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New Zealand's "Way Forward" on Same-Sex Marriage: An Evaluation

Andrew Goddard • March 29, 2016

Background to the Report

Like most of the churches in the Western/Northern world, the Anglican Church in Aotearoa, New Zealand, and Polynesia (ACANZP) has for some time been discerning how to respond to cultural changes in relation to same-sex relationships. The latest report², to be debated at its General Synod in May 2016, arises from the "Way Forward Working Group," whose title, remit, and constraints were set by an agreement reached at the 2014 General Synod (*A Way Forward – He Anga Whakamua — Na Sala ki Liu*³). There was to be no change to the traditional doctrine of marriage but recognition of "a diversity of voices about what constitutes a right ordered intimate relationship between two persons regardless of gender." The group was to develop a process and a structure and to propose a liturgy that would hold together with integrity and "in communion under scripture, doctrine and law" those who believe blessing same-gender relationships is contrary to "scripture, doctrine, *tikanga*, or civil law" and those who believe it is consonant with these (*tikanga* is a reference to three culture streams within ACANZP: Maori, Pakeha [i.e., European influenced], and Pasefika [i.e., Polynesian]). In doing so the working group was asked also to consider ordination and the theology of marriage.

The report therefore does not address *whether* such blessings are consonant with or contrary to these authorities. Rather it presup-

¹ <https://www.fulcrum-anglican.org.uk/articles/new-zealands-way-forward-on-same-sex-marriage-an-evaluation/>

² <http://anglicantaonga.org.nz/content/download/46439/240475/file/Way%20Forward%20Report.pdf>

³ <http://www.anglicantaonga.org.nz/Features/Extra/Anga>

poses that they may legitimately be held to be consonant and offers a rationale for such a view. This is presumably why its bibliography in relation to sexuality contains almost wholly “revisionist” writers such as James Brownson, Margaret Farley, Charles Hefling, Mark Jordan, Eugene Rogers, and Rowan Williams, and the bibliography includes — like the report itself — nothing that would enable readers to understand the views of those who believe such blessings are contrary to Scripture and doctrine.

The report’s main proposals: marriage, civil marriage, and chastity

The report, although clearly not having unanimous support from group members at various points, is unlike the Church of England’s *Pilling Report* in that it does not include a dissenting statement or minority report. It instead offers what is a carefully crafted, orderly, and (I think) probably novel way forward. Since the working group could not recommend same-sex marriage, due to its mandate, the report needed to define a new pattern of relationship that the ACANZP could both recognize as rightly ordered and bless. It moved beyond the question of same-sex unions, setting them instead in the context of what it sees as “a lacuna in the canons”: the category since the 1970s of couples in a civil marriage who “have never been required to have civil marriages blessed in order to be recognised as married by the Church.”

The working group therefore proposes two distinct but “largely similar” rites for the blessing of those married in a civil ceremony (set out in section 12: the only difference appears to be the addition of “between a man and a woman” at one place in rite 2): one for heterosexual and one for same-sex couples. Its proposal is that while no priest could be required to use either rite, priests would be permitted to use a rite if authorized in their diocese. Furthermore, as chastity is “the right ordering of sexual relationships” and what continues to be expected of ministers is that they are chaste, those ordained would no longer be required to be either celibate (by which is presumably meant sexually abstinent rather than an avowed celibate) or married

in the eyes of the church. Clergy could now (in dioceses where such rites were recognised) also be living in a civil marriage — including a same-sex marriage — as long as it had been blessed by the church. There is no reference to blessing of a civil *union* in order that this might be seen as involving “the right ordering of sexual relationships,” and this is despite the legal equivalence between civil unions and civil marriage and the inclusion of same-sex civil unions.

The recommendation is therefore that the church’s marriage canon should add “a set of provisions relating to the blessing of existing marriages in a new Part B, of Civil Marriages” (although these are also referred to as “civil or non-Christian marriages”). It should also add “a schedule setting out a summary of the church’s teaching on life-long covenantal relationships.” The provisions and schedule would explain that “the church offers and announces” the blessing of the triune God on those who have been legally married in a setting other than the church “for five primary reasons”: love, union, covenant, gift, and household. The short description of each of these characteristics in the schedule is amplified in section 5 of the report, which provides a very clear and helpful description of the sort of theological vision and rationale set out by the writers listed in the bibliography and noted earlier. The proposed canon requires that couples seeking blessing receive education “on the Christian understanding of life-long [covenanted] relationships” and clearly states that “as a matter of doctrine any minister has the right to decline to officiate at a service blessing civil marriages and may not be subject to any disciplinary proceedings for doing so.”

The report also addresses what it acknowledges is a crucial question and one on which its members were not in agreement: “whether a rite of blessing of same-sex relationships, which would then be regarded as rightly ordered, would represent a departure from the Doctrine and Sacraments of Christ” (section 6). If it would, then it cannot be approved, the report acknowledges. If General Synod 2016, after receiving the report, concludes that such rites would not represent a departure, the report proposes that, rather than immediate canonical change, the changes to the canons and to the formularies (i.e., the adoption of the new liturgies) both be considered in diocesan

synods before final decision at General Synod 2018.

An initial evaluation

What is to be made of this proposal? Clearly much can, should, and hopefully will be said during the province's reception of the report, and it is important the wider Communion also engages with its proposals. I simply offer the following six initial observations.

First, the group's members were given a precise task, and they labored to square the circle and find a way to allow space for both viewpoints to be expressed within ACANZP. As we will see, it is less clear they have upheld the Christian doctrine of marriage.

Second, it is also clear that to do this requires the province to develop its doctrine and sexual ethic, formally recognizing as godly and "rightly ordered" a sexual relationship other than marriage between a man and a woman. If the report is accepted, ACANZP will explicitly embrace a new moral theology of lifelong (covenanted) relationships that includes same-sex couples. Those who do not share that theology will continue to have a protected place in the church, but they will now be those dissenting from the church's teaching. That teaching will be that such sexual relationships are indeed consonant with Scripture, doctrine, and "the Sacraments of Christ." What other provinces — not least the Church of England — need to recognize is that unless a particular church accepts the incoherence of authorizing liturgies and ordination policies that contradict its own teaching (as in the Presbyterian Church of Scotland) this change must follow from any decision to move to official recognition of "two integrities," such as that which set the ACANZP working group's terms of reference.

Third, there should therefore be no doubt that, if accepted, this proposal, whatever it does to the doctrine of marriage, would mark the province's (or those dioceses' within it that authorize a rite of same-sex blessing) rejection of Lambeth I.10, *The Windsor Report*, and thus the Anglican Communion's moratorium.

Fourth, the report proposes proceeding in a way that appears to rai-

se (though there is no explicit acknowledgment of this) important questions about the universal Church's understanding of marriage as a created institution. The recognition of a third calling alongside abstinent singleness and marriage always raises questions about how it relates to and differs from marriage. One solution is to see its difference in its uniquely same-sex character. Another is to include within it opposite-sex relationships as well. Robert Song has proposed one form of this in his recent *Covenant and Calling*⁴ (2014). By appealing to the eschatological vision of life beyond marriage and procreation, Song proposes covenant partnerships as a calling distinct from marriage because they are non-procreative unions, whether same-sex or opposite-sex.

This report — although it is close to Song's thought in that neither rite it proposes refers to procreation — instead distinguishes on the basis of a separation between Church and wider civil society, particularly the state. It thus effectively says that a Christian doctrine of marriage requires marriage to be solemnized by the Church in order to be marriage. It classifies all civil marriages and marriages in other faith communities as non-marriages and therefore judges them as *not rightly ordered* within traditional Christian teaching. Thus, it states that a consequence of the new canon would be that, while each diocese must decide on whether to adopt a rite for blessing same-sex couples,

all dioceses/amorangi will need to adopt an authorised service of blessing for heterosexual couples in order to ensure that ministers in existing civil marriages will be able to have their marriages blessed, and thereby to be considered as in a rightly ordered relationship.

This marks a significant departure from traditional Anglican and broader Christian teaching that marriage is a gift of God in creation. As such, the tradition has held that a genuine marriage does not require the presence of the Church to be rightly ordered and chaste because marriage can be and very often is both recognized and entered into

⁴ <http://www.amazon.co.uk/Covenant-Calling-Theology-Same-Sex-Relationships/dp/0334051886>

outside the Church.

Fifth, and rather paradoxically and confusingly, alongside this denial of the rightly ordered marital status of a man and a woman who marry outside the Church, the proposal gives canonical and liturgical recognition and authorization to the distinct status and nomenclature of “civil marriage.” The proposed rites of blessing are not of “covenant partnerships” or some clearly defined Christian calling with its structure articulated in mutual vows but “the blessing of the relationship of those who have entered a civil marriage,” and the canon will similarly be titled “of civil marriages.” The wording of the proposed rites effectively franchises out — to the state and other religious bodies — the definition of the relationship being blessed. The attestation is that the couple is “duly and legally married,” and will “honor the promises you made to each other in accordance with civil law.” The declaration of commitment in the new rites refers to being “faithful to the vows we made,” those vows perhaps being fairly minimal: Civil marriage is contracted in New Zealand with a vow that only states: “I call upon these persons here present to witness that I *AB* take you *CD* to be my legal wife/husband.” Vows in marriage ceremonies of other faiths could take various forms.

The formal commitment in the rite itself states:

N., I have committed my whole life to you and seek now to grow in love for you and for God. May God keep me faithful to the vows we made that as we live together we may be strengthened in our ever deepening love and trust and daily show forth love and joy in our lives.

The priest then declares that “In the presence of God, and before this congregation *N* and *N* have given testimony of their lawful marriage and have now affirmed the commitments they made.” The commitment is not to specific vows and marital disciplines explicitly before God, such as the traditional “forsaking all others as long as you both shall live” or “until we are parted by death.” This insistence on civil marriage as the gateway to any church blessing rather than a self-standing Christian rite for covenant partnerships is perhaps in part due to the fact that not only do three secular jurisdictions in the

Diocese of Polynesia not have same-sex marriage but two of these (Samoa and Tonga) still criminalize homosexual behavior⁵. Showing this respect for civil law, however, creates serious theological and ecclesiological problems. Leaving aside the crucial question of whether same-sex sexual unions are legitimate in a Christian view, it is difficult to see in what sense the service of blessing can be said to enable the couple “thereby to be considered as in a rightly ordered relationship” by the Church. Indeed, even more paradoxically, the service describes itself as one “to recognise the marriage of *N* and *N*,” implying that the couple (even if a same-sex couple) are in fact being recognized by the Church as *already married* (as currently stated in the canons in relation to heterosexual couples seeking a blessing after a civil marriage) rather than entering into a new, rightly ordered estate other than marriage, a remarkable inconsistency.

Therefore, *sixth*, it is highly questionable whether the proposal in practice can be said — as Synod 2014 required — to uphold or be consonant with the traditional Christian doctrine of marriage, given its novel position regarding “civil marriage,” as well as same-sex unions (and the lack of reference to “civil unions”). Similarly novel are the allusions in both liturgies to Genesis, with any reference to male and female excised: “God created a companion, flesh of flesh and bone of bone, so that two people could comfort and care for each other.” There is at best a major ambiguity and at worst a total incoherence in the use of the language of “marriage” in relation to those whose relationships are being blessed: either heterosexual couples who marry outside the Church are not truly married, or same-sex couples are truly married in the eyes of the Church. It is certainly difficult to see how this way forward provides any good theological, as opposed to pragmatic or political, rationale for ACANZP continuing to refuse to marry same-sex couples.

⁵ https://en.wikipedia.org/wiki/LGBT_rights_by_country_or_territory

Conclusion

It is clear that in coming years in a number of Anglican provinces, including the Church of England, there will be pressure to seek to find a way that authorizes practices (especially in relation to ordination and public rites) that embody the belief that same-sex sexual unions are consonant with Scripture, *while maintaining* unimpaired communion under Scripture and doctrine with those who believe such unions are contrary to Scripture. The report's ultimate lack of consistency speaks eloquently, if unknowingly, to this problem: it gives strong supporting evidence that it is simply impossible to reconcile these two positions with any theological or ecclesiological coherence, especially if one is also committed to uphold the Christian doctrine of marriage in a society that rejects it and accepts same-sex marriage.

This article first appeared on Covenant⁶ and we are grateful for permission to reproduce it here on Fulcrum.

An evaluation of the report has also been written by Martin Davie⁷ and Peter Carrell in New Zealand is commenting on each section week-by-week on his Anglican Down Under blog⁸ with extensive discussion in the comments.

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⁶ <http://livingchurch.org/covenant/2016/03/08/new-zealands-way-forward-on-same-sex-marriage-an-evaluation/>

⁷ <https://mbarrattdavie.wordpress.com/2016/03/20/a-review-of-a-way-forward-the-report-of-the-working-group-of-the-church-of-aotearoa/>

⁸ <http://anglicandownunder.blogspot.co.uk/>

Rowan Williams: His Legacy (Lion, 2013) and co-editor with Andrew Atherstone of Good Disagreement? Grace and Truth in a Divided Church (Lion, 2015).