

COMMENTS ON THE SAME SEX MARRIAGE OPINION POLL

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Two weeks ago, I distributed a letter from our Archbishop that urged a NO vote in the upcoming opinion poll on same-sex marriage. For the sake of balance, and so that people might be better informed, I also provided an article by Professor Gary Bouma of Melbourne that advocated a YES vote. For my part, I will be voting YES, and this paper sets out some of my reasons, however I understand that some of you may disagree with me. What I offer here is more of a political perspective rather than a theological one. Theological perspectives have been presented in several other papers such as those of Professor Bouma and Professor Scott Cowdell.

Firstly, I do not believe that the opinion poll is a helpful exercise as it seems to be a political distraction and serves no real purpose under the law. Parliament will still have to debate the matter and enact legislation to bring about change, which is what our politicians are normally meant to do and what should have happened in the first place.

Several years ago, I wrote an article about the *Redefinition of Marriage* that looked at a range of historic-cultural practices and changes to marriage since ancient times, the current relationship between 'church' and 'state', problems of definition, the importance of the rule of law, and finally proposed that marriage should return to being chiefly a legal activity (as it was before the seventeenth century) within a secular environment, and which the church subsequently blesses. I have not shifted from this position.

Finally, apart from religious groups, same-sex marriage is not principally a faith issue in a liberal democracy such as ours. Religious groups in Australia form a series of small and fractured sub-sets of the community and they do not hold a singular position on same-sex marriage. The Australian Christian Lobby, on the other hand, is neither representative of the churches, nor is it a religious group. As its name suggests, it is a political lobby group that represents the interests of its members. It does not represent the churches nor can it claim to be voice of the Christian faith in Australia.

Science, Democracy and the Law

That people disagree over important social institutions and traditions is unsurprising in a liberal democracy. Moreover, the need for respectful public debate should be a feature of a well-functioning society. A vital aspect of this is that freedom of speech should be about the ability to openly share ideas and be heard, rather than any freedom to vilify those with whom one disagrees.

Change is difficult, however there are moments in history when the understanding of the nature of both the physical and human world has altered, thereby bringing about a

change in the institutions that shape and order society. The discoveries of the sciences, both physical and human, have helped us better comprehend the world in which we live and caused us to change the way we operate, usually leading to the betterment of human society.

Among the many and various human activities, improvements in medicine, engineering, agriculture, and communications have all enhanced the conditions in which people live. Added to these are the social developments in the ordering of human society such as the rule of law, representative democracy, the end of slavery, the emancipation of women, universal opportunities in education, advances in health care, and the rise of civil rights and opposition to racism. Few people would want to reverse any of these human achievements and most would want to extend them where the general good of humanity can be attained.

Of course, science has demonstrated that same-sex attraction is a natural phenomenon and history suggests that it has always been so. It is not a matter of 'choice' but rather a natural disposition, and is also found in non-human animal species. Why would we want to condemn people for being who they are? Moreover, sexuality is not only about producing babies, it is also about having mutually loving and supportive relationships. Marriage provides a way of ordering such relationships under the law to ensure the legal rights of partners and children.

Religious groups get themselves into difficulties when they choose to put dogma above either science or the law. For example, positions such as Biblical literalism and its offshoot 'six-day creationism' is a nonsense that brings the Christian faith into disrepute. Likewise, in a secular democracy, an expectation by church groups that non-Christians should obey the dictates of Canon Law or adhere to church doctrine is indefensible.

In this respect, the issue of the recognition of the rights and well-being of homosexual people is currently before us through the same-sex marriage debate. Should same-sex couples be given the same recognition as heterosexual couples under the law? At this point the debate is not about religion per se, but rather the operation of the law and the rights of people under it.

Religion and the State

As voluntary associations within a democracy, religious groups form part of the citizenry and have a right to express an opinion on political issues. Religious groups will have various ways of establishing a position, such as through a hierarchy or an elected assembly, but it needs to be remembered that while decisions of such meetings set policies for the operation of the institution, they do not necessarily represent the views of all who belong to that institution. This is especially important for those churches that see themselves as inclusive communities rather than exclusive clubs. The nexus between religion and politics is therefore a bit more complex than how it is often presented by church institutions, political parties, and the media.

The impact of the Enlightenment and the rise of representative democracy reversed the view of political authority from a top down approach (or descending model) to a bottom-up one (or ascending model). Authority is therefore seen as not coming from God to the bishops or the princes and then down to the people but rather as coming from the people to those who are elected or appointed to act on their behalf. If God is to be present in such a system, it would suggest that the divinity resides with the people and not with the institutions of monarchy or the princes of the church. This is an uncomfortable position for hierarchically-minded people, especially when the people change their views that subsequently result in a change of government policy.

The role and status of religion has also changed over time. Up to the 1950's most Australians not only identified themselves as Christian (around 90% of the population) but were also regular church attenders (around 45%). By 2011 this had fallen to around 62% and 8% respectively, and the number of Christians in the 2016 Census was 52%. Today, only about 2% of the population regularly attend an Anglican church in Sydney. This means that we are in a very marginal position with respect to the wider community and not particularly representative of it.

Disingenuousness

Many of us are distressed by the behaviour and commentary of some who are claiming to be speaking for the churches in the matter of same sex marriage. Nevertheless, we know that the churches do not speak with one voice and that the issue has theological ambiguity and complexity.

The nasty behaviour (on both sides) that is entering the public debate was predicted by social commentators, and the government was encouraged not to hold a plebiscite or opinion poll because of the divisiveness that would arise from it. The government chose to ignore this advice and the result of its action is now before us.

Under the Australian Marriage Act 1961, no celebrant can be compelled to marry a couple. Moreover, religious celebrants are only permitted to conduct marriages according to the rites and laws of their religious institutions. In other words, if there are matters of conscience or if there are religious restrictions regarding how and who can be married, the celebrant is both restrained by the church and protected under the law. A change to the law to allow same sex people to marry would not change this situation unless there was a massive rewrite of the Marriage Act and several other statutes, which is not proposed.

Of course, the General Synod of the Anglican Church could decide to enable the celebration of same sex marriages but this would be a matter for the Church to decide and not the state. It is of concern, however, that the reason some religious groups may be opposing same-sex marriage is to ensure that any possibility of this happening within their church organisations is prevented.

If, as I have stated before, all marriages were performed as legal and secular activities before a registrar, with religious groups subsequently blessing those marriages (as is the case in parts of Europe), then much of the current tension would disappear.

It is difficult for the churches to take a high moral tone on this or any other matter at the moment, given their very public failure over the years to manage a range internal matters to do with child protection, ethics, domestic violence, financial management, employment discrimination, the acknowledgement of the leadership of women, and the treatment of LGBTI people. Many people do not trust the church institutions to behave and act with integrity. This tends to negate any moral argument that church leaders try to espouse in public.

The same sex marriage debate is also not about 'religious freedom' or 'freedom of speech'. An amendment to the Marriage Act to allow people of the same sex to marry comes nowhere near these bigger cultural issues. Those who are trying to extend the debate beyond the question in the opinion poll or the amendments to the Act appear to be acting deceptively. It may well backfire if the public is sufficiently angered by this approach and seek amendments to other Acts that give privileges to the churches that other organisations do not currently share, such as exemptions in matters of discrimination in employment and in taxation.

Too often the churches pick the wrong issues to pursue in the public domain or have pursued them in the wrong way. Church institutions too often seem to be obsessed with anything to do with sex, but show little interest in matters of corporate greed, the treatment of the poor and marginalised, and care of the environment.

The unique thing that the Christian faith brings to society is the grace of God, which is what I believe Jesus did in his own time. But today we hear about the law, are encouraged to be fearful, and presented with 'slippery slope' arguments that betray the gospel of grace. Sadly, we are on a hiding to nothing, and whatever the result, the we will be remembered more for our legalism and judgementalism rather than love; thereby causing us to be counted among the Pharisees rather than the children of light.

Craven Politics

I think we are all weakened by this debate, both in the church as well as in the wider political life of our country. It is craven politics that seeks to set up people against one another, and it will make us all losers whatever the result of the opinion poll. Much of the western world has adopted same sex marriage with little conflict, and the general good of the community has been maintained. But in Australia we currently seem to be stuck in a political process that is addicted to bellicose confrontation and scapegoating of minority groups. It is the nadir of our political history.

Nevertheless, we at St James' need to go on trying to be a diverse, loving and welcoming place for all people; reflecting the love of Christ for the world and its peoples.