

**RESPONSE TO THE ASSEMBLY STANDING COMMITTEE REPORT AND
PROPOSALS ON
MARRIAGE AND SAME-GENDER RELATIONSHIPS (B23)**

By the

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James Haire is Professor Emeritus of Charles Sturt University, Australia and Past Executive Director of the Australian Centre for Christianity and Culture. He was formerly the fourth President of the National Council of Churches in Australia and the ninth President of the Uniting Church in Australia.

His other appointments have included:

Principal of Trinity Theological College, Brisbane
Head of the Griffith University School of Theology
Member of the Princeton Centre of Theological Inquiry
Knight of St John
Rotary Honorary Peace Ambassador
Presidential Friend of Indonesia
Co-Chair of the Uniting Church – Catholic Dialogue
Member of the World Methodist Council – Vatican Dialogue
On the boards of six journals and two book series and
Negotiator in the eastern Indonesia peace process.

James was awarded a Centenary Medal and four honorary doctorates, and was appointed an AM, and then an AC, in the Order of Australia.

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

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

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

First, then, attention needs to be given to the ecumenical question. The final sentence of Paragraph 2 of the Basis of Union (Of the Whole Church) states: 'The Uniting Church declares its desire to enter more deeply into the faith and mission of the Church in Australia, by working together and seeking union with other Churches' (1992). The report makes no mention of any discussion with any other Church or Churches in Australia regarding proposals (b), (c)(ii) and (d).1. It merely, and very briefly, mentions discussions with other Churches regarding whether clergy and other church marriage celebrants should or should not continue to act also as agents for the state in marriage services (3.4.4). However, proposals (b), (c)(ii) and (d).1 are likely to cause further fracturing of relations between the UCA and other Churches in Australia, and certainly are likely to go against any moves to seek 'union with other Churches'. If, as seems clear in this report, the methodology of the DWG and the ASC is largely a matter of theological discourse with contemporary society, and not intentionally with other Churches in Australia, then a unique charism of the UCA (to seek the reunion of the Churches) has been abandoned in favour of the UCA acting in a specific denominational way.

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

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

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

Third, attention needs to be paid to **theological** matters. Here a major theme in the report is that of diversity, related as it is to the Trinity in the report. The difficulty here is that the distinctions within the Godhead are somehow associated with the contemporary category of ‘diversity’. The language surrounding ‘diversity’, especially human diversity, is not necessarily a helpful way to approach understanding of the Trinity, in that the church’s language regarding the Trinity speaks primarily about three distinct Persons in the Godhead. They are not diverse; they are distinct.

Thus this line of thought in relationship to Trinitarian understanding is largely irrelevant. Again, here proposals (b), (c)(ii) and (d) are not on firm ground.

It thus seems that there is no overwhelming ecumenical, biblical or theological case in support of proposals (b), (c)(ii) and (d).1. If indeed proposals (b), (c)(ii) and (d).1 were to be accepted by the Assembly, it would certainly be appropriate to invoke Paragraph 39 of the Constitution, because the length of the report and the six years required to produce it of themselves suggest that this is an issue 'vital to the life of the Church'. Nevertheless, as seen in the points above, in this matter of same-gender marriage the UCA through its Assembly seems not to be empowered nor able to institute same-gender marriage 'within the faith and unity of the one holy catholic and apostolic church' (Constitution, Paragraph 2).

James Haire

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ADDENDUM: REPLY TO THE RESPONSE OF THE DWG TO JAMES HAIRE

My Response to the Paper and Proposals of the Assembly Standing Committee (ASC) and the Doctrine Working Group (DWG) of the Uniting Church in Australia (UCA) on Marriage and Same-Gender Relationships was a response, not a commentary. It did not seek to give comment on each section of the Report, but simply to raise a number of what I considered very important issues in relation to the Report and Proposals. In replying to the DWG's Response to my Response, I would make the following points:

1. With regard to the ecumenical calling of the UCA, particularly in its seeking union with other churches in Australia, as noted in Paragraph 2 of the *Basis of Union*, my concern was with the UCA acting in concurrence with other churches in Australia. The DWG's Response to my paper speaks of the similarity of the ASC and DWG Proposals with the stance of some other churches overseas. It does not appear to speak of any intentional dialogue on this issue with other churches in Australia. It does mention the attitudes of other Australian churches to changes in the civil law in Australia in this matter. However, that is not a discussion of theological or ecclesiastical understandings of marriage and same-gender relationships with other Australian churches. This issue is important, because for example the Australian Dialogue between the Roman Catholic Church in Australia and the UCA produced a joint document on marriage in 1999. I was co-chair of that dialogue, which produced that joint document. Thus, if the UCA were to consider changing its understanding of marriage, then it would seem to me that such an intended change should necessitate intentional dialogue on the issue with a dialogue partner church, especially where a previous joint understanding had already been reached.

2. The DWG's Response points to the similarities between the theological issues surrounding marriage and same-gender relationships and those surrounding the ordination of women. I would maintain that there are very considerable differences between the theological issues surrounding these two. The biblical material surrounding the discourse on the ordination of women, including that of leadership roles, is much more ambivalent, and therefore makes the arguments for the ordination of women much more feasible. Moreover, the historical traditions surrounding the position of women in Christianity enhance that positive feasibility. Neither of these appear to be found in any way to such an extent surrounding the matter of marriage and same-gender relationships.
3. The argument in the DWG's Response that the interpretation of the *Basis of Union* needs to be seen through the primary position of Paragraph 3 may indeed be the view of many distinguished scholars of the *Basis*. However, the *Basis of Union* itself does not overtly make that point.
4. When I refer to an issue in the Report and Proposals, I do so by mentioning the relevant paragraph in brackets. Thus, I am not quoting any part of the Report or Proposals when I use single quotation marks around the terms 'genuine Jesus' or 'the genuine teachings of Jesus'. I am in fact making reference to the long-contested searches for the historical Jesus in their many forms in the literature.
5. There is no intention by me to apply counter-cultural interpretations in the biblical material directly from the time of the early church to the twenty-first century. However, counter-cultural dynamics seem to me to be significant hermeneutical resources for contemporary interpretation of the biblical material. Twenty-first century societies, both western and others, seem to me to be the contexts of the counter-cultural dynamics inherited by the church from the earliest expressions of normative Christianity
6. At the beginning of the Report, we are asked to follow two videos. One of these introduces the theological concept of diversity as a fundamental issue in this discourse, and relates diversity to the Trinity. It thus seemed to me to be an important theme of the discourse, and thus I made response to that theme specifically in relation to our understanding of the Trinity.

The DWG's Response suggests that my Response presents a "superficial" reading of the ASC and DWG Report and Proposals and a "misreading" or "misrepresentation" of its contents. I am very surprised by the DWG's use of these terms, as they seem to me to be inaccurate.

James Haire

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