



CHURCH BYLAWS –

STATEMENT OF RELIGIOUS BELIEF REGARDING MARRIAGE

February 2011

Before the current crisis in the Episcopal Church on whether homosexual behavior is sinful, the Church spoke very clearly in a 1998 document titled the Lambeth Resolution:

[W]hile rejecting homosexual practice as incompatible with Scripture, [the Church] calls on all our people to minister pastorally and sensitively to all irrespective of sexual orientation and to condemn irrational fear of homosexuals [We] cannot advise the legitimizing or blessing of same-sex unions, nor the ordination of those involved in such unions.

Two years later, this statement of the Church's theology on homosexual behavior came in quite handy for St. Aidan's Episcopal Church in Colorado when it was sued by its youth minister. The lawsuit resulted from the Church's termination of the youth minister after learning she had entered into "a commitment ceremony with her partner."¹

St. Aidan's was extremely accommodating toward the young lady, and even went so far as to allow her to bring her "partner" to a church meeting and explain why she thought the Church should not fire her. Using classic secular logic, she said, "Some people say that it is not sinful to be a homosexual, but that it is sinful to engage in a homosexual relationship. This thinking is flawed for if it is really ok to be gay, then it would not be wrong to engage in a healthy, committed relationship...." The federal district court, however, refused to get involved in this theological dispute, observing: "The Supreme Court of the United States has long held that civil courts are not the proper forum to decide matters of ecclesiastical concern."

No one knows how the case would have turned out if the Church didn't have the foresight to adopt the Lambeth Resolution. The result may have been the same, but the court thought the resolution was important enough to quote from it at length in its opinion. And the wise church will have something similar in place within its statements on theology.

With the rise of same-sex "marriage," domestic partnerships, and civil unions, churches like St. Aidan's are regularly being confronted with marriage counterfeits and asked to recognize these

¹ See *Bryce v. Episcopal Church in the Diocese of Colorado*, 121 F. Supp.2d 1327, 1331 (D. Col. 2000).

relationships. This can arise in the area of employment and whenever churches offer classes, retreats, or other events designed for married couples.

Churches should include in their bylaws or other founding documents a biblical definition of marriage and a statement that marriage is the only legitimate and accepted sexual relationship. This will help protect the church if, like St. Aidan's, it is forced to terminate/punish an employee for engaging in unbiblical sexual relationships, or if the church declines to allow an unmarried couple to participate in events designed for married couples.

For more information on how to protect your church from unnecessary lawsuits, read "[Seven Things All Churches Should Have in Their Bylaws](#)." If you have specific legal questions, use the [Legal Inquiry Form](#) to share your question with an attorney.