

## Comments on the Uniting Church Discussion Paper on Marriage

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The following comments relate in particular to the section of the Paper concerned with same-gender relationships and marriage, but also include some reflections on other parts. The Paper as a whole is very creatively linked to the Marriage Service in Uniting in Worship Book 2. This also makes very good sense theologically. The Paper necessarily remains brief and for its purpose does not go into detailed discussion.

### Same-Gender Relations and the Fall

The section on same-gender relationships concludes with the statement: “It is important to remember, though, that the whole doctrinal pattern of creation, fall, and redemption is necessary for Christian belief.” Earlier within the Paper these are spelled out briefly: “creation (human relationships as the good gift of God), fall (human relationships as damaged and incomplete), and redemption (the forgiveness of human relationships through Christ, and the restoration of human relationships through the Holy Spirit).” (7). In the commentary we then read “arguments concerning the legitimacy of same-gender partnerships are based on the doctrine of the fall.” I would have been happier with a formulation along the lines that “arguments concerning the legitimacy of same-gender partnerships need to take into account the doctrine of the fall”. Any discussion of human relations needs to take this into account.

I am concerned that some would read the reference to the fall as not just about “human relationships as damaged and incomplete”, but also as an explanation for the fact that some people are same-gender oriented. Similarly the fact that some people have disabilities is sometimes explained as the result of the fall. In both instances this is unsatisfactory, even more so when this is interpreted as divine punishment which they are forced to bear on behalf of humanity. Such views produce their own logic which includes that such people should live with the consequences and so, in the case of same-gender oriented people, that means never bringing their sexuality to expression. It is never wise, let alone just, to insist that people not express their sexuality, as so many cases of abuse by celibates illustrate; the focus must always be on appropriate expression, not suppression, of sexuality.

It is important to understand how people like Paul, Jesus, and their contemporaries would have understood the fall, especially because often those appealing to the fall claim that they are giving expression to biblical views. As Jews, the first believers would have taken Genesis 1 – 3 literally. Accordingly, creation occurred in 6 days, ca 2000 years before their time, including the sequence: heaven and earth, sun and moon on the fourth day, humans on the sixth, read in association with Genesis 2 as creation of Adam and Eve from Adam. The fall, Eve’s following the snake’s suggestion to eat from the fruit of the tree of the knowledge of good and evil and Adam’s following her, had various results: snakes thereafter must slither on the ground; women must have pain in pregnancy and childbirth and be submissive to men; and men must toil on earth which was now less fertile and produced unwelcome weeds/thorns. In addition humans now die and Adam and Eve are banished from the garden. At almost every point Christians today no longer believe this is true, as they did, but instead treat it as myth, indeed, as profound myth which incorporates important insight about human sin. Out of respect for the biblical writers and the people of their time we should not deny that they believed these things and attribute our views to them. We recognise these pre-scientific accounts as attempts to explain why things are the way they are. With them belong also the explanations of why people speak different languages (Babel) and where rainbows come from (Noah and the flood).

In the light of these realities it is important to exercise caution in appealing both to creation and the fall. The Paper avoids the dangers by its brief definitions. Concretely, this means that we can talk of creation only in the light of what we now know about such matters as the age of creation (not 6000 but 13.5b years) and the formation/creation of the human species through millions of years of evolutionary development, not in an instant. Sin remains sin, but the notion that there was once a perfect creation and an Adam and Eve is no longer plausible in a literal sense. Arguments that suppose an original male and female and that same-gender orientation occurred as a result of sin or judgement do not stand up to scrutiny given that in the complex evolutionary processes such same-gender sexual orientation is relatively widely attested among mammal species even though by far and away not the norm/usual focus. God the creator in creation is ultimately responsible for all that occurs within those processes, from movement which entails collision, to adaptations and emergence of new forms. Such developments, including some which produce deviations from the norm/usual, are not divine punishments, but part of what is to be expected in the process.

There is no need to make lefthanders into right-handers, as people used to believe. There is also no need to make homosexuals into heterosexuals. There is of course something very different at stake than the contrast between left- and right-handers, especially when one views the differences in the light of the core reproductive processes which play a central role in the development of the species. The male inseminates the female and this explains the genitalia of each. Anything other than a male penis penetrating and ejaculating in a female vagina is in the context of reproduction unnatural, which is why not only acts between males and between females but any acts which are designed to produce orgasm without the possibility of procreation are condemned by those who see the sole purpose of orgasm as the projection of sperm toward the female ovum and its fertilisation. That includes masturbation to ejaculation, with or without a female or male partner, married or unmarried, sexual intercourse with contraception or during the period of a woman's infertility, oral and anal sex, and much more; and such has been the assumption in moral teaching in generations past and in some contexts is still upheld. Where, however, the issue is not human reproduction, but human intimacy and affection, the shape of one's genitalia ceases to be relevant.

The relevance of the "fall" as the Paper understands it ("human relationships as damaged and incomplete") to same-gender relationships lies not in an ontology of homosexuality as an alleged outcome of the fall, nor in applying the word "complete" to individual physiology/psychology, but rather in its implications for "relationships", as the Paper rightly indicates. Sin and human sinfulness, which is much larger than individual sins, but a power which exerts its influence across generations, brings hurt and destruction to human relationships. This is all pervasive and so needs the power of God's righteousness revealed in Christ to overcome it – not just forgiveness of sins but restoration and reconciliation, as most clearly enunciated by Paul.

### **Same Gender Relations and the Nature of Humankind**

It is important therefore to identify what Paul and his Jewish contemporaries would have thought about how same-gender relationships came about. Did they believe that homosexuality was an ontological fruit of the fall? My extensive research has found no evidence that this was so. They could have, because they saw human mortality, pain in childbirth, and much else in this light. The main reason why they did not do so lies in their denial that there were people who were naturally same-gender oriented. Paul and Philo of Alexandria assume that there are only male and female human beings as Gen 1:27 implies and that the fall did not change that fact by introducing a third gender.

The implication was that those who expressed (and felt) same-gender orientation were behaving contrary to their heterosexual nature. Philo, for instance, rejects the Greek version of a fall producing homosexuality as articulated by Aristophanes in Plato's *Symposium*. Rather, men who acted as women and came to feel and behave accordingly were made that way by their engagement in such behaviour. Philo calls it the "female disease" which can afflict men. Men who engaged as the active partner in such behaviour usually did so as part of their promiscuity, which Philo frequently depicts as relating both to women and to men. They engaged with both. Paul, similarly, does not trace engagement in same sex desire and action to the fall, but to men's failure to acknowledge God's true nature, resulting in God letting them descend into further perversion by failing to acknowledge their own true nature and so their natural sexual orientation (Rom 1:24-28). He does not trace this to the fall, but rather appeals to the fact of creation that God made male and female and that this stands, so that anything to the contrary is a change/perversion of reality for which they are to be condemned. For Paul, the fall serves to explain human sinfulness. That sinfulness includes following perverted understandings of God and of one's sexuality and subsequent behaviour, but Paul does not explain same-sex orientation by the fall as if it were a natural result of the fall, because he does not believe people are by nature anything other than male and female, in other words, heterosexual.

With regard to the third element, the redemptive, this remains fundamental for all human relations and human individuals, both inasmuch as all are entangled in the propensity to sin and deceit and inasmuch as the truly redemptive not only heals but also creates and recreates. In some ways the church's preference for a redemptive perspective in relation to divorce and remarriage is a much more radical step than would be the acceptance that biblical writers lacked an adequate understanding of same-gender relationships as we see them. For the latter requires that we treat the prohibitions in Leviticus and Paul's brief excursion in Romans as not appropriate in all instances, whereas the former entails setting aside what most agree was an explicit prohibition of Jesus, himself. The wisdom which informs the church's stance on divorce and remarriage needs to be applied equally to the same-gender issue. The fact that Jesus cites Gen 1:27 (creation of male and female) in the controversy about divorce in Mark 10:2-9 is taken by some to warrant giving absolute status to Gen 1:27 as defining human beings as exclusively heterosexual. This, indeed, will likely have been Jesus' view as a Jew of his time, but as with his prohibition of divorce and remarriage, such first century assumptions must not be taken as science but be measured against further developments in knowledge over the past two millennia.

### **Same Gender Relations, God's Nature and Humans in the Image of God**

In its commentary on the Marriage Service, immediately prior to the section, "Scriptural language", the Paper states: "The Declaration of Purpose thus rightly links Genesis 1 and Ephesians 5, and affirms that in marriage we can glimpse certain truths about creation (because the union between man and woman reflects something of God's nature) and of redemption (because faithful covenant reflects something of Christ's love)." This statement is potentially problematic, especially because it leaves open the possibility that people might argue from an alleged gender duality in God's nature to the necessity for duality of male and female in marriage, a view I last heard articulated in a previous consultation of the Doctrine Commission. While it is correct to identify male and female and the image of God with Genesis 1 (i.e. 1:26-28) the primary link with Ephesians 5 is Genesis 2 (i.e. 2:24), which it directly cites.

The Paper's statement in parenthesis about the union between man and woman reflecting "something of God's nature" finds some elaboration under the heading "Scriptural Language" as "their profound articulation of the mysterious role of male-female duality in God's creative and redemptive work". Those using the notion of "male-female duality" in God to oppose not just gay

marriage but same gender sexual intimacy altogether appeal to scripture for its authority, often in a quasi-fundamentalist way. Such an appeal is seriously flawed exegetically. While one might speculate whether behind the Genesis tradition there lies the polytheistic notion of a male and female deity who say “Let *us* [plural!] make ... in *our* [plural] image”, this is most unlikely to have been the writer’s intent and is not the way the text was understood at least until the end of the first century CE. The image relates not to maleness and femaleness but to function, namely the command to rule over creation (1:28).

The *imago dei* generated over time a wide range of interpretations and speculations which went far beyond the original text, including the notion of gender duality in God. Many of these have been profound, whose profundity is in no way called into question by the fact that they go beyond the Genesis text and read it ways it did not intend. Such ideas, though not based on the biblical text in the sense of therefore being able to claim its authority, stand in their own right. One way of relating gender duality in God to humans made in God’s image might be to employ the Jungian anima animus image of the human person or one of its many parallels which speak of male and female traits in every person (left and right brain, etc.). This has value but is in itself problematic when male is designated rationale and female as emotional. The gender duality in God might also be applied socially, so that what is together in God is mirrored in male and female relations, but it is hard to see why this should be so and why it should be restrictively so. Trinitarian social relations in God are a very problematic image because they create the chaotic imagery of incestuous relations, which are primarily male-male but possibly male-female if one claims the feminine for the Spirit, which is in itself also problematic.

The resort, as in the Paper, is to use Ephesians: “the mysterious role of male-female duality in God’s creative and redemptive work”. “Mysterious” here alludes to Ephesians 5, the Household Code, a shorter form of which appears in Colossians. The Ephesians passage incorporates within its statement about marriage an allusion to what the author identifies as a “mystery”, that is a teaching which gives a deeper meaning to a text, namely Gen 2:24, which it applies symbolically to the relationship between Christ (male) and the Church (female). The use of marital imagery in this way is widely attested, having its roots in ancient Israel, especially the prophetic literature, with parallels in surrounding cultures, but elaborated both in the Jesus tradition and in Jewish writers like Philo. The latter provides a close parallel to Ephesians in speaking of the soul’s union with Wisdom as a “mystery”, a deeper meaning of the marriage text (*Cher.* 48-49). The word “mystery” has, like the *imago dei* of Genesis 1, evoked rich speculation which goes beyond its use in the Ephesians text. The Paper seems to find warrant for its expression “the mysterious role of male-female duality in God’s creative and redemptive work” in the text of Ephesians. It is hard to see how this is so, except in the sense that “God’s creative and redemptive work” takes place through Christ (as male) and the Church (as female). Nothing in the Ephesians text points to gender duality in God and perhaps the paper deliberately guards against that by adding the words “in God’s creative and redemptive work”. Alternatively there is an allusion to the Genesis 1 text which would be relevant for the “creation” aspect, but Genesis 1 when interpreted in its own context provides no warrant for the notion of gender duality in God.

The exegetical foundations of any argument from gender duality in God are thus very shaky and the argument itself that this must preclude same-gender sexual relations and marriage is highly problematic. Anthropomorphic reflection on God as having gender duality has its value, especially over against predominantly male images of God, but to use such reflection to rule out same-gender relations, including same-gender marriage, is overreach in the extreme and should therefore not be given weight in considering such issues, not to speak of its naïve use of mythological discourse.

The rejection of same-gender sex by Paul and his Jewish contemporaries, for whom same gender marriage would be abhorrent, rested on the assumption not that the fall had created homosexuals nor on speculation about gender duality in God which provides the template for human marriages as in God's image, but on their belief, contrary to some of their Greek and Roman contemporaries, that there were no such people as homosexuals. Accordingly same-gender sexual relations were a deliberate perversion both in act and attitude and resulted from people's perverted understandings of God. For such people the only way was repentance and conversion. They would have rejected any notion that homosexuals existed, should not be condemned, but should remain celibate, as most opponents of same gender relations argue today. For them both act and attitude were manifestations of sin not the plight of innocent victims of the fall or fate.

### **Same Gender Relations and Uniting Church Hermeneutics**

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" (Basis of Union 5) and "acknowledges that God has never left the Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon, and acted trustingly in obedience to, God's living Word. In particular the Uniting Church enters into the inheritance of literary, historical and scientific enquiry which has characterised recent centuries, and gives thanks for the knowledge of God's ways with humanity which are open to an informed faith" (Basis of Union 11). It therefore does not embrace a stance which treats biblical statements as timeless infallible truths, but brings to its engagement with scripture scholarly exegesis and "the inheritance of literary, historical and scientific enquiry".

Given that the biblical witness is clear in disapproving of same gender sexual relations, the key question which should determine current discussion of such same-gender relationships and their legitimacy must be whether any new knowledge causes us to believe that the first century believers did not have a sufficiently adequate understanding of same-gender relationships. This is certainly the case in relation to their beliefs about creation and the fall, as noted above. Do new insights lead us to at least more differentiated conclusions than theirs? In my view they certainly do. It is now widely accepted, including by numerous governments and by the High Court of Australia, that for some people same-gender orientation is their normal and natural experience and not something into which they have perverted themselves by sin. They may have always been like that, as many parents have come to recognise, or they may have become like this for a significant period. For such people all the ethical insights which guide heterosexual people are equally applicable.

I see no grounds why the same ethical insights and provisions should not also apply to same-gender marriage, where marriage is understood as lifelong commitment of two people to each other. The closest analogy is where two people, a man and a woman, past childbearing age (or not with childbearing intent) come together in marriage for mutual intimacy and companionship, asking through a public act that this be recognised and blessed. We accept such marriages as valid because we have learned that marriage must not necessarily be for procreation of children. It is hard therefore to find adequate grounds for withholding the term "marriage" from such a relationship with its commitment between two people of the same gender, just because the two people have the same gender. This has also been the conclusion of legislators in many countries in recent years and will, I hope, also be the case in Australia.

In summary it is important to recognise that many of the grounds for opposition to same gender marriage are spurious. For many their opposition to same-gender marriage is simply a logical extension of their more fundamental opposition to same-gender sexual relations altogether. If they

are losing the argument on the fundamental issue, they will then fight it on the marriage issue. Another spurious argument is that marriage must always relate to the bearing of children and so be male-female – but many marry without that intent and when they are past that possibility. The stance which simply claims that the Bible forbids same gender sexual relations and that therefore the Church should, employs an approach to the Bible which runs contrary to the Basis of Union’s understanding of the nature of scripture – though paradoxically many arguing in this way seem willing to abandon the prohibition of divorce and remarriage which is not only a biblical prohibition but one articulated by Jesus, himself. We have seen that even among those arguing from biblical texts engage in faulty exegesis when they suggest that Paul saw homosexuals as coming into being because of the fall, a view he does espouse because he believes all are heterosexual, or when they use speculative theological constructions derived from literal (and incorrect) readings of the Genesis mythological texts to argue that gender duality in God mandates gender duality in marriage.

There appear to be no viable grounds for withholding marriage from a same gender couple who like a heterosexual couple are willing to commit themselves to lifelong unity and to do so is to engage in unwarranted discrimination. Many legislatures have ruled accordingly in favour of same-gender marriage. There appear to me to be also no church-specific grounds for determining otherwise. One of the only brakes on following this path, which we have seen in Australia at the level of politics, not only at the level of church politics, is the fear that to do so without a sufficient body of support risks the unity of the state or the political party, and, in our case, the church. Such legislation would we are told pass parliament if members were given a free vote. One could argue that the Church should not proceed on such a matter without a substantial majority vote. That would be more acceptable if until then no discrimination existed, which is however not the case.

#### **Other Marriage Matters: Changes in Marriage**

The Paper helpfully identifies significant changes which have raised new issues in relation to marriage and sexual relations generally beyond same-gender sexual relations and marriage. The following comments address some of these issues.

The contrast between Jews and early Christians under “Changes in Marriage?” is, however, problematic, not least because in its beginnings the Christian communities were largely Jewish. It is true that the norm for Jews was marriage only to fellow Jews but this was far from uniform (e.g. Ruth, Esther, Joseph and Aseneth). The Paper identifies significant changes in relation to (i) what was recognised as a legitimate wedding; (ii) marriage and household as no longer being an economic necessity; (iii), the advent of effective contraception; (iv) the need for marriage for protection in pregnancy; and (v) the growing importance of companionate marriage.

Many if not most couples in much of Australian society live together before being married or remarried. This is true both of the unmarried and of the widowed and divorcees. Effective contraception removes the danger that pregnancy may thereby occur and children be born into situations where they would be unwanted or uncared for. In effect most people, including most clergy and members of our congregations, recognise such relationships as not “living in sin”, where they have every reason to believe that the relationship is one of mutual love, respect and sense of responsibility. In doing so they are taking a stance which contradicts the biblical tradition, which mandates that sexual relations belong in marriage, and are forbidden outside of that. The willingness of people to see matters differently derives mostly not from conformity to popular pressures of modern culture, moral laxity and disrespect for the biblical witness, but recognition that one of the major factors undergirding the biblical prohibitions, namely fear of unwanted pregnancies and the chaos which that could cause, no longer holds the weight in an age of effective contraception that it did then.

This acceptance does not apply at the same level where sexual relations occur outside these pre-, post-, or intra-marital contexts, but even outside of these there is some diversity in attitude. The situation is clearest with rape of all kinds (heterosexual, homosexual, including within marriage), much (but not all) of which is covered in the criminal code. Society generally tolerates prostitution as a more effective control strategy than prohibition which would drive it underground, but a stance informed by Christian principles recognises such practices as frequently exploitive and demeaning. The same goes for using sex for monetary exploitation through pornography or using money to exploit others for sexual satisfaction. Upholding principles of respect for others and self-regard also informs Christian opposition to exploitive casual sex. Despite some arguments to the contrary in the sexual euphoria which followed the advent of effective contraception in the 1960s and 70s, most married people do not tolerate extramarital sex by their partners. Thus despite the collapse of the fear of pregnancy argument against adultery, adultery remains intolerable for most, though, unlike in the ancient world, adultery does not mandate divorce, and unlike legislature until the mid twentieth century, is no longer automatic ground for divorce. Many marriages recover from breaches of fidelity and at the same time many are broken by acts and attitudes unrelated to adultery. Jesus' focus on adulterous attitudes and not just acts already signalled a more sophisticated approach to marital faithfulness.

The Church should take very seriously the need to educate people, especially young people, about the implications of sexual intimacy and the dangers of exploitation and indiscriminate and promiscuous sex, quite apart from the dangers of infection which promiscuous sex without protection can bring. On the other hand, upholding absolutes on prohibiting or condemning all sexual intercourse other than in marriage should no longer be the Church's default stance, given that one of the major reasons for such prohibitions in antiquity no longer applies since the advent of contraception.

Society, including church communities, has gone through a period of major change over the past half century, especially since the advent of effective contraception, affecting attitudes towards sexual behaviour (and running parallel, changing opportunities for women, an equally far reaching development). In some ways these changes have advanced at such a speed that the Church has not kept up. By intent or otherwise it has not issued declarations on sexual behaviour or at least its voice has seldom been heard, so that much that has become normal has occurred without Church commentary. In many ways this has been a fortunate development because it has given space for people to work through for themselves what responsible attitudes towards sexuality should be.

While the Church should always be alert to identify exploitive and abusive sexual acts and attitudes, its most helpful role in the current context is to keep the focus on fundamental ethical principles such as honour and respect for others and so to help people inform their attitudes towards sexual acts and attitudes with gospel values, rather than enunciate prohibitions. Focus on the whole person needs to be the concern but also, including within that, reflection on the blessings and dangers inherent in what people do with their sexuality. There should be clear boundaries against abuse and exploitation, especially because in dealing with the powerful urges of sexual desire situational spontaneous responses, such as "if it feels right do it", are not sufficient, indeed potentially quite dangerous. But within these boundaries there should be a focus on what coheres with health, well-being, and respect without reduction of these living dynamics to the letter of rules. This is a fundamental principle of Christian ethics from the beginning, expressed traditionally as the contrast between letter and spirit, laws or rules and the fruit of the Spirit.

I have contributed the above both as a member of the Church offering my reflections on our current setting and as a specialist in attitudes toward sexuality in ancient Jewish and Christian literature. My

publications, in part the fruit of having received an Australian research Council 5 year full time Professorial fellowship, 2005-10, are as follows:

*Making Sense of Sex: Attitudes towards Sexuality in Early Jewish and Christian Literature* (Grand Rapids: Eerdmans, 2013)

*The New Testament on Sexuality* (Grand Rapids: Eerdmans, 2012)

*Philo, Josephus, and the Testaments on Sexuality: Attitudes towards Sexuality in the Writings of Philo, Josephus, and the Testaments of the Twelve Patriarchs* (Grand Rapids: Eerdmans, 2011)

*The Pseudepigrapha on Sexuality: Attitudes towards Sexuality in Apocalypses, Testament, Legends, Wisdom, and Related Literature* (Grand Rapids: Eerdmans, 2011)

*Sexuality in the New Testament: Understanding the Key Texts* (London: SPCK; Louisville: Westminster John Knox, 2010)

*The Dead Sea Scrolls on Sexuality: Attitudes towards Sexuality in Sectarian and Related Literature at Qumran* (Grand Rapids: Eerdmans, 2009)

*Enoch, Levi, and Jubilees on Sexuality: Attitudes Towards Sexuality in the Early Enoch Literature, the Aramaic Levi Document, and the Book of Jubilees* (Grand Rapids: Eerdmans, 2007)

*Sexuality and the Jesus Tradition* (Grand Rapids: Eerdmans, 2005)

*The Septuagint, Sexuality and the New Testament* (Grand Rapids: Eerdmans, 2004)