

Task Group on the Theology of marriage and Public Covenants for Same-Gender Relationships within the Uniting Church

This report has been amended at page B23-4 as the reference to Assembly Minute 91.95 should be ASC Minute 91.95.

Summary

This Report is the result of the decision of the 13th Assembly to ask the Working Group on Doctrine to prepare a discussion paper on the theology of marriage and to explore any implications for public covenants for same gender relationships. The Report details our task; the process followed; a description of the approach taken by the Working Group; a summary of the key themes from the responses received from approximately 438 groups and individuals; and a mapping of the further resourcing the Working Group believes the Church needs to make faithful and well-informed decisions in this area.

The Report

1. We are grateful for the large numbers of Uniting Church groups and individuals who gave careful consideration to the Discussion Paper on Marriage. It was pleasing to note many people reported that while there were very differing views on the issue by participants in their discussion groups, generally the conversations were respectful and helpful.

1. BACKGROUND

1.1 The discussions prior to the 13th Assembly (2012)

This conversation takes place in the context of long and sometimes challenging discernment on sexuality-related issues in the life of the Uniting Church. For a comprehensive record of these discussions prior to the 13th Assembly, we commend the paper by Chris Walker, "Sexuality and Leadership – Documenting the History" (see the Assembly website under Doctrine Resources: Issues at assembly.uca.org.au/doctrine/item/857-issues). These previous discussions

largely focussed on the ordination of people in same-gender relationships, rather than the issue of marriage.

Uniting Church discussion on such issues is part of a wider community of discernment, namely the international and ecumenical context, in which many churches are seeking to respond faithfully in a changing world. Across the global church there have been three responses to the question of same-gender marriage: some churches have moved to broaden the definition of marriage to include same gender couples (e.g. The United Church of Canada); some have retained marriage as a male-female covenant while developing covenants of blessing for same-gender monogamous partnerships (e.g. Episcopal Church USA); and other churches have decided to retain marriage as a male-female relationship and offer no recognised ceremonies of blessing for same-gender relationships (e.g. Presbyterian Church of Aotearoa New Zealand). Each of these decisions has been made as a faithful response by churches within the world-wide fellowship of Churches. These are the three options before the Uniting Church today.

1.2 The decision of the 13th Assembly

This process was initiated by Minute 12.31 of the last Assembly which was in two parts:

Part (a) affirmed the statement on marriage by the Eighth Assembly. This is reproduced as Appendix 2.

Part (b) reads as follows:

"(b) noting the desire for respectful conversation within the diverse community of the church and the current public debate about same gender marriage to ask the Working Group on Doctrine, after appropriate consultation across the Church and with ongoing liaison with the Standing Committee:

- *to prepare a Discussion Paper on the theology of marriage within the Uniting Church, and explore its implications for public covenants for same-gender relationships;*
- *to circulate the paper widely, and specifically to UAICC National Committee, Synods, Chairpersons of National Conferences, Presbyteries, UAICC Regions, Uniting Network, the Assembly of Confessing Congregations, Congregations, agencies and institutions of the Uniting Church,*

- requesting responses to the Working Group by a date to be determined by the Standing Committee; and*
- *to summarise responses and bring recommendations to the Standing Committee by November 2014, to enable the Standing Committee to bring a report to the 14th Assembly in 2015.”*

2. THE PROCESS SINCE 13TH ASSEMBLY

- Resources were prepared for a consultation process, facilitators were trained, and a series of consultations were held, including with the UAICC and Culturally and Linguistically Diverse (CALD) leaders. This resulted in the report “Views on marriage in the Uniting Church – Report on a consultation process, 2013” which was sent to all groups named in the proposal and widely circulated throughout the councils of the Church and placed on the Assembly website.
- Noting the findings of the 2013 consultation process, the Working Group on Doctrine prepared a discussion guide and a response form, which was approved by the ASC for distribution. This resulted in a great deal of discussion during 2014. Approximately 438 responses were submitted including individual, small group and large group responses, as well as responses from the Councils and agencies of the church.
- The Working Group on Doctrine read all responses carefully.
- The Working Group kept the ASC informed, as required.
- A draft report was prepared for the November 2014 ASC meeting, with this final report and recommendations prepared for the March 2015 ASC.

The breakdown of responses received is as follows:

Congregations / groups within a Congregation	267
Presbyteries / Presbytery group	40
Networks	16
Synod / Synod groups	32
Individuals/couples	83
Total	438

The marriage Discussion Paper, the consultation process and this Report are intended to resource the Church in its deliberations on this matter. It is an active conversation rather than a survey or poll of members. The Discussion Paper and response form were not designed to conduct a poll because the Uniting Church does not seek to discern the will of God by plebiscite. It is as we discern together, as a community, that we seek the will of God.

Responses were not always clear about how many members participated in the group meetings so this Report is unable to provide an accurate number of the participants in these discussions.

While there were few written responses from either the UAICC or CALD communities, a number of meetings were held with these groups, who were grateful for the opportunity to reflect further on the issue. They would value more time and opportunities for discussion before making a formal response. Some of the issues raised are new for some communities within the Uniting Church and there are cultural challenges relating to how such issues can be discussed.

3. THE APPROACH OF THE WORKING GROUP ON DOCTRINE

3.1 Use of the *Uniting in Worship 2* Marriage Service as the basis for the Discussion Paper

In preparing the (2014) “Discussion Paper on Marriage,” the Working Group was mindful of the findings of the 2013 consultations, in particular, that:

There is no agreed theology of marriage [among members and adherents] in the Uniting Church ... 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, would be well received.

The Working Group therefore prepared a Discussion Paper based on the Uniting Church’s approved liturgical resource, The Marriage Service in

Uniting in Worship 2 (UiW2). We considered this to be as close to a formally 'agreed theology of marriage' that we have.

Furthermore, the Working Group considered that the words of the Marriage Service would be an accessible way into the discussion for members who may not be familiar with more technical theological terminology.

3.2 **Choice of language**

Care was taken by the Assembly to use language that would not create difficulties for some members of the church, hence the use of the term "same-gender" rather than the more familiar "same-sex" language. This decision was in response to the difficulties the more popular parlance causes for translation into Indigenous and some CALD communities. The Working Group recognises that in English 'sex' primarily refers to biological characteristics while 'gender' primarily refers to a social identity, but this is not the case in some non-English languages.

3.3 **Theological method**

On the basis of the wide diversity of our church, clearly demonstrated in the responses to the consultation process, the Working Group chose a theological framework and language shared across the diversity of the church, namely 'creation-fall-redemption'. The Working Group was careful to nuance the language in the Discussion Paper to show that the framework could be used in good faith to lead to markedly different conclusions in relation to the Church's response to the question before us. Some responses were critical of the reliance on the creation-fall-redemption framework, suggesting there are other ways to read the Bible and the theological tradition. Some responses suggested that the Discussion Paper, with its reference to the fallen-ness of all human sexuality, endorsed the view that same-gender attraction is fallen in a way that other orientations are not. The discussion paper explicitly rejected this view.

We note that this same theological framework was used in the Assembly's most substantial work on sexuality, namely, in *Uniting Sexuality and Faith*, 1997 (see the Assembly website under Doctrine resources):

'The early chapters of Genesis give the church a language for describing our sexuality as both blessed and broken, gift and dilemma. Every created reality is both good and fallen. Our sexuality is one dimension of life in which we experience this tension acutely.' (1.10, p 12)

4. **KEY THEMES IN THE RESPONSES (REFER TO APPENDIX 1 FOR A SUMMARY OF RESPONSES)**

Many people were grateful for the Discussion Paper and the open and respectful process; it gave them a better understanding of the Marriage Service and the biblical/theological basis for it.

A number of responses demonstrated little awareness of the long process of prior careful consideration by the Uniting Church on same-gender issues, or even of the report of the 2013 consultations which was distributed with the Discussion Paper. We agree it would have been helpful to explicitly locate this discussion in the history of our Church's discussions and debates on this and related issues. In the view of the Working Group the 1997 Report *Uniting Sexuality and Faith* remains a valuable resource for the church and should be commended to the Church for study and discussion.

Some respondents wondered why there was no mention of the "right relationships" framework, which featured so prominently in earlier discussions (*Uniting Faith and Sexuality* in particular). One answer is that the Discussion Paper was not meant to replace previous work, including *Uniting Faith and Sexuality*. It is to be read as an addition to that earlier report, rather than as a replacement to it, and so 'right relationships' remains a possible framework for sexual ethics for Uniting Church members, alongside 'celibacy in singleness and faithfulness in marriage'.

Some respondents were looking for a more explicitly Trinitarian approach, emphasising relationality as a distinctively Christian theological perspective on relationships. Some were hoping for more extensive biblical exegesis and a wider selection of

biblical texts rather than dependence on the key passages used in the Marriage Service, namely Genesis 2 and Ephesians 5.

Some respondents recognised that Ministers are currently permitted to exercise discretion in blessing same-gender relationships (ASC 91.95), and welcomed the possibility of an authorised blessing service.

Other respondents were concerned that the Discussion Paper made no reference to the human rights and social justice commitments of the Uniting Church. Specifically, some respondents suggested that the Uniting Church's commitment to justice and human rights and freedoms are fundamental to our theological inheritance. The 'Statement to the Nation' made at the Inaugural meeting of the Uniting Church in 1977 included these words: 'We will oppose all forms of discrimination which infringe basic rights and freedoms'. The Uniting Church is committed to doing theology with justice, and the Working Group sought to ensure that the process of preparing the Discussion Paper was a just one by, for example, holding consultations with all those who felt that they would be particularly impacted by the issue: the Chairpersons of National Conferences; the UAICC; the Uniting Network; and the Assembly of Confessing Congregations, among others.

Some responses questioned why the Uniting Church needed to discuss the issue of same-gender marriage at all, and shared a fear that this discussion would cause division and harm ecumenical relationships. The Uniting Church has always been open to discussing questions of sexual ethics in ways that have set it apart from many other churches. Before the Uniting Church was formed, the Methodist and Presbyterian churches had both resolved to support no-fault divorce and the decriminalisation of male homosexuality, ahead of most other churches. The Uniting Church discussion of the ordination of people in same-gender relationships was also ground-breaking. In discussing same-gender marriage the Uniting Church is once again addressing a question of sexual ethics which grows out of our theological commitment to justice.

The choice of UiW2 was contested by some respondents. The Assembly of Confessing Congregations' response was largely devoted to a critique of the UiW2 service, arguing that it is a weakening of the theology of marriage in Uniting in Worship 1 (UiW1). The Uniting Justice response criticised the choice of the UiW2 service as 'historical' and 'unsuited to contemporary discussion'. While those responses contained important insights and perspectives, on this matter at least, the Working Group defends its choice strongly. This Service (in particular the Declaration of Purpose) is based on the Assembly's key statement on marriage (Assembly Minute 91.31.12). Ministers are required to use this Service, both by Commonwealth law and Assembly requirements. It is hard to imagine what other shared and widely recognised and affirmed starting point could have been used.

Of the responses received, the view that 'marriage' is the exclusive term for a covenant between a man and a woman was expressed by the largest number of respondents, while a significant minority of responses supported a broadening of the definition of marriage to include same gender relationships. Some who supported retaining the 'traditional' definition of marriage supported the UCA offering services of blessing of same gender covenantal relationships, others did not. Of those supporting a change to a more 'inclusive' definition of marriage, some regarded blessing ceremonies as desirable while same gender marriage remains illegal, but in the event of a change to the legislation, as a 'second-best' option.

Some responses expressed concern that the emphasis on gender duality and creation in both the Marriage Service and the Discussion paper does not take into account the existence and experience of some people, for example transgendered and intersex people. Despite continuing debates over the origins of sexual orientation, intersexuality is a fact of existence which the Working Group believes cannot be explained either by the disorder of creation or personal sin.

At the same time the biblical witness to a created gender duality is neither

insignificant nor uninformative. Theologically, a recognition of the biblical witness to gender duality has been variously interpreted. Its significance does not lie in simply legitimating heterosexual marriage and need not be dismissed because of that traditional connection. By its reference to such obvious duality in such potent dimensions of human existence, it points to the reality of both significant difference and radical mutuality as constitutive elements of the social existence to which God summons us.

The question of celibacy was raised in several responses. The point was made that in its own way celibacy contributes to our common social existence. One respondent, quoting parts of the discussion paper in her response, put it like this:

We see in the discussion paper that 'the married relationship is to contribute to the wider flourishing of society ... symbolised by the presence of the community at the marriage service.' Thus if 'to make a promise of lifelong love and faithfulness to another person is *one* way of accepting responsibility for the wider community of which one is a part,' how do we affirm and support, as a community, folk for whom *singleness* is the most life-giving way of 'accepting responsibility for the wider community of which one is a part'?

With such questions, the church can be prompted to think in fresh ways about the relationship between celibacy, gender, sexuality and our shared communal existence. It is regrettable that over the decades of wrestling with these issues, celibacy has been assumed to be simply an absence of relationship rather than a distinctive Christian vocation to which many Christians over the ages have been called.

From the responses it appears that some Ministers may not fully appreciate the importance of using all the essential parts of the approved Marriage Service. This is a concern. Ministers are required by both the Church and the Commonwealth Marriage Act to ensure that they include all the elements of the service that are designated as essential

for a marriage to be 'according to the rites of the Uniting Church in Australia'. The Code of Ethics commits ministers to 'uphold the theological and liturgical tradition of the Church' (3.2). *Uniting in Worship 2* clearly indicates that the Declaration of Purpose, which provides a 'brief summary of the Christian understanding of marriage', is an essential part of the Marriage Service.

Many responses raised the issue of the role of the Church in relation to the legal apparatus of marriage. These responses pointed to a system widely practiced in Europe, in which Ministers do not act as agents of the state in performing marriages. In such arrangements all marriages are civic rites, and couples may subsequently request a service of Christian blessing if they wish. *Uniting in Worship 2* contains 'A Service of Blessing of a Civil Marriage' for just this purpose. The Working Group believes there is merit in exploring alternatives to the current arrangements, such as separating church and state in this regard, in the interests of preserving the integrity of Christian and other religious ceremonies. In the matter of same-gender marriages such an arrangement would enable religious communities to make their own judgments about which relationships they would bless. While this issue is beyond the Terms of the current task, the Working Group believes the Assembly could profitably explore this issue further with its ecumenical partners.

A number of responses referred to the fact that many churches, including the Uniting Church, have fundamentally shifted their understanding of divorce and remarriage from the received tradition. The gospels report Jesus as being opposed to divorce, yet the Uniting Church has recognised that marriages fail and that re-marriage is possible: "In cases of the irretrievable breakdown of marriage, the Church acknowledges that divorce may be the only creative and life giving direction to take". (Assembly Minute 1997) On the other hand, there is no record of Jesus saying anything about same-gender relationships (although Paul does so). In the case of divorce, we have recognised that Jesus lived in a particular social context and that societal change needs to be taken into account. In discussing divorce, the church learnt to read

scripture through the lens of the gospel of grace and reconciliation. It would be consistent with this approach if the Uniting Church took into account social change and scientific insight, together with reading scripture through the lens of the gospel of grace and reconciliation in considering same-gender relationships

5. FURTHER WORK

5.1 The Bible and Marriage

A number of responses assumed (wrongly in the view of the Working Group) that the contemporary Western understanding of marriage is “the normative biblical model” and therefore the immutable will of God for all times and cultures. The Bible describes marriage as between a man and woman or a man and several women. However, it shows an evolution in the understanding of marriage, notably in the area of polygyny (multiple wives). Further, there are customs and practices that are condoned, and even advocated, in the Bible that we reject today. Christian marriage itself has evolved significantly since Biblical times, most rapidly in the second half of the twentieth century. During the life time of many of our members the following changes have taken place:

- Wives have gained the right to own property independently of their husbands.
- A spouse is able to give evidence against the other in court.
- Women are able to enter into a contract without their husbands’ consent.
- Women are not required to resign from jobs when they marry.
- Specifically in the Uniting Church we do not follow the practice of a father “giving away the bride”, as this perpetuates the notion of women as property.
- Many churches have accepted divorce and the remarriage of divorced people.
 - Within marriage, non-consensual sex is now considered to be rape; that is, spouses are not considered to have consented to all future sexual activity simply by being married.

Thus, the question is: to what extent can Christian marriage continue to evolve? Can it evolve to extend to marriage between people of the same gender?

5.2 Theological discernment in the Uniting Church

Many of the responses raised questions for the Working Group about how well members of our church have been equipped to engage processes of theological discernment generally. Frequently, this issue emerged when the question of the relationship between scripture, tradition and culture was addressed. There were examples of some responses that proposed not only a one-dimensional reading of scripture as sufficient for the church’s discernment on this issue, but also isolated particular verses of scripture from their immediate and wider textual context. While reading a text in its context does not make its meaning immediately transparent, it is however a necessary first step in any such discernment. In the absence of that first step, such proof-texting contributes nothing to theological discernment.

Some responses reflected a deep confidence in the norms of contemporary culture as sufficient for theological discernment. It may well be that an exercise in theological discernment will come to endorse the norms of a given culture, but without contemporary culture being brought into conversation with scripture and tradition, it will not be an exercise in *theological* discernment, nor one which could by itself make a claim upon the church.

The presence of such responses presents an opportunity for the church to reflect on how we do theological discernment. Our Reformed tradition has always prioritised the authority of Scripture. Yet beyond the debates of the sixteenth century, this authority has never been a stand-alone authority. Even when other sources of authority have not been acknowledged, the interpretation of scripture has always been shaped by other factors. There is now a broad ecumenical consensus that, as it engages in theological discernment, any given church community properly brings scripture, tradition, reason and experience into conversation. These four reference points are often known as the ‘Wesleyan

Quadrilateral'. It does not, however, by itself yield a 'theological method'. Discernment through these sources is more an art than a method. Using this idea in conversation with the *Basis of Union* will guard against treating the quadrilateral as an equilateral. Although the precise language of scripture, tradition, reason and experience does not occur in the *Basis*, these elements are present, but never in such a way that the authority of Scripture is levelled to that of the others. Here the Uniting Church is challenged to address the relationship between Paragraphs 5, (The Biblical Witnesses) 10 (The Reformation Witnesses) and 11 (Scholarly Interpreters) of the *Basis*.

Paragraph 5 calls on the Church to listen for the Word of God in the midst of its 'worshipping and witnessing life'. It never envisages the Bible as a 'flat text'. Paragraph 10 reminds the Church of the Reformation Witness to the 'need for constant appeal to Holy Scripture' and Paragraph 11 acts as a potential corrective to any temptation to use that Reformation Witness as a license for unscholarly or uninformed appeals to Scripture. Together the three paragraphs remind us that the process of biblical interpretation is always open and dynamic. Our reading of Scripture is nourished but not imprisoned by received interpretations. Even the "need for a constant appeal to Holy Scripture" is conducted in the 'freedom of faith'.

Paragraph 11 reminds us that the scholarly vocation is also a church vocation: it is pursued in the "world-wide fellowship of Churches" as it seeks to "sharpen its understanding of the will and purpose of God". It is also a vocation intentionally placed at the boundary of the church. It pursues its work of interpretation of the Biblical text in the context of "contemporary thought" and "contemporary societies".

Taking these various issues into consideration will not necessarily make the task of theological discernment any easier, not least in the issue of marriage. What it might do, however, is to provide the church with a richer theological language around the relationship between scripture, tradition and culture than is possible when Paragraphs 5 and 11 are simply placed in tension with each other.

Rev Prof Bill Loader, eminent UCA scholar and author of substantial research on sexuality in Biblical and extra-Biblical literature, expressed it this way:

Given that the biblical witness is clear in disapproving of same gender sexual relations, the key question which should determine current discussion of such same-gender relationships and their legitimacy must be whether any new knowledge causes us to believe that the first century believers did not have a sufficiently adequate understanding of same-gender relationships. Do new insights lead us to at least more differentiated conclusions than theirs?

The Church's theological discernment must include listening to the witness of gay, lesbian, bisexual, transgender, intersex and queer (GLBTIQ) people within the Christian community. The whole church must hear their testimony of the integration of their sexuality into their faith in Jesus Christ; their lives of discipleship; their commitment to love God and neighbour; and their experience of the grace of God in and through faithful, monogamous, same-gender relationships.

Through its engagement and analysis of the responses to the Discussion Paper, the Working Group is of the view that the UCA's 1997 Declaration on Marriage and its theological articulation in the Marriage Liturgy cannot by itself resource the Church's reflection on same-gender marriage or address the question of public covenants for same-gender relationships. It is clear that many respondents would welcome the consideration of either alternative understandings of marriage or some formal Christian recognition of same-gender relationships.

The Working Group believes that the possibility of such changes requires attention to several key theological issues. The Working Group was troubled by the lack of nuance in the processes of theological discernment being advocated in the diverse responses to the Discussion Paper. It is our view that the Uniting Church has exhausted its attempts to address these

and other issues related to sexuality through appeals to diversity of scriptural interpretation, prevailing or changing cultural norms, or proof-texting of scripture. Equally, the appeal to 'unity-in-diversity' in the body of the church will leave many important and relevant theological questions unaddressed.

What the church believes about marriage has always been shaped by the interaction between scripture, tradition and culture. Therefore, the Working Group believes that consideration of any change to the existing doctrine of marriage needs to engage a theological approach that holds together scripture, tradition, and culture. It is through this process that the church develops its doctrines.

It is true that the various Christian views on marriage have consistently assumed that marriage is a lifelong, faithful, male-female union; beyond that the church's teaching about the status and purposes of marriage has changed across time, place and cultures. The presenting issue is whether one of those three constants in the Christian doctrine of marriage, namely it is a male-female union, should be maintained; or whether it can be changed to embrace same-gender unions.

To explore this possibility in a manner consistent with the process of theological discernment outlined above, further attention needs to be given to the doctrine of scripture, the doctrine of creation, and the doctrine of the new creation in Christ.

5.3 Future Work

Arising out of the responses to the Marriage Discussion Paper, the Working Group will undertake further doctrinal exploration of the Uniting Church's understanding of marriage including but not limited to:

- (i) the changing scientific and cultural understandings of human nature and relationships that inform and shape our society's changing norms;
- (ii) understandings of the spectrum of sexual differentiation including intersexuality and transgenderism;
- (iii) the Christian vocation to celibacy;

- (iv) the Uniting Church's understanding of the use and authority of scripture in the formation of doctrine;
- (v) how the churches prior to Union came to a decision to permit divorce and the remarriage of divorced persons prior to the presentation of the 1997 statement on divorce to the UCA Assembly;
- (vi) an exploration of the relationships between Paragraphs 5,10 and 11 of the Basis of Union in terms of ethical decision-making and theological discernment more generally;
- (vii) an exploration of a theological basis for the Church offering services of blessing for same gender relationships; and
- (viii) whether on the basis of (i)-(vi) the Uniting Church should maintain the current definition of marriage or change it.

**Rev Alistair Macrae ,
Convenor, Working Group on Doctrine**

Proposals: That the Assembly

1. receive the report on 'The theology of marriage and same gender relationships within the Uniting Church';
2. affirm that Ministers continue to be free to accept or refuse requests to celebrate marriages within the constraints of the Marriage Act 1961 (CTH);
3. request the Standing Committee to explore how the UAICC and CALD communities can engage in further discussions about marriage and same-gender issues in culturally appropriate ways; and
4. request the Standing Committee to:
 - (a) establish a Task Group to investigate the implications of changing the Church's current relationship with the Commonwealth Government with respect to the conduct of marriages;
 - (b) set appropriate Terms of Reference for this work, allowing for an exploration of the possibilities that this work may be undertaken in consultation with our ecumenical partners; and

- (c) report, with appropriate recommendations, to the Fifteenth Assembly.