

The Portfolio Committee on Home Affairs
Parliament of the Republic of South Africa
Cape Town
Fax Number: 021 403 2808

ATTENTION: MR. ROUSSEAU MANKQE

Dear Sir

Submission on the Civil Union Bill (B26-2006)

The Uniting Presbyterian Church in Southern Africa (Uniting Presbyterian Church) is a union of two Presbyterian denominations, namely the Reformed Presbyterian Church of South Africa and the Presbyterian Church in Southern Africa, both of which have existed in South Africa for well over a century. The historic union of the two churches took place in Port Elizabeth in 1999.

By way of background to this submission, it should be noted that in 2005 the church adopted a statement on the definition of marriage, which was confirmed in 2006. The statement reads as follows:

The Executive Commission affirms that Christian marriage is defined within the Uniting Presbyterian Church in Southern Africa as an ordained covenant that exists between one man and one woman under God for life, and holds this definition to be consistent with the authoritative rule of Scripture as well as the tradition of the one, holy, catholic and apostolic Church.

The Executive Commission instructs all marriage officers affiliated with the UPCS to remain faithful to the church's definition of marriage, and to exercise pastoral compassion and sensitivity in their dealings with all who approach the church for assistance with marriage.

The Executive Commission exhorts all members of the church to uphold the sanctity of Christian marriage, and to acknowledge its role as the proper context for the expression of sexual intimacy between a man and a woman.

The rationale behind this statement is as follows.

In view of the current initiative in our nation to re-define marriage through the law courts to include same-sex couples, it is imperative that our church give a clear and unequivocal signal as to the Christian definition of marriage, both for the guidance of its own members, and also that it may contribute effectively to the debate within wider society.

It should be noted that this matter, although clearly related, is also distinct from the debate surrounding sexuality and homosexuality. It concerns specifically the Christian understanding of marriage in the light of Scripture as our "final rule of faith and life", as well as of our

inherited tradition arising out of the church's hermeneutic through the ages.

Both of these bear a unified resounding witness:

- Marriage arises out of the order of creation, and is defined in the creation accounts of Genesis as that which exists between a man and a woman.
- The prophetic tradition strongly reinforces this concept of marriage, and extends it to a metaphorical depiction of God and Israel (cf. Hosea, Malachi, Isaiah, Jeremiah).
- Jesus confirms God's creation of man and woman as the foundation of marriage and upholds marriage as that institution by which a "man shall leave his father and his mother and be made one with his wife, and the two shall become one flesh" (Matthew 19:4 ff.; Mark 10:1 ff.). This is central to the Christian view of marriage, encompassing both the physical and the spiritual realities of the marriage act as that which incorporates one man and one woman.
- Both Paul (Ephesians) and John (Revelation) allude to the church as the bride of Christ, reflecting the metaphorical line of the prophets.
- The New Testament consistently exhorts that marriage as a relationship of sexual faithfulness between a man and a woman be held in honour and that it be undefiled (cf. Hebrews 13:4; 1 Corinthians 7: 1-5)
- Whilst not exclusively so, marriage is linked to the procreation and nurture of children in several Biblical passages (Cf. Genesis 1:28, 4:1; Ephesians 6:1; Colossians 3:20-21).
- This definition has held sway in the church through the ages, as is evidenced in the writings of the Church Fathers (Ignatius of Antioch, Clement of Alexandria, Chrysostom, Ambrose, Jerome et.al.) and in marriage service orders of different denominations and eras (cf. the Sarum Liturgy, the Latin Rite, the 1549 Prayer Book right through to our own— remarkably consistent).

The conclusion inescapably to be drawn from this witness is that, according to the Christian understanding, marriage is:

- Ordained by God;
- Covenantal in nature;
- An exclusive relationship involving one man and one woman.

The Church has been remarkably consistent in this definition, across the denominations and across the ages, in spite of other serious differences and disputes. This should inform us. It is fallacious to say that our current time is unique and different to all the contexts that have gone before us. Homosexuality has been a reality in all of them, condoned in some of them, but this has never led the Church to review its definition of marriage.

The intention of this statement is to uphold the Christian definition of marriage, not to provide a basis within the church for the exclusion and/or persecution of those who may pursue certain sexual practices, gay or otherwise. These practices must be addressed through the One who is "full of grace and truth".

It should be noted that our government has given the assurance that, notwithstanding any change to the definition of marriage on the

part of the state, marriage officers will not be compelled to act against their consciences or the principles of their religious bodies. Alarmist reactions to this issue should thus be avoided. Nevertheless our church's stance must be firm, clear and unequivocal, both for the guidance of its officials and members, and also that it may stand alongside fellow churches in faithfully representing to our lawmakers the Christian view, and that which we believe God requires of us as a nation.

From this foundation we are thankful for the opportunity to make the following submissions to the legislative process on the Civil Union Bill, in particular to that section of it that deals with Civil Partnerships.

1. The Uniting Presbyterian Church is in full agreement that the **rights and civil liberties of all South Africans should be respected and safeguarded by law.**

2. The Uniting Presbyterian Church **supports the provisions in the Bill that protect the legal interests and dignity of persons** involved in same sex relationships.

3. The Uniting Presbyterian Church is of the strong conviction that same sex partnerships, however else defined in law, **cannot be defined as marriage in any form**, as the institution of marriage in the Christian understanding has ever only meant a relationship between one man and one woman, and furthermore marriage has in every culture and religion only ever pertained to a relationship between the male and female sexes.¹

4. The Uniting Presbyterian Church **supports the enactment of specific legislation, other than the existing Marriage Act**, that defines and regulates same sex partnerships. To this extent the Church **supports** the provisions in the Bill for Civil Partnerships and is of the view that the **existing Marriage Act should be left unaltered.**

5. The Uniting Presbyterian Church **does not support the recommendation of the S A Law Commission for a new marriage act** to be called the Reformed Marriage Act and the reworking of the existing act into a Traditional Marriage Act. This would have the effect of attributing to heterosexual marriage a minority connotation.

6. The Uniting Presbyterian Church **does not support section 11 of the Bill** in that it allows the option of the partnership being referred to as a marriage in the solemnisation thereof.

7. The Uniting Presbyterian Church, being of the view that the term **'marriage officer'** should be restricted to those officers appointed in terms of the existing marriage act only, **does not support the use of the term in relation to the solemnisation and registration of civil partnerships**, primarily in section 5 but also

1. The Uniting Presbyterian Church does not consider this to be an infringement of the freedoms, rights or dignity of those who choose to enter into a same sex partnership, any more than a copyright or patent is

an infringement of the freedoms, rights or dignity of a person who wishes to take his own recipe and market it under the name of Nandos or Kentucky Fried Chicken. Indeed it could be argued that to define a same sex partnership as marriage would be an infringement on the rights of all those who, under our existing marriage act, have entered into marriage on the basis of a clear and specific understanding of the institution as defined in terms of the act, common law and received religious and cultural warrant.

elsewhere in the Bill. Another term, such as 'Civil Partnership Officer or similar, should be created.

8. Notwithstanding the reservation concerning terminology expressed in point seven above of this submission, the Uniting Presbyterian Church **supports the provision of section 6 of the Bill** and considers this to be of cardinal importance.

9. The Uniting Presbyterian Church supports the Bill in other respects.

10. The Uniting Presbyterian Church is compelled to draw the attention of Parliament to the words of Jesus as recorded in **Matthew 19: 4-5**², to the truth that **marriage as an estate given by God is not ours to redefine**, and to the reality that **we, as a nation, are accountable to God for the conduct of our affairs.**

11. The Uniting Presbyterian Church exhorts Parliament to take cognisance of the **broad consensus amongst all major religious groupings within the country on the subject of the definition of marriage**, and of the fact that this constitutes the value base of the overwhelming majority of South Africans. That marriage is held to be sacred within all of these religions must be of importance to any consideration of dignity, freedom, fairness and discrimination in the application of the Bill of Rights to the legislative process. This is foundational to the extent that an amendment to the constitution, protecting the institution of marriage as a union that exists exclusively between male and female, would be warranted.

Thank you for receiving this submission. Please be assured of our prayers and best wishes at all times for the work of parliament and its committees.

Yours faithfully

REV D T GEVERS

Convener: Doctrine, Ethics & Discipline Committee

On behalf of:

THE RT. REVEREND W D POOL: Moderator of the General Assembly

THE REVEREND V S VELLEEM: General Secretary

2. "Haven't you read," he replied, "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?'" (*The Holy Bible - New International Translation*)