



The Anglican Church of Australia

PO BOX 457
Wangaratta 3676

DIOCESE OF WANGARATTA

Office Phone (03) 5721 3484

Office Fax (03) 5722 1427

The Right Reverend A John Parkes AM
Bishop of Wangaratta

Email: bishop@wangaratta-anglican.org.au

29th August 2015

Brothers and Sisters

Questions have been raised with me regarding the current debate on marriage equality. I want to be clear about the current position of the Diocese of Wangaratta in relation to this.

Does the Diocese of Wangaratta have a stated position on the removal of the words 'of a man and a woman' from the definition of marriage in the Marriage Act 1961 of the Commonwealth of Australia?

The answer is that the Synod of the Diocese of Wangaratta has not considered the matter. However the General Synod of our Church did consider the matter in 2004 at the 13th General Synod. You may remember that in 2004 the Parliament amended the definition of marriage in the Marriage Act. Before the Marriage Amendment Act 2004 there was no definition of marriage in the 1961 Act, and the definition was based in the common law. The 2004 Amendment incorporated the common law definition of marriage into the Act as:

Marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

In a suite of resolutions the 2004 General Synod considered questions of ordination, marriage and blessing in relation to same sex persons. The two resolutions dealing with marriage are as follows:

62/04 SEXUALITY & GENDER RELATIONSHIPS – 2 Recognising that this is a matter of ongoing debate and conversation in this church and that we all have an obligation to listen to each other with respect, this General Synod does not condone the liturgical blessing of same sex relationships.

64/04 SEXUALITY & GENDER RELATIONSHIPS – 4 This General Synod welcomes the initiative of the Federal Parliament in clarifying that marriage, at law in this country, is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

Resolutions of General Synod, whilst not having the force of law, do express the mind of the church and are to be taken seriously.

You will see that resolutions themselves recognise that even eleven years ago the question of sexuality and gender relationships was (and continues to be) a matter of ongoing debate and conversation for our church. Society has moved on considerably since 2004. Developments such as the recognition of same sex marriage by referendum in Ireland and by the Supreme Court of the United States of America have focussed the debate, and it continues.

There is some clouded thinking in the current debate about the status of marriage in Australia within the church. At least two things are happening when a registered minister of religion conducts a service of holy matrimony. One of these things is purely secular, involving the disposition of property, both real and personal, and custodial care of children. This is a matter for the state. My own view is that the church does not have an interest in this aspect of marriage. The second is proclaiming God's blessing on a relationship. That is peculiarly the business of the Church and not the state, at least when the marriage is between parties who claim an identity in Christ. In our service of matrimony these two aspects have become unhelpfully conflated, largely I suspect through our inheritance of the model of the established Church of England.

The Primate made a helpful contribution to our understanding of the nature of marriage in a recent piece in the Age, the text of which I now set out.

Seldom has such a fundamental human institution as marriage been so contested as now. Last month's ruling by the United States Supreme Court that bans on same-sex marriage are unconstitutional will surely provide impetus in Australia to move towards legislative change, just as the Irish referendum result did. Debate is intensifying.

Since white settlement in Australia, the church has acted as an unofficial guardian for the values and aspirations of marriage, especially as an institution that encourages the flourishing of families. Marriage carries important social and legal aspects, both in terms of legal protections such as legitimisation of children or inheritance rights and in terms of building social climate. The state concerns itself in the regulation of this most personal and intimate of relationships because marriage is a foundational institution to our society.

In Australia the church inherited this role from the English system which had an established church with legal privileges that did not apply in Australia but were long-assumed in the mono-cultural colonies. Church and state seemed natural allies in this cause.

It might be time to make sanctioning legal marriage a matter purely for the state.

But Australia is vastly more diverse today, and the church's influence has waned through a variety of causes. It will never again have the same dominant position as society's conscience and moral guardian. Christian advocates must accept that we are one voice among many, even though it is often a voice of considerable wisdom and experience.

That being so, it might be thought anomalous that the church remains the state's representative when it comes to performing marriage, that ministers of religion (along with civil celebrants) act on behalf of the state by performing a legal ceremony that is recognised and legitimised by the state.

The Marriage Act has already registered significant social changes, such as providing safeguards for de facto partners. Same-sex marriage would be a far more significant step away from the Christian understanding of marriage that prevailed when the law was first enacted.

While same-sex marriage stretches this conception of marriage, it seems that in other respects we as a society have very traditional perspectives. Bigamy or polygamy remain taboo. Yet if the argument from the freedom of human choice stands – that it is unjust to deny people the chance to marry whomsoever they want – then we should recognise that polygamy is widely practised in many societies around the world. Islam allows up to four wives – under certain circumstances – yet when a Melbourne sheikh proposed legalising polygamy several years ago the reaction was outrage.

It might be time to make sanctioning legal marriage a matter purely for the state. Perhaps the people who register marriages should simply be public servants who attest to the bona fides of the parties to the marriage. Marriage could be made more accessible by online registration and processing.

Under such a system, Australia would then operate as does much of Europe. There, for example, a couple goes to the state office and the ceremony is performed by a public servant. Then they emerge to enjoy whatever sort of celebration they choose, shared with family and friends.

Traditional church weddings could still be held in this way, along with ceremonies in the backyard or on surfboards at sea, as now, but they would be separate celebrations from the state-sanctioned legal approval.

For Christians, of course, holy matrimony includes a particular understanding of what the pair are committing themselves to which goes well beyond what is legislated. The church's traditional understanding of marriage certainly agrees with the 2004 amendment that is now so controversial: "Marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life."

But Christians go further. We believe that marriage is ordained by God, that the vows have a particularly sacred character because they are explicitly made before God, and that the closeness and intensity of loving sexual relationships which are proper only within marriage teach us something of God's love. (Sadly, we have to recognise that Christians are not much better than the wider population at maintaining this commitment till death – Christians divorce at much the same rate as non-Christians.)

It is no longer reasonable for us to expect that the state's approach will be as prescriptive and demanding as the Christian understanding, but nor is it reasonable for the state to expect Christians to give up their comprehensive and long-standing view.

So the merit of a simple, one size fits all, legal contract carried out by the state, followed by personal celebrations of a near-infinite variety of possibilities, is that it protects particular practices without confining those who do not follow them.

Christians could preserve their concept of holy matrimony. Of course non-religious couples can be just as sincere and earnest in their vows, but what especially sets the Christian understanding apart from non-believers is that a third party is involved: God.

Even within Christianity, let alone wider society, what marriage does and should involve is a contested space. Many Christians support same-sex marriage, seeing it as an urgent issue of justice, but the centre of gravity among believers remains likely to be towards a conservative understanding.

One thing we know, because we have seen the pace of social change, is that we live in a society with a high appetite for social reform. A rethink of the place of the state in regulating marriage may be helpful. A revisiting of the delegation of a state function to all sorts of independent citizens, whether religious or civil celebrants, may produce separation of state and non-state actors in this important and foundational institution of marriage.

It just might strengthen the intention of those who look to marriage as a further and more complete step in their relationship.

There is much loose talk about the Scriptural model of marriage. I prefer to use the term traditional. I think it not easy to infer a hard and fast model of marriage from Scripture. The Jewish Scriptures recognise things that we would not want to assert today – polygamy for example, or incest. The Gospels themselves seem to have different understandings of the permanence of marriage and the conditions necessary for divorce. (Mark 10.2-12, cf Matthew 5.31-32; 19.3-12; Luke 16.18)

The Biblical Scholar William Loader from Murdoch University has made some helpful observations on the nature of marriage.

While countries with conservative governments, like New Zealand and United Kingdom, and most recently, Ireland, and even the US Supreme Court have recognised Gay Marriage, Australia is yet to pass such legislation. What follows is a very brief attempt to sketch why people decide the way they do.

Most people who oppose gay marriage do so ultimately because they also see same-sex relations as wrong. The up front arguments may vary, but this assumption lies behind them. And most in the Christian community who see same-sex relations as wrong do so because the Bible says so. Leviticus in the Old Testament calls it an abomination for men to lie with men as they do with women. Jews at the time when Christianity emerged had extended this to apply to both men and women. They often singled out this prohibition as a virtue to be contrasted with other cultures. This is why Paul uses it in Romans as his prime example of how human beings have gone wrong. They had denied God's true nature and as a result had denied their own true nature. Paul and the Jews of his time read the creation story as clearly defining that God made people male or female. That is their true nature. There are no homosexual people as such and for a man to act like a woman or vice versa was to pervert what God had made. For everyone is heterosexual. To deny this and give rein to feelings which go in the wrong direction is sin.

There are many people who still assume that all people are heterosexual, so that any feelings and actions which are directed to people of one's own sex are either a deliberate act of perversion or a sign of psychological maladjustment which should be corrected. So at their best, people with such beliefs will seek to help those with a wrong orientation to find the correct one and they will do so often with great care and compassion. They should not be treated as bigots or hateful. It makes sense that they would not want to affirm gay marriage, because that would amount to affirming what they know is wrong. Some will see such wrongness as the result of Adam's sin, but Paul's argument is rather that it is tied to denying God's true nature.

Most people who support gay marriage do so because they have come into contact with people who are gay, whom they do not see as having deliberately perverted their sexuality or as sick. Sometimes it will be family members and the more openly people share their stories these days the more widespread is the realisation that some people simply are that way and that it is not their fault nor a sign of psychological damage. This can happen in circles where there is reverence for the Bible. For some it means the parting of the ways with their faith. For others it leads them to ask how well Paul and his contemporaries understood the situation and whether other biblical values can help them address their situation. They have no problems agreeing with Paul where in fact what has happened is that people have deliberately perverted the way they naturally are. But what if the evidence before them has led them to conclude that there really are people who are gay and, indeed, some of them indeed are outstanding human individuals? These people, they conclude, fall outside of the categories which Paul and his fellow Jews assumed and so should not be treated as sinners or sick. They need support to make it possible for them to have healthy and supportive relationships, including marriage, without discrimination.

At one level it comes down to how we assess what we experience. Is it really true that all people are heterosexual? Then not supporting gay marriage makes sense. If it is not true, then we wrong them by not allowing them to have committed relations recognised in society as marriage. For people of faith it also comes down to how we approach scripture. Are there precedents for recognising that biblical writers might not have had adequate information about some aspects of life? Indeed there are and some of them we simply take for granted. Thus most people these days would not share the views of Paul and his fellow Jews that creation all began just 6000 years ago, nor that it happened over 6 days, nor about how women were made, nor about languages came about (the tower of Babel) and much more. Respectful reading does not ridicule such ideas, but does recognise that they rest on assumptions which few today would share. So it is not all that strange that many would not consider mention of the creation of male and female in Gen 1:27 as an authoritative basis for believing that all people are heterosexual. It makes little sense to dismiss other elements in Genesis 1 while talking this verse as absolute science.

There are, indeed, a number of areas where social change and a better understanding have led to respectful revision of biblically based prohibitions and patterns. We have abandoned, for instance, attitudes towards slaves and women which see them as inferior. We have abandoned the absolute prohibition of divorce except for adultery and the absolute requirement that it be enforced where adultery has taken place. These changes have been driven in part by applying the flexibility and compassion we see in Jesus in his approach to scripture and its laws. It is never easy to set aside some commandments in favour of others. The early church on New Testament times engaged in heated debate over whether to keep or abandon the biblical command to circumcise male converts. The more liberal stance which argued it should not be enforced won through because people stood under the impact of Jesus' approach.

Pressures to revise what we have inherited as biblical rules must be treated cautiously. The pressure to go soft on honesty or to engage in what amounts to theft, so that we keep wealth and keep it from others, are to be resisted. Love and respect have to be central in all our dealings. Our response to the debate on gay marriage needs to be carried out in that spirit. In principle it should not be a problem to revise or restrict the application of biblical commands. Whether we do so or not will depend to a large extent on how we evaluate what we see around us. Is everyone heterosexual or not? That will determine how our love flows. My own view is that the belief that everyone is heterosexual and that anyone feeling or acting otherwise is either sinful or in some way psychologically damaged is simply incorrect, just as I believe that the idea that the universe is only 6000 years old is incorrect. I would like to persuade others that this is so, but at least I hope I can encourage people to think about it.

One of the slightly strange arguments brought against gay marriage is that such couples will end up bringing up children and they might be disadvantaged. This overlooks two things: gay couples can already by law adopt children and do; and all parenting needs to consider carefully the range of a child's experiences, whether starting from a mixed or same gender marriage, and the challenge and privilege of parenting is much larger than what just two people do.

I have set out these matters at some length to identify the parameters of the debate in which we are engaged. I do not believe that there are any 'set 'em up nock 'em down arguments'. As Christians we hold Holy Scripture to be normative, but the Bible itself and the history of the Church over two millennia tell us that the Scriptures speak into culture. The history of the engagement of the Church with science has been less than helpful. As we seek to develop our understanding of Christian anthropology we can not afford to ignore scientific research into the nature of human sexual identity.

And so the debate for our Church continues. I again draw attention to the 2004 General Synod Resolution, which sets out the parameters for us. 'Recognising that this is a matter of ongoing debate and conversation in this church ... we all have an obligation to listen to each other with respect.'

I do not seek to impose constraints on the debate, other than the need for respectful conversation. However until the Diocese has come to a view on these matters, contributions to the debate should be made in your private capacity and not in your representative capacity. I would therefore be grateful if you did not use your formal ecclesiastical title when making public comment. The Bishop is the only one to speak for the Diocese of Wangaratta, and I want there to be no mixed message about this.

I hope that this reflection is helpful as you engage with the contemporary debate. If the Commonwealth legislates in this area, both the Diocese and the National Church will need to seek to understand what this means for us. The way forward may not yet be clear, and the road may be bumpy. Let us be confident that the God of truth will lead us into all truth. And let us be careful lest our words and our deeds cause needless hurt to those who do not see the world as we do.

Yours in Christ,

A handwritten signature in black ink, appearing to read 'John Parkes', with a small cross symbol to the left of the first letter.

The Rt. Revd. John Parkes AM
Bishop of Wangaratta

¹ <http://www.theage.com.au/comment/debate-intensifying-on-samesex-marriage-issue-20150705-gi4jat>

¹ William Loader is Emeritus Professor of New Testament at Murdoch University and a Minister of the Uniting Church in Australia. He is a leading world researcher on attitudes towards sexuality in early Judaism and Christianity and is widely published in the field including: Making Sense of Sex: Attitudes towards Sexuality in Early Jewish and Christian Literature (Grand Rapids: Eerdmans, 2013); The New Testament on Sexuality (Grand Rapids: Eerdmans, 2012); Philo, Josephus, and the Testaments on Sexuality: Attitudes towards Sexuality in the Writings of Philo, Josephus, and the Testaments of the Twelve Patriarchs (Grand Rapids: Eerdmans, 2011); The Pseudepigrapha on Sexuality: Attitudes towards Sexuality in Apocalypses, Testament, Legends, Wisdom, and Related Literature (Grand Rapids: Eerdmans, 2011); Sexuality in the New Testament: Understanding the Key Texts (London: SPCK; Louisville: Westminster John Knox, 2010); The Dead Sea Scrolls on Sexuality: Attitudes towards Sexuality in Sectarian and Related Literature at Qumran (Grand Rapids: Eerdmans, 2009); Enoch, Levi, and Jubilees on Sexuality: Attitudes Towards Sexuality in the Early Enoch Literature, the Aramaic Levi Document, and the Book of Jubilees (Grand Rapids: Eerdmans, 2007); The New Testament - with Imagination: A Fresh Approach to its Writings and Themes (Grand Rapids: Eerdmans, 2007); Sexuality and the Jesus Tradition (Grand Rapids: Eerdmans, 2005); The Septuagint, Sexuality and the New Testament (Grand Rapids: Eerdmans, 2004).

¹ <http://wwwstaff.murdoch.edu.au/~loader/LoaderGayMarriageDebate>