 30.3-14, Dt 5.21, Dt 17.16-17, Dt 20.14, Dt 21.10-13, Judg 1.12-13, Judg 21.1-25, 1 Sam 17.25, 2 Sam 16.21-23, 1 Kgs 2.10-25, Eccl 2.8, Isa 4.1, Lk 2.1-5.

2 Gen 24, Gen 29, Ex 22.16, Ruth 4.5, Ruth 4.10, 2 Sam 20.3. See also Countryman 151-156, Wink 7, Rogers 71, Broten 240-241.

3 Gen 4.17, Gen 4.19, Gen 7.7, Gen 16, Gen 26.34, Gen 28.9, Gen 36.2-3, Gen 46.8ff, Lev 19.20, Judg 8.30-31, Judg 19.1-4, 1 Sam 1.1-6, 2 Sam 3.2-5, and many, many other references.

4 Job 31.1, Job 31.9-12, Pr 5.17-21, Mal 2.14, and possibly Mt 5.27-28, Mt 5.32, Mt 19.9, Mk 10.2-12. 1 Tim 3.12 requires deacons only to have been married to one wife, and 5.9 limits official registration of widows to those who are over age 60 and were married only once.

property, although these texts tend to make the wives' situation and the slaves' situation parallel.<sup>5</sup>

Overwhelmingly, Scripture's most important rule for heterosexual marriage is "do not commit adultery." The Old Testament defines adultery as a married woman lying with a man who is not her husband. Both parties are culpable. The man's marital status does not matter, except in the minority of texts calling for monogamy. Adultery is understood primarily as an offense against the cuckolded husband, which makes sense if the woman is his property. A married man who sleeps with another woman does not commit adultery according to most of the Bible. Likewise, incest is usually wrong because it is a subset of adultery, and is an offense against the man to whom the woman belongs, so much so that Leviticus says the woman's nakedness is the same as her husband's nakedness.<sup>6</sup> In contrast, Job 31.9-12 says that Job, who is married to one woman, would commit "a lustful crime punishable by the judges" if he lay with another woman. Pr 5.17-21 gently encourages men to remain faithful to one wife, but sets down no law. Jesus formally redefines adultery as (1) either partner marrying someone else, ever;<sup>7</sup> and (2) any male looking at any woman/wife to desire her.<sup>8</sup> Adultery is also a frequent analogy for people who worship false gods instead of God.<sup>9</sup>

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5 Eph 5.22-6.9, Col 3.18-25, 1 Pet 3.1-7.

6 Gen 12.14-18, Gen 26.10, Gen 39ff, Ex 20.14, Lev 18.6-18, Lev 18.20, Lev 19.20, Lev 20.10-21, Num 5.11-31, Dt 5.18, Dt 22.22-30, Dt 24.1-4, Dt 27.20-22, Dt 28.30, Judg 14.15-15.8, Judg 19.1-4, 2 Sam 3.7-8, 2 Sam 11.1-12.15, 2 Sam 16.21-23, 2 Sam 20.3, 1 Kgs 2.10-25, Job 24.15, Pr 2.16-19, Pr 6.24-26, Pr 6.29-35, Pr 7.5-27, Pr 23.27-28, Pr 27.12-13, Pr 30.20, Ezek 18.5-18, Ezek 22.6-12, Mt 19.18-19, Jn 8.1-11, Rom 2.22, Rom 7.2-3, Rom 13.8-10, 1 Cor 5.1, 1 Cor 6.9, 1 Thess 4.3-8.

7 Mt 5.32, Mt 19.9, Mk 10.2-12.

8 Mt 5.27-28. The word *epithymesai* is often translated "lust," but it merely means "desire." The ambiguity of *gynaika* makes it hard to know whether this is an unmarried woman, a woman who is married to the man looking at her, or a woman who is married to someone else.

9 Also called "harlotry" (*zenunnim*, *porneia*) but the analogy is still that the female figure who is playing the harlot is married to God. Isa 23.15-18, Jer 3.1-12, Jer 3.20, Jer 5.7-8, Jer 6.11, Jer 9.2, Jer 11.15-17, Jer 13.27, Ezek 16.1-43, Ezek 23.1-49, Hos 1.2-3, Hos 2.1-20, Hos 3.1-5, Hos 4.11-14, Hos 7.4, Jam 4.4, Rev 2.2, Rev 2.22, Rev 17.1-7, Rev 18.9. 1 Cor 6.12-19 is an interesting half-literalization of this

Other rules for heterosexual marriage are well-attested in Scripture, never contradicted in Scripture, but are not upheld today: the prohibition on sex during menstruation,<sup>10</sup> the requirement that a childless woman whose husband dies must then marry his brother in order to have children in the dead man's name (technically called levirate marriage,)<sup>11</sup> and the prohibition of marriage outside one's own ethnic group.<sup>12</sup>

A few other rules for heterosexual marriage are stated only once, are generally coherent with the overall Biblical view of women as men's property, but would be abhorrent to us today: for example, the requirement that a rape victim marry her rapist (Dt 22.28-29), or destroying cities and kidnapping people for the sole purpose of acquiring women to give in marriage to another tribe (Judg 21.1-25).

Finally, some passages in the New Testament take an attitude toward marriage that is highly flexible or completely negative. Some argue that celibacy is better than family ties for living out the kingdom of God; others argue that marriage should be "whatever works best" to help each family focus on following Jesus.<sup>13</sup>

#### 4. Is There Heterosexual, Monogamous, Mutual-Love-based Marriage in Scripture?

If we are looking for examples of marriage between one man and one woman, where they married for mutual love, we will be sorely disappointed. There is not one example of such marriage in Scripture. The closest we find are marriages such as that of

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analogy.

10 Lev 15.25-33, Lev 18.19, Ezek 18.5-18, Ezek 22.6-12.

11 This law is so important that Gen 38.26 says Tamar, who deceived and slept with her father-in-law Judah, is "more righteous" than he is, since he prevented levirate marriage between Tamar and Shelah. See also Gen 38.8, Dt 25.5-10, Mt 22.23-25, Lk 20.27-40.

12 Ezra 9.1-15, Ezra 10.1-44, Neh 10.30, Neh 13.23-30.

13 Mt 10.35, Mt 19.10-12, Lk 14.26, Rom 13.13 (although sometimes translated "immorality," the Greek word *koitais* indicates avoiding sexual intercourse entirely), 1 Cor 7.1-40, Gal 3.28-29, 1 Tim 4.1-4. The examples of Jesus and Paul, both celibate, are also important. See also parts 5 and 6 below. Stacy Johnson bases his "consecrationist" view of marriage on this strand of New Testament theology.

Isaac and Rebekah (where Isaac loves Rebekah, but not before marriage, and Rebekah may not love Isaac), Jacob and Rachel (where Jacob loves Rachel, but Rachel may not love Jacob, and they are not monogamous), and David and Michal (where Michal loves David, but David may not love Michal, and they are not monogamous). The Song of Songs could be discussing such a marriage, but there is no way to tell the number and gender of the participants for certain. We may be able to guess that the New Testament texts calling for wives to be submissive to husbands (see footnote 5) are talking about monogamy, since monogamy was the norm in Greco-Roman culture at that time,<sup>14</sup> but the texts themselves do not tell us that; moreover, domination and submission do not fit many people's definition of mutual love.

Although Scripture gives us no examples of heterosexual monogamous couples who marry for mutual love, that does not mean we should outlaw the practice. The same is true for same-gender marriage. As for mutual love, the best examples of mutual love in Scripture are found in same-gender relationships, relationships where the gender is not specified, and "chosen families" formed between people who would not normally be related.

##### 5. Alternative Families in Scripture (including same-gender love)

Some of the families in this list would be considered "alternative" in their own context (including by violating the laws of their own time), and some would be considered "alternative" in our context. Relationships that appear sinful or problematic to their *immediate* context are excluded from this list (e.g. adulterous relationships, or Lot and his daughters, whose wrongness is obvious from the fact that they produce Ammon

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<sup>14</sup> Countryman, p. 244.

and Moab.)

Gen 4.19 and numerous other passages: polygamy

Gen 16: Abram has one wife and a child by his wife's maid

Gen 20.12: Sarah is actually Abraham's half-sister on his father's side

Gen 30.1-13: Jacob has two wives and children by his wives' servants

Gen 38: Tamar bears children by her father-in-law Judah and is called righteous

Gen 46.8ff: Jacob's descendants, by various monogamous, polygamous and concubinage relationships

Ex 6.20: Moses' parents are aunt and nephew

Num 12.1-16: Moses marries a Cushite woman. Miriam and Aaron complain and are punished by God for a short time.

Judg 8.30-31: Gideon had 70 sons, many wives and a concubine. The concubine's son becomes king in his place.

Ruth 1.16-22: Ruth adopts Naomi as mother. Her promise to Naomi is so full of devotion that many heterosexual couples use it as a wedding vow today.<sup>15</sup> This relationship is solid enough that any man wanting to buy the field that belonged to Naomi's deceased husband must also buy Ruth. (4.6-10)

1 Sam 18.1-20.42, 2 Sam 1.17-27: The romance of David and Jonathan, by far the longest love story in Scripture where the number and gender of the partners is known.<sup>16</sup>

2 Sam 3.2-5, 5.13-16, 9.1-13: David's family ultimately includes many wives and concubines and children, and Jonathan's grandson Mephibosheth.

1 Kgs 15.1-2, 8-10: Abijam and his son Asa have the same mother (Maacah the daughter of Abishalom)

1 Chron 23.21-23: Eleazar died leaving daughters and no sons, so his brother's sons marry the daughters.

Ps 113.9: God "makes the barren woman abide in the house as a joyful mother of children."

Song of Songs: Throughout this celebration of sexual love, we have no clear statement of the number or gender of characters, or clues to which character is speaking when. There is little to help us find out who here is married or getting married. There is a celebration of what could be Solomon's wedding procession, 3.6-11. But is King Solomon the same one who has to sneak around and peer through lattices in ch. 2, or who pastures a flock, 6.3? If the text is meant to be chronological and if 3.6-11 is a wedding, the wedding happens after much of the love affair, and more sneaking around happens after the wedding. Also throughout Song of Songs, love and sensuality and beauty are good for their own sake. There is little about property, purity or procreation. The reader might assume that this is a heterosexual monogamous couple, but even if so, their heterosexuality and monogamy have absolutely zero importance for the text.

Isa 56.4-5: Within God's house, eunuchs have a family and a legacy.

Mt 1.1-17: Jesus' genealogy includes 4 women who are maritally odd in some way.

Mt 1.20-25, Lk 1.27, Lk 35: Jesus is conceived in Mary by the Holy Spirit. Joseph takes Mary as his wife/woman (*gynaika*) anyway, but doesn't know her (*ouk eginwsken*) until she has the son. This is the first time "taking as a wife" is distinguished from "knowing her."

Mt 22.23-35: If a woman marries seven brothers in a row according to the law of Deut 25.5 and dies childless, whose wife is she in the resurrection? Jesus says: in the resurrection they neither marry nor are given in marriage, but are like angels in heaven.

Lk 8.2-3: These women, only one of whom has a husband, stay together with Jesus and the other disciples

Lk 10.38-42, Jn 11.1-46: Adult siblings Lazarus, Mary and Martha are a household. Lazarus is called "he whom you (Jesus) love"

Jn 4.1-32: The Samaritan woman, who has had five husbands and now has "one who is not her husband," is sent by Jesus to her town without any command to repent or change her family situation.

Jn 19.26-27: The beloved disciple and Jesus' mother become mother and son to one another

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15 Some interpreters see Ruth and Naomi as a lesbian couple. We find it closer to the text to interpret them as adopted mother and daughter. However, it is notable that the relationship is established by women making promises to one another, not by men seeking property, procreation or heterosexual love.

16 Robert B. Coote has mentioned in a personal conversation that he sees this relationship as a political covenant rather than a love affair, and that Saul's sexualized insult of Jonathan (1 Sam 20.30-31) can be explained by Saul's fear that David will take over the kingdom. We disagree, because Saul also offered two of his daughters in marriage to David, with no worry for the kingdom and no sexualized insults. (18.17-21) We also note the fact that love and politics are not mutually exclusive.

Acts 16.14-15: Lydia has authority to have her whole household baptized  
Acts 24.24: Drusilla, a Jew, has married Felix, a pagan  
Rom 16.1-21: Numerous family groups, who by their numbers and genders cannot all be man-woman couples. Nothing is said specifically about who is married, or any sexual component of these relationships.  
Gal 4.27: More numerous are the children of the barren woman than of the one who has a husband.  
Php 4.2: Euodia and Syntyche are to live in harmony in the Lord.  
Col 4.7-9: Tychicus is with Onesimus in some unspecified way (may or may not be a family group)  
Col 4.14: Nympha is the head of her household  
2 Tim 1.5: Timothy's pedigree is drawn through grandmother Lois and mother Eunice, not men  
Phm 1.1-2: Letter is addressed to the church in the house of Philemon, Apphia and Archippus. Their relationship is not specified  
Phm 1.16: Accept Onesimus as a brother "both in the flesh and in the Lord"  
1 John, throughout: The whole church is brothers, children, a family.

## 6. Response to the Passages Mentioned In Charges

The Scripture passages listed in the Charges are presented without any attempt to explain the text of Scripture as it bears on the Charges. This response provides some exegetical explanation. However, where necessary, we contest modern-day assumptions that may be projected onto the text in error.

This case is about a marriage between two women. **Lev 18.22** is neither about marriage nor about women. This text is part of the "Holiness Code," a set of laws based on purity. Interpretation of the Holiness Code has suffered from two troubling misinterpretations in the past: an artificial division between a temporary ritual law and a permanent moral law,<sup>17</sup> and an invented idea that ancient Near Eastern religions practiced cultic prostitution.<sup>18</sup> Adherents of these two misinterpretations argue that the Holiness Code is ritual law and thus irrelevant today, or that 18.22 is really about male cultic

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17 This division does not bear out in well-informed biblical scholarship. Notably, idolatry is intrinsically connected with the "ritual law," not the "moral law," but the Christian faith has never been able to allow it.

18 For a debunking of this idea, see Adams and her bibliography in the footnotes on p. 293-294. See also Chaney, "Accusing Whom of What?" in *Distant Voices Drawing Near*, ed. Hearon (Liturgical Press, 2004); Nissinen, *Sacred Marriages: The Divine-Human Sexual Metaphor from Sumer to Early Christianity* (Eisenbrauns, 2008). The crux of the problem is that many interpreters misread metaphorical accusations of adultery and prostitution (God=husband, people=wife, idolatry=adultery or prostitution) for literal ones. The only shred of historical "evidence" for cultic prostitution is a few sentences from Herodotus, who was known for inventing accusations that made non-Greek cultures look depraved. See Oden, *The Bible Without Theology* (University of Illinois Press, 1999).

prostitutes. Without these misunderstandings, we can analyze the Holiness Code as a collection of laws based on a coherent worldview in which everything belongs in its own category. Clean animals remain in their own category of land, sea, or air; unclean animals mix categories or are highly unusual members of their category. (11.1-47) Leprosy is unclean when it makes someone part brown and part white, but when the disease spreads to the whole body and it is all white, the person is clean. (13.1-17) Gender has its own categories, which is why a man cannot wear a woman's clothes or behave like a woman sexually. The question remains how Christians today are to understand the Holiness Code, and whether we can countenance obeying one of its laws without the rest, given the coherence of its purity-based worldview.<sup>19</sup>

If we interpret Scripture by Scripture, we find that the Gospels, Acts and the letters of Paul do something interesting with the purity code: they replace *purity of the surface* with *purity of the heart*. Jesus is particularly emphatic about this. The law does not disappear; Jesus makes the law more stringent on some points, and Paul recommends that Jewish Christians continue to keep the law as they are accustomed. Rather, purity of the heart is what matters, to the point where unclean animals can be eaten, and even circumcision, the basic mark of belonging to God's people, is no longer important. Would marriage between two women violate purity of the heart, not just the surface-level questions of what gender role is supposed to do what? The answer is no.

**1 Cor 6.9** mentions adultery and prostitution, but nothing else about marriage nor about women, so it is difficult to see how these two texts apply. Two words, *malakoi* and

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<sup>19</sup> We must also ask whether the church could really call for the death penalty for gay men, which is what the text says. In taking Leviticus as an extreme negative object lesson, Comstock writes, "How many times and in how many ways do we have to be told that we should be killed before we take it seriously? Is not once enough?" (39)

*arsenokoitai*, have in the past 120 years sometimes been used to refer to male homosexuals. This is mistaken. The concept of a "homosexual" did not even exist before the 19th century. Ancient Greeks and Romans had some concept of differing sexual desires, but these had to do with social status, age, and frequency along with gender. The word *malakos* literally means soft, and could mean anything from "effeminate" to "masturbator" to "lacking in self-control." Applying it to gay men is "wholly gratuitous."<sup>20</sup> For early Christians, *malakos* had become a specific enough term for masturbators that the early Church fathers preferred to use other terms for men who behaved effeminately.<sup>21</sup> The word *arsenokoitai* was coined by Paul. Its meaning is very uncertain and has flummoxed many scholars. Suggestions range from "male prostitute" to "someone who trafficks in male slaves." Nevertheless, the fact remains that Paul is not speaking of men in faithful marriages. The list is of people who will be excluded from the kingdom of God--marriage is not the subject here. It includes "the unrighteous," which, according to Paul elsewhere, describes us all. And staking a legal claim on one word in a list, without context, presents problems of its own.

**Gen 2.24:** This text refers only to one man. While we might understand it to relate to other men as well, there is nothing in the text that says "all men must..." The verbs (*ya`zab, dabaq, v'hayu*) are Qal perfect, indicating a simple descriptive, not imperative, force. If this text had been understood by other Old Testament writers to be a norm for marriage, they would not have allowed polygamy and they would have required men to leave their families to join their wives; neither is the case.

**Dt 24.5:** As with the other directives that surround it, this text applies in the

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<sup>20</sup> Boswell 107.

<sup>21</sup> Boswell 106-107, 339-341.

particular situation cited: "When a man takes a new wife/woman". It does not imply that all men everywhere must take new wives/women.

**Mk 10.6-8:** Here, Jesus argues that a marriage between a man and a woman is completely indissoluble. He does not say anything about same-gender marriage. He does not make any statement requiring all men to marry women or all women to marry men. The verbs (*kataleipsei, proskollethesetai, esontai*) are declarative and in the future tense. They have no imperative force, which makes sense since Jesus is quoting Gen 2.24.

**Eph 5.22-23:** Here, wives are told to be subject to husbands, children to parents, and slaves to masters (if we continue reading to 6.9.) The Presbyterian Church no longer teaches that slaves should be subject to masters, nor that wives should be subordinate to husbands. Besides, the text makes no requirement that all wives should have husbands or that all husbands should have wives, nor does it say anything about monogamy.

**1 Cor 7.1-40:** As with the above passages (Gen 2.24, Dt 24.5, Mk 10.6-8 and Eph 5.22-23), this passage describes and provides some direction for heterosexual marriage. As noted above, these passages do not put heterosexual marriage forward as a norm for everyone. Thus, they do not prohibit marriage between two women. However, since 1 Cor 7.1-40 is uniquely interesting for the case at hand, we will discuss it in particular.

Paul offers several, somewhat contradictory, guidelines for marriage in this chapter: It is good for a man not to touch a woman. (7.1). Each man is to "have" his own wife/woman, and each woman her own husband/man; do not deprive one another of sexual intercourse. (7.2-6). Celibacy is best, but it is a gift from God. (7.7-8). Marriage

is better than uncontrolled passion. (7.9). Divorce is outlawed. (7.10-11). Marriage between believers and unbelievers is allowed because Christ sanctifies the whole family. (7.12-14). If the unbelieving spouse wishes divorce, that is acceptable. (7.15-16). Let each person walk according to the life God has given him/her; do not change your condition to make yourselves more acceptable to others. (7.17-24). Betrothed virgins should remain indefinitely betrothed, but if they marry, it is not a sin. (7.25-28, 36-38). A wife is bound to a husband until he dies; she may remarry, but it is better not to. (7.39-40).

How can Paul hold together such a variety of instructions in one argument? The answer is in verses 29-35. The time is short, and we must be as completely devoted to Jesus Christ as we can. Marriage is part of the order of the present world which is passing away, so we should treat it as we treat possessions: necessary for the time being, but not essential and not ultimate, to the point where the married should be as if they are not married. In the interest of devotion to Christ, celibacy is superior because it affords less distraction. There are some people who do not have the gift of celibacy and have uncontrolled passions. Paul does not condemn these people (although his attitude toward excessive passion is quite negative); he provides an accommodation for them, namely, marriage. For these people, marriage is needed to help keep them focused on the things of God. (Conservative commentator Andrew Sullivan makes a similar argument:<sup>22</sup> same-gender marriage should be legal because it is better than same-gender promiscuity.)

1 Cor 7 relativizes marriage: that is, it makes marriage far less important than the kingdom of God, and the needs of the kingdom of God can determine many *different* directions for marriage. This allows for a flexibility and pragmatism that would have

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<sup>22</sup> Sullivan Andrew. "The Conservative Case for Gay Marriage." Time, June 22, 2003.."

been altogether frightening to the pre-Christian, purity- and property-based mind. In sum, do "whatever works" maritally, as long as you are faithful to existing covenants and your heart remains focused on Christ. Therefore, this text *supports* same-gender marriage, where it is an existing covenant or where it enables partners to seek God more devotedly together than they could separately. There is no reason why God cannot "assign to each one" differences of gender and sexual orientation. (7.17). We would gladly look forward to a church that takes 7.35 literally, treating marriage law so as "not to put a restraint upon you, but to promote what is appropriate and to secure undistracted devotion to the Lord."<sup>23</sup>

**Rom 1.14-32:** This text is not about marriage, but many view it as a condemnation of all lesbian relationships. A number of reputable scholars have advanced arguments that deconstruct or question whether this passage is really a negative view of same-gender sexual acts at all.<sup>24</sup> While we respect their work, we find that it makes more sense to allow that Paul and other people in his society have a negative view of same-gender sexual acts. However, when Romans is considered as a whole, we do not find that Paul is arguing that God condemns all same-gender sexual acts, particularly not in the context of a faithful Christian marriage.

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23 See also Countryman 196-213 and 237-240, Johnson 95-107, *Homosexuality in the Church* 32-33 and 68, *Frequently Asked Questions* 37-38 and 42-44, Stuart 105-115.

24 Bernadette Broton, in her extensively researched *Love Between Women*, argues that what is "contrary to nature" to Paul and the rest of ancient Greco-Roman culture is sex where there is no clear superior or inferior.

John Boswell, Scanzoni and Mollenkott, John McNeill, and Walter Wink argue that "natural" refers to sexual orientation, so that what is condemned is heterosexuals doing same-gender things, not homosexuals doing what would be natural for them.

Beverly Roberts Gaventa (*Frequently Asked Questions* 31-34) argues that Paul objects not to the combination of genders, but to an excess of passion.

Gary David Comstock argues that this and other "antigay" texts are intended as a negative object lesson: this is how bad it gets when you assume a patriarchal heterosexist framework! God intends to tell us how dangerous the consequences are when we assume that homosexuality equals godlessness.

In Rom 1, idolatry is the sin of the Gentiles. (1.18-23). God punishes the Gentiles by allowing them to do things that are "degrading" (*atimia*) and "against nature" (*para physin*), namely, excessive passion between men and between women. *Atimia* are things that cause people to be insulted or to lose face with other people; they are not necessarily sins against God. In fact, Jews in the Greco-Roman world regularly reviled their pagan neighbors on account of sex between men, clinging instead to their Jewish identity and the Levitical law.<sup>25</sup> Some same-gender acts were also held in dishonor by Romans: ones in which an adult man allowed himself to be penetrated.<sup>26</sup> So, provided one lets go of complete obedience to Leviticus (as Paul did), *atimia* is an apt description for same-gender acts. If Paul had wished to call them sin, words that actually meant "sin" were available to him. Rather, idolatry is the sin, and the loss of face associated with same-gender acts are a symptom, a punishment, from God.<sup>27</sup>

In chapter 2, Paul turns to those Jews in his audience who (like him) find same-gender sex degrading. He tells them that those who point fingers and call others sinful based on their works are sinners and hypocrites, and will bring on the wrath of God. This is far worse than Paul's evaluation of the Gentiles' same-gender sex. Then in chapter 3, Paul presents God's redeeming work through Jesus Christ as good news for Jew and Greek alike--which was his thesis statement in 1.16.

Some might argue that becoming a disciple of Jesus Christ requires that one give up "unnatural" same-gender sexuality. This does not bear out in Paul. Quite the opposite: Paul consistently *defends* the right of Gentiles to remain unclean in the sense of

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25 Brooten 204 and 231-232, Countryman 120-122.

26 Brooten 209, 242 and 249-250; Johnson 99.

27 Conservative scholars such as Hays and Cahill also hold this opinion. (*Homosexuality in the Church* 7-9, 65)

the purity and holiness codes of the Torah. (Gal, Rom 9-15). He brushes to one side the old standards of circumcision and diet, bringing in Gentiles through faith in Christ alone, along with the commands to worship God alone and to love one another. He celebrates the "unnatural" (*para physin*) inclusion of the very same Gentiles into the family of God. (Rom 11.24). God can approve what is unnatural; for in the life of the resurrection God continually transforms nature.

All these points support Paul's central thesis in Romans: that God's grace through Christ is sufficient for all.

Further, requiring same-gender couples to avoid lust<sup>28</sup>, promiscuity and idolatry, while encouraging them to become Christian, to serve the community and to marry, fits Paul perfectly, in his concern for Christ-centered ethical behavior that stops short of eliminating what's considered only physically unclean. By logical extension this understanding of Paul would validate same-gender marriage as against same-gender promiscuity.

7. Freedom of Conscience with Respect to Interpretation of Scripture is to be Maintained

Section G-6.0108 of the *Book of Order* recognizes that it is necessary to the integrity of the health of the church that persons who serve as officers shall adhere to the essentials of the Reformed faith and polity as expressed in the Book of Confessions and the Form of Government. The freedom of conscience of a Minister of Word and Sacrament with respect to the interpretation of Scripture is to be maintained so far as possible without serious departure from the standards of the church. In becoming an

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28 The Greek word Paul uses (*epithymia*) does not have the negative connotation that the English word "lust" has. However, in context, he is discussing sexual desire that seeks satisfaction with no regard for the partners' personhood or the needs of the surrounding community. "Lust" is the best English shorthand for that.

officer of the church, the Rev. Dr. Edwards has chosen to exercise her freedom of conscience within certain bounds. In continuing her service to the church, her conscience remains captive to the Word of God as interpreted in the standards of the church.

As set forth in this examination of the biblical references cited by the Prosecuting Committee as well as the treatment of wedding ceremonies, heterosexual marriage and various family structures, it is clear that the Rev. Dr. Edwards has not deviated from any normative scriptural interpretation. The passages relied upon by the prosecution do even purport to prohibit marriages between couples of the same gender. When examined in context in light of the linguistic and the cultural norms of the time in which they were written, the texts simply cannot be read to constitute strict prohibitions against the marriages of loving GLBT couples.

The Rev. Dr. Edward's actions in marrying Brenda Cole and Nancy McConn do not constitute a serious departure from the standards of the church with respect to interpretation of Scripture. Indeed, her scriptural beliefs are in concert with, and supported by, the guidelines contained in the *Presbyterian Understanding and Use of Holy Scripture*. Scripture remains the “rule of life” in the Rev. Dr. Edwards' ministry. Her respect for the unique and abiding authority of Scripture places her well within the bounds of conscience articulated in G-6.0108.

### **C. Reformed Tradition and Christian Marriage**

How should we understand a tradition of Christian marriage? We can approach this question historically by looking at what Christians have taught about marriage from the early church to contemporary times.

The Rev. Dr. Edwards' decision to perform a marriage ceremony for two women should be properly understood as an act of conscience *within* a long and changing tradition rather than an outside assault on the tradition. History reminds us that Christian teachings about marriage have been uneven and varied through time. This should caution today's Christians from making any one view of marriage into essential Christian teaching.

1. The Early Church: The Celibate Ideal

Christians have been debating the merits and morals of sex since the founding centuries of the faith, and the most vociferous of these debates questioned whether or not Christians should marry *at all*. The famed admonition by the apostle Paul, "it is better to marry than to burn with passion," gave only a thin justification for marriage, which, in the views of most early church leaders, represented an unholy attachment to earthly affairs.

For the first several centuries of Christian history, marriage was not an ideal, but a compromise. St. Jerome made these priorities clear in a pointed statement, "He who desires to replenish the earth may increase and multiply if he will. But the train to which you belong is not on earth, but in heaven."<sup>29</sup> Celibacy was the Christian relational ideal, held up not only for its renunciation of sexual desire also for its freedom from the entangling concerns of pleasing a spouse and rearing children. The relationships valued by early church communities were not the earthly bonds of husband and wife, but the eternal kinship of believers.

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29 St. Jerome, "Letter XXII to Eustochium, book 29" in *The Principal Works of St. Jerome* ed. Philip Schaff. (Available online at <http://www.ccel.org/ccel/schaff/npnf206.v.XXII.html>)

Thus, for most of early church history, marriage was certainly not an ideal for Christian living. The Roman Catholic Church did not formally declare marriage to be a sacrament until the Council of Florence, convoked in 1431. Ironically, declaring marriage a sacrament did not place a higher value on it; rather, it provided a theological response to the problem of sexual sin within marriage. Marriage sanctified the couple, conferring God's grace "so that as they concern themselves with carnal and earthly matters, they do not become detached from Christ and the Church."<sup>30</sup>

These doctrines for Christian matrimony were challenged relatively shortly after they were formulated. In the sixteenth century another generation of Christian theologians interrupted this low view of Christian marriage. Their critique of their predecessor's views of sexuality and marriage were central to the theological and institutional changes ushered in by the Protestant Reformation.

## 2. The Protestant Reformation: A Revolution of the Household

History books usually introduce the Protestant Reformation with the story of Martin Luther's Ninety Five Theses, nailed to the door of the Wittenberg Chapel to protest the sale of indulgences. As the Protestant Reformers ushered in an ecclesial revolution, they also challenged prevailing Roman Catholic teachings on sex, marriage, and family life. Where earlier Christians celebrated monastic and celibate lifestyles as the embodiment of Christian relationship ideals, Protestant reformers embraced a new picture of heavenly kinship: the Christian household.

Protestant reformers brought in a wholesale reevaluation of marriage, beginning

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30 Witte, 32.

with their challenge to the Roman Catholic mandate for clerical chastity. Reformers not only broke their monastic vows by taking wives, they also espoused the virtues of marriage and actively discouraged celibacy. In John Calvin's invective, celibacy gave church leaders over to deviant perversions— forbidden to marry, they became “whoremongers and adulterers, and something more worse and fouler still.”<sup>31</sup> Against the perversions borne of forced celibacy, Calvin argued, marriage offered a means “to cure the intemperance of the flesh.”<sup>32</sup>

Protestant reformers also moved marriage out of the category of sacrament and into an understanding of contract. Married couples no longer required a special means of grace, because their marriage relationship was now viewed as a wholesome and efficacious good in itself. Marriage not only cured the intemperance of the flesh, it also embodied an earthly picture of divine relationships, with the gendered and hierarchical relationship between man and wife as its pinnacle. A man's governance over his household affairs—not only over his wife, but also over children, servants, and extended family members—was an earthly picture of God's commonwealth.

This positive evaluation of marriage and family relationships was a novel change within the history of Christian marriage. No longer were earthly ties a distraction from eternal affairs. Rather, they were an embodiment of heavenly relationships and a temporal picture of God's kingship. Even as the Protestant Reformation ushered in a kind of revolution in Christian understandings of the household, later Christians added flesh and heart to these new relationship ideals. In the nineteenth century, Victorian

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31 John Calvin, *Institutes of the Christian Religion*, Chapter 13 (Available online at <http://www.ccel.org/ccel/calvin/institutes.toc.html>)

32 Calvin, *Institutes*, Chapter 13.

Christians added to the household revolution a new understanding of the affairs of the heart that governed over these relationships.

### 3. Victorian Christianity: A Revolution of the Heart

In 1651, a young Englishwoman appraised a suitor she had decided to marry, commenting that he “seemed to be a very godly, sober, and discreet person, free from all manner of vice, and of a good conversation.”<sup>33</sup> This young woman’s description of her marriage prospects appears remarkably tepid when placed alongside the rapturous declarations in Elizabeth Prentiss’s autobiographical novel, written some two centuries later. “To sit at the table with him everyday, to pray with him, to go to church with him, to have him all mine!” her heroine declared of her fiancé upon their engagement.<sup>34</sup>

These two women’s different ideals for their mates typify changing Christian understandings of marriage and its connection to Christian spirituality. Prentiss’s book embodied nineteenth century ideals of marital romance and also placed them at the center of her heroine’s spiritual journey. Marital happiness was next to godliness, and Prentiss admonished her readers, “when the union [between husband and wife] has been formed... by God himself, it is His intention and His will that it shall prove the unspeakable joy of both husband and wife and become more and more so from year to year.”<sup>35</sup> Marital happiness and romantic attachment—qualities that early Christian leaders would have criticized for taking a believer’s focus away from God—now served as the crucial bond holding marriages together and a picture of a Christian’s personal,

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33 Stephanie Coontz, *Marriage: A History, From Obedience to Intimacy, or How Love Conquered Marriage* (New York: Penguin, 2006), 138

34 Elizabeth Prentiss, *Stepping Heavenward: One Woman’s Journey to Godliness* (1869; repr. Barbour Publishing, Inc., 1998)

35 Prentiss, *Stepping Heavenward*

emotional relationship with God.

These ideals for romantic love also complimented and challenged earlier Reformation images of the Christian household. The patriarchal and hierarchical relationships that structured earlier understanding of the “little commonwealth” gave way to an idealization of the home and hearth that historians have termed “the cult of domesticity.” These new family ideals shifted their emphasis from the patriarchal authority of men to the domestic nurture of women, placing wives and mothers at the moral center of the Christian home. The home accrued the language of religious devotion— a “hallowed place,” “refuge” and “sanctuary,” presided over by a virtuous wife and mother.<sup>36</sup>

Nineteenth century Christians celebrated romance, but they were more ambivalent in their attitudes toward sex. Christians in the twentieth century, however, challenged and expanded their predecessors’ emphasis on couples’ romantic attachment to include an embrace of marital sexual intimacy.

#### 4. Marriage in the Twentieth Century: A Revolution in Intimacy

By many accounts, the sexual revolution of the mid-twentieth century influenced marked changes in American norms for sexual intimacy. However, Christian teachings about sex and sexual morality had already undergone multiple *revolutions* since the era of the early church. As new technological developments, such as the availability of birth control, allowed couples to make decisions about when to have children, Christians further challenged earlier views about marriage. By the end of the twentieth century, many Christians affirmed that sex in marriage was not only important because it

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<sup>36</sup> Coontz, *Marriage: A History*, 164

produced children or cured fleshly intemperance; sexual pleasure within marriage was a positive and God-given gift in itself.

By the end of the twentieth century, most Christians have also reevaluated their views about who could and could not marry each other, and they had revised the belief that people of different ethnic, racial or religious backgrounds were “morally unfit” as marriage partners. A 1930 Presbyterian study document on “Marriage, Divorce, and Remarriage”, for example, expressed its dismay that “mixtures of race, nation, tradition, language, custom, faith are taking place in the most potent, most secretive, and most precise laboratory of God’s building,” and it advised clergy to dissuade amorous young people from heading into “moral and marital disaster.”<sup>37</sup> By the mid-century, this language had changed. Ministers were granted greater discretion in who could be married in the church. Church policies no longer forbade a minister to officiate a marriage involving a person who had been the “guilty party” in a divorce.<sup>38</sup>

For most Christians at the end of the twentieth century, the ideals for a healthy marriage included a vision of partners who may have been previously married or who might be from different racial, ethnic, and religious backgrounds. A couple’s fitness for marriage was grounded in different relationship ideals—sexual attraction, mutual caring, and emotional intimacy.

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37 Presbyterian Church of the United States of America, Minutes of the General Assembly of the Presbyterian church in the U.S.A. (Philadelphia, Pennsylvania: Office of the General Assembly, June 1930)

38 Presbyterian Church in the United States of America, Minutes of the General Assembly. (Philadelphia: Office of the General Assembly, July 1951), 118-123.

## 5. Today's Marriage Tradition: A Gender Revolution

Today's ideals for marriage are, in many ways, unique in the history of Christianity. Never before has mainstream Christianity celebrated so unambivalently the ideals of marital love and intimacy, even to the exclusion of other issues of difference. Also, never in the history of Christianity has marital sexual intimacy, for both women and men, been celebrated so unambiguously as a source of relational and spiritual good.

Ironically, much of what Christians celebrate and idealize in marriage—mutual love, passionate sensuality, and equal partnership—would be condemned by earlier Christians as promiscuous and idolatrous. Yet, this new marital tradition cannot be dismissed; many Christians find pleasure, comfort, and faith in this experience of marital intimacy. Today's marriage ideals, equal partnership and mutual sexual intimacy, also take apart the logic that limits the institution to people of different genders. Indeed, two women or two men, just as a male-female couple, may also embody relationship ideals of mutual love, passionate sensuality, and equal partnership.

## 6. Conclusion

In performing a marriage ceremony between two women, the Rev. Dr. Edwards has embraced these ideals for marriage within a tradition that has wrestled for centuries over what marriage means. Indeed, Christian history gives no definitive tradition for how Christians should “do” marriage. More than anything, the changes in Christians' ideals for marriage should caution Christians today against reifying any one view as essential teaching, and they should encourage us to continue wrestling with how to connect marriage as an intimate human partnership to the practice of living in relationship with God. Thanks be to God, then, for the ways in which the Reformed tradition contributed

to these changes in both the structure of, and Christian attitudes toward, marriage or for the help our Reformed tradition offers us now so that we may live faithfully as marriage continues to change.

**D. The Constitution of the PCUSA**

1. Conviction of the Rev. Dr. Edwards of an Offense in this Matter Requires Constitutional Prohibition

The Constitution of the PCUSA contains no prohibition against the performance of a same-gender marriage ceremony by a Minister of Word and Sacrament. In marrying Brenda Cole and Nancy McConn, the Rev. Dr. Edwards acted in accordance with her call to ministry and her firmly held belief that all people are created in the image of God and possess the same rights and responsibilities as other believers in the household of faith. She acted in accordance with biblical and constitutional imperatives which require equality and inclusiveness for all members of the church. She also acted well within the church's position on same-gender union ceremonies as articulated by the General Assembly in its most recent judicial decision, *Spahr v. Presbyterian Church (U.S.A.) through the Presbytery of Redwoods*, Minutes, 2008, Disciplinary Case 218-12 (the *Spahr* case). Finally, she acted in accordance with the recent decision of the 218<sup>th</sup> General Assembly which renders obsolete all of the General Assembly's policy statements prior to 1996 condemning homosexual orientation and behavior.

a. Charges Lack Constitutionally Required Clarity and Specificity.

In order to convict a minister of an offense, the charges must be clear and specific. In this case, the first and second amended charges fail to state causes of action based on the failure to specify the violation of any constitutional provision.

As Presbyterians, we place a high value on the precise use of language in ordering our governance and life together. Our polity simply does not license the charging of “offenses” upon advisory, declarative, or even normative statements in the Constitution. When determining whether a particular act or omission is an offense, careful attention must be given to whether the precise language of the Constitution sets up a clear, mandatory prohibition or requirement. Indeed, this principle is so fundamental that it is set forth in the Preface to the Book of Order.<sup>39</sup> Section W-4.9001 of the Constitution under which the Presbytery prosecutes the Rev. Dr. Edwards, merely states that marriage is between a man and a woman.<sup>40</sup> It is definitional in nature only, and it contains none of the language that the *Book of Order* instructs must be present to set forth a mandate or a prohibition. The Directory contains no injunction, such as “marriages ARE TO BE performed only between a man and a woman” or “ministers SHALL not perform same-gender marriages.”<sup>41</sup>

It is because of this preciseness that Presbyterian polity has traditionally held that conduct not specifically prohibited by the Constitution is permitted and not censurable. As discussed below, this principle of polity has been recently upheld by the General

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39 “In this Book of Order (1) SHALL and IS TO BE/ARE TO BE signify practice that is mandated; (2) SHOULD signifies practice that is strongly recommended; (3) IS APPROPRIATE signifies practice that is commended as suitable; (4) MAY signifies practice that is permissible but not required.” Preface, Book of Order.

40 That section states: “Marriage is a gift God has given to all humankind for the well being of the entire human family. Marriage is a civil contract between a woman and a man. For Christians, marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship. In a service of Christian marriage a lifelong commitment is made by a woman and a man to each other, publicly witnessed and acknowledged by the community of faith.”

41 Indeed, all efforts to amend the Constitution to add such prohibitory language – and there have been many such attempts -- have been voted down by the majority of Commissioners or Presbyteries. Accordingly, either the drafters of 4.9001 did not contemplate same sex marriages at all, or, having contemplated it, chose not to expressly prohibit such services. Indeed, the General Assembly in 1991 and the General Assembly PJC in 2000 (in Benton) each noted the Directory’s silence on the issue of same-gender marriage. See, e.g., 1991 Authoritative Interpretation at p. 395 (“There is no mention in the Book of Order of same sex unions (ceremonies).”)

Assembly Permanent Judicial Commission (GAPJC) in the *Spahr* case. In the case presently before this PJC, the Prosecuting Committee attempts to reverse this foundational principle and insist that because the Rev. Dr. Edwards' actions are not affirmatively sanctioned in the *Book of Order*, they are prohibited and are censurable.

The insistence on such an interpretation is not in concert with the position of the General Assembly. Over the past several years, the General Assembly, acting either in its legislative or judicial capacity, has issued three rulings pertinent to this case regarding same-gender union ceremonies: (1) the 1991 Authoritative Interpretation, (2) *Benton v. Presbytery of Hudson River*, Minutes, 2000, Part I, pp. 580-589, Remedial Case 212-11 and, (3) *Spahr v. Presbyterian Church (U.S.A.) through the Presbytery of Redwoods*, Minutes, 2008, Disciplinary Case 218-12. In those rulings, the General Assembly has failed to create any prohibition against the celebration of same-gender wedding ceremonies. Accordingly, it is the solemn task of this Commission to examine carefully the cited Constitutional sources for the Rev. Dr. Edwards' alleged offenses to determine whether they are sufficiently clear and mandatory to ground the current prosecution of the Rev. Dr. Edwards. This PJC must determine whether the Charges against the Rev. Dr. Edwards are properly stated as offenses contrary to Scriptures or the Constitution of the Presbyterian Church (U.S.A.).

In its recent decision in the *Spahr* case, the GAPJC reaffirmed one of the bedrock principles of discipline in the denomination that “charges must be clear and specific enough that the accused knows and understands the nature of the offenses charged and be able to defend against the charges.” (*Spahr* at p. 3.) The Charges in this case do not meet that standard. The first amended Charge alleges only that the Rev. Dr. Edwards

committed an offense of knowingly and willfully performing a “purported marriage ceremony” that was contrary to the Scriptures and the Constitution of the PCUSA. The second amended Charge alleges that she “knowingly and willfully engaged in an act of defiance ... in a manner contrary to the Scriptures and the Constitution of the Presbyterian Church (U.S.A.)” The vague and ambiguous constitutional Charges cite no violation of any specific Constitutional provision and/or mandatory behavioral standard. The Charges lack the clarity and specificity necessary to provide the Rev. Dr. Edwards the ability to properly defend herself. In this case, the Presbytery may believe the marriage is invalid under the definition of marriage in Section W-4.9001 and object to her actions in performing the marriage, but it has failed to assert any identifiable violation of the *Book of Order* and therefore the prosecution must fail. The PJC may not convict her of a censurable offense that is not specified or proscribed by the Constitution.

b. No Constitutionally Required Censurable Offense Exists.

If the PJC finds that the Charges possess the necessary clarity and specificity required for an offense to be censurable, it must also ascertain whether or not the Rev. Dr. Edwards knew the conduct was proscribed prior to her actions. In a disciplinary case, it is important that members and officers of the church know beforehand what conduct is prohibited as well as the basis for imposing censure. *Spahr* at p. 3. In its unsuccessful attempt to prosecute the Rev. Dr. Jane Adams Spahr for performing same-gender marriages, the prosecution relied on the 1991 Authoritative Interpretation (“1991 AI”), the definition of marriage set forth in W-4.9001, and the remedial case of *Benton v. Presbytery of Hudson River*, Minutes, 2000, Part I, pp. 580-589, Remedial Case 212-11, to establish that Spahr should have known beforehand that her conduct was prohibited.

In the *Spahr* case, the GAPJC rejected the prosecution’s reasoning that Spahr was guilty of violating the 1991 AI on the grounds that the 1991 AI expressly acknowledged that there is no mention in the *Book of Order* of same-gender unions or ceremonies; the 1991 AI did not prohibit ministers from performing ceremonies intended to bless or recognize the union between two men or two women; and the *Benton* case which involved the policies of a session did not create a prohibition sufficient to support disciplining a minister of Word and Sacrament. The GAPJC ruled the *Benton* case was inapplicable in a disciplinary case.<sup>42</sup>

Finally, in making its decision in *Spahr*, the GAPJC relied on the four definitional statements of marriage contained in W-4.9001 when it concluded “the ceremonies at issue were not marriages as the term is defined by W-4.9001 of the Directory for Worship.” The GAPJC further held that Spahr could not be “found guilty of doing that which, by definition, cannot be done.” In holding in this manner, the GAPJC concluded the limited definition of marriage renders it impossible for a same-gender ceremony to constitute a marriage. Having arrived at such conclusion, the GAPJC realized that it could not, on the one hand, declare that such marriages are not marriages for legal or ecclesiastical purposes, and on the other hand, characterize same-gender ceremonies as marriages for the purpose of disciplining a Minister of the Word and Sacrament.

Pursuant to the reasoning in the *Spahr* case, the Rev. Dr. Edwards cannot be found guilty of performing the marriage ceremony at issue. The marriage of Brenda Cole and Nancy McConn (June 25, 2005) was contemporaneous in time with the marriages

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<sup>42</sup> The GAPJC held the Benton decision prescribed policies for sessions but did not create a prohibition sufficient to put a minister of Word and Sacrament on notice that his/her conduct in performing same gender marriages was censurable.

performed by the Rev. Dr. Spahr (May 27, 2005 and August 20, 2005). No prohibition against performing same-gender ceremonies purported to be marriages existed in the summer of 2005. As such, the Rev. Dr. Edwards, as an officer of the church, had no reason to know or believe on or prior to that date that her conduct might violate the Constitution, nor, did she possess the intent necessary to commit an offense against the Constitution as required for a censurable offense.

c. GAPJC Lacks Authority to Create Prohibition

Presbyterian polity prevents the GAPJC from legislating a prohibition against Ministers of Word and Sacrament for participating in same-gender marriages where previously none existed and where none exist in the *Book of Order*. In holding that Spahr was not guilty, the GAPJC did not conclude there were no differences between same-gender ceremonies and marriage ceremonies. It held only that the liturgy should be kept distinct for the two types of services. In an effort to reinforce this distinction, the GAPJC went on to rule that “officers of the PCUSA authorized to perform marriages shall not state, imply, or represent that a same-sex ceremony is a marriage.” The GAPJC lacks the constitutional authority to amend the *Book of Order* in this manner and/or to create a future prohibition with respect to same-gender marriages where none existed before.

In its carefully-reasoned concurrence and dissent, a substantial minority of the GAPJC articulated their strong objection to the bare majority’s attempt to insert a prohibition against same-gender marriages. The minority, in accordance with the constitutionally imposed limitations regarding amendments to the Constitution, argued that it was not the place of the GAPJC “to amend the definition [of marriage] to include

prohibitions.” Five of the eleven GAPJC Commissioners hearing the case deplored the majority’s attempt to insert legislation, stating as follows:

In rendering its decision, the majority has taken the liberty of legislating in the guise of interpreting inconsistencies between W-4.9001 on the one hand, and the 1991 AI and this Commission’s decision in *Benton v. Presbytery of Hudson River*, Remedial Case 212-11 (2000), on the other hand.... There is no prohibition in W-4.9001 or elsewhere in the Constitution against performing same sex weddings or other ceremonies to bless same sex unions.... It is not the place of this Commission to go any farther and step into the legislative realm. The larger church has declined at least four times to amend W-4.9001 with regard to same sex ceremonies. *Spahr* at p. 10.

Noting these repeated unsuccessful attempts to amend W-4.9001 in this manner, the minority correctly asserted that “[a]ny steps to define or distinguish same-sex ceremonies or the nomenclature applied to them is best left to the General Assembly, not this Commission.”

The attempt by the slight majority of the GAPJC in the *Spahr* case to insert a prohibition against a minister performing same-gender marriages is in contravention to constitutional standards articulated in Chapter 18 of the *Book of Order* governing amendment of the Constitution.<sup>43</sup> The *Book of Order* requires that proposed amendments must be approved by the General Assembly and transmitted to the presbyteries for their vote. Following approval by the General Assembly, a valid amendment requires an affirmative vote of a majority of the presbyteries.

The inability of the GAPJC to legislate new amendments to the Constitution without approval of the presbyteries was also unfavorably viewed by the Swearingen

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43 The constitutional requirements for amending a standard in the Constitution were articulated in this same GAPJC’s decision in *Bush v. Presbytery of Pittsburgh* (Remedial Case 218-10). In that matter, the Commission correctly ruled that “[t]he constitutional process for amending ordination standards (or any other provision of the Constitution) is defined in Chapter 18 of the Form of Government.”(emphasis added).

Commission in its Report of the Special Commission of 1925 (report submitted in 1926). The Swearingen Commission voiced the same constitutional limitations on the authority of the GAPJC as did the minority in the *Spahr* opinion, when it concluded:

The General Assembly has the power in its judicial capacity to record a contrary judgment in another case, resting upon a state of facts similar to, or precisely the same as those of the former case ... It will be seen that this is something entirely different from the **adoption of an amendment to the Constitution**. It would be **intolerable** if the General Assembly, whose powers are limited by the Constitution, could, even when sitting as a judicial court, **amend by indirection** the organic law of the Church, which contains within itself provisions for effecting orderly change.” (See Minutes of the General Assembly, 1926, p. 83.)

Clearly, in this instance, Rule 18 of the Constitution, a substantial minority of the *Spahr* GAPJC, and the Swearingen Commission all have indicated that the actions of the bare majority of the *Spahr* GAPJC with respect to amending the definition of marriage in the *Book of Order* should not be tolerated.

As evidenced by the recent decision of the *Spahr* GAPJC, no prohibition existed at the time of the marriage of Brenda Cole and Brenda McConn that would support convicting the Rev. Dr. Edwards of a censurable offense, and no bona fide prohibition currently exists that would support such a conviction.

## 2. Constitutional Principles of Inclusion and Equality.

The Rev. Dr. Edwards' ministry and her intent in conducting the marriage of Brenda Cole and Nancy McConn are motivated by the fundamental biblical imperative of inclusion and equality for all as set forth in Presbyterian polity and the Book of Order. This driving principle of inclusiveness is one of the cornerstones of our denomination and is to be observed at all levels. This concept of inclusiveness is best found in G-4.0403, which states:

The Presbyterian Church (U.S.A.) shall give full expression to the rich diversity within its membership and shall provide means which will assure a greater inclusiveness leading to wholeness in its emerging life. Persons of all racial ethnic groups, different ages, both sexes, various disabilities, diverse geographical areas, different theological positions consistent with the Reformed tradition, as well as different marital conditions (married, single, widowed, or divorced) shall be guaranteed full participation and access to representation in the decision making of the church. (G-9.0104ff)

In 1998, the 210<sup>th</sup> General Assembly recognized Gay, Lesbian, Bisexual and Transgender (GLBT) persons had been excluded in this provision and ignored in the church's broad call for inclusiveness. At that time, the General Assembly issued an Authoritative Interpretation of sections G-6.0106 and G-4.0403 as follows:

Standing in the tradition of breaking down the barriers erected to exclude people based on their condition such as age, race, class, gender and **sexual orientation**, the Presbyterian Church (U.S.A.) commits itself not to exclude anyone categorically in considering those called to ordained service in the church, but to consider the lives and behaviors of candidates as individuals. (Emphasis added.)

This principle is further reinforced by the provisions of G-9.0104a and G-9.0105e, which state respectively

a. Governing bodies of the church shall be responsible for implementing the church's commitment to inclusiveness and participation as stated in G-4.0403. All governing bodies shall work to become more open and inclusive...

The *Book of Order* dictates that the church is called to openness with respect to its own membership, "by affirming itself as a community of diversity, becoming in fact as well as in faith a community of women and men of all ages, races and conditions." G-3.0401b.

Though, it does not specifically mention marriage, Section G-5.0202 provides that all active members are encouraged to participate in "all the rights and privileges of the

church.” The Rev. Dr. Edwards’ willingness to marry this couple testifies to her commitment to the full participation of all individuals in the life of the church.

3. Constitution Advocates Ministry with Oppressed/Marginalized

As noted by the GAPJC in the *Spahr* case at p. 5, the language of the *Directory for Worship* contained in sections W-7.3000 and W-7.4000 is replete with admonitions inconsistent with imposing censure on a Minister of the Word and Sacrament for his/her efforts working with marginalized and oppressed members of the Body of Christ. The *Spahr* decision specifically acknowledged that “...the Christian community offers pastoral care to its members in their personal and communal life.” (W-6.3001) The church should provide ministries of pastoral care to people in recognizing and celebrating times of transition and commitment. (W-6.3010). “The worship of God in the Christian community is the foundation and context for the ministry of pastoral care as well as for the ministry of nurture in faith.” (W-6.4000.)

On numerous occasions over the past two centuries, significant segments of the Presbyterian Church have been challenged in their attempts to work with those marginalized by discriminatory church policies. These issues of social equity have been most critically apparent in the movement to abolish slavery, the struggle for the rights of women to speak and to be ordained as officers in the church, the efforts to end racial segregation and, more recently, the struggle for the rights of GLBT members of the church to be ordained as officers in the church and to enter into the relationship of marriage with the blessing of the church.

Most often, these failures to support the Biblical principles of justice and equity

for all persons have been a direct result of the misuse of Biblical texts to support exclusive policies. At all stages of the church's history, opponents of equality have engaged in a pattern of proof-texting and the use of isolated Biblical passages to constitutionally justify exclusion of marginalized members of the church. Proof-texting provided a scriptural defense of slavery that evolved into an elaborate and systematic statement of proslavery theory in the eyes of the white majority of Southern Churches. In 1832, the General Assembly based its constitutional determination that women should not speak in church on the "biblical" belief that "[t]o teach and exhort, or to lead in prayer, in public and promiscuous assemblies, is clearly forbidden to women in the Holy Oracles." One hundred years would pass before the PCUSA would approve women's ordination. With respect to racial integration, though many of the members of the church espoused the rights of African Americans, the church delayed granting them the rights of full membership in the church for over 30 years.

Likewise, in the current era, the church has deemed issues of social equity as they relate to GLBT members of the church to be "moral" and "theological" questions subject to determination by the church, rather than issues of simple equality. Ironically, in the public sector the church has been a leading voice advocating for inclusive public policy as it relates to equality and full civil liberties for all members of society, regardless of their race, religion, gender or sexual orientation.<sup>44</sup>

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44 In at least two amicus curiae briefs before the Supreme Court of the United States, the Church has vociferously advocated for the full civil rights and inclusion of "homosexual persons." The General Assemblies have declared that federal, state and local legislation which discriminates on the basis of sexual orientation must be vigorously opposed. In both the case of *Romer v. Evans*, Case No. 94-1039, October Term, 1994, and the case of *Equality Foundation of Greater Cincinnati v. Equal Rights National Organization*, Case Nos. 94-3855, 94-3973, October Term, 1994, the Presbyterian Church strongly asserted the "need for the church to stand for just treatment of homosexual persons in our society in

As to its own governance, however, the church has steadfastly maintained its independence as a religious institution and has continued to hold antiquated visions of homosexuality for the past thirty years.<sup>45</sup> In 1978 the General Assembly declared that “homosexuality is not God’s wish for humanity” and that the “practice of homosexuality is sin.” This position drew a clear distinction between sexual orientation and sexual practice. Orientation should be acknowledged but practice is to be denied. Thus, for thirty years, GLBT persons have been urged toward repentance regarding their actions. The actions of GLBT persons who continue to engage in sexual relations have been viewed as “unrepentant homosexual practice.” In doing so, the church has placed its GLBT members in the untenable position of being told their identities were to be honored but their actions constituted a violation of God’s will. This destructive policy rested on a dangerous and false bifurcation of the person. As the opponents of the abolition of slavery attempted to separate the humanity of the African American from his/her right to be free, and the opponents of women’s ordination to separate women’s gender from their ability to speak and thus to be recognized in their fullness, so too the church attempts to separate the sexual expression of GLBT members from their multi-faceted identity and being.

Just recently, the 218<sup>th</sup> General Assembly voted to end this divisive policy and to reject the forced bifurcation between sexual orientation and sexual practice laid on its GLBT members by issuing a new Authoritative Interpretation of the *Book of Order*

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regard to their civil liberties, equal rights and protection under the law from social and economic discrimination, which is due all of its citizens.” .

45 The Definitive Guidance of 1978 urged tolerance - not equality – in attempting to reconcile two opposing ideals: On the one hand, homosexuals were children of God to be treated with the profound respect due all people of God and, on the other, the Church proclaimed that Scripture held that self expression, as it related to GLBT sexuality, was an absolute violation of the will of God.

declaring that interpretive statements related to homosexual orientation made prior to the 1996 adoption of G-6.0106b have no “force or further effect.” The new Authoritative Interpretation specifically eliminated the Definitive Guidance issued in 1978 that underlies the denomination’s policy of discrimination against its GLBT members.

The Rev. Dr. Edwards’ actions in marrying Brenda Cole and Nancy McConn reflected her belief that the church cannot forfeit its redemptive power and influence among its members. The church cannot allow its GLBT members to be marginalized and denied full inclusion, nor can it use its power to perpetrate a system of prejudice and discrimination against its GLBT members. If it is allowed to do so, the church continues to ignore the teachings of Jesus regarding the necessity of hospitality to strangers. In Scripture, those who are labeled a stranger or outside the community or treated as second class are often those who call the church to its greatest moments.

#### 4. Directory for Worship Requires Pastoral Acts of the Faithful

The Rev. Dr. Edwards believes the most basic purpose of the church, its members and its ministers is “to show the love and justice of Jesus Christ” (G-14.0405b(9)). After Jesus raised Lazarus from the dead and entered into Jerusalem, he predicted his death and said, “I, when I am lifted up from the earth, will draw all men to myself (John 12:32.)” The PCUSA acknowledges in its commitment to inclusiveness and diversity that its ministry is to all. We cannot embrace all and still develop rules to set apart those who we wish were not part of all. To engage in the ministry of Jesus we must be witnesses to the unqualified love of Jesus for all and bring the blessings of the church to those who seek them.

When the Rev. Dr. Edwards officiated at the marriage ceremony of Brenda Cole and Nancy McConn, she was in full compliance with the requirements for pastoral care expected of ordained clergy in the PCUSA, especially that of showing the love and justice of Jesus. Section G-6.0100 of the *Book of Order* specifies that all ministry in the church is a gift from Jesus Christ, and that all serve “under the mandate of Christ” who is the chief minister of all. Christ’s ministry serves as the basis of all ministries. (G-6.0100). The standard for all officers of the church should be patterned on the one who came “not to be served but to serve.” (Matt. 20:28) Had the Rev. Dr. Edwards chosen not to marry Brenda and Nancy, she would have violated her ordination vows by denying recognition to this healthy intimate relationship which is centered deeply in their faith and love.

It is this lens of the love and justice of Jesus through which the Rev. Dr. Edwards faithfulness to her call must be viewed. Our denomination demands that a Minister of the Word and Sacrament be in demonstrable conformity with the provisions of the church’s Constitution. Specifically, though the *Directory for Worship* contains no prohibition related to a minister conducting a same-gender marriage, it is replete with affirmative calls for Christians to live out their faithfulness as Presbyterians. Section 7.000 addresses the integral connection between worship and the ministry of the church. In sections W-7.3002 – 3004, the *Directory for Worship* defines compassion, justice, reconciliation and peace in the context of ministry and worship. It articulates the intricate role of compassion and advocacy in faithfulness.

W-7.3003 states in pertinent part:

Such acts of compassion, done corporately and individually, are the work of the church as the body of Christ. The church is called to minister to the immediate

needs and hurts of people. The church is also called to engage those structures and systems which create or foster brokenness and distortion. Christians respond to these calls through acts of advocacy and compassion, through service in common ministries of the church, and through cooperation with agencies and organizations committed to those ends. (G-4.0300)

Section W-7.4002 demands that the faithful do justice and defines justice as the order God sets in human life for fair and honest dealing and giving rights to those who have no power to claim rights for themselves. The biblical vision of doing justice calls for: dealing honestly in personal and public business, exercising power for the common good, supporting people who seek the dignity, freedom and respect they have been denied, working for fair laws and just administration of the law, welcoming the stranger in the land, seeking to overcome disparity between rich and poor, bearing witness against political oppression and exploitation, redressing wrongs against individuals, groups, and peoples in the church, in this nation and in the whole world.

W-7.4003 succinctly states the moral effect where justice is denied to the marginalized and oppressed. “There is no peace without justice. Wherever, there is brokenness, violence and injustice, the people of God are called to peacemaking.”

The biblical vision of doing justice calls for supporting people who seek the dignity, freedom and respect that they have been denied, and redressing wrongs against individuals, groups, and peoples in the church, in this nation, and in the whole world. In marrying Brenda Cole and Nancy McConn, the Rev. Dr. Edwards was in full compliance with the spirit of the law and the love and justice of Jesus Christ.

#### **E. Conclusion**

The case has now been made that the Rev. Dr. Edwards’ presiding at the wedding of Nancy McConn and Brenda Cole and purporting that their relationship is a marriage

are fully within the bounds of competent understanding of Scripture, Reformed tradition and the Constitution of the PCUSA. It is not sufficient for the Prosecuting Committee simply to demonstrate that there is disagreement on this matter in the church. The Historical Principles anticipate this fact in G-1.0305, “. . . we also believe that there are truths and forms with respect to which men of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other.” *Book of Order*. Such mutual forbearance requires acquittal of the accused in this disciplinary case.

Even if opposing views to the Rev. Dr. Edwards were the position of the majority in the PCUSA, that would have no bearing on the outcome here. Reformed tradition treasures the interplay between majority and minority in discerning God’s will for us; the church loses when the voice of the minority is inhibited. Conviction of the Rev. Dr. Edwards requires that she knew beforehand that the wedding of Brenda Cole and Nancy McConn was prohibited. To meet that requirement, it must be shown that her conduct was undeniably beyond the boundary of Presbyterian faith and polity. This Apologia has amply demonstrated that there is no prohibition in Scripture nor under the Constitution of the PCUSA against presiding at the wedding of two women or purporting their relationship to be a marriage. On the contrary, the arguments set forth here are manifestations of the foundational maxim of Presbyterianism, “Reformed and always reforming according to the Word of God.” Under that maxim, we are called constantly to test received opinion against all the facts and circumstances before reaching a conclusion. These facts and circumstances of the Constitution and Scripture actually encourage a ministry like that of the Rev. Dr. Edwards, which includes presiding at the wedding of

two women and purporting their relationship to be a marriage. Under the facts and circumstances of this case, there has been no offense against Scripture or Constitution.

The standard for judgment here is in G-1.0304: “That truth is in order to goodness; and the great touchstone of truth, its tendency to promote holiness, according to our Savior’s rule, ‘By their fruits ye shall know them.’” *Book of Order*. What the Constitution of the PCUSA does not prohibit is allowed in order that the Holy Spirit may inspire us more toward Jesus’ beloved community. In that holy family, we can all see the truth and goodness of people like Nancy McConn and Brenda Cole, and their marriages need no apologia.

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Date

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Stephen P. Paschall, Esquire  
Counsel for the Rev. Dr. Janet Edwards

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This investigation began with a reading of the whole Bible with attention to texts that relate to marriage and family. The Bible used was the New American Standard Bible without Apocrypha, with frequent reference to the Hebrew Bible (Biblia Hebraica Stuttgartensia), the Greek New Testament (Nestle-Aland), the Brown-Driver-Briggs Hebrew Lexicon, and the Thayer Greek Lexicon.

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