'Jesus' good message' unpacked

In March of this year, the Anglican Diocese of Sydney produced a booklet for distribution to Sydney Anglican churches. Its lead heading was 'What has God Joined Together?' its subheading, 'Jesus' good message about marriage for Australia.' The booklet aims to resource Sydney Anglican churchgoers with arguments they might use to convince fellow Australians that marriage equality is a bad idea, whose implementation should be resisted.

The booklet is entirely right in its contention that the issue of extending the reach of marriage to include same-sex partnerships is an important one. It is also right in its oft-repeated claim that marriage is a most wonderful institution which ought to be protected and preserved. However, it is at this point that the booklet demonstrates the **first** of **four major flaws**. It asserts and implies that those who are in favour of same-sex marriage thereby disrespect this ancient and rightly esteemed institution. That is simply not the case. In fact, the opposite.

When the US Supreme Court decided in favour of marriage equality, Justices representing the majority view defended their decision in the following terms:

No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. As some of the petitioners in these cases demonstrate, marriage embodies a love that may endure even past death. It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfilment for themselves. Their hope is not to be condemned to live in loneliness, excluded from one of civilisation's oldest institutions.

In the preface to 'What God has joined together,' Archbishop Glenn Davies asserts:

A new definition of marriage is being put forward, which claims that it is simply about two people who love each other and want to commit to each other.

This is what is known as a 'straw man' argument because it picks out an easy target to knock down. There are, it is true, people who have such a cut-down and casual view of marriage. David P. Gushee, a prominent Christian ethicist from the US, laments the fact that marriage has been dumbed down and depreciated in places like the US and Australia where the two most common sexual ethics are what he calls the *mutual consent* ethic, according to which you do what you like sexually 'so long as no-one is hurt,' and the *loving relationship* ethic, according to which sex is restricted to loving relationships. Neither of these ethics does justice to the strong marital ethic traditionally held by Christians, which Gushee describes as the covenantal-marital ethic, spelt out in the following terms:

Christianity has historically said: God's plan for sexual ethics requires a man and a woman to make a binding lifetime marriage covenant with each other (before God, church and state, representing civil society), and to remain faithful to the promises of that covenant, including fidelity and exclusivity, until one partner dies a natural death.²

¹ The booklet can be accessed in electronic form at: http://sydneyanglicans.net/marriage

² David P. Gushee, *Changing our Mind*, Michegan, Read the Spirit Books, 2015, 102.

It is this strong sexual ethic which Christian supporters of marriage equality, including those who are LGBTIQ+, including Gushee, are more likely to adopt. It is therefore disingenuous to contrast a clearly high view of marriage with just one other, and then to go on to say that this is 'a long way from the good picture of marriage given to us by Jesus and the Bible.'

Archbishop Davies goes on to describe the benefits of marriage in the following terms: 'God gave marriage to men and women, for their own good, and for the good of children and for the good of human society.' That is not a bad summary of what St Augustine described as the 'goods of marriage.' Marriage, most certainly, is an institution which brings good to human society, including children, including the married couple. But these benefits are unlikely to be lost if marriage is stretched to include those who are gay. As Nigel Chapman points out:

Same-sex marriage fulfils every aspect of the biblical ideal of marriage that is actually possible for a same-sex oriented person to fulfil; a life-long union of sexual and romantic intimacy, of care and companionship, of faithful monogamy, and the possibility of raising a family. The only aspects of the ideal that are missing from this picture are the ones precluded by a constitutional incapacity for heterosexual attraction, whether sexual or romantic.³

A second major flaw displayed by the booklet is its contention that there is only one Biblical, or Christian, or God-given definition of marriage, which delegitimizes any and all variations and exceptions. Under the heading 'Marriage is about two people ...' the following claim is confidently made:

Marriage is defined by God as a lifelong, exclusive union between a man and a woman for the benefit of the natural offspring of that union and for the flourishing of human society.

As someone who has read and studied the Bible for the good part of six decades, I was surprised by this statement. Firstly, I don't know of anywhere in the Bible where marriage is defined. Although the Bible contains any number of examples of marriage, although it contains a number of idealized depictions of marriage, it nowhere defines marriage, and certainly not in the terms of this definition. To claim that this is *God's* definition certainly adds gravitas to what is being claimed, but the claim is inaccurate and misleading, as are the following even more surprising statements made a little later in the booklet:

The exclusive and permanent union of a man and a woman in Genesis 1-2 is God's pattern for all marriages (Ephesians 5:31 cf. Genesis 2:24). It is the only relationship that can properly have the title marriage. It has been this way, as the Lord Jesus said, 'from the beginning' (Matthew 19:8).

It is simply not the case that the exclusive and permanent union of a man and a woman is the only relationship which can properly have the title marriage. Doubtless, the reason for wanting to make such a provocative claim is to rule out exceptions - specifically samegender marriage - but the problem is that the claim is manifestly false, and certainly unbiblical.

³ Blog post entitled, 'Forty-Five Questions for Evangelicals Supporting Marriage Equality', dated 2 July 2015.

Reading from the beginning of the Bible, it quickly becomes obvious that Biblical marriages rarely conform to the above definition, which therefore *cannot* be a definition since most Biblical marriages don't conform. Almost all of the Israelite patriarchs and monarchs had more than one wife, and their marriages are certainly recognised as marriage, as are other marital variations, including levirate marriage – the marriage of a man to his brother's widow in order to continue the family line (Genesis 38 and Matthew 22:23-32).

Other examples of marriage customs include the legislative requirement that a rapist must marry any virgin he rapes, while also paying the victim's father for the loss of property rights (Deuteronomy 22:28-29) or the entitlement of soldiers to select virgins and/or beautiful captives to marry, and to then un-marry if they don't please (Numbers 31:17-18; Deuteronomy 21:11-14).

What these examples illustrate is that marriage customs of various forms were widely accepted as normal by the time the Jewish nation was formed and its Scriptures written. The idealized depiction of marriage in Genesis 1-2 clearly did not rule out marital variations, which were not only accepted, but legislated for. We in the 21st century look back aghast at the unfairness of these highly patriarchal arrangements. Few of us would want to have a 'biblical marriage,' with daughters the property of their fathers, wives the property of their husbands, who had the power to punish them, and, if he desired, to add further wives, and even concubines, to the family home.

It is critical to understand the context and purpose of these patriarchal practices. Although we do not support nor would we want to reinstate polygamy or levirate marriage, or to insist on rapists marrying their victims, these ancient customs were doubtless designed for the protection of women and children, and for the creation of stable societies within which people can flourish.

Contemporary marital variations also have a social purpose. Marriage strengthens society through acts of mutual commitment, support, societal recognition and honouring, all of which contribute to the stability within which children thrive. To deprive same-gender couples and their children from the blessings of marriage is to impoverish society. It doesn't therefore make sense to insist on a static and inflexible definition of marriage. It doesn't make social sense, and it doesn't make biblical sense.

The booklet's **third major flaw** is that it overstates what it believes to be the negative consequences of adopting marriage equality. The strong claim is made that 'if we abandon God's good plan for marriage and define it another way,' there will be unwelcome consequences, including the following:

Consequences for children and families

The anonymous authors of the booklet are convinced that families and children will be adversely affected by a change to the definition of marriage. However, they then struggle to find evidence to support this conviction. To their credit, they hold back from claiming that gay parents are inferior, or that their children are worse off than the children of straight

parents.⁴ Any number of studies,⁵ and our own growing experience of being friends and neighbours of gay-led families, confirm that this is the case, which increasingly puts the onus of proof on those who argue, as this booklet does, that our nation's social fabric will be damaged if same-gender parents are granted the blessing of marriage.

As some evidence for its conviction, the booklet mentions what it believes is the right of children to know who their biological parents are. I, for one, would support the realization of that right, as I would in the case of children born through surrogacy or in vitro fertilisation, or adopted and taken into the care of heterosexual couples. I think it is a good thing for children to have this information, although its importance can be overstated, as can the importance of being raised in families where both biological parents are present and known.

For a start, there is no peer-reviewed research to support the claim that the welfare of children is dependent upon them being raised in this way. Rather, peer-reviewed research supports the notion that what is essential for children is the presence of adults who love and respect one another, and who are present to their children – regardless of how they have come into the family, regardless of whether the parents are of the same or opposite sex.

Second, the booklet fails to recognise that family life is inherently complicated and messy. There are many reasons children might not live with their biological parents, and many circumstances where the capacity of parents to care for their children is impaired. These include divorce, the death of a parent or child, mental illness, physical disability and financial hardship. Indeed, even families where both biological parents are present are comprised of flawed human beings. The glue that binds family together is learning the art of love, perseverance and grace in the furnace of life's messiness.

It is this booklet's failure to generously take into account this messiness which gets it into trouble. Having avoided any direct criticism of same-gender couples or their families, it concentrates its attention on what might happen if the definition of marriage is changed, and, specifically, if 'founding a family' is removed from the essence of marriage.

It is worth teasing away at what could be meant here. As argued earlier, 'founding a family' cannot be essential to any and all marriages, such that a marriage isn't a marriage if the couple don't intend children or have the ability to have children. If that were the case, countless clearly legitimate marriages would be ruled out, including those of couples

⁴ The booklet's relevant statement: 'This is not making any judgment about whether same-sex parents produce equally good outcomes for children as two biological parents,' 11.

⁵ More than 100 studies have been conducted into the outcomes for children of having same-sex or heterosexual parents. The overwhelming conclusion thus far is that children raised by same-sex couples are not worse off than those brought up by their biological mothers and fathers, and that children are not disadvantaged simply by virtue of the gender of their parents. See, for example, the following meta-studies: T. J. Biblarz and J. Stacey, 'Does the gender of parents matter? *Journal of Marriage and Family*, Volume 72, Issue 1, February 2010, 3–22; J. Adams and R. Light, 'Scientific consensus, the law and same sex parenting outcomes,' *Social Science Research*, Volume 53, September 2015, 300-310; Alicia L. Fedewa, Whitney W. Black & Soyeon Ahn (2015) Children and Adolescents With Same-Gender Parents: A Meta-Analytic Approach in Assessing Outcomes, *Journal of GLBT Family Studies*, 11:1, 1-34.

beyond child-bearing age. Founding a family can, however, be seen to be of the essence of marriage as an institution.

It is absolutely true that the loving nurture and protection of children in the secure context of families was integral to the genesis and development of marriage. Children are important to marriage - as an institution. That is unlikely to change.

Consequently, the booklet's claim that the 'family founding' nature of marriage will be lost if gay couples marry is surprising, to say the least.

The grounds offered for this surprising claim is that most gay couples don't have children, and don't even want to have children. It states, 'Undoubtedly, some same-sex couples have or want kids, but while children are the norm for heterosexual couples, they are not the norm for same-sex couples and especially for male same-sex couples.'

There are any number of problems with this statement. First, the fact that most gay couples don't (at least currently) have children does not dislodge the foundational, and still generally existing, nexus between marriage and families. An increasing percentage of straight couples either can't or don't want to have children, but we wouldn't for a moment consider that these choices represent a challenge to marriage *per se*. And so, why is it so in the case of the relatively small numbers of gay couples who don't have children?

A second problem with the above claim is that it assumes too much on the basis of the figures it quotes. It may be true that 97% of male same-gender couples and 78% of female same-gender couples are childless. The Australian Bureau of Statistics (ABS), however, admits that 'the manner in which the parents in same-sex relationships were counted makes it likely that (these) figures under-represent the total number of families.' Moreover, without supporting evidence of what gay couples say they intend, or hope for, it is misleading and disrespectful to assume that such couples don't share the widespread and deeply felt human desire to have a family.

A third and related problem with the above claim is that it hides a shameful reality which this booklet should have been quick to admit. A large part of the reason the figures are as they are is because the obstacles to the realisation of this latent desire have been huge, with some of those obstacles created or reinforced by churches, including the Sydney Anglican Church.

At the time of writing (May 2017), the Northern Territory still bans same-sex couples from adoption. Of the remaining seven States and Territories, four have only granted this right within the last five years (South Australia, 2017; Queensland, 2016; Victoria, 2016; Tasmania, 2013). It has only been recently, therefore, that same-sex couples have been able to adopt

⁶ We might, of course, if the percentage of couples so choosing kept on increasing until it became the majority position, but even then, I am wondering if we'd think that marriage itself was under threat.

⁷ Australian Institute of Family Studies, *Child Family Community Australia, 'Same-sex parented families in Australia – CFCA Paper No.18 – December 2013'* Accessed from: https://aifs.gov.au/cfca/publications/same-sex-parented-families

children in most Australian jurisdictions. For male same-gender couples, approval for adoption tends to be a longer and more difficult process.

The case of New South Wales bears closer analysis given what is claimed about what gay people do and want. It was just seven years ago, in 2010, that NSW amended the *Adoption Act 2000 (NSW)* to allow same-gender couples to adopt. The Anglican Diocese of Sydney strongly objected, with Anglicare publishing a 12-point paper, sent to all NSW Members of Parliament.

It is disingenuous therefore to claim, on one hand, that 'children are not a priority' for samesex couples, while having actively sought to obstruct the path to such parenting.¹⁰

Consequences of removing gender from marriage

Marriage and gender

What God has Joined Together claims that at the core of marriage is the male-female gender distinction, and that this has been the case throughout all of human history. It certainly is the case that men and women have held a child-production monopoly, and thus marriage has normally involved a man and his wife or wives. But this fact of history and biology does not mean that marriage *requires* a male and a female (or females). It certainly doesn't require a nuclear family as the booklet suggests:

[Having] a man and a woman as husband and wife, who can then become a father and a mother, is not just good but essential to what marriage is.

This is simply not the case. It hasn't been the case historically, nor does it have to be the case today. Having a small percentage of families headed up by gay couples isn't ruled out by the fact that most families are not and have not been headed up by gay couples. The 'is' (or has been) does not require an 'ought' (or can't be).

The booklet expresses concern that if we allow gay couples to be married and have families, then this will have negative consequences. It makes the startling claim:

The removal of gender from marriage moves us towards a genderless society.

One's gender is how one understands oneself, as either male or female, or as transgender, or a-gender or non-binary. The vast majority of people see themselves as male or female. Some of those who identify as male or female find themselves romantically and sexually

⁹ Anglicare: 'Why the Adoption Act Should Not be Changed' Accessed at <a href="http://sydneyanglicans.net/blogs/politics/why_the_adoption_act_should_not_be_changed_Legislative Council and Legislative Assembly, Parliament of NSW, 7th September 2010. Full Day Hansard Transcript. http://23.101.218.132/prod/parlment/hanstrans.nsf/V3ByKey/LC20100907/\$File/541LC207.pdf

⁸ 'Why the Adoption Act Should Not be Changed.'

¹⁰ It is also worth noting that the booklet mentions only the children being raised by same-sex couples, excluding those born into previous marriages.

¹¹ Transgender is an umbrella term covering a range of identities that transgress socially defined gender norms. It may mean someone who mentally and emotionally identifies as a different gender to the one they have been assigned by society, often living their lives as that gender, and who may or may not choose to undergo sex reassignment surgery. Or it could be a person who transcends the binary gender systems altogether, so that they identify as neither male nor female gender.

attracted to people of their own gender. That won't change. What is changing is that a small proportion of people feel increasingly safe to describe themselves as transgender or non-binary, or as gay, lesbian or bi-sexual, or intersex.

As for a genderless society, that is not a possibility. People will continue identifying in the above ways. Speaking for myself, I identify as heterosexual male. I always will. I recognise that my maleness contributes to my marriage and family, and that, in certain biologically and socially influenced ways, I complement my wife. The booklet is right in its contention that:

[There] is something amazing about women and something wonderful about men. And something amazing and wonderful happens when a woman and a man commit to each other for life. Because at the heart of this unity there is a difference and a diversity.

That is most certainly the case, but what we increasingly recognise is that maleness and femaleness exist on a delightful spectrum of differences, all contributing to a complex tapestry of parenting variations. I'm not very practical, but my wife is. I can multi-task. She can't so easily. Some wives are natural leaders, some husbands are not. Every couple, and every family, and every extended family, church and tribe, brings with it multiple enriching variations, as do families already being parented by gay couples. Gay couples complement each other in countless interesting and enriching ways, and we already know that children do just fine in these contexts.

We are never going to lose gender. We will, however, need to be a little more careful in how we describe ourselves and each other. And although this will take some getting used to, the booklet is wrong and unjustifiably alarmist in suggesting that:

If we don't keep gender diversity in marriage, then we will see gender being devalued across society, starting with the way we treat and educate children.

If anything, gender is becoming more valued and more important as we get to know our LGBTIQ+ fellow Australiana and fellow Christians, and as they speak up about who they are and how they understand themselves. Rather than viewing these understandings as a threat, they can better be seen as an adventure of growing discovery and possibility.

Consequences for our freedoms

What has God joined together raises questions about the consequences for freedom of religion should marriage equality become law. Its major concern is that its own voice and what it perceives as the 'common view' of Australians will be stifled, and that any new law will be used to 'silence dissent.' The silencing of dissent certainly is a possibility which ought to be resisted, not just in the general community, but within churches as well. However, there are a few important points to make in responding to this final section of the booklet.

First, issues of religious freedom, although important, are irrelevant to the question of whether marriage equality is a good thing or not. In an increasingly post-Christendom society like Australia's, we do, however, have important decisions to make, such as whether we ban religion from public spaces or remain a pluralist society creating room for its citizens to live in accordance with their consciences. If we make the latter decision, there are likely

to always be situations where religious freedom clashes with civil rights. For example, what does a pluralistic society do about those who subscribe on religious grounds to genital mutilation or polygamy or the right of husbands to physically punish their wives? Marriage equality is fast becoming such an issue. An earlier such issue was inter-racial marriage. What does a society do when the majority of its citizens becomes convinced that practices such as marriage equality or inter-racial marriages are not only a good thing, but are issues of social justice or fairness?

The booklet expresses concern that should marriage equality become a reality, Christians and churches will be discriminated against, especially at those points where they operate as functionaries of the state, such as in the provision of education, welfare services, and the conduct of marriages. These are legitimate concerns. However, the booklet is alarmist in its claim that Christians and Christian organisations will be 'forced' to promote a view of marriage they do not hold.¹² If that is the case, I and many others, including civil rights lawyers, will be jumping up and down in protest.

Freedom of religion is important, but the booklet is misleading in some of the cases it mentions. For example, the booklet *Don't Mess with Marriage*, produced by the Catholic Archdiocese of Hobart, was the subject of complaint not because of its religiously based teaching that marriage is between a man and a woman, but because of specific statements it made about gay people, same-sex couples, and their children. The booklet states that same-sex marriage is 'messing with kids', implying abuse of children. Life-long gay relationships are described as mere 'friendships,' in contrast to opposite-sex couples whose union is said to make them 'whole.' Opposite-sex marriage is described as the 'nursery for raising healthy, well-rounded, virtuous citizens,' implying the opposite for children of same-sex couples. Statements such as these punctuate the booklet determining its tone.¹³

Another example is the reference to overseas bakers and others who have faced discrimination claims and financial penalties. In the case most often cited, an Oregon baker was supposedly fined US \$135,000 for refusing to bake a cake for a lesbian couple's wedding. Court records show, however, that the penalty was imposed for sharing the couple's names, emails, home address and phone numbers online after their complaint. This action led to the couple receiving death threats, nearly causing them to lose custody of their foster children.

The booklet's **fourth major flaw** is its lack of humility. Time and time again, the claim is made that the opinions expressed within the booklet are God's opinions, or God's plan, or Jesus' good message for Australia. Nowhere are these claims moderated or qualified by statements such as, 'It is our opinion that', or 'it seems to us,' or 'we believe this is the best way to look at things.' For an area now hotly contested amongst Christians, this is unacceptable. It is a failure of humility.

¹² What God Has Joined Together quotes from a 2012 Australian Marriage Equality submission in which it appeared to acknowledge that 'religious welfare and child agencies will [be] forced to acknowledge same-sex married partners against their beliefs, and religious schools will [be] forced to teach that same-sex marriages are acceptable against their beliefs.'

¹³ http://tasmaniantimes.com/index.php/article/Complaint-against-Catholic-anti-equality-bookle

The booklet also lacks humility in giving the impression that the views it expresses are the only ones worth considering. In just one tiny section of the booklet, the question is asked, 'Why are some Christians saying that God approves of same-sex sexual activity?' The booklet briefly mentions three now-widely-argued alternative approaches, which are then just as quickly dismissed with the words, 'These claims are evaluated and comprehensively rebutted in an online document', which people are then encouraged to download. The truth is that these alternative approaches are by no means 'comprehensively rebutted.' Even if the scholarship exhibited in the supplementary document was academically first rate, any self-respecting scholar would be embarrassed by the claim of comprehensive rebuttal.

The fact of the matter is that Christians have been debating these and other possible approaches for a number of years now, and are still working through them, and this includes Sydney Anglicans whose understandings have shifted significantly over the last few years. A recent survey of Sydney Anglicans, facilitated by the Diocese, found that a significant minority of Sydney Anglicans are now in favour of same-sex marriage, or, at the very least, are re-considering their previously held views, which mirrors the experience of Christians around the world.

What the booklet entirely fails to acknowledge is that in coming to sustainable conclusions about these matters, there are all sorts of complexities involved. There are issues of exegesis, as we seek to better understand the relevant Biblical texts. There is the choice of models devised to help make sense of the relevant Biblical texts. The model favoured by Sydney Anglicans is the complementarian model, which is itself an innovation, less than 50 years old. Not surprisingly, it has attracted strong criticism, by James Brownson, ¹⁵ for example, himself a fine exegete. The booklet presents a complementarian view as if it were nothing less than the sober truth, which again is misleading.

There are broader issues of hermeneutics (principles of Biblical interpretation), complicating matters further, but which simply must be explored, because older and Reformation-forged methods are showing their age, to say the least, and are no longer proving adequate to deliver an intellectually and morally defensible way forward on these and other matters. That these complications are skirted over without an acknowledgement of their complexity is disappointing.

The booklet also lacks humility, not to mention compassion, in not reaching out to those who will most directly be affected by the outcome of this debate. LGBTIQ+ people, including the Diocese's own LGBTIQ+ members, have, it seems, been deemed unworthy of consultation, and are only fleetingly mentioned in the booklet.

The booklet is most seriously lacking in humility in its single-minded pursuit of the cause of excluding LGB people from marriage, without fulfilling the prior moral and gospel duty of

¹⁴ Downloaded from here: http://sydneyanglicans.net/marriage/does-god-approve-of-same-sex-sexual-activity

¹⁵ James V. Brownson, *Bible, Gender and Sexuality: Reframing the Church's Debate on Same-Sex Relationships*, Grand Rapids: Eerdmans, 2013. Brownson offers a sustained and damaging critique of efforts to build a complementarian case from Scripture.

repenting for past and still-present wrongs. ¹⁶ The booklet entirely fails to acknowledge the sins of the Diocese, papering over its opposition to any liberalising of attitudes and practice involving LGBTIQ+ fellow Australians, while all the while making life uncomfortable for its own LGBTIQ+ 'little ones,' to the point of despair. This is the scandal at the heart of this document. Instead of calling for sorrowful repentance, its authors think it more important to implicitly approve the actions of bakers, photographers and registry officers, who, by refusing to serve gay couples and their families, thereby retain their religious freedom. But at what cost, given the unmistakeable echoes of earlier, religiously justified exclusions on the basis of race.

This document reflects poorly on its author(s), and on the Diocese more broadly. Had it been devised for public release, it would have occasioned justifiable outrage and avoidable distress to many vulnerable people and their families who have already suffered much.

It is my prayer that the Anglican Diocese of Sydney will recall this booklet, or, at least, revise and republish it, this time in humble consultation with its own LGBTIQ+ children. I would also urge the Diocese to initiate a process of repentance and reconciliation, making use of the resources of *Equal Voices*, including its on-line national apology, ¹⁷ if it so chooses.

Archbishop Davies has gone public to implore Australians to give his side of the marriage equality debate a fair go and to not stifle dissent. Dissent should not be stifled, that is for sure, and in the spirit of the Archbishop's call, I ask that this paper be circulated to clergy and congregations, and that it be used to initiate discussions around the Diocese on these important matters.

Rev. Dr Keith Mascord

May 2017

¹⁶ For an explanation of why Christians and their churches need to apologize: https://equalvoices.org.au/on-the-urgent-need-for-an-apology/

¹⁷ https://equalvoices.org.au/apologise/