

# MARRIAGE IN CREATION AND COVENANT: A RESPONSE TO THE TASK FORCE ON THE STUDY OF MARRIAGE

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**Abstract:** The recent Report of the Task Force on the Study of Marriage, as presented to the 78<sup>th</sup> General Convention, proposes substantial changes to The Episcopal Church's marriage canons. By replacing language in Canon I.18 drawn from the marriage rite in *The Book of Common Prayer*, the changes would render optional the traditional understanding that marriage is a "covenant between a man and a woman" that is intended, when it is God's will, "for the procreation of children." We contend that these changes obscure the nature of marriage as a divinely created social form that is the external basis of the covenant union between "Christ and the Church" (Eph. 5:32). As such, it draws a veil over marriage as an outward and visible sign of this union. While leaving open the issue of blessing same-sex unions, we make an Augustinian case for retaining the prayer book's doctrine of marriage.

## *Introduction*

In 2009, the Lutheran Church of Sweden voted to allow couples in same-sex relationships to celebrate church weddings according to the same rite used by its members in opposite-sex relationships. The Church of England, through the Council for Christian Unity and the Faith and Order advisory group of its Archbishops' Council, responded as follows:

What is now proposed appears to be a fundamental re-definition of the Christian doctrine of marriage and of basic Christian anthropology. This development might be seen as part of a wider shift within Western culture and theology to a position in which the idea of a fundamental distinction between the genders is seen as irrelevant and in which marriage is therefore seen as something that can and should be gender neutral. This position would be at odds with the biblical teaching about the significance of God's creation of human beings as male and female as this has been received by the Church of England and by the Catholic tradition in general.<sup>1</sup>

At General Convention in June of 2015, The Episcopal Church (TEC) will consider Resolution A050, proposed by its Task Force on the Study of Marriage, that would amend the church's canons to allow couples in same-sex relationships to marry alongside those in opposite-sex relationships. The task force proposes replacing language in sections 2 and 3 of Canon I.18,

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<sup>1</sup> Letter to the Archbishop of the Church of Sweden, 26 June 2009. Online: <https://www.churchofengland.org/media/36087/replytoabsweedden.pdf> [accessed 19 February 2015].

drawn from the opening exhortation of the marriage rite, which asserts that “the union of husband and wife” is intended, when it is God’s will, “for the procreation of children” (BCP, 423). By excising the requirement that Christian marriage be “a lifelong union between a man and a woman,” along with the Augustinian tradition’s second good of marriage, *proles*, from the list of “purposes for which it was instituted by God,” marriage would be defined as open to same-sex couples whose sexual unions are not biologically fruitful.<sup>2</sup>

From one angle, were TEC to approve this proposal, it might seem to address the felt “pastoral need for priests to officiate at a civil marriage of a same-sex couple in states that authorize such,” which may include all fifty U.S. states by the time of the 2015 convention.<sup>3</sup> “This Church has reached a point,” the task force report asserts, “as has civil society, where same-sex relationships are no longer ‘other’ and have become ‘equal’ and should be recognized as such” (81).

From another angle, the task force’s proposed canonical revisions can be understood to mark, as the Church of England authors wrote, a “fundamental re-definition of the Christian doctrine of marriage and of basic Christian anthropology” at odds with our church’s received “biblical teaching about the significance of God’s creation of human beings as male and female.” Such a re-definition would obscure the nature of marriage as a mysterious icon of the union between “Christ and the Church” (Eph. 5:32), present in creation itself.

We take the latter view, and so contend that the proposal of the task force should be rejected. The rationale for its work, laid out in an extensive accompanying report, is marred by serious historical, methodological, and theological flaws. If acted upon, the proposals will present new problems not only for our partners in the Anglican Communion and in other

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<sup>2</sup> Canon I.18.3; BCP, 423.

<sup>3</sup> Task Force on the Study of Marriage, *Report to the 78<sup>th</sup> General Convention* (hereafter cited in the text’s body), 1. Online: <https://extranet.generalconvention.org/staff/files/download/12485> [accessed 7 February 2015].

churches, but also for moderate and conservative Episcopalians committed to preserving the traditional teaching of *The Book of Common Prayer*, either by itself or alongside a rite of blessings for same-sex unions.

We offer instead a positive argument, drawn from the Augustinian tradition, for TEC to retain in its canons the doctrine and discipline of marriage set forth in *The Book of Common Prayer*. The 1979 marriage rite, in keeping with the catholic tradition it receives, represents a beautiful and theologically rich display of the truth hinted at in Ephesians: that marriage is an outward and visible sign, given in creation, of the covenanted union between Jesus Christ and the Church. Marriage signifies this not primarily insofar as it happens to be marked by spiritual qualities of hospitality, fidelity, affection, or self-giving holy love, nor insofar as it is an ascetic or vocational discipline, important as these are. Rather, marriage is an icon of Christ's love for the Church in and through the one-flesh union of a man and woman, who labor to give themselves away for the sake of new life. As such, marriage imitates Christ and shows forth the Christ who created it, the one who is *arche* and *telos* of the world.

### *1. Problems in the task force report*

Before setting forth a positive account of marriage, we begin with three areas of concern with the work of the task force: its treatment of the history of marriage, its vagueness about the character of the marital relationship, and its minimal consultation with others, joined to substantive proposed changes in the “non-discrimination clause” of the church's canons (I.17.5).

### *History and tradition*

The task force report leans heavily upon its historical essay to prove that “Christian marriage” and its precursors were ever marked by “variations and discontinuities” (13, 32). This claim is true, at least superficially. The great variety of practices surrounding marriage (such as patterns of betrothal, laws of inheritance, methods or liturgies for solemnization) have long been evident, and such diversities among Christians were noted in earlier periods. In this respect, the historical essay tells us little that we didn’t already know. Our concerns are different.

The broadest critique that can be leveled at the historical essay is the peculiarity of its approach, especially in a report that desires “to engage deeply with Scripture, *tradition*, and reason” (9). The historical essay, along with the whole report, eschews direct engagement with any of the magisterial treatments of the tradition of Christian marriage, such as James Brundage’s *Law, Sex, and Christian Society in Medieval Europe* (1987), Philip Reynolds’s *Marriage in the Western Church* (1994), or John Witte, Jr.’s *From Sacrament to Contract* (1994). Only Brundage’s work makes a brief appearance in “Essay 1” (13), where an incorrect citation is provided, making unclear the reference to a definitive “papal ruling” on the significance of consent and consummation in marriage. Perhaps it refers to Alexander III’s *Veniens ad nos* or Innocent III’s *Per tuas*? It is hard to know; neither said quite what the essay states nor offered a final word.

The historical essay gives us little review of the important history of civil and canon law regulating marriage practice, and the essay on “canonical dimensions” limits itself to developments internal to TEC. Similarly, we are barely exposed to the catholic Church’s long tradition of theological reflection on marriage. “Essay 1” nods briefly to “some theologians,” to the 39 Articles, and to Diarmaid MacCulloch’s understanding of the differences between Aquinas, Cranmer, and Bucer (13, 15, 24-25). “Essay 2” brings in a few tangential concepts from

Augustine and some Eastern fathers (35, 41). The historical essay asserts that Augustine commended marriage but that his view of it was “ambivalent,” and fails to mention Aquinas (49). This is admittedly not an exhaustive list of the report’s references, but it gives some sense of the limited treatment of the traditional *loci* of nuptial theology.

What we receive, instead of an engagement with tradition as the living theological witness of the Church catholic, is an undifferentiated and cursory history of “the many things marriage has meant.” The essay notes that “we” have a new “understanding of what history is,” as well as a new ability

to see more clearly that there is no one line of history we can follow. There are many threads woven together ... creating a rich and broad tapestry of understandings, viewpoints, and insights. Attending to these various strands and the ways in which they have cohered to create some sense of communally lived experience is the work of the contemporary historian. (45)

The essay’s apparent intention — to produce a Geertzian “thick description” of the role of marriage in Western society — is perhaps admirable, but impossible to do well in so short a space. Instead, the essay selectively reviews different practices in various time periods, before drawing ideological conclusions. For example, the primary lesson from the section on Roman and Jewish marriage is that “western culture has a long heritage of refusing the legal privilege of marriage to those without freedom or without means and those living at the margins of society” (48; see 50, 55-56, etc.). The report fails to note that the classic definition of marriage appeared in this period. As the third-century Roman jurist Modestinus put it: “Marriage is the union of a man and a woman, a partnership for life, a fellowship involving divine and human law.”<sup>4</sup> This definition, moreover, was preserved in the authoritative legal collection of the Christian emperor Justinian (482-565 CE), and it recurred in later theological and legal texts.

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<sup>4</sup> *Digest* 23.21.

The essay is moreover riddled with historical errors, some minor, some major. For example, in the section dealing with Roman law, the report claims that Roman women did not give “direct consent” when married and transferred into the household of their husband, but leaves to one side what that means (47-48). It thus leads less-informed readers to conclude that Roman marriage law had a gender bias and was coercive. However, the legal and social situation was more complex. The report rightly notes that Roman society was intensely patriarchal. But this meant that, by and large, Roman *men* also could not contract marriage without their father’s consent. The more general and developed rule involved the consent of bride, bridegroom, and both sets of parents, since “consent makes the marriage.”<sup>5</sup> But the report contains none of this; it invokes instead a usable *topos* of a patriarchy uniquely oppressive to women when it came to marriage, rather than describing the complex situation. It fails to do the very social history it attempts.

Similar examples might be multiplied, such as the essay’s treatment of late antique “Teutonic” peoples, a discussion reliant on the widely rejected thesis of James Russell’s *Germanization of Christianity* (1994).<sup>6</sup> The essay errs also in asserting, against the grain of the past generation’s worth of “thick description”-style scholarship by figures such as Miri Rubin and Eamon Duffy, that a “chasm” existed between domestic and religious life.<sup>7</sup> But most of the essay’s mistakes, especially concerning the medieval and early modern periods — the times most critical for the Church’s reflection on marriage — are so blatant that a line-by-line refutation is

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<sup>5</sup> *Digest* 50.17.30, citing Ulpian.

<sup>6</sup> See the review by Thomas F.X. Noble of Notre Dame in *The American Historical Review* 100:3 (June 1995), 888-89: “I do not know what I reprehend more in this study: its execrable prose, its shoddy scholarship, or its capacity to misunderstand the very issues it seeks to elucidate.”

<sup>7</sup> See Miri Rubin, *Corpus Christi: The Eucharist in Late Medieval Culture* (New York and Cambridge: Cambridge University Press, 1991); Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England 1400-1580* (New Haven: Yale University Press, 1992), 53-87, 131-154; Michel Armstrong-Partida, “Priestly Wives: The Role and Acceptance of Clerics’ Concubines in the Parishes of Late Medieval Catalunya,” *Speculum* 88.1 (January 2013), 166-214, esp. 188-95, against “Essay 3,” p. 51’s claims regarding eucharistic bread.

unnecessary. What should be obvious to those familiar with the scholarship is the tendentious nature of the report's assertions. Some of the essay's inaccuracies are related to its attempt to show peculiar gender biases in various marriage laws or to show that certain classes were excluded from marriage. Other inaccuracies stem from its desire to demonstrate that the Church has been incorrect in its attempt at controlling marriage, in its valuation of celibacy or childbearing, or in its putative devaluation of the domestic. We raise these points not to dismiss the report's concerns. We simply note how often its failures at recounting history are connected to familiar ideological positions. These positions are its stronghold for construing the history in a manner that supports the goal to redefine marriage to include a new "class" of marginalized people.

### *Lack of specificity*

Another issue that mars the report is its vagueness about the character of the marital relationship. The essay on "Christian Marriage as Vocation" struggles admirably to define marriage as "a particular kind of relational vessel" that allows for the sanctification of the couple through a shared form of life (40). This is of particular interest in light of Eugene Rogers's *Sexuality and the Christian Body* (1999) and Sarah Coakley's *God, Sexuality, and the Self* (2013). But in attempting to supplant biological fruitfulness with a principle of "growth and generativity" (40-42, 25), the task force fails to *distinguish* married life sufficiently from a particularly committed spiritual friendship, a close familial relationship, or a religious community. And the same problem dogs the suggestion of general "moral values of self-offering love" as the primary "criteria for a holy marriage" (10). Unlike the 2010 "liberal" essay on same-

sex marriage produced for the Theology Committee of the House of Bishops,<sup>8</sup> the nuptial theology of the task force takes little account of marital *eros*, focusing instead on generalities about commitment, shared life, and mutual joy.

### *Lack of consultation and canonical proposals*

The task force might have avoided these errors, among others, if it had engaged in the widespread consultation mandated by the 2012 General Convention, which asked it to “consult with other churches in the Anglican Communion and with our ecumenical partners” (A050). The task force engaged in no such consultation, save for a review of resources from other churches. Though the report credits this to “budgetary and time limitations” (97), it does not propose redressing this lack (6-7). After a decade of travails in the Communion centered on precisely these issues, our fellow Anglicans and ecumenical partners deserve much better.

Moreover, the task force pushes along its proposals with little room left for conversation within TEC before a decision is made, despite the substantive issues raised. All principled leaders should be troubled by the proposal that the traditional conscience clause (Canon I.18.4, to be changed to I.18.6), by which clergy may decline to solemnize or bless any marriage, ought now to be conditioned by the non-discrimination clause, which prohibits denial of access to the life and worship of the church on the basis of sex, sexual orientation, or gender expression (I.17.5). In the last section of its historical overview and critique of the marriage canons, the report suggests the removal of the concluding phrase of I.17.5, “except as otherwise specified by Canons,” which the task force believes would have the effect of “banning discrimination against the enumerated classes altogether” with respect to marriage (83).

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<sup>8</sup> Deirdre Good, Willis Jenkins, Cynthia Kittredge, and Eugene Rogers, “A Theology of Marriage including Same-Sex Couples: A View from the Liberals,” *Anglican Theological Review* (93.1), 51-87.

## 2. *Scripture, tradition, and reason*

A second, major problem with the report of the Task Force on the Study of Marriage concerns its methodology, and may be described with reference to the traditional arrangement of Scripture, tradition, and reason.

To call the Bible “Holy Scripture” is to signal membership in a community for whose faith and life it is authoritative.<sup>9</sup> As classically articulated by Augustine, the canonical, two-testament witness of Scripture requires a Christ-centered rule of faith.<sup>10</sup> While councils “can err and sometimes have erred even in matters of faith,”<sup>11</sup> the Spirit leads the Church into all truth. For this reason, the Church reads Scripture illumined by tradition. To be sure, traditions evolve, under pressure of necessary reforms and in light of organic developments. The work of careful listening and reasoned responses to proposed new developments of traditional formulations is, for this reason, an important task. Nevertheless, reason is not a “realm of self-grounded truth standing autonomously over against Scripture or tradition.”<sup>12</sup> Reason’s feeble sight is enlightened by divine revelation, and what we see and experience is at bottom the world in which “all things hold together” in Christ (Col. 1:17).<sup>13</sup>

Given these starting points, we are discouraged by the task force’s assurance that its report relies “upon three interrelated resources that provide a holistic and balanced method of consideration: Scripture, tradition, and reason” (9). This is clearly unsatisfactory. Anglicans do not have three “resources” that we balance one way or another to be “holistic.” Rather, in a

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<sup>9</sup> David Kelsey, *Proving Doctrine: The Uses of Scripture in Recent Theology* (Harrisburg, PA: Trinity Press International, 1999, second ed.), 89-119.

<sup>10</sup> Augustine, *De Doctrina Christiana* 3.1-2 and 3.27.38-3.29.40.

<sup>11</sup> Article 21; Article 19.

<sup>12</sup> Robert Song, *Covenant and Calling: Towards a Theology of Same-Sex Relationships* (London: SCM Press, 2014), xii; see classically Aquinas, *Summa theologiae* I 1, 5 ad 2; cf. I 1, 8 ad 2.

<sup>13</sup> Colossians 1:17. See Aquinas, *Summa theologiae* I, 1, 1 and 3.

classical mode, we pray that our churches may be built upon the foundation of the apostles and the prophets.

This would be a pedantic criticism if the report went on to demonstrate a more nuanced understanding of Scripture, tradition, and reason, but it does not. In looking to Holy Scripture, we are told that the report's overview "shows just how complex, evolving, and contradictory our Scriptures are on the subject, and therefore how tricky it is to speak of 'the biblical view of marriage'" (9). Given the Bible's welter of contradiction, the report presents an openly selective retrieval of those elements that "truly reflect God's will" (28). The so-called "traditional" view, the report claims, is just as selective. And there is good precedent for selectivity in "Jesus himself, who dismissed an aspect of the Law of Moses" on marriage. Moreover, TEC has "since nuanced Jesus' teaching" on marriage (28). If this applies to Scripture, it surely also applies to tradition, as noted above.

Unlike the task force, we trust that when we read Holy Scripture, we are met not with a tangle of contradiction but instead a diverse canonical whole providentially guided by God "to be written for our learning" (Rom. 15:4; Rom. 4:23; 1 Cor. 10:11), which we must expound in such a manner that no parts are "repugnant to another."<sup>14</sup> We seek the most fitting construal of Scripture's wholeness, within which the best accounts of Christian beliefs and practices, including marriage, will be those that cohere best with the whole of Scripture. In our human weakness and self-interest, our attempts may be selective but should never aim to be. And because the Church is guided in its reading of Scripture by the rule of faith, we seek readings that maximize christological resonance and coherence. Similarly, when we study sacred tradition, we look for the thread of Christ-shaped coherence, even amid great diversity. In this way, tradition offers much more than a *mélange* of potential resources upon which we may draw in the creative

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<sup>14</sup> Collect for Holy Scripture, BCP 184; Article 20. .

construction of our own views. It is the lively and active Word of God as received within the one body of Christ.

Such methodological commitments are worlds away from bald commendations of selective reading since Jesus did too, and we all “nuance” what he said as well. That the task force urges the latter does not prove that its conclusions are incorrect, but it gives reason for doubt. We assume that the task force was charged with identifying and exploring the biblical, historical, and theological dimensions of marriage to ensure that the proposed changes in our teaching are consistent with the Scriptures and the apostolic faith. To the extent that the task force fell short of its brief in this regard, its proposed changes could amount to counseling TEC to sleepwalk into a “fundamental re-definition of Christian marriage and of basic Christian anthropology.”<sup>15</sup>

### *3. Marriage in creation and covenant: the Augustinian tradition*

With the mainstream tradition, West and East, we understand marriage principally as a divine reality, to which the created social form bears witness: a covenanted union between Christ and the Church. In the Revelation to John, our Lord declares himself Alpha and Omega, the *arche* and *telos* of the created world (Rev. 1:8; 22:13). This means, as Karl Barth wrote, that “creation is the external basis of the covenant” and “the covenant is the internal basis of creation.”<sup>16</sup> No fundamental opposition stands between nature and grace, creation and covenant; such would imply a “dualism which interpreted the progress of history to its completion not as a fulfillment, but as a denial of its beginnings.”<sup>17</sup> For the catholic tradition, to affirm that marriage

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<sup>15</sup> Letter to the Archbishop of the Church of Sweden (note 1, above).

<sup>16</sup> Karl Barth, *Church Dogmatics III.1*, sec. 41-42, pp. 94-329.

<sup>17</sup> Oliver O’Donovan, *Resurrection and Moral Order: An Outline for Evangelical Ethics* (Grand Rapids, MI: Eerdmans, second ed.), 15. See Clement of Alexandria, *Stromateis*, 3.63 (1); 3.82 (1-3).

is *both* a natural *and* a sacramental reality is no paradox, but precisely what we should expect. God created a world that he foreordained to draw to fulfillment in himself. Ours is a world of great “mystery,” a sacramental universe, the beginning, end, and center of which is Christ (Eph. 5:32, 1:10). When we speak of marriage, we speak of the nuptial “mystery” of “Christ and the Church.” And somehow, the tradition has affirmed, the two natural goods of marriage — *fides* and *proles*, faithful union and fruitful procreation — are at the same time *sacramentum*: an embodied sign of the lasting union between Christ and his Church.

This longstanding tradition runs through and is developed by St. Augustine of Hippo,<sup>18</sup> whose treatment of sexual ethics is paradigmatic as “an envisioning of the world in the light of what is the case in Jesus Christ,” guided by the whole of Scripture.<sup>19</sup> Augustine came to his threefold account of the goods of marriage by way of strenuous wrestling with the first three chapters of Genesis, the affirmation by Jesus of marriage’s created goodness in Matthew 19, and the claim of Ephesians 5 that marriage is a figure of Christ and the Church. The tradition that followed continued to rely on Augustine’s threefold goods not least because they drew together Scripture’s manifold witness into a single coherent account of marriage. So too, the Augustinian marriage tradition has endured as a considered turn away from gnostic temptations to locate the goods of marriage anywhere other than the fruitful one-flesh union of male and female that images Christ in the finite world of bodies and time.<sup>20</sup> On this count, while some Eastern fathers, such as John Chrysostom, made affirmations similar to Augustine,<sup>21</sup> others succumbed to more “spiritualized” construals. In the wake of contemporary efforts to mine Eastern patristic sources

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<sup>18</sup> See Augustine, *De nuptiis et concupiscentia* 1.17.19; *De Genesi ad litteram* 9.17.

<sup>19</sup> Michael Banner, *Christian Ethics and Contemporary Moral Problems* (Cambridge, UK: Cambridge University Press, 1999), 21.

<sup>20</sup> Augustine, *De Genesi ad litteram* and *De Genesi contra Manichaeos*; see Christopher C. Roberts, *Creation and Covenant* (New York and London: T&T Clark, 2007), 39-78.

<sup>21</sup> Chrysostom, *Homilies* 12 and 20.

on marriage, we find it fruitful to return to Augustine in an attempt to draw out the oft-forgotten theo-logic he bequeathed to the whole Church.<sup>22</sup>

The biblical witness to marriage as a created good is reasonably clear. The canonical placement and narrative significance of Genesis 1-3 and Jesus' affirmation of the same vindicates the Genesis account as foundational for understanding what it means to be created male and female in the image of God. As Richard Davidson has shown,<sup>23</sup> Genesis does not simply offer one among many contradictory biblical discussions, a point that even recent work supporting the blessing of same-sex unions accepts. Thus, the prominent Anglican theological ethicist Robert Song remarks that Genesis 1:26-27, which declares male and female to be created in God's image, should be seen as "related closely to God's blessing and God's command to be fruitful, to fill the earth and subdue it."<sup>24</sup> For this task the man Adam needs a partner, and so the woman Eve is created from his side; "therefore a man leaves his family and clings to his wife, and they become one flesh" (Gen. 2:24). On this basis, marriage functions as a created good with a twofold structure: (1) the faithful relationship of the two made male and female (2) charged to bear fruit and multiply. As Song explains:

the very concrete orientation of sexual differentiation to procreation... brings out the logic of the passage: being created in a relationship of male and female is what enables humankind to procreate; being able to procreate enables it to fill the earth and subdue it; being able to rule the earth enables it to fulfill its role as bearing the image of God. (17)

Thus, "the procreation and nurture of children" provides in Genesis "an inseparable and intrinsic good of marriage" that "arises out of the relationship of the man and the woman," a blessing of

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<sup>22</sup> We note the complexity of the Eastern tradition itself on the importance of sexual difference, well-described by John Behr in "A Note on the Ontology of Gender," *St. Vladimir's Theological Quarterly* 42:3-4 (1998): 363-72. Even if one privileges Eastern sources over Western, there is no uncomplicated route from that internally varied tradition to a contemporary affirmation of same-sex marriage.

<sup>23</sup> Richard M. Davidson, *Flame of Yahweh: Sexuality in the Old Testament* (Peabody, MA: Hendrickson, 2007), for a thorough reading of the unified witness of the final canonical form of the Old Testament with respect to gender and sexuality.

<sup>24</sup> Song, *Covenant and Calling*, 2 (hereafter cited in the text body).

new life that God bestows as “fitting expression” of their one-flesh union and the fulfillment of their given task (4-5).

In this way, the Augustinian tradition’s first two goods of marriage, *fides* and *proles*, arise from theological exegesis of biblical texts that stand as foundations of Christian anthropology. Song is critical of attempts to revise the Church’s understanding of marriage that depart from these created realities in order to lean into a purported eschatological calling in which they will no longer be relevant. “The effort to escape the formed matter of creation, including the form of the body” is of a piece, he contends, with the “gnostic and spiritualizing” tendencies that the early Church rejected (25). To deny any significance to the phrase “male and female he created them” runs this risk. We are liable as a result to lose touch with the “specificity of creation” and so to make “timeless claims that are not anchored in the narrative of creation, redemption, and incarnation” (25). So too, we will likely obscure the fact that “marriage in creation is intrinsically procreative” (47). While Song mounts an argument for what he calls “covenant partnerships” — a category he understands as non-procreative and so potentially homosexual, enabled by our hope for new life in Christ’s resurrection — he does not think that marriage as a created good can be folded into this category without loss (23-37). This critique could also be applied to the influential revisionist account of marriage proposed by Eugene Rogers in *Sexuality and the Christian Body* (1999) and in his work for the Theology Committee, noted above. Though Rogers’s methodological assumptions are far superior to those of the Task Force on the Study of Marriage, he too fails to relate creation and covenant without swallowing up the former into the latter.

Robert Song’s contribution is significant, both as a treatment of marriage and as a proposal for the distinction between marriage and same-sex unions, but his construal of the

relationship between marriage in creation and covenant makes it difficult to see marriage as a Christ-shaped reality in the midst of a world of embodied creatures bound to die. As such, he loses the Augustinian coherence of *fides* and *proles* with the third good, *sacramentum*. Song points to the Sadducees' question to Jesus regarding the woman who married seven brothers: To whom will she belong in the resurrection? Jesus replies: "Those who belong to this age marry and are given in marriage; but those who are considered worthy of a place in that age and in the resurrection from the dead neither marry nor are given in marriage. Indeed they cannot die anymore ... being children of the resurrection" (Luke 20:34-36). In the face of death, God's gift of life must be passed along from generation to generation. This is the heart of what marriage is for, but if there is no more death, marriage's procreative rationale becomes moot. For Song, this task is "redundant" for Christians, who may as celibates place their hope in the resurrection rather than in children (15, 27). Song insists that this option does not do away with the creational good of marriage, even though it might seem reasonable to suppose that "the eschatological order erases the created order" (20). He believes that "marriage can still be modeled on the relationship of Christ and the Church" (20). But he has difficulty showing how this is so, situating non-procreative "covenant partnerships" and celibacy as better witnesses to God's covenant promises. If our test for fittingness, noted above, seeks a way in which marriage can be understood as a Christ-shaped external basis in creation for our covenant calling, then something better than Song's twofold division of labor is required.

Here the work of Ephraim Radner proves helpful, as an exegesis of the Augustinian tradition of marriage as a created *and* sacramental reality. Bounded by the two nuptial realities of Adam and Eve in Genesis and the call of the Church's Bridegroom in Revelation, "the Christian theology of marriage has always sought to answer this question: how is the bonded sexual life of

women and men ordered so as to give rise to the readied cry of the ecclesial bride to her holy heavenly spouse?”<sup>25</sup> That is, how does marriage provide a created and sacramental participation in the covenanted union between Christ and Church? Like Song, Radner places marriage in the context of human finitude, a created good to wave like a banner of faithful love and continuing life in the face of suffering, sin’s sharp divisions, and death. Also like Song, Radner gives first place to marriage’s procreative character, its nature as “a providential gift for the survival of the human race within a dispensation of mortality and physical affliction.”<sup>26</sup> In marriage, men and women embody “suffering procreative love.”<sup>27</sup> Through the pain of childbirth and the toil of childrearing, they give themselves away in a shared love that passes along God’s gift of life.<sup>28</sup> We must indeed be born again, but we all must also *be born*, a point often obscured in arguments in favor of same-sex marriage.

This is not a “carnal” Old Testament reality that “spiritual” Christians have now outgrown, but instead lies at the heart of the nuptial mystery, as Augustine maintained against certain Eastern spiritualizers. The Word became flesh and dwelt among us, giving his body for the life of the world, and marriage figures Christ in that the one-flesh procreative union of man and woman is “continuous with this exposed will of God that gives rise to the Incarnation, crucifixion, and resurrection.”<sup>29</sup> Marriage, then, stands not simply as a created good that awaits a new kind of “covenant partnership” to image Christ, but already participates in the embodied love that suffered for the sake of renewed life, the seed that died and bore much fruit (John 12:24). Though celibates are a sign of resurrection hope and our membership in the family of

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<sup>25</sup> Ephraim Radner, *Hope Among the Fragments* (Grand Rapids, MI: Brazos, 2004), 130.

<sup>26</sup> Radner, *Hope Among the Fragments*, 134.

<sup>27</sup> Ephraim Radner, “Same-Sex Marriage is Still Wrong,” Anglican Communion Institute (17 July 2013). Online: <http://www.anglicancommunioninstitute.com/2013/07/same-sex-marriage-is-still-wrong-and-its-getting-wronger-every-day/> [accessed 21 February 2015].

<sup>28</sup> Radner, “Same-Sex Marriage is Still Wrong.”

<sup>29</sup> Ephraim Radner, “The Nuptial Mystery: The Historical Flesh of Procreation” in *Human Sexuality and the Nuptial Mystery*, ed. Roy R. Jeal (Eugene, OR: Cascade Books, 2010), 92.

God, in this world most Christians will help to populate the city of God through marriage, signifying the creative “self-giving love that is God’s” by a suffering procreative love that “creates new bodies and new bodies again” in the face of struggle and death.<sup>30</sup>

In this way, the Augustinian insight that *fides* and *proles* entail *sacramentum* has proven “remarkably synthetic and coherent of Scriptural and ecclesial realities over the centuries,” enabling us to read Genesis, Matthew, and Ephesians on marriage as a coherent whole.<sup>31</sup> Here, in a more satisfactory way than in either Song or Rogers, marriage appears as a created basis for the covenant union between Christ and the Church, rather than “redundant” for those who follow in Christ’s footsteps in this world of time and decay.

Such a theology of marriage presents a welcome challenge, its very unfamiliarity standing as a mark in its favor for those committed to the catholic tradition. After the enormous social changes of the industrial age that often mask the ever-present realities of suffering and death, we in the affluent West can lose sight of the meaning and significance of marrying and bearing children. Our social location makes it difficult to see, indeed easy to avoid, truths about the human condition, like the fact that we are bound to toil and die.

The traditional vision here recounted assumes that we live in the world of Scripture as a sacramental universe that bears the marks of Christ, even if most modern people do not see it. For some time a rich scholarly literature has labored to trace genealogies of modernity as a progressive theological reduction: *nominalism*, whereby “marriage” serves merely as a name we give to a constructed human activity rather than a created social form given by God; *voluntarism*, whereby right and wrong are internal to the human will rather than tied to an objective created moral order; *social contractarian individualism*, whereby politics concerns free individuals

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<sup>30</sup> Radner, “Nuptial Mystery,” 101.

<sup>31</sup> Radner, “Same-Sex Marriage is Wrong.”

contracting with one another for maximum benefit, rather than the common good of the *polis* under God.

It is clear to us, though we expect not clear to its authors, that the report of the Task Force on the Study of Marriage reflects a deeply modern perspective in these and other senses. The very idea that marriage is a social form with ends (or purposes, *teloi*) given by God is not grasped at all; rather, such ends are described as “extrinsic” (perhaps better put, heteronomous) and so run afoul of Kant’s categorical imperative never to treat persons as means rather than ends (21, 24). By this argument, we are told that the marriage vows are what really count, as they represent the moral “commitment” that two make to one another, and that the opening exhortation describing the ends of marriage is extraneous to this deeper reality (20-25). Marriage is simply not envisioned as participation in a Christ-figured, created reality. Likewise, the report asserts that pastoral and moral theology may stand aside from dogma and doctrine, as if the Church’s beliefs about Jesus of Nazareth and his unique status as Son of God can be cordoned off from her communal, Christ-shaped witness (10, 14-15). In fact, the Christian tradition’s understanding of marriage fits with a deeply biblical conception of human nature as a reality created in and destined for Christ.

Alasdair MacIntyre suggested in *After Virtue* that the modern world is full of odd surviving bits and pieces of various traditions that were at one time understood from within as coherent intelligible wholes, but which are now viewed with incomprehension. We believe that for the authors of the task force, as for many today in the modern affluent West, marriage has become in large part just such an unintelligible fragment. The Augustinian tradition represents a rich proposal for seeing marriage whole again, as a theological construal of the whole of Scripture that re-centers marriage in Christ within the created world.

### *Remaining issues*

In our efforts to outline the contours of a classical theology of marriage, we have not had the space to address a variety of objections. What is our account of gender, and how do we address intersex issues? Does such a vision relegate homosexuals to a lonely life, out in the cold? Have we failed to consider infertility? What about contraception and the widespread technologization of reproduction? Some of these issues we hope to address elsewhere, especially in a common project titled *Fully Alive: Love, Marriage, and the Christian Body*. But we should briefly note our answers here.

In particular, in response to the objection that the traditional Christian view of marriage relegates those who know themselves to be lesbian, gay, transgender or otherwise unsuited for it to the margins of the Church's life, we wish to emphasize that this view does not locate committed human love solely in marriage. Christian marriage has historically existed alongside other publicly recognized forms of community that serve as reminders that human love flourishes in a variety of committed, permanent relationships. Within Christian churches and in Anglicanism in particular, celebrations of (celibate) same-sex love were historically common and were sometimes even solemnized in liturgical ceremonies.<sup>32</sup>

In calling for a preservation of the present marriage canons of TEC, we are equally concerned to strengthen these other forms of human belonging. Indeed, we wish to urge the development of recognized, celebrated, intimate friendships and promissory relationships between persons of the same sex and between unmarried persons in general. Such relationships

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<sup>32</sup> Robin Darling Young, "Gay Marriage: Reimagining Church History," *First Things* (November 1994), 43-48, notes the importance of vowed, celibate same-sex partnerships while showing the misinterpretation of these partnerships as erotic anticipations of modern same-sex unions in John Boswell's work.

may carry their own, very different possibilities for the deepening of human love. As the celibate lesbian Roman Catholic writer Eve Tushnet has written:

We [celibate gay Christians] offer witness that friendship, “chosen family,” intentional community life, and service to those in need are forms of real and sacrificial love which can shape a life as decisively as marriage and parenthood — if we let them. We offer hope that one day our churches and our communities will honor devoted friendship, extended family such as godparents, and lives of service. These are forms of love the Christian churches once honored publicly as part of the structure of society. Instead of maintaining this honor, we narrowed the public, “adult” forms of love down to the nuclear family and eventually the postnuclear family. I hope that by exploring our vocations, celibate gay Christians can suggest that there is more than one way to make a life filled with love.<sup>33</sup>

What Tushnet describes here is already beginning to be visible in many quarters of the churches, as conservatives move away from strategies of reorientation for gay and lesbian persons and as liberals recognize that many gay Christians wish to live fruitfully as celibates and that being gay or lesbian is not identical to being sexually active.<sup>34</sup>

*Conclusion: Need for more work*

We cannot too strongly urge the need for more and better work in the field of the Christian theology of marriage, in service of the resolution of differences, not simply the achievement of short-term political victories. We are worried that General Convention will be tempted to substitute a fulsome tradition for a watered-down replacement in its hurry to solemnize gay marriage, as opposed to approving same-sex blessings or something else. It would justify doing so on the basis of a faulty understanding of the Christian tradition and the history of marriage, and it would all but close the door on any distinction between same-sex unions and

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<sup>33</sup> Eve Tushnet, “Why Celibacy Isn’t the Point,” *On Level Ground* website: <http://onlevelground.org/dialogue/why-celibacy-isnt-the-point/> [accessed 26 February 2015]. See further Eve Tushnet, *Gay and Catholic: Accepting My Sexuality, Finding Community, Living My Faith* (Notre Dame: Ave Maria, 2014); Wesley Hill, *Spiritual Friendship: Finding Love in the Church as a Celibate Gay Christian* (Grand Rapids: Brazos, 2015).

<sup>34</sup> Michelle Boorstein, “Gay Christians choosing celibacy emerge from the shadows,” *Washington Post*, December 13, 2014.

marriage. Indeed, we note the oddity of sweeping away the distinction just three years after its “provisional” codification in the common life of TEC, the more as many dioceses and parishes are only now taking up the conversations commended in 2012.

If TEC is to have a second task force, let it be one that is made up of members of more varied persuasion. If it is to reformulate its theology of marriage, let the alternative be richer and more grounded in Scripture, tradition, and reason, not less so. As the task force report put it: “The Church does not have the excuse of ... fatigue or lack of energy, and it is incumbent upon it to do the best it can in its careful consideration of the theology of marriage” (28). If, however, TEC will move ahead to solemnize same-sex marriages without further consultation or consideration, indeed, without a clear rationale, let it consider what sort of future and protections it will offer to traditionalists. Regarding the latter, we have the opportunity to learn something about how to engage our differences more constructively from the efforts of our brothers and sisters in the Church of England to live in “mutual flourishing” and “good disagreement,” at least for the time being.<sup>35</sup>

The construction of space for disagreement is especially necessary in a time of discernment such as we are undoubtedly in. As Augustine noted regarding moments of division in the Church’s public teaching,<sup>36</sup> we face an opportunity as much as a crisis: an opportunity for drawing on the deep wells of Scripture, for the renewal of the Church’s teaching on marriage and of our common culture. Perhaps true prophets are now in our midst, pressing the Church to revise its historic doctrine and discipline as intrinsically unjust. But it has often been the case, since the time of ancient Israel, that true prophets can be distinguished from false only in retrospect. And prophets have called God’s people *back* to the tradition, just as often as they

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<sup>35</sup> See Phil Groves and Angharad Parry Jones, *Living Reconciliation*, Foreword by the Archbishop of Canterbury (London: SPCK, 2014).

<sup>36</sup> Augustine, *De Genesi contra Manichaeos* I.1; *De Civitate Dei* XVIII.51.

have announced new things. There must be some way forward that allows the voices of the prophets to be heard and discerned in our common life in charity and peace.