15th October, 2012

Submission to Parliamentary Select Committee
Re: The Marriage (Definition of Marriage) Amendment Bill

The following submission, on behalf of the Reformed Church of Hamilton respectfully requests that MPs vote against the Marriage Amendment Bill, which proposes to redefine marriage as a union between two people, regardless of their sex, sexual orientation, or gender identity.

The Teaching of the Bible

The proposed redefinition of marriage is a clear departure from the teaching of the Bible in Genesis 2:23,24 –

The man said, “This is now bone of my bones and flesh of my flesh; she shall be called ‘woman’, for she was taken out of man.” For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh.

Referring to this passage, and speaking on the subject of divorce, Jesus said:

“Haven’t you read...that at the beginning the Creator made them male and female and said, ‘For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh?’ So they are no longer two, but one. Therefore what God has joined together, let man not separate.” (Matthew 19:4-6)

In another reference to this passage, Ephesians 5:31-33 says:

“For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh.” This is a profound mystery – but I am talking about Christ and the church. However, each one of you also must love his wife as he loves himself, and the wife must respect her husband.

This biblical definition of marriage as a relationship between a man and a woman that reflects the relationship between Christ and the church has been in place for millennia. The state, of course, can disagree with this position and define marriage in modern New Zealand law any way it chooses, but the state cannot change the teaching of the Bible and it cannot define morality through the passage of legislation.
Under the principle of the separation of church and state, which we believe is accepted by the NZ government, the church should be left free to teach the Bible to its members and to those in society who are interested in hearing the Bible’s position on all areas of morality.

The Position of the Reformed Churches of New Zealand

Summarising the teaching of the Bible on this subject, the Westminster Confession of Faith (1646), which is one of the confessional standards of the Reformed Churches of New Zealand, defines marriage as follows:

Marriage is to be between one man and one woman: neither is it lawful for any man to have more than one wife, nor for any woman to have more than one husband, at the same time. (Ch. 24, section 1).

The form for the solemnization of marriage, in current usage in the Reformed Churches of New Zealand, reads as follows:

Marriage, then, is a divine ordinance intended to be a source of happiness to man, an institution of the highest significance to the human race, and a symbol of the union of Christ and His Church.

The Reformed Churches of New Zealand uphold and teach this biblical definition of marriage and ministers of the RCNZ must solemnise marriages in accordance with this understanding. However, in seeking to redefine marriage as a union between two people, regardless of their sex, sexual orientation, or gender identity, the Marriage Amendment Bill seeks to contradict this biblical understanding of the nature and purpose of marriage. This is a definition of marriage that the Reformed Churches of New Zealand (and doubtless many other churches) cannot accept or teach in good conscience. Neither can the ministers of the RCNZ solemnise marriages in accordance with this definition of the Marriage Amendment Bill without violating their religious principles and the terms of their ordination.

The Bill of Rights vs. Section 56 of the 1955 Marriage Act

Section 15 of the NZ Bill of Rights allows a person “the right to manifest that person’s religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.” The Bill of Rights thus guarantees that citizens have the right to practise their religion freely, both in worship and in teaching, both publicly and privately.

However, Section 56 of the Marriage Act reads as follows:

56 Offence to deny or impugn validity of lawful marriage

(1) Every person commits an offence against this Act, and shall be liable on summary conviction to a fine not exceeding $200, who—

(a) alleges, expressly or by implication, that any persons lawfully married are not truly and sufficiently married; or

(b) alleges, expressly or by implication, that the issue of any lawful marriage is illegitimate or born out of true wedlock.

(2) For the purposes of this section the term alleges means making any verbal statement, or publishing or issuing any printed or written statement, or in any manner authorising the making of any verbal statement, or in any manner authorising or being party to the publication or issue of any printed or written statement.

Should the Marriage Amendment Bill be passed into law, Christians and ministers of religion who cannot in good conscience agree with the new definition of marriage, and who must explicitly teach against it, may be liable to criminal prosecution. For example, imagine a Christian or a Christian
minister of religion who declares and/or states in writing that “according to the Bible, marriage is exclusively a relationship between a man and a woman and therefore, same sex couples who marry, although married in the eyes of the state, are not married in the eyes of God”. This statement is fully in keeping with the Bible’s definition of marriage and under the Bill of Rights, a Christian should be free to make such a statement in New Zealand in accordance with the principle of the freedom of religion. However, would not such a verbal or written statement “allege, expressly or by implication” [emphasis ours] that homosexual persons lawfully married “are not truly and sufficiently married”? Would not the private or public expression of the biblical view of marriage become a crime under the 1955 Marriage Act, if the Marriage Amendment Bill is passed into law, and render those expressing it liable to criminal prosecution?

Likewise churches that are unable to recognise and accept as members same sex couples as being married (even though their union has been duly solemnised by a marriage celebrant) may also be liable to civil penalties. But again, this would be contrary to the Bill of Rights, which guarantees one’s right to freely practise and teach in accordance with one’s religious views.

We submit that for these reasons, the bill should not be passed into law. However, if it is passed into law, the government must also put in place explicit safeguards that protect from prosecution churches, ministers of religion, and others who object to the new definition of marriage on the grounds of religion and conscience. And Section 56 of the Marriage Act must be modified or removed entirely.

Marriage and the Family

The form for solemnization of marriage used by the Reformed Churches of New Zealand also states:

The purpose of marriage is the propagation of the human race, the furtherance of the kingdom of God, and the enrichment of the lives of those entering this state. This purpose calls for loving devotion to each other, and a common responsibility for the nurture of the children the Lord may give them as His heritage and as parties to His covenant.

This hitherto universal understanding of the purpose of marriage arises from the sexual union of a man and a woman in marriage, a union that ordinarily results in the conception and birth of children.

Marriage as biblically and traditionally defined provides the most stable structure and environment in which to raise children and nurture families. It is an institution that contributes significantly to the stability and well-being of future generations and to society as a whole. However, in order to make possible the marriage of people of the same sex, the Marriage Amendment Bill seeks to redefine marriage as a union between two people with no reference at all to children and to the commitment required by those entering the state of marriage to provide a future generation with a loving, nurturing environment. The purpose of marriage, in the case of same sex couples, cannot be, even in part, the propagation of the human race because it is biologically impossible for people of the same sex to conceive and raise children. By redefining marriage in this way, the bill presents NZ society with a fundamental and far-reaching change to the nature of marriage that will do nothing to promote and support strong family structures. We believe that in an age already marked by family breakdown and all its attendant social problems, this bill - if passed - will serve to further undermine the most basic and vital building block of our society.

Civil Union and Marriage

We submit that same sex partners, under the Civil Union Act, 2004 can already enter a union that is formally recognized by society and the state if they choose to do so. The Act declares that “two people, whether they are of different or the same sex, may enter into a civil union...”
The Marriage Amendment Bill, however, wants to go beyond the recognition and allowance of civil unions. It essentially wants to redefine marriage as the equivalent of a civil union, thereby removing from the institution of marriage the traditional and universally accepted understanding that marriage is an institution that provides stability for the raising of children. Again, we submit that this would have far-reaching and detrimental effects upon society and future generations of New Zealand children.

**Marriage as a Right**

The Marriage Amendment Bill affirms that two people who love each other should have the “right” to marry, and that the Marriage Act, as currently applied, is discriminatory and a denial of fundamental human rights. If this argument is valid, there can be no consistent basis on which the state can deny polygamous, and polyandrous “marriages”, nor can it consistently deny the “right” of marriage to those involved in a relationship of consensual incest. If a father and a daughter, or a brother and a sister, love each other and want to marry, surely, on the reasoning expressed in the bill, they should also have the “right” to do this, and failure to allow them to marry would also be a denial of their fundamental human rights.

Schedule 2 of the 1955 Marriage Act provides a list of “forbidden marriages”, which include relationships within degrees of consanguinity. For example, a woman may not marry her stepfather and a man may not marry his wife’s daughter. The Marriage Act, in prohibiting such marriages, is already discriminatory in nature. Proponents of the bill have argued that this debate is all about human rights and marriage equality and that they desire to eliminate all forms of discrimination in NZ society. It is also argued that those who are opposed to the bill are ipso facto discriminatory. But if this reasoning is valid and compelling, the state must also remove all the barriers to marriage set forth in Schedule 2 of the Marriage Act. If proponents of the bill will not argue for this, and the state will not permit it, then all parties in the debate should at least acknowledge that this bill is not about fundamental human rights and marriage equality. It is about redefining marriage so that homosexual people may be granted a marriage licence.

In this connection, it is worth noting that the European Court of Human Rights in Strasbourg recently voted that same sex marriage is not a fundamental human right. One can understand why. If it were indeed a right, the state could not consistently prevent the marriage of any people who wanted to marry without by that very denial, violating the fundamental human rights of the people concerned.

**Conclusion**

In conclusion, there are fundamental and far reaching issues in this bill – issues that will prove harmful to many people and destructive to the very fabric of our society should the bill be passed into law. We urge all politicians to consider these issues carefully and to vote down the Marriage Amendment Bill or, at least as a bare minimum, not to proceed any further on this path without taking them fully into account and addressing them clearly and forthrightly in any future change to the Marriage Act.