

B23 ASSEMBLY STANDING COMMITTEE REPORT ON MARRIAGE AND SAME-GENDER RELATIONSHIPS

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1. INTRODUCTION

This report from the Assembly Standing Committee is provided to the Assembly in response to Resolution 15.15 made at the Fourteenth Assembly (see page 3 of this report). It sets out the process undertaken during the past triennium to fulfill what it was asked to do; includes the significant report from the Working Group on Doctrine, Report on Marriage and Same-Gender Relationships; and recommendations with rationale from the Standing Committee following its work and the work of the Working Group on Doctrine.

The Uniting Church has for some time been conducting its own discernment on marriage. We acknowledge that there is a diversity of opinion in our Uniting Church community on the issue of marriage and same-gender marriage. As the Church, we have always tried to maintain a respectful conversation on this subject between the Councils and members of our Church. In the past triennium, as these conversations have continued, we have sought to hold a 'space for grace' - engaging in respectful conversations with one another, guided by the Spirit, sharing our stories and understanding of marriage and same-gender relationships in culturally appropriate ways.

In keeping with the commitment of our Church to stand together as we struggle with challenging issues in amongst the diversity of our members, this conversation has been no different. We listen for the Spirit's wisdom and guidance in the light of the Scriptures and in keeping with the Gospel understanding of the unique worth of every human being, religious liberty and personal dignity, and a concern for the welfare and flourishing of every person and the whole creation.

It is important to acknowledge that the Eighth, Tenth and Eleventh Assemblies have recognised an enduring disagreement between members of the Church on a range of questions concerning human sexuality. The Thirteenth and Fourteenth Assemblies have engaged the Church in a process of respectful conversation on same-gender relationships and marriage. As part of this report, the Fifteenth Assembly will receive a report from the Working Group on Doctrine on the findings of this process.

In 2017, after a voluntary national survey on the question, the Commonwealth Parliament passed legislation making marriage available to same-gender couples as well as opposite-gender couples – decisively changing the social context within which the Church will reflect on the Working Group on Doctrine Report on Marriage and Same-Gender Relationships.

Among other important findings, the process of consultation and study reflected in the Working Group on Doctrine Report on Marriage and Same-Gender Relationships has confirmed that:

- The diverse understandings identified by previous Assemblies are all able to be justified biblically and theologically – even though they are mutually exclusive interpretations;
- That diversity of understanding is itself explicable in biblical and theological terms, and can be recognised as a gift and a sign of health in the Body of Christ;
- The diversity in the understanding of marriage is in fact greater than can be imagined in the dominant culture when the witness of Indigenous and non-Western cultures is listened to. In many cultures marriage is primarily a community arrangement and fundamental to social and cultural structures and understanding, and only in a secondary sense about the love between two people.

The Assembly Standing Committee has provided two proposals to help the Fifteenth Assembly wait upon God's Word and discern God's will in relation to this matter.

Proposal (b) is offered to help the Assembly discern whether God would have us continue to sustain the diversity of understandings of human sexuality and marriage within this fellowship. Within the diversity of our fellowship there are ministers and congregations who believe the change in our social context that allows same-gender marriage is consistent with the Gospel, and want to be able to celebrate same-gender marriage as well as opposite-gender marriages. They are

seeking the consent of the rest of the Church to have this ability. They are not asking the rest of the Church to agree with them, but allow them to follow their conscience in this way. The Working Group on Doctrine Report on Marriage and Same-Gender Relationships confirms the biblical and theological legitimacy of this request.

Whatever the Fifteenth Assembly discerns in relation to Proposal (b), Proposal (d) offers the Assembly the opportunity to make an affirmation about marriage that reflects the richness of the conversation on marriage with First Peoples and across the cultural diversity of the Uniting Church.

The Standing Committee requests members of Assembly to take time to read this report, and that of the Working Group on Doctrine contained therein. The proposals from the Standing Committee are built on this, and the conversations, processes and wisdom gathered over the past triennium. Members are invited to engage with the issues, scholarship and insights that are included in this report in respectful conversations, and to prayerfully consider the proposals. The Standing Committee stands with and holds the Fifteenth Assembly in prayer as it listens for the insight and leading of God's Spirit on this matter.

2. RESOLUTIONS FROM THE FOURTEENTH ASSEMBLY

The Fourteenth Assembly in 2015 resolved the following regarding its discussions on the theology of marriage:

15.15 Theology of Marriage Discussion

- a) receive the report on 'The theology of marriage and same gender relationships within the Uniting Church';
- b) request the Standing Committee, in consultation with the UAICC and Multicultural and Cross-cultural Ministry, to explore how the Uniting Church can engage in further discussions about marriage and same-gender relationships in culturally appropriate ways; and
- c) request the Standing Committee to address immediately, through appropriate mechanisms, the following work:
 - (i) to engage with the continuing work of the Doctrine Working Group as outlined in its report to the Fourteenth Assembly;
 - (ii) to engage with the members of the LGBTIQ community and the wider Church in discussions about marriage and same-gender relationships;
 - (iii) in consultation with the relevant Assembly working groups, to prepare a report to the Fifteenth Assembly with appropriate recommendations, as well as supporting theological, liturgical, pastoral and educational resources; and
 - (iv) in consultation with our ecumenical partners, where appropriate, to investigate the implications of changing the Church's current relationship with the Commonwealth Government with respect to the conduct of marriages.
- c) request the President to issue a pastoral letter to the Church affirming that the Uniting Church in Australia seeks to be an inclusive Church that embraces LGBTIQ people as full members of our Church community and is committed to active and culturally appropriate discussion about marriage; and
- e) request the General Secretary, in the event that the Commonwealth Marriage Act or other relevant legislation is changed, to write to all Uniting Church marriage celebrants, advising them of their freedoms and constraints under that legislation and as celebrants authorised by the Uniting Church.

3. PROCESS UNDERTAKEN IN THE PAST TRIENNIUM

In accordance with resolution 15.15, the Fourteenth Assembly requested the Assembly Standing Committee, in consultation with Uniting Aboriginal and Islander Christian Congress (UAICC) and the Multicultural Cross Cultural Ministry National Reference Committee to explore how the Church can engage in further discussions about marriage and same-gender relationships in culturally appropriate ways, including engaging with the continuing work of the Working Group on Doctrine in this area, and with members of the LGBTIQ community and the wider Church. The Standing Committee was also requested to consult with our ecumenical partners, where appropriate to investigate the implications of changing the Church's current relationship with the Commonwealth Government with respect to the conduct of marriages. A report from the Standing Committee was to be brought to the Fifteenth Assembly.

Two other requests were made by the Fourteenth Assembly. The President was requested to issue a pastoral letter to the Church affirming that the Uniting Church seeks to be an inclusive Church that embraces LGBTIQ people as full members of our Church community and is committed to active and culturally appropriate discussion about marriage. The President issued the pastoral letter on 12 August 2015. The other request was for the General Secretary, in the event that the Commonwealth Marriage Act or other relevant legislation was changed, to write to all Uniting Church marriage celebrants advising them of their freedom and constraints under that legislation and as celebrants authorised by the Uniting Church. Following the change to the Commonwealth Marriage Act in December 2017, the General Secretary wrote to Uniting Church authorised marriage celebrants with the requested advice.

Over the course of the triennium the President and members of the Working Group on Doctrine participated in conversations with various networks and groups within the life of the Uniting Church representing the broad diversity of views on this and related matters, including congregations and presbyteries, national presbytery ministers and national educators meetings, Uniting Network, Assembly of Confessing Congregations, UAICC, the Multicultural Cross Cultural Ministry National Reference Committee and various national conferences, ecumenical partners in Australia and overseas.

The Standing Committee requested the President to host two national consultations of approximately 30 people using the Space for Grace process to enable intercultural conversations and consider related issues. Synods were requested to identify four participants for each conversation representative of the cultural, theological and personal diversity of the Uniting Church. Additionally, UAICC was invited to provide four participants for each conversation, and a representative of the Assembly's Working Group on Doctrine was in attendance at each conversation. Along with the facilitator, the President and President-Elect were in attendance at both conversations. These consultations took place in Brisbane in May 2017 and Sydney in June 2017; and themes and outcomes from these were provided to the Standing Committee.

Building on these national conversations, the Standing Committee requested that Synods make time in their meeting agenda in 2017 to focus on three questions relating to marriage and same-gender marriage. These questions were -

- What are your hopes and concerns for the marriage conversations at Assembly next year?
- In what mutually respectful ways could we move together as a church that reflects the breadth of who we are as the UCA?
- What matters would you like the Assembly Standing Committee to consider as it prepares for a discussion on this matter at the 15th Assembly?

All Synods except the Northern Synod who met prior to this request from the Standing Committee, participated in these conversations. Feedback was provided back to the Standing Committee. It was also shared with the Working Group on Doctrine to help shape the final form and content of their report.

During the triennium the President also made three additional Pastoral Statements on the issue of marriage, calling for conversations from the heart that show respect for each other (<https://assembly.uca.org.au/doctrine/item/2499-conversations-from-the-heart>), with the Moderators and the Chair of UAICC on the occasion of the marriage postal survey (<https://assembly.uca.org.au/news/item/2743-australian-marriage-law-postal-survey>), and when changes were made to the Australian marriage law (<https://assembly.uca.org.au/news/item/2762-changes-to-australian-marriage-laws>).

Resources for respectful conversations were also provided to the Church including a resource regarding the Space for Grace process and all past documents relating to marriage that have been considered by the Uniting Church and a history of the decisions and deliberations of the Uniting Church to date. (<https://assembly.uca.org.au/marriage>).

The Standing Committee consulted with the Chair of the Working Group on Doctrine on three occasions as this report was being developed. Pastoral implications for the Church were always considered as these conversations took place and the report for the Fifteenth Assembly was developed.

4. WORKING GROUP ON DOCTRINE REPORT ON MARRIAGE AND SAME-GENDER RELATIONSHIPS

4.1 INTRODUCTION

An introduction to this report is provided in video format by Rev Alistair Macrae (Chair, Working Group on Doctrine) <https://vimeo.com/264923268>, and Rev Dr Ji Zhang (Assembly Theologian in Residence) <https://vimeo.com/264924501>.

Please watch these videos before reading the Executive Summary of the report (see below), and the report itself (beginning on page 9).

4.2 EXECUTIVE SUMMARY

(Please note that this Summary is provided in plain English)

The process so far (Read Section 1 of the Report)

The 13th Assembly (2012) asked the Working Group on Doctrine (WGD) to prepare a discussion paper on the theology of marriage, and to explore what this could mean for a commitment between two men or two women. The WGD reported to the 14th Assembly (2015), and was given three more years to continue its work on this issue. This Report is the conclusion of this work. It is the result of extensive theological reflection, study of Biblical texts, and consultation with a diversity of people, groups, and cultures within the Uniting Church. Please read the full Report.

Four possible options (Read Section 2 of the Report)

1. Offer the rites of marriage only to opposite-gender relationships, while allowing Ministers and Uniting Church authorised celebrants to conduct, or to decline to conduct, “blessings” of same-gender relationships as long as such ceremonies “do not resemble marriage” without any officially approved rites for such services.
2. Offer the rites of marriage only to opposite-gender relationships, while allowing Ministers and Uniting Church authorised celebrants to conduct, or to decline to conduct, “blessings” of same-gender, covenantal relationships according to officially approved rites for such services.
3. Offer the rites of marriage only to opposite-gender relationships, and forbid Ministers and Uniting Church authorised celebrants to conduct blessings of same-gender covenantal relationships.
4. Offer the rites of marriage to opposite-gender and same-gender couples, while allowing Ministers and Uniting Church authorised celebrants freedom of conscience to perform marriages or not.

Key considerations

Basis of Union (Read Section 3.1)

The Basis of Union of the Uniting Church describes the Christian faith for the Uniting Church. Paragraph 5, ‘The Biblical Witnesses’, describes the books of the Old and New Testaments as ‘unique, prophetic and apostolic testimony’. In discussions about marriage some say that this means the Church should oppose marriage between two men or two women. In paragraph 11, ‘Scholarly Interpreters’, we read that God can speak through study of the Bible and also through other areas of academic study such as science and history. Some say that this means the Church should allow marriage between two men or two women. ‘The Biblical Witnesses’ and the ‘Scholarly Interpreters’ described in the Basis of Union are not in conflict with each other. The Basis of Union

says that they are both under the authority of Jesus Christ. Thus, in our Bible reading and our academic study the Uniting Church must be under the authority of Jesus Christ.

The Biblical Witnesses (Read Section 3.1, 3.2)

The Basis of Union directs the Church to read scripture under the authority of Jesus Christ. So how did Jesus read scripture and how can we learn from him?

In reading his own scriptures (the books of the Old Testament) Jesus gave first priority to love for God and neighbour, and challenged Biblical laws when they were used to exclude people from worship and community life. The Church can learn from Jesus to read the scriptures in this same way, giving priority to love of God and neighbour in the way we read and teach. When we read scripture this way it is harder to say that Bible verses like Leviticus 18- 20 and Romans 1: 27 give us rules to follow.

Also, when we read those verses together with the whole chapters or books from which they are taken, we discover different concerns. For example, having children was a very significant value in Ancient Israel as it provided a future for God's people and fulfilled God's promise of blessing to Abraham. In those times, same-gender couples could not have children. We can also see that both Old Testament and New Testament communities compared themselves with other people groups. There were times when they kept a special sense of their cultural, national and religious identity through keeping rules about marriage.

Some scholars have found that the whole Bible shows that the relationship between men and women reveals something about the nature of God (Genesis 1:27, Ephesians 5:31-33). The Bible does express ideas about relationships, the body, marriage and sexuality. It also shows that God's creation of the world and God's saving of the world do not depend on the human male-female relationship. The New Testament tells us that all other priorities and loyalties come second to our union with Jesus Christ.

Church History (Read Section 4.1)

There are different kinds of marriage described in the Bible. The Old Testament includes various practices, including polygamy. The New Testament seems to prefer voluntary celibacy to marriage. Saint Augustine in the 300s said that three good things were found in marriage: permanence (life-long), faithfulness (exclusivity) and procreation (having children). This idea has had a big influence on Christian thinking about marriage ever since.

The church was not involved in weddings or marriages until the 800s and priests were not involved in weddings until the 1100s. In the 1500s, at the Reformation, Luther and Calvin said that marriage was not a sacrament and also that the church should not be involved. (If marriage is not a sacrament then divorce becomes possible in church law.)

The Uniting Church's understanding of marriage is that Augustine was right about what is good in marriage: permanence - the intention of a life-long commitment, faithfulness to the spouse which excludes all others, and procreation or fruitfulness, which includes having children. The Uniting Church has learned that it is important to add to these the goodness of equal and mutual companionship, and to recognise that many couples have fruitful lives even if they don't have children.

Science (Read Section 3.3)

In our time, scientific research generally supports the view that people who are attracted to someone of the same gender were born that way. This knowledge supports the view that same-gender sexual attraction can be understood as part of God's good and diverse creation rather than unnatural. If the Church accepts this understanding of science then the WGD believes that the Church should offer the covenant of marriage to same-gender couples.

Justice (Read Section 3.4)

The Uniting Church takes very seriously the injustices which LGBTIQ people have suffered in society and in the Church. In his ministry, Jesus was concerned to challenge injustices suffered by

people who were excluded from worship because of laws about purity. It is common knowledge that discrimination against people because of their sexual orientation has very damaging impacts on their health and wellbeing, including high rates of suicide. If the Church is committed to learning from Jesus about challenging the injustice of excluding people then it will seriously consider extending marriage to couples of the same gender.

Gifts and graces (Read Section 1.7)

The Uniting Church believes that the Risen Christ is present with us through his Holy Spirit. We rely on the Holy Spirit to build up the Church as the Body of Christ through the gifts of many people. We learn from Scripture that the Spirit's gifting is not in our control. A number of Uniting Church congregations include Christian same-gender couples, and find their presence and their gifts contribute to the building up of the Church and serving the community in Christ's name.

A way forward (Read Section 5)

The Uniting Church's definition of marriage (Read Section 5.5)

Noting the diverse range of views on this matter throughout the Church, and as a result of the study, prayer and consultation behind this Report, the WGD recommends that the Uniting Church adopt Option 4: Offer the rites of marriage to opposite-gender and same-gender couples, while allowing Ministers and Uniting Church authorised celebrants freedom of conscience to perform marriages or not.

And so the WGD recommends revising the first paragraph of the Church's Statement on Marriage, as provided by the 1997 Assembly, as follows:

Marriage is a gift God has given to humankind for the well-being of the whole human family. For Christians, marriage is the freely given consent and commitment in public and before God of two people to live together for life. It is intended to be the mutually faithful, life-long union of two people expressed in every part of their life together. In marriage two people seek to encourage and enrich each other through love and companionship, experience the fruitfulness of family, contribute to the well-being of society and strengthen the mission of the church.

Freedom of conscience (Read Section 5.6)

The WGD proposes that the Uniting Church permit ministers and celebrants authorised by the Uniting Church to marry same-gender couples, while at the same time allowing ministers to refuse to do so for reasons of conscience. If Option 4 is endorsed by the Assembly, then ministers who refuse to marry same-gender couples for reasons of conscience will never be subject to any kind of sanction or disciplinary action. Church Councils, having authority under the Regulations to determine use of church property, may also make policy in this regard but they may not prevent the minister in placement from following his or her conscience in this matter.

The Basis of Union (Paragraph 14(d)) "allows for difference of opinion in matters which do not enter into the substance of the faith." The WGD believes that definitions of marriage do not belong to the substance, or heart, of the Christian faith. And so the Uniting Church has good reason to allow freedom of conscience for ministers to marry same-gender attracted couples or not, rather than enforce one position for all.

4.3 THE REPORT

A note on language used in this Report

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Appendix 1: The Options (with explanations)

Appendix 2: Marriage in some of the Uniting Church CALD Communities

A note on language

The language used within this report has been carefully chosen. In English 'sex' refers to being biologically male and female, while 'gender' refers to being culturally masculine and feminine. In English we are discussing the topic of 'same-sex' marriage. However, this distinction does not exist in some of the other languages used within the Uniting Church, for whom 'sex', when translated, refers only to sexual activity. So, this Report uses the phrase 'same-gender marriage' to refer to the concept more helpfully.

The acronym LGBTIQ used in the Report refers people who are Lesbian, Gay, Bisexual, Transgender, Intersex, or Queer. Some aspects of this Report only apply to same-gender attracted people, in which case that term is used.

The writers of this Report have sought to hear and incorporate insights from culturally and linguistically diverse (CALD) communities within the Uniting Church. We acknowledge that the acronym LGBTIQ does not necessarily resonate with same-gender attracted people from some CALD communities. We are also aware that the Report may contain words and concepts that may at times offend readers from CALD cultures.

1. THE ISSUES

1.1 THE ASSEMBLY'S DECISIONS AND MANDATE

The 13th Assembly (2012) asked the Working Group on Doctrine (WGD) to prepare a discussion paper on the theology of marriage and to explore any implications for public covenants for same-gender relationships. The WGD reported to the 14th Assembly (2015), requesting a further triennium to continue its work of study, consultation and theological reflection. The Report to the 14th Assembly identified the areas of work the WGD considered needed more time, namely:

- 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, after considering (i) - (vii) the Uniting Church should maintain the current definition of marriage or change it.

In this opening chapter we will identify a variety of issues which have framed how we have worked through this mandate.

1.2 THE PROCESS

In the past triennium the WGD has continued its work of study and consultation building on the work of the previous three years. Members of the WGD have attended various networks and groups within the life of the Uniting Church representing the broad diversity of views on this and related matters – a diversity which has been apparent in discussions and debates over the past 30 years. Members attended the Space for Grace gatherings organised by the Assembly and hosted by the President. The Assembly requested Synods to make time in their meeting agenda in 2017 to focus on three questions relating to same-gender marriage:

- What are your hopes and concerns for the marriage conversations at Assembly next year?
- How could we move together as a church in mutually respectful ways which reflect the breadth of who we are as the UCA?
- What matters would you like the Assembly Standing Committee to consider as it prepares for a discussion on this matter at the 15th Assembly?

Feedback from these processes has helped shape the final form and content of this Report.

The WGD has been on a journey of learning and discovery. As you read this Report, join us on the journey as we seek to discern God’s will in the matters before our Church. This process is one of mutual love and God’s accompaniment, as St Augustine pointed out in his own day as the church struggled with other issues:

Dear reader, whenever you are as certain about something as I am, go forward with me; whenever you hesitate, seek with me; whenever you discover that you have gone wrong come back to me; or if I have gone wrong, call me back to you. In this way we will travel along the street of love together as we make our way toward him of whom it is said, “Seek his face always.”¹

1.3 THE FOUNDATION AND DIVERSITY OF THE CHURCH

In its *Basis of Union*, the Uniting Church affirms that it: “lives and works within the faith and unity of the One Holy Catholic and Apostolic Church”. It also affirms that the faith and unity of the church is “built upon the one Lord Jesus Christ”. The *Basis* continues:

“The Church preaches Christ the risen crucified one and confesses him as Lord to the glory of the Father. In Jesus Christ, God was reconciling the world to himself (2 Cor 5:19). In love for the world, God gave the Son to take away the world’s sin.”

Christ’s work of reconciliation is the church’s foundation and also determines the church’s vocation. The Church is summoned “to be a fellowship of reconciliation, an instrument through which Christ may work and bear witness to himself”. The church, therefore, is called to take its place in this ongoing work of Christ’s reconciling ministry. Placed in this history, the Uniting Church therefore draws on the deep roots, theological teachings, liturgical practices and discipleship patterns of the church across history. Such identification exposes the Uniting Church, by definition, to the wide diversity of the Christian church across time and place. At the same time, it commits us to seek continuity with the broad Christian tradition and unity in faith and practice in the present.

More specifically, the Uniting Church’s heritage and identity is often described as “catholic, reformed and evangelical”. “Catholic” refers to the church universal. “Reformed” refers to the shaping influence of the Reformation of the 16th century which emphasised the pre-eminence of the person and work of Jesus Christ, Scripture as the ultimate norm in the life of the church and the

¹ *On the Trinity* 1.3.5 as cited in Robert Louis Wilken, *The Spirit of Early Christian Thought: Seeking the Face of God* (New Haven, Yale University Press, 2003), 107.

doctrinal centrality of “justification by grace, through faith”. “Evangelical” has similar associations. In the Uniting Church this directly links it to the Methodist tradition with its emphasis on Scripture as the supreme guide for the Christian life, personal conversion leading to a transformed life, and a commitment to personal and social holiness.

Not surprisingly, therefore, the Uniting Church is home to significant diversity in terms of theological emphasis, piety and Christian practice.

The Uniting Church is also home to significant cultural diversity. In 1985 it declared openly what was already self-evident, namely, that the Uniting Church is a multicultural church. The Uniting Church rejoices in diversity of races, cultures and languages as God’s gift to the human family. The Church continues to learn how to realise the vision of living life and faith cross-culturally.

After the formation of the Uniting Aboriginal and Islander Christian Congress in 1985, the Uniting Church entered into a Covenant with the UAICC in 1994. In 2009 the Church amended its Constitution to include a revised Preamble which included affirming the value of the “custom, Law and ceremony” of the First Peoples; confession for the church’s complicity in the oppression of First Peoples; and a commitment to seeking deeper reconciliation between First and Second Peoples.

This experience of cultural diversity has provided opportunities for the Uniting Church to learn something about the nature of the church, including that the diversity and unity of the church is not separate from that of humanity in general, and that both are linked to the Trinitarian nature of God. As Uniting Church theologian, Rev. Dr. Ji Zhang has pointed out, this human diversity – in the image of God – can be traced to the inner life of the Trinity.² Christian faith confesses that God is a community of three Persons. In God, life is connected; relational unity is achieved through mutually giving and receiving life from each other.

This distinctiveness of the Persons within the Godhead is the foundation of created diversity. The acceptance of each other as diverse not only gives a certain character to the Church, it also extends to the recognition of the dignity of all human beings. This acceptance can be lived through mutual participation in, and contribution to, each other’s existence – in the ministry of creating ‘space for grace’ - to share our faith, more importantly our hope for God’s reconciliation of the world to Godself in Christ Jesus.

In the midst of this diversity, the Uniting Church has engaged in a range of ongoing discussions related to sexuality, and homosexuality in particular. These debates have often been painful. Regrettably some people and congregations have chosen to leave the Uniting Church. Nevertheless, these discussions have also enabled many members of the Church to discover unexpected expressions of unity and to discern God’s peace and grace in relationships amongst people and groups who might otherwise have treated each other with suspicion or hostility. Indeed, some people have found their way into the life of faith because the Uniting Church has been wrestling with these issues.

It should also be noted that the Uniting Church has not been pursuing such discussions alone. Many other churches around the world have been similarly engaged by these issues. The debates and emerging positions have not been confined to conventional fault lines between so-called “liberals” and so-called “evangelicals”, between Protestants and Catholics, and between the denominations of Christendom and those of the post-Christendom Churches. The ecumenical dimensions of these debates have been and will remain complex.

While the Uniting Church has been wrestling with various issues relating to gender orientation, the particular matter of same-gender marriage is relatively recent. The responses to the *Discussion Paper on Marriage* prepared by the WGD revealed no surprises in terms of the diversity of responses. Significant numbers of members of the Uniting Church are committed to retaining the

² Zhang, J. (2012). "A Trinitarian Theology of Multiculturalism." *Uniting Church Studies* 18 (June): 47-58.

“traditional” understanding of marriage as being between people of the opposite gender. Some of that group would welcome inclusion of a rite of blessing for same-gender couples seeking lifelong committed partnership. Others resist such authorised blessings. Significant numbers of Uniting Church members are committed to broadening the received definition of marriage to include same-gender couples requesting marriage. And again, significant numbers continue to seek a faithful and pastoral response to this issue.

1.4 THE EXISTING DEFINITION OF MARRIAGE

In being given the mandate to consider whether the existing definition of marriage should change, the WGD has referred to the definition in the Eighth Assembly Minute 97.31.12 (1997):

The Assembly of the Uniting Church in Australia declares that

1. Marriage

Marriage for Christians is the freely given consent and commitment in public and before God of a man and a woman to live together for life. It is intended to be the mutually faithful lifelong union of a woman and man expressed in every part of their life together.

In marriage the man and the woman seek to encourage and enrich each other through love and companionship.

In the Marriage Service

- the woman and man make a public covenant with each other and with God, in the company of family and friends;
- the couple affirm their trust in each other and in God;
- the Church affirms the sanctity of marriage and nurtures those who pledge themselves to each other in marriage and calls upon all people to support, uphold and nurture those who pledge themselves to each other in marriage.

Where sexual union takes place, the partners seek to express mutual delight, pleasure, and tenderness, thus strengthening the union of their lives together.

In marriage, children may be born and are to be brought up in love and security, thus providing a firm foundation for society.

1.5 ENGAGING THE CULTURAL DIVERSITY OF THE CHURCH

The above statement is the Uniting Church’s official understanding of marriage. Nevertheless, the Church recognises that marriage is both a religious and a cultural rite. Within each of the different cultural groups that make up the ethnically diverse and cross-cultural Uniting Church, culture and faith both enrich and sometimes compete to create accepted understandings of marriage. What follows is a summary of the key issues which were identified in the document, “Views on Marriage in the UCA” produced in the lead up to the 14th Assembly (2015).

1.5.1 INDIGENOUS COMMUNITIES

For millennia before colonisation, Australia’s indigenous communities had cultural marriage practices that they believe are God-given. While there were considerable variations across Australia, in most pre-contact communities a boy and girl were “promised” to each other for future marriage. This was arranged by the older relatives and was often used to create bonds and alliances between clans. The choice of the potential partner depended on complex kinship networks, with the couple needing to be in the “right relationship” according

to cultural norms. In indigenous cultures men did not leave their father and their mother and cling to their wives, because marriage was a communal and cultural business.

Arranged partners would begin to co-habit once the girl reached puberty, sometimes with a small ceremony. The man might be significantly older than the woman. Once a child was born, the pair was fully recognized as a couple. The couple's relationship, when accepted by the family and community, was seen as important for maintaining the group and for survival. Continuing "the blood line" and enhancing the status and power of the clan through marriage alliances were key considerations.

Today, wedding ceremonies are rare in most remote Aboriginal communities. Part of the reason for this in Arnhem Land, for instance, may be related to the fact that there is a strict (respectful) avoidance between brothers and sisters, including classificatory siblings of different genders, and this avoidance particularly applies to anything even remotely to do with sexuality. A public declaration of a couple's relationship may therefore cause severe disturbance and conflict.

In urban situations, almost no couples go through the pathway of engagement, marriage and children. If they do get married, it might be when the girl gets pregnant or after children are born. Today people travel further afield and often meet and marry or co-habit with people from a long way away. Many younger people have little time for the old marriage rules. As in the case in most Australian cultures, marriage now is more about the couple and less about the wider community.

Often now young people ignore the social rules for appropriate relationships and have serial relationships, despite the disapproval of older people, who see the importance of traditional Law and Christian values. Older people grieve the lack of respect for and loss of culture among younger ones.

Many Aboriginal women feel that they carry the burden of much of the work within a marriage and believe that there needs to be more Christian teaching about husbands caring for their wives and sharing the load.

Generations of colonisation have contributed to the devastation of marriage practices among indigenous communities. Some missionaries communicated understandings of marriage which included negative connections between sexuality and faith. Members of the Stolen Generations were separated from their parents and wider kin groups, people who might have been able to model healthy marriages to them. At various times white authorities refused First Peoples the right to marry the partner of their choice, and some First Peoples continue to be suspicious of the State regulating their marriages.

Many Aboriginal people feel that traditional Law and Christian teaching are mutually supportive and cannot be separated. Both are given by God and have the status of divine instruction. The revelation in Jesus Christ may refine or give further clarity to traditional Aboriginal Law. The Christian emphasis on marriage as life-long commitment and faithfulness, as well as providing the appropriate context for producing and nurturing children, are affirmed by Aboriginal cultures. On the other hand, marriage was and remains cultural business rather than church or State business.

1.5.2 CALD (CULTURALLY AND LINGUISTICALLY DIVERSE) COMMUNITIES

The Uniting Church is increasingly a culturally and linguistically diverse church, reflecting many cultures other than the Anglo-Celtic and European cultures dominant at the time of union. In CALD communities, marriage is held in high esteem and is the norm. Marriage is

usually regarded as more than two individuals being joined; even more so than for the majority Anglo-Celtic and European-Australian cultures, marriage involves a uniting of extended families. Where the individuals come from families resident in different towns, two weddings may be conducted to ensure all can participate. If extended family members are not involved, it is often difficult for them to recognise the couple as married, even if under Australian law their status is registered as such.

If a couple insists on being married without community approval (which may happen, for example, in intercultural relationships), such marriages may not be recognised. The whole community bears witness and needs to be involved in blessing the union. In the process of a couple becoming married, the networks of families are changed and new roles and relationships are established.

As with Australia's First Peoples, marriage in many of these communities is not a matter of a man leaving his parents to cling to his wife. Instead, couples are more fully integrated into, and assume particular responsibilities in, their existing families.

For Christians in these cultures marriage has three dimensions: legal, religious and cultural. A marriage is often a drawn-out journey, entailing betrothal, engagement, marriage and parenthood, with extended families heavily involved in every stage. Because of the involvement of the Christian community and its convictions, inter-faith marriages, and even marriages between people from different Christian denominations may cause major complications.

In some communities, marriages may still be arranged. Some communities, for example, see this as important in order to prevent genetic problems with children. Nevertheless, most groups report that arranged marriages are becoming less common the longer the group is in Australia. There is then a gradual change from older relatives choosing the partner; to the choice by the couple being strongly influenced by parents and others; to the couple needing to seek approval for their own choice; and eventually to a couple deciding for themselves.

Cultural beliefs and practices brought from home countries are often continued in Australia. Each of these immigrant communities reported that, with each successive generation, there is a gradual shift towards Western values and practices. However, in many Asian and Pacific migrant communities, it is common to return to traditional marriage ceremonies, particularly among the Chinese, Korean and Indian communities. Marriage is a moment in life when the couple and their families claim and celebrate their cultural identity. Many migrants also plan their homecoming trip to celebrate marriage with the family in the country of birth.

The following short 'case-study' of the Chinese experience offers some insight into the cultural context into which the UCA seeks to dialogue.³

For two and half thousand years, Confucianism was the major influence in the Chinese culture. Marriage is regarded as "the essence of all rites". According to the Book of Rites, "marriage is a unity of two surnames, connects to the genealogy of ancestors, and continues the family tradition into future generations". The practice of marriage in Chinese culture is immensely diverse among fifty-six ethnic groups; moreover it is influenced by five major religions.

The Marriage Rite is both ceremonial and spiritual. It contains "Three Articles and Six Rites 三书六礼". Three Articles include an invitation to engagement, exchange of gifts, bridal reception. Six Rites designate a process leading to marriage celebration: Proposal to the family, exchange of genealogies, notification to become married, reception of engagement

³ The longer version of this case-study by Rev Dr Ji Zhang can be found in Appendix 2.3 of this Report.

gifts, selection of wedding date, and reception of the bride. These rites are designed to gradually transform marriage from a discernment between the couple into a cordial relationship between their families. Marriage life, therefore, will be at the heart of family relationships.

A wedding date is carefully selected on the calendar defined by Daoist astronomy. The Chinese believes that the world was created from the interplay of two cosmic forces give birth to the myriad of things. Marriage is regarded as an embodiment of this cosmic order that is manifested in a harmonious union between male and female. The union of their lives will unfold from a pair of lives into generations of lives in diversity and fullness.

Today marriage in China is a mixture of modern and traditional. Marriage still follows some elements of the Confucian Rite. “The younger generation generally prefer a western style wedding, having wedding photos taken outside the church, then conducting marriage according to traditional ceremony. Some prefer a Christian wedding by a minister, and become “seekers” of faith during the discernment”.

Marriage Law stipulates that marriage is based on the freedom to choose one’s partner, the practice of monogamy, and equality of the sexes. Marriage must be a willing action where coercion by a third party is not permitted.

In recent years, homosexuality has been a topic of public discussion, particularly among young people. Various blogs on homosexuality can be found online and substantial studies are available in bookstores. Unlike Australia’s recent change to Marriage Act, the marriage law in China does not recognise same-gender union as a legal form of marriage. The Chinese church has not formally engaged this issue among other ecclesial priorities, including being an indigenous church reflecting Chinese culture and social characteristics.

Marriage rites and practices in different cultures vary immensely, and this diversity cannot be reduced to a single definition. Marriage is about how life is to be celebrated and communities are sustained. Each culture conducts marriage through lived experience in the community. Other cases studies included in Appendix 2 demonstrate how marriage ceremonies are practiced through the beauty and fine details of Korean⁴, Tongan⁵, and Tamil Sri Lankan⁶ traditions.

These samples also reveal a common issue – culturally informed perception. Within the life of the Uniting Church, our CALD communities view the current debate about same-gender marriage predominantly through their particular culture’s long tradition and the living memory of how marriage is to be conducted. Many underlying moral codes that define marriage are the elements of that cultural lens. Within most cultures in the Asia-Pacific region, marriage is regarded as primarily a family-community event. The discussion about same-gender marriage will inevitably be viewed through culturally lived experiences. Marriage is about public recognition, family acceptance, and communal blessing. Same-gender marriage will be also discerned through this communal setting. It is hoped that such cultural awareness will assist the Uniting Church in general, and CALD communities in particular, to read this Report with mutual respect, and deeper understanding of the different entry-points into the discernment.

The Uniting Church acknowledges the struggle within CALD communities to maintain cultural identity in migrant communities. Cultural identity is often seen as the top priority among first generation of migrants. This Report understands that the marriage equality debate also takes place within the CALD communities, particularly between generations. The Report also respects that for many CALD communities the same-gender marriage debate is not a high priority compared with other challenging issues that migrants face in their adopted land, including racial discrimination and the breaking down of cultural traditions. It is also important

⁴ Appendix 2.4 written by Dr Hee-Jeong Silvia Yang

⁵ Appendix 2.1 written by Rev Charissa Suli

⁶ Appendix 2.2 written by Rev Devanandan Anandarajan

to challenge the assumption that CALD communities and those within them share a common mind on this and related issues.

1.5.3 EUROPEAN-AUSTRALIAN SOCIETY

Until quite recently, marriage practices among the Europeans from whom most Australians descend resembled marriage practices among non-European cultures. Marriages were organized by families and were communal affairs. They were entered into for economic reasons as much as for emotional reasons, as couples worked together on farms or in family business and raised children to inherit family properties. Until the twentieth century it was very hard for women to support themselves and marriage provided one of a very few ways for women to find financial security. In Australia, until the introduction of the Supporting Mother's Benefit in 1973 (now the Parenting Payment), it was almost impossible for single mothers to raise children, so pregnant women had a choice between marrying and giving up their child.

These reasons for getting married are still influential. For all couples, sharing resources and providing emotional and financial security for children may also be considerations when marrying. Marriage still has economic implications; the most common way for Australian women to become property-owners is through marriage and an increasing number of women in Australia become homeless through divorce.⁷ The increasing incidence of pre-nuptial arrangements recognises that marriage has an economic aspect, especially when wives support their husbands' careers by doing unpaid work like child-raising.

However, for most Anglo-Celtic and European-Australians marriage today is a partnership between equals in which romantic love provides initial impetus for the marriage. Marriages are understood to be committed and exclusive relationships that meet the couple's various physical, emotional and material needs. Couples do not need the approval of their parents, family or community in order to marry. While many marriages are considered to be emotionally fulfilling and based on love, in recent years Australians have become more aware of the shadow side of marriage, including domestic violence (see 1.6). An emphasis on emotional fulfilment, in isolation from the other purposes of marriage, may be why over one-third of marriages in Australia end in divorce.

According to the Bureau of Statistics⁸, most people in Australia marry in their late twenties and early thirties. Over eighty per cent of couples who marry have previously lived together. Inter-cultural, inter-racial and inter-faith marriages are becoming much more common. In 2015, almost one-third of couples married in Australia were born in different countries. A Christian couple's denominational affiliation is now rarely an issue.

Civil celebrants have married the majority of Australian couples since 1999, and now marry more than three-quarters of all couples. As with Australia's First Peoples, marriage is considered to be primarily a cultural rather than a religious matter.

The results of the 2016 census revealed that marriage rates in Australia continue to decline. Only fifty per cent of Australians are now married; forty per cent are single and ten per cent live in de facto relationships.

(Note: The 2016 census also found 47,000 same-gender couples, and later releases will tell us how many of those couples said that they were married.)

⁷ See "More older women becoming homeless" 7.30, last modified September 30th, 2016, accessed February 8th 2018, <http://www.abc.net.au/7.30/content/2016/s4548068.htm>.

⁸ "Marriages and Divorces in Australia", *Australian Bureau of Statistics website*, last modified 28th November, 2018, accessed February 8th 2018, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3310.0>.

Of course, the most significant change to marriage in Australian society in recent times was the 2017 decision of the Australian Parliament to legalise same-gender marriage. The decision followed several years of public debate and a postal survey in which 79.2% of eligible voters participated.

The relationship between the diversity described under the previous three headings and the openness or not to the possibility of a change in the definition of marriage is complex. None of the cultural groups present in the Uniting Church are homogeneous in their views. There is an undeniable generational element in the diversity of views towards sexuality within particular cultures. Older generations, including those in European-Australian society, have observed what have often been unimaginable changes in cultural attitudes towards sexual practices and marriage.

Until relatively recently, with the living memory of many members of the Uniting Church, same-gender sexual activity was a crime and same-gender attraction was considered a mental illness. The Diagnostic and Statistical Manual of the American Psychiatric Association only removed 'homosexuality' as a mental illness in 1973.

It is also worth bearing in mind that nearly all involved in these discussions in the Uniting Church are inheritors of British law. As one of the British colonies, Australia inherited laws against male same-gender sexual activity. Other countries that acquired these laws from Britain include Fiji, India, Kiribati, Malaysia, Nauru, New Zealand, Papua New Guinea, Singapore, Solomon Islands, Sri Lanka, Tonga, Tuvalu, and Western Samoa. In some of these countries those laws still exist. Within Australia, South Australia was the first state to decriminalise male same-gender sexual activity in 1975; Tasmania was the last state to do so in 1997. To move from this situation to one in which same-gender marriage is legal is a monumental change. To absorb those changes within a generation is disorienting for many Australians, Christians and non-Christians alike.

Recognising this shared history can allow for a measure of mutual understanding between Uniting Church members of European-Australian background and those who belong to the Uniting Church's CALD communities.

Many of the younger members of cultural groups described above are in a different situation. They have grown up in a cultural milieu where outside the church many of these changed attitudes towards sexuality and marriage are simply taken for granted. More so than their elders, they are aware that in matters of sex and marriage, their non-Christians peers hear little good news from the Church. In the words of one writer, Christianity's traditional "rejection of gays and lesbians...act[s] as a kind of anti-witness".⁹ This same writer has described the reality known only too well to many of the Uniting Church's younger members: "It is a position of considerable peril for the mission of the churches...when one of the first things people associate with them is hatred of gays and other sexual minorities."¹⁰

Obviously, these reactions are not in themselves reasons to change the Church's teaching. It is, however, an important reminder of the complex relationship between society, the church's diversity (cultural and generational) and the church's teaching which sets the background to the Uniting Church's discussion of the matters raised in this Report.

1.6 DOMESTIC AND FAMILY VIOLENCE

Contemporary discussions about marriage cannot ignore the reality of domestic and family violence. Public discussion of this topic has heightened at the same time as the church has been discussing its theology of marriage. It has been impossible to think about marriage without taking

⁹ Robert Song, *Covenant and Calling: Towards a Theology of Same-Sex Relationships* (London: SCM, 2014), xiv.

¹⁰ Song, *Covenant and Calling*, xiv.

note of this social crisis affecting its victims and undermining the integrity and institution of marriage.

Some international research data has made a connection between family or intimate partner violence and certain Christian teachings on marriage.¹¹ In particular, some violent men who are members and adherents of Christian churches have quoted the phrases in Ephesians 5 and 1 Timothy such as “wives submit to your husbands” to reinforce their power in intimate relationships.¹²

The Uniting Church does not accept the doctrine of male headship according to which the man is the head of the woman; nor does it subscribe to complementarianism, in which men and women have different but complementary roles and responsibilities in marriage, family life and religious leadership. Both these understandings support a power imbalance in the marriage relationship, and can nurture an environment in which violence and other forms of abuse are present.

Violence is incompatible with the love of God and neighbour. The Assembly encourages congregations to educate themselves on the dynamics of domestic and family violence and to repudiate all forms of violence.

The Uniting Church does not believe that the life-long commitment of marriage means that women should stay in violent relationships. In its 1997 statement on marriage and divorce the Assembly said that sometimes “divorce may be the only creative and life-giving direction to take”.¹³

1.7 THE WITNESS OF SAME-GENDER COUPLES AND CELIBATE PEOPLE IN THE UNITING CHURCH

The Christian church has learned much about covenant love from the witness of married couples. Although particular marriages have been the context of harm and pain, and despite some dismissing it as an archaic institution, we know that marriage can form human beings for good. It both offers and produces companionship and patience, love and faithfulness, trust and hospitality. It is right for the church to honour it. The Christian church has not, however, listened with the same attention to the witness of same-gender couples or those who believe themselves called to lives of celibacy. This present discussion has provided an opportunity for such listening.

¹¹ “What is it about periodic attendance at conservative churches that makes men more likely to abuse their wives, even more likely than non-churchgoers? Based on what we know about the dynamics of abuse and abusers, I would suggest the following: When men come into conservative Protestant churches, for the most part they are going to hear some form of patriarchal gender views, that is, male headship. For men who are significantly insecure, immature, and/or misogynistic, patriarchal teaching of any form may merely serve to confirm their views of male superiority and their right to dominate women.” Stephen R. Tracy, “Patriarchy and Domestic Violence: Challenging Common Misconceptions”, *Journal of the Evangelical Theological Society*, 50/3 (September 2007), 584.

¹² See the Report by Julia Baird and Hayley Gleeson, “‘Submit to your husbands’: Women told to endure domestic violence in the name of God,” updated January 23rd 2018, accessed February 8th 2018, <http://www.abc.net.au/news/2017-07-18/domestic-violence-church-submit-to-husbands/8652028>

¹³ The full Uniting Church statement on divorce approved in 1997 reads as follows:
“2. Separation, Divorce and Re-marriage

- An inability to sustain the marriage relationship breaks the commitment to be together for life and may be painful for the couple, the children in their care, as well as for parents, friends and the Church community.
- In cases of the irretrievable breakdown of marriage, the Church acknowledges that divorce may be the only creative and life-giving direction to take.
- The Church has a responsibility to:
 - a. care for people, including children, through the trauma of the ending of a marriage;
 - b. help people where appropriate to grieve, repent, grow in self-understanding, receive affirmation, grace and forgiveness;
 - c. support them as they hear God's call for new life.”

The issue of same-gender marriage has pressed itself upon the community and the church for various reasons. Historically, sometimes the church has been at the forefront of the debate; other times it has learnt from the insights of the wider world. It now has a certain urgency because of significant changes in public attitudes and the 2017 amendments to the Australian Marriage Act which legalised same-gender marriage as noted in 1.5. The Uniting Church does not engage this issue in the abstract, or merely because of social changes. It is an issue internal to the life of the Uniting Church.

Many same-gender couples have found a home in the Uniting Church. Of course, many same-gender couples have not done so and have found the church an unwelcoming, even hostile, community. Those who have remained in the church are a particular witness to the rest of the church. Through same-gender couples who are either members or ministers of the Uniting Church, the Church has seen lives which are indistinguishable from others in terms of faith and discipleship. They are people who love God, pray and worship, and contribute to the building up of the church and its mission. This particular witness invites a response from the rest of the church and it is legitimate for it to shape our response to the present discussion.

It is important that this witness to faith is noted and acknowledged. It is a reminder that by addressing the question of same-gender marriage and the question of LGBTIQ¹⁴ concerns more generally, the Church is not simply following the 'fashions' of the world or being merely reactive to political and legal debates. Because this witness is borne by particular men and women who worship, witness and serve as members of the Uniting Church, we know that there is no single thing which can be called or dismissed as 'the homosexual lifestyle'. Our reflections and judgements must reckon honestly with this witness of Christian disciples who love God, serve their neighbours and love their enemies, and who also happen to identify as LGBTIQ. This too is part of the diversity of the Uniting Church and also constitutes the context in which we pursue this particular discernment.

1.8 SAME-GENDER MARRIAGE, JUSTICE AND RIGHTS

Public discussion of same-gender marriage over the last decade has been increasingly shaped by the issue of justice – specifically the justice of extending the legal recognition of marriage to same-gender couples. The widely-used term 'marriage equality' reflects this approach. This has been argued within the Uniting Church because of the Church's strong commitment to social justice and its support for ending discrimination against anyone on the grounds of their gender or sexual orientation.

Others believe that the existing definition of marriage as being only between a man and woman is unchangeable and therefore outside any considerations of justice or injustice at all. Some who hold that view argue that some institutional acknowledgement of same-gender relationships would warrant a distinct set of laws of the state (e.g. a civil partnership) and different responses from the Church (e.g. a rite of blessing).

The question of rights applies not only to same-gender couples, but also to churches and religious marriage celebrants. The Marriage Act now defines marriage as 'the union of two people to the exclusion of all others, voluntarily entered for life'. Same-gender couples now have the right to have their marriages conducted by a civil celebrant and recognised by the State. The amendments to the Act do not require ministers of religion who are marriage celebrants to celebrate same-gender marriages, and the Act has created a new category of 'religious celebrants' who are also exempt from the requirement to marry same-gender couples. To this extent, the right to religious freedom of churches and religious celebrants is preserved.

These issues are explored further in sections 3.4.1-3.4.4.

¹⁴ See the note on language at the outset of this Report.

2. THE OPTIONS

Against the background of this range of theological, cultural and political factors, the Uniting Church faces significant challenges as it seeks to discern the will of God on the issue of marriage. The various positions encountered throughout our Church each finds its match in the options that lie before us. These can be stated as follows (see the Appendix for more detailed descriptions of these options).

1. Offer the rites of marriage only to opposite-gender relationships, while allowing Ministers and Uniting Church authorised celebrants¹⁵ to conduct, or to decline to conduct, 'blessings' of same-gender covenantal relationships as long as such ceremonies "do not resemble marriage" without any officially approved rites for such services.
2. Offer the rites of marriage only to opposite-gender relationships while allowing Ministers and Uniting Church authorised celebrants to conduct, or to decline to conduct, 'blessings' of same-gender covenantal relationships according to officially approved rites for such services.
3. Offer the rites of marriage only to opposite-gender relationships and forbid Ministers and Uniting Church authorised celebrants to conduct blessings of same-gender covenantal relationships.
4. Offer the rites of marriage to opposite-gender and same-gender couples while allowing Ministers and Uniting Church authorised celebrants freedom of conscience to perform marriages or not.

In considering these options there are two important matters to be noted.

First, people will support one of these options for a variety of complex reasons. The views of those unable to accept same-gender marriage are not to be explained away as homophobic or bigoted, even if homophobia and bigotry are not absent from the church. Their views reflect plausible – if contested – readings of the Bible and the Christian theological tradition. They also reflect the way different cultures have honoured and experienced marriage as well as different understandings and experiences of the relationship between culture and the gospel. At the same time, the views of those who desire to see the Uniting Church celebrate same-gender marriage cannot simply be explained away as a capitulation to the spirit of the age or a failure to take the Bible seriously, even if an uncritical acceptance of cultural norms is not absent from the church. These views also reflect plausible – if contested – readings of the Bible and defensible developments of and changes to Christian teaching.

No particular viewpoint in this debate can claim a monopoly on faithfully wrestling with Scripture or on probing the complexities and possibilities of faithful obedience to Jesus Christ. Every point of view encountered in the Uniting Church can be articulated with varying degrees of sophistication and integrity. Every view can be shaped as much by cultural blinkers as by faithfulness to the Gospel. Above all, however, the vast majority of views encountered in the Uniting Church reflect a combination of faithfulness, deep thought, openness to the Spirit, and concern for the welfare of the Church and its members.

Secondly, some would like the Church to simply take a vote and let the majority view prevail. That, however, is not how the body of Christ discerns the will of God, and in particular it is not how the Uniting Church understands the calling of its inter-related Councils, each of which has "the task ... to wait upon God's Word, and to obey God's will in the matters allocated to its oversight" whilst recognising its own specific responsibilities "to give heed to the other councils of the Church"¹⁶. As former Uniting Church President D'Arcy Wood observed in his commentary on the *Basis*:

The Uniting Church is not a democracy, because a democracy is a form in which the people as a whole rule. The Uniting Church does not aim to represent the will of the people on any

¹⁵ 'Authorised celebrants' in these Options refers to celebrants who are not Ministers but who are authorised by the Uniting Church and the State to celebrate marriages according to the Church's rites (e.g. Pastors)

¹⁶ *Basis of Union*, par. 15.

given issue, but to seek the will of God by prayer and by consulting together in the light of the Word of God.¹⁷

It is to this task of seeking the will of God and consulting together in the light of the Word of God, that the remainder of this Report is oriented.

3. SEEKING THE WILL OF GOD

3.1 GUIDED BY THE BASIS OF UNION

Whilst the *Basis of Union* makes no mention of marriage, it is a significant resource for the marriage conversation because it offers a carefully considered account of authority in the Uniting Church. It was mentioned in a number of responses to the Assembly's Marriage Discussion Paper (2014), particularly in regard to the role of Scripture in the Church's tasks of theological discernment.

The two paragraphs of the *Basis* cited most in the current conversation about marriage are paragraphs 5 (The Biblical Witness) and 11 (Scholarly Interpreters). Often, these paragraphs are referred to in ways that set them against one another. What follows seeks to hold the emphases of these two paragraphs together.

Paragraph 5 calls on the church to listen for the Word of God in the midst of its worshipping and witnessing life: "The Word of God on whom salvation depends is to be heard and known from Scripture appropriated in the worshipping and witnessing life of the Church". The Scriptures set forth the gospel as prophetic and apostolic testimony. In other words, Paragraph 5 never envisages the Bible as a flat text; it is presented as a collection of literature, the reading of which is controlled by the dynamic of the gospel and in the midst of the Church's ongoing history of participation in Christ's ministry of reconciliation. By referring to the 'witnesses' that make up the Bible, the *Basis* also points us to the multiplicity of theological voices in the Bible. Scholars today talk of how the Bible itself represents a history of interpretation in which biblical authors are often engaged in dialogue and even dispute with other authors. For instance, the link between obedience and blessing in Deuteronomy is called into question by Job and Ecclesiastes, and James has a different view of 'works' from Paul.

Paragraph 5 also points us to the gospel to which this history of interpretation is oriented. The Bible is not simply an encyclopaedia or rule book. It is a multi-faceted witness to the history of God's engagement with the world, centred in the reconciling events of Jesus' life, death and resurrection. This is the "hermeneutical filter" or "interpretative lens" suggested by the *Basis*. Of course, for all the "multi-faceted" diversity of its witnesses, it is still appropriate to summarise its overall message. Yet any such summary must do justice to the central affirmation of Jesus Christ. Consider these two summary statements, the first from a contemporary scholar; the second from the sixteenth century Reformation.

For the Christian tradition, to regard the canon as a unity is not to regard it as a flat surface, on which every point is level with every other point. Rather, the canon is treated as an intricately structured whole, with a definite centre, the figure of Jesus the Messiah, crucified and risen, and a definite point and purpose, the upbuilding of the church as a sign and witness to his unity with the Father who sent him.¹⁸

and

¹⁷ D'Arcy Wood, *Building on A Solid Basis: A Guide to the Basis of Union* (Melbourne: Uniting Church Press, 1986), 52f.

¹⁸ David S. Yeago, "The Bible" in *Knowing the Triune God: The Work of the Spirit in the Practices of the Church*, ed. James J. Buckley and David S. Yeago (Grand Rapids: Eerdmans, 2001), 78.

The entire Biblical Scripture is solely concerned that man [sic.] understands that God is kind and gracious to him and that He has publicly exhibited and demonstrated this His kindness to the whole human race through Christ his Son. However, it comes to us and is received by faith alone, and is manifested and demonstrated by love for our neighbour.¹⁹

These statements overlap with the concerns of Paragraph 5 and alert us to the need to be aware that how we use Scripture emerges from what we understand it to be about and how it should function in the church. Centuries ago, St. Augustine of Hippo advised those learning the demanding skills of carefully interpreting Scripture that one of the criteria of their exegesis was whether it enhanced their love of God and neighbour:

So anyone who thinks that he has understood the divine Scripture or any part of them, but cannot by his understanding build up this double love of God and neighbour, has not yet succeeded in understanding them.²⁰

None of this makes it necessarily easier to interpret the Bible or for the church to reach agreement on the meaning of particular texts, but it does mean that any intentionally Christian interpretation of particular passages needs to be framed by Christian understandings of what the whole Bible is and why we are reading it in the first place.

What then is the contribution of Paragraph 11? “Scholarly interpreters” are placed in a wider field of those who “reflected deeply upon, and acted trustingly in obedience to, God’s living Word”. This reminds us that the work of the scholar serves and is embedded in the life and witness of the church. Such scholarship is pursued in the “world-wide fellowship of Churches” as it seeks to “sharpen its understanding of the will and purpose of God”. At the same time, as Paragraph 11 states, it pursues its work by critically engaging with “contemporary thought” and “contemporary societies”.

This is not an innovation on the part of the Uniting Church. Across the history of the church, various Christian theologians have pointed to the appropriateness of the church drawing on the wisdom of non-Christian thinkers and/or non-theological disciplines. John Calvin urged the readers of his *Institutes* to use the assistance of the “ungodly”: “... [I]f the Lord has willed that we be helped in physics, dialectic mathematics and other like disciplines, by the work and ministry of the ungodly, let us use this assistance”.²¹ In fact, in his commentary on Genesis, noting the lack of agreement between the implied cosmological data of the Genesis 1 and that of sixteenth-century astronomy, Calvin urged that the latter not be neglected in theological discourse.

For astronomy is not only pleasant, but also very useful to be known: it cannot be denied that this art unfolds the admirable wisdom of God. Wherefore, as ingenious men are to be honored who have expended useful labor on this subject, so they who have leisure and capacity ought not to neglect this kind of exercise.²²

Similarly, John Wesley wrote and revised over three decades *A Survey of the Wisdom of God in the Creation (or a Compendium of Natural Philosophy)*. In the words of one commentator, the *Survey* “represented Wesley’s attempt to help his constituency keep up with the intellectual tide of his day – supplying ‘useful’ knowledge circumscribed by a Christian worldview”.²³ This too parallels

¹⁹ “The First Helvetic Confession of 1536,” in *Reformed Confessions of the Sixteenth Century* ed. Arthur C. Cochrane (Louisville: WJKP, 2003), 97-111.

²⁰ Saint Augustine, *On Christian Teaching* (Oxford: Oxford University Press, 1997), 27.

²¹ Calvin, *Institutes*, 2.2.16. For further discussion on this aspect of Calvin’s theology see the article by UCA theologian Damian J. Palmer, “Learning from Eminent Pagans: Calvin and the ‘Secular Authors’,” *Uniting Church Studies* 17.1 (2011): 59-67.

²² John Calvin, *Commentary on Genesis* Vol 1, Christian Classics Ethereal Library, accessed Sep 25th, 2017, <http://www.ccel.org/ccel/calvin/calcom01.vii.i.html>.

²³ Haas, John W., “Eighteenth Century Evangelical Responses to Science: John Wesley’s Enduring Legacy,” *Science and Christian Belief* 6 (1994): 90.

the logic of Paragraph 11: the theological significance of “contemporary thought” is determined by theological convictions.

It is also helpful to read these two paragraphs together with Paragraph 10 (Reformation Witnesses). It refers to the legacy we have received from Reformed, Congregational and Wesleyan traditions. In these we “learn from teaching of the Holy Scriptures in the obedience and freedom of faith, and in the power of the promised gift of the Holy Spirit”. This is another reminder that our reading of Scripture is not arbitrary: it is pursued in the “obedience of faith”. And it involves ‘learning’. We become pupils in ‘the promised gift of the Holy Spirit’. Our reading of Scripture is not necessarily determined by received interpretations but holds the possibility of “fresh words and deeds” (*Basis of Union*, 11). Even the “need for a constant appeal to Holy Scripture” is conducted in the “freedom of faith.”

The *Basis of Union* continues to resource the Church for theological discernment. It offers the Church rich theological language with which to discuss the relationship between Scripture, tradition and culture. We do well to see various sections of the *Basis of Union* as complementary and mutually enriching rather than being in tension with one another. It is through this approach that we sincerely seek God’s will for the Uniting Church in this season. When these different elements of the *Basis* are held together, they remind us of what earlier theologians have stressed: theological discernment is a spiritual practice as much as it is a scholarly discipline.

3.2 INTERPRETING AND APPEALING TO SCRIPTURE

There are a number of biblical passages which are commonly referenced in the discussion of same-gender relationships. What follows here is more than filling the background to those texts and offering interpretations of them; this analysis seeks to weave together a number of inter-related issues from a variety of angles.

In this section, we will consider a number of relevant issues:

1. interpreting the Bible as Christians;
2. the body in the Bible;
3. sin, boundaries and ethics;
4. Jesus’ vision of the body, marriage and celibacy;
5. same-gender sexual acts in the New Testament;
6. marriage, celibacy and the body in the New Testament letters; and
7. using and appealing to Scripture.

3.2.1 INTERPRETING THE BIBLE AS CHRISTIANS

The Bible is a collection of writings from many different times and contexts, and we do our best interpreting when we respect the “otherness”, the difference, of those times and contexts from our own. Interpretation takes the difference between the original cultural context and our own seriously. At its best, it is explicit about the fact that we are interpreting, and self-aware about how we interpret. Scripture needs to be interpreted, so that we can listen for the living Word of God in it.

Through the Bible as a whole, God shapes God’s people to know both God’s holiness and God’s grace. Changing attitudes to sexual behaviour show a shift in attitudes to power. In the light of the unfolding revelation of God as a God of holiness and grace, it becomes increasingly clear that where there is no mutuality or respect for the full personhood of the other, earlier accepted practices are no longer appropriate. Discerning from the Bible what good sexual behaviour is requires attention to context, both ancient and contemporary, using the example of Jesus and the guidance of the Holy Spirit. In this discernment we seek to discover God’s will.

In the Hebrew Scriptures, particularly Leviticus, various sexual practices are condemned that we too reject today: incest (Lev18:6-16), rape (Gen 34:2, 31, and implied throughout Lev 18:8-18),

adultery (Lev 20:10) and intercourse with animals (Lev 18:23, 20:15-16). We also find certain practices condemned in the Scriptures that we no longer necessarily reject: intercourse during menstruation (Lev 18:19, Lev 20:18), exogamy (marriage with non-Israelites in Ezra 9-10, Neh13:23-30), birth control and emitting semen “unproductively” (Gen 38:8-10), naming sexual organs (instead using euphemisms such as “foot” or “thigh”, e.g. Ruth 3:4), touching the genitals of an opponent in a fight (Deut 25:11f) and nudity (Lev 18:6-18).

In chapters 18 and 20 of Leviticus we find explicit prohibitions of same-gender relations. We will return to these below.

The Hebrew Scriptures record, without comment or judgement, other things that are not part of Church teaching or practice today: polygamy (e.g. Gen 37:22-26), prostitution (Gen 38:15-23, Josh 2), Levirate marriage (when the brother of a deceased man is obliged to marry his brother's widow, and the widow is obliged to marry her deceased husband's brother, e.g. Gen 38:8), sex with slaves (Num 31:18), concubinage and treatment of women as property (Lev 19:20-22, Judges 19) and abducting girls to provide wives (Judges 21).

At times, the Bible shows differing attitudes to relational behaviour. So, for example, we see Jacob marrying two sisters (Leah and Rachel) in Gen 29, but this is (later) prohibited in Lev 18:18. In certain biblical contexts, different relational behaviour was called for: priests were not to marry a prostitute (Lev 21:7), yet the prophet/priest Hosea was commanded to do just that (Hosea 1:2) in order to reflect God's indictment of and grace towards Israel.

Singleness or celibacy is another example of differing biblical attitudes. On the basis of Gen 2:18, celibacy was not deemed appropriate, yet Jesus defended singleness/celibacy in Matthew 19:10-12. This is discussed later in the Report. The Bible itself models that its teachings are part of a wide sweep of salvation history, and that in different times and contexts, different behaviours are sometimes accepted or required.

Jesus himself engaged in the questions of his day about what constitutes an adequate interpretation of the Torah. We see this for example in Mark 10:1-12/Mt 19:1-12 concerning divorce. The background to the comments about divorce are the debates between two major Jewish schools of thought; the followers of Hillel and the followers of Shammai, who were calling on Jesus to take sides in the debate.

We can look at the texts Jesus chooses, and how he deals with them. Jesus' approach is to get back to the heart of the matter: love of God and love of neighbour (Mt 22:37-39). Jesus' actions and words become the touchstone of how we interpret Scripture. How Jesus lived, how he became for us the embodied, living, moving, interacting presence of God – these things provide the key to interpreting (and will emerge in the sections below).

3.2.2 THE BODY IN THE BIBLE

The goodness of bodily life and how we live it is a central and essential Christian affirmation. We see this most clearly in Jesus Christ, God's Word made flesh. More generally, the Christian affirmation of the body reflects Christianity's Jewish roots. One of the greatest examples of Judaism's celebration of the body is the Song of Songs. In that poem the fleshly life and sensuality are celebrated with all the senses: taste and touch and scent as well as sight and sound.

The two creation accounts in the opening paragraphs of Genesis are also important part of the biblical witness to the importance of the body. The first creation account (Gen 1) affirms the goodness of all creation, including that of the human being. It is this creature whose sexual and embodied existence is set apart as the image of God: “God created humankind in his image, in the image of God he created them; male and female he created them” (Gen 1:27).

The main emphasis of this text is to affirm the human being as the image of God. Any interpretation of this text which reduces it to simply being a mandate for marriage risks implying that marriage itself belongs to the image of God. Such an interpretation is at odds both with the conviction (based on this verse) that all people regardless of their particular relationship status bear the image of God. It is also at odds with the insistence of New Testament writers that Christ is the norm of the image of God to which we are called to conform (e.g. Rom 8:29; Col 1:15; Heb 1:3). It would seem, therefore, that Gen 1:26-27 must be used cautiously in teaching about marriage *per se*. Its significance lies more in its implication that “all the dignity, honour and significance of bearing the divine image belong equally to men and to women”.²⁴

The second creation account (Gen 2-3) reminds us that the companionship which God desires for human beings takes bodily form. The creation of woman from man and marital union of one flesh (Gen 2:23-24) has also carried much weight in our current debates. This text and its use in the New Testament will be considered in more detail in Section 3.2.7. Of course, this second creation narrative (in Gen 3:1-24) also bears witness to the faith’s recognition that the embodied nature of human existence has been marred by sin. By placing the two creation stories side by side, Genesis commits us to reading them in ways that mutually inform one another. They offer us two strands of embodied human experience. On the one hand, there is that which is “very good”, mutual, whole and reflective of the image of God. On the other, there is an acknowledgement that our embodied existence is often less than whole, often characterised by power imbalance, struggle and imperfection.

3.2.3 SIN, BOUNDARIES AND ETHICS

The laws in Leviticus 18-20 reflect that human beings don’t always express their sexual impulses in ways that are ethical, or in ways that accord with the understanding of purity among the people of Israel.

There are certain underlying principles in Leviticus 18-20:

- honour and boundaries within a family;
- social responsibility and property;
- procreation and the imperative to grow as a community;
- boundaries and purity of the people of God;
- the rejection of idolatry.

Among the Levitical injunctions are seen the most explicit biblical prohibitions against same-gender sexual practices (Lev 18:22 and Lev 20: 13). The prohibition in Lev 18:22 reflects Israel’s wider concern to maintain its distinct identity through its understanding of purity (e.g. see Lev 18:24). Later Jewish writers read these texts as saying that same-gender acts were associated with idolatrous Gentile practices.

Another reason for the prohibition of same-gender sexual practices in Leviticus was based on Gen 1:28, which enjoins humankind to be fruitful and multiply, and fill the earth. The imperative to procreate and grow as a community (and not allow seed to remain unproductive) is part of the context of this prohibition.

There are clearly major differences between our context and the social context in which these Levitical codes were framed; same-gender sexual acts are not often associated today with idolatry, and the imperative to procreate for the sake of ensuring population growth is no longer a priority. Nevertheless, the value of respecting boundaries within families and in the community of God remains and may in some respects be greater today than in ancient times, including boundaries around childhood and boundaries preserving respect for the individual.

²⁴ James V. Brownson, *Bible, Gender, Sexuality: Reframing the Church’s Debate on Same-Sex Relationships* (Grand Rapids: Eerdmans, 2013), 32.

Some of the prohibitions of Lev 18-20 seem very familiar to us, while some are foreign (such as not planting a field with two kinds of seed (Lev 19:19)). Some we take literally, and others we do not. For some Christians it may seem straightforward to consign Lev 18:22 and 20:13 to the literal group. However, other Christians ask whether these prohibitions are normative for the Christian life.

For all Christians the answer must be shaped by an understanding of Jesus' words and practices and by what sort of Messiah he was (Mt 12:15-21).

What role did boundaries play in Jesus' mission and ministry? We know that Jesus spent much time with those on the margins who were deemed sinners (e.g. Mt 11:19/Lk 7:34). He was known as someone who broke the tradition of the elders and redefined what it is that defiles (Mk 7:1-23/Mt. 15:1-20). The Levitical boundaries were concerned to protect God's people against idolatry, to enhance procreation and to ensure that the distinction between male and female was unambiguous.

Jesus' mission and ministry had different emphases: love of God and love of neighbour. For Jesus, idolatry was no longer just a characteristic of the other nations, but a danger among those who deemed themselves righteous. For Jesus, both procreation and celibacy are valued by God. For Jesus, male and female are not treated as binary opposites or as a hierarchically ordered pair; women and men are equal and valued partners. All oppositions can be made one in Christ (Gal 3:28). This is one of the most radical aspects of Jesus' ministry. Its inclusion in early Christian proclamation and theological reflection became one of the most revolutionary aspects of Christianity in the ancient world. Sadly, this revolutionary teaching was submerged or denied during many eras of church history.

The overarching vision in Leviticus is of God's holiness and a community shaping itself to reflect God's holiness. This coheres with the ministry of Jesus, but not because he took the Levitical code and its punishments at face value. Boundaries, particularly as they make a fence around ritual purity, no longer have the same role to play. Jesus' ministry is the lens through which we read Leviticus.

3.2.4 JESUS' VISION OF THE BODY, MARRIAGE AND CELIBACY

The New Testament reveals some important themes about Jesus and sexuality:

- First, there is a wholeness and an integrity about how Jesus interacts with the vulnerable, the ritually unclean and outcasts that demonstrates an acceptance of his own body and a lack of fear in engaging profoundly and bodily with others.
- Second, Jesus used touch in a wholesome and healing way.
- Third, Jesus lived within Godly boundaries, but also crossed boundaries in ways that challenged Levitical boundaries. "You've heard that it was said, but I say to you ..." (Mt 5:21-48). There is no specific evidence as to Jesus' attitude to same-gender sexual acts, but there is clear evidence that he prioritised love of God and love of neighbour over purity.
- Fourth, in the continuity and discontinuity between Jesus and the Levitical boundaries, some people who were outside those boundaries were fully reinstated into Israel as the Law required (e.g. Luke 5:14). Others continued to give offence to the Jewish leadership by not observing the Law according to their traditions (Mk 7:1-23). Jesus' mission was not simply to cleanse and restore "business as usual", but to reach out to those who were lost.
- Fifth, Jesus saw love for persons as the priority in interpreting the will of God as set out in the Law. On occasion, for example, he gave priority to responding to human need over Sabbath-keeping or requirements to keep one's distance from people deemed ritually unclean or morally

bad, such as tax collectors and sinners. It was not a matter of denying any part of the Law, but of giving priority to grace over purity. Jesus' approach led his followers to face serious questions about whether some laws should not only be overridden occasionally as new contexts arose, but permanently overridden. As they began to reach out to people outside of Israel the early church faced the question: Should they circumcise gentile Christians as the Law required in Genesis 18 or set that command aside? Most decided to do the latter. It was very controversial. Should they have regular fellowship meals with them or avoid all but occasional meetings (Gal 2:11-14)? Some, like Paul, insisted regular fellowship should take priority, and eventually this became the norm.

- Sixth, Jesus chose to live out his ministry in celibacy. He chose to embody love via community rather than in an intimate sexual union. In a first century Jewish context, this was a surprising choice. Begetting sons was considered an obligation for Jewish men, and it was normal for young men to marry. To choose another path was to risk being called a eunuch, and (on the basis of Deut 23:1-2) eunuchs were looked down upon. That could be why Jesus picked up the term eunuch in his saying in Matthew 19:12, referring to the fact that he was unmarried for the sake of the "Kingdom of Heaven".

Some early Christians imitated Jesus' choice of celibacy and made it their hallmark. They drew strength from Jesus' teaching that in the age to come, people "neither marry nor are given in marriage, but are like angels in heaven" (Mark 12:25). If they were already in some sense living the resurrection life, then they decided to anticipate this by renouncing marriage.

However, other early Christians found in the Gospels an affirmation of the sanctity of marriage. Marriage was understood as a way for disciples of Jesus to live together in mutual love and service. This was a vision of marriage that would over time challenge the social, economic, and power inequalities that the Bible itself had taken for granted (see for example John Chrysostom's fourth-century sermons in *On Marriage and Family Life*²⁵).

According to Matthew 19:11-12, Jesus made it clear that celibacy was an option only for some and that for others marriage was God's way. Paul, who also chose celibacy, found himself having to insist on the appropriateness of marriage against those who opposed it. These two emphases, valuing both celibacy and marriage, have continued to shape Christian thinking about sexuality in the history of the church.

3.2.5 SAME-GENDER SEXUAL ACTS IN THE NEW TESTAMENT

The New Testament texts that refer to same-gender sexual acts are from the Pauline letters: 1 Corinthians 6:9-10, Romans 1:24-28, and 1 Timothy 1:9-10.²⁶

The passages in 1 Corinthians and 1 Timothy are lists of vices, and there is discussion as to what the various terms mean. The general term for people practising inappropriate, illegitimate or immoral sexual acts is *pornoi*. It is clear from Paul's comments in 1 Corinthians 5:9 that this term could be interpreted in various ways. It seems, for example, that the Corinthians' understanding of the term had differed from Paul's. They hadn't (until this letter from Paul) included in their understanding of *pornoi* the issue of a believer being in a sexual relationship with his stepmother. What is understood as an illegitimate or immoral sexual act therefore may reflect the cultural and religious context of those who use this term. Graeco-Roman pagan culture differed markedly from Hellenistic Jewish and Christian culture/s, particularly in relation to sexuality.

²⁵ See John Chrysostom, *On Marriage and Family Life* (Yonkers: St. Vladimir's Press, 1986).

²⁶ Jude 6-13 and 2 Peter 2:4-18 could also be interpreted as referring to same-gender sexual acts, but the sins of Sodom and Gomorrah – humiliation of foreigners, threatened gang rape and murder – were primarily an attempt to humiliate Lot and his guests by sexual assault (Gen 19; compare also Judges 19:22-26). Thus, the story of Sodom and Gomorrah and its echoes in the New Testament are not treated in this discussion as a useful analogy to contemporary questions about consensual same-gender sexual acts. This is also the reason that the term sodomy is not used in this Report.

In the Graeco-Roman world, accepted sexual practices (both hetero- and homosexual) were different from those of contemporary Australian society. In that context, fewer things were deemed to be *pornoi*. With regard to same-gender sexual practices, it was widely accepted that adult males would have a younger male “beloved”. In the Platonic ideal, such a relationship was educational and non-sexual, but the ancient sources show that these relationships mostly included the sexual gratification of the adult male. In a male-dominated culture which celebrated male beauty, and in which male companionship was deemed to exceed anything women could offer, these relationships were culturally acceptable and even normal. The practice of pederasty, what we call sexual abuse of a boy or youth by an adult male, was normalised in Hellenistic pagan culture. It was expected that as the boy made his transition into adulthood, he would cease to be the passive partner of the adult male, and become the active partner sexually. Grown men who continued to accept a passive role were looked down upon – they were deemed to be soft and unmasculine.

The word *malakoi* in 1 Cor 6:9 reflects this, though it is debated how best to translate this word. Translations include “effeminate” (KJV), “male prostitutes” (NRSV), “passive homosexual partners” (NET), or more generally “adulterers” (NIV). The term has the sense of people who are soft, luxurious, fancy, so the NJB translates it as “the self-indulgent”.²⁷

Jews and Christians took a very different view about pederasty from their Graeco-Roman neighbours, and saw such practices as a distinctively Gentile vice. Living in close proximity to their pagan neighbours, they were aware of, and rejected the practice. The rabbis discussed the issue of whether two Jewish males should be permitted to sleep under one cloak, but concluded that “Israel is not suspected” of such activities.²⁸ Christians also sought to live in ways that distinguished them from the cultures in which they lived, though the motivation was no longer the Levitical purity code alone, but also the eschatological horizon in which they now lived. The lists of vices demonstrate this commitment.

The word *arsenokoites*, which is used in 1 Cor 6:9 and 1 Tim 1:10, refers to “a male who ‘beds’ a male” (*koite* means a bed). This is the term that is often translated as “homosexuals” (though NET specifies “practicing homosexuals”, as it refers to the act rather than the attraction). The fact that it appears in the same list as *malakoi* (the passive sexual partner) implies that it denotes the active sexual partner, and thus the one in the ancient world with the power to choose to bed the other. Paul considers those men who “bed” men to belong in this category of vices; though there is some question as to what is critiqued here: the act itself, or the use of power to require another to gratify one’s sexual desires. Nevertheless, it seems from the reference in Rom 1:27 to “one another” that Paul’s objection was not confined to pederasty.

The most specific reference to same-gender sexual relations in the New Testament comes in Paul’s Letter to the Romans. Paul was planning a visit and so sought to reassure the Romans about his gospel, which some had criticised as being “law-less” or even promoting sin (Rom 6:1-4). In 1:18 - 3:20 he makes the case that all people have sinned and so need God’s grace in Christ. In doing so he appeals in 1:24-28 to what would have been common ground, namely condemnation of same-gender sexual relations as typical of pagan depravity; a view he knows that the Roman congregations with their strong Jewish background would share. In Romans 2 he then goes on to argue that his fellow Jews are, however, just as in need of God’s salvation because they too have sinned. His wider argument, therefore, is not that the Gentiles more broadly, or those who practice same-gender sexual relations more specifically, are any worse than the rest of humanity.

In citing same-gender sexual relations as his example of pagan sinfulness Paul makes a connection, as did other Jews of his time, between having a distorted understanding of God and having what he saw as a distorted sexuality. For Paul, desire directed towards people of one’s own gender and acting on it show that something has gone seriously wrong in people’s minds which

²⁷ KJV = King James Version; NRSV = New Revised Standard Version; NET = New English Translation; NIV = New International Version; NJB = New Jerusalem Bible.

²⁸ The relevant rabbinic literature is m. Qidd 4: 13- 14, Babylonian Talmud Qidd. 82a

causes them to act contrary to nature. Nature for Paul means how God made people to be, namely male and female as in Gen 1:27, attracted to the opposite gender. Paul does not envisage that some people might be naturally attracted to their own gender, but sees all such attraction, including among women, and including when it is between consenting adults, as sinful.

Some scholars have suggested that Paul's concern is only with the sexual exploitation involved in pederasty but, while Paul doubtless includes this, he also refers to people having passion for one another. Other scholars suggest that despite all that Paul says about "orientation", his primary concern is only with same-gender sexual acts. Some also see his references to women in Romans 1 as referring to 'unnatural' ways of engaging in sexual intercourse with men rather than with other women.²⁹

In evaluating what Paul wrote in Romans 1, the starting point must be to hear what he was saying and understand it in his context. That context included the heritage he shared with his fellow Jews who approached same-gender sexual relations on the basis of the prohibitions in Leviticus and the statement about creation of male and female in Gen 1:27. It also included critiques within the Graeco-Roman world, some of which saw same-gender sexual relations as the product of excess, as unnatural, and as a departure from the ideals of masculinity.

It is through the overall shape of Paul's understanding of the gospel – a gospel of grace that cuts across damaging divisions – that we can best interpret Paul's attitude to all human relations, and also his attitude to same-gender sexual practices. As a Jew, Paul is not in favour of same-gender sexual relations, yet they are referred to as part of a critique of human relations that includes us all and our participation in gossip, heartlessness and boastfulness (Rom 1:29-32). Thus "there is no one who is righteous, not even one" (Rom 3:10).

The light of the gospel, on the other hand, introduced from Romans 3:21 onwards, encompasses all things. We live as believers knowing that we are all in need of God's grace, and that we do not achieve our salvation through works of the law. We are no longer "slaves to sin" (Rom 6), but free from condemnation. Paul culminates this section of his letter with the affirmation that nothing in all creation can separate us from the love of God in Christ Jesus our Lord (Rom 8:35-39).

3.2.6 MARRIAGE, CELIBACY AND THE BODY IN THE NEW TESTAMENT LETTERS

Three clusters of texts have especially shaped Christian understanding of and attitudes towards marriage. They are also frequently discussed in contemporary debates about same-gender marriage. These are Paul's writings in 1 Corinthians; the household codes in various epistles, and their reflection on the creation narratives.

Paul's attitudes to sexuality were shaped by his Jewish heritage. He thus affirmed marriage as good and wholesome, while at the same time desiring to serve the gospel with all he had, which meant (for him, and for those with this gifting) foregoing the comfort and responsibility of a marriage. Paul's directions to the Corinthians, (see 1 Cor 5-7) reflect his understanding that the end times were almost upon them. Paul affirmed our life in the body, and gave us a way of thinking about our body that is highly significant – our body is a temple of the Holy Spirit (1 Cor 6:19). As such, the body is an outward expression of God's spirit within us, and is to be valued and respected.

Paul did not seek to dictate right behaviour in all circumstances. Celibacy was right for some and not for others, for instance, according to one's gifting. He saw it as the responsibility of the believer to discern how to live rightly in relationship with God and one another. Christians are to work out our own salvation with fear and trembling, trusting that God will guide us (Phil 2:12-13).

²⁹ For a survey of these issues and the debates around them see William G. Loader, *Making Sense of Sex* (Grand Rapids: Eerdmans, 2013).

A second set of passages that have shaped the church's understanding of marriage are the "household codes" found in Colossians 3:18-4:1, Ephesians 5:22-6:9, 1 Timothy 2:8-15, 6:1-21 and 1 Peter 2:18-3:7. In ancient Graeco-Roman culture, the idea of the household offered guidance for ordering relationships in a hierarchical way, bringing stability and harmony to family and society. These ancient household codes have come under strong critique for the way they have often functioned to sanction patriarchy, at times including domestic and family violence.

Yet, there are some striking features of the biblical household codes that challenge the Graeco-Roman codes. For example, the summons to *mutual submission* found in Ephesians 5:21, if taken as the overarching principle and heading of all that follows, shapes how we read the rest of the code. While this does not remove the patriarchal shape of the instructions that follow, it gives an interpretive key that guides our reading of them towards contemporary understandings of healthy and whole relationships.

Another feature that reshapes these codes away from a prescriptive and unchangeable structure is their Christological orientation, with such phrases as "as to the Lord" (Eph 5:22) and "as Christ also loved the Church and gave himself up for her" (Eph 5:25). This calls on Christians to shape their relationships in ways that reflect the self-giving of Christ.

In Ephesians 5:31-32, the "one flesh" of a marriage partnership is understood as a great mystery which reflects the union between Christ and the Church. This requires us to reflect carefully on the analogy that is being drawn. It is difficult to see that the physicality and gender difference of male-female marriage is the point of the analogy. If pressed to be a defining metaphor of salvation, this would project gender on to God. It is more likely that the point of the analogy lies in the "mystery" which attaches both to salvation and to marriage. Indeed, as noted above, the immediate point about marriage in this passage is not primarily about the union of two bodies, but the mutuality of submission, care and nurture that Christian marriage entails. It is not a gendered account of salvation which legitimates marriage, but the nature of Christ's servanthood which is being used to model the character of Christian marriage.

Indeed, by employing the marriage/salvation metaphor directly in a discussion of the embodied relationship of marriage, this passage is sharply distinguished from the tendency of Gnosticism to portray salvation as a spiritual marriage which entails escape from the entanglements of the body. It was Gnostics, not Christians, who saw marriage and salvation as mutually defining. It is also important to note that the use of the marriage analogy in Ephesians 5 is quite different from its use in Revelation 19:5-10. In the former it is used to exhort Christ-like virtues within marriage. In the latter it is used to portray the eschatological triumph of Christ and his people. In both cases the use of the metaphor is incidental. Neither is this part of any consistent Bible-wide tendency to privilege marriage as the definitive metaphor of the mystery of either creation or redemption (the latter excluded by Mark 12:25 with its teaching that "when they rise from the dead, they neither marry nor are given in marriage").³⁰

The reference in Gen 2:24 to "one flesh" is also echoed in other New Testament passages, e.g. Matt 19:3-12, Mark 10:2-12, and 1 Cor 1:6. These New Testament references seem to be making a strong claim that women and men are created to complement each other. Historically, this has been understood to be the basis of heterosexual marriage and its high status in human community.

Yet there is more going on in the text of Genesis 2:24 which warrants being noted. Scholars have shown that the Hebrew term for "one flesh" (*basar*) means 'relatives'. In other words, being "one flesh" is about one's network of family relationships and how those networks change through marriage. This reading is reinforced by the striking fact that, contrary to ancient custom, the text

³⁰ For further discussion on these various issues see Pheme Perkins, "Ephesians: Introduction, Commentary, and Reflections" in *The New Interpreter's Bible*, Vol XI (Nashville: Abingdon, 2000), 450-451.

refers to the “man leaving his mother and father and clinging to his wife”. “One flesh” refers less to a new spiritual state that comes via marriage, but to a “realignment of primary kinship ties”.³¹

This teaching from Genesis is perhaps more readily accessible to those of traditional Asian and Pacific cultures than it is to contemporary Western cultures. It also means that the sexual intimacy implied by the man “clinging” to his wife is theologically inseparable from the role it plays in the network of kinship relations. This is why when Paul refers to “one flesh” in 1 Corinthians 6, he is opposing sexual promiscuity. Such promiscuity would unsettle the kinship relationship ties to which sexual intimacy should be directed.

To the extent that Genesis 2 does imply teaching about marriage itself, it is important to note that Genesis 2 is completely silent on issue of procreation; that is not the reason given for the creation of woman. That reason is companionship: “It is not good that the man should be alone” (Gen 2:18). The “one flesh” (Gen 2:24) cannot therefore be interpreted only in sexual terms. Many problems flow from such an interpretation. It has been said that such an approach “presents sexuality as the paradigm for all need, even human need for God” and that therefore “the fulfilment of that need – the love of friends, neighbour, spouse, children community, church, and God – is viewed through the lens of the sexual”.³²

If we reject such an interpretation of Genesis 2:24, it is possible to see that it points to deeper meanings of companionship, both between the couple and within the wider networks to which the couple belong.³³ This offers a critique of the tendency in Western cultures to isolate marriage from the couple’s wider community. Individuals are not made complete by sexual intimacy. The sense of human completeness is a function of many other relationships which make up our social existence.

For our purposes, the issue is whether the link between the sexual intimacy and kinship ties suggested by Genesis 2 actually depends on sexual intimacy between two different genders. Can the sexual intimacy between people of the same gender in the context of a committed monogamous relationship also contribute to the health and consolidation of kinship ties in a way that marriage between a man and woman does?

Bearing these insights in mind, we can reflect again on the significance of “one flesh” in Ephesians 5. That the metaphor is not limited to the union of sexual difference in its foundational use in Genesis means that we are invited to see it as an analogy in Ephesians. The point of the analogy, therefore, is to suggest a depth in the union between Christ and the church which is not determined by the sexual difference between man and woman.

3.2.7 USING AND APPEALING TO SCRIPTURE³⁴

The church is often called to decide between competing interpretations of Scripture, each of which can be defended and between which the church must make a choice. Further, the Church is called to discern what it should do with the results of its various interpretations. This involves consideration of what Paragraph 10 of the *Basis* (see section 3.1 above) refers to as “the need for a constant appeal to Holy Scripture”. One of the ways this issue has come to the surface in present debates is in what is often called the ‘paradigmatic appeal to the inclusion of the Gentiles’ as an example of using some narrative or teaching in the Bible as somehow exemplary or paradigmatic for contemporary issues.

³¹ Brownson, *Bible, Gender, Sexuality*, 33.

³² Megan K. DeFranza, *Sex Difference in Christian Theology: Male, Female and Intersex in the Image of God* (Grand Rapids: Eerdmans, 2015), 189.

³³ For instance, this understanding is reflected in the Uniting Church Marriage service when the gathered family and friends are asked to pledge their support for the couple in their married life.

³⁴ For further on this see Geoff Thompson, *Disturbing Much, Disturbing Many: Theology Provoked by the Basis of Union* (Northcote: Uniting Academic Press, 2016), 189-229

The argument goes like this. The early church, when it was still a movement within Judaism, was prompted to include the “unclean” Gentiles (without them having to first become Jews) on the basis of the evidence of the Spirit in their lives. In the same manner, it is said that the church should be able to include LGBTIQ people into its life (without them having to deny their identity) on the basis of the evidence of the Spirit in their lives. This parallel is contested and is likely to remain so. Nevertheless, there is another dimension to this “paradigmatic” function of Gentile inclusion that might also be relevant to our discussion about same-gender marriage. That consists in the way the witness of the Spirit in the case of Gentile inclusion led the early Christian writers, notably Paul, to read Scripture differently. After all, there had been no texts of messianic hope which had pointed to Gentiles being included in the church as equals. The inclusion of Spirit-filled Gentiles was actually justified by new ways of reading Scripture, not by a general appeal to inclusion.

Crucial here is the reference by James to the prophets, principally Amos 9, in the deliberations at Jerusalem recorded in Acts 15. Space does not permit a full engagement with this text, other than to say that James – or Luke – manifestly reframes this text. It is not a direct quote from the Septuagint (the Greek translation of the Hebrew Scriptures); a fragment is added from Isaiah, and another from Zechariah. Even in the use of Amos, the image of redemption is altered.

In other words, James – or Luke – has not discovered or revealed “the meaning” of Amos or the other prophets; he has produced what one commentator has described as “a pastiche of fragments”³⁵ which threads together a way of imagining an unexpected situation brought about by God’s Spirit. The text of the Scripture was quite literally adapted to point to the larger horizon of the purposes of God.

What we see here is the kind of freedom, imagination and creativity which the writers of the New Testament characteristically exercised in their use of and appeal to their Scriptures. Scripture was used, under the intense pressure of spiritual novelty, to reimagine – or come to a new understanding of – the purposes of God. The new experience illuminated the Scripture in unexpected ways. But this involved more than discovering readings long latent in the texts. Instead, it involved early Christian writers producing new readings of the text. In the words of one scholar, these new readings were “not so much like a relic excavated from an ancient text as it is like a spark struck by the shovel hitting the rock”.³⁶ The Old Testament was quoted by early Christian writers not as proof texts, but rather as “allusive recollections of the wider narrative setting from which they are taken”.³⁷

This understanding of the early Christian use of the Old Testament might inform the church’s thinking about departing from the traditional teaching about marriage. Are there other voices in Scripture which might function like “sparks struck by a shovel hitting a rock” in relation to the understanding of marriage?

Most of the ways of defending traditional Christian teaching on marriage as between a man and a woman have been supported by the idea that the male-female relationship is given with the order of creation: that there is a moral order which corresponds to order of nature. Relationships outside this gender binary are deemed to be a contravention of nature. There are, however, voices in Scripture which help us reimagine the nexus of creation, nature and order in ways which are alternatives to the very tight nexus of creation, nature and order evident in, for instance, Romans 1 and which appear to be assumed in passages such as Ephesians 5.

Job 39 and Ecclesiastes 7, for instance, tell a different story – not about marriage, gender or sexuality – but about the more general relationship between creation, nature and order. In his response from within the whirlwind to Job’s protests, God points Job to those dimensions of the

³⁵Robert W. Wall, “The Acts of the Apostles: Introduction, Commentary, and Reflections” in *The New Interpreter’s Bible: A Commentary in Twelve Volumes*, ed. Leander E. Keck et al. (Nashville: Abingdon, 2002), 10:218.

³⁶Richard B. Hays, *Echoes of Scripture in the Letters of Paul* (New Haven: Yale University Press, 1989), 155.

³⁷Hays, *Echoes of Scripture*, 158.

good creation which lie beyond the human perception of order. Strikingly, this includes the flightless ostrich.

These creatures *appear* 'disordered'. The ostrich has wings but cannot fly; in careless abandonment it fails to protect its eggs; it treats its children with cruelty, as if they were not even its own. Yet God declares these creatures to be God's good work. Job is not invited to see some otherwise hidden order, nor to understand this apparent disordering as the result of some universal fall. Rather Job is summoned simply to acknowledge that these creatures with these features belong to God's wise creative work and thus play their role in the integrity of creation. "God confronts Job with things that his ... categories cannot possibly comprehend."³⁸

Similarly, Qoholeth, the author of Ecclesiastes, repeatedly queries whether there is any justice or order in the world, and is unable to find it (e.g., 1:16-17; 2:17; 8:14). So, Qoholeth declares: "Consider the work of God; who can make straight what he has made crooked?" (Eccl 7:13). As one commentator has observed, the "universe has wrinkles", some of which are simply part of the "act of creation itself".³⁹ As with the book of Job, the point at issue is the difference between the integrity of God's wise creation and the limited human perception of order.

In addition to this particular element of the biblical witness, some insights of St. Augustine might also suggest a certain loosening of the direct correlation between goodness and visible order. No suggestion is being made here that Augustine directly endorses the line of thought observed in Job and Ecclesiastes, but he does suggest that we should not ground our confidence in creation's goodness in what is seen⁴⁰ of creation's order. Confronted with what human beings initially find objectionable and outside their assumptions about God's order, Augustine writes:

We, for our part, can see no beauty [in certain features of creation] to give us delight; and the reason is that we are involved in a section of it, under the condition of mortality, and so we cannot observe the whole design, in which these small parts, which are to us so disagreeable, fit together to make a scheme of ordered beauty. Hence the right course for us, when faced with things in which we are ill-equipped to contemplate God's providential design, is to obey the command to believe in the Creator's providence.⁴¹

This reference to God's providence refers to God's providential ordering of creation in accordance with God's goodness rather than with any notion of order immediately transparent to human perception. Augustine seems to be saying that creation's order is a function of its goodness, not the other way around. Our perception of what gives God glory is not the decisive issue: "Therefore, it is the nature of things considered in itself, without regard to our convenience or inconvenience, that gives glory to the Creator."⁴²

³⁸ Carol A. Newson, "Job: Introduction, Commentary and Reflections" in *The New Interpreter's Bible*, ed. Leander Keck et al., 12 vols (Nashville: Abingdon, 1996), 4:337.

³⁹ James L Crenshaw, *Ecclesiastes* (Louisville: WJKP, 1987), 139. A critical exegetical question is raised by Qoholeth's reference to God creating human beings "straight" (*yasar*, as at 7:13) and human distortion of that straightness at 7:29. Notably, however, the contrast at 7:29 is not between "straight and crooked" as it is in 7:13 (which, by attributing both to God, almost subverts these as categories of contrast). Rather it is a contrast between what God has created and the human manipulation (*hisbebat*) of that creation. Even though the latter passage points to the capacity of human beings to distort what has been created, it does not negate or qualify the earlier affirmation of creation's inscrutability and its challenge to human perception. It is a logically distinct issue. Indeed, the imposition of an order which improperly obscures creation's inscrutability may itself be an example of the human propensity towards the manipulation of God's creation.

⁴⁰ Augustine's line of thought presupposes a distinction he makes between 'intelligent natures' on the one hand and what he terms 'irrational and inanimate natures' on the other. The distinction and the language he uses to describe it reflects assumptions of Augustine's own intellectual milieu, and the relevant point is made only in connection to the latter category. Nevertheless, it is worth considering extending the principle he articulates to our own considerations.

⁴¹ Saint Augustine, *City of God* (London: Penguin, 2003), 475. This line of thought is consistent with the idea developed elsewhere in his writings that God implanted in creation 'seminal principles' which would bring forth various new forms of life in the future. See, for example, Augustine *On the Trinity* III.13 and *The Literal Commentary on Genesis* V.9 and VI.10, 11.

⁴² Augustine, *City of God*, 476.

Can the existence of committed faithful relationships between two Christians of the same gender be a prompt to the church to consider that such relationships are participating in the goodness of God's creation as much as those relationships between a man and a woman which have been traditionally recognised as marriage?

3.3 CONTACT WITH CONTEMPORARY THOUGHT: SCIENCE

In its theological thinking the Uniting Church seeks to make use of various strands of contemporary thought, including those of science. Like other scholars, scientists must interpret their findings, and the scientific consensus on issues can change. However, an understanding of that current scientific consensus on issues of sex, gender and sexuality may helpfully inform our theological reflection.

By the end of the "Enlightenment" the majority of Western European scientists agreed that there were two genders, male and female; that men were naturally masculine and women were naturally feminine; and that the only normal expression of sexuality was that between a man and a woman. This was the model of sex, gender and sexuality that Western European colonisers and missionaries took with them to the cultures they colonised, displacing existing patterns of sex, gender and sexuality in these cultures.

Many contemporary scientists challenge that previous scientific understanding. Changes in the scientific consensus are among the stimuli for the current debate over same-gender marriage. According to the United Nations, at least one in every hundred babies is born with an intersex condition.⁴³ Biological sex allocated at birth depends on five things: the number and type of sex chromosomes; the presence of ovaries or testicles; the sex hormones; the internal reproductive anatomy; and external genitalia. In approximately 1.7% of the population these five characteristics are not either all male or all female.⁴⁴

Not all intersex people were affected by the previous laws on marriage. Those people who identify as either an intersex man or an intersex woman could marry someone of the opposite gender under the previous definition of marriage as a relationship between a man and a woman. However, intersex people who identify as neither gender could not get married under that legislation, because in order to be married a person must have been a man or a woman, marrying a woman or a man. Now that marriage is simply 'the union of two people' intersex people can marry whether they identify as an intersex man, an intersex woman, or simply as intersex.

Intersex Christians often struggle with the current church discussion about marriage because arguments against same-gender marriage that are based on the understanding that God created only male and female (Genesis 1:27) seem to them to suggest that they are either a mistake in creation, or that they simply do not exist at all. They would prefer an inclusive reading of Genesis 1:27 that sees everyone on the spectrum from completely male to completely female as created in the image of God.

An unknown number of people identify as "transgender"; people who are assigned one gender at birth but who identify as the opposite gender. Some transgender people experience "gender dysphoria"; they are distressed by the difference between their biological gender and their expressed gender. According to the Gender Service of Melbourne's Royal Children's hospital, a world leader in the field, transgender and gender diverse young people have considerably higher rates of self-harm, attempted suicide, depression and anxiety than other young people. Medical intervention, up to transitioning to the opposite gender through cross-hormones and surgery in adulthood, seeks to improve the lives of these young people.

⁴³ United Nations High Commission for Human Rights, "Fact Sheet: Intersex", https://unfe.org/system/unfe-65-Intersex_Factsheet_ENGLISH.pdf, accessed February 8th 2018.

⁴⁴ One definition of "intersex" limits the classification to people who have both male and female external genitalia, people who were once called "hermaphrodites". Neither the United Nations nor the majority of intersex people themselves limit the definition in this way.

Under the previous legislation, transgender people could have married a person of the opposite gender to their birth gender before transitioning, or a person of the opposite gender to their expressed gender after transitioning if they obtained a new birth certificate. But before same-gender marriage was recognised, transgender people who were married to a person of the opposite gender to their birth gender had to divorce them before transitioning. The Human Rights Committee of the United Nations had determined that that was a breach to the rights to privacy and freedom from discrimination of transgender people. As with intersex people, transgender people can now legally marry under the revised *Marriage Act*.

Some people identify as a gender that is not necessarily male or female. These gender diverse people include the *fa'afafine* of Samoa, the *fakaleiti* of Tonga, the *hijras* of India, Pakistan, Bangladesh and Nepal, and the *two-spirit* people among Native Americans.

Christianity has problematised the “two sexes, two genders” model from the very beginning:

From the author of Ephesians 5 who constructs the male Christ with a female body – the Church – so that men who belong to the body of Christ are part of a female body and yet the Church as a whole is called to be Christ to the world, therefore requiring women to be part of a male persona, again and again in Christian writings gender is played out and broken open in order to better reveal the nature of the redeemed, ecclesial person.⁴⁵

Over twenty years ago the Assembly Task Group on Sexuality published a paper by Dr David M. Clarke in which he wrote that “The bio-psycho-social perspective does not support a simple or single explanation of complex and varied human behaviours including gender and sexual orientation and identity.”⁴⁶ This remains true today. No “gay gene” has yet been found, although scientists continue to explore the effect of, for example, hormones *in utero*.⁴⁷

What is now accepted by the majority of scientists is that scientific evidence supports the view that a small percentage of people are homosexual for so-far-unspecified reasons of nature rather than simply social nurture.⁴⁸ That is, same-gender sexual attraction is not a choice. For some Christians this is simply one example of the way in which the world as it currently exists is not the world as God intends it to be. For them, marriage between a man and a woman remains God’s intention for humanity and those people who cannot enter such a marriage are called to live celibate lives. For other Christians, that some people are born intersex, gender diverse or same-gender attracted is a reason to modify the church’s traditional understandings of marriage to enable those people to share in its gifts and responsibilities.

3.4 CONTACT WITH CONTEMPORARY THOUGHT: HUMAN RIGHTS AND JUSTICE

Now that same-gender marriages are legal under Australian law, should the UCA permit its ministers and authorised celebrants to perform marriages for people in same-gender relationships? While the Commonwealth Government has amended the *Marriage Act* to legally recognise same-gender marriage the question of whether such marriages should be religiously celebrated remains. The question raises issues of human rights and justice. This chapter sets out some key issues within these categories.

⁴⁵ Elizabeth Stuart, *Gay and Lesbian Theologies: Repetitions with Critical Difference* (Aldershot: Ashgate, 2002), 111.

⁴⁶ David M. Clarke, “A Bio-Psycho-Social Understanding of Sexual Orientation and identity”, Assembly Task Group on Sexuality, *Sexuality: exploring the issues* (Uniting Church Press, Melbourne, 1996), 75.

⁴⁷ For an overview of the science from a Christian perspective see Michael B. Regele, *Science, Scripture and Same-Sex Love*, Nashville: Abingdon Press, 2014, in which an evangelical Christian researches the causes of homosexuality after his daughter comes out.

⁴⁸ J. Michael Bailey, Paul L. Vasey, Lisa M. Diamond, S. Marc Breedlove, Eric Vilain and Marc Epprecht, “Sexual Orientation, Controversy, and Science” in *Psychological Science in the Public Interest* (2016) Vol. 17(2), 45–101.

3.4.1 RIGHTS

The issue of marriage can be framed as a human right. For example, section 23 of the International Covenant of Civil and Political Rights, to which Australia is a signatory, states that consenting men and women of marriageable age have a right to a legalised marriage.⁴⁹

The question of rights can be framed differently, with an emphasis on the rights of the church to decide to celebrate – or not to celebrate – certain marriages. Australian law does not recognise a right to a *religiously celebrated* marriage. Section 47(a) of the Marriage Act 1961 says: “Nothing in this Part imposes an obligation on an authorised celebrant, being a minister of religion, to solemnise any marriage”. This is an important consideration for the church, as it means that there is no legal requirement on churches or individual clergy to celebrate any particular marriages, whether same-gender or opposite-gender couples. Conscience and discernment of the church and the individual minister are protected under the law.⁵⁰

The Uniting Church’s Declaration of Purpose in the marriage service states that marriage “is not to be entered into lightly or selfishly, but responsibly and in the love of God.” In the event that there are good reasons to believe that a couple is not seeking marriage in accordance with this statement, the Uniting Church recognises that it may be appropriate to refuse to celebrate a marriage, regardless of the couple’s gender identities.

Nevertheless, the 1977 Statement to the Nation commits the Uniting Church to “oppose all forms of discrimination which infringe basic rights and freedoms.” If the Uniting Church were to withhold marriage from same-gender couples *purely on the basis of their gender identities*, would this be an infringement of their basic rights?

Whether or not this is so depends on a number of factors. Withholding the celebration of marriage for people in same-gender relationships can be seen as the deprivation of an important good. (An analogy is the refusal to admit people of colour to university). To treat their relationships as suitable only for legal recognition or for a service of blessing, not for marriage, does not validate or honour their life-long monogamous commitment. This can be viewed as no less problematic than the description of racially segregated education as “separate but equal”.

It is often argued that the movement for marriage rights for same-gender couples, both in and outside the church, parallels the way in which Jesus’ ministry challenged the oppression of various marginalised constituencies, including: the poor; ethnic minorities; women; and people with various illnesses and ailments. Support for this view might be drawn from a variety of New Testament texts cited in the chapter on Scripture and Sexuality, including, but not limited to: Matthew 11:19; Luke 5:12-14; and Mark 7:1-30.

3.4.2 JUSTICE

The issue of marriage can also be framed as a justice issue. The biblical concept of justice goes beyond the way in which the concept of justice operates in modern culture. The modern concept of

⁴⁹ Section 23 of the International Covenant of Civil and Political Rights, to which Australia is a signatory, states: 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. 2. The right of men and women of marriageable age to marry and to found a family shall be recognized. 3. No marriage shall be entered into without the free and full consent of the intending spouses. 4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children. The most recent case on whether this right extends to same-gender couples was *Joslin v New Zealand (2002)*. In that case the United Nations Human Rights Committee found that article 23 does not apply to same-gender couples. However, that case is now more than a decade old, and since then, the United Nations has initiated a program to support the equal rights and fair treatment of LGBTIQ people. A similar case might be decided differently today.

⁵⁰ If the Uniting Church were to permit ministers and congregations to perform same-gender weddings, then it might be necessary for it to also take further steps to ensure that those who, in conscience, refuse to do this, are respected and honoured within the wider Church.

justice is often solely concerned with the rights of individuals, whereas the biblical concept of justice extends to right relationships in communities and beyond. The language of justice is sometimes invoked by both proponents and opponents of same-gender marriage, though perhaps more frequently by the former.

Proponents of the view that a biblical understanding of justice requires the Uniting Church to be willing to celebrate marriages for same-gender couples may also appeal to the way in which the arc of the Biblical narrative bends towards deliverance for the marginalised. In addition to a rights-based argument, they may also argue that Jesus' ministry not only challenged oppressive legal institutions and cultural conventions, but also sought to restore marginalised people to wholeness and right relationship with their communities. Withholding marriage from same-gender couples, it is argued, directly diminishes the LGBTIQ community's hopes for validation and acceptance.

It has been argued within the Uniting Church⁵¹ that discrimination on the grounds of sexual/gender orientation and the associated stigmatisation of same-gender couples bears a direct causal relationship to the higher rates of psychological morbidity and health inequities experienced by members of the LGBTIQ community. LGBTIQ individuals are 2.5 times more likely than their heterosexual peers to attempt suicide and 1.5 times more likely to suffer from depression and associated anxiety disorders. Young people who identify as same-gender attracted are particularly vulnerable to the consequences of the stigmatisation that accompanies our refusal to acknowledge their gender/sexual orientation and their relationships. We can begin to address these unacceptable statistics if we remove the barriers to validating and honouring same-gender relationships.

3.4.3 THE LAW AND RELIGIOUS FREEDOM

The International Covenant on Civil and Political Rights recognises a right to religious freedom. Article 18 states in part:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his (*sic*) choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

The right to religious freedom can be invoked by ministers who refuse to celebrate some marriages, particularly when those couples are able to be married by civil celebrants. As we have seen, this right is upheld by law in Australia.

The right to religious freedom could also be invoked by LGBTIQ Christians who wish their life-long monogamous relationship to be celebrated by the Uniting Church. While no couple can claim a right to a celebrated marriage, their desire to have God's blessing pronounced publicly upon their union can be seen as a justice issue.

⁵¹ Uniting Justice, Submission to the House Standing Committee on Social Policy and Legal Affairs Committee Enquiry into the Marriage Equality Bill 2012 and the Marriage Amendment Bill 2012, https://unitingjustice.org.au/component/k2/item/download/479_198f0fc403bb225578f163ac3808ffcf , accessed February 15th 2018.

3.4.4 CHURCH, STATE AND MARRIAGE

The relationship of church and state in relation to marriage is a matter which has surfaced in discussions over the past six years and was noted in our Report to the 14th Assembly. Some members of the Uniting Church believe that the current arrangements whereby authorised religious celebrants act as agents of the state in regard to marriage is an outmoded expression of Christendom. They argue that a more appropriate system is the one widely practised in Europe in which all marriages are civic rites, and couples may subsequently request a service of Christian (or other faith) blessing if they wish. *Uniting in Worship 2* contains 'A Service of Blessing of a Civil Marriage' for this purpose. The WGD sees merit in exploring the separation of the Uniting Church and the state in regard to marriage. 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. Following the 14th Assembly tentative enquiries were made of leaders of ecumenical partner churches. They expressed little interest in the matter. It may be that with the change to the federal Marriage Act new interest in this possibility may arise. It is likely that the Uniting Church would need to initiate this discussion.

4. RESPONDING TO THE WILL OF GOD

4.1 HONOURING MARRIAGE: A BRIEF SURVEY⁵²

Identifying what makes a marriage 'Christian' has never been a matter of simply following biblical models. As we have seen in section 3.2 (Interpreting the Bible), the Bible accepts forms of marriage that twenty-first century Christians find abhorrent, and rejects some elements of relationships that twenty-first century Christians find acceptable. Throughout Christian history, as we saw in section 1.5 (Engaging the cultural diversity of the Church) religious views of marriage have challenged and been challenged by other cultural understandings of marriage. What has remained constant in Christian understandings of marriage has been the attempt to reflect the good news of the gospel in the relationship between spouses. This has meant that understandings of Christian marriage have changed over time, as imperatives of the gospel that were obscured in the past are now acted upon.⁵³

For most of Christian history marriage has been a civil matter. In the early church there were no marriage ceremonies *per se* and it was not important for the couple to be blessed by a pastor or priest. Although formal liturgies were established early on for baptism and the Eucharist, there were no formal liturgies for marriage. The local people gathered around and brought the girl from her father's house to the house of her husband, where there would be a celebration of the wedding, which usually included dancing and feasting. It also included a ceremonial "giving away" by the girl's father to the husband.

There is no detailed account of a Christian wedding ceremony until the ninth century, and it was not until the twelfth century that a priest became involved in the ceremony. When the Western church declared marriage to be one of the seven sacraments in the thirteenth century, it attempted to convince the laity that marriage should be celebrated within the framework of the church's liturgy, but "the laity clung to the conviction ... that although marriage might be a gift of God, an act of marriage consisted of an act of consent between the woman and man concerned".⁵⁴ It took until the Reformation and Counter-Reformation (sixteenth century) before the involvement of the church in a

⁵² This very brief survey draws on various sources including: Loader, *Making Sense of Sex*, Muriel Porter, *Sex, Marriage and the Church* (Melbourne: Dove, Harper Collins), 1996; Coontz, Stephanie, *Marriage, A History: How Love Conquered Marriage* (New York: Penguin, 2006).

⁵³ "Why does the Uniting Church Ordain Women to the Ministry of the Word?" in *Theology for Pilgrims: Selected Theological Documents of the Uniting Church in Australia*, eds. Rob. Bos and Geoff Thompson (Sydney: Uniting Church Press, 2008), 569.

⁵⁴ Diarmaid MacCulloch, *Reformation: Europe's House Divided* (London: Penguin, 2003), p. 634.

wedding was compulsory.⁵⁵ The church therefore did not have a role in marriage for much of its history.

By far the most influential early Church Father was St Augustine whose teaching set the pattern for later generations. He believed and taught that virginity was vastly superior to marriage. “In no way can it be doubted that the chastity of continence is better than the chastity of marriage”.⁵⁶ According to Augustine marriage was not evil, but was the lesser good.

In defining marriage as “good” Augustine attributed to it three particular “goods” which were to permeate all subsequent Christian theology – offspring (procreativity), fidelity (faithfulness), sacrament (which in this case refers to permanence). Procreation was the primary reason for marriage and the only acceptable reason for sexual intercourse. Augustine argued that once a couple had had children they could make the good of marriage better “as they begin the earlier to refrain by mutual consent from sexual intercourse”.⁵⁷ Fidelity for Augustine meant more than sexual faithfulness; it also encompassed the obligation of partners to meet the sexual needs of the other. Sacrament referred to the indissoluble nature of Christian marriage. This third ‘good’ of marriage, drew on the image of marriage in Ephesians that compared it to Christ and the church, with two becoming one flesh.⁵⁸ Becoming “one flesh” meant that Christian marriage, unlike civil marriage, was indissoluble. According to the Church Fathers the divorce and remarriage available under Roman law, like the concession made by Moses for the Jews’ hardness of heart, was a human innovation. The essence of Christian marriage, a divine innovation, was that it was the symbol of the enduring marriage of Christ and the church – and Christ and the Church could not be separated. Mutual companionship, while praised by Augustine, did not rank among the essential three “goods”.

With this understanding of marriage as a reflection of the relationship between Christ and the Church, divorce was forbidden. However the Council of Nicaea agreed that those who had divorced and remarried could be accepted back into the church, if they repented of their sins, with their second marriage recognised after a suitable penance.⁵⁹

At the Reformation, Luther and Calvin rejected the notion of marriage as a sacrament and taught that the church should have no role in it. Luther declared marriage to be “a worldly thing . . . that belongs to the realm of government”⁶⁰. Luther’s understanding of married sexuality was conventional; that is, he believed that sexual intercourse, since the Fall, could never be without sin. But he refuted the view that celibacy was possible for all people, and argued that marriage was necessary for most men because of their fallen natures. Celibacy therefore was for the few people specially gifted by God; and the only way for the majority of clergy to control their natures was with the “medicine” of marriage. His biblical basis was 1 Corinthians 7: 9: “It is better to marry than to burn with passion”. This for Luther was the main justification for marriage, outweighing procreation and companionship.

By declaring that marriage was not a sacrament the Protestant Reformers opened up the possibility of divorce. If marriage was simply an agreement between two people, those two people could agree together to modify their contract. So, divorce was permitted among Protestants, with grounds including marriage to an unbeliever, adultery, impotence, contagious disease and malicious desertion.⁶¹ Post-Reformation divorce was a normal part of the marriage law of Protestant countries; although divorces remained rare because of the economic and social consequences.⁶²

⁵⁵ Merry E. Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice* (London and New York: Routledge, 2000).

⁵⁶ Augustine, “The Good of Marriage” in *Treatises on Marriage and Other Subjects*, edited and translated by Charles T. Wilcox (New York: Maryknoll, 1955), 44.

⁵⁷ *Ibid.* 12.

⁵⁸ Ephesians 5:32-33.

⁵⁹ Bernard Cooke and Gary Macy, *Christian Symbol and Ritual: An Introduction* (Oxford: Oxford University Press, 2005), 67.

⁶⁰ Martin Luther, “The Sermon on the Mount”, *Luther’s Works*, vol. 21, ed. Jaroslav Pelikan, p.93

⁶¹ MacCulloch, *Reformation*, 655, 660; Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World*, 78.

⁶² MacCulloch, *Reformation*, 660; Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World*, p. 78.

The Catholic Church responded to this by outlawing divorce in 1563 when the Council of Trent made the indissolubility of matrimony part of canon law.⁶³ The Catholic Church continues to hold that “between the baptized, a ratified and consummated marriage cannot be dissolved by any human power or for any reason other than death”.⁶⁴ Civil divorces and subsequent marriages are not recognised: “the remarried spouse is then in a situation of public and permanent adultery”.⁶⁵

While the patriarchs of the Old Testament were polygamous, polygamy has over time almost completely disappeared as an option for Christian marriage. Luther condoned it in exceptional cases. An attempt was made to revive it by the Mormons in the 19th century but that was almost universally condemned by the Christian world. However, for many societies across Africa polygamy continues and, while the so-called “mission churches” demanded Christians give up all but one wife, the independent congregations, the African-Initiated Churches, continue to allow polygamy on the basis of custom and the multiple examples supplied by the Old Testament.

For much of human history and in many societies today, marriage was and is an arrangement between two families for their continuation and betterment (see section 1.5 above). Companionate marriage entered into by individuals on the basis of their feelings for one another is a product of the nineteenth century.⁶⁶ Before that the inequality between men and women made the idea of such a relationship difficult if not impossible:

*As long as men controlled family property, including women’s earnings; as long as women had no legal status apart from their husband’s; as long as coverture – covering – smothered wives with their husband’s identity; as long as husbands pledged to protect and support their wives and wives pledged to serve and obey their husbands; pragmatic marriage trumped marriage rooted in love.*⁶⁷

The Uniting Church’s understanding of marriage reflects this very modern idea that marriage is a chosen relationship between two equal individuals. Husband and wife are to give themselves to each other freely. The relationship is one of mutuality; the wife does not promise to obey the husband; the husband is not the head of the wife; the father of the bride no longer gives the bride away to her husband. Recent discussions about domestic violence within Christian families have referred to the Bible verses used by abusers to justify their violence:

First are the verses telling women to submit to their husbands and male authority, under the teaching of certain churches, known as male headship. Second are verses that say God hates divorce. And third are those in 1 Peter that tell women to submit to husbands in a very particular way, as they follow instructions to slaves to submit to even “harsh masters”.⁶⁸

The Uniting Church does not accept the doctrine of male headship nor does it read the Scriptures in such a way that violence within the family can ever be justified. The Uniting Church accepts that sometimes divorce is the only creative and life-giving direction to take. For the Uniting Church, the implications of the gospel for marriage include that it must be freely entered into by two equal partners; that the husband is not the head of the wife; and that divorce and remarriage are permitted when a relationship has irretrievably broken down. While the Uniting Church does not regard marriage as a sacrament, and ministers who act as marriage celebrants do so as agents of the state, it views marriage as a way of life that all people should honour, and a committed relationship worthy of a blessing.

The Uniting Church’s teaching therefore, with the additional emphasis on mutual companionship, maintains the traditional understanding about the three ‘goods’ of marriage: permanence (the

⁶³ Abbott, *A History of Marriage*, 200.

⁶⁴ *Catechism of the Catholic Church*, second edition (Strathfield: St Pauls, 2000), 573, section 2382.

⁶⁵ *Ibid.*, section 2384.

⁶⁶ See, for example, Stephanie Coontz, *Marriage, a History: How Love Conquered Marriage* (New York: Penguin, 2005).

⁶⁷ Elizabeth Abbott, *A History of Marriage* (London and New York: Duckworth Overlook, 2010), 85.

⁶⁸ <http://www.abc.net.au/news/2017-07-18/domestic-violence-church-submit-to-husbands/8652028>

commitment is to life-long partnership), faithfulness and procreation. The current discernment may hinge on how procreativity, or fruitfulness, is defined. A key reason that same-sex acts are consistently prohibited in the Bible is that they do not contribute to procreation. They are seen as outside the 'purpose' of sex which is to procreate and so preserve the Jewish people. But Christian identity is not through sharing a bloodline but by being 'in Christ'. We are incorporated into the Christian community not through birth but through baptism. Furthermore, the Church readily marries couples who have made a decision to remain childless or who are unable to have children; including those beyond child-bearing age. As noted, the Church has gratefully received such fruitfulness in the life of the Church from such partnerships. Can the three 'goods' of marriage be broadened to read 'faithfulness, permanence and fruitfulness'?⁶⁹ This fruitfulness may, of course, include procreation, but should not be confined to it. There are many ways in which couples in a committed relationship can and do enhance the life of their community and participate in Christ's mission in and through the church.

This very brief survey indicates that Christians have held widely varying views on Christian marriage over the centuries: from asserting that the church has no role in marriage at all; to asserting that it has the central role; from permitting polygamy to advocating celibacy; from prohibiting divorce and remarriage to, in most churches, allowing it; from understanding marriage as an economic relationship between two families to understanding marriage as an emotional relationship between two equal individuals, the church has changed its views many times in its existence. Each time its views have changed, the church has sought to justify the change with reference to its current understandings of the Christian faith.

The recent public debate about whether same-gender couples could be legally married, and the current discussion within the Uniting Church, are signs of the continued importance of marriage. If LGBTIQ people both within and outside the church did not value marriage, they would accept the blessings that Uniting Church ministers may currently offer, and would have accepted the registration of their relationships that were available in most Australian states. While some people argue that marriage is an inherently unequal relationship that is inappropriate for modern couples, and while recent censuses have shown a slight decrease in the proportion of Australians who are married and an increase in the proportion of couples who are cohabiting,⁷⁰ the passion with which many Australians argued for marriage to be available to same-gender couples and the joy with which they celebrated the change in the law are signs of its continued relevance.

4.2 ACKNOWLEDGING DIVORCE AND HONOURING REMARRIAGE

How is it that the Uniting Church not only acknowledges divorce but fully accepts the legitimacy of divorced people entering into new marriages? The question is relevant to the present issue of same-gender marriage for at least two reasons. First, the question of marriage and divorce seems to have quickly established itself as a key area of concern to the earliest Christian communities, as reflected in Paul's teaching on the matter and the gospel records of Jesus' teaching (for details see below). Secondly, an emphasis on the 'sanctity' of marriage and a resistance to any normalisation of divorce and remarriage has been (more or less) a constant of church teaching until recent times. In what ways and with what authority has the Uniting Church adopted a different teaching? Is that change instructive for the changes to marriage presently being considered?

The Uniting Church addressed this question of its changed attitude to divorce and remarriage in *Uniting Sexuality and Faith* in 1997.⁷¹ That document acknowledged that divorce and remarriage was a reality of both church and community, and that the Uniting Church had "since its formation...allowed divorced persons to remarry".⁷² More generally, it also noted that the Uniting

⁶⁹ Robert Song, *Covenant and Calling*, (SCM Press, 2014), 24-25

⁷⁰ <https://theconversation.com/census-2016-puts-on-display-the-increasing-diversity-in-australians-relationships-79903>

⁷¹ Assembly Task Group on Sexuality, *Uniting Sexuality and Faith* (Melbourne: Uniting Church Press, 1997).

⁷² *Uniting Sexuality and Faith*, 48.

Church “considers it important to reach out with compassion to those have endured the pain of marriage break up”.⁷³ It also pointed out that that all three pre-union denominations – Presbyterian, Congregational and Methodist – had accepted the reality of divorce whilst still “affirming the idea of marriage”.⁷⁴ Indeed, *Uniting Sexuality and Faith* pointed out that for the Uniting Church itself, the acceptance of divorce and remarriage did not at all qualify its commitment to the “nature of marriage as a mutually faithful life-long union blessed by God” and that “a breakdown in marriage needs to be regarded seriously”.⁷⁵ The church, it said, should be a place where those divorced “can experience forgiveness and reconciliation”.⁷⁶

Yet the acceptance of remarriage was not simply justified by pastoral concerns. The Report also appealed to both Jesus and Paul and their respective teaching on divorce and remarriage. Jesus’ teaching, recorded in Mark 10:11-12, is that remarriage following divorce by itself constitutes adultery, a logic grounded on the prior claim that no one should separate what God has joined together. Nevertheless, divorce was acceptable but only as a concession to human “hardness of heart”. This record of Jesus’ instructions (echoed in Matt 5:31-32) has largely shaped Christian teaching on marriage and led to the church’s resistance to remarriage. Yet according to an additional teaching of Jesus recorded by Matthew (Matt 19:1-9), Jesus implicitly allowed remarriage in the case of a marriage where the wife had committed adultery. This teaching of Jesus was known to Paul who invokes it when he is advising the Corinthians on in 1 Corinthians. Explicitly referring to Jesus’ teaching (“not I but the Lord”) he repeats the in-principle prohibition against divorce whilst conceding some circumstances where it is appropriate (1 Cor 6:11) Then, on his own authority (“I and not the Lord”) Paul specifies yet another scenario where divorce would be acceptable (1 Cor 12-15).

Uniting Sexuality and Faith drew attention to the contextual nature of these teachings, not least the complex gender factors involved. It also, in effect, resisted any direct transfer of these teachings to the contemporary context. In the first instance, given the particular debates in which Jesus and Paul were engaged, this would be anachronistic. Secondly, there was a concern that the teaching of “sanctity of marriage” had been wrongly used to “keep people in broken and abusive relationships”.⁷⁷ In other words, the conditions of allowing divorce were broadened beyond those stated in the New Testament. The principle seemingly at work in the New Testament witness was extended, in respect to both divorce and remarriage. The basis of doing so was what the Report described as a “reevaluation” of the Gospel record. Essentially, it was deemed that the contextual particularity of the New Testament discussion of divorce could not be directly transferred to our contemporary context. As a result, greater weight has been given to the *principle* of concession than to the *specific* concessions granted by Jesus and Paul.

How might this inform, if at all, our current discussions about same-gender marriage? Manifestly, there is little in Jesus’ teaching here that would directly address the question of whether the definition of marriage can be changed to include two people of the same gender. What it does indicate, however, is a precedent for the church weighing up seemingly conflicting biblical teachings by making decisions about which of those teachings should be given most weight. In the Uniting Church’s teaching and practice particular weight has been given to the *principle* of concession as a practical confession of the gospel of forgiveness and reconciliation. It is this, if you like, “gospel criterion” which has allowed the Uniting Church to resist the majority Christian tradition of contesting the legitimacy of remarriage.

⁷³ *Uniting Sexuality and Faith*, 47.

⁷⁴ *Uniting Sexuality and Faith*, 47.

⁷⁵ *Uniting Sexuality and Faith*, 48. For a brief statement of this position published very early in the life of the Uniting Church see Raymond Abba, “Uniting Church” in *Marriage in Australian Churches*, ed. William Tabernee (Melbourne: Victorian Council of Churches, 1982), 55-57. Notably, the acceptance of the remarriage of divorced persons was also affirmed in “Interchurch Marriages: Their Ecumenical Challenge and Significance for our Churches,” Report of the National Dialogues between the Roman Catholic Church and the Uniting Church in Australia 1999” (Strathfield: St Paul’s Press and Collingwood: Uniting Church Press, 1999).

⁷⁶ *Uniting Sexuality and Faith*, 48. The UCA has further borne witness to this conviction with the inclusion of “A Service for Healing for Those whose Marriage is Ending or has Ended” in *Uniting in Worship 2*.

⁷⁷ *Uniting Sexuality and Faith*, 48.

It can also be pointed out that this “gospel criterion” was at work in the Uniting Church’s defence of its practice of ordaining women to the Ministry of the Word which is also a significant departure from the majority Christian tradition. The logic of that defence was summed up in the acceptance that amidst the diverse and sometimes (apparently) conflicting New Testament texts, all those texts were held together by common commitment to the gospel. Accordingly, our use of those texts, it was argued, is not to endorse every first century implication of the gospel recorded in the New Testament, but to discern the implications of that same gospel for our own time and place.

When we ask ourselves how to order the life of the church today, the fundamental question for us is therefore not, “What did the New Testament writers think about this?” nor “How did the New Testament Church order its life?” although of course there is much to be learned from that. The fundamental question us today, and for every period of history is rather, “What is the gospel of Jesus Christ?” This is then followed by “What does the gospel imply for the ordering of the church?”⁷⁸

In the issue of same-gender marriage the Uniting Church is again asked to decide if the application of the gospel criterion leads us to depart from church tradition; and to ask whether endorsement of same-gender marriage is an implication of or, at least, consistent with the gospel.

4.3 HONOURING CELIBACY

Uniting Sexuality and Faith affirmed “both marriage and celibacy as appropriate and honoured vocations for Christian disciples”.⁷⁹ The *Marriage Discussion Paper* identified that “in the earliest centuries it was almost universally believed that celibacy was preferable to marriage”.⁸⁰ However, several responses to the *Paper* indicated a perception that it privileged marriage as the central Christian sexual vocation.⁸¹

Celibacy, as an expression of Christian sexual vocation, has its origins in the earliest Christian communities. Jesus is understood to have been unmarried and Paul longed for all to share his gifts and capacity for celibacy.⁸² During the Reformation however, celibacy became associated with the corruption of the renaissance church. It was challenged by the reformers as a “distortion of the Gospel ethic”⁸³ and impossible to honour. Reformed priests were encouraged to marry⁸⁴ and, as Protestant culture developed, celibacy became associated with Roman Catholicism.

Protestant churches continue to be influenced by this history. Discussions of human sexuality are often limited to the presence or absence of sexual intercourse, appropriate conditions for procreation and the binary categories of non-marriage and marriage. Into this context, *Uniting Sexuality and Faith* proposed a broad understanding of human gender and sexuality that might find integrated expression in many aspects of life, not just in sexually intimate relationships.⁸⁵

The Christian vocation of celibacy, according to theologian Jan Gray, affirms that God’s love is made manifest through diverse expressions of human love. That is, the commitment testifies to the whole community that the reciprocity of a partner is not necessary for God’s love to be made known in the experience of human love. In the Roman Catholic and Orthodox traditions, religious communities of men and women make vows of celibacy which enable them to be emotionally and spiritually available to a whole community.

⁷⁸ “Why does the Uniting Church Ordain Women to the Ministry of the Word?”, 576.

⁷⁹ Assembly Task Group on Sexuality, *Uniting Sexuality and Faith* (Melbourne: Uniting Church Press, 1997), p. 38.

⁸⁰ Assembly Working Group on Doctrine, *Marriage Discussion Paper*, 2014.

⁸¹ Sarah Agnew, “Does the church perpetuate a hierarchy of relationships”, *sarahtellsstories.blogspot.com*, 22 September 2014, accessed February 8th 2018.

⁸² 1 Corinthians 7: 6-8.

⁸³ Janette Gray RSM, “Celibacy”, *The Cambridge Dictionary of Christian Theology*, eds. Ian A. McFarland, David A. S. Fergusson, Karen Kilby, Iain R. Torrance (Cambridge: Cambridge University Press, 2014), 91.

⁸⁴ Martin Luther – *Letters in Enders*, v, 145. De Wette ii, 6zT.

⁸⁵ *Uniting Sexuality and Faith*, 26.

Along with the vows of obedience and poverty, celibacy frees the person from familial and spousal commitments to serve God and others in eschatological witness to the Kingdom of God (Mark 12:25; Matt 22:30).⁸⁶

In the United Church some unmarried church members, including ordained ministers, make a particular commitment to celibacy. Some people make this commitment for a season of life, for the whole of life or to enable other vocational choices. The vocation of celibacy for them is not simply a state of non-marriage or abstinence. It is a serious commitment to a particular emotional and spiritual availability for the mission of God.

The limitations of our liturgy, our language and our imagination mean that celibacy is a vocation that currently exists without acknowledgement in the life of the Church and is even viewed with suspicion. While the United Church sees the marriage relationship as bearing witness to the kingdom of God, we have no ritual or cultural framing of the decision to bear such witness in the commitment to celibacy. In response to the claim in the *Marriage Discussion Paper* that “making a promise of lifelong love and faithfulness to another person is one way of accepting responsibility for the wider community of which one is part”, one person asked this question: “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?’”⁸⁷

4.4 A THEOLOGY OF BLESSING

One of the options before the Church is to offer a “blessing” of a same-gender relationship rather than offer marriage rites. What is the meaning of blessing in our biblical and theological tradition?

The story of the Christian Scriptures is held and sustained by stories of blessing. In the beginning, God offers blessing through creation, and the patriarchs are blessed and called to be agents of blessing – a light to the nations. The Psalms proclaim the blessing of God and the prophets constantly draw people back to blessing. Jesus blessed the children, blessed the peacemakers, and challenged people to “bless those who curse you”. Jesus blessed his friends before his death, after his resurrection and in the moment of farewell as he ascended. The book of Revelation ends with blessing.

In Genesis God blesses Abraham and his family and sends them into the world with the calling to be a blessing. In the New Testament we come to understand that we are inheritors of this blessing: Christians are likewise blessed and called to be agents of blessing.

The church offers blessing in recognition that what God has made is already good and already possesses holiness because it comes from God. God looked at the world and said it was good. It is a deeply Christian worldview to behold the world with a sense of wonder and awe at the work of the Creator. In the practice of blessing we open our eyes to this goodness of creation, which in turn provokes our praise and thanksgiving.

A blessing not only recognises what God has already done and the goodness already present, it also asks God to continue to be present in the lives of those blessed, giving them all the gifts they will need to live out their calling.

Blessing normally invokes the power of the spoken word, again joining in with the work of the Creator who spoke the creation into existence. When the church offers blessing it is an act of “verbally gathering” a person (or thing) “into the story of God”.⁸⁸

⁸⁶ See Gray, “Celibacy”.

⁸⁷ Agnew, “Does the church perpetuate a hierarchy of relationships?”

⁸⁸ Gordon Lathrop, *Holy Ground: A Liturgical Cosmology* (Minneapolis MN, Fortress Press 2003), 86.

In the Christian marriage service, the church blesses the couple to a new calling, a new path to be undertaken together. They are blessed and called to be agents of blessing – as partners in Christ’s mission, perhaps as parents, as disciples.

The blessing that God holds out for God’s people is one of vocation and of life; life to be lived in all of its fullness (John 10:10 Gen 1:22). This is a vision of abundance and creativity in which every living thing is called to participate. Our response to this experience of being blessed is to worship God and give thanks for this good world in which we live. As we live out our calling, we build the household of God through blessing.

One of the options (Option 2) before the Uniting Church will be to continue to define marriage as between a woman and a man but to recognise that the goodness of God’s creation is also reflected in the mutual love and commitment of couples in same-gender relationships. This option would involve offering an authorised service of blessing to those couples.

5. A WAY FORWARD

5.1 REVIEW

The mandate given to the WGD was to assist the Uniting Church to discern whether it should maintain its current definition of marriage or change it. This determination was to be made in relation to the various issues listed in Assembly Resolution 14.15.

As our Report indicates, in reaching a determination we framed the discussion by the realities of the Uniting Church and the diverse views which are represented within it on the question of marriage in general and same-gender marriage in particular (Section 1). We have listened to the witness of the various culture-specific groups which make up the Uniting Church. In that witness we have heard a range of views in relation to the presenting issues. There is no direct or universal correlation between different cultural groups and particular views on whether the definition of marriage should change. We have also observed more generally that the diverse views on changing the definition of marriage are not constrained by the usual fault lines which distinguish “liberals”, “evangelicals”, “progressives”, “orthodox”, “feminists” etc. For instance, some who might self-define as “liberals” regard marriage as an intrinsically patriarchal institution and resist it in any form. Others who identify as doctrinally orthodox have found themselves persuaded that the fundamental doctrines of the faith can embrace, and even invite, a change to the definition. We are also aware of a generational element in the diversity of views which we have encountered. Of course, there are also other more predictable responses within these various groupings.

We have also heard the witness of LGBTIQ members of the Uniting Church as well as those of celibate members of the Uniting Church alongside that of male-female married couples. Across each of these groups we have heard a deep honouring not only of marriage but also of the gift of sexuality. We have seen a willingness to understand both marriage and sexuality theologically and to include them within the life of discipleship. We have also heard (sometimes implicitly rather than explicitly) a concern from all voices about the pervasive sexualisation of contemporary culture and the destructive effects of that on all women, men and children.

In the view of the WGD, it is notable that the discussions of same-gender marriage have brought to a new prominence the values and practices of marriage for the first time in several decades. It is with such concerns in mind that we believe it is important to note that by considering the possibility of changing the definition of marriage, the Uniting Church is not simply ‘flirting with the spirit of the age’. There are many ‘spirits’ in contemporary western culture which shape the way marriage and sexuality are understood and practiced. The WGD has sought to be attentive to that spirit which sees marriage as a practice which nurtures and strengthens relationships, sustains family life, and contributes to the common good of society. It is such considerations that have led us to be guided

more by a theological consideration of the practices and virtues of marriage than by a reflection on the rights to marriage.

Nevertheless, we have not listened to this spirit in the abstract. We have addressed very concretely the issues set out in our mandate. These can now be summarised.

5.2 SCRIPTURE

We have argued that the Uniting Church's discernment, guided by the *Basis of Union*, involves us in a process of listening to Scripture as well as engaging contemporary knowledge and insights. We set out the nuances of this process in some detail (Section 3.1). With regard to Scripture, we have come to the view that the prohibitions on same-gender sexual activity contained within the Bible are not central to the Christian faith. As set out in Section 3.2, we have discerned that such passages are part of wider theological frameworks and are not definitive of those frameworks.

We also acknowledge that exegesis of these passages is diverse and that the other exegetical judgements deserve to be honoured and respected. In the end, however, exegesis alone does not determine theological discernment. Whatever the judgements made on particular biblical passages, we believe that the various ideas about relationships, the body, marriage and sexuality in the Bible are framed by larger claims about the work of God in creation and redemption, frameworks which are not defined by marriage or by male-female relationship. These frameworks are constituted by Jesus' proclamation of the kingdom of God, the purity codes of Israel, the distinctive value placed on the body in the New Testament, the destabilising of various social categories by our union in Christ, and the biblical witness to the goodness of creation which is not defined by any immediately visible order.

Accordingly, we find ourselves unpersuaded by the claim that the "unique man-woman relationship is ... the precondition of every form of relationship and foundation of the covenant which God has established with Israel and the Church for the salvation of the world".⁸⁹ We believe that in response to such a claim it is necessary to affirm that God's self-giving, freely-willed love revealed in the life, death and resurrection of Jesus is the foundation of creation's very existence, the precondition of the human capacity for relationships, the calling of Israel and the mission of the church.

5.3 CREATION, THE IMAGE OF GOD, AND MARRIAGE

At various stages in this Report references have been made to the significance of the Christian understanding of human beings as made in the image of God and claims about the status of marriage within creation. This particular conviction about the status of the human being is not a stand-alone conviction. It is part of a network of beliefs about the goodness and order of creation, about relationships between humans, and about the role of human beings within the rest of creation and all God's other creatures. This particular network of beliefs is often taken to overlap with ideas about marriage. Marriage, it is said, is part of the good creation. The creation of human beings as male and female together constituting the image of God is understood to reinforce the idea of marriage as a particular human institution given with creation, and even, precisely as a union of male and female, as part of the ordering of creation. Some of the arguments presented in this Report invite reconsideration of these connections.

First, we have seen that the doctrine of the image of God is revolutionized by life, death and resurrection of Jesus. Whenever the New Testament writers use this idea (Rom 8:29; Col 1:15; Heb 1:3) they insist that Jesus is the image of God. Whilst the relationship between this novel Christian claim and the claims of Gen 1:26-27 invites much discussion, this much can be said: in

⁸⁹ Assembly of Confessing Congregations, "Declaration on Marriage and the Family," 7 November 2016, 8 http://www.confessingcongregations.com/uploads/ACC_Marriage_Declaration_2016_Web_Version.pdf accessed February 8th 2018.

early Christian understanding the image of God is more like a calling to be conformed to Christ than simply a property we possess. Being conformed to Christ means being drawn into the network of relationships Christ has with all people. This more complex notion of the image of God therefore retains the social dimension implied in the 'creation of male and female', but the image is not defined either by the complementarity between gender differences or by any particular gender. It is defined by Christ.

Secondly, we have raised the possibility that the goodness of creation is not reducible to or indicated solely by the visible ordering of creation. By pointing to the biblical witness to the inscrutability of creation, and to some of Augustine's reflection on creation, we have suggested that the goodness of God's creation is accessible not merely by human perception of order. This allows our understanding of God's ordering of creation to be determined by God's declaration of its goodness. This itself can be an invitation to discover the goodness of creation in what is not visible or conventional. It invites us to think that the goodness of creation is manifest not only in what is perceived by humans to be ordered, but what also in (a) lies beyond our immediate perception and (b) the capacity of God's creation to yield and manifest over time and place diverse forms of creaturely existence which reflect the outworking of God's goodness.

Thirdly, even if it is argued (whether on the basis of Gen 1:26-27 or observations about universal features of human societies) that marriage is a constant feature of God's creation, we have argued –and demonstrated – that it has proved to be a remarkably flexible institution. It is durable, but also vulnerable. Its mere existence does not guarantee that it will achieve its ends. As with all human institutions and practices (whether divinely instituted or not), its capacity to foster human companionship and social utility depends on the cultivation within it of love, mercy, patience and compassion.

On their own these considerations do not delegitimise traditional marriage nor unequivocally justify same-gender marriage. But, we argue, they do make doctrinal space for a legitimate consideration of the latter.

5.4 CONTEMPORARY THOUGHT

Attention to the wider theological frameworks has also been illuminated by "contact with contemporary thought" (See Section 3.3). The Uniting Church is obliged to engage the insights into gender and sexuality which have been provided by modern scientific and philosophical enquiry. This is not because such insights automatically trump the Bible or the theological tradition. It is because the interpretation of the Bible and the development of the theological tradition has always been practised in conversation (consciously or not) with prevailing scientific knowledge and philosophical reflections. It is also because of deep and widely-held Christian conviction that God grants knowledge of the world to those outside the church and beyond the disciplines of theology.

We believe that in seeking to discern and confess the will of God in relation to marriage, we must wrestle with the complexity in the relationships between culture, power, biology, sexuality and gender which have been brought to light by contemporary scholars. Again, the validity of these issues and relevant data are all contested in the Uniting Church.

We have come to the view, however, that such knowledge suggests that same-gender attraction, inter-sex conditions, and gender ambiguity are part of the mysterious diversity of creation rather than deformations of it. Accordingly, same-gender attraction, for instance, shares no less and no more than heterosexual attraction the capacity and propensity for joy and sorrow, fulfilment and disappointment, sin and selfishness, sanctification and redemption.

5.5 CHANGING THE UNITING CHURCH'S TEACHING

In considering whether the Uniting Church should change its definition of marriage, the Working Group has reflected on the way the history of Christian marriage is itself a history of changes which have often been prompted by the church either accommodating itself to or resisting prevailing cultural assumptions about marriage. We have also noted that the Uniting Church has never taught male-headship within marriage. It also received from the uniting churches (i.e., Presbyterian, Methodist and Congregational) their acceptance of divorce and remarriage (Section 4.2 and 4.3).

We are led to ask whether changing marriage to include same-gender couples is of the same nature as these earlier changes to the Uniting Church's teaching. Or does it represent a much bigger shift in the teaching about marriage? The answers to these questions are informed by the way in which we interpret Scripture, and the ways in which we receive theological and other knowledge and wisdom.

On the basis of the reasons we have presented in this Report, the WGD believes that same-gender marriage is consistent with the gospel of Jesus Christ. This gospel criterion allows the Uniting Church to consider renewing its teaching on marriage. Furthermore, in recognition that the 'good' of marriage defined traditionally as procreativity should not be confined to having children, it is better understood in terms of 'fruitfulness' in which a couple's relationship is called to bring life, not only for themselves but for others.

Finally, in what sense do these perspectives provide a basis for changing the definition of marriage? We need to recall the existing definition of marriage as set out in Section 1.4.

Marriage for Christians is the freely given consent and commitment in public and before God of a man and a woman to live together for life. It is intended to be the mutually faithful lifelong union of a woman and man expressed in every part of their life together.

In marriage the man and the woman seek to encourage and enrich each other through love and companionship.

In the light of the extensive work undertaken within the life of the Assembly since 1997, the WGD proposes broadening of the Uniting Church's definition of marriage:

Marriage is a gift God has given to humankind for the well-being of the whole human family. For Christians, marriage is the freely given consent and commitment in public and before God of two people to live together for life. It is intended to be the mutually faithful life-long union of two people expressed in every part of their life together. In marriage two people seek to encourage and enrich each other through love and companionship, experience the fruitfulness of family, contribute to the well-being of society and strengthen the mission of the church.

The considerations of this Report have no implications for the Uniting Church's understanding of divorce or of the Church's call to respond with compassion to those who do divorce and the families of any such broken marriages.

5.6 FREEDOM OF CONSCIENCE

5.6.1 FREEDOM OF CONSCIENCE, MINISTERS AND AUTHORISED CELEBRANTS

We are granted freedom of conscience when we are permitted to do what we believe is right. Of the four options which have been described (Section 2 and the Appendix) only in Option 3 would the Uniting Church direct all ministers and authorized celebrants to adopt a single stance on services of marriage or blessing of same-gender couples. The other three options permit ministers to choose whether or not to bless or marry same gender couples according to their conscience.

The “permission” in the context of the “freedom of conscience” options would mean that when ministers make decisions about marrying or blessing same-gender attracted couples on the basis of what they believe is right, they do so with the assurance that they will not be subjected to any kind of reproach or disciplinary action from the Uniting Church.

Freedom of conscience is seldom, if ever, treated as an unlimited right. The Uniting Church already limits this freedom of conscience for ministers. For instance, no ordained minister is permitted to practice re-baptism and all ordained ministers are required to affirm the ordination of women. Failure to adhere to these commitments would trigger the Uniting Church’s disciplinary processes.

The “freedom of conscience” options (Options 1, 2 and 4) allow for a very limited space for freedom of conscience, confined to the issue of services of blessing and marriage for same-gender attracted couples. Even here, these options do not permit ministers to adopt any stance that they think is right. In the event that option four is adopted, ministers would still be expected to perform marriage services only in accordance with the rites of the Uniting Church.

5.6.2 FREEDOM OF CONSCIENCE AND CHURCH COUNCILS

The polity of the Uniting Church is clear that Church Councils have authority over the use of church land and buildings. According to Regulation 4.4.1:

...the Church Council shall be responsible for the management and administration of all property of the Church acquired or held for the use of the Congregation and shall:

...

(b) subject to clause (e) of this Regulation, determine the use of land and buildings;

...

(e) consult with a Congregation regarding any proposal concerning property that would have substantial effect on the life, witness and service of the Congregation.⁹⁰

Accordingly, in the event that the Uniting Church does allow ministers and authorised celebrants freedom of conscience to celebrate same-gender marriage or not, Church Councils and Congregations will also need to formulate a policy on this. Church Councils may not restrict a minister’s freedom of conscience in this regard; however, they may determine what types of marriages can be held in properties under their stewardship.

5.6.3 FREEDOM OF CONSCIENCE AND THE ‘SUBSTANCE OF THE FAITH’

Paragraph 14(d) of the *Basis* states that the Uniting Church “allows for difference of opinion in matters which do not enter into *the substance of the faith*.”⁹¹ In insisting that ministers “adhere to the Basis of Union” the Uniting Church requires its ministers “to live and work within the faith and unity of the One Holy Catholic and Apostolic Church *as that way* is described in [the] Basis”.⁹² This means that in the Uniting Church, appeals to the faith and unity of the church must be made through the lens of the *Basis of Union*. To include marriage or any definition of it as essential to the substance of the faith would go beyond anything the *Basis* says or implies about the essentials of the Christian faith.

If, therefore, the church’s teaching on marriage is not part of the substance of faith, then the Uniting Church has good reason to allow freedom of conscience for ministers to bless and/or marry same-gender attracted couples. As long as ministers continue to live and work within the faith of the church as described in the *Basis*, The Uniting Church can allow them the freedom to make decisions about this matter for themselves, rather than enforce one position for all.

⁹⁰ *The Uniting Church in Australia Regulations*, https://assembly.uca.org.au/images/resources/Regulations_Policies/2015-Regulations-updated-August-2017.pdf, accessed February 16th 2018.

⁹¹ Italics added.

⁹² Italics added.

5.7 CONCLUSION

In proposing a broadening of the definition of marriage, we believe the church can witness to the strengthening of the institution of marriage and to allow the witness of same-gender couples to witness more directly to the church. It upholds the disciplines and practices of marriage by extending them to a group previously denied them via ritual, pastoral support and community endorsement. The proposal is given in the same spirit as the following proposal from a group of Anglican theologians:

We argue that the church should marry same-[gender] couples because it requires their testimony to the love of Christ and the church, and because it recognizes that same-[gender] couples stand in need of sanctification no less than opposite-[gender] couples do. In grafting same-[gender] marriage onto the domestic rite, the church follows the pattern of God's grafting Gentile olive-branches onto the domesticated olive tree of Israel (Rom 11:24). The church does so because same-[gender] couples need the sanctification that marriage teaches, and the church needs the marital virtues that same [gender] couples are already receiving. ... This vision of marriage is offered not in arrogance, naiveté, or spiritual enthusiasm, but in trust and with hope, as our witness to the mission of Christ.⁹³

These authors' emphasis on "trust and hope" is salutary. We do not underestimate the significance of this change. To make a change such as this is a serious matter. We make the suggestion to a Church which we know is far from a common mind on the issue. We believe, however, that the arguments we have presented as a result of our enquiries and discernment are sufficiently strong for them to be ready to be tested by the Assembly.

⁹³ Deirdre J. Good et al, "A theology of marriage including Same-Sex Couples: A view from the Liberals", *Anglican Theological Review* 93 (2011):51-87. Note that "same-sex" has been changed to "same-[gender]" in line with the comment on terminology at the head of this paper.

APPENDIX 1 - THE OPTIONS (with explanations)

The Uniting Church is not alone in its discernment of this issue and each of the options described here has been adopted by various churches around the world. Broadly speaking there are four clusters of possible responses for the UCA:

Response #1

Offer the rites of marriage only to opposite-gender relationships while allowing Ministers and authorised celebrants to conduct, or to decline to conduct, “blessings” of same-gender covenantal relationships as long as such ceremonies “do not resemble marriage” without any officially approved rites for such services.

This is very similar to the current position of the Uniting Church. The Uniting Church’s Marriage Service refers explicitly to “a man and a woman” and regardless of any changes to Federal legislation this would remain the Church’s position unless changed. In 1991 the Assembly Standing Committee was asked to make a response to a service of blessing for a same-gender relationship held at Pitt St Uniting Church. The ASC was not of one mind on the questions but among other things resolved to:

ASC minute 91.95

3. (a) unanimously to reaffirm that our church’s understanding of marriage is that it is a life-long commitment between a man and a woman in love and fidelity;

(b) that the service used at Pitt Street Church was inappropriate in parts, in that it resembled too closely the marriage service;

(c) to note that some members of Standing Committee commend the service as celebrating God’s grace in Jesus Christ transforming the lives of two women, and as recognising their commitment to each other in love; and that other members of Standing Committee, believing that Scripture teaches that homosexuality is sinful, cannot support such a commendation and regard the service as improper.⁹⁴

Since then, some ministers have continued to offer services of blessing to people in same-gender relationships, responding to Minute 91.95 by trying to ensure that the service did not resemble a marriage service. Anecdotal evidence for ministers and couples taking up this option is limited.

This response goes slightly further than the existing situation. Rather than simply not forbidding services of blessing for same-gender relationships, it would give explicit permission for them.

This option is supported by people who do not believe that same-gender relationships are sinful, but who also do not believe that they can be considered marriages.

For some this is because the idea of a marriage is inextricably bound with the procreation and rearing of children. While many same-gender couples are raising children, it is only in a heterosexual relationship that children may be conceived without the involvement of a third party or medical intervention.

The argument is also made that the love between a married couple imitates the love of the persons of the Trinity, who come together in mutual giving and receiving of love across difference. For human beings, the basic and primordial difference is that of gender, human beings are born male and female, and the married relationship is one in which covenantal love is offered in mutual submission across the gender divide.

⁹⁴ Service of Blessing of a Covenant Relationship, Document 19, Assembly Standing Committee, 6-8 September 1991.

For those who support this option a marriage is a relationship in which faithful, life-long love is offered across the gendered difference between a man and a woman and in which children may be born of their sexual union. Same-gender relationships cannot be marriages, because they do not address the division between genders and children are not conceived through their sexual union. However, same-gender relationships that are faithful and life-long may be blessed.

Response #2

Offer the rites of marriage only to opposite-gender relationships while allowing ministers to conduct, or to decline to conduct, “blessings of same-gender covenantal relationships” according to officially approved rites for such services.

This approach affirms the understanding that marriage is a rite for a man and a woman but asks the church to develop authorised rites of blessing for same-gender covenantal relationships which could be used by ministers who agree to conduct such ceremonies. This would make explicit the permission for Uniting Church celebrants to either accept or decline requests to conduct such ceremonies as a matter of conscience, and would ensure a level of consistency in such rites.

Having an authorised rite of blessing for same-gender relationships would make it clear that the Uniting Church sees in such relationships something that is of God. Simply allowing individual ministers to bless same-gender couples as a pastoral response does not make a clear statement about the worth that the Church sees in these relationships. An authorised service of blessing makes it clear that these relationships may be appropriate for Christians. It gives them a status in the life of the Church that they would not otherwise have.

An authorised service of blessing makes clear what relationships the Church considers appropriate upon which to ask God’s blessing. It also makes it clear what relationships the Church does not consider appropriate. Arguments against same-gender marriages have suggested that once same-gender relationships are recognized, the acceptance of bestiality, paedophilia and polygamy will follow. An authorised service of blessing limited to faithful, life-long, same-gendered relationships between two consenting adults makes it clear that the Church will not bless relationships that do not fulfil these criteria.

This position was taken by the Episcopal Church of the USA, which approved a Rite for the Blessing of a Same-[gender] Relationship at its 2012 General Convention, before approving same-gender marriages at its 2015 General Convention.⁹⁵

Response #3

Offer the rites of marriage only to opposite-gender relationships and forbid ministers to conduct blessings of same-gender covenantal relationships.

This approach affirms the understanding that marriage is a rite for a man and a woman; but also believes there is no place for a church rite of blessing of same-gender relationships on the basis that such relationships are proscribed by Scripture and traditional church teaching. For some holding this position, to accept gay marriage would be to institutionalise a pathology rather than pointing people to healing and change. Others, while accepting that same-gender orientation may be a “given” and morally and theologically “neutral”, nevertheless would counsel celibacy for LGB people.

In the discussions within the UCA, this view is defended theologically on the basis that marriage is consistently presented in such terms in the biblical witness and that deviations from it are deemed unholy. The creation of male and female humans as the image of God carries significant weight in this position. With reference to Ephesians 5, it also said that there is a symbolic relationship between a marriage

⁹⁵ <http://www.integrityusa.org/blessings-resources>; <http://www.christianpost.com/news/us-episcopal-church-approves-same-sex-marriage-replaces-terms-man-and-woman-with-couples-141163/>

between husband and wife on the one hand and that between Christ and the church on the other. The unity and difference between Christ and the church in that (eschatological) marriage must be reflected in the unity and difference between man and woman in human marriage. The line of argument also draws on the way marriage is appealed to elsewhere in the Bible as possessing unique significance in the relationship between God and humans. So much so, that it has been proposed that: "Marriage belongs to the whole story of creation and redemption. Scripture begins with the marriage of man and woman and ends with the marriage of Christ and his Bride, the church, new Adam and new Eve."⁹⁶

The extension of this argument to refuse any blessings of same-gender relationships sometimes draws on a conviction that the unity and difference in a two-gendered humanity is both physical and spiritual (emotional). Thus, it is argued that sexual union between those who are physically the same disrupts this essential unity-and-difference which belongs to human sexuality. A related claim is that only a non-Christian, Gnostic, pagan androgynous view of human beings could justify same-gender relations.

This is the practice of most churches around the world including the Roman Catholic Church and Orthodox churches.

Response #4

Offer the rites of marriage to opposite-gender and same-gender couples while allowing ministers and authorised celebrants freedom of conscience to perform marriages or not.

In the current public debate those in favour of civil same-gender marriage argue that marriage is a human right that should be equally available to all Australian citizens. The argument within the Church is different. Marriage is seen not as a right but as a Christian vocation that helps to shape a society in which human dignity and happiness may flourish and abound.

Those in favour of this option have experienced or witnessed the presence of God's grace in same-gender relationships. They recognise that in these relationships same-gender couples are able to live together faithfully and to love each other with respect, tenderness and delight. These relationships differ from friendships by enabling the full and sustained expression of physical love between the couple. Many same-gender relationships involve the care and nurture of children, whether those children have entered the relationship through medical intervention, surrogacy, fostering, or adoption.

Most importantly, those in favour of this option have experienced or witnessed in these relationships a love that seeks to imitate the mutual self-giving love of the Persons of the Trinity; the covenant love of God for humanity; the mysterious love of Christ for the church.

This option would allow ministers to refuse to marry same-gender couples on the grounds of their conscience.

This approach has been taken by the Episcopal Church in the United States, the Presbyterian Church USA, and the United Church of Canada.

⁹⁶ Assembly of Confessing Congregations, *Declaration on Marriage and the Family November 2016*, p.5.

APPENDIX 2 - Marriage in some of the Uniting Church CALD Communities

1. Marriage in Tongan Culture by Rev Charissa Suli

Tradition and Culture

The Kingdom of Tonga is considered a Christian nation; very religious and deeply engaged in their cultural practices. In Tonga, the family is everything, along with religion; every Tongan belongs to one religious denomination or another. Tongans have grown up in a more structured and authoritarian culture and operates more communally, hence many of their cultural practices and decision making are collectivistic in nature – as everyone in the family (extended is the norm) has a role to play. There is in general a greater sharing of responsibility for the way the “fāmili” or the “kāinga” (extended family) gathers and interacts with each other in all areas of life and ministry.

It should be noted here that the notion of famili in Tonga refers to the extended family, not the nuclear family. Gender, kinship, rank and status play a significant role in the Tongan culture and it is interlaced with how each person relates to one another (a concept called tauhi vā). Tauhi vā in the Tongan fāmili and kāinga is crucially important; respect (faka’apa’apa) is one of the core values of the Tongan culture as seen and practiced in many social and cultural interactions, such as a marriage, christening and other life events and milestones.

In the Tongan family, the man (husband/father) is considered the head of his household, though he has other roles to play such as taking care of the needs of his sister/s and her children. The paternal aunt is considered the highest ranking member of the family and is referred to as the “mehikitanga” or “fahu”, normally accorded to the eldest sister. There is also the “ulumotu’a” or the oldest male in one’s extended family on the father’s side; they are usually called upon to be in charge of family events. However, they do not out rank a “fahu” but they have the authority to direct and manage family events. It could be said that the Tongan men hold power and women hold rank.

As previously mentioned, Tongans highly value the notion of “faka’apa’apa” between brother and sister. There are conversations which are disrespectful for brothers and sisters to have because of the role “gender” plays within a Tongan family and community. To some extent, brothers are not allowed to enter the house of their sister’s family, without announcing his visit first. The building blocks of the Tongan “kāinga”, community or village is part of how they live out their identity as Tongan people. It is within the kāinga that everything about life, relationships and faith is learnt. The “kāinga” encompasses the physical, mental, spiritual, cultural, socio-economic and ecological dimensions of life and well-being. The survival and well-being of the “kāinga” is very important not only for Tongans in Tonga, but also for Tongans in the diaspora. It could be said that the well-being of Tongans as a health indicator is indicative of the well-being of their kāinga and community. From generation to generation, the Tongan values and traditions in relation to religion, marriage, ‘faka’apa’apa (respect), “tauhi vā” (relationship), and “tauhi fonua” (value of land) are passed down orally (and otherwise) through storytelling, song, drama, craft, art and dance.

The Understanding of Marriage

For centuries, the Tongan people have understood that marriage is between man and woman. The “fāmili” is important and is the basis upon which the marriage between a male and a female is built. Although the couple may come from different “kāinga” or villages, these families gather with new hope for a bright future, but each knowing their responsibilities and ranking. Each and everyone who are related to the couple is expected to know their place in the “kāinga” and exercise the role they play in the family. It is common knowledge that social and cultural interactions such as that in a wedding call on each individual in the family to play their part. This is where the tauhi vā comes in, the kāinga plays their role. For instance, gender-specific roles such as ‘fahu’ determine that the most honoured places be reserved for the sisters of the fathers of the bride and the groom.

Traditionally, Tongans believe that marriage is a public commitment before God and their family and is between man and woman and the two families. Marriage is holy, a sacred covenant and therefore it is not to be taken lightly. Marriage is also complex and in Tongan culture there is a six-step process that couples undertake as they prepare for their wedding day.

The first step is the friendship, the “fai kaume’a” where the man must ask the woman for her friendship. If the woman accepts, then their relationship starts. The next step is the dating - the “a’a” where the man must always go to the woman’s home and ask her parents for permission to talk to her, take her out (female escort is required) or to enter her home. The third step is the “faitohi” - the man asks for permission to get married. The man makes his proposal to the woman’s father or her uncle known as the “ulumotu’a”. This phase includes the man’s “kāinga” gifting the bride-to-be with tapa, food and fine mats. If the proposal is accepted, a date for the marriage to take place is set by the family and the couple will seek a Minister to begin their marriage counselling and preparation for their wedding day and life after marriage. The fourth phase is the “fakalelea” the two families come together for a celebration, like a pre-wedding party, normally takes place at the bride-to-be’s home the night before the wedding day. This event also provides the opportunity to build closer links and relationships between the two families. The groom’s “kāinga” will take presents, food, and fine mats to the bride’s house and they’ll both exchange more gifts between them as a sign of commitment, love and joy of the two families becoming one.

The fifth stage is the “ma’u tohi”- the wedding day. The couple will both wear Tongan attire and the man will go over to the woman’s house and will pick up his bride from her home and they will travel together to the registry office where they will sign and make oaths with a government official, followed by the marriage service in the church. At this point, after the state papers are signed and church service performed, the wedding reception is held. The reception begins with a kava ceremony. This is a unique cultural practice in which the groom presents the first ever bowl of kava for his bride, to indicate that from this day they seal their life together as Tongans and pledge to honour and live by Tongan values and culture.

After the reception, the bride and groom return to their separate homes and prepare for the church ceremony on their first Sunday together as a couple. Here the Minister signs their marriage papers, endorsing their marriage is not only legal by state but by church laws and Christian values – indicative of the covenants they take in building a new family in Christ. It is important to note that in Tonga that the three bodies; the state, the cultural systems and practices and church regulations all come together to endorse that the marriage is legal.

Following their first Sunday service together as a couple, a large feast is prepared for all to have as their first Sunday meal with the couple. After all the celebration, the couple spends their first night together. It is expected that the bride is a virgin; hence she is expected to prove her virginity by displaying the blood-spotted sheet the couple uses on their wedding night. If she proves her virginity, the groom’s family will likely hold a banquet to honour the bride and her family, immediately after this disclosure.

These are the steps involved for a couple who commit to each other and begin their journey of union as husband and wife. It is a communal affair which draws both sides of the family together creating an extension of the “kāinga” where healthy and positive relationships continue beyond the wedding day and married life is central to the family relationships and how they engage with each other.

Tongans living in Diaspora

Today many Tongans have migrated and now live overseas in a new environment, a new context that challenges their cultural identity which is constantly in flux, sometimes taken for granted and at others times reshaped and adjusted. Settlement in a new country has meant a negotiation of living between two cultural identities particularly for 2nd and 3rd generation Tongans. The traditional ways of marriage has changed to suit family and social situations and financial contexts for some people. The influence of western culture and living in a big city has meant that the six steps of marriage are not lived out by many 2nd and 3rd generation Tongans. For Tongans who live overseas some couples choose to live together before marriage, others have children before marriage, and some have inter-cultural marriages.

Different factors and situations change the steps of marriage in Tongan families. But what has not changed is the understanding that marriage is between man and woman, and the gender role of the “fāмили” or the “kāinga” continues to interact with the couple who seek marriage regardless of which phase they follow in the Tongan traditional processes of marriage.

Family and religion are still highly regarded for the Tongan people who live in diaspora and they continue to maintain ties to Tonga. The island of Tonga today does not recognise same-sex unions in any form and same-sex marriage is illegal. In fact, homosexuality is written in the Tongan Constitution as unlawful and also in the Free Wesleyan Church of Tonga as sinful. These facts influence the mindset of the Tongan people even though they may be living overseas.

2. **Marriage in Tamil Christian Communities in Sri Lanka** by Rev. Devanandan Anandarajan

Tamil Christian marriage in Sri Lanka blends Tamil and Western rituals. Marriage is both a unity of two families and gathers their communities into a process of discernment and celebration. As in other Sri Lankan and Indian ethnic groups, Sri Lankan Tamil Christians opt for traditional arranged marriages. Many customs and rituals are followed from choosing a partner to the wedding day ceremonies. In an arranged marriage the parents and close relatives and/or friends take a leading role in finding a partner. Profession, educational background of family and person, social status of family, caste, family compatibility, are all carefully considered. When a probable match is found an informal inquiry is made either directly or through friends or family known to the other party if they would entertain a proposal. If they are willing to consider then a formal proposal is made by a trusted friend or relative.

This tradition is slowly changing as members of the present generation increasingly choose their own life partners. In Australia young people are finding their own partners either among their culture or outside. Arranged marriages do happen but are becoming rare. There are more unmarried young people in Australia compared to Sri Lanka due to being career oriented, financial independence, views of marriage, etc. Late marriages are also increasing along with the increasing rate of divorce. Marriages are still viewed as a family and community event. This communal value is changing with the interaction and influence of other cultures especially the western. In a traditional patriarchal system the young men have greater say in choice of their future partners. Now women are becoming more educated and finding a career, therefore have their own choice of partner.

Christian marriages are mostly held in a church. In the Tamil culture the bride usually wears a white or off-white saree with veil. The bridesmaids and flower girls wear sarees or dresses that match the color decor of the wedding. The marriage is held in the Bride’s church and the bridegroom’s Minister preaches the sermon. The practice of publishing three bands is still practiced by some denominations. The marriage is registered in the Church by the Minister. Unlike a Western service, the groom places a Thali or Mangalsutra around the neck of the bride, instead of a ring. This is a gold chain with a gold pendant in which a Christian symbol is embedded. After the wedding ceremonial service, the bridal couple walk down the aisle and the congregation may shower flower petals on them. Since the Tamil Christian weddings are social events with a huge crowd, dancing and singing are reserved only for the close family members.

3. **Marriage in Chinese Culture – a brief introduction** by Rev. Dr Ji Zhang

Marriage in Chinese culture is immensely diverse. The understanding of marriage varies among 56 ethnic groups, and people associated with 5 different religions. Chinese culture is also practiced differently in mainland China and other regions and countries where the Chinese people live, such as in Singapore, Malaysia, Indonesia, Thailand, Vietnam, and the Pacific. Here the understanding of marriage is focused on the traditional practice and its evolution within the majority Han Chinese.

In the Confucian society, marriage is regarded as “the essence of all rites”. According to the Book of Rites, “marriage is a unity of two surnames, connects to the genealogy of ancestors, and continues the family tradition into future generations”.

Marriage in Chinese culture has been carefully following this two-thousand-year Confucian rite. Marriage is not a single act, but a process. The Rite of marriage contains a journey that is marked by “Three Articles and Six Rites 三书六礼”. Three Articles includes the invitation to engagement, exchange of gifts, and bridal reception. Six Rites designate a process towards the marriage celebration: Proposal to the family 纳采, exchange of genealogies 问名, notification to become married 纳吉, reception of engagement gifts 纳征, selection of wedding date 请期, and reception of the bride 亲迎.

These rites are designed to gradually transform marriage from a discernment between the couple into a cordial relationship between their families. The process is also a journey of letting go of the past into a new network of family relationships, a transition from a single commitment of love into a public recognition by the communities.

The wedding date is carefully selected on the calendar traditionally defined by Daoist astronomy. The Chinese believes that the world was created from nothingness of the Dao into the Ying-Yang correspondence, and the interplay of two cosmic forces gives birth to the myriad of things. Marriage is regarded as an embodiment of the cosmic order that is manifested in a harmonious union between male and female. The interplay of their lives therefore unfolds from generation to generation into diversity and fullness.

Before the wedding, the bedroom is decorated with red characters of “double happiness”; a quilt with embroidery of dragon and phoenix is placed on the bed and covered with dry dates, peanuts, longan, lotus seeds to symbolise the blessing to the couple having children. The bride’s family also prepares dowry, the mother combs the daughter’s hair before covering her head with a red cloth. When she leaves her house, a red umbrella will be brought forward to accompany her journey to the new home. Because she is leaving home, the bride sobs before the parents for the once a lifetime change, also protests against the ancient practice of arranged marriage.

The wedding ceremony follows the rite conducted by a Confucian elder, first to worship the heaven and the earth, second to honour the parents, then pay respect to each other, and finally the couple enters into the chamber. Three days after the wedding, the bride will return to her home with her husband, and pay respect to the parents and worship her ancestors. This journey between the families will continue throughout their marriage life, so that two families become “cordial partners 亲家”.

The Confucian Rite of Marriage was in practice until recently. The May-Fourth Movement in 1919, led by young intellectuals and western educated leaders, was the first generation people who intentionally turned away from Confucianism. During the Cultural Revolution between 1966-1976, Chairman Mao encouraged the Red Guards to abolish Confucianism all together, and adopted a liberal form of marriage based on two people’s choice rather than two families’ preference. Mao also declared, “Women should hold half of the heaven”. Mao’s critique of male dominance in Confucianism has brought equality to women, and removed the practice of arranged marriage.

Today China is modern, materialistic, and capitalistic. Marriage still follows some elements of the Confucian Rite. But marriage is only legally recognised by a certificate of marriage from the Department of Civil Affairs. Beyond the so-called “a piece of paper”, young people are very open to what is prior to, and what follows from, marriage. Unlike their parents, sexuality is well explored before marriage and continues through marriage.

The 1980 Marriage Law stipulates that marriage is based on the freedom to choose one’s partner, the practice of monogamy, and equality of the sexes. Marriage must be a willing action where coercion by a third party is strictly not permitted. Marriage between close relatives is not lawful.

Modernisation, particularly westernisation, has dramatically changed people’s perception about marriage. At the heart of this change is the shift from family acceptance to individual choice, from a process of discernment to a single connection of love, from being supported by extended families to being left alone as a couple. The very centre of marriage, namely family, is breaking down.

The three decades long “One Child Policy” has again changed the culture from filial piety to self-fulfilment. Whilst marriage values love between the individuals, individualism is breaking down the moral codes that once had held families and communities together through relationships.

The rate of marriage has been fallen from 8.3% in 2016 to 7.7% in 2017, at the same time the divorce rate has increased from 3% to 3.4%. In major cities, the ratio of divorce and marriage is between 30 and 40%.⁹⁷ In some cities, 1 in 2 marriages ends in divorce. Today in China 200 million people are categorised as single. Among them two thirds of professionals either have no confidence in marriage or have not found the right person. Another 250 million people are categorised as the elderly; among them half are empty nesters.

In recent years, homosexuality has been a topic of public discussion, particularly among young people. Various blogs on homosexuality can be found online and substantial studies are available in bookstores and libraries. China has for the first time a transgender news reader. It is also recognised that same gender relationships have been recorded in China’s long history, and some religions conduct sacred practice to mutualise sexuality. However, unlike Australia’ recent change to Marriage Act, the marriage law in China does not recognise same gender union as a legal form of marriage.

Many scholars have acknowledged that marriage is in crisis in Chinese culture. More precisely, the traditional family is in crisis. The breaking down of family is a part of breaking down of communities in the modernisation process. Some sociologists believe the priority is to rebuild family.

The question becomes whether it is still possible to return to Confucianism. It once kept the families together but at the cost of the suppression of women, and the sexuality of individuals too. Yet Confucian ethics is still potent; it virtually underlines all aspects of people’s thinking and social practice. The question becomes how Confucianism can still contribute to the formation of a person and his/her relationship with others and the society.

Chinese civilisation has placed healthy family at the heart of harmonious society. Confucius taught that among three key relationships – husband and wife, father and son, the emperor and his officials – it is the first relationship that exemplifies true love and mutual respect.

Throughout Chinese history, the essence of politics is about ethics. Governing a country begins with building a family. Confucius once said: “Marriage ceremony lies at the root of government”. (The Book of Rites, Liu An) The sage would first “cultivate the self, establish the family, govern the country, and then bring peace to the world” (The Book of Rites, Da Xue). This ethics argues that marriage is never the end in itself, but rather a beginning of social cohesion. Healthy families are the foundation upon which a strong nation is built.

The rise of Christianity in China has essentially recreated the function of family through faith community. But the ethics is different. Instead of unifying its members under the same surname, it brings people together to experience God’s love and be accepted into the family of Christ

4. **Marriage in Korean Culture** by Dr Hee-Jeong Silvia Yang

Marriage in Korean culture has long been considered the most significant matter in life. The tradition regards marriage as a union of two families rather than that of two individuals. Usually parents become very involved in their children’s wedding; the number of guests invited to the wedding ceremony by the parents of bride and groom exceeds the number of guests invited by the couple. The bride and groom may not even know all the guests invited by their parents, which seems to suggest that the wedding ceremony may be considered mainly a social event for the parents in Korean society. Therefore, the cost of the wedding is mostly paid by the couple’s parents.

⁹⁷ <http://baijiahao.baidu.com/s?id=1578142368509700213&wfr=spider&for=pc> (Accessed December 2017)

Typically, before any engagement is announced, the two families are expected to meet each other. Before this, the couple must meet each other's parents. This is because the parents will not typically meet any significant other except for the last one. Another characteristic aspect of this cultural practice can be observed in the selection of the wedding date. Generally, it is chosen by the bride's family. According to tradition, Koreans usually choose a lucky day (손 없는 날) for family events, including moving house, opening a business, etc. The term 손없는 날 literally means a day when a demon cannot interrupt this event, or a day when bad things will not occur.

Korean marriage is now a combination of the modern and the traditional. Most of the wedding ceremony is done in a western style, although modified to Korean culture. The western-style part of the wedding is always followed by a simple traditional greeting called Paebek (폐백). This greeting consists of deep bows by the newlywed couple to the groom's parents and other family members. During this part of the ceremony, the newlyweds wear a traditional wedding costume. The practice of 'greetings' is rarely continued in Australia even though other cultural beliefs and practices brought from Korea are habitually continued amongst the Korean community.

Religious aspects of weddings are not very popular in Korea. Despite the prevalence of Christianity in Korea, church weddings are extremely exceptional. Most of the wedding ceremony is performed, in general, in a venue built specifically for weddings. The celebrant can be any person the couple nominates including a minister. Most of Koreans in Australia hold wedding ceremony in the church and celebrate at two different receptions: one for the Korean community, and another in the Australian way. Nonetheless, there are cases where couples choose to have two entirely different weddings: one western-style wedding in Australia, and another completely traditional wedding in Korea.

Nowadays, many young couples want to break away from Korean wedding traditions and opt for a small intimate wedding. However, this cultural change needs more time to become the norm. Indeed, it has been only in the past two decades that people within the same ancestral clan have been allowed to marry each other. There has long been a taboo preventing the registration of these marriages. In addition, despite a significant increase in the number of cross-cultural marriages in Korea in recent years, inter-racial marriages in Korean society are still uncommon. Likewise, there is still a long way to go before same-gender unions will be recognised as a legal form of marriage.

5. PROPOSALS AND RATIONALE

Recommendations

That the Assembly resolve:

- (a) To note that the Working Group on Doctrine Report documents a continuing and faithful struggle on matters relating to sexuality and marriage spanning several decades in the Uniting Church; and that the issue of same-gender marriage is one about which many Uniting Church people faithfully hold strong and at times mutually exclusive convictions;
- (b) To adopt the following policy statement on marriage:
- Marriage is a gift God has given to humankind for the well-being of the whole human family. For Christians, marriage is the freely given consent and commitment in public and before God of two people to live together for life. It is intended to be the mutually faithful life-long union of two people expressed in every part of their life together. In marriage two people seek to encourage and enrich each other through love and companionship, experience the fruitfulness of family, contribute to the well-being of society and strengthen the mission of the church.
- (c) (i) To affirm that Ministers and celebrants authorised by the Uniting Church in Australia may exercise freedom of conscience with regards to accepting requests to celebrate marriages, including same-gender marriages, according to the rites of the Uniting Church in Australia;
- (ii) To request the Assembly Officers to direct the appropriate Assembly body to prepare an authorised Marriage Liturgy suitable for opposite-gender and same-gender couples for approval by the Standing Committee at its August 2018 meeting;
- (iii) To note that Church Councils:
- have the authority under Regulation 4.4.1 to permit or refuse the use of any property held for the use of the Congregation for same-gender weddings;
 - do not have the authority to require a Minister in placement in their Congregation to, or prevent a Minister in their Congregation from, celebrating same-gender marriages.
- (d) To adopt the following affirmation:
1. Marriage
- Marriage is a gift of God, at the heart of human society and culture.
- In the life-long union of marriage people can know the joy of God in whose image we are made, male and female. In giving themselves to each other in love, two people reflect the love of Christ for his Church.
- In marriage, two people are called to live together faithfully, and to love each other with respect, tenderness and delight. They share the life of a wider family and community and may be entrusted with the gift and care of children. They help to shape a society in which human dignity and happiness may flourish and abound.
- Marriage is not to be entered into lightly or selfishly, but responsibly and in the love of God. It is a gift of God and a way of life that all people should honour.
2. Separation, Divorce and Re-marriage
- An inability to sustain the marriage relationship breaks the commitment to be together for life and may be painful for the couple, the children in their care, as well as for parents, friends and the Church community.

In cases of the irretrievable breakdown of marriage, the Church acknowledges that divorce may be the only creative and life giving direction to take.

The Church has a responsibility to:

- a) care for people, including children, through the trauma of the ending of a marriage;
- b) help people where appropriate to grieve, repent, grow in self understanding, receive affirmation, grace and forgiveness;
- c) support them as they hear God's call for new life.

The grace and healing of God are available to people who are divorced, which may free them to marry again.

Rationale:

The Assembly Standing Committee was asked by the Fourteenth Assembly to support the continuing work of the Working Group on Doctrine in relation to marriage and same-gender relationships, to consult widely and bring a report with recommendations to the Fifteenth Assembly. The work over the past triennium is a continuation of the ongoing conversations on human sexuality and marriage that the Uniting Church has been engaged in over many years. This indicates the importance the Church has placed on considering its theological understandings of this issue, as well as within the contemporary cultural contexts in which it seeks to faithfully be about the mission of God.

It is important to acknowledge that the Eighth, Tenth and Eleventh Assemblies have recognised an enduring disagreement between members of the church on a range of questions concerning human sexuality. The Thirteenth and Fourteenth Assemblies have engaged the church in a process of respectful conversation on same-gender relationships and marriage.

The Working Group on Doctrine Report on Marriage and Same-Gender Relationships offers to the Church a thoughtful and extensive document that examines the biblical and theological perspectives regarding marriage, as well as drawing on contemporary thought and experience. The principles and conclusions in the Report provide the Church with a framework to consider changing its policy statement on marriage to include the opportunity for same-gender couples to be married according to the rites of the Uniting Church.

In 2017, after a voluntary national survey on the question, the Commonwealth parliament passed legislation making marriage available to same-gender couples as well as opposite-gender couples – decisively changing the social context within which the church will reflect on the Working Group on Doctrine Report on Marriage and Same-Gender Relationships.

Among other important findings, the process of consultation and study reflected in the Working Group on Doctrine Report on Marriage and Same-Gender Relationships has confirmed that

- The diverse understandings identified by previous Assemblies are all able to be justified biblically and theologically – even though they are mutually exclusive interpretations;
- That diversity of understanding is itself explicable in biblical and theological terms, and can be recognised as a gift and a sign of health in the Body of Christ;
- The diversity in the understanding of marriage is in fact greater than can be imagined in the dominant culture when the witness of Indigenous and non-Western cultures is listened to. In many cultures marriage is primarily a community arrangement and fundamental to social and cultural structures and understanding, and only in a secondary sense about the love between two people.

The Assembly Standing Committee has provided two proposals to help the Fifteenth Assembly wait upon God's Word and discern God's will in relation to this matter.

Proposal (b) recommending a change in the Uniting Church's policy statement on marriage is offered to help the Assembly discern whether God would have us continue to sustain the diversity of understandings of human sexuality and marriage within this fellowship. Within the diversity of our fellowship there are ministers and congregations who believe the change in our social context that allows same-gender

marriage is consistent with the Gospel, and want to be able to celebrate same-gender marriage as well as opposite-gender marriages. They are seeking the consent of the rest of the church to have this ability. They are not asking the rest of the church to agree with them, but allow them to follow their conscience in this way. The Working Group on Doctrine Report on Marriage and Same-Gender Relationships confirms the biblical and theological legitimacy of this request.

The proposed change in the statement on marriage also recognizes marriage as a life-long union characterised by the fruitfulness of family, a union called to bring life, not only for the two people who are married, but for others.

As stated previously, members in the Uniting Church hold a diversity of views, in good faith and conscience. Therefore, the ability for Ministers and UCA authorised marriage celebrants to perform marriages or not, exercising their freedom of conscience, remains. The Standing Committee also believes that Church Councils and Congregations may determine what types of marriage will be held on the properties for which they have stewardship.

Whatever the Fifteenth Assembly discerns in relation to that proposal, Proposal (d) offers the Assembly the opportunity to make an affirmation about marriage that reflects the richness of the conversation on marriage with First Peoples and across the cultural diversity of the Uniting Church.