

## Gay huwelike (please scroll down for english translation)

### Geskiedenis

- In die laat 1990's en in die vroeë 2000's was daar gereëld koerantberigte oor gay pare wat in Hawaii gaan trou het. Sulke huwelike is egter nooit amptelik erken nie. Hawaii het egter wel begin om "domestic partnerships" te registreer, wat as 'n plaasvervanger vir huwelike gedien het.
- Mei 1969 - Eerste minister Pierre Trudeau van Kanada dekriminaliseer homoseksualiteit. Een van sy slagspreuke was "die Staat regeer nie die volk se binnekamers nie".
- Op 27 Junie 1969, in Greenwich Village, New York, besluit ondersteuners van 'n gay kroeg, die Stonewall Inn, om vir die eerste maal terug te baklei tydens 'n polisieklompjag. Dit loop uit op drie dae van geweld. Hierdie gebeurtenis word beskou as die ontstaan van die gay-regte beweging.
- 1988 - Die United Church of Christ of Canada word die eerste kerk wat gay predikante orden.
- 1989 - Nederland word die eerste land wat selfdegeslag "partnerships" erken, maar hulle mag nie kinders aanneem nie.
- 1989 - Denemarke word die eerste land wat "same-sex partnerships" erken, en waar gay pare dieselfde voordele as heteroseksuele pare geniet.
- 1993 - Noorweë word die tweede land wat gay pare op hierdie grondslag toelaat om hul verhoudings te registreer.
- 1994 - Swede aanvaar ook 'n soort "partnership", maar gay pare mag nie kinders aanneem of verwek deur middel van kunsmatige inseminasie nie.
- April 2001-- Nederland word die eerste land wat selfdegeslaghuwelike toelaat. Nou mag hulle ook kinders aanneem.
- In Januarie 2003 volg België in die voetspore van Nederland en wettig gay huwelike.
- In Junie 2003 word gay huwelike in Ontario, 'n provinsie van Kanada, toegelaat. Op 20 Julie 2005 word dit wettig regdeur die hele Kanada, maar die owerheid van Prince Edward Island verset hulle daarteen.
- November 2003 - Die Hooggeregshof in Massachusetts lewer uitspraak dat die land se grondwet dit vir selfdegeslagpare moontlik maak om te trou. Hierdie hof gee aan die wetgewer 180 dae tyd om die wette dienoooreenkomstig te verander. President Bush verklaar openlik sy teenkating teen gay huwelike.
- In Junie 2004 veroorsaak twee gay vrouens van Ontario groot opskudding in die media toe hulle verhouding opbreek en hulle aandrang op 'n egskeiding in die hof. In September word hul egskeiding toegestaan.
- In Februarie 2004 keur die burgemeester van San Francisco dit goed dat daar huwelikslisensies aan sowat 3 000 selfdegeslagpare toegestaan word - in weerwil van die staat California se wette. Die Hooggeregshof van California verklaar al hierdie "huwelike" nietig.
- Op 29 Junie 2005 word selfdegeslaghuwelike in Spanje gewettig. Pous Benedictus die Sestiende spreek hom baie sterk uit teen sulke huwelike en sê dit hou 'n ernstige bedreiging in vir die gesin.
- Oorsigtelik lyk die prentjie dus soos volg (in Julie 2006):  
Gay huwelike is wettig in - Nederland, België, Spanje, Kanada, die VSA-staat Massachusetts, Suid-Afrika (tree in werking 1 Desember 2006)

Saamwoonooreenkomste ("domestic partnerships") of soortgelyke benaminge is in Julie 2006 moontlik in - Andorra, Argentinië, Australië se state New South Wales, Queensland, Tasmania, Western Australia en die Capital Territory, Brasilië, Denemarke, Duitsland, Finland, Frankryk, Israel, Kroasië, Luxembourg, Nieu-Zeeland, Noorweë, Portugal, Slowenië, Switserland, die Tsjeggiese Republiek, die Verenigde Koninkryk, die VSA-state California, Connecticut, Hawaii, Maine, New Jersey, Vermont en Washington DC, en Ysland.

- In Suid-Afrika was daar die volgende hoofmomente:

Die name van Mari Fourie en Cecilia Bonthuys sal vir altyd `n plek hê in die stryd om die erkenning van gay huwelike in Suid-Afrika. Na vele onsuksesvolle pogings om getroud te kom, wend hulle hul tot die hof met die hoop dat die reg ten gunste van hulle sal besluit.

Twee ander vrouens is Regter Annemarie de Vos en haar lewensmaat Suzanne du Toit, wat na `n ernstige motorongeluk besef het dat Annemarie se aanneemkinders se toekoms in groot gevaar sou gewees het as sy in die ongeluk gesterf het. Suzanne sou geen reg gehad het om die kinders te behou nie. Hulle neem die saak na die Pretoriase Hooggeregshof, wat op 28 September 2001 uitspraak lewer dat selfdegeslagpare voortaan kinders wettiglik mag aanneem.

In Julie 2002 lewer die Hooggeregshof in Bloemfontein uitspraak ten gunste van Marie Fourie en Cecilia Bonthuys en maak bekend dat dit diskriminerend is om gay pare die reg op `n huwelik te ontsê. Die staat erken dat die menseregte van gay persone voor 1994 ernstig geskend is.

Op 30 November 2004 bevind die Appèlhof dat daar geen beletsel bestaan teen die voltrekking van gay huwelike nie. Regter Edwin Cameron se uitspraak is dat dit nou vir gay pare moontlik is om te trou, mits hulle aan alle ander wetlike vereistes voldoen, soos bepaal deur die Huwelikswet. Dit beteken dat die huweliksbevestiger iemand moet wees wat deur die Minister van Binnelandse Sake as sulks aangestel is, dat daar geen wettige beletsel teen die huwelik mag wees nie, dat daar twee getuies moet wees en dat die huwelik op `n plek soos deur die wet voorgeskryf, moet plaasvind.

Op 1 Desember 2004 bevestig ds André Muller vir Mari Fourie en Cecilia Bonthuys in die Reformerende Kerk in die huwelik.

Dit ontlok sterk teenkanting uit. Die meeste hoofstroomkerke verklaar hul misnoeë in die media. Die Minister van Binnelandse Sake dui aan dat die saak in die Konstitusionele Hof beveg gaan word. `n Hele klomp kerke organiseer hullself as die "Marriage Alliance" en steun die Minister van Binnelandse Sake. Op 30 November 2005 is die finale uitspraak van die Konstitusionele Hof dat selfdegeslaghuwelike gewettig moet word. Die Hof gee aan Binnelandse Sake een jaar tyd om sy administrasie in orde te kry om vir selfdegeslaghuwelike voorsiening te maak.

### Hoe verloop `n gay troue?

Presies net soos `n heteroseksuele troue! Sommige pare verkies om dit op die tradisionele manier te doen, in `n huwelikskapel met troumars en al; ander verkies dit stil en rustig in die privaatheid van hul woning, ander hou weer van `n meer romantiese geleentheid, soos op `n heuwel met sonsondergang.

Die wesenlike deel van `n troue is die beloftes wat die paar teenoor mekaar aflê in teenwoordigheid van die bevestiger en twee getuies.

Die wetlike deel van die seremonie betsaan uit drie vrae:

- Is daar enige beswaar teen die huwelik?
- AB, neem jy vir CD as jou wettige eggenoot / eggenote?
- CD, neem jy vir AB as jou wettige eggenoot / eggenote?

(Opmerking: In die geval van `n burgerlike genootskap, word die woord "huwelik" vervang met "genootskap" en "eggenoot / eggenote" word vervang met "genoot / genote".)

Die seremonie word ten minste drie maande vooraf met een van ons leraars bespreek en daar word op die formaat daarvan besluit. Pare word altyd aangemoedig om iets van hul eie persoonlikheid te laat deurskemer by die seremonie - dit is tog immers hulle dag!

In hooftrekke verloop die seremonie soos volg:

- Voorlesing uit die Bybel met 'n toepaslike kort boodskap
- Gebed
- Voorlees van beloftes en vrae word gevra. Die paar kan ook hul eie beloftes teenoor mekaar uitspreek / voorlees
- Ringe word aangesteek
- Die huweliksbevestiging verklaar hulle as getroud
- Die register word geteken deur die paar, hul twee getuies en die bevestiging
- Die huweliksbevestiging oorhandig 'n "Civil Union Certificate" aan die egpaar. Hierdie dokument dien as voorlopige huweliksertifikaat wat voorgelê kan word aan hul mediese fonds, werkgewer of enige plek waar hulle moet bewys dat hulle wetlik aan mekaar verbind is.

### Is 'n gay troue nie sonde nie?

Vir 'n gelowige mens is hierdie 'n baie belangrike vraag om te vra. Baie van ons is gekondisioneer dat iets wat anders is as waaraan die gemeenskap gewoond is, sonde is! Hier is dit nodig dat ons weer radikaal moet verstaan wat sonde presies is.

Iets is nie sonde net omdat dit teen die gebruike van die samelewing is nie. Iets is ook nie sonde omdat dit eeue-oue gebruike en tradisies omvergooi nie. Die samelewing kan nie probeer voorskryf, volgens hulle waardes en norme, wat sonde is nie. Daar is net een bron waaruit ons kan leer wat sonde is, en dit is die Woord van God. Ons moenie die Bybel gebruik om allerhande sondelyste op te stel nie, maar eerder die riglyn probeer snap wat God aan ons wil deurgee. Die oorhoofse definisie van sonde uit die Skrif is dat dit ENIGIETS is wat jou van God af weglei. Hierdie riglyn moet ons dan gaan toepas op alle gebiede van ons lewens - en dan ook op die vraag of gay huwelike sonde is.

Met hierdie definisie van sonde is dit egter duidelik dat 'n gay troue nie sonde is nie, want hierdie twee mense kom soek juis die Here se seën op hulle verhouding. Hulle voeg hulle lewens saam onder die diepe besef dat hulle Skepper hulle vir mekaar bedoel het, en om aan Hom die erkenning te gee dat Hy hierdie geleentheid vir hulle moontlik gemaak het.

Dis ironies dat die tradisionele kerke nie gay troues wil voltrek nie, omdat die amptelike kerklike siening tans is dat iemand wel gay mag wees, maar dan net nie in 'n verhouding betrokke mag raak nie.

Dit word ook weerspieël in die Afrikaanse Bybelvertaling wat praat van "iemand wat homoseksualiteit BEOEFEN" (bv. 1 Kor 6:9), terwyl die woord "beoefen" nie in die Griekse teks van die Bybel voorkom nie.

Volgens hulle siening is dit dan in orde as iemand gay en enkellopend bly, maar dit is sonde wanneer die persoon 'n lewensmaat ontmoet en hulle wil saamwoon. Ons is bewus van baie gevalle van gay persone wat vanweë druk van hul families en kerke nooit sal trou nie, en bekendstaan as "enkellopend". Omdat hulle nie die kans gegun word om openlik 'n verhouding met iemand aan te gaan nie, word hulle gedwing om in die geheim, kortstondige kontakte met ander gay mense te hê - die sogenaamde "one-night stands" (!) - en dit is dan eerder sonde as twee mense wat openlik voor God en getuies trou aan mekaar belowe.

## Gay marriages

### History

- In the 1990s and early 2000s many newspaper articles reported on gay couples that went to Hawaii to get married. These marriages were never officially recognised in South Africa. Hawaii began by registering "domestic partnerships" which served as a substitute to marriage.
- In May 1969 Pierre Trudeau, the Prime Minister of Canada decriminalised homosexuality. One of his slogans were: "The State does not rule the nation's bedrooms."
- On 27 June 1969 the supporters of a gay bar, the Stonewall Inn, in Greenwich Village, New York for the first time decided to defend themselves against a police raid. This resulted in three days of violence. This incident is commonly considered to be the birth of the Gay Rights movement.
- In 1988 the United Church of Christ in Canada became the first church to ordain gay ministers.
- The Netherlands became the first country to recognise same-sex partnerships in 1989, but they were not allowed to adopt children.
- Also in 1989 Denmark became the first country to recognise same-sex partnerships in which they enjoyed the same privileges as heterosexual couples.
- In 1993 Norway became the second country to allow gay couples to register their union with the same privileges.
- Sweden introduced legislation in 1994 for gay partnerships, with the proviso that they were not allowed to adopt or beget children through artificial insemination.
- The Netherlands also became the first country in 2001 to legitimise same-sex marriages in which adoption is permitted.
- Belgium followed in their footsteps in January 2003 and legitimated gay marriages.
- In June 2003 gay marriages were permitted in Ontario, a province of Canada. This was followed by national legislation in the whole of Canada on the 20 July 2005, although the authorities of Prince Edward Island resisted it.
- November 2003 – The Supreme Court of Massachusetts passed judgement that the constitution of the country allowed same-sex couples to marry. This court awarded the Legislature 180 days to adjust the law accordingly. President Bush openly opposed gay marriage.
- Two gay women of Ontario caused uproar in the media in June 2004 when their relationship ended and they insisted on a court divorce. A decree nisi was awarded in September of that year.
- In February 2004 the mayor of San Francisco approved the issuing of about 3 000 marriage licences to same-sex couples, although this was in conflict with the legislation of the state California. The Supreme Court of California declared all these marriages void.
- Spain legalised same-sex marriages on 29 June 2005. Pope Benedictus the Sixteenth voiced strong opposition to such marriages and stated that it is a threat to family life.
- A composite picture of the situation in July 2006 is as follows:  
Gay marriage is legal in – Canada, the state Massachusetts of the USA, the Netherlands, Belgium, Spain, and South Africa (as from 1 December 2006).

Domestic partnerships, or similar agreements are possible in – Andorra, Argentine, the following states of Australia (New South Wales, Queensland, Tasmania, Western Australia and the Capital Territory), Brazil, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Iceland, Israel, Luxembourg, New Zealand, Norway, Portugal, Slovakia, Switzerland, the UK and some USA states (California, Connecticut, Hawaii, Maine, New Jersey, Vermont, and Washington DC).

- Highlights of the South African scenario:

The names of Marie Fourie and Cecilia Bonthuys will always have a place of honour in the fight for recognition of gay marriages in South Africa. After numerous attempts to get married they turned to the courts in the hope that a verdict will be pronounced in their favour.

In July 2002 the Supreme Court of Bloemfontein passed judgment in favour of Marie and Cecilia, and announced that it was an act of discrimination to refuse marriage to gay couples. The state admitted that the human rights of gay people had been grossly abused before 1994.

Rev André Muller solemnised the marriage of Mari Fourie and Cecilia Bonthuys in the Reforming Church on 1 December 2004. This event evoked strong opposition. Many of the mainstream churches publicly declared their disgruntlement in the media. The Minister of Internal Affairs announced that the matter would be tested in the Constitutional Court. A large contingent of churches organised themselves into a "Marriage Alliance" in support of the Minister of Internal Affairs. On the 30 November 2005 the Constitutional Court passed final judgment that same-sex marriages must be legalised. The Court awarded the Department of Internal Affairs one year in which to restructure its administration to provide for same-sex marriages.

After a serious car accident, Judge Annemarie de Vos and her life partner Suzanne du Toit realised that the future of Annemarie's adopted children would have been in grave danger if the accident proved to be fatal. Suzanne would have had no legal grounds to keep the children. They submitted their case to the Pretoria Supreme Court and on 28 September 2001 judgment was granted in their favour that same-sex couples may in future legally adopt children.

#### How is a gay marriage conducted?

In the same way as any heterosexual marriage! While some couples prefer to do it in the traditional way, in a chapel and with the wedding march, others prefer to conduct it quietly in the privacy of their own home. Some couples even chose to have a very romantic affair such as a ceremony, on a hillside in the sunset.

The essential part of a marriage is the vows made by both parties in the presence of the marriage officer and two witnesses.

The legal part of the ceremony consists of three questions:

- Is there any legal objection to the marriage?
- AB, do you take CD as your legal spouse?
- CD, do you take AB as your legal spouse?

(Note: in the event of a civil union, the word marriage is replaced by "relationship" and spouse is replaced by "partner").

Normally the proposed marriage is discussed with one of our ministers three months in advance, and an appropriate format is decided on. As this day is specially dedicated to them, the couples are normally encouraged to include something of their unique personalities in the ceremony.

The main moments of the ceremony are as follows:

- A reading from Scripture, followed by a brief appropriate message.
- Prayer
- The vows are clearly presented, and questions asked. The couple may also chose personally to declare or read their vows.
- Rings are exchanged
- The marriage officer formally declares them married
- The register is signed by both parties, their two witnesses and the officiating officer
- The newly married couple receive a "Civil Union Certificate" from the minister. This document serves as a preliminary marriage certificate, and can be utilised for medical aid purposes, for an employer or any other occasion where they require proof of their union.

### Is a gay marriage a sin?

To the true believer this is a very important question to ask. So many of us have been conditioned to believe that anything different from the established society norms is a sin! For this reason it is vitally important for us to know exactly what we understand as sin.

Something cannot be sin simply because it contradicts the traditional customs of society. Neither can something be a sin because it rejects age old customs and traditions. Society does not have jurisdiction to what may be declared sin according to their values and norms. Our only source of knowledge regarding sin is the Word of God. The Bible was not given to mankind to construct a long list of sins. We should rather try to understand and accept what God's will is for us. The Bible's guiding principle regarding sin is that it is ANYTHING that removes you from God's grace. We have to apply this principle to all aspects of life – and may then ask the question if gay marriage is a sin.

With this principle as our guideline it becomes evident that gay marriage is not a sin, as two people bestow their vows in God's presence ask for his blessings on the union. They commit themselves to one another while deeply conscious of the Creator's will for them to be together, and in acknowledgement that He was instrumental in melding their lives together.

It is rather ironic that the mainline churches refuse to solemnise gay marriages, although they believe that a person may be gay. What they do not sanction is that it may not result in a relationship.

This stance is also reflected in the Afrikaans translation of the Bible (1 Cor 6:9) which reads "one who PRACTICES homosexuality". In the original Greek text the word practice does not appear.

Their view is that it is acceptable for someone to be gay and to remain single, but that it becomes a sin when that person meets a life companion and lives with him/her. We are very familiar with many cases of gay people who will never marry and are recognised as "single" simply because their families and church put pressure on them. Because they are not given the opportunity openly to establish a gay relationship, they are frequently forced to secret, brief liaisons with other gays – the so-called "one-night-stands"! Can one not say that this encourages them to live sinfully, rather than allowing them to commit themselves to one another in the presence of God.