

The First Things Marriage Pledge:  
A Counterpoint from the Heart of Dixie

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Societies that depart from God's design for marriage and sex are on a suicidal trajectory. Our own culture has been poisoning itself through the sexual revolution at least since the 1960s. With the introduction of no fault divorce, the rise of "hook up" culture especially on college campuses, the widespread practice of premarital cohabitation, confusion over gender roles and identities in family and society, and now the public promotion of homosexuality, our culture is in a hyper-sexualized freefall. With many states now legalizing same sex "marriage" (SSM), we have entered into unprecedented territory. Quite understandably, Christians are not all agreed on how to respond to the cultural, legal, and religious challenges presented by SSM.

Enter the First Things (FT) Marriage Pledge, authored by Ephraim Radner and Christopher Seitz. The pledge argues that the time has come for Christian pastors to rend themselves away from civil marriage. The Pledge argues that the fact that many states are now allowing same sex couples to "marry" means that pastors can no longer participate in state sanctioned ceremonies. Christian marriage and civil marriage are so radically different that pastors can no longer play a role in forming civil unions. While Christian couples are still advised by the Pledge to get civil marriage certificates, the pastors who sign the Pledge are committing themselves to no longer act as "agents of the state" and therefore they will no longer sign civil marriage forms. The goal is for the church to act as a public institution precisely by refusing to play Caesar's marriage games. The church, through her pastors' boycott of civil marriage forms, will witness against Caesar's tyrannical, unnatural, and ultimately futile attempt to redefine the God-ordained institution of marriage.

I want to provide a counterpoint to the pledge, albeit a context specific counterpoint. Then I want to make a few recommendations about what the church might do in response to shifting marriage laws. Everyone party to the discussion over the FT Pledge agrees that same sex "marriages" are not marriages at all because God created marriage in such a way that male/female complementarity is integral to the institution. The state does not have the power or authority to redesign the way God made the world; a civil law can no more create a same sex "marriage" than a civil law can repeal the force of gravity. Marriage is what God says it is, not what Caesar says it is, because marriage is God's creation, not Caesar's.

Further, everyone in the present discussion over the FT Pledge agrees that as Christians we have an obligation to challenge the sexual chaos of our culture and the increasing sexual lawlessness of our civil officials and policies. The Christian gospel (symbolized by marriage!) is public truth and the church, as a public institution, must bear witness to God's revelation in the public square. The public nature of the church does not depend on

any particular church/state arrangement. The issue at hand concerns the best *strategy* at the present moment, given Caesar's increasing folly and blindness.

Some opponents of the FT Pledge have criticized it on the grounds that while the document calls on pastors to act as representatives of the church, the document has not come through ecclesial channels, but through a para-church entity (if FT can even be considered para-church, given that its circle of writers includes many who do not belong to historically orthodox Christian churches). I admit it is odd for a semi-Christian journal like FT to be the source of this kind of document, given its aims. If the Pledge's effectiveness and workability depends upon the church recovering public space precisely as the church, then it does seem like it would have been much wiser for the Pledge to make its way into the public square via sessions, presbyteries, denominations, and perhaps even inter-denominational conferences – in other words, genuinely ecclesial bodies. At the same time, I admit that kind of approach may not be possible at the present moment. For one thing, most of our denominations are not in a position to move quickly on an issue like this and the rise and progress of SSM is happening with incredible rapidity. For another thing, it's simply not possible for Christians to make a uniform response to the SSM issue because we are not all confronting it in the same way since, as of right now, the issue is being adjudicated most often on a state by state (or circuit court by circuit court) basis. Obviously Christians cannot respond to shifting marriage laws in the same way if those laws vary from state to state. But that fact brings me to my main argument against signing the pledge at the present moment and in my present location.

The main question before us is what shape our challenge to Caesar ought to take in our current context. If we end up in a situation where pastors are being forced by the state to perform same sex unions, I could see a declaration like the FT Pledge being a possible response (though not the only possible response!) since we simply aren't going to do that, come what may. But in my own context I do not think signing the pledge at this point would be prudent. In fact, my inclination right now, as a pastor in the state of Alabama, is to actually do *the exact opposite* of the FT Pledge, namely, give as much support as I possibly can to civil marriage as it exists in this state. Here is what our state constitution currently says about marriage and same sex unions:

Amendment 774: Sanctity of Marriage Amendment.

(a) This amendment shall be known and may be cited as the Sanctity of Marriage Amendment.

(b) Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting this unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state.

(c) Marriage is a sacred covenant, solemnized between a man and a woman, which, when the legal capacity and consent of both parties is present, establishes their relationship as husband and wife, and which is recognized by the state as a civil contract.

(d) No marriage license shall be issued in the State of Alabama to parties of the

same sex.

(e) The State of Alabama shall not recognize as valid any marriage of parties of the same sex that occurred or was alleged to have occurred as a result of the law of any jurisdiction regardless of whether a marriage license was issued.

(f) The State of Alabama shall not recognize as valid any common law marriage of parties of the same sex.

(g) A union replicating marriage of or between persons of the same sex in the State of Alabama or in any other jurisdiction shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state as a marriage or other union replicating marriage.

I can get fully behind that law, and intend to do so as long as it is on the books. While the Pledge states that “To continue with church practices that intertwine government marriage with Christian marriage will implicate the Church in a false definition of marriage,” it’s very hard for me to see how that is the case under *current* Alabama laws. Indeed, if I withdraw my support of our present law by refusing to sign marriage forms, it seems I am actually sending precisely the wrong message to the state about my beliefs on marriage as a pastor.

What if the U. S. Supreme Court strikes down Alabama’s Sanctity of marriage Amendment next year? Most would observers of the high court believe a ruling on SSM is due in 2015 and the odds of laws like the one we presently have in Alabama surviving are slim. But without knowing exactly how the ruling will impinge upon states like Alabama, it’s impossible to say ahead of time how we ought to respond. We will have to cross that bridge when we get there.

But even if the Supreme Court were to give us a worst case ruling (as the Pledge obviously anticipates), how do we know there won’t be lesser magistrates in Alabama who will defy the tyrannical and unnatural ruling? If there are any such magistrates at the state or local level, I would like to stand with them, which I cannot do if I have preemptively gotten out of the civil marriage business. If pastors drop out of civil marriage right now, what message does that send to Christians who are involved in civil service at various levels, seeking to be a faithful and transformative presence on the inside?

What about the marriage form itself in Alabama? It has blanks for the "groom" and "bride" (certainly those terms are as gender specific as we could hope for!) and asks the officiant to fill in his title. Nothing on the form or in Alabama law suggests that a minister of the gospel who performs a wedding ceremony is acting as an “agent of the state” as the Pledge indicates. He is simply registering with the state the fact that he has solemnized a wedding. My research is incomplete, but my understanding is that the traditional role of the clergy in wedding ceremonies does not mean the minister of the gospel is an agent of the state, but that the state trusts the minister to be a reliable witness to the oaths and vows that have been made by the couple. The form indicates that the pastor’s signature is to “certify that the above named persons [groom and bride] were married” on the date indicated. The state does not employ the pastor to form a civil union (marriage is not a

creature of the state, after all), but rather authorizes him to give testimony to the union that has been established. The marriage form he submits is simply a way of notifying the state of what has happened. In signing the marriage certificate, a pastor is not acting as an agent *of* the state so much as he is witnessing *to* the state what has happened by the persons labeled “groom” and “bride” on the license. Any pastor in Alabama who signs the Pledge should also be aware of the fact that refusal on the part of a religious officiant to submit a marriage certificate to the appropriate probate judge makes him guilty of a misdemeanor. Perhaps signers of the Pledge in Alabama are happy to be engaging in an act of civil disobedience by not submitting the form, but if the rationale is that submitting the form somehow supports SSM, it’s hard to see the coherency of that action, given that Alabama law so clearly excludes SSM. Since Scripture directly commands us to submit to the powers God has ordained to rule over us (Romans 13:1-7; 1 Peter 2:13-17), this act of civil disobedience does not seem justified to me.

The Pledge says, “We will ask couples to seek civil marriage separately from their church-related vows and blessings.” The Pledge does not give the laity very much counsel as to why they should seek a civil marriage, or under what (if any) circumstances in the future they should forgo a civil marriage. The fact that the Pledge creates a situation in which pastors respond to Caesar’s redefinition of marriage one way (refusing to participate in civil marriage ceremonies) while expecting the laity to respond in another (still getting a civil marriage certificate that the pastor has refused to sign) seems to create a confused and confusing situation. Wouldn’t it be better for pastors and laity to respond to Caesar’s redefinition of marriage in the same way? Or at least give an explanation for the divergence? As it stands, it seems like an inconsistency. According to the pledge, pastors as pastors are disentangling themselves from civil marriage, but the church as church is not, since her members will still be playing Caesar’s marriage game. How exactly is the church functioning as an alternative public when her members are still involved in civil marriage? How is the church bearing witness to the fact that Christian marriage is radically different from civil marriage when Christians in general are still participating fully in civil marriage?

It seems to me that the Pledge has not followed its own logic far enough. If the Pledge’s key premise is correct, namely that participation in a civil ceremony is a tacit endorsement of Caesar’s redefinition of marriage, why doesn’t that apply to the laity as well? Don’t they also have a responsibility to witness against Caesar’s folly? And if so, shouldn’t the laity drop out of civil marriage as well? Certainly the laity, every bit as much as pastors, should not want to give any endorsement to SSM. If participation in civil marriage is participation in an institution that is corrupted beyond recognition, why do we want the laity still participating in it? Shouldn’t the laity have integrity on this issue as well?

If the laity do get civil certificates, following the Pledge’s counsel, doesn’t that effectively weaken the very witness *against* homosexual unions the Pledge is supposed to call for? Caesar might not even notice that Christian pastors are no longer signing marriage certificates since there would be no net drop in the number of certificates submitted to the state. Does the state *really* care all that much whether a couple has their

certificate signed by a pastor rather than a justice of the peace, so long as the state still gets its revenue and its record of the wedding? Of course, I would still question the pledge's premise since I do not think a pastor who performs a heterosexual wedding for two believers is somehow implicated in supporting SSM (no matter his local laws) just because he files a form on behalf of the couple with the state.

On the other hand if the laity join pastors in boycotting civil marriage, now redefined to include homosexual couples, we have a new set of problems. Why, after all, does the Pledge assume that Christian couples should still seek out a civil marriage recognized by the state? Is it because the authors of the Pledge believe that the terms of marriage need civil enforcement, which the church (even in her most public form) cannot provide? Consider: If a Christian couple doesn't get a civil marriage because they don't want to participate in the state's corrupted version of marriage, and the marriage later goes awry, how will the divorce settlement be handled? One of the main reasons the state is involved in marriage is because sometimes marriages (even between Christians) break apart, and when they do, issues of property, custody, alimony, etc. come into play. Only the state has the power of the sword, and thus only the state can enforce divorce settlements definitively. Just as the church has a vested interest in knowing which of her members are married to one another, so the state has an interest in knowing which of her citizens are married to one another. To carry the point even further, if Christians drop out of civil marriage, won't it also mean giving up a number of other social goods and civil benefits presently associated with civil marriage, such as Social Security benefits, health insurance, income tax deductions, hospital visitation rights, and so forth? Are we ready to go that far and pay that kind of price to avoid participating in the state's corrupted version of marriage? It seems to me that if the Pledge takes its own logic seriously – that civil marriage is so distorted by its inclusion of same sex unions that civil marriage is no longer really marriage as Christians understand it – then believers need to count the cost and drop out of it altogether, no matter how difficult. That course of radical action would prove to Caesar that Christian couples really have not entered into the same estate as homosexual “spouses.” That course of radical action would bear clear witness to Caesar that Christian marriage is truly different from what civil marriage has become. But that course of radical action would also create a whole new set of problems which I do not think our churches at present are ready to deal with. If the Pledge's premises are correct, its practical prescriptions are not nearly extreme enough and our stand against Cesar needs to involve far, far more than Christian couples getting judges instead of pastors to sign their marriage certificates. But in order to take that kind of stand the church needs to be much better prepared to function as an alternative public space than she is at the moment. To sum up: The course of action the Pledge prescribes for pastors and laity fails to live up to the hype when closely examined, since it isn't that radical -- and yet if the Pledge did take a more radical approach, calling for all Christians cease participation in civil marriage altogether, it would likely create an unworkable situation.

All of this raises an important question: How do we know when a civil institution has degenerated far enough from biblical and creational norms that Christians can no longer participate in it? For example, most every state has had a sub-biblical definition of marriage for decades, going back to the introduction of no-fault divorce laws in the 1960s

(e.g., Alabama law lists twelve possible grounds for divorce). Strictly speaking, the state has not meant the same thing by "marriage" as the church for over a generation since the church understands it as a permanent covenant that cannot be opted out with "no fault" involved. So why all of a sudden do the signers of the Pledge want stop participating in civil marriages? The discrepancy between the state and faithful churches is nothing new, and yet it hasn't kept us from being intertwined with civil marriage. I do not think the state's sub-biblical definition of marriage and divorce implicates pastors who perform civil-ecclesial weddings in sin. Even if gay "marriage" becomes legal, I do not see how a pastor performing a civil-ecclesial hetero marriage between believers would be sinning. The line will be crossed if and when pastors are coerced into performing same sex unions....and that has not yet happened anywhere in our country...and if/when it does, the proper response will be obvious enough....even if it lands us behind bars.

The line we need to draw in the sand is clear: *Are we being forced to sin? If so, we must obey God rather than men. If not, our default should be to obey Caesar.* Right now, Caesar does not force pastors to officiate same sex unions. Right now, Caesar does not require Christians to recognize the legitimacy of homosexual practice. Right now, Caesar's unbiblical approach to grounds for divorce does not require any of us to violate biblical standards. Right now, Caesar is not forcing us to sin, even in those places where Caesar has already redefined civil marriage to include relationships that Christians would call abominable. In a fallen world, God's people often find themselves participating in systems and structures that are far from ideal, and while navigating these situations requires great wisdom, we should not automatically seek to escape them. If Christians in the Roman army could continue to serve as soldiers, certainly pastors can continue to fill out Caesar's marriage forms in our present situation. Again, filing a form as a witness to a heterosexual union cannot in any way be construed as unconditional endorsement of any other union Caesar recognizes. We could just as easily ask if getting civil birth certificates means we endorse the state's definition of personhood (and thus the permissibility of abortion) or getting a Social Security card endorses the welfare state (with its entitlement programs).

In the end, I want to ask: What course of action on the part of pastors is going to speak more loudly to the state: No longer signing marriage forms (while Christian couples still submit the forms anyway)? Or telling the state we will not officiate at same sex unions when they try to force us to do so? I think if we want our message to Caesar to be loud and clear we need to wait until Caesar tries to force our hand. Premature withdrawal from civil marriage might actually mute our public voice in the long run by causing us to miss a much more direct opportunity to witness against SSM. If Caesar tries to force participation in SSM on us, we will have the perfect occasion for taking a very public (and costly!) stand for God's truth in the eyes of everyone. While signers of the Pledge certainly don't intend to retreat from the public square into a Christian ghetto, it is easy to understand why at least some are interpreting their action as a preemptive surrender. If we disconnect the church from state marriages right now, will that be interpreted as a tacit admission to the state that we do not expect the state to ever recognize and abide by God's norms for marriage? Does it inadvertently send the false message that biblical norms for marriage only apply inside the church?

In many countries today, religious and civil marriage are separated and Christians get along just fine, though it should also be noted that in most of those nations the collapse of Christendom is much further advanced than in the U. S. There is historical and contemporary support for the kind of dual ceremony model the Pledge sets forth (cf. the discussion between C. S. Lewis and J. R. R. Tolkien over the public good of Christian marriage standards), so the Pledge is certainly a plausible and possible response to the issues confronting us (especially if the kinds of concerns I've raised can be addressed). But before pastors – and indeed all faithful Christians -- fully disconnect themselves from civil marriage, they need to make sure they understand what they are doing and what they are not doing, and they need to make sure their alternative is actually workable, effective, and sustainable.

The most compelling witness we can give to our culture (including the state) regarding the truth about marriage is to live faithfully and joyfully in our own marriages. Pastors need to do all they can to ensure God's standards for marriage, sex, and divorce are adhered to in their congregations, using the resources of the Word, sacraments, shepherding, and discipline to bring about a greater level of conformity to God's design amongst believers. And the church, as the bride of Christ, needs to cry out to her divine Bridegroom to deliver us all from the foolishness and darkness of the sexual revolution as it comes full circle.