Adventists and the Proposed “Marriage Amendment”: The Constitution and Same-Sex Relationships

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Two prominent Adventists have recently urged a reversal in our Church’s long held position of opposing the enactment of laws attempting to impose morality. They have urged that the church take a public position against the recent changes in North America towards recognizing same-sex relationships, and publicly support the “Marriage Amendment” to the constitution that has been put forward by conservative Republicans at the behest of the Religious Right.

The first, an article titled “Marriage under Siege: Is Society Headed for Moral Chaos?” by Roy Adams, Associate Editor of the Adventist Review, was published in its October 2003 NAD edition. Adams reviewed the US Supreme Court decision finding the Texas sodomy law unconstitutional, the court decisions in Canada which made changes in the definition of marriage and ordered Parliament to enact a law that will apply this to the whole of Canada, the decisions by the Episcopal Church to accept an openly gay bishop and the blessing of same-sex partnerships where local bishops wish to allow this, and drew attention to a case focusing on same-sex marriage that was then awaiting a decision from the Massachusetts Supreme Court. Then, posing the question “What is to be our stance as a church?”, he urged that Adventists alter their usual public position on such issues: “Silence is not an option. The stakes are too high. And normal considerations of tolerance and political correctness cannot apply – in fact would be irresponsible. This is the time for faith communities to speak out . . .”

Alan Reinach, Director of the Pacific Union’s Public Affairs and Religious Liberty Department, adopted a similar stance in a November 20, 2003 e-mail newsletter entitled “Church State Newsflash!!!: Massachusetts Supreme Court Rules in Favor of Gay Marriage.” He urged that Adventists officially support a proposed “Marriage Amendment” to the US Constitution that would recognize marriage as limited to that between a man and a woman, and override any contrary decision by a state court. He urged that the Church do this in order to “legislate morality that corresponds to majoritarian religious beliefs.” On March 5, 2004, after President Bush had endorsed the proposed amendment, Reinach followed up with another e-mail, “Newsflash and Editorial Commentary: Should Adventists Speak up on Marriage?”, in which he noted that the Adventist Church had not yet issued any official statement on the amendment, and urged that it was time for its voice to be heard.

I believe that the course advocated in these articles is both wrong and dangerous. It is based on a misreading of Scripture, the court decisions, and what the authors call “the gay agenda.” It would place the Adventist Church in opposition to what is a civil rights – not a religious – issue; and it would undermine our long held position supporting the separation of church and state. I will address each of these points in turn.

Scripturally, the advocacy of support for the “marriage amendment” is based on a reading of the Bible that ignores the fact that in biblical times women were the property of their fathers and then their husbands (see the Tenth Commandment, where wives are listed as property but not even the first such item); polygamy was common; women did not have to be consulted before being married off; etc. In other words, marriage has been evolving over these thousands of years. So it should have been, and so it still is. It forgets that Jesus did not regard the truth enunciated in the New Testament as the final revelation of truth, for he promised that the Holy Spirit would guide us further.
It also forgets that the Adventist commitment to “present truth” is based on an acknowledgment that we continue to expect further such guidance in our generations. The recent decisions of the US Supreme Court, the Canadian courts, and the Massachusetts Supreme Court have nothing to do with religious freedom or religious rites. They would in no way force any pastor to perform a same-sex marriage. I quote from the Massachusetts decision: “civil marriage is, and since pre-Colonial days has been, precisely what its name implies: a wholly secular institution... No religious ceremony has ever been required to validate a Massachusetts marriage.”

The decisions, and the hopes of gays and lesbians, are about civil rights: the right to happiness – to choose whom we love and to whom we will commit ourselves for the rest of our lives – is a fundamental civil right. The Massachusetts decision recognized this: “The benefits accessible only by way of a marriage license are enormous, touching nearly every aspect of life and death... It is undoubtedly for these concrete reasons, as well as for its intimately personal significance, that civil marriage has long been termed a ’civil right’."

When Reinach reminded readers that the US Constitution’s full faith and credit clause could force California to recognize the implications of a Massachusetts acceptance of same-sex marriages for provisions concerning “divorce, tax, inheritance, child custody or visitation”, etc – areas where those in same-sex relationships are currently not protected – he was recognizing that such decisions would grant fundamental civil rights. The constitutional amendment would create and perpetuate a class of second-class citizens.

Adventism was initially willing to be radical and nonconformist on some social issues. However, that stance was abandoned as we sought the approval of Fundamentalists and Evangelicals, and during succeeding decades we established a poor record in several areas of civil rights, both in internal practice and in failing to raise our voices on behalf of justice in the land. For example, during our early decades our prophet was a woman and women were included among the ranks of General Conference officers, major evangelists, and pastors. However, following the death of Ellen White, women gradually disappeared from these positions. The General Conference, in the Pacific Press case, responded negatively to the cry of women for equality and justice, and two General Conference Sessions refused to allow the ordination of women pastors. More recently, as our Church belatedly reopened other roles to women, it has continued to refuse them access to the top positions of power (they are still denied the possibility of being a president at any level of the Church structure).

Adventist history is similar in regard to racial minorities in the US. Ellen White's The Southern Work, which encouraged integrated congregations, was soon allowed to go out of print, and “temporary” segregation was permitted. A long history of discrimination in admissions to academies and colleges, of no opportunities for promotion of blacks within the church structure, of refusals to treat black patients at white Adventist hospitals, etc., followed, until educated black laymen held a press conference blowing the whistle at the 1962 General Conference Session in San Francisco. Meanwhile, when black pastors had demanded opportunities for promotion to positions in conference offices during World War II, a decision was made to give them instead something they had not requested – separate black conferences – in order to prevent them from taking positions where they would be “over whites.” The Methodists abandoned segregated conferences in the 1950s; Adventists added them in 1944 and still have them.

Adventists have thus earned a miserable record in the area of civil rights. The actions urged on the Church in the two articles reviewed here would extend that record further. What is the Adventist interest in pushing the constitutional amendment? Reinach urged that Adventists work to “uphold traditional marriage because society has every legitimate interest in the welfare of children and the stability of families.” How does allowing same-sex couples to legalize their relationships undermine the welfare of children or the stability of heterosexual families? Religious conservatives have frequently attacked
homosexuals, labeling them all as promiscuous. Surely the prospect of same-sex couples wanting to commit themselves to marriages that cannot be broken easily should bring joy to Adventists, and lead us to do everything we can to foster such stability. Surely, too, we rejoiced over the 3000+ same-sex marriages that were celebrated in San Francisco in recent weeks, for the fact that gays and lesbians were joyously embracing marriage meant that a faltering social institution was being strengthened. The alternative for our Church is that it persist with the advice it has frequently given to gay men – that they pray about their homosexual “problem,” date a woman, and marry her – in spite of the fact that the evidence shows plainly that such irresponsible advice is likely to result in the devastation of the lives of all involved in the families thus formed.

In his article, Adams reveals his ignorance when he uses the term “the gay lifestyle.” This is the equivalent of looking at the data on the divorce rate, the frequency of premarital sex, and the abortion rate, and concluding that “the heterosexual lifestyle” in the US is one of serial monogamy and sexual dalliance. The statistical evidence shows that these rates are high among Adventists, with alarmingly little difference between Adventists and the rest of society. The truth is that the lifestyles adopted by both heterosexuals and homosexuals are equally diverse.

There is a strong parallel between the struggle to gain recognition for same-sex marriages and that to end the anti-miscegenation laws (those prohibiting inter-racial marriage) a generation ago, for both aimed at striking down provisions preventing citizens from marrying the person of their choice. The Massachusetts Supreme Court decision repeatedly cited decisions on the anti-miscegenation laws as precedents. The first colonies to enact anti-miscegenation statutes were Virginia (1662) and Maryland (1663). Amendments to put a prohibition of interracial marriage in the U.S. Constitution were introduced at least three times between 1871 and 1928, but never reached a vote in Congress. 8

In 1948, California became the first state to find an anti-miscegenation law unconstitutional, when its Supreme Court found that its law violated the due process and equality guarantees of the Fourteenth Amendment.9 At that time 32 of the 48 states had such statutes. In 1967, the U.S. Supreme Court found a statutory bar to interracial marriage violated the Fourteenth Amendment when it ruled the law in Virginia unconstitutional – a decision that rendered all such laws moot.10

Both these decisions were courageous, handed down in the face of strong contrary public opinion: in 1968, the year after the Loving decision, a Gallup Poll found that Americans, by a margin of more than 3 to 1, still disapproved marriages between whites and blacks. 11

In its 2003 decision on same-sex marriage, the Massachusetts Supreme Court wrote: “In this case, as in Perez and Loving, a statute deprives individuals of access to an institution of fundamental legal, personal, and social significance – the institution of marriage – because of a single trait: skin color in Perez and Loving, sexual orientation here. As it did in Perez and Loving, history must yield to a more fully developed understanding of the invidious quality of the discrimination.” 12

It is shocking to read a letter advocating that the Adventist Church work to “legislate morality that corresponds to majoritarian religious beliefs,” especially when its author is a departmental leader charged with protecting religious liberty. Has Elder Reinach, in his recent anti-gay crusades, forgotten what lies behind the Adventist commitment to religious liberty? The danger of any democracy is that the rights of minorities will be ignored. Do we need to be reminded that in our society Adventists, like homosexuals, are a minority?
What Reinach advocates is diametrically opposed to the general position of the church against enacting morality-based law. Both in the 1880s, when we had to fight to fend off the enactment of Sunday-sacredness laws, and now in both the US and Canada, religious conservatives have sought to make their version of Christian morality the law. In neither instance were the rights of the majority at risk — our working on Sunday in no way transgressed the right of Sunday-keepers to observe their day in the 1880s, and today no church would be required to perform or even recognize same-sex marriages. Those attempting to enact their own morality, then and now, are attempting to render another group second class, arguing that by enforcing majoritarian religious beliefs they are keeping the faith. Last time Adventists were the victims. We, of all people, should know better than to support attempts to enact such laws or constitutional amendments. Adventists have many important reasons to fight the proposed marriage amendment to the Constitution.

References

4 Mass. 309, 798 N.E.2d 941:7
5 ibid.:11,15.
10 Loving v. Virginia, 388 U.S.
11 Rosenblum, op.cit.
12 440 Mass. 309 op.cit.:19.