

# **The Presbyterian Church of Aotearoa New Zealand status quo on sexuality and sexual morality issues and how we got there**

*A paper prepared by the Rev Dr Stuart Lange, September 2022, at the request of the Moderator, the Right Rev Hamish Galloway<sup>1</sup>*

## **A. The doctrinal and regulatory status quo in the PCANZ in relation to sexuality, sexual morality, and leadership**

**The 2006 Assembly enacted the following ruling:**

‘In accordance with the supreme and subordinate standards of the Church, and with previous Assembly decisions, session, parish councils, presbyteries and district councils shall not accept for training, license, ordain or induct anyone involved in a sexual relationship outside of faithful marriage between a man and a woman. In relation to homosexuality, and in the interests of natural justice, this ruling shall not prejudice anyone who, as at 29 September 2006, had been accepted for training, licensed, ordained or inducted.’

Notes:

- (a) The reference to supreme and subordinate standards is to the Word of God contained in the Old and New Testaments and to the PCANZ’s historic confessional standards.
- (b) The reference to ‘previous Assembly decisions’ is to the 1985 Assembly declaration that, inter alia, ‘homosexual acts are sinful’, and to the 1991 Assembly statement that ‘God’s intention for sexual relationships, as affirmed by Jesus Christ, is loving, mutual and faithful marriage between a man and a woman, and that intimate sexual expressions outside of that context fall short of God’s standard’. (See full text of these below).
- (c) At Assemblies, decisions on such matters have often been strongly contested, with deep convictions and feelings on all sides. The Reasons for Dissent and the Answers to Reasons for Dissent, as recorded in Assembly minutes, are a very useful resource for understanding the different views.
- (d) No Assembly has ruled that the doctrinal position as embodied in the GA2006 ruling constitutes a ‘fundamental doctrine’ of the PCANZ, and it remains a matter on which those ordained within the PCANZ retain liberty of conscience, though not liberty of action.

## **B. The background to the current PCANZ status quo**

### **1. The historic Christian tradition**

For nearly two millennia, Christian churches shared a doctrinal understanding of marriage and sexual morality based on the teaching of Jesus and the New Testament as commonly understood, and approved of sexual relations only within marriage between one man and one woman.

### **2. A shift in western societies**

From the late 1960s, with the onset of the sexual revolution, there was a questioning of that traditional understanding, both in society and among some church people of more liberal theological convictions. In 1968, the PCNZ Public Questions Committee referred to homosexuality as 'deviant' and reported that in some cases a 'cure' was possible, but also discouraged 'judgment' of homosexual people and implicitly supported law reform,<sup>2</sup> and that Assembly subsequently carried a resolution supporting Law Reform.<sup>3</sup> Through the 1970s, there was a political campaign for the decriminalisation of homosexual acts in New Zealand. In 1974, the General Assembly declared that the Presbyterian Church of New Zealand believes that homosexual acts are contrary to God's intention, but that homosexuals should be shown love and offered treatment rather than imprisoned.<sup>4</sup>

### **3. 1985 General Assembly (Dunedin)**

In the context of the Homosexual Law Reform Bill being considered by Parliament, the 1985 General Assembly resolved:

'That Assembly

- (a) Affirm to homosexuals God's love and acceptance of them as people; and affirm the power of Jesus Christ to forgive, and of the Holy Spirit to transform, the lives of all those involved in a homosexual lifestyle
- (b) Affirm that homosexual acts are sinful
- (c) Call the church to initiate compassionate ministry in the power of Jesus to those involved in a homosexual lifestyle
- (d) Recommend that homosexual acts in private between consenting males over 20 no longer be a criminal offence, and
- (e) Call on the Government, in the event of legislation to decriminalise male homosexual acts, to enact appropriate measures to protect public health and public morality in schools, public places, and places of work.<sup>5</sup>

#### 4. 1991 General Assembly (Invercargill)

In the context of a wider controversy involving the Methodist Church, GA91 received five overtures on issues around sexuality and sexual morality. In response, the Assembly carried several significant resolutions.<sup>6</sup>

- (a) A further doctrinal statement was made by the GA91, one which was broader in scope than just homosexuality, and which – especially in its first clause – has been seen by many as the definitive summary of the Presbyterian Church’s doctrinal position in matters of sexual morality:<sup>7</sup>

‘...that God's intention for sexual relationships, as affirmed by Jesus Christ, is loving, mutual and faithful marriage between a man and a woman, and that intimate sexual expressions outside of that context fall short of God's standard’.

‘...that the church must offer compassionate ministry to those who in their sexual behaviour have fallen short of God’s standard, and must offer to them the Gospel of grace, of forgiveness and restoration’.

‘...that those who continue in sexual acts in any context outside of heterosexual marriage are not appropriate persons to be in the leadership of this Church.’<sup>8</sup>

- (b) The Assembly set up a Special Committee to consider these issues and consult with the wider church, and to report back to Assembly no later than 1995.
- (c) It was resolved that until the Special Committee reported, no Presbytery was to license, ordain, or induct any ‘self-avowed active homosexual’.

#### 5. 1993 General Assembly (Auckland)

The 1993 Assembly allowed the prohibition adopted two years before to lapse. Later in the Assembly, a resolution was carried explaining that the Assembly wanted to establish a neutral environment for the work of the Special Committee, to avoid further deepening the Church’s disunity, and to defer decision till 1995.<sup>9</sup>

#### 6. 1994 General Assembly (Wellington)

GA94 unanimously acknowledged ‘the hurt felt by those on all sides of this issue’, that it wished ‘to avoid further debate or fresh initiatives’ at that Assembly, that no Assembly has specifically endorsed the ordination of practising homosexuals, that there were currently no specific regulations barring

the ordination of practising homosexuals, and there remain procedures for objection prior to any licensing, ordination or induction.<sup>10</sup>

### **7. Findings of the 1995 Judicial Commission**

A Judicial Commission was established to hear the complaints of nine dissenters against the decision of Dunedin Presbytery in November 1994 to proceed with the licensing of a candidate for ministry who was living in a homosexual partnership.<sup>11</sup> It upheld seven of the eight grounds for complaint with dissent. Because of exceptional circumstances, however, the Commission allowed the decision to license the candidate. It also advised that under the Human Rights Act (1993), which allows for an exemption in Section 39(1) for the purposes of an organised religion in compliance with its doctrines, rules, or established customs, the Church's position concerning the licensing and ordination of homosexual persons 'must be very clear'. It also made the wider point (in relation to the 1985, 1991, 1993, and 1994 Assembly decisions in these matters) that all decisions of the General Assembly have no 'limited shelf life' or 'use by' date, 'remain binding on the Church' and 'continue speaking until the Assembly itself decides to amend, modify, or fall from them'.

### **8. 1995 General Assembly (Christchurch)**

The report and recommendations of the Special Committee to Explore Issues regarding Homosexuality and the Church were presented to GA95. The key recommendation was that, in the light of diversity within the church, no steps be taken to enact any regulation in this matter.<sup>12</sup> The debates were conducted in private. None of the recommendations of the Special Committee were supported by Assembly. When the Assembly emerged from private, it was reported that Assembly had carried a resolution adjourning all debate and decision making on the issue of homosexuality for the remainder of Assembly, and calling for dialogue and prayer in the Church for God's guidance.<sup>13</sup> In effect, the Church's decision was referred to the 1996 Assembly.

### **9. 'Face-to-Face' discussions**

Between the 1995 and 1996 Assemblies, 'Face to Face' dialogues were held around the country. There was a two-day retreat of twelve key leaders of different convictions at Star of the Sea (Miramar) in November 1995, followed up by gatherings in December 1995 (at the Moderator's home in Palmerston North) and April 1996 (at the Assembly Executive Secretary's home in Wellington). The last of those meetings agreed on the wording of four different alternatives to be put to the 1996 Assembly.

### **10. 1996 General Assembly (Wellington)**

The four alternatives were presented and debated:

- A. The PCANZ will not permit its courts to license, ordain or induct a practising homosexual.
- B. The PCANZ will not permit its courts to refuse to license, ordain or induct a practising homosexual.
- C. The PCANZ will permit its courts to have discretion whether or not to license, ordain or induct a practising homosexual.
- D. The PCANZ will take no steps to enact legislation in regard to the licensing, ordination, or induction of a practising homosexual.<sup>14</sup>

‘Alternative A’ received majority support,<sup>15</sup> and the following motion was carried and then sent down under the Barrier Act: (170 for, 142 against):

‘That Assembly, recognising the need for a clear ruling on practising homosexuals, rules that its courts shall not license, ordain, or induct practising homosexuals. At the same time Assembly acknowledges the deep diversity of convictions in the Church on issues relating to homosexuality and calls the Church to move ahead in a spirit of gracious respect and compassion for one another’.<sup>16</sup>

It was also carried:

- (a) That, in response to a statement on behalf of Te Hinota Maori, Assembly adjourn debate on various related changes to regulations as prepared by the Book of Order Committee and ask Te Hinota to initiate ‘a process of consultation’.<sup>17</sup>
- (b) That the ruling of the Assembly would not apply to anyone already ordained.<sup>18</sup>
- (c) That a Special Commission be set up to ‘ensure a just settlement’ for any minister or congregation who may wish to resign from the PCANZ on account of Assembly’s ruling.<sup>19</sup>
- (d) That a (non-binding) referendum of church members would be held on the ruling, and the result reported to the next Assembly.<sup>20</sup>

## 11. 1998 General Assembly (Christchurch)

- (a) The outcome of the Referendum was reported. The Referendum was 75% for of the 1995 ruling (if Cooperating Ventures were included), or 78% (if only Presbyterian parishes were included).<sup>21</sup>

- (b) Several overtures and notices of motion which opposed the enactment of the 1995 ruling were not supported by Assembly.
- (c) When the enactment of the 1995 ruling was put to the vote, it received a vote of 54.5% for, which was insufficient under the revised Standing Orders (which now required 60%).
- (d) Assembly resolved to hold an extra Assembly meeting in 1999, with the sole agenda issue of 'Unity and Diversity', and guided by a 'Commission of Diversity' of up to four members, which would develop, in consultation with the whole Church, proposals to provide structures that would 'allow an appropriate degree of autonomy for groups within the PCANZ with diverse theological perspectives' while 'subject to the same standards with diverse insights into those standards'.<sup>22</sup>
- (e) It was also resolved that for one year no practising homosexuals would be licensed, ordained inducted,<sup>23</sup> and that for one year there should be a 'rahui' on debate around the Church on issues around sexuality and leadership.<sup>24</sup>

## 12. 1999 Extra General Assembly (Christchurch)

- (a) The Commission on Diversity reported on its consultations around the Church. It reported widespread pain across the Church, among people of various persuasions. It proposed that Assembly call the Church to deep repentance for its disunity. It offered biblical and theological reflections on unity and diversity. It emphasised the commonalities in the PCANZ, including its reformed confessional heritage, and its Supreme and Subordinate standards. The Commission did not favour exploring either semi-autonomous synods nor releasing some (with a just settlement) into a new church. It also reported that Church Property Trustees did not consider they had authority in law to divest property to those leaving.
- (b) Twenty-five Overtures and four Memorials were presented to GA99. Many called for the 1985 and 1991 decisions to be fallen from, or for parishes to be free to discern suitability for ordination. Other overtures asked for the Assembly to decisively settle the sexuality issue to be on the basis of Scripture, or for repentance for disobedience, or for binding referenda, or synods. A motion about unity needing to be based on a shared biblical understanding fell just short of being carried, with 59.6% support.
- (c) GA99 took place against the background of profound divisions of belief around issues of sexuality, and deepening fears for the unity of the PCANZ. The extra Assembly did not resolve those, and made no decisions about

homosexuality and leadership. One key outcome, though, was the statement of the Book of Order and Judicial Committee (and its advice to the Commission of Diversity) that, legally, the decisions of the 1985 and 1991 General Assemblies remained in force, and that the courts of the Church must 'uphold' those decisions and 'not license, ordain or induct practising homosexuals'.<sup>25</sup>

### **13. 2002 General Assembly (Wellington)**

It was agreed by Assembly: 'That Assembly, mindful of deeply held convictions and sensitivities on all sides of debates within the Church, urges everyone to respect all other persons, seeking to avoid depersonalising others, caricaturing their convictions or questioning their motivations'.<sup>26</sup>

### **14. Findings of the 2003 Judicial Commission**

A Judicial Commission in October 2003 took the opposite view to the 1999 Book of Order Judicial Committee report and instead ruled that, in the absence (at that time) of any specific regulation to the contrary, there was no legal barrier to the licensing, ordination or induction of 'practising homosexuals'.<sup>27</sup>

### **15. 2004 General Assembly (Christchurch)**

- (a) Multiple overtures were received by GA04, pressing for an Assembly ruling and regulation.
- (b) A proposal from the Council of Assembly for 'A Way Forward with regard to Homosexual Persons' was presented. It proposed that parishes and presbyteries be free to make their own choice in this matter. The recommendation was lost (38% for, 62% against).
- (c) The following alternative recommendation was carried (63% for, 37% against), sent down under the Barrier Act, and adopted ad interim:

'That the General Assembly now rule, in accordance with the Supreme and Subordinate Standards of the Church, and with previous Assembly decisions, that this church may not accept for training, license, ordain, or induct anyone involved in a sexual relationship outside of faithful marriage between a man and a woman. In relation to homosexuality, in the interests of natural justice, this ruling shall not prejudice anyone who, as at the date of this meeting, has been accepted for training, licensed, ordained or inducted.'<sup>28</sup>

## **16. 2006 General Assembly (Auckland)**

GA06 enacted the 2004 ruling as a binding regulation (65% for, 35% against):

‘In accordance with the supreme and subordinate standards of the Church, and with previous Assembly decisions, session, parish councils, presbyteries and district councils shall not accept for training, license, ordain or induct anyone involved in a sexual relationship outside of faithful marriage between a man and a woman. In relation to homosexuality, and in the interests of natural justice, this ruling shall not prejudice anyone who, as at 29 September 2006, had been accepted for training, licensed, ordained or inducted.’

## **C. Assembly debates and decisions post-2006**

Since 2010, General Assembly has received a number of proposals that the 2006 ruling as enacted in Section 9.1(1A) be fallen from.

### **2010 General Assembly (Christchurch)**

The Assembly considered a proposal that Section 9.1(1A) be fallen from. This was lost (90 for, 191 against).<sup>29</sup>

### **2012 General Assembly (Rotorua)**

The Assembly debated three similar proposals, which requested that Section 9.1(1A) to be fallen from (in one case, just locally, if 2/3 of the congregation agreed).<sup>30</sup> It was argued that the ruling is discriminatory, that in the Church there is a range of views that are held in good faith, and that there should be liberty of conviction. The proposals were lost.

### **2014 General Assembly (Auckland)**

The Assembly received two proposals calling for the same outcomes as proposed in 2012.<sup>31</sup> The motions were lost. Prior to the next Assembly, the outgoing Moderator called a Hui at Te Maungarongo Ohope Marae (August 2016).

### **2016 General Assembly (Dunedin)**

Assembly again debated a proposal that it fall from the 2006 ruling.<sup>32</sup> The motion was lost.

### **2018 General Assembly (Christchurch)**

A parish proposed that Assembly request Presbyteries to obtain and distribute for study in all congregations multiple copies of a book on homosexuality called *Changing our Minds*.<sup>33</sup> The motion was lost.

## **2022 Special Assembly (on-line)**

A proposal to Assembly 2021 calling for a 'fully inclusive' church was amended prior to the 2022 Special Assembly to read: 'That the Church commits to a dialogue on a way forward in a church divided over issues of sexuality, biblical morality and leadership'. The revised proposal was carried.<sup>34</sup>

## **D. General Assembly decisions on marriage**

### **1. 2012 General Assembly (Rotorua)**

(a) Assembly resolved (75% for, 25% against)

'That General Assembly declares that it upholds the historic Christian understanding of marriage as the loving, faithful union of a man and a woman (reflecting the complementarity of male and a woman created in God's image), which is grounded in nature and in Scripture, is supremely revealed in Jesus' teaching about marriage, and is given by God for the well-being of human society...'.<sup>35</sup>

(b) Assembly also resolved (77% for, 23% against):

'That, in faithfulness to the historic Christian understanding of marriage as grounded in the Bible and the teachings of Jesus and in consistency with previous resolutions of the General Assembly relating to marriage (1991 and 2004), General Assembly resolves that the Presbyterian Church of Aotearoa New Zealand does not support same-sex marriage...'.<sup>36</sup>

### **2. 2014 General Assembly (Auckland)**

Assembly resolved (153 for, 46 against) that:

'In consistency with its Christian doctrine of marriage, General Assembly declares that ministers of this church may conduct a marriage service only for the union of a man and woman', and that the proposal be sent down to the Church and brought back to the next Assembly under the Special Legislative Procedures.<sup>37</sup>

### **3. 2016 General Assembly (Dunedin)**

Assembly voted (60.15% in favour, 39.85% against) to enact the new regulation: (Book of Order 6.5. A) 'A minister may solemnize a marriage only between a man and a woman'.<sup>38</sup>

## ENDNOTES

All references are to official records of the Presbyterian Church of Aotearoa New Zealand

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- <sup>1</sup> I gratefully acknowledge the work of Andrew Smith of the PCANZ Archives in supplying the many records I requested. Thanks also to Rev Dr Susan Jones for some comments and helpful suggestions on this document shortly before I finalised it.
- <sup>2</sup> *Minutes of the General Assembly, 1968*: 167.
- <sup>3</sup> *Ibid*: 46-47.
- <sup>4</sup> *Minutes of the General Assembly, 1974, in Reports of Committees and other Papers to be presented to the General Assembly 1975*: 115.
- <sup>5</sup> *Year Book 1986 and Proceedings of the General Assembly ...1985*: 127-8.
- <sup>6</sup> *Minutes of the 1991 General Assembly*: 81-125.
- <sup>7</sup> *Ibid*: 84.
- <sup>8</sup> This third clause was later referred to the Special Committee. *Ibid*: 121.
- <sup>9</sup> *General Assembly 1993, Minutes, Addenda to Reports and Other Papers*: 115.
- <sup>10</sup> *General Assembly 1994, Minutes, Addenda to Reports and Other Papers* 87.
- <sup>11</sup> Report of the Decision of the Assembly Judicial Commission dated 25 August 1995.
- <sup>12</sup> *General Assembly 1995. Minutes, Addenda to Reports, and Other Papers*: 48.
- <sup>13</sup> *Ibid*: 52.
- <sup>14</sup> *Ibid*: 46.
- <sup>15</sup> *Ibid*: 55.
- <sup>16</sup> *General Assembly 1996. Minutes, Addenda to Reports, and Other Papers*: 83.
- <sup>17</sup> *Ibid*: 84-5.
- <sup>18</sup> *Ibid*: 70.
- <sup>19</sup> *Ibid*: 89.
- <sup>20</sup> *Ibid*: 90; Referendum Ballot Paper, October 1997.
- <sup>21</sup> *General Assembly 1998 Minutes, Addenda to Reports, and Other Papers*: E15–19.
- <sup>22</sup> *Ibid*: 108, 110.
- <sup>23</sup> *Ibid*: 110.
- <sup>24</sup> *Ibid*.
- <sup>25</sup> Report of the Book of Order and Judicial Committee, *1999 Extra Assembly Minutes, C4 -4*.
- <sup>26</sup> *Minutes of the 2002 General Assembly*: 119.
- <sup>27</sup> Judicial Commission Decision of the Appeal of D. Gordon and the Wellington Presbytery, Oct. 2003.
- <sup>28</sup> *Minutes of the 2004 General Assembly*: 58-60, 80-86, 90-96.
- <sup>29</sup> *Minutes of the 2010 General Assembly*: 62.
- <sup>30</sup> *Minutes of the 2012 General Assembly*: 106-109.
- <sup>31</sup> *Minutes of the 2014 General Assembly*: 25-26. About 100 people had left the floor.
- <sup>32</sup> *Minutes of the 2016 General Assembly*: 23.
- <sup>33</sup> *Minutes of the 2016 General Assembly*: 34.
- <sup>34</sup> *Minutes of the 2022 Special Assembly*: 13.
- <sup>35</sup> *Minutes of the 2012 General Assembly*: 111.
- <sup>36</sup> *Ibid*: 112.
- <sup>37</sup> *Minutes of the 2014 General Assembly*: 27-28.
- <sup>38</sup> *Minutes of the 2016 General Assembly*: 19.