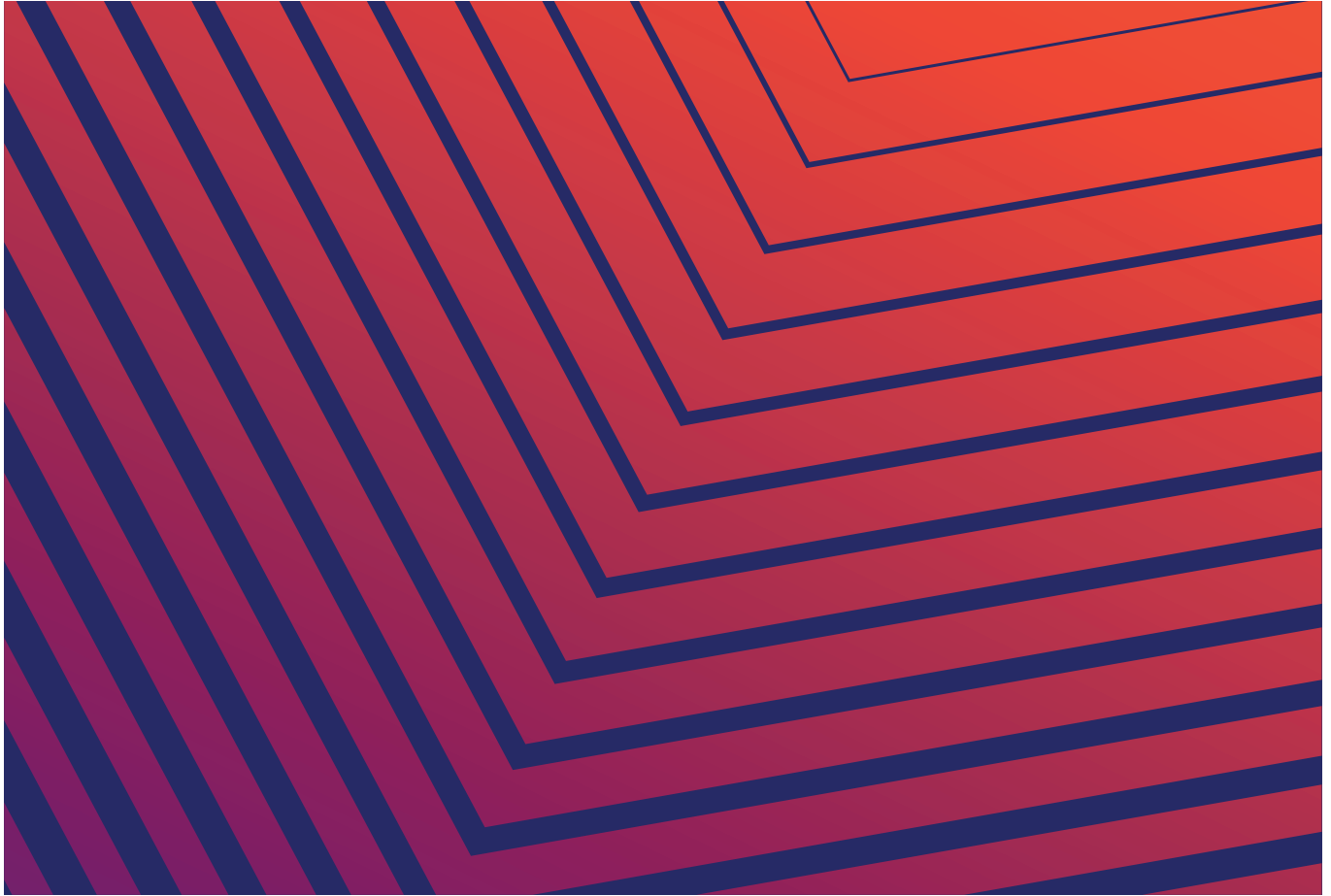




Protestant Church  
in Switzerland



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## **Marriage: A Bone of Contention**

Marriage and weddings *for all*  
from a Reformed perspective

Expanded version of the draft for the Assembly of Delegates  
of the Federation of Swiss Protestant Churches  
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## Foreword to the English Edition

The debate over marriage does not highlight a special problem of a national church but one that has global, ecumenical dimensions. It is paradigmatic of the modern challenge of the Church to position itself in secular society. The controversies and conflicts are more of a concern for both traditional and liberal-leaning churches. In any case, there are differences in the openness and publicity with which the church debates are conducted both internally and externally. The front lines do not run along confessional boundaries but cut across every church. In the official church positions in Europe, there is an unmistakable gap between the Reformation churches in the North and West on the one hand, and the southern and eastern sister churches on the other.

In this landscape, the Reformed churches of Switzerland are no exception. Although they are situated on the liberal side in the ecumenical spectrum, conservative positions are also represented here in a prominent and nuanced manner. The cantonal independence of the churches and their flat hierarchies favor inner-church discourse, the profiling of different positions and a pragmatic approach to church and theological controversies. These characteristics of Swiss Protestantism do not make church conflicts smaller, but they do allow for a broader range of beliefs and opinions.

This document emerged over a long time. Originally written as a draft for a position statement of what was then the Council of the Federation of Swiss Protestant Churches (now Protestant Church in Switzerland PCS), the first version was published as an accompanying document for the discussion on marriage in the national parliament of churches (Assembly of Delegates [now Synod of the Protestant Church in Switzerland PCS]) in November 2019. The rapid legal developments in Switzerland made a supplement to the document necessary; this was subsequently published in the internet. Because the considerations and arguments presented also made a contribution to the ecumenical discussion, the present English translation was made. It reproduces the German original, with the exception of references to the Swiss legal environment that are of little interest to international readers.

The aim of this document is to go beyond the controversial standpoints in the church debate in order to uncover their biblical-theological foundations. In so doing, it follows the Reformed-Reformation tradition of theological reflection under the authority of God's Word:

*We should hold the Word of God in the highest possible esteem [...] and we should give to it a trust which we cannot give to any other word. For the Word of God is certain and can never fail. It is clear, and will never leave us in darkness. It teaches its own truth. It arises and irradiates the soul of man with full salvation and grace. It gives the soul sure comfort in God. It humbles it, so that it loses and indeed condemns itself and lays hold of God. And in God the soul lives, searching diligently after him and despairing of all creaturely consolation.\**

*We must come, I say, to the Word, where God is truly and vividly described to us from his works, while these very works are appraised not by our depraved judgment but by the rule of eternal truth.\*\**

The arguments and considerations presented are positional, without, however, supporting a particular conflict party. Instead, the document endeavors to bring the controversial standpoints together in a constructive theological conversation.

Bern, December 2020

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\* Ulrich Zwingli, "Of the Clarity and Certainty or Power of the Word of God", in: Zwingli and Bullinger, *Selected Translations with Introductions and Notes* by G. W. Bromiley, The Library of Christian Classics XXIV (Philadelphia 1953) 93.

\*\* John Calvin, *Institutes of the Christian Religion*, ed. by John T. McNeill/Ford Lewis Battles, vol. 1 (Louisville 2006) 73 [I.6.3].

## 1 Introduction

“So God created humankind in his image, in the image of God he created them; male and female he created them. God blessed them, and God said to them, ‘Be fruitful and multiply, and fill the earth’” (Gen. 1:27–28). The history of humankind begins with the blessing of the first human couple, followed by the invitation to live in community and reproduce. The Christian conception of marriage follows the biblical account of the origin of humankind and explicitly refers to it in its marriage rites. Marriage is considered the nucleus of the family and an expression of the goodness of creation. Church weddings recall the divine act of and mandate for creation, and place marriage and parenthood under God’s blessing. It is God himself who leads a couple to their wedding ceremony and establishes their marriage. The divine purpose of the person forms the foundation for a theological understanding of marriage, in which the Church grounds its blessing and guidance.

The Church’s understanding of marriage reflects both marriage’s origin in creation theology and the cultural influences exerted on it. This tension runs through the Bible itself, which contains very different and to some extent contradictory types of relationships and marriage practices. The traditions agree that marital union is a bond that is established by God. He blesses what accords with his will and penalizes when people only pursue their own interests (see 2 Sam. 11: David’s adultery and marriage to Bathsheba became the dramatic turning point in his life).

In the Bible, very different forms of living and community exist side by side. These are mentioned but subjected to moral commentary only in exceptional cases. Whenever this does happen (e.g. Gen. 18–19: the story of Sodom and Gomorrah), it always concerns disobedience to God, which manifests itself in certain practices. It does not concern lifestyles per se, but whether people are obedient to God in their lifestyles. At the same time, the freedom of the Bible is always a gift that owes itself to the will of God and is therefore directly linked to his will.

In the Bible, people’s lives fail when they try to serve several masters. In liberal democratic societies, these are often not individual “masters” but social mainstreams, fashions or dictates of the majority that also (aim to) powerfully assert themselves in the Church. Because of this, the inner-church discussion on marriage is burdened by views and claims that cannot be derived from either the biblical message or the mission of the

Church. The Church is faced time and again with the task of discerning the spirits (1 Cor. 12:10; 1 Jn. 4:1–6) and devoting itself to its mission before God and for the people with a “new heart” and a “new spirit” (Ezek. 36:26).

The Reformers drew attention to a biblical competence that was just as lost during their time as it is today: *the art of questioning*. Many Reformed and Reformation confessions of faith and catechisms were deliberately written in a question and answer format. At the beginning is the question! Whoever asks a question sets himself in motion, opens up and prepares himself for surprising and irritating answers. And whoever asks acknowledges that he perhaps cannot know exactly what God’s will is here and now. To be one with God’s will is “enthusiasm” – literally “to be in God” (*entheos einai*) – in prayer, in which “the unity between our will and God’s will becomes conceivable at all”.<sup>1</sup> The Church needs this enthusiasm as a counterweight to the emotionality and moral outrage with which many debates are conducted. For this reason, this document attempts to enthusiastically investigate the question of marriage for all.

In eleven chapters, this document examines the issue of “marriage for all” from a Reformed perspective. It follows the motto of the Swiss reformers – “back to the Bible”, and considers in detail the controversial discussion on marriage from a biblical-theological perspective. In order to limit the document’s length, it will focus on the central aspects. The observations that follow therefore aim at helping the reader form his own judgment.

## 2 What are the Consequences of the Reformation Principle of *Sola Scriptura* for Dealing with Biblical Texts?

### 2.1 Inhabiting the stories of the Bible

The Reformation biblical principle of *sola scriptura* assumes that reading the biblical texts *as God’s Word* depends on God gifting his Spirit (*sola gratia*) to the reader. We cannot acquire Christ by hearing or reading about him, for it is he who lets himself be known in what we read and hear (*solus Christus*). In hearing and reading his Word together, the miracle of faith (*sola fide*) occurs, and in this faith the truth of the Gospel (and its consequences) can and must be debated. This is because in every biblical text there are “empty

spaces” that “allow the reader to place himself into the text and, as it were, fill it up with himself”.<sup>2</sup> The Reformation’s understanding of the necessity of a joint reading of the Bible brought about by the Spirit is thus all the more indispensable. The theologian Dietrich Ritschl described such a reading as the inhabitation of the biblical stories.

There are many dwellings in God’s house (Jn. 14:2), in which very different people live. All residents owe their right to live there solely and exclusively to the grace of God in Jesus Christ. Body searches are as unheard of as is selection based on personal and biographical characteristics. Occupancy of the house of God does not follow the suspicious regulations of earthly tenancy clauses. Ritschl imagines the construction of this house, its walls and room arrangement as the biblical scriptures. Accordingly, to believe means to be inside the stories of the Bible and to live within them. Together, the tenants inhabit the biblical perspectives regardless of their very different individual personal background. It is the largest multi-generational house, in which all generations of human history can find a place.

In order to moderate inevitable generational conflicts, the theologian proposes a simple guiding question: does my attitude and intended action regarding a particular situation or issue accord with what the fathers of this house have experienced, professed, taught and hoped for? Does it accord with what the inhabitants remind us of from the Bible together, what Yahweh willed and Moses and Jesus said, did and lived, and what the people of the Bible witnessed to in their manifold life experiences?<sup>3</sup> In order to find this out, the biblical stories must be inhabited. They are not texts which, at best, are still useful as an inventory to draw on for particular claims or as a repository for arguments. It is important to make these texts the hallmark of one’s life, to assimilate the spirit of the stories in order to settle down with and in these stories and continue them.<sup>4</sup> We are neither architects of the House of God nor the builders of his Church. We are welcome as members and, with regard to the Bible, are confronted with the question of whether we are (still) inside his house in our judgments and actions, and whether we are joined together in his Church as a community. This is the biblical hermeneutical question that also arises in connection with marriage for all.

## 2.2 The God of peace and order

### 2.2.1 *The origins*

“God is a God not of disorder but of peace” (1 Cor. 14:33). The Hebrew word *shalom* and its Greek counterpart *eirene*, both of which are translated as “peace”, do not only mean the absence of external conflict or an inner peace, but a comprehensive well-being, wholeness and prosperity. It signifies a comprehensive state that encompasses both the individual in all dimensions of his existence (body and soul) as well as the community. *Shalom* is thus understood as a comprehensive order of integrity and fullness of life in community, as a salutary state of all things.

This state is neither a given nor is it something that can be produced, but is a promised gift from God. However, this does not condemn people to passivity since the comprehensive well-being of creation is rooted in the *shalom* between God and man, in loyalty to the covenant between Creator and creature. Peace was the Creator’s project for his creation. With his invitation to “fill the earth and subdue it” (Gen. 1:28), God passed on the mandate for peace to people. *Shalom/eirene* are both the original state and the goal of creation: a state of well-being and wholeness which encompasses humanity and all of reality, and which was intended to develop on the basis of the covenant between God and people. Creation was placed on the path toward this goal by its Creator.

### 2.2.2 *The Fall: disorder and disorientation*

Despite all the criticism and rejection it has endured over the centuries, the concept of the Fall remains crucial for the biblical understanding of reality as we experience it today. This reflects the idea that the current state of creation does not accord with its origins. The rift between God and creation led to a fundamental disorientation of people and the world; the Bible uses the expression “sin” to describe this state. It does not mean that people and creation as a whole have become bad or evil per se, but that their orientation has been distorted: “they exchanged the truth about God for a lie and worshiped and served the creature rather than the Creator” (Rom. 1:25). The compass needle of creation no longer points toward God’s *shalom*, but in other directions: “All we like sheep have gone astray; we have all turned to our own way” (Is. 53:6; cf. 1 Pet. 2:25).



### 2.2.3 *God's abiding faithfulness in the revelation of Jesus Christ*

However, “if we are faithless, [God] remains faithful – for he cannot deny himself” (2 Tim. 2:13). Even if man has broken the covenant with God and thus initially prevented the realization of his project of *shalom*, God remains the “God of peace”, faithful to his promises and project. He therefore appointed his people to be “a priestly kingdom and a holy nation” (Ex. 19:6), called to testify to the entire world that it belongs to the Creator (Ex. 19:5). The chosen people received the Law as the foundation for the reorientation of communal life toward the actualization of *shalom*. Divine law thus determined wholesome boundaries that marked out the space in which a positive development of life geared toward God’s *shalom* become possible. Like the boundaries drawn in creation between day and night or heaven and earth (Gen. 1), the Law was about the establishment of an order of life. In view of the deviations and infidelity of his people, God kept his project alive through the voice of the prophets (Is. 9:5–6; Mi. 5:4; Jer. 23:6; Ez. 34:25, 37:26; Zech. 9:10).

“[I]n these last days” (Heb. 1:2), God finally sent his Son as the incarnation of God’s *shalom*. In Jesus Christ, the true “King of peace” (Heb. 7:2; cf. Is. 9:5), *shalom* is realized in person. His death became the final victory over the estrangement between Creator and creation. For all who are joined to him through the power of the Holy Spirit, his death signifies the demise of the “old” life turned away from God, and his resurrection the dawn of the “new” life in communion with God, oriented toward the fullness of his peace: “So if anyone is in Christ, there is a new creation: everything old has passed away; see, everything has become new!” (2 Cor. 5:17). The radical nature of this newness is unsurpassed, as Paul noted: “As many of you as were baptized into Christ have clothed yourselves with Christ. There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus” (Gal. 3:27–28).

### 2.2.4 *Between the times*

The Christian church entreats: “Your kingdom come”. God’s kingdom of peace is in the process of arriving and is already here, but is not yet complete. This tension runs through the whole of creation. Whoever is in Christ is still part of the old creation, which has become obsolete in Christ but still exists. Whoever is in Christ experiences himself as aligned with God’s

*shalom* and at the same time as alienated from his Creator and savior. This is because the front line between the old, which is turned away from God and resists him, and the new, which is turned toward and devoted to him, runs right through the hearts of all those who are in Christ: “these are opposed to each other, to prevent you from doing what you want” (Gal. 5:17). The freedom to which Christians are called in order to actualize God’s *shalom* is thus constantly in danger of being misused and distorted. For this reason, Paul admonishes: “only do not use your freedom as an opportunity for self-indulgence, but through love become slaves to one another” (Gal. 5:13).

Christians live in hope from the promise that God will “wipe every tear from their eyes” (Rev. 21:4). Hope manifests itself as a straining forward in endurance and action – the Reformed reformers speak of sanctification – toward *shalom* in partaking in Christ: “Not that I have already obtained this or have already reached the goal; but I press on to make it my own, because Christ Jesus has made me his own...forgetting what lies behind and straining forward to what lies ahead, I press on toward the goal for the prize of the heavenly call of God in Christ Jesus” (Phil. 3:12–14).

Even if we think about the conflicts within ourselves and in the world in other categories today and use different terms to denote them, nothing has changed in the biblical anamnesis of our crisis. We are not immune from forgetting the object of our calling, losing sight of our goal of God’s *shalom*, and sinking into the former chaos. Apostle Paul’s affirmation, therefore, remains as relevant as ever: “God is a God not of disorder but of peace” (1 Cor. 14:33).

## 2.3 Marriage between creation and biology

Our current view of marriage and the way we think about partnerships, gender, sexuality and reproduction have been shaped by two developments: firstly, by the modern conception of the person as an autonomous subject, and secondly by biology, which has developed since the 19th century and which is based on empirical observation. We are so much children of our times that we can hardly imagine a perspective of the world beyond what we consider self-evident. We are products of our scientific, experience-based views and consider our perceptions of life and the world as life and the world themselves. This leads us to the mistaken practice of reading the biblical stories as historians and viewing

the biblical images of people as biologists and medical professionals. At all times, the biblical message was at odds with the usual perceptions and ways of thinking. It always provided motivation and guidance for learning to see oneself and the world in a completely different light. In this connection, the Bible speaks of a “new heart” and a “new spirit” (Ez. 36:26).

The Bible does not dispute the scientific view of the world, and conversely, modern biology does not dispute the biblical view of people. Although fertilization can be replaced today by technology and parenthood can be defined anew or differently, the former is and remains the cause of the emergence of new life. It goes without saying that the natural sciences are not interested in the fundamental biblical premise of blessed creation, in which everything – including the human ability to reproduce and the promise of reproduction – has its origin and abiding foundation. The biblical perspective does not view creation as an initial one-time ignition leading to a subsequent biological automatism. Instead, God’s act of creation occurs anew in every human being: “Before I formed you in the womb I knew you” (Jer. 1:5; cf. Ps. 139:13,16). This is, as it were, the biological – and conciliatory – side of predestination. For the Jewish philosopher Hannah Arendt, God’s creation is reflected in the “natality” of every human being: each person is born and not made. “[B]y virtue of [natality] each person appears once as something uniquely new in the world. Because of this uniqueness, which comes with the fact of birth, it is as if God’s act of creation were repeated and confirmed once again in every person”. Because of this, every person is “beyond all foreseeability and predictability”.<sup>5</sup>

The Bible reflects human experiences with God in the respective worlds in which these people live. It presents a number of very different regulations on, and conceptions of, the bond between man and woman. In the overall biblical picture, heterosexual monogamy is undoubtedly the norm. However, an absolute view of gender and sex as we understand them today cannot be read into or inferred from the Bible.

At the same time, we are so firmly rooted in biblical-Christian traditions that many questions are superfluous for us. As Christians, we do not doubt God’s will as Creator and his love for all creation. We know that “the whole creation has been groaning” (Rom. 8:18–23), about its need for salvation and the temporary nature of all our efforts and understanding (1 Cor. 13:9). We cannot hide the fact that when the Bible speaks of creation after the Fall, it is always about a marred,

disfigured creation, and that we as sinners (still) live on this side of Paradise. At the same time and regardless of all experience to the contrary, the invitation to let everything be done “in love” (1 Cor. 16:14) sounds loudly and clearly in our ears. This sound is reinforced by the Reformation’s insight – based on justification theology – that one cannot be both judge and judged.

We read the Bible simultaneously within the context of its understanding and against the background of the world we live in and the impressions we receive from it. The same holds true for the search for biblical answers to the Church’s inquiry into marriage. A reading that is critical of the reader – which is exactly what the Reformation principle of *sola scriptura* aimed at – is based on the understanding that our translation of the bond between a man and a woman in the Bible as “marriage” cannot imply our understanding of marriage, that our speaking about “gender” does not reflect any biblical notions, that any notion of heterosexuality and homosexuality is foreign to biblical anthropology (although such practices were very widespread in Canaanite culture and the Greek-Hellenistic world), and that the very different biblical catalogues of norms and commandments must be carefully distinguished from a modern understanding of morals and ethics. The people of the Bible would have resolutely rejected our self-image as autonomous subjects as blasphemous arrogance. In view of this, the question arises of what – apart from the biblical silence on and its lack of understanding for our modern questions – should also be heard from the Bible’s word.

### **3 What Does the Bible say about Marriage, Sexuality and Parenthood?**

#### **3.1 The biblical terms<sup>6</sup>**

The Old Testament has no expressions for “marriage” or “to marry”. A married man is called *ba’al* (lord, owner; cf. Ex. 21:3,22; Dt. 24:4) and a married woman is *be’ulat ba’al* (she who belongs to a lord; cf. Gen. 20:3; Dt. 22:22). A man – or the groom’s father for his son – “takes” (*lqh*) a woman for himself. A woman “becomes” (*hagetā*) (the wife) of a man. In the New Testament, the word *gamos* (from *gaméō*, to marry) primarily denotes a “wedding” (cf. Jn. 2:1–2), and only derivatively the “state of marriage” (in the singular in Heb. 13:4). “Marriage” is understood as a recognized and permanent union between a man and a woman. In the old European languages, only Germanic has an abstract

noun denoting marriage. All other words – such as *matrimonium*, *marriage* or *gamos* – designate the process of contracting marriage and not a permanent state. The Hebrew language does not even have a (uniform) term for this process.

The biblical marriages were neither concluded in the temple or at a service, nor by a priest or before a civil authority. The parents might say a blessing, but ritual or liturgical blessings or wedding ceremonies were unknown. Marriage was actualized through a contract, the handing over of the bride price and dowry, the bride's moving into the house of the groom, and marital intercourse. Inquiries into a biblical and early church understanding of marriage must take into account that much of what we associate with "marriage" today only developed in modern times, and was therefore completely unknown to the people of biblical times.

### 3.2 The biblical understanding of "marriage"

#### 3.2.1 The Old Testament

The self-image of the Hebrews was not based on the (individual) person, but on the (chosen) people ('*am*). The social order proceeded from the *people* via the *tribe*, *clan* and the *extended family* to the "*married couple*". This is why although "marriage" was understood as a sexual union, it was firmly embedded within a larger community structure. It was the only way for a collective body of a higher order to establish new family relationships and thus ensure the continued existence of the community. This aim is confirmed by the "marriage blessing":

*And they blessed Rebekah and said to her, "May you, our sister, become thousands of myriads; may your offspring gain possession of the gates of their foes" (Gen. 24:60).*

The cultural variations of the Old Testament understanding of "marriage" can be seen in the coexistence of very different types of relationships: 1. *Monogyny* between a man and a woman was practiced by a number of important male and female forebears in the Old Testament (cf. Gen. 17:15–16), and did not exclude the intercourse of men with other women. 2. Although *concubines* are not mentioned in the codified law of Israel, they appear frequently (cf. Gen. 16:1–2). Children born from these relationships were considered offspring of the wife. 3. *Polygyny* or multiple marriages (cf. Ex. 21:10) were in accordance with the law, regard-

less of the reasons for which they were entered into: sexual motives, political strategies, prestige (cf. David and Solomon) or social conditions (e.g. a surplus of women). 4. According to *levirate marriage* stipulated in the Law (Dt. 25:5–10), the brother of a man who died childless had to marry his wife. This aimed at preventing the widow from becoming impoverished and guaranteeing support for male progeny who were entitled to an inheritance. 5. In the case of *vassal marriages*, a relationship of dependency existed between the husband and the wife's family (cf. Gen. 29:18–20), which was treated by analogy according to slave law (cf. Ex. 11:1–4).

While the first but chronologically later account of creation (Gen. 1) states that the human person (*adam*) was created as man *and* woman from the beginning (Gen. 1:27), the older version (Gen. 2) assumes a hierarchy: man (*isch*) was created by God, but woman (*ischa*) was created only afterwards from a "rib" (Gen. 2:22: *zela*).

The older account of creation shaped the idea that people exist in only one human race with two manifestations, which held sway until modern times. The modern concept of the "gender binary" is an invention of 19th-century biology and was as foreign to the people of the Bible as it was to the reformers. Whenever they spoke about women and men, it was about concrete people or groups of people in their duality, but not about representatives of different genders. The accounts of creation only mention the distinction between man and woman but make no statements about gender attributes, gender character traits or gender roles. It does not even follow from Gen. 1:27 that Eve represents female persons and Adam – male.<sup>7</sup>

Although marriage does not appear in the accounts of creation, the statement: "Therefore a man leaves his father and his mother and clings [literally: 'sticks', *dabak*] to his wife, and they become one flesh" (Gen. 2:24) became the biblical precedent for marriage. The expression "stick" is also used to describe Ruth's relationship with her mother-in-law ("but Ruth clung [*dabekah*] to her", Ruth 1:14): "Where you go, I will go; where you lodge, I will lodge; your people shall be my people, and your God my God" (Ruth 1:16). The quality of the bond between husband and wife is thus special, but not exclusive.

The creation of the person as man and woman is directly linked to the blessing of the Creator and the fertility of the blessed. This connection is not a commentary on



biological facts but an emphasis on the will of the Creator. However, sexual activity demonstrably takes place only after Paradise. No children were conceived and born in the Garden of Eden. The vital fertility of humans is not described as being biologically functional, but as the result of the divine blessing (Gen 1:28). It is the blessing of fertility that rests on human sexuality that is emphasized, and not the sexuality of the blessed. Thus, a large number of offspring was considered an expression of God's closeness, while childlessness was viewed as a limitation of the purpose of life or as punishment by God (cf. the list of curses in Dt. 28). Progeny was a central aspect of the promise of the covenant (Gen. 17:2,6), and is a natural part of human and animal existence (see Gen. 4:1–2; 1:22). The story of creation is about an order that is blessed and not about a moral order.

The divine blessing is the starting point for very differentiated regulations on marriage in the Torah. The divine blessing became a task for people to fulfill, or more precisely, a call to act in obedience. When the Lord announced to Abram that he would make his progeny a great people and bless him, what was specifically meant is his offspring, which in the Bible is understood as a blessing and riches for the family and people. God willed that the earth created by him be inhabited in great numbers. Ensuring progeny gained particular importance in exile, where the identity of the people was particularly under threat.

Marriage in the Old Testament basically came about – to use modern-day terms – as a private law contract between two families. It was neither legitimized through a ritual nor sanctioned by the state. Marriage could also be concluded between two people who had never met before (see Gen. 24: Abraham's servant finds Rebekah for his son Isaac). The types of relationship that were practiced leave out almost no possibilities. There were patchwork families, surrogate mothers (Gen. 16; 21: Hagar; Gen. 30: Zilpah and Bilhah, whose children are listed in the genealogies as the offspring of two mothers – the biological and her mistress), sperm donors (Gen. 38: Onan, who was punished by God not for the onanism named after him, but for his disregard for his duty toward his deceased brother and his widow), marriage between relatives (Gen. 20:12; 24:4; 2 Sam. 13:13; 28:2), and even types of relationships that – from our point of view – represent rape, sexual abuse and incest (Gen. 38: Judah was both father and grandfather of Tamar's twins, who explicitly appear in Jesus' family tree in Mt. 1; Gen. 19: Lot). All of this happened within a patriarchal order where women

had an inferior legal status, before the eyes of God, and is described in the Bible in a sober and matter-of-fact way without moral evaluation.

### 3.2.2 *The New Testament*

The understanding of marriage in the New Testament developed within the cultural space of the Old Testament and Judaism. A recognized permanent relationship between a man and a woman was considered marriage. Men tended to marry at the age of 18, while girls were as a rule married off by the father when they were 12½ years old. Although polygamy was legally permitted in Roman society in New Testament times, it was hardly practiced and explicitly rejected by Jesus and Paul.

In contrast to the conceptions of marriage found in the Old Testament, monogamy and, alternatively, marital chastity are emphasized. The focus on reproduction is noticeably weakened. The main protagonists of the New Testament, Jesus and Peter, were unmarried and childless, unlike the disciples. The New Testament statements about marriage were strongly influenced by an immediate expectation, the salvation of the world with the return of Christ, which greatly moderated the significance of all earthly objectives, including marriage and the family.

The New Testament view of marriage is significantly determined by the reality of Christ, which culminates in the idea that Christ's love for his Church (Christ as bridegroom Mt. 9:15; 21:1–14; 25:1–13; Lk. 12:35–38; Jn. 3:29; 2 Cor. 11:2; Rev. 14:4; 19:7–9; 21:2,9) is continued in the love between spouses (Eph. 5:22–33). The Christological–eschatological impregnation of the understanding of marriage makes marriage a place for conversion and salvation. The theological-ethical definition of marriage reflected the realities of patriarchal family law at the time: husbands should love their wives (Col. 3:19; Eph. 5:25,28) according to the example of Christ toward his Church (Eph. 5:25,29). Women should submit to their husbands (Col. 3:18; Eph. 5:21; Tit. 2:5; 1 Pet. 3:1). The relationship between husband and wife is described using the image of the head and the body (1 Cor. 11:3; Eph. 5:23).

Jesus explicitly refers to the will of the Creator that husband and wife should form an organic unit as “one flesh” (Mt. 19:4–6; Mk. 10:6–9), and therefore rejects divorce for the purpose of remarriage as a disruption of order (Mt. 5:32; Lk. 16:18; Mt. 19:9; Mk. 10:11–12).

However, there is a certain tension inherent in the dual reference to creation and Christ in the New Testament, as the key passage on marriage in Eph. 5:21–33 (cf. the household codes in Col. 3:18ff.; 1 Pet. 2:18ff.) demonstrates:

*Be subject to one another out of reverence for Christ. Wives, be subject to your husbands as you are to the Lord. For the husband is the head of the wife just as Christ is the head of the church, the body of which he is the Savior. Just as the church is subject to Christ, so also wives ought to be, in everything, to their husbands. Husbands, love your wives, just as Christ loved the church and gave himself up for her, in order to make her holy by cleansing her with the washing of water by the word, so as to present the church to himself in splendor, without a spot or wrinkle or anything of the kind – yes, so that she may be holy and without blemish. In the same way, husbands should love their wives as they do their own bodies. He who loves his wife loves himself. For no one ever hates his own body, but he nourishes and tenderly cares for it, just as Christ does for the church, because we are members of his body. “For this reason a man will leave his father and mother and be joined to his wife, and the two will become one flesh.” This is a great mystery, and I am applying it to Christ and the church. Each of you, however, should love his wife as himself, and a wife should respect her husband (Eph. 5:21–33).*

Marriage is directly linked to the Pauline Body-of-Christ ecclesiology, so that it is not clear if marriage serves as an image of the Church or, conversely, if the Church serves as a model for marriage. Ecclesiology and marriage theology stand in a relationship in which they are grounded in each other. Thus, the subordination of the wife to her husband is not justified by the legal realities of the time, but by an affective relationship. The wife assumes her role out of faith and freedom. In the same spirit, the female submission mentioned in verse 21 is affirmed as being mutual. Husbands are instead presented with Christ's love for his Church as a model for their behavior toward their wives. The reference to the story of creation in verse 31 reflects a common argument at the time and is mostly interpreted as a christological-eschatological overstatement of the passages on creation. The mention of a “mystery” of the physical union of husband and wife (Lat. *sacramentum*) in verse 32 raised the question of the sacramentality of marriage in the Church, which was rejected by the reformers. On the Protestant side, this concept is interpreted in terms of covenant theology or as an expression for how marriage is constituted by Christ.

### 3.2.3 Sexuality in the Bible

Gender and sexuality as distinct phenomena are unknown to the people of the Bible. In the biblical languages there are no equivalents of the modern anthropological-biological concept of sexuality. The Bible generally speaks about sexuality using metaphorical language, and never deals with the topic per se but always within particular contexts. While the Old Testament is able to speak about passion and desire in very poetic language – “Set me as a seal upon your heart, as a seal upon your arm; for love is strong as death, passion fierce as the grave. Its flashes are flashes of fire, a raging flame” (Song of Solomon 8:6), they are found in the New Testament only in connection with conflicts. Although no comprehensive sexual ethics can be derived from the Bible, there are unequivocal normative statements on sexual practices.

In the Old Testament, individual aspects of human sexuality are addressed in very different ways which are, however, often overlooked due to the ambiguity specific to the Hebrew language. Most of the marriage law regulations have a magical-religious background. Significantly, the only two Old Testament passages – in addition to the obscure story of Sodom and Gomorrah (Gen. 19) – that demonstrably speak of homosexuality (Lev. 18:22; 20:13) belong to the realm of regulations on cult and ritual purity, which also include e.g. the prohibition of sexual intercourse with a menstruating woman (Lev. 15:19–33), which was punishable by death (Lev. 20:18). These and other cases – for example sex with the neighbor's wife (Lev. 18:20) or bestiality by men and women (Lev. 18:23) – are taboos pertaining to the sphere of divine holiness, for which there are no corresponding civil law regulations. From these prohibitions pertaining to cult and ritual, moral precepts of a general character should be distinguished (Lev. 18:7–16), in which homosexual practices are not mentioned. It is also remarkable that sexuality is not addressed in the Decalogue.

In the New Testament, marriage and sexuality are also interpreted within the context of the relationship between God and the person. Sexuality has its exclusive place within marriage. Both Jesus and Paul refer to Genesis 2:24 (or Gen. 1:27) in order to emphasize the union of marriage established by God. From this, Jesus infers – more consistently than Paul – a categorical prohibition of divorce, while Paul concludes that adultery causes permanent separation from Christ (1 Cor. 6:15–17). Viewed in a positive way, both understand marriage as an order established by God into which God himself places couples.

1 Corinthians 7:1–6 contains the key New Testament statements on marital sexuality:

*Now concerning the matters about which you wrote: "It is well for a man not to touch a woman." But because of cases of sexual immorality, each man should have his own wife and each woman her own husband. The husband should give to his wife her conjugal rights, and likewise the wife to her husband. For the wife does not have authority over her own body, but the husband does; likewise the husband does not have authority over his own body, but the wife does. Do not deprive one another except perhaps by agreement for a set time, to devote yourselves to prayer, and then come together again, so that Satan may not tempt you because of your lack of self-control. This I say by way of concession, not of command (1 Cor. 7:1–6).*

Paul sees marriage as a means of channeling human instinct and therefore as protection against "cases of sexual immorality" (verse 2). This argument became the key justification in the theology of marriage from the ancient Church until the Reformation. Regardless of whether the marital duties (*opheile*) in verse 3 only concerned marital sex or, more comprehensively, care for the spouse (cf. Ex. 21:10), demands are mentioned that equally apply to wives and husbands. Moreover, there is one aspect in this passage that the apostle conspicuously does not address: in contrast to the Old Testament, Jewish and Greek understandings of marriage on the one hand, and to the Christian-church theology of marriage until today on the other, there is no reference to marital reproduction, let alone a duty to reproduce or a compulsion to do so. Nowhere does Paul speak of the consequences of sexuality: children obviously did not come into his focus. Similarly, Jesus draws the disciples' attention to the prospects associated with leaving their biological families (Lk. 18:28ff.). The Christian community is far more important than all the bonds of marriage, family and relatives. Nowhere is the childlessness of Jesus and Paul mentioned as a flaw or problem. Significantly, in his declaration of commitment to celibacy (1 Cor. 7:25ff.), the apostle speaks of the care and concern of spouses for each other, but not a word about responsibility toward children.

In the New Testament, homosexuality is mentioned in Romans 1:26, 1 Corinthians 6:9 and 1 Timothy 1:10. In the Epistles to the Corinthians and Timothy, homosexual behavior is mentioned alongside other kinds of reprehensible behavior (e.g. murder, idolatry, adultery and theft). In the Epistle to the Romans, however, homosexual behavior is clearly depicted as a result of man's turning away from his Creator:

*[T]hey exchanged the truth about God for a lie and worshiped and served the creature rather than the Creator...For this reason God gave them up to degrading passions. Their women exchanged natural intercourse for unnatural, and in the same way also the men, giving up natural intercourse with women, were consumed with passion for one another. Men committed shameless acts with men and received in their own persons the due penalty for their error (Rom. 1:25–27).*

In Paul's writings, homosexuality is mentioned not only as a consequence of the Fall, but also as the "due penalty for their error", i.e. as punishment for people's turning away from God.

### 3.3 Summary

Marriage is one way among others of how human beings live. Creatureliness refers to a life that 1. does not owe its existence to itself or other people, but solely to God; 2. wishes to be accepted as a life that is gifted, blessed and determined by God; 3. encounters every other life in this manner; 4. is in God's hands from beginning to end (Ps. 139); and 5. is geared toward community in accordance with God's will (Gen. 2:18). These characteristics of creatureliness determine the biblical-theological view of people and apply to all areas of life without exception.

A candid examination of the Bible leads to a sobering conclusion: 1. The people of the Bible are interested – if at all – only very indirectly in our modern questions. 2. The people of the Bible naturally assume the fundamental bond between husband and wife. 3. They view men and women not as two genders, but as the human race in two manifestations. 4. Conceptions of, and regulations on, marriage found in the Bible reflect the patriarchal mentality of their time and culture. 5. There was no practice of blessing that corresponded to our church wedding (just as the blessing of institutions is generally foreign to the Bible). 6. The Bible knows of no homosexual orientation, but only homosexual practices as deviant behavior (Rom. 1:23,25: "giving up").

The biblical stories of marriage make three things clear: 1. God himself establishes the union of the couple. 2. The will of God cannot be inferred from the *form* of a partnership. 3. The religious, politically and socially motivated ordinances that regulated human coexistence at all levels are extremely diverse and are neither coherent nor free from contradictions. The basic conceptions of the human person, which human coexistence

is supposed to accord with, are preserved in the understandings of marriage and community ordinances. The ordinances can be described from very different perspectives – from the standpoint of ethnology, anthropology, social psychology, functional sociology, religious studies or theology. From the Christian-church perspective, the focus is on people's obedience to God in the praxis of the relationships they live in.

## **4 What Do the Reformers Say about Marriage, Sexuality and Parenthood?**

### **4.1 Background information**

In the ancient Church, marriage was a legal act that was carried out within the family. It corresponded to the Roman legal principle of *consensus facit nuptias* ("mutual consent establishes marriage"). In view of the growing practice of obtaining permission from the bishop to marry, the custom arose of having a celebration of the Eucharist follow the marriage ceremony. The church celebration of marriage, which thus evolved gradually, was not understood as the actual act of concluding marriage, but as an accompaniment with a blessing function. The Germanic practice of having the marriage confirmed by a third person (*Muntanwalt*) led to a situation where the civil wedding and the church ceremony increasingly converged in space and time, and where the priest ultimately assumed the function of an advocate of the marriage. This shift was justified by the simultaneously developing sacramental understanding of marriage.

The understanding of marriage that was also fundamental to the Reformation was based on the pillars of nature, contract and sacramentality/holiness:

1. Marriage is a natural order instituted by God that serves the purpose of reproduction, but in reality primarily aims at channeling human sexual desires. A life in celibacy and abstinence was preferred.
2. Marriage is a contract that enters into force through the concurrence of the spouses' wills, and results in mutual rights and obligations.
3. Marriage has sacramental character insofar as the unity of the spouses was seen as an image of Christ's eternal union with the Church. As an expression of the unity of God and man in Jesus Christ, it cannot be dissolved.

The Reformation movements made a significant contribution to consolidating the legal reforms that had begun in the late Middle Ages. Marriage law played

an important role in this. The dramatically changing estate-based society called for the establishment of a contemporary social order and the stabilization of a viable community morality. During the Reformation, marriage finally became a political issue, a public matter that was of fundamental importance to the general public. The theological desacramentalization of marriage enabled the appreciation of its moral value and its political functionalization as an effective state-church instrument of order and control. From the Reformation perspective, marriage reflected the moral deterioration of the Church in society; until then it was the Church which had sole jurisdiction over marriage.

In reality, marriage was hardly regulated and accessible only to a part of the population. Among ordinary people, those who shared tables and/or beds were considered married. In the upper class and among the nobility, concubinage often coexisted alongside official marriage, with precarious consequences for women and the children born from them. There was no fundamental difference between the relationship praxis of laypersons and the clergy. As in biblical times, supervision over and approval of marriage was in the hands of relatives or neighbors. The importance that the reformers attached to marriage manifested itself particularly in two developments. Firstly, there were the demonstratively staged Protestant marriages of priests, which were directed against Catholic celibacy and went so far as to imply an obligation of pastors to marry. Secondly, marriage regulations were adopted or revised with great enthusiasm, and marriage courts (Zurich), church courts (*Chorgerichte*, Bern) and consistories (Geneva) were established. Immediately after joining the Reformation in 1525, Zurich issued a new ordinance on state marriages and marriage courts, which became the model for similar regulations in many other Reformation cities and regions. Significant innovations concerned the formal criteria for lawful marriage: consent to the marriage, confirmation by two witnesses, an obligatory visit to the church, the definition of the age of majority at 19, the prohibition of parents marrying off their children, and a very restricted right of divorce.

### **4.2 Martin Luther**

For Martin Luther, marriage is part of God's worldly reign. As an external legal order, it is not (directly) related to salvation and eternal bliss – the kingdom of God. That is why the state must establish the legal framework for marriage and monitor compliance. A church marriage was not mandatory in the eyes of the



Wittenberg reformer. Luther's understanding of marriage was situated within the context of his teaching on the worldly vocations. Marriage took the place of monastic life as an appropriate form of the chastity willed by God. This was based on a functional view of marriage: it is not for salvation but for the preservation of humanity – reproduction, a healthy sexuality and mutual support of the spouses.

The great importance which the reformer attached to conjugal love can be seen in the fact that he viewed marriage as a unique space for practicing Christian love for one's neighbor. Marital love is selfless and directed exclusively toward one's marital partner. It results from God bringing the spouses together and establishing their marital bond. Although Luther emphasized the sexual dimension of marriage more than the other contemporary reformers, his view of sexuality always remained ambivalent.

The reformer justifies marriage as a divine state through creation theology and natural law. According to creation theology, marriage is the first state established by God and therefore a good order that enjoys God's blessing. According to natural law, marriage accords with the natural constitution of people as men and women and their capacity to reproduce. Awareness of one's own sexuality and sexual instinct necessarily points toward marriage as a natural institution. For Luther, marriage is a matter of faith whose significance, value and purpose can only be known from faith.

#### 4.3 Huldrych Zwingli and Heinrich Bullinger

By analogy with the bond between Christ and his Church, Huldrych Zwingli explains marriage between man and wife as a sacred institution that accords with God's purpose. As an image of the relationship between Christ and his Church, marriage has sacramental character without being a church sacrament. The marital union's likeness to God is manifested in the protective and self-sacrificing love of the husband and the faithful love of the wife (cf. 1 Cor. 11:7). As a union of lives and a community of property, marriage is tantamount to a complete shared destiny. The Zurich reformer also emphasizes the functional importance of marriage for the orderly channeling of human sexuality. He defends priestly marriage by pointing to human instincts, which, if not restrained by the divine gift of chastity, can only be satisfied in a God-pleasing way in marriage. Exceptions aside, priests were forced into a licentious life-

style by church celibacy. Indulging in human passions in marriage was subject to clear rules, which were defined in the Zurich Ordinance on Marriage Courts, which was introduced in 1525 and revised several times until 1533.

Heinrich Bullinger's writings on marriage were among the most influential Reformation works on marriage worldwide, and had a lasting impact particularly on the Anglo-Saxon understanding of marriage. The reformer developed a view of marriage based on covenant theology. God himself instituted marriage for people in Paradise, before the Fall. It is concluded as a voluntarily entered union of husband and wife, and is established by God so that the spouses can 1. live together in a friendly and sincere way; 2. help and support each other; 3. avoid licentiousness and 4. reproduce and raise children. Bullinger's understanding of marriage seamlessly dovetails with the late medieval teaching on marriage: 1. the divine establishment of marriage; 2. its origin in Paradise; 3. the mutual consent to marriage; 4. the three purposes of marriage: *mutuum adiutorium* (mutual assistance), *evitatio fornicationis* (avoidance or channeling of sensual desires), and *proles* (offspring).

Together with Calvin and Bucer, and in contrast with Luther, Bullinger clearly assesses marital sexuality in a positive way. Since marriage is a divine injunction and holy, the deeds associated with marriage – including sexuality – are qualified accordingly. His explanation of the sanctity of marriage involves four steps: 1. According to Gen. 1:28, God was the first marriage broker who brought together and blessed the first marriage himself. 2. Marriage owes its special status to its origin in Paradise. 3. The Fall neither abrogated nor destroyed the validity of marriage. 4. Marriage is therefore holy in itself in every respect, and is open to every person. Despite the fact that he retains the traditional view of the purposes of marriage, Bullinger emphasizes its social cleansing function: "Therefore the capability, effect, power and fruit of marriage lies in comforting, helping, giving advice, cleansing and guiding [people] to decency, honor and modesty, casting out impurity, promoting the honor of God and the common good, and achieving many other similar effects".<sup>8</sup> Marriage becomes a place that does not abolish post-lapsarian sinful existence, but preserves something of its paradisaical origin in a characteristic way. This institution acts on human sexuality *post-lapsum* like a "medicine" – a metaphor that interestingly appears once again in connection with divorce. Shifting the theological-moral topos of purity from the virtuous ecclesiastical and monastic elites to the entire population had eminently



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political effects. Sexual purity was transformed from an elitist attribute into a moral demand that was directed toward the general public, which was publicly demonstrated, regulated, monitored and sanctioned.

This purity was guaranteed by the marriage ordinance, which was protected collaboratively by the state and Church. The state regulated marriage as a contract, while the Church was responsible for *marriage as a divine institution*: “And since God himself joined together the first marriage and blessed both spouses, the Church has ordained – following the example and Spirit of God – that the spouses appear in public, namely in the church, and that they announce their marriage there to the congregation and have it confirmed, receive the blessing from God’s servant, and entrust themselves to the intercession of the universal Church”.<sup>9</sup>

#### 4.4 John Calvin

John Calvin undertook extensive reforms of marriage and family law, which have found their way into modern civil and customary law. He developed a specific theology of marriage only later on, after dealing intensively with issues of marriage law that had almost no relation to the Bible. By contrast, his theology of marriage – which also reacted to the circumstances in Geneva at the time – is complex in its biblical theology and not without contradictions. The peculiarity that he could interpret biblical passages in both a very modern and very conservative manner indicates that in addition to theological reasons, moral convictions also motivated and influenced his statements. Calvin’s understanding of marriage combines the sacramental conception of marriage as a divine and sacred bond with contractual and legal considerations. Although it essentially agrees with the views of Zwingli and Bullinger, its inner development contains its own nuances and accentuations. After initially ascribing marriage entirely to the secular sphere, a view based on covenant theology later moved into the forefront of his thinking.

Marriage is heterosexual, monogamous and lifelong, and serves – in line with Bullinger and tradition – the three purposes of marriage. The marital union is based on the orders of creation and nature, and on natural law. God continuously influences marriage through the revelation of natural and moral law. Spouses share before God the common task of complementing each other’s love. In this context, the Geneva reformer refers to the example of Christ’s love for his Church, which should be emulated in marriage. Marriage unites the

spouses into one body and one soul, with gender-specific tasks. The husband is the head and the wife is his helper. According to Calvin, the dependence of the woman’s existence on the man in Paradise, described in the older account of creation, turned into the subjugation of women after the Fall.

The Geneva reformer bases his understanding of marriage not primarily on the New Testament relationship between Christ and the Church, but on the Old Testament bond between Yahweh and the people of God. As in the former case, in the latter case too it was God himself who established the marital union, into which he places the spouses. Accordingly, he calls marriage a sacred and divine covenant (cf. Prov. 2:17) and emphasizes that it is superior to all human contracts. Divine action manifests itself in all the parties involved in the marriage: the couple’s parents instruct them in the customs and morals of Christian marriage and consent to the union. The witnesses confirm the sincerity and solemnity of the promise and testify to the marriage. The minister blesses the marriage and reminds the couple of their marital rights and duties. Finally, the magistrate – i.e. the representative of worldly authority – registers the marriage and confirms the legality of the union. Only when all parties are involved is it a union established by God.

#### 4.5 Summary

With the Reformation, the issue of marriage became the focus of efforts for dogmatic and moral renewal. At the center was the abolition of the ban on priestly marriage and of marriage as a sacrament. The functional view of marriage as a means of preventing licentiousness permeates all Reformation writings on marriage. The reformers basically adhere to the indissolubility of marriage, although they – following Paul – do allow exceptions. All reformers underscore the love of the marital union in a positive way and emphasize its power to nurture solidarity and to support, build up and strengthen. Common to all is a view of the sexual bipolarity of marriage based on creation theology. The holiness of marriage is based on its divine institution and is modeled on Yahweh’s faithfulness to his people through his covenant, and on Christ’s love for his Church. By contrast, homosexual unions were unthinkable for the reformers. Homosexual practices were consistently rejected, following Romans 1:26–27. Bullinger thus notes:

*[Paul] speaks of the very disgraceful carnal desires of the Catamiti and Pathici [i. e. of male prostitutes and generally of men who have sexual intercourse with*

*other men]. Although this abomination was considered reprehensible in every age, it was particularly widespread among the Greeks and Romans...Sodom became the obvious and eternal example of this, from which we learn just how much the Lord hates this shameful act...They became even worse than the animals, who preserve a natural interaction and possess, as it were, an innate shame, as Pliny said.<sup>10</sup>*

Calvin continues in this vein:

*Turning away from God's goodness led to ruin in numerous ways and to profound degradation as God's judgment. Here people's vices were correlated through an inner necessity with the godlessness they had previously claimed – a clear sign of just punishment...As the first example [of God's revenge] it [i.e. the apostle's speech] lists unnatural carnal desires – a clear sign that depraved humanity had sunk to, or indeed below, the level of animals through the perversion of nature.<sup>11</sup>*

In view of the current discussion on marriage within the Church, at least seven aspects of the Reformation's understanding of marriage deserve attention: 1. The institution of marriage requires the complementary orders of the state and Church. 2. The church-theological qualification of marriage as an act and expression of God's will must be distinguished from its status as a legal contract. 3. From the biblical-theological point of view, marriage is instituted by God, who joins himself to the couple in it. 4. Marriage moves the intimate relationship of the couple from the private sphere into the public political arena and into the space of the ecclesial community. 5. As a constitutive social space for the formation and stabilization of reciprocal norms, marriage and the family have the basic function of fostering cohesion in the community and stabilizing society. 6. Human sexuality is not only a means to an end, but receives intrinsic value, which is preserved as a good gift of creation in institutionalized marriage. 7. In the obligations of spouses toward each other and their children, marriage and family are also service to God, in the primordial and basic way of creating human community.

## 5 What Does Contemporary Reformed Theology Say about Marriage?

While the topic of marriage is dealt with in Lutheran theology from the perspective of God's orders of creation or preservation, in Reformed theology it falls under the heading of Christ's kingship, to which all areas of life are subject in the same way. A contrary tendency

within the theological discussion on marriage (often) arises from an alternative approach based on the perspective of creation theology or Christology.<sup>12</sup> The Zurich theologian Emil Brunner exemplifies the first view, while his colleague from Bern Alfred de Quervain represents the second position.

### 5.1 Emil Brunner: the commandment and the orders

The Zurich theologian deals with the question of marriage within the context of his teaching on the divine orders. As people move within these orders ("spheres of life"), the will of God is revealed to them indirectly and in a fragmentary way. Of the orders of working community, the national community and marriage, the last of these is primordial and the most important. The theologian understands an order of creation as an order given to created beings which, although obscured and ignored by sin, has not been abolished. Although it can be known naturally, it can be correctly understood only by faith. For Brunner, the divine order of creation is the only theologically sound foundation on which monogamous marriage can be founded.

Brunner's preoccupation with marriage aimed at defending its monogamous form and validity in the face of certain phenomena of disintegration that he had diagnosed in society and the Church. In his view, monogamous marriage (with reference to Mt. 19:4) represents one of the great cultural achievements of Christianity. The marital order of creation manifests itself in two ways. Firstly, in the irrevocable triad of mother, father and child: everyone is the child of *one* father and *one* mother. Secondly, in the intimacy of sexual love, which is closed off to all third persons in its intensity and dignity. God directs the universal biological instinct toward a concrete person and establishes a binding institution through marriage, in which this passion can be lived out in mutual love and responsibility. There is something free and unconditional in the love that leads to the community of marriage, which is joined together by God. From the perspective of creation theology, the *sanctum* of marriage – in contrast to the view of marriage as a sacrament relevant to salvation – consists in the fact that the spouses receive each other from God's hand.

The clearly polar nature of gender in marriage accords with the natural law explanation of marriage. The fact that a man becomes a husband through the wife and the woman becomes a wife through the husband points

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to an order which is confirmed objectively by conception and subjectively by mutual attraction. True community is experienced in marriage as a grace of God:

*This is the “meaning of the divine order of creation that is marriage: it is the complete community of life of two people of different sexes, based on the natural foundation of sexual love but fulfilled only in the recognition of the bond established by God. Through the characteristics given to marriage in creation, the Creator can and shall preserve the human race, and through marriage the sexual nature of the person, which is geared toward community, can and ought to actualize its personal meaning”.<sup>13</sup>*

### 5.2 Alfred de Quervain: marriage as an expression of divine love

Alfred de Quervain consistently opposes any natural law explanation of marriage since a divine order that manifests itself in nature would be tantamount to a second revelation – in addition to the Gospel of Jesus Christ. The Gospel is not revealed through respect for gender differences, or through an anthropology of marriage, or through particular views on parenthood. Marriage is neither a Gospel nor a revelation for salvation nor a natural revelation, and is not a way toward them. Instead, marital union is something that falls fully within the purview of the proclamation of the Gospel. Accordingly, it does not have to do with moral questions but with how spouses become neighbors to each other in a special way: God gives the spouses their respective neighbors, and together with their neighbor they stand before God to rejoice in one another in accordance with the Gospel. God made a covenant with people out of love. As husband and wife united in marriage, people respond to this love together by praising God’s love in their life together.

The Gospel speaks of God’s unique love and goodness toward his creation, which includes people in their gendered nature and marital unions. Man is called to know the richness of God’s goodness, which also manifests itself in marriage. The goodness of marriage cannot be detached from the knowledge of God’s goodness. Only when all aspects of human life – including the marital way of life – are embraced by God’s goodness, is it placed at his service and sanctified. The biblical image of marriage – of becoming one in the flesh – should not be confused with identity. During physical union, the couple stands together before God as gifts given to each other. The interpretation of marriage as a sign of the love between Christ and his congregation should neither lead to a spiritualization nor a profanation of marriage.

De Quervain opposes three misunderstandings of marriage which were widespread in the history of theology and which misconstrued God’s will: 1. feelings of moral guilt regarding marriage as a sexual union; 2. the spiritualization of marriage as a means of knowing God or saving the spouse; and 3. a naturalistic understanding of marriage and the functional reduction of marital love to reproduction. Marital love is a sign of God’s love in his creation that must not be abstracted from its physical aspects: thus, *eros* and *agape* appear together. The love between spouses is therefore different from brotherly and sisterly love in the congregation. In marriage, husband and wife become the neighbors of one another in a characteristic manner. This peculiarity is expressed in the choice of the spouses – in the way in which the “yes” of the bride is confirmed by the “yes” of the groom.<sup>14</sup>

### 5.3 Summary

The positions of Brunner and de Quervain outlined above could hardly be more different. Brunner argues from the perspective of creation theology, while de Quervain examines the matter from a Christological perspective. Both are concerned with explaining the special importance of marriage as a union between husband and wife brought into being by God. They were able to exist side by side without any problem since at their time, no fundamental political or legal consequences ensued from their differences. Although both Reformed positions would probably clash intensely at a theological conference on marriage, couples can get married in Reformed churches without conflict, regardless of their position or whether they and the pastor share the same views. The God of the Bible, to whom both theologians refer in their explanation of marriage, is not a God of particular theologies but the God who lets himself be known in faith and who, from the standpoint of faith, establishes the union of spouses himself.

## 6 What Are the Arguments for and against Marriage for All from a Reformed Church Perspective?

### 6.1 A chronology of the church discussion on homosexuality and same-sex partnerships

The issue of homosexuality is old but became a social and therefore church issue only in the 1970s. It does not appear in the history of theology, and in church

history it is found – if at all – only as a marginal phenomenon that raised questions about the moral order. The mutually supportive moral condemnations of homosexual practices by society and Church prevented theological debates from being conducted. The situation changed dramatically due to the social upheavals following the so-called sexual revolution in the late 1960s. After initial resistance, it quickly became clear that the traditional theological anthropologies had nothing to say to the self-understanding of an increasing number of people. Beginning in the 1970s, this triggered an intense discussion within Protestantism on the issues of abortion, new types of relationships and lifestyles, and homosexuality, in which academic theology and churches were equally involved. The opening up of theology and Church toward a changing society that had thus begun led to an overall liberalization. Following the “return of religion”, which has been claimed since the turn of the millennium, a multifaceted countermovement arose that encompassed civil society as well as religions and churches. This movement opposed advancing global liberalism with the traditional values of one’s own community.

This conflict is surprisingly reflected in the current church discussion on marriage for all: same-sex couples – in a certain sense the heirs of the sexual revolution – are not pushing for a further dissolution of traditional orders. On the contrary, they are striving to integrate their lifestyles into these traditional orders. They are becoming the strongest advocates of Emil Brunner’s cause: the defense and strengthening of the monogamous community of life that is marriage. This has completely shifted the usual lines of conflict: the Church is suddenly not being challenged by liberal forces that are storming the traditional orders, but by representatives of liberal lifestyles who wish to place themselves under the protection of the traditional orders.

The church discussion on marriage for all is not about the pros and cons of marriage, but about the somewhat unusual question of who should be eligible for marriage, whose value everyone is convinced of: 1. as usual until now, only men and women who are married under civil law; 2. all couples married under civil law who wish to place their relationship under God’s blessing as a union established by him; or 3. generally, all couples married under civil law. The questions are new and fit in only to a limited extent with previous church discussions on registered partnerships (2002) and the legal equality of same-sex couples (2005). The attitude of

the Church at the time can be summarized in the following words of the Federation of Swiss Protestant Churches:

*Like the Council of the Federation of Swiss Protestant Churches, the vast majority of the Protestant churches in Switzerland also emphasize that a clear distinction must be strictly maintained between marriage and same-sex partnerships. However, the legal discrimination of such partnerships cannot be ethically justified. Equality before the law – the implementation of the golden rule through the rule of law – is part of the basic set of recognized norms.<sup>15</sup>*

The Council also emphasized the “uniqueness of marriage as a way of life and legal institution”, and “that same-sex partnerships [are] an independent lifestyle in comparison with marriage”.<sup>16</sup> Many member churches also follow this distinction in their liturgical practice when they insist on the distinction between church weddings and blessing ceremonies. The theological difficulties of this differentiation were masked by the analogous legal distinction between marriages and registered partnerships. From the standpoint of the theology of benedictions, the churches had only given different names to the same thing, thereby reaching a compromise that was satisfactory within the Church.

Marriage for all confronts the churches with a new situation and takes them back to fundamental debates of the past. In essence, it is about the link between questions of sexual ethics on the one hand, and marriage and family on the other. Three possibilities are currently under discussion: 1. The rejection of same-sex marriage based on the *rejection* of homosexuality: if one denies that homosexuality is a predisposition that is (God-)given or natural or is a legitimate relationship praxis, the question of same-sex marriage does not arise; 2. The discussion – which has not yet been concluded – of marriage for all based on the *recognition* of homosexual orientations: only if homosexuality is accepted as a legitimate lifestyle can constructive debates be held about its marital institutionalization; and 3. the opening up of marriage based on the *equality* of hetero- and homosexual lifestyles.

In the case of the first and third variants, the premises but not the consequences derived from them can be debated. The second possibility has so far proved to be a pragmatic church compromise, but is theologically inconsistent and can hardly be made plausible under the conditions set out by marriage for all. This is why the first and third variants have rightly moved into the forefront and have intensified the discussion accordingly.



**Marriage: A Bone of Contention**

The current church controversy surrounding marriage for all can be roughly reconstructed as a conflict between different priorities in reading the Bible. There is no doubt that the people of the Bible – like the reformers – assumed a gender dualism in marriage. For them, gender-constituting, binding sexual relationships in other configurations were inconceivable, and same-sex partnerships were not an option that could be considered and chosen. Biblical statements that reject homo-sexual *practices* did not relate to same-sex *partnerships*, nor could they have had these in mind. The validity of the gender binary was derived biblically and by the reformers from God's decision to create human beings "as man and woman" from the beginning (Gen. 1:27; Mt. 19:4). Paul appealed to it twice – with momentous consequences for its reception history: firstly in his reference to homosexual practices (Rom. 1:26–27), and secondly – in an antithetical manner and with the inclusion of an early Christian baptismal formula – in his speech on the new creation in Christ (Gal. 3:27–28). Thus, the apostle anticipated the theological area of tension in the current church-theological discussion on marriage.

One side of this discussion refers to passages on homosexual practices, particularly Romans 1:26–27, where Paul has in mind the Torah regulations of Leviticus 18:22:

*For this reason God gave them up to degrading passions. Their women exchanged natural intercourse for unnatural, and in the same way also the men, giving up natural intercourse with women, were consumed with passion for one another. Men committed shameless acts with men and received in their own persons the due penalty for their error.*

The other side emphasizes the Christian spirit of love and reconciliation (e.g. 1 Cor. 13; 16:14) – "Let all that you do be done in love", and points to the eschatological abolition of human regulations in God's order of salvation, which the apostle speaks about in Galatians 3:27–28:

*As many of you as were baptized into Christ have clothed yourself with Christ. There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus.*

The church-theological discussions on homosexuality regularly refer to both passages, which come into conflict when they are read as norms on sexual ethics or church marriage. Traditional voices point to Romans 1 as evidence of their own conviction based on creation

theology. Liberal positions, by contrast, refer to Galatians 3 to derive their argument for the progressive abolition of the orders of creation in the dawning kingdom of God. The debates are in full swing, and both positions have weighty arguments on their sides. However, the controversy over Pauline theology points to the more fundamental problem of how we deal with biblical texts. In their own way, both sides assume a quasi-divine position: one side presupposes a hierarchy in the meaning of biblical statements, according to which the assertions made in Romans 1 would be nullified or rendered invalid by the statements in Galatians 3. The other side is so focused on the regulations on homosexual practices that their location in the law on holiness and their place in the extremely complex Torah laws are overlooked.

Moreover, the question arises of whether both Bible passages are relevant at all for the current church controversy. For the people of the Bible – as for Paul in Romans 1, homosexuality exists only in the form of a voluntary decision to engage in same-sex intercourse, as a conscious deviation from the heterosexual way of life. Leviticus 18:22 does not comment on the moral reprehensibility of homosexuality or its penalization under civil law, but views it as a defilement or desecration of the divine sphere. In the Bible, homosexual practices are thought of and problematized in contexts that are foreign to us today. Conversely, we speak of homosexual predispositions and orientations that were inconceivable for the biblical conception of the person – and for the anthropology of the ancient Church and the Reformation. We must learn to understand that we are living in different rooms in God's house.

However, these discussions fail to consider the fundamental *theological* problem of human existence after the Fall. This problem consists in the complementary aspects of a *naturalization of fallen creation* and a *moralization of sin*. On the one hand, creation is equated with nature, so that everything that occurs in nature – as we experience and describe it – is interpreted as being willed by the Creator. The claim that what is natural is inherently good takes nature back to the purity of Paradise. In doing so, it denies the reality of the Fall, the necessity of Good Friday and Easter, the indispensability of justification and, consequently, the reality of the Christological-eschatological existence of the Church. On the other hand, sin is reduced to moral culpability, which arises when a freely acting person voluntarily violates moral norms in his actions. If this is the case, social conditioning from which people cannot be free is not considered morally imputable.



From the biblical perspective, however, sin is not a morally bad act but something that affects human existence as a whole in its lack of relation to God. Following Paul, the reformers spoke in this connection of an unfree will. There are no sin-free zones in the world and therefore no neutral social conditioning.

Finally, a completely different challenge in the current church discussion on marriage concerns the problem of Job. The voices in the church – like Job’s friends – tend to talk not with, but about those who are affected. Against this, the Old Testament victim of God’s wager objected: “Bear with me, and I will speak...Look at me, and be appalled, and lay your hand upon your mouth” (Job 21:3a,5). Church discussions go awry when people who are affected by the positions and whose suitability for marriage is made the object of judgments are not involved at all or have no chance to speak. Both sides of the debate foster a paternalism that repeatedly led to errors and misunderstandings within the Church in the past. Instead, the Church must not only recognize people with a homosexual orientation as God’s creatures, but also give them a chance to speak as members of his Church and readers of his word.

## **7 What Impact Does Same-Sex Parenthood Have on Child Welfare?**

The love, affection and care of parents for their children are not a matter of morality. Although parents have unavoidable duties towards their child, the parent-child relationship is not exhausted by the fulfillment of duties. Parental love signifies a relationship that is constituted by a genuine awareness of the child. The Jewish philosopher Hans Jonas put this special connection in a nutshell: “Look, and you shall know!”<sup>17</sup> Any further explanation is superfluous since love perceives in its own way, which itself cannot be explained. The Bible, which in keeping with its times tends to think in terms of obedience and reverence, describes the relationship between parent and child as a blessing from God. The special status of children is reflected in the parents’ perception of them as a gift of the blessing God. In view of social structures, living conditions and family situations – particularly in the Old Testament, relationships of care could also devolve to other family members.

Paul entreats for the congregation “that Christ may dwell in your hearts through faith, as you are being rooted and grounded in love” (Eph. 3:17). When the Bible speaks of love, it is always about the real shaping

of human relationships, the suitability and viability of love in everyday life. The fact that the God of the Bible is spoken of as a “father” and his congregation as “God’s children” (Jn. 1:12), shows that his love is that of a father toward his children. This love sets the precedent for maternal and parental love. Intuitively, the welfare of the child is best served if the child grows up in an intact family under the care of his parents. The love of the biological mother, and not of the father or the parents (cf. 1 Kings 3: Solomon’s judgment), is still considered today as an expression of a quality of human bonding that cannot be surpassed.

In its statements on the Partnership Act and biotechnological issues, the Federation of Swiss Protestant Churches has repeatedly emphasized the primacy of the child’s well-being. It would be advisable not to define child welfare conclusively or comprehensively, because the relationship of the parents or legal guardians with their child is not exhausted by acts and omissions, but is largely shaped by the affectivity of their bond and the attitude with which the child is encountered. One must only exclude or legally prevent circumstances and situations that are fundamentally opposed to the well-being of the child. From the perspective of the child, living conditions and forms should be striven for which promote his ability to lead a life that stabilizes identity, is self-determined and socially integrated. Life and social circumstances that demonstrably stand in the way of these goals or do not accord with them to the best of one’s knowledge must be changed or, if necessary, prevented with the help of the law. Generalized answers or categorical judgments do not do justice to the complexity and ambiguity of such fundamental questions.

The more the genetic-biological parent-child relationship is emphasized, the greater the reservations about same-sex parenthood. Conversely, the more the parent-child relationship is understood socially and from the perspective of (social) psychology, the more self-evident other parental structures become. The possibility for children of growing up in a loving, attentive and empowering environment and having an appropriate space for their affective and emotional needs cannot be forcefully brought about by law, but is a blessing and gift for the children. This holds true regardless of the family structure. Although the physical bond between parents and their children does not provide any moral arguments, it constitutes a distinctive community that is particularly worthy of protection. In view of this, there is an internal contradiction in the current discussion.

Since 1 January 2018, same-sex couples and couples in a *de facto* life union have had the possibility of *adopting a stepchild* (child of one of the partners). In such cases, adoption must represent the best option for the child's well-being and is possible only if the second biological parent is unknown, deceased or agrees to the transfer of his or her rights and duties. Stepchild adoption is intended to eliminate unequal treatment and legally safeguard the relationship between the child and the step-parent. The adoption of the children of third parties, which had previously been denied to same-sex couples, would become possible with the introduction of marriage for all. Here Switzerland would only be implementing what is already a reality elsewhere. In all countries where marriage has been opened up to all couples, same-sex married couples have the possibility of adopting together.

While there was little to say about the issue of adoption in the parliamentary committee, there is a broad discussion on changes in reproductive medicine. The National Council's Legal Affairs Committee sent a preliminary draft of Parliamentary Initiative 13.468 to interested parties in a broad consultation process. The "core bill" contained the key elements for opening up marriage in civil law. An additional variant complemented the core bill with access to sperm donation for same-sex female married couples. According to the published legislative materials and the greater part of legal doctrine, the exclusion of same-sex couples from reproductive procedures is based directly on the Federal Constitution (Art. 119 para. 2 letter c of the Swiss Federal Constitution), since the constitutional law concept of infertility can only be applied to heterosexual couples. If one takes this view, access to reproductive medicine for same-sex married couples would in any case require a constitutional amendment.

If same-sex couples demand the right to have children who are genetically their own, this "own" takes on a partly metaphorical meaning since same-sex couples cannot have their own genetic children in a biological sense. The ethical implications of this demand for parenthood are more serious: if same-sex couples wish to have their own genetic children, they would similarly have to grant their child's wish to have his own genetic parents. This is because if a couple regards something as essential for their own parenthood, they must also demand it for their child with the same urgency. If genetic parentage is important for the *parents*, then the same importance for their *child* has already been determined. To put it another way, if the fulfillment of the wish of parenthood results in the

unfulfillability of the same wish of the child, it creates an ethical contradiction that can hardly be justified. This consequence conflicts with a very immediate parental intuition: the wish that a child should have (at least) the same possibilities as his parents.

The difficulties which same-sex couples encounter with their demand are obvious. Indeed, a fundamental problem of modern reproductive medicine lies behind this. With its recent argument of reproductive autonomy, it has opened up an ethical gap between the interests of parents and children, which has led to an increasingly objectivizing view of the child as the aim of one's own reproductive interests. Same-sex parents are prone to this tendency since they can have children who share their biological-genetic characteristics only with the help of reproductive medicine. Critical questions about the diversification of parent-child structures lie not on a biblical-theological plane, but on an ethical one. They do not dispute the competence or potential family happiness within same-sex parent and family structures, but point to an ethically precarious self-contradiction in the desire of these couples to have a child who is genetically their own.

The question of whether children in same-sex relationships receive better or worse opportunities for growth and development can only be answered to a certain extent. Studies that only have limited empirical data at their disposal are cautiously positive in this respect. The tradition of ethics knows of a classic ethical principle called *tutorism*, according to which, in the case of an innovation with an uncertain outcome and considerable potential risk, the burden of proof for its harmlessness lies with the person or group that wishes to implement the innovation. There is no unequal treatment in this procedure, since fundamental protective rights and duties are ultimately at stake.

## **8 What Does "Being Church Together" Mean in View of the Different Positions in the Discussion on Marriage?**

The PCS constitution formulates in § 5 "Being church together": "The PCS and the member churches support each other in fulfilling their tasks, and work together...They owe each other consideration and assistance...The PCS shall involve the member churches in its work". The member churches have decided to come together under the umbrella of the Protestant Church in Switzerland. They occupy rooms in a house

that is not only a church political organization, but the Church as a community that reads, hears and interprets God's word. "Being church together" includes the decision to inhabit the biblical stories together and follow their footsteps as a community.

The path through the discussion on marriage is rocky. In addition to the debate over the matter itself, there is controversy over the ecclesial status of the debate: is it just a minor issue (*adiaphoron*), as the reformers called the concessions made to the Catholics (rites, church regulations etc.) that do not relate to the essence of the Church? Or does it ultimately concern the Church itself? In such cases, Reformed Christians speak of a situation that requires a confession of the faith (*status confessionis*). Issues requiring a confession of faith arose in connection with the persecution of Jews in the Third Reich, the stationing of medium-range nuclear missiles in Europe, the apartheid policy in South Africa, and questions of global economic and ecological justice. Against this background the Protestant Church in Switzerland is, with regard to the discussion on marriage, at least as far removed from a *status confessionis* as it is from a common, binding confession of faith. A responsibly conducted debate will carefully bear in mind proportionality.

Part of the self-understanding of the Reformed confession is the understanding of the Church's own capacity for error. The Reformed churches have always emphasized the provisional nature of their confession and their theological understandings – more clearly than the other Christian churches. In its statement on the Partnership Act, the Federation of Swiss Protestant Churches drew attention to this self-limitation of the Reformation:

*Part of the Church's knowledge of the imperfection of everything earthly is that in its preaching, it must "always take into account its own processual character". The socio-political task of the Church's proclamation can be understood as the continuation of a "process of ascertainment that cannot be concluded". The Church's proclamation is therefore provisional in two respects. The Church can initiate processes of reflection, but it cannot undertake them on behalf of the individual, for whom this ascertainment is possible only as something personal. Plurality – or more precisely, plurality in unity – is an essential characteristic of the Church. Both concepts are often presented in an unfavorable light that disguises their inherent perspectivity. Plurality means relativism just as little as unity can be equated with consensus. Unity and plurality instead denote a complementary relationship, which can have an impact within the Church "through a spirit that provides space for the diversity*

*of insights and understands how to deal with dissent". Such a perspective presupposes that conflict-prone topics in particular "are not discussed with an air that smacks of knowing better, but with an attitude of asking questions and asking oneself – together". The unifying spirit of searching together can thus help relieve an overstrained striving for consensus".<sup>18</sup>*

The discussion on marriage for all is not about general ecclesiological problems, but about a challenge that has intensified. The question for the Reformed churches of Switzerland is not how they stand on marriage for all, but how they relate to the wishes of their sisters and brothers to receive the blessing of their church for their same-sex relationships. The church debate on marriage for all does not require a general opinion, but a personal stance toward one's brothers and sisters. The goal of being Church together is less at risk from the inner-church conflict than from the disappointment and possible withdrawal of those affected. The Reformed concept of the *status confessionis* refers to Mt. 10:32–33:

*Everyone therefore who acknowledges me before others, I also will acknowledge before my Father in heaven; but whoever denies me before others, I also will deny before my Father in heaven.*

This is not a criterion for church marriage. Against the background of Christ's promise made in the history of salvation, the Church must seriously ask itself whether it has sound *theological* reasons for refusing or allowing marriage to lesbian or gay couples. In its statement on the Partnership Act, the Federation of Swiss Protestant Churches justified its position on this issue as follows:

*If churches support the institution of registered partnerships for same-sex couples, then this is accompanied by their will and hope of recognizing this institution as a union that is desired and blessed by God...The Partnership Act represents an important step in this direction. It takes homosexuals seriously in their love, commitment and willingness to assume responsibility, and supports these partnerships in everyday life, thereby creating the conditions for stable, secure partnerships under joint responsibility".<sup>19</sup>*

## 9 How Does the Reformed Understanding of Marriage Position Itself in the Ecumenical Community?

The *Charta Oecumenica*, adopted by the Conference of European Churches and the Council of Bishops' Conferences of Europe in Strasbourg on 22 April 2001, states:

*Ecumenism therefore begins for Christians with the renewal of our hearts and the willingness to repent and change our ways. The ecumenical movement has already helped to spread reconciliation...*

*We commit ourselves...in the event of controversies, particularly when divisions threaten in questions of faith and ethics, to seek dialogue and discuss the issues together in the light of the Gospel...*

*The ecumenical movement lives from our hearing God's word and letting the Holy Spirit work in us and through us. In the power of this grace, many different initiatives now seek, through services of prayer and worship, to deepen the spiritual fellowship among the churches and to pray for the visible unity of Christ's Church.<sup>20</sup>*

The renewal of the heart as the starting point of ecumenism reminds us of the Lord, whose body is the one Church. The man-made disunity of the Church does not invalidate the unity established by Christ, but obscures the view of what has long been there. This has also been made unrecognizable by church convictions and teachings that are strange or unacceptable for some sister churches. This poses a complementary challenge for both sides. On the one hand, a church cannot determine the criteria of a sister church for knowing the truth. On the other hand, the other church cannot be indifferent to the sister church's lack of understanding. The *Charta Oecumenica* proposes a threefold path that must be taken very seriously: dialogue in the light of the Gospel, listening to God's word together, and praying together. If arguments run out or no longer meet with understanding, the speechlessness that ensues can be continued through a completely different type of dialogue – prayer. This will be all the more successful if one church does not give the impression that it knows better than its sister churches. In this spirit, the Federation of Swiss Protestant Churches notes:

*In the context of the discussion on blessings, prudent theologians and church representatives have repeatedly emphasized that the ecumenical discussion between churches should not be forgotten due to a focus on the decision-making processes within individual parishes and churches. In times of increasing individualization and a massive presence of different religious currents, the ecumenical discourse (and dispute!) – also and especially on very controversial issues – is indispensable. This does not mean the search for a "lukewarm" consensus but the persistent willingness to mutually strive for understanding and communication.<sup>21</sup>*

## 10 What Happens at Church Blessings and Weddings?

*A being is blessed when another being who has the right to do so authorizes, empowers and grants the former the promise of success.<sup>22</sup>*

Karl Barth's formal definition of a blessing is instructive in several ways: a blessing is the "promise of success", that is, the blessing certainty for the person who asks for the blessing. The "promise" is not based on the special knowledge or competence of the person who blesses; he can only believe in what he is doing. Likewise, the person receiving the blessing must believe in the blessing that is asked for him. On the one hand, a blessing is false if the person giving the blessing is not "authorized" or "empowered" to do so: "Because it [a blessing] is nothing other than the actualization in the present of God's promise, the occasions and situations for the act of blessing are linked to God's commandment".<sup>23</sup> On the other hand, because the blessing said *by a person* actualizes the promise of protection *by* and support *from God* for a particular journey through life, the "success" of the blessing cannot depend on the quality of the action taken by the blessed person. "Success" is not measured by the quality of the action, but by the fact that the person acting is in God's hands.<sup>24</sup>

In his treatise on marriage of 1540, Heinrich Bullinger defined the relationship between blessing and the wedding ceremony. For the Zurich reformer, the state regulates marriage as a *contract*:

*Although marriage also involves the soul and the inner person, it also belongs to the external things that are subject to the authorities. Thus, if honest and upright authorities have enacted good and appropriate marriage laws or have adopted other appropriate civil laws on marriage, no upright Christian should oppose them.<sup>25</sup>*

The Church is responsible for marriage as a *divine institution*:

*After the marriage contract has been concluded... one should not wait long to go to church and live together in marriage...Moreover, this life together should begin with God and the intercession of the Church...And since God himself joined together the first marriage and blessed both spouses, the Church has ordained – following the example and Spirit of God – that the spouses appear in public, namely in the church, and that they announce their marriage there to the congregation and have it confirmed, receive the blessing from God's servant, and entrust themselves to the intercession of the universal Church.<sup>26</sup>*



Thus, from a Reformed perspective a church wedding involves an ordained pastor asking for the blessing of God for the spouses, and intercession for them by the assembled congregation. The basic principles of the Reformed understanding of the church wedding or marriage blessing have not changed since the Reformation.<sup>27</sup> The key question in the discussion on the marriage/blessing of same-sex couples is whether a couple can be blessed for a decision which is clearly rejected by church tradition and its reception of the Bible.

Proponents of marriage for all focus on the quality of a relationship, regardless of the couple's sexual orientation. They accept the reformers' definitions of and criteria for marriage, but do not share their assumption that there is no alternative to marriage between spouses of two different sexes. Firstly, the biblical condemnation of homosexual practices does not have the sexual orientation of people in mind, and secondly it is transcended by the Gospel's message of love and reconciliation (cf. 1 Cor. 13). Because of this, they should naturally receive the blessing of the Church.<sup>28</sup>

Critics argue against this on the basis of the Bible, which rejects homosexual practices. Because these practices have a significance that is constitutive of the identity of same-sex couples, their relationship cannot and must not be viewed independently of them.<sup>29</sup> The blessing of same-sex couples would (implicitly) amount to blessing the practices that are constitutive of their relationship.

To use the image of inhabiting the biblical stories, for some people the question of homosexuality belongs to the interior design of the rooms, which changes over time. For others it is part of the masonry, changes to which endanger the static equilibrium and stability of the entire house. Both positions need to consider the fact that the house they designed is the living space of all Christians throughout time; it is not they who laid its foundation or determined the house rules, but the Lord of the House, Jesus Christ, alone.

The political introduction of marriage for all and an analogous practice of church weddings would not abolish the Reformation principle regarding Scripture. The authority of God's Word can neither be moderated nor surpassed by human norms, because even within the Church the following rule applies: "We must obey God rather than any human authority" (Acts 5:29). Those who to the best of their *biblical-theological* knowledge and in all conscience – as the reformers demanded for

every church-theological statement – cannot agree with and perform marriages for same-sex couples as a pastor, may contradict state and/or church law, but not the Bible.

## **11 Marriage For All between Protection from Discrimination and Freedom of Conscience**

### **11.1 The challenge**

In Swiss legal discussions, the topic of "marriage for all" is associated with protection from discrimination. Regardless of the peculiarities of national legal systems, this association points to a fundamental challenge: if the law places relationships between two people on an equal footing irrespective of their gender configuration, then any kind of gender-related inequality in marriage law becomes open to suspicions of discrimination. In order to emphasize this, the Swiss electorate decided in a vote in February 2020 to place sexual orientation – just like ethnicity, origin, gender or religion – under explicit protection from discrimination. Accordingly, those who treat people unequally solely on the basis of their sexual orientation are liable to prosecution.

This concern of the legislature draws attention to a fundamental question of church marriage and blessing praxis that goes far beyond Switzerland: is the distinction – made in many churches – between a *wedding ceremony* and the *blessing* of a couple (where *blessings* are understood more broadly and apply not only to those living together) based on a discriminatory view of sexual orientation? Without doubt, the distinction between these rituals is based solely on the sexual orientation of the couple. To put it bluntly: is refusing marriage rites to same-sex couples discriminatory in the same way as refusing a church wedding based on the ethnicity or origin of a couple? This question identifies a theological challenge that is equally urgent for all churches that make such a distinction. It exists regardless of whether the respective national legislation stipulates special protection from discrimination based on sexual orientation.

The question is particularly explosive for church-theological traditions that ultimately link the Church's speech and action not to the institutional Church, but to personal obedience to the divine commandments. Can a pastor who refuses church marriage to a same-sex couple invoke conscientious personal objection, even if this refusal represents discrimination from an ethical and legal standpoint?



## 11.2 Discrimination and differentiation

### 11.2.1 *Necessary distinctions*

The terms “differentiation” and “discrimination” are related in their origin. Whoever distinguishes draws a boundary (lat. *discrimen*) between several things or facts based on certain criteria or standards. This demarcation requires reasoned judgment, which is why the expression *discriminare* was used in ancient times to describe the task of the judge. Discrimination aims at making justified distinctions between facts that are unequal in a particular respect.

In recent years, “discrimination” has become a pejorative term both in the media and in law. Discrimination denotes inadmissible distinctions which are made for ethically (and/or legally) objectionable reasons and which justify ethically (and/or legally) precarious behavior. For example, restricting people’s personal and civil rights based on their ethnic origin is considered legally sanctionable “discrimination”. Although the ethnic distinction does not disappear, it is declared irrelevant in this context.

The distinction between the terms “differentiation” and “discrimination” is itself based on certain criteria. The assumptions and plausibility of the criteria used to distinguish can and must be disputed. What seems to be a mere distinction to some is classified as discrimination by others. Divergent criteria and standards cannot always be overcome by compromise since they can be mutually exclusive.

Behind such conflicts lies a fundamental ethical and legal challenge. This is reflected in the requirement voiced by the Roman jurist Ulpian that is still valid today: similar things should be treated similarly and different things should be treated differently. What is impudent about the idea of equality is that it involves setting criteria and standards to justify fair unequal treatment. In political philosophy and justice theory, the question of what it is that demands for equality should refer to in liberal constitutional states and in the globalized world, has been at the forefront since the 1970s. Libertarian-liberal positions opt for a formal equality of basic human freedoms, while egalitarian positions advocate an equality of material resources and life chances. Political institutions are by no means coherent in their justice-related perceptions of inequality. Thus, a clear majority in Switzerland advocates legal equality and the legally-based equal treatment of different lifestyles, but only a disappearing minority is disturbed by

the notoriously inequitable treatment of people with disabilities and minorities in society, or by the restriction of protective rights for unborn life. Contrary to the aim of political justice, political sensitivities toward equality are increasingly being subject to arbitrary fashions and the agendas of influential lobby groups.

Standards of equality should not be a matter of mere majority opinions, because otherwise every social minority would become pawns of the majority.<sup>30</sup> Rules for judgment, decision-making and action in dealing with inequality are therefore based on principles that are not subject to simple majority judgments. The State has made these basic principles binding in its constitution. For its part, the Church invokes God’s Word and declares it the sole binding yardstick for its speech and action. Although the formal principle of equality is a plausible method of justification in law and is based on the principle “without regard to persons”, the Church proclaims – together with the prophet Jeremiah – the opposite message that applies to all people: “Before I formed you in the womb I knew you” (Jer. 1:5). Although “glory and honor and peace” are awarded to everyone “who does good” and “shows no partiality” (Rom. 2:11), at the same time the Bible testifies to how God regards each person in a differentiated way, and not to how he looks away from all people equally. The biblical reciprocal norm of neighborly love (Lev. 19:18; Mk. 12:31) also calls for careful attention to the person. Leveling down differences is not a biblical criterion of justice.

The normative foundations of Church and State overlap and complement each other in many ways. But they are not congruent: the State established by God serves to preserve the world, while the Church is part of the order of salvation of God’s kingdom in the world. Because of this, the Church’s question with regard to its message is always: does a judgment or an action foster the preservation of the world or the building up of the kingdom of God? The Church’s answer to this can be full of tension since created orders of preservation and God’s order of salvation are neither identical nor complementary. This is why the Church has no alternative but to clarify the side from which it takes its stance on church or political issues.

### 11.2.2 *The church-theological view*

God alone chooses people for his Church. And because he chooses, he alone is also the one who rejects. People are the objects of divine choice and not choosing subjects. We do not know how God chooses.

In Galatians 3:28, Paul only ventures a negative description of the criteria according to which God does *not* choose: not according to ethnicity or religion (“no longer Jew or Greek”), nor social status (“no longer slave or free”), nor gender (“no longer male and female”). The aim of this election is to be one “in Christ” *through baptism* as the “descendants of Abraham” and his “heirs”. Creaturely differences do not constitute criteria for entry into the kingdom of God. “In Galatians 3:28, what is decisively new is not an abolition of divisive differences, but belonging to Christ, which alone is crucial. They have all clothed themselves with him, he is truly everyone’s uniform”.<sup>31</sup> On the other hand, the Church exists under the conditions of creation as a *corpus permixtum*, and is therefore still on its way in a world of abiding distinctions.

From a theological point of view, marriage – along with the State and the economy/labor – is one of the necessary orders in the world. These institutions were established by God and, according to the understanding of the Reformation, do not require the express blessing of the Church. In civil law, all unions that fulfill state marriage law are considered marriage. The blessing of a marriage in the name of God *through* (not *by*!) the Church cannot simply be associated with the state definition of marriage because the act of blessing would otherwise be identical to the State’s declaration of marriage. A church wedding does not bring marriage into force, nor does it confirm the government’s act. Instead, it places civil law marriage within the perspective of the blessed obedience of the spouses to God. This act of obedience is the basis and point of reference for the divine blessing which is requested at the church wedding.

The blessing here applies to the institutional union of the couple; it is not a blessing for people. From the standpoint of the theology of benediction, attention is shifted from the person to the institution of marriage. This institution is associated with certain characteristics. Thus, the definition of marriage is not considered discriminatory even though it excludes, for example, people who are inclined toward polygamy or pedophilia, or men who view marriage as an appropriation of women. What is important here is not the reasons for such exclusion, but the fact that every institution is based on predefined conditions for inclusion and exclusion that are constitutive of it. To use sociological terms, the institution itself establishes the legitimacy of its norms. The institution defines the norms, and not vice versa. The Church’s understanding of marriage developed on a biblical foundation and the theological interpretations of this foundation.

Today, two positions contend with one another: one invokes the biblical references to the institution of marriage as explained by creation theology, while the other defines marriage eschatologically by reference to God’s biblical promise of salvation to people. The first position locates marriage within the space of the fallen world, while the second declares that marriage is, as it were, a test case that anticipates the dawning kingdom of God. Both positions refer to the Bible. One recalls its statements pertaining to homosexual practices, while the other highlights the overcoming of all human categorizations in salvation history through baptism. By contrast, two statements derived from the Bible cannot be seriously disputed: firstly, that the institution of marriage is intended exclusively for the union of a woman and man; and secondly, that marriage is an institution in the world and not in the kingdom of God, for “in the resurrection they neither marry nor are given in marriage, but are like angels in heaven” (Mt. 22:30).

The biblical-theological backdrop outlined above forms the context within which a possible distinction between heterosexual and homosexual couples with regard to church weddings must be considered. There are at least three reasons that support a nuanced church-theological view against a general suspicion of discrimination:

- a) The refusal of the Church’s blessing is based on the institution of marriage and not on the spouses.
- b) Occasional services concern biographical transitions and not the salvation of people.
- c) Pastors are obedient to God’s Word in their speech and actions.

*Institution versus Person:* According to a fundamental insight of the Reformation, God’s saving action applies to human beings as persons regardless of their acts and omissions. Human salvation is exclusively God’s gift. Human sanctification through God’s claiming of the person is equiprimordial with the gift of his salvation: it is not the fruits that make the tree good, but a good tree bears good fruits (cf. Mt. 7:17). Even if a person and his deeds cannot be separated, a distinction must be made between them. This fundamental difference also applies to the possible refusal of church weddings or blessings. Such refusals are not directed at individuals or groups *as such*, but at a matter *addressed to the Church*, which a pastor cannot comply with for biblical-theological reasons in obedience to God’s Word.

*Biographical transition versus salvation:* Although a conscientious examination based on God’s Word is the prerequisite for any act of the ministry (including the sacraments of baptism and the Lord’s Supper), it must

be theologically refined when it comes to occasional acts (confirmations, blessings, marriages, burials). This is because according to the Reformed understanding, occasional services have no relevance for salvation, unlike prayer and listening to God's Word, baptism and the Lord's Supper. Performing and refusing an occasional act have no influence on the status of a person before God.

*Obedience to God's Word:* According to the Protestant understanding, the origin and goal of the conscience is "the living God and the living person, as he encounters me in Jesus Christ" (D. Bonhoeffer). The freedom of conscience which a pastor appeals to is based on a person's being directly bound by God's Word. The pastor does not claim freedom of opinion for himself but places himself under the *will* of God during his conscientious biblical-theological examination. Here he follows Christ, his Lord: "yet not my will, but yours be done" (Lk. 22:42). *The pastor's freedom of conscience in the performance of his ministry has no other basis than his obedience to God's commandment.* This fact of being externally determined explains the title of Reformed pastors: *verbi divini ministra* or *minister*. The refusal of church marriage to a same-sex couple is an act of obedience to God, which is performed in view of him who sent the pastors on their mission – the Lord of the Church, and without regard to the petitioner – the persons who wish to marry.

### 11.3 The Church's protection of freedom of conscience

The different perspectives on the question of marriage and church weddings will continue to have an impact on the churches in the future, regardless of their respective national laws. This does not have to mean a lack of clarity from, and unity of, the Church. This plurality can instead become an expression of the churches' strength if they learn to understand mutual respect for different views as an expression of their community's strength. In this spirit, the Reformed churches of Switzerland can look back on an example from the 19th century. When the so-called freedom of confession was introduced at the time, the ancient church creeds were neither reformulated, nor was their use prohibited. Instead, space was created for two *equally valid* options: the pastor's voluntary profession of the Apostles' Creed and the equally voluntary abstention from doing so. Analogously, the current church regulations on marriage and wedding rites could stipulate a freedom to perform or not perform weddings that would

allow for alternatives, thereby accommodating both the concerns of same-sex couples and the freedom of conscience of pastors.

By doing so, the Reformation churches would also make it clear that they do not consider themselves infallible even in the 21st century. The empirically existing Church can be mistaken because, according to the Reformed understanding, it is not identical with the Body of Christ. Thus, it cannot be ruled out that obedience to the Body of Christ may actually require disobedience to the existing Church. This impulse kindled the Reformation in the 16th century, and this insight continues to be defining for churches that are reformed according to God's Word. In view of this, they cannot declare a controversial position to be a binding norm, especially if there is no church consensus on it.<sup>32</sup>

The possibility of introducing weddings for all while protecting freedom of conscience as the foundation of the Protestant pastoral ministry addresses the concerns of those who advocate marriage for all, without attacking the ecclesiological foundation of Reformation churches. At the same time, this path confirms their ecclesiastical self-understanding: firstly, it is not the pastor but God alone who blesses; and secondly, the Church cannot guarantee that which does not lie within its decision-making powers and its powers of action.

The perspective of church institutions casts a different light on the question of the possibility of same-sex marriages and their denial. Bolstered by the resolutions of the Assembly of Delegates (Synod) of November 2019, a Reformed church in Switzerland can advocate the introduction of "marriage for all" and a corresponding church marriage for everyone. At the same time, as a Reformed church it is rooted in Scripture and the Reformation tradition. Accordingly, it has no right or authority to limit, suspend, or canonically override pastors' obligations toward God's Word and the personal examination of conscience. If it did this, it would no longer be Church, according to the Reformed understanding based on the Bible. Expressed in positive terms, one of the Church's tasks is to consistently protect the Christian freedom of its pastors and responsible persons.

The decision of the Assembly of Delegates (Synod) of November 2019 to preserve the freedom of conscience of pastors in a sustained way, aims at a careful regulation of the Church's weddings. For the sake of the freedom of conscience, it is necessary to counter the idea that all (civilly married) couples which are members of a regional church have a fundamental right to a church

wedding. Not doing so would suggest that this would be a service available to the general public (church members), whose refusal could constitute an act of discrimination. Church ordinances can counteract such misunderstandings of married couples and theological errors of the Church, by explicitly stating that marriage *for all* is a church option whose implementation must be considered and decided on a case-by-case basis:

*Not performing a marriage ceremony for a same-sex couple for reasons of conscience does not constitute discrimination under the law, if the service in question is made possible by the church but not offered or guaranteed in a binding manner.*

Of course, this reservation applies to all church weddings and – as a matter of principle – to all the Church’s religious ceremonies. However, in view of the diverging church positions and significant public attention, the Church bears special responsibility with regard to this particular issue.

## Notes

1 Karl Barth, *Ethik II 1928/1930. Vorlesung Münster Sommersemester 1928, wiederholt in Bonn, Sommersemester 1930* (Zurich: Dietrich Braun, 1978) 378, 451.

2 Ulrich Luz, “Was heisst «Sola Scriptura» heute? Ein Hilferuf für das protestantische Schriftprinzip”, *EvTh* 57 (1997) 28–35 (31).

3 See Dietrich Ritschl, “Die Herausforderung von Kirche und Gesellschaft durch medizin-ethische Probleme. Ein Exposé zu einer Landkarte der medizinischen Ethik”, in idem, *Konzepte. Ökumene, Medizin, Ethik. Gesammelte Aufsätze* (Munich 1986) 213–244 (226).

4 See Dietrich Ritschl, “Die Protestanten und das Wort”, in idem, *Theorie und Konkrete in der Ökumenischen Theologie. Kann es eine Hermeneutik des Vertrauens inmitten differierender semiotischer Systeme geben?* (Münster 2005) 159–163 (163).

5 Hannah Arendt, *Vita activa oder Vom tätigen Leben* (Munich 1981) 167.

6 For the following sections see Matthias Felder/Daniel Infanger/Frank Mathwig, “Datenerhebung Ehe (theologisch). Internes Dokument des Kirchenbundes” (Bern 2015).

7 See Magdalene L. Frettlöh, *Wenn Mann und Frau im Bilde Gottes sind ... Über geschlechtsspezifische Gottesbilder, die Gottebenbildlichkeit des Menschen und das Bilderverbot* (Wuppertal 2002) 28–29.

8 Heinrich Bullinger, “Der christliche Ehestand”, in idem, *Schriften I*, ed. by E. Campi, D. Roth and P. Stotz on behalf of the Zwingli Association and in cooperation with H.U. Bächtold,

R. Jörg and P. Opitz (Zurich 2004) 417–575 (472). For Bullinger’s understanding of marriage see Frank Mathwig, “Wie viel Segen für welche Ehen? Die aktuelle Ehediskussion in der Schweiz aus reformiert-kirchlicher Sicht”, *ThZ* 75 (2019) 210–239.

9 Bullinger, “Ehestand” (see note 8) 511.

10 Heinrich Bullinger, *Kommentar zum Römerbrief* (Zurich 2012) 44–45.

11 Johannes Calvin, *Kommentar zum Römerbrief* (Neukirchen, n.d.) 29–30.

12 See in this connection the remarks in: ITE, *Ehe und Partnerschaft. «Eine kleine Kirche in der Kirche»* (Bern 2019), cf. “1.3 On the understanding of marriage of the Christian churches in Europe”.

13 Emil Brunner, *Das Gebot und die Ordnungen. Entwurf einer protestantisch-theologischen Ethik*, fourth edition (Zurich 1978) 344.

14 See Alfred de Quervain, “Ehe und Haus”, in *Ethik II/2* (Zollikon-Zurich 1953) 56–71.

15 Schweizerischer Evangelischer Kirchenbund, “Vernehmlassung zum Bundesgesetz über die registrierte Partnerschaft gleichgeschlechtlicher Paare. Stellungnahme des SEK”. *ISE-Texte* 3/02 (Bern 2002) 6.

16 Schweizerischer Evangelischer Kirchenbund, “Vernehmlassung” (see note 15) 7 (bold in the original).

17 Hans Jonas, *Das Prinzip Verantwortung. Versuch einer Ethik für die technologische Zivilisation* (Frankfurt am Main 1984) 235.

18 Schweizerischer Evangelischer Kirchenbund, *Gleichgeschlechtliche Paare. Ethische Orientierung zum «Bundesgesetz über die eingetragene Partnerschaft gleichgeschlechtlicher Paare»*, second and revised edition (Bern 2008) 36–37.

19 Schweizerischer Evangelischer Kirchenbund, “Paare” (see note 18) 33, 40.

20 *Charta Oecumenica, Guidelines for the Growing Cooperation among the Churches in Europe* (Strasbourg 2001) II,3; 6; 5.

21 Schweizerischer Evangelischer Kirchenbund, “Paare” (see note 18) 33–34.

22 Karl Barth, *Kirchliche Dogmatik III/1*, second edition (Zollikon-Zurich 1947) 189–190.

23 Bernd Hildebrandt, “Segen/Segen und Fluch, V. Dogmatisch”, *TRE*, Vol. 31, 92.

24 See also ITE, “Ehe” (see note 12), cf. “4. Marriage and partnership under church guidance”.

25 Bullinger, “Ehestand” (see note 8) 437.

26 Bullinger, “Ehestand” (see note 8) 511.

27 See Christian R. Tappenbeck, *Das evangelische Kirchenrecht reformierter Prägung. Eine Einführung* (Zurich 2017) 76–78.

28 See analogously regarding ordination, Schweizerischer Evangelischer Kirchenbund, *Ordination in reformierter Perspektive*, SEK Position 10 (Bern 2007) 57.

29 See the alternative interpretation of the “identity of the new person” in: ITE, *Ehe* (see note 12), cf. “2: 2. Identity and sexuality in the light of the ‘new creation’”.

30 Frank Mathwig/Felix Frey, *Sorgt für das Recht (Jesaja 1,17). Über das Verhältnis von Demokratie und Menschenrechten* (Basel 2016).

31 Klaus Berger, *Ehe und Himmelreich. Frau und Mann im Urchristentum* (Freiburg im Breisgau 2019) 178.

32 See Renate Penssel, “Kirchenrechtliche Leitlinien für kirchenleitendes Handeln, dessen Übereinstimmung mit Schrift und Bekenntnis in Frage steht”, in: *Theologische Beiträge* 50 (2019), 169–182, especially 176–180. Although a situation marked by dissent does not render church leadership impossible, leadership is possible only on the condition that the action it involves “is not made the object of a church legal obligation” (176). This very widespread legal view is the foundation of conscientious objection in the law of the regional churches (177).