



Auckland Community Church

Submission on Civil Union Bill:

Auckland Community Church is an interdenominational fellowship which has been meeting in St Matthews-in-the City, Central Auckland, since 1979. We seek to provide an affirming and welcoming environment for all, and especially for those who are gay, lesbian, bisexual, or transgendered.

Auckland Community Church welcomes the proposed legislation and asks this committee to support its passage.

We believe there are many positive reasons to support this change, and that some criticisms of this bill are largely unfounded and sometimes untrue.

We believe it is important as a church community to voice our support, as the more vocal critics of this legislation have been church leaders and Christian groups.

There is a wide diversity of views with regard to opposite sex unmarried couples and to same-sex couples within the churches. Many mainstream Protestant churches and liberal Jewish synagogues hold the view that our norms of sexual behaviour have been based on now outdated scientific theories, passages of scripture used out of context, and a theological standpoint heavily influenced by legalism.

Our reasons for the supporting the bill are the following.

* It is consistent with Christian morality. The Church's traditional ideal is for an opposite-sex marriage, with vows, to be made within a Church building. While applying this ideal the Church has not only made occasional exceptions, but has respected other forms of relationships. The Church, for example, in some cultures has been tolerant of polygamy. In this country many Church people have for a shorter or longer period co-habited with their partner.

* It is consistent with Christian tradition. To many it will come as a surprise to learn that public ceremonies affirming the goodness of lesbian and gay relationships have a long history both within and outside Christianity. The tradition of the church contains many strands and one strand uncovered by the Yale historian John Boswell is the existence of ancient same-sex union ceremonies. The exact meaning of these ceremonies might be argued over but two things are clear: they very closely resemble heterosexual marriage ceremonies, and they took place in many different places over several hundred years. (Same-Sex Unions in Pre-Modern Europe by John Boswell, Vintage Books, 1994).

The Bible in the Old Testament has no understanding of sexuality in the modern sense, and so its very brief condemnations of homosexual acts are predicated on the notion that they endanger marriages. It does not understand exclusively homosexual orientation.

The Old Testament does not simply uphold an ideal. It provides rules for divorce, realistically recognising that marriages are not always successful. Realism by the state in providing for ordering relationships is consistent with the Bible.

The Old Testament model of marriage permitted polygamy and in an agrarian society endorsed a patriarchal structure and the perpetuation of the family name. While the New Testament continues this emphasis to some extent, its emphasis on love and respect as the heart of relationships has survived other changes in the structure of marriage.

The Bible does honour and respect other kinds of relationships, including very close same

sex friendships like that of David and Jonathan. Friendships of this kind were solemnised by covenantal commitments.

* In interpreting all biblical injunctions in the contemporary setting we need to uphold the spirit rather than the letter of the law - exactly the same approach that Jesus himself took to the Old Testament law.

* The teaching of Jesus is to treat others as we would wish them to treat us (Luke 6:31). As Christians, therefore, we respect other religions and those with no religious beliefs. So marriages contracted in temples, mosques or registry offices are accorded respect, and so too should civil unions of opposite sex and same sex partners.

* On this point it is pertinent to note that we support the fact that civil unions will be kept separate from marriages. Marriage celebrants will not automatically be authorised to conduct civil unions. Neither clergy nor marriage celebrants will be compelled to perform civil unions; neither churches nor other places used for weddings will be automatically available for civil unions.

* It is healthy for society to recognise the relationships that exist. For same-sex couples this provides a new status, for opposite sex couples this provides a way on registering a relationship for those who for whatever reason have chosen not to marry.

* It is healthy for individuals to be afforded the legal protections of their relationship being recognised, and also to have the same obligations to society of married couples. It is clearly iniquitous for a person in a relationship to receive the value of a benefit of a person living alone.

* It is healthy for all people. Both same-sex and opposite sex couples may fall in love and wish for committed relationships. This Bill recognises those relationships, and so emphasises that these relationships have much in common, whether married, de facto or same-sex relationships.

* It is healthy for New Zealand to back up its commitment to international human rights declarations with practical and sensible legislation to put these into practice. In many countries where unmarried opposite sex couples suffer discrimination, and particularly where homosexual people face severe punishment, passing this legislation helps influence the international climate in favour of human rights and non-discrimination.

* It removes an unnecessary discrimination within current legislation which grants heterosexual relationships a legal status but provides no status for same-sex relationships. This is quite out of step with the Human Rights Act 1992 and is quite properly being addressed.

Opponents of this legislation have made various claims that we dispute.

* That this undermines marriage. In fact it does no such thing, it neither takes away the rights of married people, nor changes the institution of marriage. The framers of the Bill have been careful to ensure that there is not the slightest possibility for imagining that this Bill in practice institutionalizes another form of marriage, e.g. gay marriage. In fact by passing this Bill the Parliament makes it quite clear that there is a difference between a civil union and a marriage. It may strengthen marriage by encouraging opposite sex couples not prepared commit to marriage to choose a civil union.

* It paves the way to gay marriage. There will be a section of the gay community that will denounce any legislation that offers less than all the rights of marriage including the name, and a change to the Marriage Act, as discriminatory. We believe that the sensitivities of many New Zealanders would be offended by using the term gay marriage and that timely and appropriate legislation such as this best meets the needs of de facto and same sex couples, and society at large.

* It represents social engineering or an attempt by Parliament to restructure society. We rather believe it represents a sober and caring response to the many thousands who are presently either choosing not to marry or are unable to do so. It is quite unlikely that any person would change sexual preference because of this Bill.