

Executive Summary of the Ecclesiastical Marriage Task Force Report

I. Report summary

Mandated by Synod 2019, the Ecclesiastical Marriage Task Force studied questions concerning the advisability, legality, and morality of ecclesiastical (non-civil) marriage and how pastors and elders should respond to situations in which a couple specifically requests an ecclesiastical marriage. Synod mandated the committee to study the legality, implications, legitimacy, and ethics of ecclesiastical marriage and to address any questions and pastoral care concerns related to it. To investigate the myriad issues related to ecclesiastical marriage, the task force listened to stories of couples considering this kind of marriage; developed a definition of ecclesiastical marriage; studied the feasibility or nonfeasibility of ecclesiastical marriages scripturally, theologically, and legally; and consulted with other denominations. After doing this work, the committee produced recommendations concerning the advisability of ecclesiastical marriage and how to provide pastoral care to those seeking such a marriage on the basis of unique or challenging situations.

As the task force listened to stories of couples considering ecclesiastical marriage, it realized there were many situations in which couples considered this kind of marriage or even thought they had obtained one. These situations ranged from late-in-life couples finding love after losing their spouses, to immigrant couples who were straddling two cultures and wished to celebrate and maintain their traditional marriage customs, to young couples worried about debt, and even to couples dealing with restrictions from the COVID-19 pandemic. Each situation raised particular questions to be addressed, such as (1) what “makes” a marriage, (2) what the life implications of such a marital relationship are, and (3) what the church’s obligations are toward the state (civil government) in our North American context.

Each situation also revealed that the definition of *ecclesiastical marriage* was murky at best. Thus the task force developed a definition of *ecclesiastical marriage* in order to provide clarity and consistency in its responses to questions and pastoral care issues. Using the synodical mandate and the original overture calling for this study, the task force defined *ecclesiastical marriage* as a marriage sanctioned and solemnized solely by the church to the exclusion of the state (civil government) whereby a couple is considered “married in the eyes of the church but not in the eyes of the state.”¹ By this definition, the task force differentiated ecclesiastical marriage from religious marriage and even from a religious service/ceremony/celebration because ecclesiastical marriage intentionally excludes the state as a sanctioning or governing authority.

In considering whether or not the CRC should solemnize ecclesiastical marriages, the task force started by delineating, as far as possible, the relationship between the church and state in the matter of marriage in Scripture and in the Reformed tradition. Turning to Scripture first, the task force observed that while there are no biblical accounts that explicitly spell out stipulations about marriage ceremonies and relative obligations, answers and implications can be gleaned from various texts and accounts. In the Old Testament era, God’s people acted within certain accepted procedural parameters for marriage, which included a contract of some sort and the exchange of a dowry or similar payments. A marriage was understood to include mutual obligations, and there was also a legal code surrounding divorce. In the New Testament, no passages address the matter of how marriages should be constituted or what the relative involvement of religious or civil authorities should be. However, it does seem that New

¹ *Agenda for Synod 2019*, Overture 14, p. 518.

Testament believers abided by local customs and cooperated with civil authorities to ratify their marriages, and the apostles clearly instructed their readers and listeners to respect and honor governing authorities. Further, both the Old and New Testaments consider marriage to be a creational and societal good, and both teach that the civil law is an intended good to regulate society, especially after the fall. In sum, while there is no set marriage form or ceremony in Scripture, the Bible does provide guidance, guidelines, and an underlying logic concerning marriage and the parties involved in “making a marriage” and attending to its relative obligations.

Flowing from its interpretation of Scripture, the Reformed tradition has historically considered both the church and the state to have God-given, relative authority with respect to marriage. In most cases this means that the state is considered to have authority over the governance, regulation, and registration of marriages, and that the church has authority over the spiritual and moral aspects of marriage. These exist side by side, with each having its own role to play on the basis of its sphere of authority. Such an approach of granting dual yet relative authority to the church and state is rooted in the Reformed tradition’s theology of marriage, particularly its identification of marriage as a divinely ordained institution established at creation, its conception of marriage as a covenant, and its commitment to marriage as a societal good. The task force noted that the CRC’s embrace of the Reformed tradition has been evidenced in its synodical discussions as well as in its forms for the solemnization of marriage and its 1980 statement on marriage guidelines.

After studying Scripture and the Reformed tradition, the task force turned to investigate legal implications of marriage and ecclesiastical marriage. Unpacking the legal implications is complex, given that across all of the states of the U.S. and the provinces and territories of Canada no common approach to the questions raised by ecclesiastical marriage could be definitively spelled out (an appendix to the report provides additional information on the Canadian context). Knowing that its study was absolutely not to be intended as legal advice for any specific person or situation and that the material offered in its report, while pertinent, is decidedly not exhaustive or even comprehensive, the task force nevertheless found it was able to identify some significant legal implications and challenges related to ecclesiastical marriage.

First, there are many instances that might still apply with regard to obligations or responsibilities that people have tried to avoid by obtaining an ecclesiastical marriage rather than a legal marriage. In addition, the task force stated that it could foresee many possible scenarios in which ecclesiastical marriage could make matters messy, particularly in the event of a radical change in the relationship, such as the incapacitation or death of one partner or the dissolution of the conjugal relationship. (In such a case, for example, would the church also have to consider granting an ecclesiastical divorce?) Laws have been written to protect people from unjust situations, and it seems exceedingly wise that any people entering a new relationship should seek legal advice and clarify such matters so as to avoid possible future litigation. Finally, if people are entering an ecclesiastical marriage explicitly to avoid certain obligations of a civil union (i.e., the requirement to give up benefits from the pension or social security plan of a deceased spouse), is the church not simply aiding in perpetuating fraud? Such action cannot be condoned, since it would be deceptive and unlawful. If God’s intention is for people to become “one” in marriage, then people must assume a new relationship with new loyalties and responsibilities.

From its study of Scripture, theology, and legal matters, the task force turned to the topic of pastoral care for churches, pastors, and constituents. While each situation and circumstance can be very different; the task force deemed it could offer some general guidelines and advice.

First of all, it advised all couples thinking of marriage to seriously consider not entering into an ecclesiastical marriage as defined in this report. Second, it allowed for possible temporary exceptions in which the state might initially not be involved but would be involved later as long as the situation did not involve cutting the state out of the process. Third, it strongly encouraged pastors not to solemnize an ecclesiastical marriage, especially when the couple requesting such a marriage wanted to do so in order to maintain the pension or social security benefits of a previous marriage, thus committing fraud, in which the pastor and the church would also be implicated. Fourth, the task force encouraged pastors and churches to emphasize the total commitment and willingness to sacrifice for one another in Christian marriage in comparison to an ecclesiastical marriage that in terms of obligations and responsibilities would amount to a “marriage lite.” Fifth, the task force strongly urged pastors to refrain from offering legal advice to couples considering ecclesiastical marriage; instead, such couples should be encouraged to seek independent legal advice—especially if estates and children from previous marriages are involved. Pastors can and should walk couples through the spiritual and ethical questions that might arise as they work with independent legal experts, but pastors should never consider themselves such experts. Finally, the task force encouraged churches and pastors to recognize the beautiful diversity of marriage customs around the world by recognizing the marriages of people who come from other cultures, regardless of the authorizing body and especially in complex cases in which immigrants are facing difficulty with having their new country recognize their marriage. Care should be taken in their assimilation process to meet the expectations of the host country, state, or province with regard to marriage regulations, and this should be done in a way that does not imply the immigrant couple has a deficient marriage. However, at the same time, care should be given to help them understand the marriage laws of their new home and, in the event that there needs to be a recognition of their marriage by the state, to help them move in that direction. Again, here pastors should not act as legal experts. It is advisable for the couple to get legal advice as warranted.

II. Recommendations

- A. That synod grant the privilege of the floor to Gerry Koning (chair), Gayle Doornbos (reporter), and Loren Veldhuizen when the report of the Ecclesiastical Marriage Task Force is discussed.
- B. That synod instruct the executive director to disseminate the report on ecclesiastical marriage to the churches of the CRC to serve as guidance regarding the issue of ecclesiastical marriage.
- C. That synod strongly advise pastors of the CRC not to solemnize ecclesiastical marriages (as defined in this report) as sanctioned and solemnized solely by the church to the exclusion of the State (civil government) whereby a couple is considered “married in the eyes of the church but not in the eyes of the state.”²

Grounds:

1. The biblical record clearly teaches us to submit to the governing authorities in all matters that do not conflict with the Word of God.
2. Historically, Reformed churches have acknowledged the role and right of civil authorities to regulate marriage in their jurisdictions.

² *Agenda for Synod 2019*, Overture 14, p. 518.

3. In both the United States and Canada there could be negative legal consequences for the participants and/or for pastors who solemnize a non-civil or ecclesiastical marriage.

D. That synod encourage the churches to respect and honor the marriages of immigrants who did not obtain a civil marriage prior to arriving in Canada or the United States and counsel them in the understanding of Christian marriage and its relationship to civil authority in our countries.

Grounds:

1. It is not the case that in every country where immigrants have come from that the civil authorities regulate marriage, so it might not have been possible for a civil marriage to occur.
2. In the interest of grace and acceptance, we want to acknowledge the beautiful Christian marriage traditions that have developed in various cultures.
3. The law is permissive but not prescriptive in this regard.

E. That synod caution pastors against acting as legal experts or offering legal advice, especially with regard to the issue of ecclesiastical marriage, and that synod encourage pastors to advise couples to seek independent legal counsel as necessary.

F. That synod accept this report as fulfilling the mandate of the Ecclesiastical Marriage Task Force and dismiss the task force.

Ecclesiastical Marriage Task Force

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