

# The Evangelical Lutheran Church of Iceland and Civil Partnership Draft Position Paper from the Doctrinal Committee, June 2006,

*Approved by the Church Synod October 2006 for discussion in the Church.*

*To be reviewed in Oct. 2007.*

## **Introduction**

The concept of marriage has until now been used exclusively for a legally sanctioned relationship between a man and a woman. Ministers in the ELCI are licensed by authorities to perform a marriage and couples can ask for the marriage ceremony to take place either with ministers or leaders of religious associations or in a registry office.

In addition to marriage, other forms of cohabitation (relationships) have been legally established in recent years, including civil partnership of same sex couples, with Act Nr. 87/1996 according to which, two individuals of same sex can establish a registered civil partnership. The ELCI supported this act in 1996.

Within the church, a study process on this issue was initiated in 1996 and a committee of the ELCI submitted an extensive position paper. The paper was discussed at the General Synod in 1996, the Pastoral Synod in 1997<sup>1</sup> and General Synod 1997. The issue was also on the agenda of the Pastoral Synod in 1998.

In 1999 the bishop of Iceland drafted a form for a prayer and blessing of civil partnership and gave to ministers who wished to have such form.

The issue of homosexuality and the church has therefore long been on the agenda of the ELCI and been a prominent topic within the ELCI as well as in many other churches around the world.

The discussion in Iceland has increasingly turned towards the question whether a civil partnership should be defined as a marriage and if ministers should have the right to legally perform (establish) such union.

A committee established by the prime minister of Iceland to review laws on the rights of same sex couples recommended in 2005 that the ELCI marry same sex couples as other couples: “The report encourages the ELCI to change its position regarding “same sex marriage” in order to provide a church ceremony for same sex couples as well as for heterosexual couples.”

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<sup>1</sup> Pastoral synod is a yearly meeting of all pastors and deacons in service in the diocese. It processes major decision on matters of faith and worship. The General Synod is the decision making body in the ELCI, with 2/3 lay representatives and 1/3 ordained.

The ELCI has not reached an agreement on what should be the role of its ministers with regard to establishing a civil partnership, i.e. if they should be licensed to perform civil partnerships (similar to marriage) or if their role should be limited to a special blessing ceremony, separate from the legal act or establishing the partnership.

The parliament of Iceland has not changed the legal definition of marriage. This definition is shaped by historical and cultural heritage as well as the tradition and confessions of the church.

Pastoral Synod in 2005 passed the following resolution:

*The Pastoral Synod of Iceland, held in Neskirkja June 22. – 24. 2005, asks the bishop to refer to the doctrinal committee the task of responding to the wish of church involvement in establishing same sex partnership, as when a man and a woman are concerned.*

The doctrinal committee has reviewed the matter. The committee has learned how the discussion on issues in sexuality is conducted with neighbouring churches and various material regarding marriage and cohabitation has been put for the committee.

The doctrinal committee was not able to confine the discussion to the request from the Pastoral Synod as during this autumn the Parliament discussed a proposed act by the government regarding the legal status of same sex unions. Simultaneously the parliament discussed possible change in the marriage act, defining marriage as gender-neutral, giving churches and denominations the right to legally establish these unions. These discussions revealed that on this particular issue there is clear disagreement.

The Parliament passed the act in spring 2006, ensuring general equality to same sex unions. This act does not address the definition of marriage.

## **Main Themes**

The doctrinal committee considers the issue of church and same sex partnership primarily belonging to the following areas:

- a) Interpretation of Scripture
- b) Traditions in Ethics
- c) The Church's diaconal mission.
- d) Ecclesiology

Following are short deliberations on each theme. Finally there is a conclusion and suggested action.

### ***Interpretation of Scripture***

According to the Lutheran understanding, Scripture is the foundation for the teaching of the church (Sola scriptura). The key to interpreting the Scripture is the saving act of Jesus Christ (Solus Christus), given by God to humans by grace alone (Sola gratia) and has to be received in faith (Sola fide). It is the task of Theology and the Church to distinguish between matters of faith and salvation and issues of temporal order.

Many verses in the Bible clearly refer to homosexual intercourse in a negative manner and these verses have been used against individuals of homosexual orientation. Some interpret these verses as condemning homosexuality as such. Others see them as expressions of a certain cultural and religious context and interpret them from that perspective. In this we find conflicting views regarding Bible and tradition.

The doctrinal committee does not regard these verses as pertinent to the foundation of our salvation (faith) to the extent that different interpretation should be church dividing. These verses do not condemn homosexuality as such, nor the individuals who live in a caring relationship of love and commitment.

### ***Traditions in Ethics***

The church confesses that God is the Creator of all human beings and that all have the same beginning and belong to the same family in this world. Based on this, the church considers all men equal and advocates justice and human rights. The church, confessing the one Creator, considers all people called by God to a morally responsible life, including those who do not share belief in God's existence.

According to Christian understanding, human beings should honour the commandment to love God and their neighbour (Luke 10:27) and the Golden rule (Matt. 7:12). These verses should form the basis of our moral reflections and decisions when there are disagreements in moral issues such as the issue under discussion.

Until now, every civil and religious authority, has defined marriage as a union between a man and a woman. The Church's definition of marriage has always been based on the same, i.e. that God created man and woman and blessed them. In Lutheran tradition the marriage is not a sacrament and law regarding marriage belongs to the civil authorities, not the church.

Martin Luther held marriage in high regard, as God's order of Creation, and wrote a marriage ritual, which was adopted in Iceland soon after, and used until the end of the 19<sup>th</sup> century, with no significant changes.

The church's participation in the legal establishment of marriage is based on a common cultural, legal and religious understanding on what constitutes a marriage. Hence the discussion on redefining the marriage touches on the very bases of church and society. In addition to marriage the ELCI acknowledges other forms of cohabitation.

***c) The Church's diaconal mission.***

The mission of the church is to serve and bear witness to Christ in the world. With its pastoral and diaconal service the Church wants to be hospitable and open and in that way bear witness to God's love and grace, that cares for all, homosexual and heterosexual alike.

Homosexuals and their families have often faced hostility and prejudice. Therefore, they are especially in need of the care and support of the Christian community, to regain and maintain a positive self-image, as God's children and part of his good Creation. It is important for the Christian community to practise respect and care, patience and tolerance.

Faithfulness, responsibility, moderation and respect are the same basic duties of all, regardless of sexual orientation. We should all live according to the command: "Love the Lord your God with all your heart and with all your soul and with all your strength and with all your mind and love your neighbour as yourself." (Luke 10:27)

Civil partnership is the legally established and protected union (sambúðarform) of two individuals of the same sex, carried out by civil authorities, safeguarding the very same rights and responsibilities as in a marriage. The ELCI supports the individuals who take the step towards registering and confirming their partnership and commitments. The ELCI wants to support those individuals in their will and effort to live together in love and faithfulness.

The Doctrinal Committee therefore proposes that the proper church authorities, the Pastoral Synod, The Bishops Meeting and the General Synod agree that ministers in ELCI will be allowed to bless a civil partnership of same sex couples, using a liturgy confirmed by the same authorities. This ceremony does not have a legal status but is no less important.

In a marriage ceremony the ministers are both performing on behalf of the state/society and in their pastoral duties. As officials of the state they check that all necessary requirements for the marriage are fulfilled and at the ceremony are official witnesses to the intention of the couple to live together in a marriage. As ministers they remind the couple of their duties, proclaim the will of God concerning marriage and pray for the couple and their intention, and bless them.

In civil partnership the legal formalities are concluded with civil authorities. Those who wish can seek prayer and blessing over their union with a minister of the ELCI. In this ceremony the minister, representing the church, offers a prayer for the union, asking God to strengthen and kindle in them the will to live together in love and faithfulness.

A blessing is a part of the church's liturgy for the life of individuals. Blessing involves receiving the protection, grace and peace of the Lord and sharing it with others, like the Lord said to Abraham: "I will bless you, [...] so that you will be a blessing." (Gen 12.2)

Aaron's blessing "The LORD bless you and keep you" (Num 6.24-26) is integral in the worship of the ELCI. These words sound each and every time the congregation assembles and when prayers are said in the home. In the worship the blessing of the Lord and his peace is declared upon all present, without distinction. In baptism and marriage this blessing is declared with the laying of hands and prayer.

In Icelandic language the concept of blessing also has another meaning: "to give one's blessing for something" can also mean accepting, acknowledging, supporting.

The ELCI upholds the principle of *Lex orandi, lex credendi*, namely that every ritual mirrors what the church confesses, based on Scripture and the apostolic tradition. Therefore we agree with the common definition that the blessing of a same sex union belongs to pastoral care, but is not a ceremony with legal ramifications, in the same way as a marriage ceremony.

### ***Ecclesiology***

The question if and how the ELCI decides on moral and ethical disagreements belongs to the field of Ecclesiology. The 7<sup>th</sup> paragraph of the Augsburg Confession states that for a true unity of the church "it is enough to agree concerning the doctrine of the gospel and the administration of the Sacraments. Nor is it necessary that human traditions, that is, rites or ceremonies, instituted by men should be everywhere alike."

In harmony with the confessions and the traditions of the one catholic and apostolic church, the ELCI carries out its liturgy, for example marriage, and considers a broad consensus for this practice essential in church and society. Even if the establishment of a marriage belongs to the secular authorities, the ELCI has played an official part in instituting marriages because of the ethical consensus and shared values.

The ELCI encompasses many different voices and opinions on ethical issues. No single institution or office of the church can be the undisputed voice of the church or decide on matters on individual conscience. The church wants to encourage an open dialogue on different platforms of church and society, in order to reach as wide an agreement as possible on the principal issues at stake. This includes ethical questions, interpretation of Scripture, church liturgy and practice.

The ELCI is in communion with other Lutheran churches and is a founding member of the Porvoo communion of churches. This affects the way our church forms its practice and liturgy, and dictates how we participate in discussions with our sister churches and inform them about decisions and ongoing procedures.

## **Conclusions**

1. The ELCI calls people to follow Christ and in mission and practice points to His message of love, human dignity and shared responsibility. In accordance with Christ's indiscriminate love the ELCI considers all equal regardless of family status.
2. The ELCI advocates Biblical and Christian values, supporting life in abundance, promoting justice and safeguarding the wellbeing of all – especially those who are marginalized.
3. The ELCI acknowledges different sexual orientation and stresses that homosexuals are a part of the Church of Christ and receivers of his Gospel.
4. The ELCI wants to support all Christians in their effort to have a responsible lifestyle and encourages everyone, heterosexual and homosexual alike, to heed the call of Christ to love their neighbour. This should apply to responsibility regarding sex, committed relationships and family life. (ath. Ekki alveg bein þýðing)
5. The ELCI supports marriage as a covenant of a man and a woman, based on Christian love (agape?). The ELCI also support other forms of relationships (cohabitation, unions) under the same premises.
6. The ELCI supports those individuals of same sex who commit themselves to a faithful and loving relationship of shared obligations. The ELCI permits its ministers to perform a blessing of a civil partnership based an authorised liturgy.

## **Procedure**

The Doctrinal Committee agreed upon a procedure how to approach an agreement within the ELCI, regarding the matter referred to the committee by the pastoral synod 2005, *“to respond to the wish of church involvement in establishing same sex partnership, as when a man and a woman are concerned.”*

The process was introduced to the General Synod 2005. The draft position paper of the doctrinal committee and study questions to enhance dialogue were also discussed at the Pastoral Synod in 2006.

The Department for education in ELCI will be entrusted to introduce this draft position paper and other material already found on the church's website, to encourage a dialogue on homosexuality and the church in congregations and in various institutions of the ELCI.

This present reviewed draft has taken into consideration the main concerns and comments of the Pastoral Synod 2006 and will be discussed further during in regional and church wide capacity the upcoming months. The process is expected to be concluded at the Pastoral and the General Synods 2007.

During the Pastoral Synod 2006 the Liturgical Committee introduced suggested forms for the blessing of civil partnership, to be used on trial basis within the church for the period of one year. The Doctrinal Committee stresses that only these particular forms from the Liturgical Committee should be used for the time being, and encourages further dialogue on these forms.

The doctrinal committee encourages strongly a follow up in the institutions of the ELCI and stresses the importance of a space for dialogue in the church. The bishop's office and the Church's Council is responsible for the process and shall ensure the necessary funds.