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Assembly Council of the Baptist Union (NZ)
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Wednesday, 21 October 2015

AN OPEN LETTER TO ASSEMBLY COUNCIL REGARDING THE PROPOSED RESOLUTIONS ON SAME SEX MARRIAGE

To Assembly Council,

The purpose of this letter is to outline why we believe the motions being proposed for Assembly 2015 on Same Sex Marriage may lead the Baptist Union into a highly problematic situation. Our overriding concern is to see the key distinctives of Baptist faith and community upheld and strengthened and as such would like you to consider the following issues and their implications.

The motion from Assembly Council as it stands is thus:

1. In light of the Working Party paper dated June 2015, Assembly Council moves: The Baptist Union of NZ Assembly 2015 continues to uphold the sanctity of the biblical understanding of marriage understood as a lifelong commitment between a man and a woman.
2. Therefore, The Baptist Union of NZ Assembly 2015 agrees together that we will not conduct same sex marriages or allow our buildings to be used for same.
3. If a Baptist celebrant conducts a Same Sex Marriage ceremony, the marriage celebrant, in the first instance, will no longer be nominated to the Registrar of Marriages by the Baptist Union of New Zealand.

It seems to us that the ultimate aims of the motion are:

- to protect our ministers from being forced to perform same sex marriages.
- to make a strong statement that *all* Baptists believe that same-sex marriage is not in accordance with a “biblical understanding of marriage”
- To sanction ministers who perform same sex marriages.

With regard to these aims, we note that:

- Section 29 of the Marriage Act 1955 is explicit in protecting celebrants from marrying people they don't want to:

Section 29. Licence authorises but not obliges marriage celebrant to solemnise marriage.

1) A marriage licence shall authorise but not oblige any marriage celebrant to solemnise the marriage to which it relates.

The forcing of celebrants to conduct a marriage ceremony would require the repeal or amendment of clause 1, which would be resisted by celebrants of all religious and secular persuasions. Our motion will not add anything to the legal protection already afforded celebrants in not being obliged to marry people therefore it is unnecessary.

- To make a strong statement that it is an agreed position that *all* Baptists believe that same-sex marriage is not in accordance with a "biblical understanding of marriage" both ignores the voices of minority views within many Baptist congregations across the country, as well as majority views within a few Baptist congregations such as our own. Passing such a motion is therefore inaccurate and misleading. It implies that "all Baptists" agree to something that they do not.
- The motion may function as a rhetorical sanction against ministers who perform same sex marriages but seems unlikely to be effective given the ability for a minister to become a celebrant directly under state authority.

While the above issues call the need and appropriateness of the motion into question, another significant concern is the constitutional inconsistency which this motion will cause. Our Doctrinal Basis defines autonomy very clearly:

Part IV clause 5

Subject to its acceptance of the foregoing articles of faith every church in membership with the Union shall have liberty to interpret and administer the laws of Christ and to govern its own affairs.

- **We will end up with a constitution that contradicts itself.** If the local church has "the liberty to interpret and administer the laws of Christ" and to "govern its own affairs" and is constrained only by adherence to the six articles of faith then further constraint on the local interpretation of "the laws of Christ" would require this affirmation to be amended.
- **A constitution that contains a clear contradiction becomes open to argument regarding its legality.** It is unlikely to be legally enforceable. Unless the clause after the articles of faith in our Doctrinal Basis is changed then churches will still have a choice and

arguably a more overarching directive to express their liberty of conscience in this area.

- **“Autonomy” will no longer be robust and foundational to our movement** as a precedent will have been set for shaping a *correct hermeneutic* to apply to specific parts of scripture. Note it is assumed in the Constitution that scripture requires interpretation. The Constitution also assumes there will be differences of opinion in different local churches about what the correct “biblical understanding” is on various issues. To begin specifying a correct hermeneutic on matters more specific than the six articles of faith is to open up the Baptist Union to ongoing and unending constitutional amendments.

Beyond these constitutional problems, we will have made a publicly negative and unnecessary statement against our LGBTQ brothers and sisters that is not representative of Baptists as a whole. To establish what New Zealand Baptists as a whole believe would require a representative survey of the church members to be conducted and for this to be presented showing the range of responses rather than as an equivocal statement on the matter.

In light of the above concerns, **it seems imprudent to put this motion to a vote**. At best, the motion adds no further protection, sets a dangerous precedent for how we deal with hermeneutical differences in our movement and institutes a weak sanction that can't seriously be considered as a deterrent. At worst it creates inconsistency in our constitution and erodes a fundamental of Baptist identity.

We note that internationally, other national Baptist groupings have decided to affirm local autonomy on this issue. If the Baptist Union in Britain was able to make this a question for individual churches to decide in 2014, then it is not clear why we think that we need to do something different—it's not as though they didn't have similar feelings and issues arising in the discussion.

We sincerely thank you all for putting time into working through the issues around the implications of the Marriage Equality Act on the autonomy of Baptist Churches in New Zealand. We also appreciate that this has been a difficult burden for each of you to carry and will have cost you all a huge amount of time. It has been no small task to weigh up all the concerns that have been presented to you.

We realise that withdrawing this motion from a vote at this late stage will be difficult politically, but we urge you to consider this as the appropriate and most peaceable course of action.

Yours Faithfully,

Cityside Baptist Church Council
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