



Proposal from Members

31 Definition of marriage

That the Assembly resolve:

To affirm the 1997 Assembly definition of marriage, as noted in Assembly Minute 97.31.12.

Proposer: Hedley Fihaki

Seconder: Lu Senituli

Rationale:

To adopt this proposal and affirm the definition of marriage included in Assembly Minute 97.31.12ⁱ is to reject the Assembly Standing Committee proposals to change the Uniting Church in Australia's definition of marriage as in proposal 08 'Marriage and Same-gender relationships' part (b), (c) ii and (d) 1.

In the light of the following very significant opinion by the Rev Emeritus Professor James Haire AC KSJ MA PhD DD DLitt DUniv, 9th President of the UCA and 4th President of the National Council of Churches, we believe it is appropriate and necessary for the Assembly to adopt this proposal.

The proposals presented by the Assembly Standing Committee (ASC), based on the work of the Doctrine Working Group (DWG), are, as the final words of the attached report says, 'ready to be tested by the Assembly' (5.7) in July 2018. The Fifteenth Assembly in 2018 is to test them. That is the Assembly's task.

The following points question whether as a church the Uniting Church in Australia (UCA) is in fact empowered or able to accept these proposals, in particular proposal (b), proposal (c)(ii) and proposal (d).1. This response is of the view that, whatever the individual or corporate views of the members of this Assembly are, the UCA Assembly needs to state in humility that it is not empowered nor able to accept these proposals, particularly (b), (c)(ii) and (d).1.

This is so because of the UCA's foundational documents. Paragraph 2 of the UCA's Constitution states that the 'Church...lives and works within the faith and unity of the one holy catholic and apostolic church, guided by its Basis of Union'. In relation to this issue, two matters flow from that sentence. First, the UCA is not to set out to live in a way that would of itself further fracture the unity of the church catholic. Proposals (b), (c)(ii) and (d).1 would do this if not carried out in concurrence with other parts of the church catholic, particularly in Australia. Second, the UCA is to be 'guided' by its Basis of Union. Whatever 'guided' may mean, the word certainly means that the UCA is not to go against the words in the paragraphs of its Basis of Union. That Basis of Union states in Paragraph 5 (The Biblical Witnesses) that: 'The Uniting Church acknowledges that the Church has received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which it hears the word of God and by which its faith and obedience are nourished and regulated' (1992). Indeed Paragraph 11 (Scholarly Interpreters) points to the value of contemporary scholarship in many fields. However, the UCA is in humility bound by Scripture. It is difficult to see how proposals (b), (c)(ii) and (d).1 can unequivocally be supported by the witnesses of the books of the Old and New Testaments.

First, then, attention needs to be given to the ecumenical question. The final sentence of Paragraph 2 of the Basis of Union (Of the Whole Church) states: 'The Uniting Church declares its

desire to enter more deeply into the faith and mission of the Church in Australia, by working together and seeking union with other Churches' (1992). The report makes no mention of any discussion with any other Church or Churches in Australia regarding proposals (b), (c)(ii) and (d) 1. It merely, and very briefly, mentions discussions with other Churches regarding whether clergy and other church marriage celebrants should or should not continue to act also as agents for the state in marriage services (3.4.4). However, proposals (b), (c)(ii) and (d).1 are likely to cause further fracturing of relations between the UCA and other Churches in Australia, and certainly are likely to go against any moves to seek 'union with other Churches'. If, as seems clear in this report, the methodology of the DWG and the ASC is largely a matter of theological discourse with contemporary society, and not intentionally with other Churches in Australia, then a unique charism of the UCA (to seek the reunion of the Churches) has been abandoned in favour of the UCA acting in a specific denominational way.

Moreover, Paragraph 2 also states: '...the Uniting Church commits itself to seek special relationships with Churches in Asia and the Pacific' (1992). Although in the report there are accounts of marriage, including Christian marriage, in Tongan, Sri Lankan Tamil, Chinese and Korean cultures by individual experts in these areas, there is no discussion of the official views on this issue of any of the UCA's Asia and Pacific partner Churches, nor is there any discussion of the official resolutions of any of CALD congregations' national conferences in Australia. It is highly likely that proposals (b), (c)(ii) and (d).1 will fracture relations with the UCA's partner Churches in Asia and the Pacific, or at least leave them in a position where they may continue to receive support from the UCA but largely cease to be theological partners with the UCA. So proposals (b), (c)(ii) and (d).1 would militate against the UCA's commitment to this part of Paragraph 2.

Second, attention needs to be given to the biblical questions. A considerable amount of the report is taken up with the issues of biblical interpretation and context. Whatever may be said, it needs to be acknowledged that the biblical witnesses, both in the Old and New Testaments, assume marriage to be between male and female. Moreover, the biblical witnesses, both in the Old and New Testaments, do not present positive endorsements of same-gender relationships. In both Testaments there clearly appears to be a strong counter-cultural element in this stance against same-gender relationships. In particular, this appears to be so in the life of the early church. Therefore, the only way in which it is possible to reinterpret the biblical material in support of same-gender marriage is to find a prism through which the material in the Old and New Testaments can be seen in a new light. The report appears to seek to do this, particularly through the use of the categories of 'love', 'grace', 'justice' and 'inclusion'.

This is not a new methodology. These themes have an important place in the church's history. However, this methodology has a number of difficulties. First, the search for the 'genuine Jesus' and 'the genuine teachings of Jesus' needs to be carried out with great care, as there is always the danger of projecting one's own culture onto Jesus and his teaching. Second, it is dangerous always to use the Old Testament as a foil against which Jesus' teaching is to be understood. Sometimes the Old Testament is not a foil at all for the New Testament, as Jesus does indeed fulfil the account or message in the Old Testament. Third, it is very clear that there is a strong element of counter-cultural understanding, both in the two Testaments and particularly in the life of the early church, persecuted and suffering as it was. Thus it seems that the biblical arguments of the report are not proven. Thus here proposals (b), (c)(ii) and (d) are on weak ground.

Third, attention needs to be paid to theological matters. Here a major theme in the report is that of diversity, related as it is to the Trinity in the report. The difficulty here is that the distinctions within the Godhead are somehow associated with the contemporary category of 'diversity'. The language surrounding 'diversity', especially human diversity, is not necessarily a helpful way to approach understanding of the Trinity, in that the church's language regarding the Trinity speaks primarily about three distinct Persons in the Godhead. They are not diverse; they are distinct. Thus this line of thought in relationship to Trinitarian understanding is largely irrelevant. Again, here proposals (b), (c)(ii) and (d) are not on firm ground.

It thus seems that there is no overwhelming ecumenical, biblical or theological case in support of proposals (b), (c)(ii) and (d).1. If indeed proposals (b), (c)(ii) and (d).1 were to be accepted by the Assembly, it would certainly be appropriate to invoke Paragraph 39 of the Constitution, because the length of the report and the six years required to produce it of themselves suggest that this is

an issue 'vital to the life of the Church'. Nevertheless, as seen in the points above, in this matter of same-gender marriage the UCA through its Assembly seems not to be empowered nor able to institute same-gender marriage 'within the faith and unity of the one holy catholic and apostolic church' (Constitution, Paragraph 2).

ⁱ Minute 97.31.12 reads (in part):

The Assembly resolved

97.31.12 to approve the following policy Statement on Marriage:

"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."