RESPONSE TO THE UNITING CHURCH IN AUSTRALIA ASSEMBLY

DISCUSSION PAPER ON MARRIAGE

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INTRODUCTORY REMARKS

In adopting a resolution to begin a conversation about how we understand marriage, the Thirteenth Assembly was responding to a conversation already taking place in Australian society and within the Church. The conversation is about whether the Marriage Act should be amended to allow same-sex couples to be married. Many Uniting Church members, lay and ordained, have been actively involved in the public debate, both supporting and opposing legislative change. UnitingJustice Australia believes that it is appropriate for us to be examining our long-held beliefs around the practice of marriage in order that we may be able to participate, as a church, in this public conversation and so that we may be able to better respond to the needs of same-sex couples who are members of the Uniting Church.

UnitingJustice Australia (UJA) has a long history supporting the rights of gay, lesbian, bisexual, transsexual, intersex and queer people (GLBTIQ) within the Church and in society. For over three decades, the staff and committees of the unit have stood in solidarity with gay and lesbian people calling for the Church to end the exclusion and marginalisation of GLBTIQ people.

In 2012, UJA made a submission to the House of Representatives inquiry into two bills being considered by the Federal Parliament to amend the Marriage Act allowing for same-sex marriages. UJA had not made a submission to the first parliamentary inquiry into these bills, held by the Senate. Submissions were made, however, by Uniting Church congregations and individuals, and many other faith-based groups. Uniting Church ministers and members were also increasingly vocal in advocating for various positions in the public forum. UJA was concerned that many of the submissions to both the Senate and House of Representatives inquiry and public comments from Christians and church groups were unhelpfully focussed on the condemnation of gay and lesbian people and their relationships. In this context, UJA believed it was important to offer a different Christian voice into the public debate, one that spoke clearly about the Church’s doctrinal position while supporting the role of the State to make laws that uphold the rights of all people without discrimination.

The Uniting Church has, throughout its history, made the distinction between what the Church believes for its own life and what it believes is appropriate to support in the life of the society, notwithstanding its preference that people might align with its perspective on an issue. It is the responsibility of the State to ensure that the laws do not discriminate or entrench discrimination and prejudice against people.

It is not a new position for the Church to hold to a particular theological position on marriage but to support changes in the actions of the State that give protection to people who do not accord with our views on marriage. The treatment of persons in de facto relationships around property rights would be an example from this area in the recent past.

The UJA submission presented the Assembly decision of 1997 as the church’s theological position on marriage and advocated for the right of the church to continue to live out its convictions in relation to marriage even when they may differ from the State. To this end the submission supported maintaining the current provision of the Act that allows for ministers of religion to refuse to solemnise a marriage.

UJA supported the goals of the two Bills to allow for same-sex marriage as an expression of concern for the many people who suffer ongoing prejudice and discrimination as a result of being denied the State’s validation and legitimisation of their relationships. In this, UJA continued the Uniting Church approach that our advocacy is not in order to institutionalise in the laws of society positions which conform only with the Church’s understanding, but to support laws which improve the welfare of others. The UJA submission concluded that on the basis that the State’s responsibility is to govern for the good of everyone, and that no person in society should be
denied the rights and benefits afforded by the State to others in equivalent situations, people in same-sex relationships should be afforded the right to have their relationship recognised by the State.

**UJA offers this response to the Discussion Paper on Marriage, not as another paper making comment on public policy but as a contribution to a timely and significant theological conversation about the nature and practice of marriage.**

**GENERAL COMMENTS**

UJA would like to thank the Assembly Working Group on Doctrine and all those who have worked to progress our conversation about marriage to this point. We were pleased to be able to participate in the consultation process itself and the Consultation Report, ‘Views on Marriage in the UCA: Report on the Consultation Process – 2013’ by Rev. Dr Robert Bos, is a rich, thoughtful and helpful account of the diversity of theologies, beliefs, traditions, practices and experiences of marriage of Uniting Church members.

Following on from the Consultation Report, the Discussion Paper on Marriage (Discussion Paper) is disappointing. Having asked a sample of Uniting Church members to participate in what was a good consultation process, it seems unfortunate that the Discussion Paper does not engage with the breadth of experience and diversity of voices represented in the Consultation Report.

While the Discussion Paper fails to take proper account of this most recent work, it also fails to draw upon the significant conversations we have had as a Church over many years about the nature of human sexuality and relationships. We are particularly disappointed that, for example, the report *Uniting Sexuality and Faith* has been ignored as we believe it continues to offer much that is helpful.

The Discussion Paper pays very little attention to contemporary theology and the history and theology of the Uniting Church in Australia, including the theological work the Uniting Church has done over more than two decades on social justice and human rights. It also fails to offer any wisdom from the field of Christian ethics. It provides only tokenistic consideration of the contribution of Indigenous and non-western cultures to our understandings of human relationships. The theological presentation, therefore, is both ‘thin’ and lacking a holistic theological approach. It also takes no account of the theological work being done in other denominations around the world on the issue of marriage and same-sex marriage and so also fails to take up the ecumenical imperative so crucial to our identity as Uniting Church. In many ways, this is a most ‘non-Uniting Church’ document.

It is clear from the Consultation Report that the theological understandings of marriage as it is celebrated and lived across the Church are far richer and more diverse than what is captured in the Discussion Paper. Of particular concern to us is that the Discussion Paper does not speak to the lived experience of GLBTIQ people and their families within and beyond the Church. It is, after all, the lives of same-sex couples and the rights that many of them seek, that have led to this conversation.

We are also disappointed that the Discussion Paper pays little heed to contemporary science. Our understanding of gender and sexuality is now quite deep and the notion that humans *should be heterosexual* is totally at variance with the scientific evidence. The *Basis of Union* encourages us to take seriously advances in the social and natural sciences as we continue to learn about God’s good creation and develop our theological responses to the world.

The Discussion Paper offers very little to help answer the questions listed in the Response Form and so our answers draw widely from our readings and experiences and history.

1. **Identify any challenges or new insights raised for members of the group by the commentary on the theological dimensions of marriage service.**

We are perplexed by the decision to use the marriage service in *Uniting in Worship 2* as a theological commentary. The UCA marriage service has changed over the years even without a church-wide conversation of the theology that underpins its composition and using it in this way raises questions about the relationship between liturgy, theology and doctrine that remain unaddressed in the paper, for example, should a liturgy, in this case one which represents a particular, historical understanding of marriage, be used to frame a contemporary theological conversation about marriage?

We are particularly concerned about the so-called ‘doctrinal pattern’ of creation-fall-redemption
which is used as a lens to examine the marriage service. The definition of ‘doctrine’ in the paper ‘The Nature of Doctrine and the Role of the Assembly’ is: “an official position of a Church” (p. 1). We do not believe that the ‘creation-fall-redemption’ motif is a doctrine of the Uniting Church according to this definition. While the Discussion Paper privileges this motif it is only one biblical-theological framework and other useful motifs such as exile and homecoming or exodus and liberation could also have been used.

While contemporary streams of theology such as liberation, feminist, contextual and public theologies are absent in the Discussion Paper, the creation-fall-redemption motif strikes us as not only strangely ‘old-fashioned’, but also dangerous, leading too easily to the impression that homosexuality is a result of our human ‘fallenness’. We are well beyond ‘arguments from fallenness’ in our Church, arguments which have led to the exclusion and abuse of GLBTIQ people within the Church and beyond for hundreds of years. The inclusion of the statement that “it is sometimes argued that... a person’s fallen sexual orientation can be healed or transformed” (insert box following section 9) without any reference to the fact that this is a completely discredited theory, the practice of which has led to the death of many young Christians and harmed many, many more, is irresponsible and dangerous.

We are concerned that the Discussion Paper will set back our conversation about the place of GLBTI people in the Church.

Marriage is not simply a doctrinal issue. It requires ethical reflection and examination of other sources of knowledge available to contemporary Christians such as physical and social science. There is no recognition in the paper of the widely accepted distinction between sexual characteristics that determine maleness and femaleness and the expression of gender as masculine, feminine or other. That the Discussion Paper finds sufficient knowledge about gender difference and ‘duality’ in Genesis and Ephesians is unsettling. The Uniting Church does not assume that the account of creation taking place over six days is literally true. Why then does the Discussion Paper assume that the account of gender in Genesis is adequate for understanding gender and marriage in the 21st century?

The section on the Bible and marriage in the Consultation Report concludes:

Scripture is not really about marriage as understood in contemporary Western societies, which includes legal recognition by the State. It is dishonest to say the Bible supports marriage as we understand it. Often people argue for a so-called “Christian” view when, in fact, they are looking to justify some preferred cultural practice or belief. Scripture has a diversity of views. (p. 13)

Current social realities are also far more complex than the Paper acknowledges. The Paper does not address issues faced by transgender people. Currently most Australian states require couples who were married as opposite sex partners to divorce, if one of them transitions to a different gender. Does the church have anything to say about forced divorce? Australian federal guidelines enable intersex people to identify gender as male, female or X on all federal documents, including passports. People who choose ‘X’ to represent their intersex identity are unable to marry in Australia because of the restriction of marriage to a man and a woman.

The historical discussion about marriage initially appears helpful (insert box following section 15). The paper rightly identifies the potential for blessedness in marriage as a constant throughout the changes to marriage over centuries. However, the insert box following section 16 makes the astounding claim that unlike all the other changes that marriage has gone through, opening marriage to couples of the same sex would “alter the definition of marriage”. Such a claim rests on a very particular theological position in relation to creation and the practice of marriage presented as ‘Christian’ and as ‘doctrine’ and is highly prejudicial in this context. It is a theological conclusion presented as fact. It is not at all clear that this change is any more significant or ‘definition-changing’ than changing the situation that for most of human history marriage was a contract between two men (the man and the woman’s father).

This is a contestable theology that ignores contemporary biblical and theological scholarship and it is not the case, as the Discussion Paper presents, that a differing understanding of the origins of marriage would not be Christian. Some Christian women and men, for example, are quite hostile to marriage as a patriarchal cultural practice that began as a socio-economic tradition not a religious one. We do not believe that such a position is ‘incompatible with Christian faith’ as the paper suggests. We are concerned about this bias.
frames the entire Discussion Paper thereby giving the impression that a shift from a set biblical and ‘doctrinal’ understanding of marriage as between a man and a woman would be a move away from what is faithful.

Similarly prejudicial are the questions about church and state also in the insert box following section 16. Though the paper makes no mention of it, sixteen countries and many more sub-national jurisdictions have made same-sex marriage available to their citizens. The complex relationships between church and state have been adequately addressed in these countries and the law changes that have come before the Australian governments at federal and state level have allowed for clergy and churches to choose not to celebrate marriages of same sex couples. Open-ended questions such as those in this insert box are likely to raise anxiety without providing information about how such concerns could be addressed.

2. **If the government were to legislate to enable same-gender couples to marry, what issues or questions would this raise for you?**

It is most unlikely that any legislative change favouring same-sex marriage would remove the protections for the exercise of freedom of religion for registered ministers of religion. There has been no evidence that any government legislating to allow same-sex marriage would not continue to support the right of religious organisations to hold their own religious beliefs about marriage.

The issues for us as a church, then, are those at the heart of the Assembly’s decision to begin this very conversation:

- **What do** we believe that marriage is and what are the implications of our belief for our practice of and participation in marriage as a rite?
- **Based on** the Uniting Church commitments to human rights and non-discrimination and to advocate for the expression of universal values in public policy (Statement to the Nation), can we support the right of same-sex couples to receive State-sanctioned recognition of their relationship, even if we are not yet prepared to offer our sanction as a Church?
- **If the legislation** changes, will UCA ministers be free to marry same-sex couples even if the Church maintains its current position?

Regardless of the legislation, should the Church continue to act as the agent of the State in marriage? Should we instead bless those relationships (possibly as a ‘covenental relationship’ as suggested in the box at the end of Section 2) that the local church council deems it important and appropriate to bless?

We are disappointed that the Discussion Paper falls short of the recommendation by Rev. Dr Bos for “a resource document on the theology of marriage which thoughtfully and fairly considered the issues, rather than seeking to persuade people to a particular point of view” (Consultation Report, p. 24). Such a paper would encourage and enable Uniting Church members to seriously grapple with these and other questions.

3. **What would you see as appropriate responses by the Uniting Church?**

- pastorally for its members and the wider community? in the church’s practices concerning Christian marriage?
- in relation to the government and the church’s role in conducting marriages?
- in any celebration or blessing of same-gender relationships?

UJA believes that it is entirely appropriate for same-sex couples to have their relationship acknowledged in legal and civil society as ‘marriage’. Whether or not this is achieved by amendment to the Marriage Act is a matter for secular government to resolve. As discussed above, UJA made a submission to Government noting that as a matter of equality of civil rights such amendment would be appropriate. If the Act was amended in this way and the Church maintained its role as an agent for the State, we believe that it would be appropriate for UCA clergy to be able to choose whether they will act for the State in this matter.

The Uniting Church has a long-held position that GLBTIQ people are welcomed as members and active participants in the life of the Church and also in ordained ministry. In this, we offer the love of God to all without distinction. As an extension of that love and acceptance, there are UCA clergy and congregations who have conducted services of blessing of the relationship of same-sex couples. We
believe this a faithful response to same-sex couples who desire to have their relationships affirmed and supported by the Church and the church community. Such acknowledgement could occur whether or not the *Marriage Act* is amended.

### 4. Should the Uniting Church reconsider its understanding of marriage at this time? Why or why not?

The Consultation Report highlighted the wide variety of understandings and traditions concerning marriage which exist in Australian society. This variety is somewhat aligned with the range of cultures and age-groupings within the church, but not exclusively so and could indicate that the UCA is already ‘unofficially’ revising its theology of marriage. Such revision is appropriate given the differing models of marriage which are presented in the Biblical witness. Clearly, in Biblical times and in the subsequent 2000 years of the church, the theology and practice of marriage has changed in response to the cultures within which the church is embedded.

Of particular interest in the Consultation report was the understanding of many indigenous and non-western cultures that marriage is just one of a variety of kinship and community covenants in which people live and by which people are sustained. Since the ‘traditional’ view of marriage as presented in *Uniting in Worship* has arisen from within post-Enlightenment Western European culture with its strong emphasis upon the individual, now may well be the time to re-appropriate some of these broader understandings. This is particularly the case in view of the high rate of divorce within Western culture which highlights the limitations of ‘nuclear family’ marriage.

It is interesting to note from the Consultation Report that comments on the qualities of ‘uniquely Christian’ marriage are all qualities which could be spoken of as desirable in a variety of human relationships. In this context, it seems appropriate to comment that it is deeply regrettable that the significant work done in the publication *Uniting Sexuality and Faith* on the important issue of ‘right relationships’ appears to have vanished from UCA discourse.

While the Uniting Church remains an agent of the State in marriage, it is imperative that it continues to consider and, indeed, *reconsider* its theology of marriage. It is inevitable that sooner or later Australia will follow the example of countries such as New Zealand and the UK and legislate for same-sex marriage. The Uniting Church must be able to participate in the ongoing public conversation about this in an informed, considered and clear way. It cannot be true to its commitment to be a Christian movement that engages itself in the life of the society of which it is a part without continuing this conversation.

### 5. What other issues are important to you in relation to these matters?

As noted above, unofficial revision of our understandings of marriage is already taking place. This is unsurprising given that the last few decades of Australian culture has seen the development of reliable means of birth control, so that pregnancy and parenting are no longer almost inevitable consequences of sexual intercourse for heterosexual couples. Consequent upon this development, women, freed from a lifetime of child bearing, are now able to participate as fully in education, employment and community life as their male counterparts. Equal rights, opportunity and status for women are continuing to flow from this development. The UCA is already recognising this in the marriage service, but perhaps community attitudes lag behind liturgical understanding. If there is indeed a Christian understanding of “right relationships”, perhaps the UCA should develop an educational program which emphasises the importance of mutual respect and support in marriage and challenges inequalities imposed by gender roles or traditions. It is no longer appropriate for marriage to be a “patriarchal” relationship where, for example, a woman is given by her father to her husband.

Other aspects of Australian culture which suggest that a review of our theology of marriage is appropriate include:

- an extended ‘adolescence’ for young people due to the number of years in education, so that many do not feel in a position to commit to marriage until long after reaching sexual maturity;
- longer lifespans for many, if not all, sections of the community; and
- a high divorce rate.
These factors suggest that the church should, at the very least, refrain from disapproval of all sexual activity outside of marriage. (Obviously violent and exploitative behaviour cannot be condoned, but this can occur within as well as outside of marriage.) Perhaps more positively, the UCA could offer other possibilities to guide people in choosing entering into relationships which are life-giving and supportive for their particular circumstance. Examples might include:

- a time limited ‘betrothal’ period for young people;
- a ‘grow old together’ covenant for elderly people living in an aged care facility who desire a committed and intimate relationship which may or may not involve sexual activity; and
- a similar covenant for people living with disabilities who may not be able to care for themselves sufficiently to live independently together but nevertheless wish their relationship acknowledged.

The church gives liturgical expression to the commitment of marriage, and is beginning to do the same for the ending of marriage in divorce. Perhaps now is also the time to consider how to give liturgical and public expression of a number of supportive and covenantal relationships within our community. Whilst this possibility already exists within the Uniting in Worship marriage service with the option to ask the gathered congregation to support the couple in their marriage, it occurs even more significantly in the Baptism service, where the gathered congregation promises to uphold the new Christian and/or their parents.

6. **Are there particular questions or insights into these issues that you want to share from your ethno-cultural community?**

We offer the following reflections from our history of engagement with matters of social justice on behalf of the Assembly.

**Relationship with First Peoples**

We believe that the preamble to the UCA Constitution requires attention to the perspective of the UAICC views on marriage. Historically marriage has been shaped by context (including land) and community. If the Preamble is to be taken seriously, then theological reflection must be contextual and attentive to the understandings and experiences of indigenous people. This paper does not help us to understand their questions and issues around marriage and the sustaining of just relationships in their communities.

**Relationship with LGBTIQ people**

The Discussion Paper, admittedly following the 2013 Assembly’s guidance, attempts to discuss marriage in an ahistorical way. It is in fact highly significant that the theological reflection being asked of the church arises in the context of the public conversation about same-sex marriage. However, the paper treats this as a side issue and the voices of same-sex people are absent.

It is naïve to deny that this conversation in the Church has arisen because a significant majority of people in society now understand marriage as a relationship between two people, committed to each other, irrespective of sex, sexual orientation or gender identity. Marriage is widely seen as an intimate and yet public commitment between two adults that is recognised in law. The theological issue has arisen because on the one hand we have Assembly decisions that restrict marriage to opposite sex couples and, on the other hand, ministers and congregations who wish to be able to celebrate marriage in the full, inclusive sense in which it is now understood, and to extend the rights and responsibilities of civil marriage to LGBTIQ people.

The voices of those most directly disadvantaged by the current situation should be central in a just theological conversation. The Discussion Paper has sadly missed the opportunity to share with the church the lived experience of LGBTIQ people who wish have their relationships recognised as marriage by both church and society. In addition, the voices of children and parents of LGBTIQ people who are UCA members are not attended to in the Discussion Paper. Twenty-five per cent of lesbian and gay couples in Australia are raising children. All reputable social scientific surveys indicate that these children are doing as well, if not better than, children raised by opposite sex parents. The only area where these children are adversely affected by being raised by same sex parents is in matters where their parents are not treated equally by law, society and religion. This is a theological issue.
**Other Theological Sources**

Since its inception, the Uniting Church has been ecumenical. Many of our partner churches in other countries have addressed the issue of how marriage is understood in light of ever-increasing societal acceptance of same sex marriage. It is regrettable that the authors of the Paper did not examine theological work done by other denominations, e.g. United Church of Canada, United Church of Christ USA, Presbyterian Church USA, Church of Scotland, and Methodist Church in Aotearoa New Zealand.

Similarly, there is a huge body of work in the field of sexual and relational ethics from the UK, Europe, North America and Australasia which could have been used to resource the paper. John Chrysostom, in the fourth century, while helpfully de-centring the place of reproduction in marriage, as is quoted, is hardly the final definitive voice. Queer theologians, feminist theologians, and increasingly evangelical theologians of the emergent church tradition, all have much to offer. One again we point to the Uniting Church’s own document *Uniting Faith and Sexuality* as an excellent resource.

**Concluding Remarks**

As Uniting Church people we are invited to do theology in the context of justice, to put the needs of the vulnerable before our own needs. Same-sex couples who have been in relationship for decades are dying without legal protection and social recognition. A generation of children are growing up wondering why their parents cannot marry and internalising the stigma associated with their families.

This is not a conversation for the Uniting Church to have aside from the public conversation. At present our church is ill-equipped to engage in public conversation. We believe that in limiting human sexual expression to heterosexual marriage, the church (broadly speaking) has lost its place in the human community of ethical discernment. The public has heard us say that heterosexual intercourse within marriage is the requirement for God’s blessing. They have not heard us say that relationships that are mutual, equal, loving, committed and grounded in right relationship are relationships that reflect God’s faithfulness and grace. Moving beyond requiring humans to choose between heterosexual marriage or celibacy would create a space for the church to talk about what makes a relationship good and therefore to invite people into the spiritual depth and commitment that a good marriage can provide.

Even if the Uniting Church were to decide that it regards marriage as exclusively for biological males and females, the issue of law change must still be addressed by the church. There are other denominations in Australia for which this is a foregone conclusion. The public do not expect a liberating word of hope from them. The Uniting Church is different. People look to us to stand with the excluded and the marginalised. At the very least we should be able to support changes in civil law so that all Australian citizens are treated equally and all Australian children have the opportunity to have their families valued.