



**The Anglican Church in Aotearoa,
New Zealand and Polynesia**

**Te Hāhi Mihinare ki Aotearoa ki Niu Tirenī,
ki Ngā Moutere o te Moana Nui a Kiwa**

**A REPORT OF THE COMMISSION ON DOCTRINE & THEOLOGICAL
QUESTIONS**

**to the General Synod Standing Committee
and the Ma Whea? Commission
of The Anglican Church in Aotearoa New Zealand and Polynesia**

***On a Theological Rationale for a Christian Approach
to the Blessing and Marriage of people in permanent, faithful
same-gender relationships,
and the implications thereof on the Ordination of people in
same-gender relationships***

March 2014

It is a privilege to offer this Report to the Church through the General Synod Standing Committee.

We have been asked to consider the nature of Marriage and Blessing in regard to same-gender couples. Reflection on both these matters reminds us of and points to the blessing of Christ who desires relationship with the Church (Ephesians 5). We are also confronted with the need to understand of our own desires and love for God and each other. We have been ever mindful of the difficulty we have in approaching these intimate subjects.

So many of the elements of the issues before us pivot on discerning the movement of the Spirit that we are promised will lead us into Truth. We are grateful the leading that has brought us to this point.

The Report itself represents the outcome of a longer than expected process of meetings and dialogue. We have met in person over days and then continued discussion of matters over the wires.

We know that ongoing *Talanoa* is going to be required of us all. Such *Talanoa* needs to occur in ways that does not create polarization and division nor impair our fellowship with one another. We believe that our belonging together in Christ is deeper and more profound than any division that we might feel and to this unity in Christ we should cling more closely. We hope and pray that this Church will be able to go forward in such unity.

We hesitated to produce an Executive Summary for the Report because we are fearful of the very real possibility that it will be all that is read. This would be a shame. One of the issues we were conscious of as we worked together is the vast amount of material that is already in existence but the obvious lack of broad engagement in our Church with that material.

We would like to record our particular thanks to the Rev'd Michael Hughes.

We commend this work to the Church we seek to serve.

The Rev'd Dr Andrew Burgess
Dr Moeawa Callaghan
The Most Rev'd Dr Winston Halapua
The Rt Rev'd Dr Helen-Ann Hartley
The Rev'd Dr Eseta Mateiviti-Tulavu
The Rt Rev'd Te Kito Pikaahu
The Rev'd Thomas Poata
The Rev'd Sione Uluilakepa
The Rt Rev'd Jim White (Chair)

Executive Summary

The primary task of this commission was to explore a theological rationale for same-gender marriage and/or blessings.

The rationale can be made (section B). It can be argued that it is a faithful response to scripture and has theological merit.

The rationale can also be scripturally and theologically rebutted. This can be done by a critique of the actual argument in favour of the rationale (C.4.) and by the weight of tradition in the form of our Constitution, Formularies, and received reading of scripture (C.3.). How we decide between that rationale and the rebuttal is up to the whole church, but the discussion must go significantly deeper than simply asserting that we have always spoken about ‘man and woman’. The debate involves deep arguments regarding the nature of our humanity before God and the nature of the Gospel in relation to sexuality and marriage.

It has been acknowledged at more than one point that the perspective one brings to the theological task, scriptural interpretation, and hermeneutics heavily influences the outcome of that same work. This Commission would argue that we should position ourselves in favour of the marginalized and for inclusion, while the shape of that inclusion remains debated.

A further question we have raised is whether, given the fact that it is likely that at present we cannot conclusively agree or reach consensus on an assessment, whether we might be permissive in some way and await the test of time and fruits that are brought forth by covenanted same-gender relationships.

None of the above forecloses on the need for ongoing discussion. Indeed, the heartfelt contribution from the Diocese of Polynesia expressed the desire for further *Talanoa*.¹

Marriage is the way in which the church has recognized God’s blessing in a couple’s life. To invent another form of disciplined and covenanted relationship is a difficult matter for this Church. A same-gender marriage would clearly be deemed as marriage in every sense. The whole point of the traditional argument is, however, that it is not the same as marriage as this Church has practiced it, and cannot be the same, because it is same-gendered. This gives rise to the question whether a same-gender blessing might instead be sanctioned as a new rite.

We recognize that changes in practice could be contrary to the Constitution and this would need to be addressed through due processes. If this Church believes that a change in practice is required by the revelation of God and the movement of the Spirit it will seek ways to accomplish that change.

¹*Talanoa* is comprised two words: ‘... *tala* meaning talking or telling stories and *noa* meaning without concealment. ... *Talanoa* embraces our world views of how we can and ought to live and work together collectively, and relate to one another in a good relational way as different cultural members of society.’ Winston Halapua, “Moana Waves: Oceania and Homosexuality.”

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Note: Within this document the term ‘this Church’ refers to the Anglican Church in Aotearoa, New Zealand and Polynesia.

A. Introduction to the Report

A.1. The task of this Commission

A.1.1. In February 2013 the Standing Committee of Te Hinota Whanui/The General Synod of this Church created a Commission on Doctrine and Theological Questions. This Commission is a response to a call ‘to make enquiry into the theological rationale for a Christian approach to the blessing and marriage of people in permanent, faithful same gender relationships, with a view to assessing such rationale in this Church’, and exists specifically ‘for the purpose of exploring the theological rationale above’.¹

A.1.2. The remaining introductory paragraphs prepare the ground for the key matters the body of the report addresses.

A.1.3. On the 19 August, 2013, a civil law change came into effect in Aotearoa-New Zealand: the Marriage Amendment Act (2013) removed the requirement for the two parties to a legal marriage to be of opposite gender. This change clearly allows the possibility for this Church to undertake the celebration of same-gender marriages and is also shows a significant shift in societal understandings. It is obvious, therefore, that a civil law change which opens the possibility of the Church officiating in same gender marriage should require particular attention and be the occasion for sustained debate.

It must be immediately noted that the civil laws of Samoa, Fiji, and Tonga (national territories served by this Church) do not allow for same-gender marriage. However, given that priests of this Church are licensed as marriage celebrants by the civil authorities of Aotearoa-New Zealand, the question arises as to whether priests in this Church should conduct marriages between same-gender couples in Aotearoa-New Zealand, as the civil law allows.

A.1.4. In the remainder of this report ‘permanent, faithful same-gender relationships’ will be written as ‘same-gender relationships’.

A.1.5. The Three-Tikanga Church

A.1.5.1. The Church’s theological statements on what it means to be church have emerged from the context and experience of being bicultural in Aotearoa-New Zealand and have provided a model for the wider regional Three-Tikanga Church. The Three-Tikanga Church reflects a postcolonial structure and an incarnational theology. We whakapapa to Christ through our baptism in Him which defines all our identity, our relationships and our connectedness with one another. Our whanaungatanga in Christ is affirmed through the stories and experiences of individuals and communities through the generations. In the Three-Tikanga Church we have the precedent for individuals and for communities to whakapapa to Christ through baptism.

- A.1.5.2. Baptism is the basis of the Church. A baptism model of church is ‘non-hierarchical, corporate and communal.’ All baptised persons are fully members of the Church and this is our primary form of identity. Our identity in baptism is expressed faithfully and powerfully in our context according to our tikanga.
- A.1.5.3. The Three-Tikanga Church is shaped on Gospel teachings and a Trinitarian belief of unity and diversity, and relationship between community and its members. An egalitarian, inclusive, whakapapa-based structure reflects our Christian belief and identity where differences are valued and respected within one Body/Whanau.
- A.1.5.4. Our Church’s Constitution/Te Pouhere is locally grounded in the Nation’s founding document, Te Tiriti/The Treaty of Waitangi. The Treaty recognises and establishes the principle of partnership. The intention of the Treaty, as covenanted, is to provide protection; freedom to action; and guarantee rights and interests. These principles go far beyond the Treaty agreement and, while partnership and bicultural development are an essential part of the foundation of our Church, they are imperatives for living day to day according to the Gospel. Thus, this covenanted Church is founded on a high sense of moral and spiritual value based on Gospel and Treaty principles for just action in the search for truth. As such, the principle of partnership and bicultural development calls the Church to:
 - a. organize its affairs within each of the Tikanga;
 - b. be diligent in prescribing and in keeping open all avenues leading to the common ground;
 - c. maintain the right of every person to choose any particular cultural expression of the faith that is true to the Gospel.
- A.1.5.5. A theology of covenant, applied in context as above (A.1.5.4 a-c) provides a foundation for, but not limited to, our local theologies.

A.1.6. **The Hermeneutical Hui Process**

- A.1.6.1. The Three-Tikanga Church has shared in four Hermeneutical Hui. Through these Hui the Church has examined various biblical texts relating to human sexuality, and same-gender sexuality in particular. These Hui have produced significant discussion and a great deal of engagement between members of all Three Tikanga.
- A.1.6.2. A clear outcome of the Hui has been the reality that exegetical and hermeneutical study of scripture, and debate, has not produced agreement over questions of human sexuality.

A.2. **The Present Circumstances**

- A.2.1. Worldwide parts of the Anglican Communion have been wrestling with questions relating to the blessing of same-gender relationships, and more recently same-gender marriage. We must also recognize that this discussion and changes in practice in some parts of the Communion have been the occasion of considerable strife and pain for many people on both sides of the debate. Voices within this Church have been calling for some years for the creation of a liturgical form of blessing for same-gender couples. These calls come with the

understanding that couples be committed to monogamous and lifelong partnership. However, there have also been replies that the blessing of same-gender partnerships is not something this Church can undertake, regardless of the commitment of the parties. This debate has been located within a wider discussion within the Church on sexuality, and particularly same-gender sexual relationships.

A.3. The Commission's Task and Method

A.3.1. The Standing Committee of Te Hinota Whanui/General Synod requested the Commission to investigate a theological rationale for change. The first section of what follows will, therefore, outline a rationale in favour of a change in practice in order to undertake the marriage of same-gender couples in this Church. (We will indicate this rationale with a capital ... i.e. 'Rationale').

A.3.2. The second section involves sustained assessment of that Rationale, both as Christian theology, and especially in relation to the received doctrine of this Church.

Our task is then to discern fundamental doctrine as it arises from the sources specified and examine the impact of that doctrine upon the request for a change in practice.

A.3.3. The key questions therefore are these:

A.3.3.1. What Rationale is there for this Church to adopt the practice of marrying same-gender couples?

A.3.3.2. Is this Rationale that is coherent, sustainable, and against critique?

A.3.3.3. What, if anything, do the sources of fundamental doctrine have to say regarding the change in theology and practice being sought?

A.3.3.4. If, then, fundamental doctrine does enter into view, is the change sought in conflict with that fundamental doctrine, and constitutionally problematic; or is it not?

A.3.3.5. Further, the Commission is also required to wrestle with the most basic question, irrespective of constitutional matters; is freedom to celebrate same-gender marriage to be affirmed theologically, or it is to be declined? And on what basis?

A.3.3.6. Rather than marriage, should this Church offer same-gender couples a blessing of their relationship?

B. Offering a Rationale for same-gender marriage in this Church

The primary task of this group is to address the Rationale for same-gender marriage. The first question that such a rationale has to address is:

B.1. ‘Why would our Church affirm and celebrate such relationships in this way?’

B.1.1. The first response rests on the observation and testimony of some in our number that God appears to be at work in such relationships in a way that parallels our experience in heterosexual couples’ lives.

B.1.1.1. That is, God is blessing open same-gender relationships and through them blessing the church and the world. There is no question that this is a new thing for the Church to officially recognize. It would have been inconceivable for previous generations in terms of scripture or tradition.

B.1.2. This “inconceivability” is a deep point. It explains why, in a certain sense advocates for same gender marriage are willing to set aside some of what appears to be scriptural prohibitions – because it is held that they do not address the inconceivable - that is, faithful, prayerful Christians whose desire is to live in life-long, mutually consenting, loving relationships before God with a person of the same gender is simply inconceivable in the ‘mind of scripture.’ This is entirely analogous to the shift to the heliocentric universe after Copernicus. That the earth was not at the centre of the solar system (and Universe) was inconceivable to the church of the sixteenth and seventeenth century and required a radical re-reading of scripture.

B.1.2.1. To elaborate on this point somewhat: standardly there are a handful of texts that seem to directly block the way to the merest entertainment of a rationale for same-gender marriage, thus a rationale would be ruled as profoundly ‘against scripture.’ However, this is not necessarily the case.

B.1.2.2. Space does not permit the careful and full discussion of one of the texts, let alone all of them. Nonetheless, illustrative of the stance just indicated, we might take the much cited passage from Romans 1:18 – 32 – very briefly:

In the passage Paul is describing a culture in moral collapse. The people have turned from God and because they have been so wilful in this turning, God “gave them up in the lusts of their impurity.” (v.24) Lacking any sense of truth and living absolute lies (the principle lie being the denial of God) they give up their “natural relations” and “were consumed with passion for one another, men committing shameless acts with men.” In short, in complete absence of God and the truth, moral collapse ensues. Part of that moral collapse is seen in “envy, murder, strife, deceit ...” (v.29) and in the giving up of ‘natural desires’ for the good, including one’s natural sexual desires for the good.

All this begs the question: is what being described as “men committing shameless acts with men” anything like the same-gender relationships that we are being asked to affirm? What is being described by Paul is a world of damnation free of all truth; but what of people who of their nature find their life and their love affirmed in a caring mutual relationship with someone of the same gender? The point is that what Paul is addressing is a

serious issue for us all, but it has no particular bearing on the same gender relationships we are addressing since we are addressing relationships that avowedly are devoted to the good of each partner.

- B.1.2.3. It may well not be the case, then, that same-gender relationships, such as we are considering, are against scripture. Scripture does not directly address same-gender relationships as we have prescribed them in this discussion. It is the case that scripture has a great deal to say about ‘right relationships’ and, thus, Christian advocates of same-gender relationships are not abandoning scripture’s authority in these matters. This might be disappointing that we do not have some directly applicable texts on this matter, but this is the nature of the well-known “hermeneutical gap” between our world and the world of scripture. Put simply, some things in the present world do not directly correspond with the world of scripture.
- B.1.2.4. Unsurprisingly, scripture has nothing direct to say that is positive about same-gender relationships under consideration either. They are not beyond scripture, but in an important sense, not directly addressed by scripture.
- B.1.2.5. Following on from the discussion of Romans 1:28ff, and, because so often discussions return to this matter, we should ask the question: “what counts as “natural relations?” If scripture doesn’t offer the direct assistance some would hope for, we might turn to science to assist us. However, the recently published *Pilling Report*ⁱ warns us that the evidence turns out to be “complex and contested.” Further, “[T]he idea that science can give us a clear and unequivocal answers, even on its own terms let alone in the field of morality, turns out to be overly optimistic.” (§218) Nonetheless, we note that the American Psychiatric Society has long since deleted homosexuality from being a mental illness and thus an expected variation in the normal human population. Moreover, the Pilling Report itself counsels: “Rather than thinking about the human population in terms of a fixed binary division between two sets of people, those who are straight and those who are gay, it seems that we need to accept that while there is large majority of people who only ever experience heterosexual attraction and a smaller number who only experience homosexual attraction, there is also a significant minority of people who either experience some form of bisexual attraction or move between heterosexual and homosexual attraction at some point or points in their life.” (§200)ⁱⁱⁱ
- B.1.2.6. In sum, it would seem a good deal of scientific evidence would support people who claim to have same-gender attraction and reporting that this is “natural” to them and it would be “unnatural” for them to deny this desire or seek to desire people of the opposite sex. The point that there is not complete consensus should not surprise us as there is not scientific consensus on other controversial (moral) issues, such as global warming, but this does not stop (most of) us from altering our behaviour.

B.2. Does scripture permit such a rationale?

If scripture does not ban such relationships, then the question might be: does scripture permit such a rationale? The answer, according to advocates is, 'yes.'

- B.2.1. When we look at the life witness of Jesus, our Lord, the argument is that Jesus is radically inclusive. Richard Burridge writes:
“In seeking to follow Jesus, we are called not merely to obey his ethical ‘strenuous commands’ in the pursuit of holiness but also imitate his deeds and words, which call his hearers to merciful and loving acceptance of everyone, including and especially those whom some consider to be sinners, without preconditions.”^{iv}
Thus, if the ‘same mind’ is to be in us,’ then we would not deny the church’s presence through the sacrament of marriage in the lives of same-gender couples - since Christ has already gone ahead of us.
- B.2.2. There is also a much broader scriptural argument that supports the rationale for inclusion. In outline (for that is all that is possible here) a number of threads should be noted because the constant objection from those who would oppose a rationale for blessing and/or marriage of same-gender relationships is that it is “contrary to scripture.”
- B.2.3. In Hebrews 1:1 we read: 'Now faith is the assurance of things hoped for, the conviction of things not seen'. This text while pointing its readers to a future as yet experienced, is none-the-less preoccupied with the history that precedes it, namely the history of the people of Israel contained in the Hebrew Scriptures, the Christian Old Testament. The hoppers who constitute this recited history are people in Israel who could imagine beyond present circumstances to 'things not seen'. Thus faith might be described as much forward-looking, as rooted in a particular story, time and place. This is a theological thread of great importance that runs throughout Scripture, sometimes known as 'eschatology'. It is also a thread that creates a tension between living faithfully to what has been revealed, yet being open to the possibility that things: people and institutions, may change in the future, a future predicated but not wholly dependent on present realities.
- B.2.4. It has been pointed out that same-gender marriage may be described as being a step further than any question about attitudes to homosexuality, and any discussion of homosexuality within Scripture.^v It may also be said to introduce female-female intimate relationships back into the discussion although the biblical laws do not prohibit female-female sexual intimacy. The Old Testament does not discuss same-gender marriage, and arguably does not even address marriage at all. Although Genesis 2:24 is often cited as a foundation text for marriage between a man and a woman: "Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh," it is argued that such a text is not a commandment to be married, nor even a definition of marriage. Rather, given the broader context of the Genesis narrative as attempting to give meaning and understanding to origins (the literary term is an aetiology), this verse is explaining why it is that women and men become intimate. It does not, by definition, exclude homosexual intimacy, nor does it exclude the possibility that men and women will become sexually intimate with more than one individual.

- B.2.5. Scripture is clear in its mandate for inclusion and justice. Indeed, it may be suggested that there is a deep and urgent thread running throughout which searches for inclusion, that all God's creation be given dignity, respect, safety and a sense of belonging. The so-called 'Golden rule' (Lev. 19:18; and Matt. 7:12//Luke 6:31) provides a foundation for the basic importance of loving one's neighbour as oneself. In Isa. 56, the prophet witnesses to inclusion by insisting that foreigners and eunuchs are to be welcomed into God's presence: 'Do not let the foreigner joined to the LORD say, "The LORD will surely separate me from his people"; and do not let the eunuch say, "I am just a dry tree." For thus says the LORD: To the eunuchs who keep my Sabbaths, who choose the things that please me and hold fast my covenant, I will give, in my house and within my walls, a monument and a name better than sons and daughters; I will give them an everlasting name that shall not be cut off.'
- B.2.6. In Acts 10, Peter was visited by God in a dream and urged to accept what his own community had considered 'unclean': 'The voice said to him again, a second time, "What God has made clean, you must not call profane".' Paul too, understood the urgent need for the Church to reach out beyond the boundaries, drawing the conclusion in Romans 10:12 that 'there is no distinction between Jew AND Greek; the same Lord is Lord of all and is generous to all who call on him.' From this, there developed a trajectory of inclusiveness in the Early Church and beyond.
- B.2.7. In the letter to the Ephesians there is offered a new characterization of holiness that is not related to grace, ethnicity or any other category of uncleanness, but rather to participation in a community of grace, tenderness, forgiveness and generosity: 'And do not grieve the Holy Spirit of God, with which you were marked with a seal for the day of redemption. Put away from you all bitterness and wrath and anger and wrangling and slander, together with all malice, and be kind to one another, tender-hearted, forgiving one another, as God in Christ has forgiven you. Therefore be imitators of God, as beloved children' (Eph. 4:30-5:1).
- B.2.8. Anglican priest and New Testament scholar AKM Adam asks: 'Why does God care about our relationships? First, God cares because the character of our relationships with one another is inseparable from the character of our relationships with God...The intensity and intimacy of a relationship increases its importance as a barometer of our relation to God'.^{vi} If we make marriage the starting point for our discussion, when we look to the New Testament witness what emerges is a focus on the theological importance of the character of marriage as a commitment that binds two people together for life. This is the case when we examine the words of Jesus in the Synoptic Gospels (Matt. 19:6, for example), and Paul (1 Corinthians 7, for example). This aspect of the character of commitment bears a relationship with paragraph 1 above, because it has an eschatological dimension. It appears not to extend beyond the earthly dimension of believers' lives (Luke 20:35-36). In addition, the character of commitment is related to the character of God. Just as God is committed to human beings, a commitment intensified through the incarnation, so our relationships to one another, when covenanted in a sacred context, should be constant and life-long. God's commitment is not based on gender distinction, nor is God's call upon us made because of our gender, but because we are human: made in God's image. The call to constancy is important, because it does

not depend on one gender or another, rather the proclaimed willingness to be with the other for life, as God commits to humanity in Christ. All participants in the discussion on marriage should acknowledge that marriage is a human institution which changes throughout history. Indeed, this has been itself a constant and gradual change throughout the history of Israel and the Church. It follows that there is no reason in the Church's definition of marriage that should not permit change with regard to couples of the same-gender. It may be that the criterion of constancy, itself an aspect of discipleship, may provide a way to shift an impasse that sees on prohibition on same-gender marriage as the only clear line in Scripture, when in fact it is not so clear-cut.

- B.2.9. As noted above, there is no way to recount all the scriptural argumentation supportive of a rationale in the space of this report. The point is simply that the rationale cannot simply be dismissed as “contrary to scripture” since that is a matter of considerable debate.
- B.2.10. Advocates for same-gender marriage take further confidence from observing that the Church engaged in deep disagreement in the interpretation of scripture in relation to other issues, such as the support of apartheid, the subjugation of women in society, the exclusion of women from Holy Orders, divorce and remarriage, and slavery. While there are differences in each of these cases, the driving force for advocates for change to these policies has been the sense of radical inclusive love of God shown forth in the life of Jesus, that continued in the outworking of the Holy Spirit that poured out onto Gentiles, and has, the argument continues, been poured grace into the lives of same-gendered couples. In each of these cases, beginning at least with Jesus and the scriptural debate he had with the Devil in Luke, scripture has been used to oppose the radical grace of God.
- B.2.11. This returns us to the question that we opened with: ‘Why would our Church affirm and celebrate same-gender relationships with a marriage service?’ Mindful of the fact that it is always actually God who joins the marriage couple, the answer to the question is that we have the testimony of same-gender couples and those around them that, indeed, God has joined them in holy love. If this is true, and we knew it to be the case, it would be decisive, but it presents us with an epistemological problem- that is, ‘how can we really know what God is doing in the life of a couple?’
- B.2.12. Clearly, we cannot be sure of such claims any more than we can be sure about the limits of God’s loving action. It goes without saying that we cannot believe such claims ahead of experience but equally we cannot deny such claim as false ahead of experience because to do so would be to limit the omnipotence of God. In theological enquiry (and in hermeneutics) it cannot be that we simply affirm the answer we want (and equally it cannot be that we deny or exclude claims because they are not what we want). This might lead us to side with our tradition. However, we must ask, how long should we do so? Advocates for same-gender marriage say that it is time to allow change.

B.3. Supports for stepping beyond our tradition

Advocates for change claim two related supports for stepping beyond our tradition.

B.3.1. **First support**

B.3.1.1. The first of these supports comes from the epistemological observations just made, that there is no conclusive test prior to the facts of experience that we can have in these matters. Jesus offers guidance though suggesting that we should test ‘after the fact’ - “By their fruits you shall know them... (Matthew 7:16 – 18). This would suggest supporting the proposal of making the institution of marriage available, with all its disciplines and graces, is something that the Church should do and, in the fullness of time, really test the claim of same-gender couples that “God has joined them in love.”

B.3.1.2. It is worth recalling that indirect illumination on these matters is suggested by the developments Acts chapters 14 and 15. This was a moment in the life of the Early Church when the leadership was being tested to discern the possible outworking of the Holy Spirit which, if it were found to be so, would be against scripture and tradition. Likewise, Jesus’ teaching on the keeping of the Sabbath command in the Ten Commandments suggests that we can look for the work of the Holy Spirit outside scripture when challenged by a new situation or pastoral crisis.^{vii} Clearly, this is not a perfunctory jettisoning of scripture and the existing tradition, but a following of the Spirit into Truth and requires the deepest levels of discernment for the Church to ‘hear what the Spirit is saying’.

B.3.2. **Second support**

B.3.2.1. The second support for the stepping beyond current practice is that ‘we would be inclined to believe their testimony because an epistemological preference for the poor.’ This is a deep point about theological method. We are acutely aware in this part of the world that we need to forge theology that is not born of the singular oppressive experience of patriarchal, white, heterosexual men; we choose to privilege the experience of the ‘other’ – the outcast and the stranger. In short, it is our calling “to go to other side of the road” and do our work standing in the ditch. This is methodological approach is basically “liberationist” and as such, shares the strategies of liberation theologies of the last six decades (or more) in that it prioritizes the testimony and experience of the marginalized, while at the same time, exercising a ‘hermeneutic of suspicion’ in relation to the tradition that excludes those same marginalized persons and groups.

B.3.2.2. The Lambeth Conferences of 1988, 1998, and 2008 encouraged the members of the Communion to ‘listen to the experience of homosexual people.’ It is clear that same-gender couples report that God blesses them in and through their same-gender relationships. That is, their experience is that the Holy Spirit is at work in their committed relationships and they want the Church to recognize this aspect of their experience.

- B.3.2.3. If we are to “listen” to the experience of same-gender couples and it is counter to the accepted view, the question arises: whose experience is taken to be normative or determinative? (Now Archbishop) Winston Halapua’s comment in his writing about “Moana Waves: Oceania and Homosexuality” is apposite: “Whose theology do we maintain in relation to human sexuality and sexual orientation? Whose ideological context is theology informed by working in partnership with science and other disciplines? Is theology contextual, allowing for different voices including those of indigenous peoples?”^{viii}
- B.3.2.4. In a certain sense this issue is exacerbated when we have what is acknowledged a minority proportion of the population whose experience is never going to be “normal” or “typical” in a majoritarian definition of those terms. Our Three-Tikanga experience should make us alert to the domination of the white-patriarchal tradition and the definition, in this case, of ‘normal’ or ‘normative’ by the heterosexual majority.
- B.3.2.5. Thus, the inclination to believe the testimony of same-gender couples and their supporters is a matter of ‘theological methodology.’ This methodology would be honest about this ‘preference for the poor’ in the approach, extending the institution of marriage to same-gender couples, and await the outcome of the ‘fruits test’ as suggested above.
- B.3.3. Finally, against advocates for same-gender marriage it might be argued that their case would seem to not preclude bigamist marriage. The response, however, is that, by definition, advocates are arguing for a monogamous relationship that is mutually consenting and non-exploitative. It is accepted that some relationships are ‘by definition’ structurally unsound and bigamist relationships are in that category – along with, say, the marriage of minors.
- B.3.4. In sum, advocates for ‘the rationale’ believe that the answer to the question: ‘why would the Church offer same-gender marriage to same-gender couples?’ is:
- The testimony of these couples and others in the Church is that God is joining them in holiness and love.
 - There is no convincing scriptural block to us entertaining such claims.
 - There is the life and witness of Jesus that encourages us to believe that God would be pouring out his love on all, including those who find themselves ‘oriented’ as GLBT and drawn into a same-gender relationship.
 - We are inclined to believe the testimony of these same-gender couples and those around them as a matter of ‘theological methodology’.
 - We need to make the institution of marriage available to same-gender couples who desire it, with all its joys and responsibilities, in order to know in time whether, in fact, God does join these couples in love.
- B.3.5. The questions that arise at this point are twofold: would a life-long and loving same-gender relationship conform to the shape of marriage as we know it today – or, at least, as is laid out in our Prayer books? If it did not (potentially) conform then it would seem that we would have a substantive difficulty.

Secondly, we might also enquire, ‘what is marriage for?’ or, ‘what might we expect from married couples?’ in order that we can determine that they are bearing the ‘good fruit’ of the institution?’

B.4. Could same-gender ‘marriage’ be called marriage?

B.4.1. If, in a kind of ‘thought experiment,’ we were to take the heterosexual nature of a traditional marriage as not being a necessary condition of a marriage, and then we were to set out the key theological qualities and purposes of a marriage relationship as developed in our Prayer books (the place where it is often said our Anglican theology is to be found) we might see if a same-gender relationship conforms to the same pattern. So, for a same-gender relationship, the question would be: can we set forth something that is theologically coherent and in continuity with our traditional understanding of marriage? At the same time, we might put pressure on the claim that the heterosexual identity of the couple is, in fact, an a priori necessary condition for a Christian marriage.

B.4.2. **Union**

The First Form of Marriage Liturgy gives expression to one of the key theological characteristics of a marriage, namely ‘union’: *Marriage is the gift of God, whose intention is that husband and wife should be united in heart, body, and mind. In their union they fulfil their love for each other.* Given this is one feature of marriage that Jesus identifies in his dialogue in Mark, we might start here.

B.4.2.1. There is no doubt that the union into one flesh has historically manifested itself in a subordination of the woman’s identity into the man’s.^{ix} We do not hold to such an understanding today. Following the seminal reading of Phyllis Tribble, we hear the relevant Genesis passages that serve as the basis of Jesus “one flesh” response to the Pharisees as being: “In the very act of distinguishing female from male, the male describes her as ‘bone of my bones and flesh of my flesh’ (2:23). These words speak unity, solidarity, mutuality, and equality.”^x Of course, this begs the question: do all these conditions or qualities depend on the necessary condition of heterosexual differentiation? What same-gender couples report is that they do not. Recall that the problem that brought about the creation of Eve was aloneness (2:18) and there was no companion ‘fit’ for the earth creature. So it is that GLBT couples report they find ‘fit’ companions in their same-gender partners.

B.4.2.2. A second element of union in marriage is that it represents a particular intensification relational aspect of being human and imaging the divine Trinity. The exclusiveness and totality of the marriage union becomes a sign of the depth of the commitment of one for another. It is a quintessential expression of ‘living-for-other.’ Because of the totality of the commitment in marriage, a commitment of body, mind, and spirit, marriage mirrors the union of Christ with the Church and it is no surprise that Paul should reach for this metaphor in Ephesians 5. It would be wrong, however, to see the metaphor as pointing to some ontological heterosexual structure to right relations. Clearly, the marriage metaphor is used for those taking religious life vows regardless of the gender of the religious which indicates that the power and value of the image is in the totality and

exclusivity of the commitment made incarnate in the life of the couple or the religious person.

- B.4.2.3. A third element of the nature of the union and the totality of it is that it is in this context, and this context alone, that we believe sexual intimacy can happen – this is how a sexual relationship should be rightly ordered. Such intimacy is not required in a marriage but, because sexual intimacy catches us at our most vulnerable and most at risk of exploitation and misunderstanding, a relationship that presupposes the permanence and faithfulness of a lifelong union is appropriately the right relationship for such intimacy. Given same-gender couples enjoy sexual intimacy; it is in the context of a union that this should occur.

B.4.3. Procreation

A consequence of sexual union can be the procreation of children.

- B.4.3.1. In the 1662 Prayerbook we are told that the first purpose of marriage is that “It was ordained for the procreation of children,” but this has been rightly amended in our later liturgies so that we have the likes of: “In marriage, husband and wife belong together, providing mutual support and a stability in which their children may grow.” The shift has occurred because the procreation of children: may be desired in many marriages, but not desired in all, and not desired as a result of every sex act, and not possible for some who are infertile; and these variables often don’t diminish, and certainly don’t necessarily diminish, the quality of the marriage partnership in any way.
- B.4.3.2. We live in a world that understands sexual love, and erotic desire expressed between lifelong partners, differently than it did in 1662. Much of what would have been defined as “fornication” in 1662 would now be acceptable in a mutual sexual relationship. Our present liturgies acknowledge more overtly that the procreation of children is just one ‘good’, but not the only ‘good’ to come through that love and desire.^{xi} It is true the 1662 acknowledges those who are beyond childbearing age having a legitimate marriage, but it could not, and clearly does not, conceive of a world where contraception is a reality and sexual intimacy, as a result, takes on a different quality as being for joy of the sexual encounter alone.
- B.4.3.3. We might recall that humankind is charged with the responsibility to “fill the earth” (Gen 1:28) but clearly same-gendered couples are ‘by nature’ excluded from what appears to be divine intention in marriage coupling. But, firstly, we note that it is humankind as whole that is charged with this responsibility, not individual couples. Secondly, if we conceive of marriage as the relationship for expression of rudimentary biological essentialism and heterosexual complementarity, then it narrows the notion of procreation too much. There are other ways relationships can be ‘procreative.’ We see exactly this in the lives of exemplary service and love of, say, Mother Teresa of Calcutta. Same-gendered relationships have us consider the ways that marriage is a kind of relationship that we expect to be purposefully directed towards the flourishing of humanity. However, because marriage is a “blessed” union we expect, like other blessed relationships, the couple will

be a blessing, not just for themselves but for the whole of the kingdom in some way – that is, part of both deeper and wider flourishing in creation. We have same gender-couples in the Church who are evidence of this ‘blessedness.’

- B.4.3.4. It is the case that GLBT couples successfully care for children they either adopt, or have by way of birth-technology, such as surrogacy or sperm donation. Of course, such couples will be faulted parents just like heterosexual couples, but given the advantage children have in a two-parent family one imagines (and no doubt there is research on-going about this matter) that growing up with homosexual parents is statistically better than growing up in a single parent family. It is the case that marriage creates a household that is particularly well shaped for child rearing and this is something we can continue to hold regardless of whether the couple is heterosexual or homosexual. There is also the deeper point we would want to affirm that married couples who choose not to have children, or are unable to have children, would still evidence a kind of ‘fecundity.’ That is, marriage is a relationship that is fruitful – it is a blessed relationship and in turn and brings further blessing to the world (that blessing may or may not be children).^{xii}
- B.4.3.5. Finally, one has to register a certain caveat when speaking of the marriage relationship, being a faithful and lifelong relationship, as ideal in so many respects for the raising and protection of children. One would not want to imply any judgment of implicit failure on single parents, many of whom do a fabulous job of being parent to children. Nor would one want to suggest that there is an implicit critique of extended family arrangements, particularly in Maori or Pacifica cultures, that provide a stable and rich ‘other-than-nuclear-family’ context for children to grow and flourish.

B.4.4. Covenant

- B.4.4.1. Another key feature of the Marriage Liturgies is their covenantal nature. The couple makes personal declarations and life-long promises to each other – “I plight thee my troth.” In today’s world it would be an easy mistake to read this aspect of the liturgy in terms of contract. However, it is so much more than a contract; it is a sacred commitment where the couple vow to life-long faithfulness that hopes to match the faithfulness of God in keeping covenant with God’s people. Covenant entails constancy and faithfulness in love. This is obviously a countercultural witness in a world that tends towards the casualization and commodification of relationships – including sexually intimate ones. Since relationships sometimes become strained because of failure and inadequacy in one or other partner, covenant inevitably demands qualities of mercy and forgiveness. All couples, heterosexual or homosexual, should be given utmost support in such a commitment.
- B.4.4.2. Covenant is a central and constant theme in scripture and, as already noted, the constancy of God’s people is lamentable at a number of points – perhaps paramount in our minds is the Book of Hosea, which throughout the book runs an extended metaphor of a faithless marriage between Hosea/ God and Gomer/ Israel. It is worth noting that scripture that is

replete with covenants between human individuals are rare in scripture, but the standout example is the oath Ruth makes to her Mother-in-law, Naomi. Because of the remarkable nature of this commitment it is a suggested reading in Wedding Services. We do well to further note it is the quality of the commitment Ruth makes to her Mother-in-law that makes it entirely appropriate for a marriage between two people regardless of their gender.

B.4.5. Gift and Giving

- B.4.5.1. While it is not required in our liturgies, it is often the case that the marriage couple exchange rings or some other symbolic items. These are acknowledged as tokens of the greater gift of their lives with each other. The joyous dynamic of giving and taking is expressed when the two humans meet each other – “this last is bone of my bone and flesh of my flesh; this shall be called *ish* for out of *ishshah* this one was taken.” This dynamic, which is more than just ‘taking’ as in the vows of the 1662 BCP, is more adequately captured in the vows “N, I take you to be my wife. All I have I offer you; what you have to give I gladly receive”. In a same-gender marriage relationship the giving to each other is just as it is in a differently gendered relationship.
- B.4.5.2. The giving of oneself and receiving evidenced in marriage is a particular instance of the truth that God creates us to receive our lives as ‘gift’, both from God and from the community we inhabit. We are not self-made, nor self-sustaining. Even the language in which we think and express ourselves is given to us in the profound interrelation that God-given human existence involves. The particular intimacy of marriage is a particular intense form of this giving and receiving selves in the interplay of gift and giving.
- B.4.5.3. The Divine life of the Trinity, with us from the beginning, made incarnate in Christ, celebrated in the Sacrament of Holy Communion, shown forth in Spirit-filled ministry, is revealed in joyous and mutual giving and taking. Given the overflowing, abundant, and inclusive nature of this Divine giving in Persons, within the giving of each-to-the-other a same gender couple experience the life of the Divine.

B.4.6. Forming a Household

- B.4.6.1. “For this reason a man shall leave his father and mother and be joined to his wife...” There is no doubt that marriage has, in some measure, represented the forming of a new and distinct household and this has sometimes been in an amount of tension with the fact it is often the joining of families. Parental consent/blessing has superseded the ‘giving away’ by the Father, which (aside from features noted above) denoted family blessing on the union. As important as this feature of marriages can be (especially in some cultural settings) the blessing/support from the couple’s respective family is at best desirable and the couple can form a household apart from the wishes of their family. That the couple intentionally and freely form such a household is very significant though. It has already been stated above that a married relationship is an ideal context for the nurture of children; it achieves this good nurture by being a stable and loving household. It is also true that stable loving households are ‘building

blocks' of a good society and as such marriage has been rejoiced in as a 'good' of society. Same-gendered relationships participate in these same goods and this participation would be celebrated by the Church in their marriage ceremony.

- B.4.6.2. One of the key features of a marriage is that it is this covenanted forming of a household, a micro *basileia*, and as such it shares with other covenanted households (e.g. religious orders)^{xiii} the hope it will share in the blessings of the first church after Pentecost – “Now the whole group of those who believed were of one heart and soul, and no one claimed private ownership of any possessions, but everything they owned was held in common.” Acts 4:32ff – and the ultimate hope of the kingdom to come.
- B.4.6.3. The analogy between the marriage household and the religious household is worthy of further consideration^{xiv}. A key element of both kinds of household is the discipline and purpose of each is for 'sanctification.' To often our discussion of marriage focuses on the purposes of procreation and/ or faithfulness but it is clear that sanctification is the third leg in what might be described as a 'third leg' in a 'three-legged' stool of the good purposes of marriage. As a sanctifying discipline with a ancient roots in the church and beyond, marriage has been the way couples have taken on and lived out the discipline as a couple. Again, given many other religious households are single-sex, why not the married household?
- B.4.6.4. As a household, 'little church,' or 'micro-basileia,' the married couple is, through their love for one another, a sign (*mysterion*) of Christ's love for the world. Indeed, they are both a sign and a re-remembering (anamnesis) of Christ's love. The couple is both an example of Christ's self-giving love and is to model their love on Christ's example. Given Christ's example, it is an odd requirement to say that the marriage relationship, a covenanted household, can only be a valid re-remembering of self-giving love if it is heterosexual in nature.

B.5. Can we change our understanding of marriage?

- B.5.1. Christian marriage liturgies have always been an amalgam of Christian texts and the 'texts' provided by the prevailing culture and cultures of the families of the couple.^{xv} Historical study of Christian marriage shows that “in the earliest periods of the Church's life” there is a “lack of evidence for anything that could be called specifically Christian.”^{xvi} Thus, “there was nothing noticeably different about Christian marriages, about the way they originated, the way they were lived, or (in some instances) in the way they were terminated.”^{xvii} Marriage was the last sacrament accepted into the seven sacraments of the Roman Catholic Church. For Anglicans it is not usually considered a sacrament, certainly not a “Sacrament of Christ.” The distinctiveness of (so called) Christian Marriage comes from the Christian individuals in the marriage and this is attested to in the fact that our Province requires that one or both of the couple are baptized. It is worth noting that the recent conferences of The International Anglican Liturgical Consultation preferred to speak of “the marriage of Christians rather than of 'Christian marriage.’”^{xviii} The idea that marriage is either uniquely Christian or a sacrosanct, timeless, immutable institution is misplaced.

- B.5.1.1. The first thing to note is that it could not be claimed that, taken diachronically, the Church has spoken univocally about marriage. Rather, our understanding of marriage has changed significantly (as one might expect) over the centuries and this is reflected in the differences between the 1662 Prayerbook and the 1989 Prayerbook. For instance, in the 1662 Prayerbook, the second in the threefold declared purpose of marriage is: It was ordained for a remedy against sin, and to avoid fornication; that such persons as have not the gift of continency might marry, and keep themselves undefiled members of Christ's body.
- B.5.1.2. This comes directly from 1 Corinthians 7:2 ff. But this declared intention does not appear in any of the liturgies of the 1989 Prayerbook,^{xix} perhaps because it is hard to find a positive evaluation of marriage in this chapter of 1 Corinthians. Reference to that passage of scripture and the principles arising from it has been largely erased from our current theology.^{xx} More significantly though it is worth noting that (in as much as liturgy is not just words but words and actions) the fact that the question (and the ensuing drama between the father of the bride, and the bridegroom) “Who giveth this Woman to be married to this Man?” is no longer present in the 1989 Prayerbook. This is indicative of a deep change in our understanding of marriage. We no longer think of women as chattels nor as subordinates^{xxi}, but as equal and mutual participants in marriage. This shift in our understanding (and, in particular, our reading of Ephesians 5) cannot be overstated. Only the most perverse resolve to ignore the profound importance to humankind that the liberation of women entails could claim that this is an insignificant change in our expressed theology.^{xxii}
- B.5.1.3. We need to note then that our theology of marriage has not been static. It has changed. The argument for the inclusion of GLBT couples into institution of marriage is that it is further progressive and liberative change.^{xxiii}
- B.5.1.4. Marriage patterns a feature found in some species in nature, namely pair bonding. Some versions of it can be found in many human cultures. These two observations give rise to a judgment about the innate ‘naturalness of marriage’ and an easy utterance of “marriage is a gift of God in creation.”^{xxiv} The risk, however, is to hear this statement as a foundational claim. That is, that marriage is somehow a first principle made manifest at the beginnings of human existence. Moreover, this statement borrows all too easily on limited observations in nature and in human cultures and can hardly be thought to be sound inductive reasoning. Marriage is, in large measure, a cultural invention and can and does change as culture and theology changes.

C. Assessing the above rationale for change

C.1. Introduction to Part C

While part B has offered a rationale for change and it must be assessed. Such a rationale is certainly a matter of debate, and will give rise to differing theological responses. Moreover, as earlier, the rationale offered must also be weighed with regard to the fundamental doctrine of this Church within the frame laid out by the constitution.

In the following sections this report offers engagement with the rationale on the basis of key questions:

- I. How does the rationale measure against the authorities enjoined in its Constitution: the formularies and the core authority of Holy Scripture? To address this two questions are asked:
 - a. Is the change, or the rationale, ‘contrary to the doctrine of this Church?’ (C.3.1. below)
 - b. Is the change in practice recommended in the rationale, or the rationale itself, ‘contrary to scripture?’ (C.3.2.)
- II. Further, given that the Church is at liberty to decide whether it has been wrong in the past, and whether its doctrine ought to be changed (whatever legal process might be entailed), the rationale ought to be critiqued on a biblical and theological basis independent of questions of constitutional and legal matters as such. A critique of the rationale must be offered, and an opposing view elaborated in order for the proposal to be properly engaged. (C.4.)

Before turning to examine the doctrine of this Church as it relates to marriage, explanation must be made of the place of doctrine and scripture in the Constitution.

C.2. The question of “fundamental doctrine”

- C.2.1. The constitution of this Church defines a body of core belief essential to its faith and practice, and even defines its identity. This body is the “fundamental doctrine”, which is not detailed in any specific confessional statement (unlike the Reformed Westminster Confession, for example), but is rather defined by references to its sources. In a fashion reminiscent of Hooker’s method, this Church is directed to Christian scripture, and in particular to the witness of scripture to “the doctrine of Christ”. In order to discern the “doctrine of Christ” this Church determines that scripture is to be read with the enabling of the formularies – named as “The Book of Common Prayer (1662); Te Rawhiri; The Form and Manner of Making, Ordaining and Consecrating Bishops, Priests and Deacons; The Thirty Nine Articles; A New Zealand Prayer Book – He Karakia Minehare o Aotearoa”.
- C.2.2. Within the Constitution this identification of core doctrine is protected from change. In the view of this Commission, to alter this Church’s theology and practice in a way which contravenes this entrenched doctrine is not possible without changing that doctrine, but such change is not permitted by the constitution itself. Certain changes from received practice and theology are not

problematic, and have continuously occurred across our history, but *not when those changes are in any specific or identifiable conflict with the fundamental doctrine as identified by the Constitution*. The Constitution itself lays out the process for determining whether any particular change to the formularies involves a change to fundamental doctrine and this process finally relies upon appeal to the Tribunal on Doctrine. Once all relevant bodies have consented to a change (including two of General Synod/Te Hinota Whanui) the Tribunal on Doctrine is available to hear any appeal that is made and to determine whether the change made has contravened the received fundamental doctrine.

- C.2.3. Therefore, in the view of this Commission, for this Church to make changes to fundamental doctrine may be possible, most likely via a process involving an Act of the Parliament of New Zealand in order to change the Constitution. Further, we may note the liturgies for ordination of Bishops, Priests and Deacons, which are directly mentioned by the Constitution. Within these liturgies significant emphasis is laid upon the maintenance of doctrine ‘as this Church has received it’. For ordained officers of this Church to act in a way that is contrary to the fundamental doctrine they have undertaken to ‘hold to’, ‘set forth’ and ‘maintain’ raises significant challenge^{xxv}.

C.3. Assessment with regard to scripture and doctrine

C.3.1. **Is the proposal contrary to the doctrine of this Church?**

If the proposal is contrary to the thrust of scripture then that itself is enough to indicate that it is contrary to the doctrine of this Church. For example, the marriage charge in the 1662 prayer book specifically places marriage within the context of biblical teaching:

I require & charge you both, as ye will answer at the dreadful day of judgment when the secrets of all hearts shall be disclosed, that if either of you know any impediment, why ye may not be lawfully joined together in Matrimony, ye do now confess it. For be ye well assured, that so many as are coupled together otherwise than God's Word doth allow are not joined together by God; neither is their Matrimony lawful.

Nonetheless, it is well worth exploring further the formularies, and the doctrine enshrined in them, in order to fully engage with the rationale offered in Part A. Moreover, doing so further illuminates this Church’s reading of scripture as the formularies provide the lenses through which to discern the witness of scripture in contentious matters.

C.3.1.1. **The existing doctrine of this Church and fundamental doctrine in regard to marriage.**

C.3.1.1.1. The historic Anglican Church, rooted in the Church of England, has always seen marriage as between a man and a woman. Not only is marriage between two men or two women a matter of silence, same-gender sexual relationships have, themselves, been regarded as incompatible with scripture and therefore outside of church practice. The issue then is: is the gender of the parties to marriage a matter of “fundamental doctrine” or one of those more incidental matters in which the received theology and practice may readily be revised?

- C.3.1.1.2. In broad terms there is no doubt that marriage is in some way a matter of fundamental doctrine for this Church. The existence of the marriage ceremonies in both the Book of Common Prayer (1662) and A New Zealand Prayer Book – He Karakia Mihinare o Aotearoa, indicates that certain matters relating to marriage will belong to fundamental doctrine, but does not indicate that every matter that might arise is covered. Further, the Thirty Nine Articles only speak of marriage in rejecting marriage as a “sacrament of the gospel” (XXV) and to allow for the marriage of Deacons, Priests and Bishops (XXXII).
- C.3.1.1.3. However, given the way the Constitution of this Church entrenches fundamental doctrine, the formularies in existence at the time of the enactment of the Constitution seem to be the most significant. This is because any formulary, such as A New Zealand Prayer Book – He Karakia Mihinare o Aotearoa, must be regarded as agreeing with the existing formularies when it was legitimated – constitutionally it cannot have revised the doctrine in existing formularies, and were it hypothetically argued to have done so, by definition it did not and must be read in agreement with them. In light of this, we turn directly to the marriage service of the Book of Common Prayer (1662).
- C.3.1.1.4. The service for the solemnisation of marriage in the Book of Common Prayer (1662) is quite explicit in describing the parties to marriage as a woman and a man, notwithstanding potentially neutral references to companionship and “a remedy against sin and to avoid fornication”. (Of course, the first purpose ascribed to marriage is procreation, but later the service recognises that marriages will occur within which there can be no hope or intent for procreation and instructs in such cases that the priest omit a prayer for fruitfulness in childbearing. Procreation is therefore not essential to marriage, and marriage that cannot result in it is not by nature problematic.)

Naming of the parties as a man and a woman occurs in the introductory paragraph, where the congregation is welcomed and the purpose of the ceremony is declared: “to join together this man and this woman in holy Matrimony; which is an honourable estate, an institute of God in the time of man's innocency, signifying unto us the mystical union that is betwixt Christ and his Church”. More follows, referencing St Paul and Christ’s miracle at the wedding in Cana.

Throughout the exchange of vows the man-woman nature of marriage is assumed in both the instructions and directions and within the declarations and vows themselves in the use of “man” and “woman” and of “husband” and “wife”.

Throughout the prayers that follow references to marriages blessed by God in scripture provide the anchor for praying blessing upon the man and woman joined in the ceremony.

The final obligatory act of the service, given that the sermon text and Holy Communion are both optional, is two prayers of benediction. The first names the parties as a man and a woman, and the second looks to Eve and Adam as the prototype of marriage.

C.3.1.1.5. Marriage in 'A New Zealand Prayer Book' - He Karakia Mihinare o Aotearoa.

Notwithstanding that the primacy accorded the Book of Common Prayer (1662) in framing doctrine we turn to a brief glance at He Karakia Mihinare o Aotearoa.

A few key references demonstrate the emphasis on the most fundamental point of doctrine: that the parties to marriage are a man and a woman, and this is so because God has created humans in this way and ordained the union of man and woman in doing so.

While there are three marriage rites available, and therefore a significant variety of words at varying points, all three rites name the partners to marriage as husband and wife and we might say it is assumed the partners to marriage are a woman and a man.

So, for example, the final blessing is to be chosen from one of four offered independent of which rite is utilised. The two English language blessings are specific in praying for God's blessing on the marriage because God has created humans as man and woman and on this basis God's blessing is appropriate:

All praise and glory to you most gracious God, for in the beginning you created us men and women. Grant your blessing then, we pray, to N and N, so that in marriage they may be a source of blessing to each other and to all, and live together in holy love until their lives' end. Amen.

All praise and blessing to you, God of love, creator of the universe, maker of man and woman in your likeness, source of blessing for married life. All praise to you for you have created courtship and marriage, joy and gladness, feasting and laughter, pleasure and delight. May your blessing come in full upon N and N. May they know your presence in their joys and in their sorrows. May they reach old age in the company of friends and come at last to your eternal kingdom. Amen.

We note the two blessings offered in te reo Maori simply designate the couple as 'korua'. This should not be taken as implying a different doctrinal understanding.

C.3.1.1.6. Bearing in mind the Constitution, and the establishment of "the doctrine of Christ" witnessed in scripture and read through the formularies, the scriptural material and the role it plays in the framing of the service is doctrinally of greatest significance in the marriage rite. The assumption throughout is that the parties to marriage are a man and a woman and this is not incidental. The service turns upon references to the creation of humans as male and female and marriage as a creation blessing of God uniting a woman and a man, and further that such opposite-gender union is an estate which is a sign of the union of Christ and the Church. Whatever differing views, both for

and against, members and leaders of this Church currently hold, in regard of same-gender marriage the fundamental doctrine of the Book of Common Prayer (1662) is plain, and so is that of A New Zealand Prayer book – He Karakia Minihare o Aotearoa: marriage is between a woman and a man, and is not conceived of otherwise within the frame of the rite and the scripture it gathers up.

C.3.2. Is the proposal ‘contrary to scripture’?

The fundamental provisions of the Constitution of this Church enshrine scripture as the final authority for the faith and practice of this Church. Scripture is to be read with the guidance of the existing formularies and received doctrine, and governs the life of this Church.

- C.3.2.1. The Anglican New Zealand Prayer Book/He Karakia He Mihinare o Aotearoa states in the formularies before the marriage liturgy: 'A wedding is one of life's great moments, a time for good wishes, feasting and joy. St. John tells us how Jesus shared in such an occasion, and gave there a sign of new beginnings' (p. 779). At the end of these (and following words) there is an unacknowledged quotation from the Apostle Paul: 'Love is patient and kind. Love never comes to an end' (1 Corinthians 13:4, 8). Contained with the three forms of the marriage liturgy, with varying degrees of emphasis, is an affirmation of marriage being a gift of God the Creator; of marriage being a sign of unity between husband and wife; of marriage being a stable environment within which children may grow; and marriage being a serious and life-long commitment. While the presence of Scripture is not always overt in the words of the liturgy, its presence is clear. Scripture is consistent with its affirmation of the particular relationship and complementarity of the woman and the man.
- C.3.2.2. Scripture does not provide a neat and recognisable definition of marriage. We should not necessarily expect it to do so. The books of the Bible were written over a period of many years, in different genres, and by different individuals who wrote from, and into social, cultural, and political contexts far removed from our own. While the 'beads' of Scripture are many and varied, the 'thread' that binds them together appears to indicate a consistent hallowing of gender difference in human relationships.
- C.3.2.3. The 'beads' that indicate the importance of gender difference in relationships may be presented as follows: Genesis 1:27-28, 2:22-24, 24:67, 29:22,23; Deuteronomy 24:5; Judges 1:12; Ruth 4:13; 1 Samuel 17:25, 18:20,21, 25:40-42; Esther 2:16-18; Proverbs 5:18-19, 12:4, 18:22, 19:14, 20:6-7, 30:18-19, 31:10; Song of Songs; Isaiah 54:5; Malachi 2:14,15; Matthew 19:3-7; Mark 10:6-9; Luke 2:4,5; John 2:1,2; 1 Corinthians 7:1-16; Ephesians 5:22-23; Colossians 3:18-19; Hebrews 13:4-7; Revelation 19:7-9, 21:9-14. Immediately it is important to acknowledge that these 'beads', when taken individually do not point to what is understood as Christian marriage in its fullest sense today. So caution must be paid to simply lining the beads up in order and leaving it at that. Worth noting none-the-less, is the predominance of references about male and female (presumably intimate) relationships in the book of

Proverbs and the Song of Songs. Both books derive from the Jewish Wisdom tradition, a tradition which broadly speaking, contains observations on life, and instructions about how to live. The point is that regardless of the meaning or discomfort at some of the observations and apparent 'wisdom', we find the stress on intimate relationships between the man and the woman. This is not of course to exclude other possibilities, but we tend to observe what was perhaps considered to be faithful to God's will in creation, and what was considered determinate for how humans should properly relate to one another in intimacy.

C.3.2.4. The 'thread' that binds these texts (or pericopes) together is the narrative arc of Scripture which is central to the way this Church has expressed itself in the marriage liturgies of 1662 and 1989. The narrative arc strongly suggests there is something of great significance in the creation of two beings, male and female. It also suggests there is something about this creation indicative of God's overall plan for creation and for the continuance of that created order through reproduction. The procreation of humans perpetuates God's relationship with creation, a relationship manifest in presence of God in humanity in the person of Jesus Christ.

C.3.2.5. The presence of the story of Jesus' miracle at the wedding at Cana in the marriage liturgy is both interesting and significant, and demands our attention. It is significant that John chooses this miracle as the opening one in his Gospel. This miraculous creation of the wine from the water is both rooted in the narrative arc of Scripture, and transcendent of it. It builds on the creation account in Genesis, where every created thing points beyond itself to something new and potentially new after that. Creation happens in pairs: heaven and earth, light and dark, sun and moon, sea and dry land, animals and plants, and finally humans, male and female. The thread that runs throughout John's gospel is the incarnation, the joining of divinity and humanity, of heaven and earth in the person of Jesus Christ. The eschatological wedding feast presents a transcended view of that incarnational joy. The union of male and female in marriage, including sexual intimacy, is therefore determined as normative and indicative of God's intention in creation. It is a thread constant throughout Scripture, even if at times it wavers or frays.

C.3.2.6. According to this reading of scripture, overall the proposal for change in the practice of this Church is here assessed as contrary to relevant scriptural texts and to the overall thrust of scripture regarding marriage and sexual intimacy.

C.4. **A theological engagement with the rationale offered.**

It is important the assessment of the Rationale for marriage of same-gender couples offered in Part A includes a substantial critique. If we ask 'can we make a case for changing our practice?' the answer is undoubtedly 'yes, of course we can argue a case'. Some sort of case can be made for all sorts of changes. The vital question is this: does argument stand up, or are its flaws too great? We do not attempt a 'knock-down argument' so much as indicate some important lines of theological debate.

- C.4.1. Two strands of engagement are offered here: first, a strong challenge is made against the claim that scripture does not speak directly on the matter of same-gender sexuality, and second, there is a challenge to the overall thought that human identity as male and female is not significant for marriage.

Can the Spirit lead us in new ways? Absolutely! Can we discern the Spirit leading us where the scripture as a whole is consistent in forbidding? As above, the Doctrine of this Church would tell us ‘No’, and for good reason. The authority of scripture belongs to our understanding that scripture witnesses to us the revelation of God, and we cannot contradict scripture when it speaks with one voice on any matter. Clarity and honesty in listening to what the Spirit has to say to the Church in scripture is, therefore, of utmost importance. This is surely what the doctrine and Constitution of this Church enshrine as ‘Anglican’.

C.4.2. A brief challenge to the way the Rationale of Part A must read scripture.

C.4.2.1. Reading particular passages such as Romans 1

- C.4.2.1.1. It is certainly true that an enormous amount of material, both scholarly and popular, has been written on the few scriptural texts that mention homo-sexuality/same-gender sexual activity. Debate rages about the reference of particular Greek words in the New Testament, and what the author was talking about. Much of this debate appears ideologically driven – the desire to promote a particular view on sexuality can overly influence the way texts are read. Scholars simply do not agree, and we recognise that here.
- C.4.2.1.2. What then of the texts that have always been read as speaking against same-gender sexual expression? A brief discussion of Romans 1 is offered in the Rationale above, and a brief response is required here.
- C.4.2.1.3. Overall the Letter to the Romans outlines the good news of God in Jesus Christ, and particularly expands on the way that Jesus is the fulfilment of all God has been doing to save the world from the beginning of history and beyond. The early chapters involve an attempt to show that Jew and non-Jew alike are in need of Jesus, and that a Jewish relationship with God through the covenant and Old Testament law does not mean Jesus is any less essential.
- C.4.2.1.4. At the heart of all this is the problem of human sin. As Paul writes to the Church in Rome he describes sin in a way which pictures a distortion of our fundamental being and inclinations. On this basis we may read Paul’s list as ‘the sort of things that express the fact that ALL of us are in the same place on this’. Reading Romans 1 this way lines up with the claim that Jesus did not reduce our understanding of our sinfulness – actually He increased it, so that we know all-too-well we are all ‘sinners’.
- C.4.2.1.5. The list of Romans 1 includes a very simple mention of same-gender sexuality alongside such behaviour as gossip, deceit, and the great evil of murder. For many readers these things fall within a vast range of distortion which is actually quite ‘natural’ to humans. Paul’s use of ‘against nature’ can be read in a confusing fashion, but it is on this

basis it seems plainest to understand he means ‘against God’s intent in creation’ rather than ‘against what comes naturally’ to any given person. This is because Paul’s whole point is claimed to be that what comes naturally to us does not necessarily fit with God’s purpose.

C.4.2.1.6. There is no doubt this is a ‘text of terror’ for many people. To read of oneself in such terms is frightening and even offensive. Those who read the text as above will remind us that every one of us is included in that list, and this list itself is merely illustrative of a field as wide as human experience. Thus, we agree there is absolutely no room for any phobic hatred of any person on the basis of them being a ‘sinner’. So Paul turns and says ‘Therefore you have no excuse, whoever you are, when you judge others; for in passing judgement on another you condemn yourself, because you, the judge, are doing the very same things.’

C.4.2.1.7. Does this mean God ceases to command us to abandon the things listed? No, not at all. But it certainly does mean we are to all see ourselves in the same boat and the same need to be rescued from ourselves – what comes naturally to us is not always what is right before God. What feels most important to us may not be so before God.

C.4.2.1.8. A challenge to the rationale of Part A might then be that it reads Romans 1 is as if a ‘sinner’ is a person who will manifest the whole list of vices together. It seems as if to fall inside this list a person must be murderous as well as engage in same-gender sexual activity. On the basis of the explanation offered here that is not what the passage says or implies. Rather our reading here would say every one of us finds ourselves on the inside of the list. So the passage simply includes same-gender sexual activity alongside lying and envy as things we may do, perhaps because we are very deeply inclined to, but which do not fit our creation and direction by God.

This leads us to move to the next question: is it correct to say scripture ‘does not address the inconceivable’ reality of committed, monogamous, covenantal same-gender relationships?

C.4.2.2. **The overall clarity of scripture on sexual activity**

C.4.2.2.1. It is absolutely true scripture has been misused, or mistakenly used, in many ways over centuries. Using scripture to underpin apartheid in South Africa is an obvious and abhorrent example. When injunctions against same-gender sex are maintained, with the outcome that same-gender marriage is also declined, is scripture being misused? Scripture would certainly be misused if it were true that it does not address same-gender relationships as they have developed more recently in some societies. Is that claim true?

C.4.2.2.2. It is clear no scriptural text describes a same-gender sexual relationship equivalent to the relationships of those who seek same-gender marriage in this Church. But, as the Rationale above states,

this does not mean such relationships are not addressed. The issue is this: do the injunctions against same-gender sex apply here? *If* we read Romans 1 as in the section above we will not simply say the authors of scripture couldn't imagine such relationships, or that we are faced with a new thing that such texts do not address. Rather, this way of reading will lead to the view that scripture consistently sees same-gender sexual activity as outside of God's purpose.

- C.4.2.2.3. An additional part of this view holds that scripture's voice on sexual life is not to be reduced to a few texts which mention this or that sexual matter. This report has already made clear the overall thrust of scripture throughout is toward monogamous heterosexual marriage, with diverse expressions and varying cultural realities included, like the less than ideal polygamy of some biblical characters. Engaging with the Rationale might involve raising the claim that sexual expression rightly occurs inside such marriage, and not elsewhere. The rationale invites us to set this aside in the light of a wider trajectory toward inclusion, but it could be responded that such an important theme as inclusion does not overwhelm the specific nature of God's commands. We might also note Jesus included everyone in His call to come in to the kingdom – and still does – but in doing so intensified the claim of God's commands upon us, not reduced them.
- C.4.2.2.4. Certainly Acts 14 and 15, with the removal of certain matters regarding foods for new gentile believers is highly significant. Other commentators would encourage us to remember Jesus Himself had already 'declared all foods clean', while if anything He heightened the requirements of sexual purity. This is something we see clearly worked out in the rest of the New Testament.
- C.4.2.2.5. A critique of the Rationale would therefore claim there is a clear trajectory of scripture in regard to sexuality and this Church cannot set it aside.
- C.4.2.2.6. If this critique is correct, does this mean LGBT people are excluded from Christ? Absolutely not. In agreement with the Rationale, no form of judgementalism or 'homophobia' has any place in God's Church. But those who offer such a critique would hold that LGBT people, and indeed all people, come to Christ with our deepest and most fundamental being placed at His disposal. No doubt many who would argue for the rationale would agree.

C.4.3. Challenging the Rationale on broad grounds

- C.4.3.1. The rationale offered in Part A puts aside any assumptions heterosexuality is essential to marriage and examines same gender covenant relationships to determine if such relationships evidence 'the key theological qualities of a marriage relationship'. An engagement with this rationale could well involve point by point discussion of the merits of each idea discussed, but it would not be fair or helpful. However, this very brief section of further engagement is designed to frame discussion in a wider theological perspective, and offer a counter view. So, the following paragraphs involve:

- I. An indication of some theological matters that might inform our theology of marriage and how those matters bear upon the question before this Church, but in doing so they also offer;
 - II. An inherent questioning of the assumptions that underpin the project, especially the important idea that by discarding the ‘a man and a woman’ aspect of marriage we might find the key markers of marriage are still present. This is an important area of debate for this Church as it examines the issues that generate this report. What follows offers a critique and should not be read as simply a ‘knock-down proof’. Decisions will need to be made as to the best theological response to the questions before this Church.
- C.4.3.2. By noting a key text such as Genesis and theologically exploring the outcomes in Jesus’ own teaching and the Church’s theology we look to see how marriage is to be understood and why it can be claimed that ‘male and female’ matters a great deal.
- C.4.3.3. Genesis 1 and 2 and God’s Creation of humans**
- C.4.3.3.1. Much has been contributed on this matter at the various hui. Across the hui papers a basic agreement marks a broad reading of these key chapters, containing the description of God’s creation of humanity. We also note the significant paper on marriage offered by Bishop Victoria at the final hui. What follows seeks to follow that broad reading, although with particular decisions made at key points about which way to go.
 - C.4.3.3.2. For the sake of being brief the focus here is on Genesis 1:26 and 27 and the particular narrative of humans as woman and man, male and female. What claim does this text make upon us, and what understanding is demanded of us? Or is there no such strong content here? In focussing on these two verses we should not lose sight of the fact they stand for the sweep of biblical material relating humanity to identity and diversity as male and female, we do not have space however, to go far beyond these verses. Two opposing readings of the significance of male and female will be briefly addressed, and these two bear strongly upon the rationale of Part A (above).
 - C.4.3.3.3. Firstly the Church’s wide and longstanding reading takes the creation of male and female as central to being human, and the inter-relation of male and female to be of utmost importance. This reading is the dominant reading across East and West through Christian history (and indeed is the dominant Jewish reading also). Within this breadth there is significant disagreement about the detail of the relationship between male and female and there are also some very sexist approaches throughout. It is important, however, to distinguish sexist, and rather poor, treatments of the text from the fundamental intent to take the narrative seriously, and what that yields.
 - C.4.3.3.4. Should we say we cannot depart from the ‘old’ reading of the text? No, if there are good reasons to do so we constantly revise our readings. But one of the key roles of the tradition is to anchor us

against going too far in matching the trends of our society, culture, and time. The extraordinary energy of the sexual revolution of the late twentieth century should cause us to pay extra attention to the tradition and listen all the more humbly to scripture in relation to these matters. This does not automatically mean we cannot change, but that great care is needed in wrestling with the strong influence of a fast changing society.

- C.4.3.3.5. For the purposes of a critique glances at Phyllis Tribble's work, and toward others such as Wenham, Grenz, and Barth will serve. This approach takes us through the creation of humans as female and male and offers a particular understanding of marriage and the broad field of human relations. The following paragraphs should be read as offering an alternative to and therefore an engagement with the Rationale of Part B.
- C.4.3.3.6. In the creation of man and woman God creates humanity; the narrative makes it clear there is no genuine or 'good' humanity prior to this or apart from it. So the creation of woman is as the 'saviour' of humanity, through which the first step of God's creation of humanity, the ha'adam, is altered and becomes woman's partner, now called 'man'.^{xxvi} The relationship between man and woman, male and female, here transcends the relationships and sexed bodies of the animals. The physicality of the 'bone of my bone and flesh of my flesh' includes the spirituality of being made together in the image of God. On this reading the purely material question of reproduction by itself is not enough to answer the need of the one who is alone and for whom no help can come, even from fellowship with God. God responds with further creative work and brings about the formation of humanity as female and male. The fellowship of humanity with God then also somehow involves the mutual interrelation of male and female. 'In God's image God created them, male and female God created them' is shorthand for a great deal.
- C.4.3.3.7. Within this account of humanity as constituted in male and female interrelation what then would we say about marriage? After all, the close of the creation narrative at the end of Genesis 2 follows immediately on from the man's recognition of his counterpart (perhaps even saviour!) in the woman by stating 'therefore a man leaves his father and mother and clings to his wife, and they shall become one flesh' (Genesis 2:24 NRSV). The words are those of the narrator, but it may be claimed they are clearly intended to indicate the view of God upon the matter.
- C.4.3.3.8. Beyond this, we must note immediately Jesus' exaltation of the state of marriage and at the same time His teaching that marriage will pass away in the new creation. For our purposes attention to male and female, and human community, in the eschatological vision is particularly important. Two points arise: first, that marriage is not an ultimate reality but penultimate – marriage will pass away in the eschaton. This does not make marriage 'bad', but it does limit its role, and enables us to see more clearly marriage itself is not an

enclosed imaging of God by two in their isolated relationship. Marriage itself is shown to open outward in a wide field of relationships that include the married and the celibate, and a self-giving and receiving among many along numerous lines of relationship. Until the eschaton marriage is an essential part of human community and the fundamental basis of families, but not the exclusive calling of all disciples. Secondly, the eschatological ceasing of marriage does not imply the end of female and male, any more than singleness and celibacy does so.

- C.4.3.3.9. To pursue this line further we might add: When it is assumed the total meaning of being female and male is fulfilled, and therefore exhausted in the marriage relationship then it is a short step to think 'no more marriage' means no more male and female, but this need not be so and actually should not be our conclusion. God's covenant with humanity can be seen as expressed within the frame God fashions in our creation, and our calling functions along a line of fulfilment of that creation, not its destruction or its being overcome. Against the Greek tendencies of thought evident still in much Western philosophy, our spiritual fulfilment does not involve the overcoming of our physicality or the 'transcendence' of the limitations within which we are created. Those very conditions, including being male and female in God's image, are central to God's purpose for us, while marriage will pass away.
- C.4.3.3.10. Overall, the key outcome of our discussion so far is that we cannot discard 'male and female God made them'. Neither can we discard marriage as between a man and a woman. We cannot accept these things do not matter as long as features such as 'union' and 'procreation' can be argued to be met. Delving into an approach that sets aside 'male and female' may open this up further.
- C.4.3.3.11. To explain, a very different reading of male and female in scripture sees the core of the creation of humanity in God's image as manifest in an essential relational character. Such relationality is expressed in the relationship of male and female, but not necessarily so. Fundamentally relationality only requires two different people be joined in order for God to be imaged. In some ways this is like the Rationale of Part B. Within the Genesis narrative male and female are seen as offering a symbol for a reality broader than the particularity of male and female as such. The symbol points towards the principle of two who are 'other' being joined as one. Within this view the key to a Christian theology of marriage is the identification of two different 'bodies' uniting. Rather than focussing on a particular man and woman, or, more significantly, on the bodies of men and women, some see sexual difference as a 'figure of speech, a symbol', pointing toward the significance of 'otherness' in intimate relationships.
- C.4.3.3.12. Such a theology moves beyond the biology of male and female bodies and instead focusses on the 'gap' between persons that is overcome in becoming 'one flesh'. So, same-sex erotic love is sometimes claimed

to be theologically a more illuminating form of eroticism than female-male relationships. The claim is that same-sex eros reveals precisely that biology is not essential – what matters is two bodies, and the distance between them. Because the obvious biological difference of male and female is lacking in same-sex attraction we are led to see the difference that matters is not controlled by ‘nature’. Whatever it may in fact be, the difference (‘interval’) overcome is not such that we can define it; however it must be there for attraction to occur.

C.4.3.3.13. In critiquing this approach we might well say such theology looks rather like those Corinthian Christians who thought the particular reality of our bodies was less important than the spiritual reality of resurrection in Christ. In responding the Apostle Paul holds the two together and refuses to diminish the spiritual reality of our physical creation, life and worship. Wairua is not divorced from the tikanga of our everyday lives and our bodies. Therefore we might say the concrete and physical reality of the two sexes/genders cannot be superseded by a spiritualisation which looks for realities such as ‘union’ or ‘reciprocity’, procreation’ or even ‘trinitarian unity in difference’ (even though those things are visible in God’s creation of male and female).

C.4.3.3.14. Of course, in ‘the real world’ there are those of us who do not fit easily into social constructions of gender and gender roles, and those of us who cannot see ourselves marrying someone of the opposite gender. There are those of us who are born with unusual bodies, and chromosomal differences. On a different tack, some of us also cannot imagine sexual faithfulness as possible. We may all agree we are together called by God to seek God first whatever our circumstances, in joy and also in deep pain. This is no light thing, but a matter that requires extraordinary courage and depth of discipleship and in which we will all be changed.

C.4.3.4. **Same-gender marriage?**

C.4.3.4.1. As above, the broad tradition of the Church has insisted on the centrality of the claim ‘in the “image of God” God created them, male and female God created them.’ Although this tradition has undoubtedly made mistakes regarding the interrelation of man and woman, and in many ways has maintained a fallen view in this regard, we can see the commitment to the centrality of this relationship that has marked the theology of this Church.

C.4.3.4.2. While we have argued here marriage is an eschatologically conditioned reality, while being male and female is not, nonetheless the scriptural witness can be very strongly argued to point toward sexual celibacy and male-female marriage as the two forms of rightly ordered sexuality. Both these ways of being male and female are then seen to be located within the frame of the Christian community and beyond, and take their place within the complex web of interpersonal relation across lines of gender, race, age, culture, gifts and so forth. Both hetero-sexual marriage and celibacy are to be ordered by

attention to the eschatological direction of our creation, and toward covenant fulfilment in the new creation. In this way both could be described (with the Apostle Paul) as ways of ‘doing well’, although celibacy may be argued to be better as a form of becoming a eunuch for the sake of the kingdom.^{xxvii}

C.4.3.4.3. In looking at marriage in the way we have in this section the Church would therefore find herself directed to the important matter of celibacy, and therefore largely at odds with a society that sees the denial of sexual desire as the denial of the very essence of self and self-expression. However, we could also claim denying the self and taking up the cross lie at the centre of Jesus’ call to all disciples.

C.4.3.5. **Conclusion to this critique**

C.4.3.5.1. Although the Rationale of Part A can be made, it can be subjected to critique, scripturally and doctrinally. We may say this raises significant questions especially for this Church with its emphasis on the authority of scripture in all matters of faith and practice. This Church will have to decide whether critique of the Rationale reveals too much difficulty in sustaining it as good theology and too many scriptural problems for it. It may certainly be argued that scripture witnesses to a different way for us.

D. Responding to Section C

Just as Section B has been critiqued in Section C, it is true that Section C can also be critiqued. Thus, the debate that the Church has been undertaking in the past decades is joined. There is no way to canvas the depth and range of that debate here neither will we launch into a point by point response to Section C, which may appear as tiresome.

D.1. What can be done here is point to four broad concerns.

D.1.1. There is thread of argument that runs through C that takes the following form:

A. Marriage has always been between a man and a woman.

Therefore,

B. Marriage must always be between a man and a woman.

This is obviously debatable and begs the question before us.

D.1.2. To state that the gender difference of a couple is “the most fundamental point of doctrine” (C.3.1.1.5.) when considering marriage is disputed and advocates for same-gender marriage would hold that it is a secondary matter and there other characteristics or qualities of a marriage relationship that make it a hallowed relationship.

D.1.3. So much depends upon whether we determine that same-gender relationships as we see them evidenced today and as we have defined them sit outside the mind of scripture or not. The argument for those who advocate for same-gender marriage or blessing is that they are a new phenomenon. As a new phenomenon those texts that appear to address homosexuality are less applicable than some would have it. Nowhere in Section C are we shown scripture directly addressing as same-gender relationship as it has been defined.

D.1.4. Section C emphasizes the authority of scripture. (C.3.2.) and implies that the authority favours only one side of the debate. This is not the case. As stated above, there is a great deal of authority from scripture calling for inclusion.

E. The Blessing of Same-Gender Relationships instead of marriage?

E.1. What is at issue?

E.1.1. The Commission was asked to enquire into a rationale for ‘the blessing and marriage of people in permanent, faithful same gender relationships’ (A.1.1.). Thus far this report has focussed on the question of priests in this Church celebrating the marriage of same-gender couples. What then of an alternative, namely, the ‘blessing’ of same-gender relationships which display the characteristics normally associated with marriage or preparation for marriage? ^{xxviii}

E.1.2. There are indicators that some members of this Church approach the blessing of same-gender relationships differently from the way they approach marriage of same-gender couples.

We may note that in 2013 the Synod of the Diocese of Auckland voted not to pursue a path toward same-gender marriage but voted in favour of a path toward a liturgy for blessing same-gender sexual relationships. The margin of disparity in voting on the two relevant motions before the Synod indicates that in the minds and hearts of a significant number of those voting there is a difference between ‘blessing’ and ‘marriage’. In other words: clearly for some Anglicans a blessing of a same-gender relationship is acceptable when same-gender marriage is not.

E.1.3. We may therefore ask whether this perception of a distinction between same-gender marriage and blessing same-gender relationship indicates an emerging wisdom or discernment from a gathered church, which at this point we cannot quite articulate.

E.1.4. Moreover, is it possible the field of committed relationships is in fact wider than we usually describe, so we understand marriage as one type of committed relationship among others? The relationship between Ruth and Naomi might be a good example of a covenanted relationship blessed by God, but which is not marriage. Same-gender relationships could be seen as another such covenanted relationship, without being understood as marriages.

E.1.5. What follows is a brief examination of some of the issues that arise.

E.2. In what way does the Church ‘bless’, and what is ‘the blessing of a relationship’?

E.2.1. Much language of ‘blessing’ in use liturgically quite rightly expresses a prayer and expectation. Such words are a prayer because ‘The Lord bless you’ is not spoken as an act of granting blessing but of requesting and announcing *God’s* blessing. Such words are spoken in faith and expectation that God wishes and intends to bless. Various commonly used blessings at the close of public worship are spoken in exactly this fashion: ‘The blessing of God be upon you and remain with you always’ cannot be seen as a blessing bestowed directly by the Priest, but as the person invoking blessing from God. We pray for blessing, for God alone gives God’s own benediction.

E.2.2. Blessing a relationship.

In the formularies marriage is the only form of relationship to receive a liturgical blessing. For this reason important material relevant to a 'blessing of permanent, faithful same-gender relationships' is to be found in this Church's theology and practice in 'blessing' marriages.

God's blessing on the couple being married is mentioned, and sought, frequently in marriage liturgies of both the Book of Common Prayer (1662) and A New Zealand Prayer Book/He Karakia Mihinare o Aotearoa. The following samples are by no means a complete collection of those places in which blessing are mentioned, but represent the key moments of blessing within the liturgies.

The Book of Common Prayer (1662):

The blessing prayed at the moment of giving the ring:

O ETERNAL God, Creator and Preserver of all mankind, Giver of all spiritual grace, the Author of everlasting life: Send thy blessing upon these thy servants, this man and this woman, whom we bless in thy Name; that, as Isaac and Rebecca lived faithfully together, so these persons may surely perform and keep the vow and covenant betwixt them made, (whereof this Ring given and received is a token and pledge,) and may ever remain in perfect love and peace together, and live according to thy laws; through Jesus Christ our Lord. Amen.

The blessing prayed following the pronouncement of marriage:

GOD the Father, God the Son, God the Holy Ghost, bless, preserve, and keep you; the Lord mercifully with his favour look upon you; and so fill you with all spiritual benediction and grace, that ye may so live together in this life, that in the world to come ye may have life everlasting. Amen.

A New Zealand Prayer Book/ He Karakia Mihinare o Aotearoa:

A blessing is mandated at the conclusion of the service, whichever of the forms of marriage has been used, and is to be chosen from four options:

All praise and glory to you most gracious God, for in the beginning you created us men and women. Grant your blessing then, we pray, to N and N, so that in marriage they may be a source of blessing to each other and to all, and live together in holy love until their lives' end. Amen.

Ma to Atua Matua, ma to Atua Tama, ma to Atua Wairua Tapu, korua a manaaki, a tiaki; ma to Ariki tohu a titiro atawhai ki a korua, e whakakii o korua ngakau ki nga mea pai katoa o to wairua; kia pai ai to korua nobo tabi i tenei ao, kia whiwhi ai hoki korua ki to ora tonu i tera ao atu. Amine.

All praise and blessing to you, God of love, creator of the universe, maker of man and woman in your likeness, source of blessing for married life. All praise to you for you have created courtship and marriage, joy and gladness, feasting and laughter, pleasure and delight. May your blessing come in full upon N and N. May they know your presence in their joys and in their sorrows. May they reach old age in the company of friends and come at last to your eternal kingdom. Amen.

Ma to Atua Kaha rawa, nana nei o taton tupuna, i banga i to timatanga i whakatapu, i hono hoki i runga i to marena; Mana a riringi ki runga ki a korua tona kaha nui, mana korua a whakatapu, a manaaki, kia paingia ai a is o korua tinana, o korua wairua, kia nobo tabi tonu ai korua i runga i to aroha hara-kore, a mate noa. Amine.

E.2.3. The tenor of these blessings is plain: God is the one who blesses, so that the Priest and congregation ask for God's blessing upon the parties to the marriage. The blessings are not the Church granting God's blessing, but seeking and declaring God's continued blessing. As above, this involves confidence and trust that God is pleased to bless what we are blessing.

E.2.4. 'Blessing' is future focused in two important respects. We expect that, with God's help, the couple will be a blessing to each other, they will be 'ministers' to each other of God's love and forgiveness and thus be a source of God's blessing one to another. We also expect the relationship will, again, by God's grace, bear fruit and be a blessing to others. These expectations are at least partly born of witnessing and knowing the goodness of God's blessing already present in the lives of married couples and, importantly, knowing that God has already blessed this couple in some measure.

E.3. **The Marriage Service itself as a 'Blessing'**

Although the marriage service contains specific prayers of blessing, as above, it also might be argued that the service as a whole – the very fact of the marriage taking place before a Priest and congregation – constitutes a 'blessing' of the marriage.

In celebrating a marriage this Church makes an implicit statement: 'We witness and expect God's blessing on your marriage.' Such a statement in action very clearly involves a sanctioning of the relationship: 'This marriage is of a sort that God blesses.' The converse applies when this Church will not conduct a marriage service. So, for example, a bigamist relationship cannot be 'blessed' because this Church does not believe such a relationship is one God blesses.

E.4. **Blessing permanent, faithful, same-gender relationships?**

The call for this Church to authorise the blessing of permanent, faithful, same-gender relationships is, therefore, a call to see such relationships as blessed by God. This is a fundamental question in this discussion and a key matter of disagreement is whether this Church discerns that God does bless such relationships.

E.4.1. If the following question is put: 'Can this Church bless that which God does not bless?' The answer can only be: 'No, the Church can only give its 'blessing', by sanctioning the relationship, and can only pray God's blessing when it expects and discerns God's blessing to already be present.'

The decisive question here is this: can and should this Church see 'permanent, faithful, same-gender relationships' as blessed by God?

It is very important to note this is not the same question as 'Does God wish to bless people who are in such same-gender relationships?' Holy Scripture would lead us to say 'Yes, absolutely.' The same answer must be given if we ask 'Does God wish to bless people in bigamist marriages, or people in unmarried partnerships?' God wishes to bless all people, and is even at work blessing all, but God does not sanction all relationships. Therefore, the Church has an obligation to decide what forms of relationship it will bless, as evidenced clearly in the Book of Common Prayer listing a significant number of forbidden marriages. ('A table of kindred and affinity, wherein whosoever are related are forbidden by the Church of England to marry together.')

This Church is not asking whether God blesses homosexual persons, but it is asking the question ‘Does God sanction same-gender sexual relationships?’ Only if the answer to this question is ‘Yes’ can the Church ‘bless’ permanent, faithful, same-gender relationships.

- E.4.2. It is not an insignificant matter for the Church to also say God cannot bless a same-gender relationship. To do so confronts the experience of those Anglicans who identify such relationships as in fact both ‘blessed’ and a ‘blessing’. It also would run perilously close to sounding like a claim about the impossibility of God’s action in such a relationship.
- E.4.3. A significant further matter arises. Can this Church authorise a blessing of any intimate sexual relationship that is not marriage?

The existing doctrine of this Church is unquestionably that right ordering of a relationship that includes sexual intimacy is within marriage and nowhere else. Thus, for example, this Church has insisted its licenced office bearers are to be either married or celibate and this is the meaning of ‘chaste’ within its canons. Marriage alone is the covenantal relationship given for the expression of rightly ordered sexual activity and intimacy, and thus ‘was ordained for a remedy against sin, and to avoid fornication’. All other forms of sexual intimacy are not accepted as rightly ordered.

This doctrinal stance is deeply embedded in the Church’s theology and practice. It seems clear that for this Church to authorise another form of sexually intimate relationship alongside marriage would be a departure from received doctrine. As earlier in relation to marriage, the Church can change its mind, the question becomes ‘should she?’

- E.4.4. As noted at E.1.2. there appears to be some popular discernment that ‘marriage’ should and does enjoy some special status and protection from any altered understanding – principally that marriage should apply to opposite gendered couples only. It might be granted the popular discernment in favour of blessing appropriate same-gender relationships is locating an important difference that we fail to fully understand at this time and this is reason to propose another ‘class’ of sexually intimate relationship that this Church recognises as blessed.^{xxix}
- E.4.5. Some would argue that, given the history of the institution of marriage is understood across time and cultures as a heterosexual institution, and the Church has upheld this understanding of the institution, marriage should remain unchanged as the proper ordering of a heterosexual relationship.
- E.4.6. Recognizing same-gender relationships and blessing them requires a new kind of institution given that it is new thing. Some more strident advocates for same-gender theology and politics point out that ‘marriage’ is so corrupted with a patriarchal and heterosexist legacy that same-gender couples ought to have nothing to do with the institution of marriage. If it is possible to bring these disparate voices together, there could be wisdom in having ‘A Blessing of Same-Gender Relationship’ as a separate service or rite in our Church.

Bibliography

- Adam A.K.M. (1996). 'Disciples Together, Constantly' in *Homosexuality and Christian Community*. ed. Choon-Leong Seow. Westminster: John Knox: pp. 125-126.
- American Psychological Association. (2014). *Sexual orientation and homosexuality*. <http://www.apa.org/helpcenter/sexual-orientation.aspx>, accessed 16/1/14.
- Burridge, R. A. (2007). *Imitating Jesus: an inclusive approach to New Testament ethics*. Wm. B. Eerdmans Publishing.
- Halapua, W. (2006) 'Moana Waves: Oceania and Homosexuality' in *Other Voices, Other Worlds: The Global Church Speaks Out on Homosexuality*. ed. Terry Brown. London: Darton, Longman and Todd.
- Richard Elliott Friedman and Shawna Dolansky. (2011). *The Bible Now*. Oxford University Press.
- Trible, P. (1978). *God and the Rhetoric of Sexuality* (Vol. 99). Philadelphia: Fortress.
- Williams, R. (1989). *The body's grace*. Lesbian and Gay Christian Movement.

ⁱ The Standing Committee also noted 'the implications thereof on the ordination of people in same gender relationships', but those implications must be understood as an outworking of the task of the Commission in its work upon doctrine and theological questions rather than a matter for the Commission to report upon directly.

ⁱⁱ This is the 'short title' given to "Report of the House of Bishops Working Group on Human Sexuality," November 2013 which was chaired by Sir Joseph Pilling.

ⁱⁱⁱ Italics added. See also: The American Psychological Association, "What causes a person to have a particular sexual orientation? There is no consensus among scientists about the exact reasons that an individual develops a heterosexual, bisexual, gay or lesbian orientation. Although much research has examined the possible genetic, hormonal, developmental, social and cultural influences on sexual orientation, no findings have emerged that permit scientists to conclude that sexual orientation is determined by any particular factor or factors. Many think that nature and nurture both play complex roles; most people experience little or no sense of choice about their sexual orientation." <http://www.apa.org/helpcenter/sexual-orientation.aspx> accessed 16/1/14

^{iv} Burridge, R. A. (2007). *Imitating Jesus: an inclusive approach to New Testament ethics*: p.40.

^v Richard Elliott Friedman and Shawna Dolansky. (2011). *The Bible Now*. Oxford University Press: p. 40

^{vi} AKM Adam (1996). 'Disciples Together, Constantly' pp. 123-132 in *Homosexuality and Christian Community* ed. Choon-Leong Seow, Westminster John Knox: pp. 125-126.

^{vii} Of course, the direction to look to the purpose of the Torah directs us back to, amongst other things, a deeper reading of scripture.

^{viii} Halapua, W. *Moana Waves: Oceania and Homosexuality*: p32

^{ix} The very significant statement by Jesus (Mark 10:6ff.) easily supports the subordination of women. The woman is made from the man's flesh and the man recognizes this. Thus Paul argues: "Man is the image of God, and the mirror of his glory, whereas a woman reflects the glory of a man. For man did not originally spring from woman but woman was made out of man, and man was not created woman's sake, but woman for the sake of man." (1Cor 11:7ff)

^x Tribble, P. (1978). *God and the Rhetoric of Sexuality* (Vol. 99). Philadelphia: Fortress: p99.

^{xi} It is important to hear these oft cited words from Rowan Williams: "In a church that accepts the legitimacy of contraception, the absolute condemnation of same-sex relations of intimacy must rely either on an abstract fundamentalist deployment of a number of very ambiguous biblical texts, or on a problematic and non-scriptural theory about natural complementarity, applied narrowly and crudely to physical differentiation without regard to psychological structures."

^{xii} This point emerged in conversation with Bishop Victoria Matthews. She speculatively asked the question: if a fertile couple chose not to have children (perhaps because they didn't want to, perhaps because they decided that the 'earth was filled') but instead gave their time and talent to community in a variety of self-giving and 'fruit-bearing' ways, would we commend that? Bless that?

^{xiii} As something of an excursus: “It’s worth wondering why so little of the agitation about sexual morality and the status of homosexual men and women in the Church in recent years has come from members of our religious orders; I strongly suspect that a lot of celibates do indeed have a keener sensitivity about these matters than some of their married fellow Christians. And anyone who knows the complexities of the true celibate vocation would be the last to have any sympathy with the extraordinary idea that sexual orientation is an automatic pointer to the celibate life; almost as if celibacy before God is less costly, even less risky, for the homosexual than the heterosexual.”

Williams, *The Body’s Grace* p65.

^{xiv} Consider, for instance, the vows of ‘poverty, chastity, and obedience’ and how they mirror the vows ‘for richer for poorer, to have and to hold, forsaking all others.’ There are many parallels that are worthy of deep reflection, not least because those engaged in the Religious life have reflected with a great deal of rigour on what these mean in our current contexts.

^{xv} Marriage ceremonies, along with other rites of passage, are a central way in which culture is communicated and maintained.

^{xvi} Cooke, Bernard, ed. *Christian Marriage. Alternative Futures for Worship*, no. 5. Collegeville, MN. The Liturgical Press, 1987. p.34

^{xvii} *ibid.*

^{xviii} IALC ‘Rites Relating to Marriage A Statement and Resources from The International Anglican Liturgical Consultation. “It is as baptized persons, forgiven and reconciled with God through Christ, that we come to marriage, bringing with us the graced possibility of having our relationships reflect the intimate, life-giving love that is the community of the Holy Trinity.” p.77 The virtue of the couple is what makes for a marriage and likewise it is often held that the couple, not the priest, who are the ministers at the marriage ceremony.

^{xix} Unless one were to read the following from the “Second Form,” “As they grow together, wife and husband foster one another’s strengths, they provide each other with the reassurance and love needed to overcome their weaknesses” as a reframing of the same passage. That is, marriage is an ‘occasion for grace’ as much as it is ‘the avoidance of sin.’

^{xx} Such ‘erasure’ (which overstates the case) is justifiable on the grounds that the whole passage works with the contextual assumption that we have largely set to one side the imminent return of the Lord and given this marriage and other worldly commitments are unnecessary distractions.

^{xxi} The explicit teaching in 1662 Prayerbook is of the subordination of wives to husbands:

“Hitherto ye have heard the duty of the husband toward the wife. Now likewise, ye wives, hear and learn your duties toward your husbands, even as it is plainly set forth in holy Scripture.

Saint Paul, in the aforementioned Epistle to the Ephesians, teacheth you thus; Wives, submit yourselves unto your own husbands, as unto the Lord. For the husband is the head of the wife, even as Christ is the head of the Church: and he is the Saviour of the body. Therefore as the Church is subject unto Christ, so let the wives be to their own husbands in every thing. And again he saith, Let the wife see that she reverence her husband.

And in his Epistle to the Colossians, Saint Paul giveth you this short lesson; Wives, submit yourselves unto your own husbands, as it is fit in the Lord.”

^{xxii} It might be argued that we Anglicans speak with a ‘forked tongue’ on this issue given that to speak of both mutuality (1989) and submission of wives (1662) is inconsistent and contradictory.

^{xxiii} A full survey of changes in marriage would have to examine other aspects that stand outside the actual liturgical texts to the proper use of them. Here one particularly thinks of our shift in understanding of remarriage of divorced persons

^{xxiv} BCP – check 1662

^{xxv} This is not a justification to inhibit proper engagement in theological and doctrinal debate.

^{xxvi} Significantly other uses of *ezer* - the word often translated ‘helper’ or ‘helpmeet’ - in the Old Testament are dominated by references to God, so that the term can equally well be translated ‘deliverer’ and normally functions as a parallel for ‘saviour’.

^{xxvii} The claim here would also be that eschatology does not only mean that ‘God does new things’, as the Rationale implies, but means that everything is shaped toward God’s goal in the new creation.

^{xxviii} This question is asked on the basis that marriage is the only such relationship this Church currently and historically blesses – the characteristics would be permanence and faithfulness as the General Synod Standing Committee put it.

^{xxix} Some might be immediately anxious that service of blessing is ‘second class;’ this is obviously not necessarily the case, it would simply be different.