

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

Organisation: Association of Baptist Churches of NSW & ACT

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Inquiry into Same Sex Marriage Law in NSW
Standing Committee on Social Issues, NSW Parliament

**Submission from the Association of Baptist Churches
of NSW & ACT (formerly Baptist Union of NSW)**

25 February 2013

Introduction

The Association of Baptist Churches of NSW and the ACT (hereafter referred to as “the Association”) represents a faith community of some 43,000 people and 347 local churches. The Association was first constituted in 1868. The objects for which the Association exists are:

- (a) promoting fellowship and cooperation among its members, affiliated churches and affiliated groups;
- (b) facilitating the provision of resources for healthy churches, pastors and other church leaders;
- (c) establishing and maintaining places of worship for effective ministry and mission;
- (d) educating, training and accrediting Baptist ministers;
- (e) fostering collaborative ministries, projects and missional activities in NSW, the ACT and globally;
- (f) articulating a public voice on behalf of the Baptist movement in NSW, the ACT and globally; and
- (g) encouraging the public worship of God in accordance with the foundational beliefs.

The Association welcomes the opportunity to make a submission to the current Inquiry into Same Sex Marriage Law in NSW.

The meaning of marriage

The Association affirms the belief that marriage is a social institution ordained by God as an intimate and permanent partnership between one man and one woman in which the two persons become “one flesh” in the whole of their lives. The ideal is an active lifelong monogamous heterosexual relationship shared by the couple. The *Marriage Act 1961* (as amended in 2004) upholds such a view of marriage and is, in the opinion of the Association, sufficient for the proper order of Australian society, for Baptist church life with respect to the solemnizing of marriages, and for the promotion of the common good of all Australians, especially children.

Marriage is thus a public matter, not a private matter; and the current debate in Australian society is not merely a question of the recognition of “equal love” regardless of sex or gender, or of demands for “marriage equality” as though same sex marriage were a civil rights issue similar to demands for racial equality. Marriage should not be redefined to suit the preferences or politics of a small minority in the community without substantive and compelling arguments that address all pertinent issues and that respect all vested interests.

Key biblical texts from which Baptists in NSW and the ACT have developed their understanding of the meaning and significance of marriage include Genesis 1:26-28; 2:21-24; Matthew 19:4-6; 1 Corinthians 7:1-40; 13:1-13; 2 Corinthians 6:14; Ephesians 5:21-33; 1 Thessalonians 4:3-7; Hebrews 13:4; and 1 Peter 3:1-7. These biblical witnesses, together with the established tradition of Baptist and many other Christian churches for more than two thousand years, do not allow the possibility of same sex marriage. Marriage thus defined should be honored and respected, and should be commended to all Australians as an ideal for family and society, but is not appropriate for same sex couples.

Responsibility for the nurture and development of children

The Association takes the view that the most appropriate context for the bearing and raising of children is a stable relationship between one man and one woman who are married to each other and who are the biological or adoptive parents of the child or children. The collective wisdom of many generations and cultures, together with the sacred writings of the world's religions, in particular the Christian faith and the Christian Scriptures, provide a strong foundation for this view. There is significant empirical and anecdotal evidence to indicate that heterosexual couples on the whole provide a better environment for a child's emotional, psychological, intellectual and social development.

Empirical evidence indicates that many same-sex couples experience a degree of emotional and sexual instability not found in the general population and this raises questions as to their suitability as parents. Same-sex parenting is not "just another healthy alternative" to traditional parenting. A child's best interest is not served merely by having parents but by feeling secure and possessing wellbeing. A child requires positive male and female role models over a period of years in order to fully actualize his or her personal potential, develop their sexuality and gender identity, and prepare them for parenting the next generation.

Threat to freedom of religion

The Association will not be coerced to change its Constitution, by-laws or policies to accommodate changes to federal or state legislation which contravene biblical teaching and commonly held Baptist doctrine. The Association makes this declaration on the basis of the human right to freedom of religion and on the basis of the principle that individuals, churches and church agencies possess the right to provide and have access to goods and services in accordance with their religious beliefs.

The Association rejects the view that legislation defining marriage as exclusively between one man and one woman denies the human rights of same-sex couples. The Association is of the view that the acceptance and celebration of diversity within marriage is best achieved by the presence of a male and a female partner in a marriage relationship and not by removing all references to sexuality and gender identity from marriage legislation.

If the NSW Parliament were to enact same sex marriage laws, it is likely that the government of the day would be compelled to view those defending traditional marriage as bigots. As has already been demonstrated in the United States, Britain and Canada, same sex marriage activists (and others intent on destroying the church's public credibility and ministry) would wield anti-discrimination laws as weapons against those who cannot in good conscience accept the revisionist understanding of sexuality and marriage.

In Australia, faith-based organisations are already under considerable pressure from the various State anti-discrimination bodies to justify staff selection policies that favour persons adhering to the faith commitments of the institution, despite that right having been guaranteed by United Nations instruments. Currently, if an individual or organisation wishes to treat a homosexual couple as married, they are legally free to do so. But if the law were to be changed to enable homosexual couples to marry, then it would require all persons and organisations to

recognise and accept such marriages even where individuals and groups hold reasonable and conscientious beliefs to the contrary. Revision of the marriage law would challenge previously law-abiding citizens to subvert the law so as to act in accordance with their reason and conscience. Any change to marriage law to accommodate the demands of same sex couples would further constrain the personal freedom of citizens and their scope to act in accordance with conscience.

Changes in social attitudes

Baptists in NSW and the ACT acknowledge the fact that Australia is a secular liberal democracy, but it does not follow that Christian ideas and practices should be excluded from policy debates, political party platforms or legislation. The Christian faith has profoundly shaped Australian society, has a central and legitimate place in Australian life today, and will continue to shape the nation in positive and lasting ways for generations to come.

Changing patterns of sexual practice in Australian society, and changing views on which persons are appropriate candidates for a marriage, have led some to question the commonly accepted understanding of marriage, family and sexuality which has been passed on from generation to generation. Such changes do not alter the biblical teaching, but in the absence of strong moral support and the teaching and modelling of responsible parents, personal and social moral standards tend to deteriorate over time. This is regrettable but the solution is not legislative change to accommodate novel ideas and practices but education in effective principles for the flourishing of marriage and family life.

The Association believes that recent proposals for same sex marriage legislation in Australia, including proposals currently before the NSW Parliament, if enacted as law, would have the effect of weakening the meaning and significance of marriage. This in turn would lead to intentional discrimination against heterosexual couples and religious organisations affirming traditional beliefs and practices with regard to marriage, and against ministers of religion unable or unwilling to act contrary to their religious convictions. Baptists would regard such discrimination as a direct attack on their freedom of religion and would respond accordingly through legal action and, if necessary, civil disobedience.

Further, neither Baptists nor others should feel under pressure to change their convictions about marriage on the basis of novel hermeneutical principles or cleverly devised arguments which seem to suggest that the Bible no longer means what it once appeared to teach with perspicuity and consistency. Those who come to hold views which diverge from established Christian ethical principles will often seek to employ innovative methods of interpretation after the fact in order to bend the meaning of Scripture to their will or their agenda. The arguments of such persons should be resisted by those committed to the beliefs, objects and values of the Association, and by the many others in Australian society who hold a similar view of marriage and sexuality, whether on the grounds of religious belief, culture or heritage.

The Baptist consensus on marriage

Baptists place a high value on freedom of religion and freedom of conscience, and also on the principle known as associationalism whereby individual Baptists and local congregations gather to make decisions regarding doctrine and practice, and to pursue common tasks. While respecting the right of individual members and member churches to hold dissenting opinions, Baptists in NSW and the ACT have formally agreed on the nature and purpose of marriage, and that agreement was last ratified unanimously at a meeting of the Association in May 2012.

Any individual or group identifying as Baptist and advocating same sex marriage does so on their own behalf and without the support of the Association, its elected leaders, and affiliated agencies. The Constitution of the Association requires the commitment of all members (both individuals and churches) to the common core value of “honoring marriage as an institution created by God as the foundation for a lifelong faithful union of a man and a woman.” By law, authorised Baptist marriage celebrants in NSW & the ACT are only able to solemnise marriages according to the rites of the Baptist Union of Australia, which reflect this understanding of marriage.

Further, since the definition of marriage in the Commonwealth *Marriage Act 1961* (amended 2004) closely reflects the biblical teaching on marriage, it is the solemn responsibility of the Association and its members to defend the intent of current marriage legislation in the Federal and State Parliaments against any who may seek to reinvent or dismantle the institution of marriage which forms the foundation of family and social life in Australia.

A proposal

Historically, the institution of marriage precedes both the state and the church, and both have sought to co-opt it to their advantage. Faith communities preserve social traditions that deliver security and stability to a community and facilitate human flourishing, and have a legitimate interest in ensuring that such social institutions are reflected in civil law. For its part, the state may make laws that either affirm or deny a faith community’s convictions about marriage and family, but may not compel a faith community to act contrary to its convictions about marriage and family. Part of the problem we face in Australia today is that many Christians wrongly assume that the state exists to serve the church and its interests; and many secularists wrongly assume that the church ought to have no influence on matters of secular law and policy.

A strong society needs a strong commitment to marriage and family. Marriage is best understood as the union of a man and a woman, and the law is best left as it is, both federally and with respect to the Australian States. If the NSW Parliament enacted same sex marriage laws, it is likely that many Baptist ministers in NSW would be unable or unwilling to marry same sex couples, and the law would almost certainly be subject to court appeal. This would be politically divisive, create uncertainty and possibly result in large legal costs. For these reasons, in addition to the substantive reasons set forth above, it would be prudent not to proceed with plans to introduce same sex marriage laws in NSW.

However, should public support for same sex marriage grow in the future, it may be preferable to formally separate the legal and religious aspects of marriage, as is already done in many

countries in Europe and Africa. This would help to reduce the constant war of words between those for and against same sex marriage (in which neither side shows any sign of backing down), and allow Christians and others whose religious beliefs profoundly shape their understanding of marriage to celebrate those beliefs in a separate ceremony in which the state did not intrude.

Conclusion

It is important for all concerned citizens and groups to recognise that the current debate on the appropriateness of same sex marriage legislation is not faith-based, as is often claimed by media, but is a debate on how Australian society should construct itself. Christians make contributions to the debate, and so do others, based on their specific commitments and aspirations for individuals, couples and the society, and should be encouraged to do so in the context of fair and rational debate, civility, and honesty. But all players in the debate should expect that legislation and other instruments which seek to mimic marriage or otherwise undermine the traditional sense of the institution by extending marriage status to same-sex couples will attract strong opposition from Baptists of genuine evangelical conviction and commitment to the common good of Australian society, including that of future generations.

The Association of Baptist Churches of NSW & ACT expresses its gratitude to the members of the NSW Parliamentary Standing Committee on Social Issues for providing the opportunity to lodge a submission on various aspects of marriage law and social change, and if necessary our leaders or their designated representatives will be pleased to assist the Committee further as it undertakes its work.