Who's in charge in a genderless marriage?

A queer analysis of the opposition to same-sex marriage as articulated by the Marriage Alliance of South Africa

by

Jennifer Jane Sistig (neé Stewart)

A master's thesis submitted for the fulfilment of the award of a Master's Degree in Theology by the School of Religion and Theology, University of KwaZulu-Natal, Pietermaritzburg.
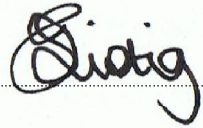
Supervisor:

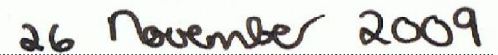Dr Sarojini Nadar

Student No: 20751637

DECLARATION

The research described in this dissertation was carried out at the School of Religion and Theology, University of KwaZulu-Natal – Pietermaritzburg campus under the supervision of Dr Sarojini Nadar. This dissertation represents the original work of the author, and has not otherwise been submitted in any form for any degree or diploma at any university.

Signature: _____ Date: _26 November 2009_

ABSTRACT

This thesis offers a queer analysis of the opposition to same-sex marriage as articulated by the Marriage Alliance of South Africa (MASA). This qualitative research seeks to interrogate the definition of marriage presented by the lawyers for MASA in their written submission to the Constitutional Court, and the theology of marriage underpinning their position.

MASA's theology of marriage is analysed using two related branches of theology: feminist theology and queer theology. This analysis aims to expose MASA's patriarchal and heterosexist worldview of marriage and family, and aims to show that same-sex marriage poses a direct threat to their worldview. Research in the fields of queer theory and theology is offered in support of the hypothesis that same-sex marriage presents a direct threat to traditional patriarchal Christian family values. This queer analysis is based on an understanding of gender that asserts that the roles within a family are not determined by inherent gender identities, but by the performance of particular roles peculiar to a family's self-understanding.

The thesis then concludes with an alternative theology of marriage and family based on queer and feminist Trinitarian theologies that allow for more just forms of marriage relationship and family life.

ACKNOWLEDGEMENTS

There are three people who have been instrumental in this research process: my husband Andreas who has consistently affirmed my desire to write this thesis and given me the space and time to do it; my friend Eliza Getman who challenged me to get started; and my supervisor Sarojini Nadar who made it possible.

I am grateful to the lecturers and classmates who gave me such a solid grounding during my time at St Joseph's Theological Institute, Cedara, from 1996-1999, especially Ed Dougherty, Mark Hay, Larry Kaufmann, Nick King, Chris Langefeld, Luke Mlilo and Sue Rakoczy. My gratitude goes to Bishop Rubin Phillip and the people of the Anglican Parish of Holy Trinity, Hillcrest, for affording me the time that I needed in order to do this research.

The underlying attitude within this thesis is owed to Elizabeth de Wet and Kerry Tobbell (neé Goddard) who took me to see Torch Song Trilogy, thus exposing for me the brutal reality of heterosexism and unknowingly starting me off on a marvellously queer journey.

This thesis is dedicated to my father, Joseph Stewart, who died suddenly on Tuesday 27th October 2009. Had he not been cremated, he would be turning in his grave. But he loved me anyway.

TABLE OF CONTENTS

Marriage Alliance of South Africa. 2004. Heads of Argument as submitted to the Constitutional Court of South Africa for consideration in the hearing of the *Minister of Home Affairs vs Fourie and Another* .

Introduction

The title of this thesis derives from two particular stories, and my subsequent reflections on them. Both stories which I share below involved the question: "Who's in charge? "

The first story took place in my home in Hillcrest when I was hosting a ministers fraternal meeting (they saw no need to change the name). I was the Incumbent in the Anglican parish of Hillcrest, and my husband, Andreas, was the assistant priest in training under me. I had been ordained for eight years and had been an Incumbent in another parish, and Andreas was in his first year of priestly ordination. As the equivalent of a senior pastor I was responsible for attending these meetings, and it was my turn to host it. While we were in discussion over a meal my husband walked in with our daughter in his arms. After I introduced them, he told me that she was ill and he was taking her to the doctor. After he left the other senior pastors asked a few questions about Andreas and the fact that he was clearly also a priest (as he was wearing his clerical collar at the time.) The main question was "but who's in charge?" I told them that I was, but the fact that they had asked such a question bugged me for weeks. For them, power resides in the superiority of position and in the gender of the husband - if both husband and wife are priests, then surely, as the head of the household, the husband should be in charge?

The second story is related in chapter seven of this thesis. I was attending an open meeting in Kloof Methodist Church hall towards the end of 2007. The meeting was a debate about same-sex marriage between Professor Steve de Gruchy and a representative from MASA (who belongs to the Anglican parish of St Martin's in the Field in Durban North.) After listening to the debate the chair opened the floor for questions. A young man stood up and presented his question. He asked that given the model of marriage offered by Paul in 1 Corinthians 11, with Christ being the head of every man and the man being the head of the woman, if a marriage is to be between two men, then "who is in charge?" For him, power resides in the gender of the husband. If both persons are husbands, then who has the power?

It is with this background that I offer this thesis.

The Marriage Alliance of South Africa (MASA) was developed and constituted as part of a response of the Christian religious sector of South African society to the national debate on same-sex marriage in the

year 2004. This thesis offers a queer analysis of the opposition to same-sex marriage as articulated by the MASA. This qualitative non-empirical research seeks to interrogate the definition of marriage presented by the lawyers for MASA in their written submission to the Constitutional Court, and the theology of marriage underpinning their position.

MASA's theology of marriage has been analysed using two related branches of theology: feminist theology and queer theology. In this thesis I will show that MASA's opposition to same sex marriage can be located in four areas: i) by an appeal to the Bible, ii) by an appeal to tradition; iii) by an appeal to sociology and iv) by an appeal to an understanding of the male-female binary. By offering a feminist and queer analysis of these four areas I have shown the patriarchal and heterosexist worldview of marriage and family that underpins MASA's theology of marriage, and have shown how same-sex marriage poses a direct threat to their worldview. The hypothesis that same-sex marriage presents a direct threat to traditional patriarchal Christian family values has been supported by research in the fields of sociology, feminist theology, queer theory and queer theology. This queer analysis is based on an understanding of gender that asserts that the roles within a family are not determined by inherent gender identities, but by the performance of particular roles peculiar to a family's self-understanding. This analysis fulfils the deconstructive function of feminist and queer theories.

The thesis then concludes with an alternative theology of marriage and family based on queer and feminist Trinitarian theologies. Within this alternative theology are two possibilities for reconstruction: i) de Gruchy's resources for an inclusive anthropology; and ii) Thatcher's eight principles for thinking theologically about families. In the work of reconstruction it is evident that it is relationships that hold society together, and not institutions. An alternative theology of marriage and family based on queer and feminist Trinitarian theologies therefore asserts that it is not the right order or hierarchy within a relationship that is a Christian priority, but the right ordering of relationship.

Chapter One: A history of the debate about same-sex marriage in South Africa

1.1. A description of the legal process that led to the recognition of same-sex marriage in South Africa

The advent of democracy in South Africa in 1994 ushered in a Constitution in 1996 based on the principle of equal rights for all people. This principle seeks to safeguard the worth and dignity of each person without prejudice, and was born out of the knowledge and experience of the injustices suffered by the majority of the South African people during the discriminatory times of colonisation and apartheid. This collective history of the South African people lay at the heart of the new nation born of freedom and democracy in 1994, and served as the background to the legislative changes that followed.

As written by Melanie Judge, Anthony Manion and Shaun deWaal in their work in this field entitled *To Have and to Hold: The Making of Same-Sex Marriage in South Africa* (2008), Section 9 (1) of the Bill of Rights of the South African Constitution states that "everyone is equal before the law and has the right to equal protection and benefit of the law." The equality clause was included as Section 9(3) of this Bill of Rights in April 1996, and states that "the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth." (Judge, Manion and de Waal 2008, 55)

They write that the "historic equality clause in the final Constitution (ratified in 1996) set the stage for the development of precedent-setting jurisprudence around rights for sexual minorities as one by one discriminatory laws were challenged." (Judge, Manion and de Waal 2008, 2) From 1996 onwards, in keeping with this clause, Parliament passed legislation to prevent discrimination on these bases. Laws that had previously discriminated against gay and lesbian people were either reformed or repealed as "a result of legal challenges brought by the National Coalition for Gay and Lesbian Equality (which later became the Lesbian and Gay Equality Project) as well as by individual lesbian and gay couples and/or individuals." (Judge, Manion and de Waal 2008, 55) These changes included the decriminalisation of sodomy, the recognition of same-sex partners with regard to Medical Aid schemes, pension schemes, immigration rights, parenting rights, and the right to claim damages from the Road Accident Fund. (Judge, Manion and de Waal 2008, 55-56)

In 2002 Adriaana Fourie and Cecelia Johanna Bonthuys asked the High Court of Pretoria to recognize their relationship as a marriage in order for them to "acquire the status, benefits and responsibilities that

flow from marriage between heterosexual couples. The Court dismissed the application on the basis that the common law, at the time, defined marriage as a union between a man and a woman." (Judge, Manion and de Waal 2008, 58) The legal definition of marriage had to be challenged in order for them to succeed in their request, and they therefore approached the Constitutional Court of South Africa. In 2003 the Constitutional Court dismissed their application for leave to appeal because it declared that the case should first be heard by the Supreme Court of Appeal (SCA). On 23 August 2004 the couple stated their case before the SCA and were joined by the Lesbian and Gay Equality Project as *amicus curiae*. Their case argued that the law excludes same-sex couples from publicly celebrating their love and commitment to each other in marriage, and that this exclusion is unfair and unconstitutional. The SCA judgment handed down on 30 November 2004 concluded that the existing marriage laws unfairly discriminated against gay and lesbian couples. Both parties then approached the Constitutional Court for leave to appeal the SCA decision. "The State's primary reason was its view that Parliament, rather than the judiciary, should be tasked with reforming marriage laws." (Judge, Manion and de Waal 2008, 58)

At the same time that the *Fourie* case was being heard by the SCA, the Lesbian and Gay Equality Project (that subsequently became known as the Equality Project) and sixteen other applicants challenged the common law definition of marriage before the Johannesburg High Court. Although their case was to be heard in January 2006, they applied for direct access to the Constitutional Court because of the developments in the *Fourie* case. On 14 May 2005 the Constitutional Court heard the *Fourie* case and the Equality Project's direct application. On 1 December 2005 the Constitutional Court judgment was handed down, concluding that the common law definition of marriage and the Marriage Act (Act 25 of 1961) were inconsistent with the Constitution. In his judgement of 1 December 2005, Justice Albie Sachs stated that the:

> *Constitutional Court found that the failure of the common law and the Marriage Act to provide the means whereby same-sex couples could enjoy the same status, entitlements and responsibilities as heterosexuals do in marriage constituted an unjustifiable violation of their rights to equality and dignity.* (Judge, Manion and de Waal 2008, 3)

In this judgement, rather than invalidate the existing laws governing marriage, the Constitutional Court gave Parliament twelve months in which to address the discriminatory aspects of the Marriage Act of 1961. If no changes were made within this time frame, the Court would "automatically order that Section 30 (1) of the Marriage Act be read as including the words 'or spouse' after the words 'or

husband' as they appear in the marriage formula, thus allowing same-sex couples to marry." (Judge, Manion and de Waal 2008, 3)

As a result of this judgement a time of national debate was held during which a response was heard from a wide range of society including LGBTI organisations, human rights activists, religious groups and traditional leadership. LGBTI is an acronym used for 'lesbian, gay, bisexual, transgender and intersex people'. "This formulation has become the accepted usage in referring to a diverse community united by self-identification with sexualities other than the traditional heterosexual norm … the 'I' for 'intersexed' is a relatively recent addition, hence the form 'LGBT' in some usages." (Judge, Manion and de Waal 2008, 13) The debate was widely held and characterised by protest marches, television and radio coverage, and local talks which were often heated and sometimes acrimonious.

> *The public discourse, inside and outside Parliament, was often characterised by flagrant expressions of hate speech, demonizing LGBTI people and their relationships. Same-sex marriage was the first LGBTI rights issue to enter the public arena for orchestrated nation-wide debate. All previous LGBTI-related legal reforms had passed without much of a fuss. In a sense, the same-sex marriage debate became far broader than the question of whether same-sex couples should have the right to marry: it went to the heart of beliefs about and attitudes to gender, sexuality, power, democracy, religion, culture and the like.* (Judge, Manion and de Waal 2008, 13)

On 1 December 2006, South African Parliament enacted the Civil Union Act (Act 17 of 2006) which allows any two people regardless of sex or gender to enter into a civil union or a marriage. According to the Act 'gender' is understood as a social category, while sex is understood to be a biological category. Joan Scott describes gender as "a social category [that is] imposed on a sexual body." (Scott 1988, 32) The Civil Union Act did not repeal the Marriage Act (1961) which remains unchanged. Heterosexual couples can therefore choose whether to be married under the Marriage Act or the Civil Union Act. Same-sex couples can only be married or enter into a civil partnership under the Civil Union Act. The state into which a couple enters under this Act can be cited as either a marriage or a civil union.

The effect of the enactment of the Civil Union Act, therefore, was to legislate for a relationship which could be declared either a marriage or a civil union.

1.2. A description of the foundation of MASA

The Marriage Alliance of South Africa (MASA) was founded after the Supreme Court of Appeal judgment handed down on 30 November 2004 concluded that the existing marriage laws unfairly discriminated against gay and lesbian couples. The formation of MASA constituted part of the response of the Christian religious sector of South African society to the national debate on same-sex marriage.

The sources used to research and describe MASA's definition and theology of marriage are unpublished, and while some sources are accessible to the public using the internet, others are not. Because these are primary sources for the research in this thesis they are quoted in length. In the interests of brevity the references to these sources will be made in the following way:

Cassidy, M. 2004. Letter dated 10 December 2004 addressed to all South African Christian Leaders Association participants accessed via http://www.sacla.za.net/index.php?component=dd b&operation=page&page=26 (last accessed 20 November 2008.)	(Cassidy 2004. Letter)
Cassidy, M. *Progress Report on Same-Sex Marriage Issue* (date unspecified) accessed via http://www.sacla.za.net/index.php?component=dd b&operation=page&page=76 (last accessed 20 November 2008.)	(Cassidy. Progress Report)
Cassidy, M. *Prayer for Marriage* (date unspecified) accessed via http://www.sacla.za.net/index.php?component=dd b&operation=page&page=194 (last accessed 20 November 2008.)	(Cassidy. Prayer for Marriage)
Christian Lawyers Association. Press statement dated 2 November 2004 entitled *Same Sex Marriage* accessed via http://www.sacla.za.net/index.php?component=dd b&operation=page&page=75 (last accessed 20 November 2008.)	(CLA. 2004. PS)
Dobson, J. 2005. An open letter to South Africans on same-sex marriage dated November 2005. Accessed via http://www.cft.org.za/articles/dobson_gay_marriag e_sa.htm (last accessed 7 January 2008.)	(Dobson. 2005. Letter)

Marriage Alliance of South Africa. 2004. *Heads of Argument* submitted to the Constitutional Court of South Africa for consideration of Case No. CCT 60/2004 hardcopy given to me by Dr Michael Cassidy, and electronic copy given to me by Naomi Boshoff, in July 2008.	(Point _, Heads of Argument)
Marriage Alliance of South Africa. 2005. Press release dated 11 May 2005 entitled *Churches Unite to Defend Marriage in Constitutional Court* accessed via http://www.sacla.za.net/?component=ddb&operation=page&page=195 (last accessed 20 November 2008.)	(MASA. 2005. PR: Churches Unite)
Marriage Alliance of South Africa. 2005. Press release (date unspecified) entitled *Definition of Marriage in the Balance* accessed via http://www.sacla.za.net/?component=ddb&operation=page&page=195 (last accessed 20 November 2008.)	(MASA. 2005. PR: Definition)
Marriage Alliance of South Africa. 2006. Positional Statement – Submission on Marriage – June 2006. Hardcopy given to me by Dr Michael Cassidy.	(MASA. 2006. Positional Statement)
Marriage Alliance of South Africa. 2008. *Mission Statement* accessed via http://www.sacla.za.net/?component=ddb&operation=page&page=24 (last accessed 20 November 2008.)	(MASA. Mission Statement accessed via http://www.sacla.za.net/?component=ddb&operation=page&page=24; last accessed 20 November 2008)
Marriage Alliance of South Africa. 2008. Homepage accessed via http://www.sacla.za.net/?component=ddb&operation=page&page=24 (last accessed 20 November 2008.)	(MASA homepage accessed via http://www.sacla.za.net/?component=ddb&operation=page&page=24 last accessed 20 November 2008)
Ntlha, M. 2005. Letter addressed to all Marriage Alliance of South Africa members (date unspecified) accessed via http://www.cft.org.za/articles/masa_letter.htm (last accessed 20 November 2008.)	(Ntlha. 2005. Letter)

Ntlha, M. 2006. Marriage Alliance of South Africa Statement 11 September 2006. Letter sent to all Marriage Alliance of South Africa members. Hardcopy given to me by Dr Michael Cassidy.	(Ntlha. 2006. Letter)
South African Christian Leaders Association. 2004. Press release dated 7 December 2004 (embargoed until 11 December 20004) entitled *Christian Leaders Call for National Referendum on Same-Sex Marriage* accessed via http://www.sacla.za.net/index.php?component=ddb&operation=page&page=25 (last accessed 20 November 2008.)	(SACLA. 2004. PR)
South African Christian Leaders Association. 2008. Webpage entitled *What is SACLA?* accessed via http://www.sacla.za.net/index.php?component=ddb&operation=page&page=16 (last accessed 20 November 2008.)	(SACLA. 2008. What is SACLA? accessed via http://www.sacla.za.net/index.php?component=ddb&operation=page&page=16 last accessed 20 November 2008)

According to their press release of 11 May 2005, issued by the Director of Media Communications of MASA, Naomi Boshoff, MASA was launched by the founding members: Dr Michael Cassidy (International Team Leader of African Enterprise) and Reverend Moss Nthla (General Secretary of the Evangelical Alliance of South Africa.) They then joined with Cardinal Wilfred Napier of the Roman Catholic Church to "champion the cause of marriage and mobilize the Church to uphold and safeguard the traditional family." (MASA. 2005. PR: Churches Unite). These founding members are now listed on MASA's webpage as the patrons and co-chairpersons of MASA in the following way: "Dr Michael Cassidy (President and Founder of African Enterprise), Co-Chair; Rev Moss Ntlha (The Evangelical Alliance of South Africa), Co-Chair; Cardinal Wilfred Napier (The Roman Catholic Church.)" The exact date on which MASA came into existence is not publicly documented.

According to their webpage, which is hosted by the South African Christian Leaders Association website, MASA's mission statement reads as follows:

The Marriage Alliance of South Africa exists to serve the Church and society as a platform for constructive engagement in the current debate on the definition of marriage. It aims to raise support to put its case for monogamous, heterosexual marriage to the Constitutional Court in May 2005. It will engage in the democratic processes of South Africa to ensure that

marriage, family and religious freedoms are protected by both parliamentary legislation and the courts. (MASA. Mission Statement accessed via http://www.sacla.za.net/?component=ddb&operation=page&page=24 last accessed 20 November 2008)

While the constitutionality of marriage as defined and understood by the State was being challenged, prior to and during the national debate about same-sex marriage the supporters of what would become MASA began a campaign to defend the formulation of what they referred to as 'traditional marriage.' On MASA's website are hosted five documents published before their official founding by prominent members of the Alliance: the Christian Lawyers Association (CLA), the South African Christian Leaders Assembly (SACLA); and Dr Michael Cassidy in his individual capacity. SACLA is convened by Dr Michael Cassidy, Bishop Lunga ka Siboto (Second Vice President of the South African Council of Churches) and Rev Moss Ntlha. Each of these documents serves as pre-cursors to those published by MASA, and they offer an indication of the development of MASA's opposition to the possibility of legislation allowing for same-sex marriage in South Africa.

On Friday 6 May 2005, lawyers acting on behalf of MASA filed their written 'Heads of Argument' at the Court. In MASA's 11 May 2005 press release, the alliance informed readers that they had been admitted as amicus curiae in the hearing of the Constitutional Court case of the *Minister of Home Affairs vs Fourie and Another* scheduled for 17 May 2005. The press release reads that "the outcome of the Constitutional Court Case on 17 May will be decisive in the battle to secure marriage in its historical form, and safeguard family life and the welfare of women and children."

After the enactment of the Civil Union Act (Act 17 of 2006) by the Parliament of South Africa on 1 December 2006, Rev Moss Ntlha issued a letter on behalf of the co-chairpersons of MASA to thank its supporters for their active mobilization during the time of national debate, and to outline its future actions, which are to:

> *continue to advocate its position to fight for family and marriage and, as part of that, to:*
>
> 1. *Continue to call for an amendment to the Constitution – defining marriage as a voluntary union between a man and woman;*
> 2. *Facilitate and encourage efforts in and through the Church, to strengthen family and marriage as the foundational institution of society...*

3. *Call all partners and their constituency to pray and fast together for strength and wisdom in the battle ahead.* (Ntlha. 2006. Letter)

In this letter, Rev Ntlha also places the role of MASA within a wider Christian movement in South Africa:

It is good to remind ourselves that MASA came into existence not only to engage in matters related to same-sex relationships, but more importantly, to stand positively for the traditional understanding of marriage and family, and, for the nature of civil society (including the place of religion) in South Africa today. This means that it would want to encourage in a whole new way a positive and creative attention in our churches, to what it takes to make our marriages in South Africa really succeed. (Ntlha. 2006. Letter)

Archives from MASA and information about them are now hosted by the SACLA website http://www.sacla.za.net (last accessed 20 November 2008.) The SACLA website is sponsored by Focus on the Family. Focus on the Family was founded by Dr James Dobson in America in 1977 as a non-profit organization, and it has now become an international organization. According to their website http://www.focusonthefamily.com (last accessed 20 November 2008) the guiding principles of Focus on the Family are: the pre-eminence of evangelism; the permanence of marriage; the value of children; the sanctity of human life; the importance of social responsibility; the value of male and female. MASA finds support mainly from Evangelical Christian and conservative mainstream churches.

Dr Dobson was vocal in his support of MASA and Focus on the Family South Africa supported MASA in their submission to the Constitutional Court. Dr Dobson wrote that over seventy "Christian denominations and organisations" supported MASA in this legal process. (Dobson. 2005. Letter) According to my conversation with the Director of Media and Communications for MASA, Naomi Boshoff, on 1 July 2008, MASA is now turning their attention to the restoration of the family and other projects affiliated with the South African Christian Leadership Assembly.

1.3.   The homosexuality debate within the South African Christian community in the 1990s

The background to the changes of legislation that were made has been described from various personal and theological perspectives such as those contained in Paul Germond and Steve de Gruchy's edited work entitled *Aliens in the Household of God* (1997). These perspectives together with the chapter

entitled "The National Debate" described in *To Have and to Hold* and my own experience of the debate within the Anglican Church during this time form the backdrop for this brief description of the homosexuality debate within the South African Christian community during this time.

What was commonly referred to as 'the issue of homosexuality' was a burning topic of conversation within church communities and theological circles in the 1990's. As the gay and lesbian community became more vocal and visible after the freedom experienced through the political changes in South Africa since 1994, the perspectives of the churches became more public. The Christian communities grappled with the tension between the human rights culture and the perceived prohibition of homosexuality in the Bible. The right to be free from discrimination within the social sphere, and the right to freedom of speech and expression had to be reconciled with the experience of exclusion and discrimination that most people of homosexual orientation had within the ecclesiastical sphere of society.

From a purely theological perspective, homosexual orientation and sexuality in general had been the focus of much theological study within the Western churches since the early 1960's. This focus had begun in other countries of the world, most notably America, Canada, New Zealand, Australia and the United Kingdom. The churches in South Africa built on the work already done in this area as they began their own more public reflection on homosexuality in a more focussed way in the 1990's. Churches responded by engaging in studies on human sexuality and issuing reports such as: "Issues in Human Sexuality" and "The Church and Human Sexuality" within the Anglican Church; and in the 1979 document entitled "A Christian Understanding of Human Sexuality" in the Methodist Church. (Corbett 1997, 168) Germond attributes the reason for South African churches' delay in formally adopting this focus to the preoccupation with the application of liberation theology to the system of apartheid. He describes the historical prevalence of binary oppositions in South Africa and suggests that the binary of "white vs black, Christian vs communist, patriot vs traitor" was replaced with the "binary opposition of homosexual and heterosexual." (Germond 1997, 194)

South African churches and theologians therefore began to develop responses to the homosexuality debate based on liberation theology, theologies of inclusion and studies of the "sin texts – Genesis 19:1-19; Leviticus 18:22, 20:13; Romans 1:18-32; 1 Corinthians 6:9 and 1 Timothy 1:8-11 which traditionally have been understood to deal with homosexuality." (Germond 1997, 194) The experiences of gay and lesbian people were given voice within this public discourse and informed the theological developments.

The discussions became arguments between the perspective of a theology of inclusion which "is driven by the conviction that the central message of the Bible is one of radical inclusion" and the perspective of Biblical authority which is driven by fundamental adherence to a particular reading of biblical texts. Just as the Bible was used to argue for and against apartheid, so the Bible was used to argue for and against the inclusion of gay and lesbian people within the life of the church. Germond described this argument as the new "battle for the Bible." (Germond 1997, 188)

The battle for the Bible within the Anglican Church was held throughout the Anglican Communion and continues to be played out now in the arguments about gay clerics and woman bishops, leading to a much publicised perceived crisis. In 1995 I was present at a Clergy Conference held by the Diocese of Natal at which John Suggit presented his paper entitled "The Christian Attitude to Homosexuality." While some of the people present engaged with his study, others discounted what he had to say on the basis that he was known to be gay. They considered him to be too biased to engage accurately with the 'sin texts.' Since then most debates that I witnessed included the concept of biblical authority, with the anti-gay lobby regularly accusing the pro-gay lobby of not submitting to and living under the Word, that is, of not submitting to the authority of Scripture. In their view Christianity and the acceptance of homosexual practice are incompatible. (The concept of biblical authority will be discussed at the end of section four of chapter eight.)

While these debates raged on at church level, on the other hand, on a theological level, the lived experience of gay and lesbian people informed theological debate and public discourse in the 1990's. The reflections included in *Aliens in the Household of God* (Germond and De Gruchy 1997) reveal a common experience of exclusion and 'other-ness' which led to theological interrogation, some breaking away from the churches, and the formation of other worshipping communities such as the Deo Gloria Family Church in Pretoria. In resolution 1.10 of the Lambeth Conference of 1998 of the Anglican Communion, the conference recognised that there are homosexual people within Anglican congregations, and expressed commitment to listening to their experience and assuring them that they are loved by God and that they are full members of the Body of Christ. However, the conference rejected "homosexual practice" as being incompatible with Scripture, and thus made inclusion dependent upon sexual abstinence. The Roman Catholic Church taught that "although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered toward an intrinsic moral evil; and thus the inclination itself must be seen as an objective disorder." (Congregation for the Doctrine of the Faith. 1986, paragraphs 3-10) These teachings were echoed in other denominations through the

commonly heard expression "love the sinner, but not the sin." The net result was that church teaching tended to isolate gay and lesbian people as 'other', 'sinful' and 'disordered.'

The wider homosexuality debate in South Africa progressed into a debate about same-sex marriage once the potential change in legislation came with the Fourie case. The National Assembly's Portfolio Committee on Home Affairs opened a national stakeholders meeting in Parliament on 16 and 17 October 2006 to hear public reaction to the first draft of the Civil Union Bill. Stakeholders included amongst others: the South African Catholic Bishop's Conference (SACBC); the Christian Lawyers Association (CLA); the Marriage Alliance of South Africa (MASA); the Dutch Reformed Church (DRC); and the South African Council of Churches (SACC). The SACBC, CLA and MASA denounced the Bill on the basis that marriage is a heterosexual institution. Interestingly, the DRC and the SACC recognised the separation of Church and State and made proposals to accommodate this difference, showing sensitivity to the past in which the DRC influenced government by using Scripture to justify apartheid.

What was a logical progression from a legal perspective came to be seen as a threat to marriage from a Christian perspective. The public appeals of MASA reflect an urgent and emotive reaction to homosexual orientation, which, in my experience, gives voice to a commonly held homophobic attitude. MASA and those who share their views appear to be afraid of the LGBTI community, as if that minority community has the power to dismantle society as they know it.

The focus has shifted from a battle about homosexuality to a battle about marriage and family. This is seen in the incorporation of MASA into the South African Christian Leadership Assembly in order to give attention to the restoration of the family as mentioned earlier. The links between marriage, family and society are clearly made in MASA's Heads of Argument. In the analysis of MASA's perspectives in the ensuing chapters it will become clear that heterosexism and patriarchy are intrinsic to their understanding of marriage. Further to that, they inform their opposition to same-sex marriage and their fear of the 'abnormal' and 'unnatural' people who do not fit neatly into the heterosexual category.

Chapter Two: Key concepts in the understanding of marriage presented by MASA

The key concepts in MASA's theology of marriage, as derived from their 'Heads of Argument' and the press releases and letters related to it, will be presented in this chapter. Thereafter, using the tools of feminist theology and queer theology described in chapter three, an analysis and critique of MASA's theology of marriage will be offered in chapters four to seven.

2.1. Press releases and letters relating to MASA's theology of marriage

In their press statement made on 2 December 2004, the Christian Lawyers' Association (CLA) called the SCA judgment handed down on 30 November 2004 "fundamentally flawed and therefore a cause for grave concern." (CLA. 2004. PS) This judgement was handed down by Justice Edwin Cameron who is also a well-known gay rights activist.   The CLA declared in this press statement that the judgment "does not deal with the crucial issues that should have been addressed in a manner in keeping with legal integrity and principle," and goes on to assert that:

> the judgement sets a new precedent and stands to change a venerable institution of society – in this instance the institution of marriage – yet vital questions are not explored. Questions such as: What is the essence of the nature of the institution of marriage? ... At no point does the judgment really grapple with issues relating to equality and human dignity, nor does it attempt to assess these concepts in the context of understanding the institution of marriage itself. (Judge, Manion and de Waal 2008, 184-185)

The statement continues with an assessment of the support for same-sex relationships, and concludes that, according to the Human Sciences Research Council's 2003 Social Attitudes Survey that was released 8 October 2004:

> 78% of adult South Africans believe that sexual relations between two adults of the same gender are 'always wrong' ... [and that] the majority of South Africans ... believe that sexual relations between people of the same sex are taboo and consequently oppose the prospect of gay marriages being legalized in this country ... The judgment shows that, similar to those who defended the tyranny of Apartheid, the courts of the New South Africa are willing to advance the cause of a minority group in total disregard of the fundamental principles of democracy and the core values embraced by the majority of South Africans. (CLA. 2004. PS)

It is clear from this press statement that the CLA approached the debate from the perspective of the principles of law, and with a belief in the democratic principle of majority rule. This stands alongside the theological perspective shown in Dr Michael Cassidy's letter to SACLA participants dated 10 December 2004. (Cassidy. 2004. Letter) According to their webpage, SACLA defines itself as a "facilitating & networking initiative, supporting Churches, existing Christian organisations & individual Christian Leaders on a local & national level." SACLA's vision is that of "Christian leaders working together to support a spiritual renewal that will bring about a measurable moral and social transformation of our nation by 2010." Their Mission Statement is:

- *To be an effective credible witness to Jesus Christ as Saviour and Lord in SA today*
- *To empower Christians to address the social and moral issues in SA (Giants & Tracks)*
- *To facilitate networking in various spheres of society for effective Christian action.* (SACLA. 2008. What is SACLA? accessed via http://www.sacla.za.net/index.php?component=ddb&operation=page&page=16 last accessed 20 November 2008)

Dr Cassidy's letter to SACLA participants also quotes the Human Sciences Research Council's 2003 Social Attitudes Survey (released 8 October 2004,) and refers to the CLA's Press Statement dated 2 December 2004 (CLA. 2004. PS) as having been distributed to all SACA participants previously. In this letter Dr Cassidy writes:

> *We are taking grave exception to an effective and vocal but very small minority lobby seeking in effect to use the judiciary as their legislature to get certain basic laws of the nation changed and overturned without this going through a proper parliamentary and legislative process, along with a national debate. In fact, if such a fundamental institution as marriage, which has stood the test of time from the beginning of humankind, is to be overturned, then at the very least a national referendum should take place before any such changes are effected ... We also believe that same-sex marriage is not only strictly contrary to the Scriptures, but to the will of the majority of South Africans.* (Cassidy. 2004. Letter)

The letter goes on to urge all participants to make their voices heard in opposition to the proposed legislation, and names the processes that have been put in place by SACLA to present their concerns to the attention of Parliament, the State President and the Minister of Home Affairs. Dr Cassidy goes on to write:

So this is a time for everyone to stand up and be counted if you wish to see the traditional understandings of marriage, family life and the home retained in our nation ... Needless to say, we are not in any way seeking to deny anyone their constitutional rights. Nor do our concerns sanction any kind of homophobic responses to individuals who are caught up in same-sex behaviour. The need for understanding, compassion and ministry remain profound. But none of that allows us to change or alter marriage as the most basic institution of society which God has put in place from the beginning of creation.

Following SACLA's presentation to the Sate President and the Minister of Home Affairs, Dr Cassidy published a progress report on the SACLA website, and ended by writing:

I believe we need to pray that the current and traditional definition of marriage as hetero-sexual and monogamous will be defended and secured for future generations of South Africans at all costs. (Cassidy. Progress Report)

In his Prayer for Marriage published around the same time, the theology of marriage that Dr Cassidy voices begins to become clear. The theology expressed in this prayer has been shaped by the changed context of South African society in which religious tolerance and secularisation are established. The tone of the prayer indicates the intensity of the sense of threat that the proposed legislation on same-sex marriage brings, and emphasises the perceived need to battle for the 'traditional model' of marriage and family (Marriage Alliance of South Africa. 2004. Heads of Argument, point 4) The first half of the prayer reads as follows:

Pray that all churches in South Africa and the Church worldwide will rise up to engage in the battle for the family in a new way, and renew their commitment to build strong marriages. Pray for the children of our nation, that they would be provided for and nurtured by loving parents; mothers and fathers, married to one another and secure as husband and wife. Let us pray for our people to embrace and live by the values of sexual purity and marital faithfulness ... (Cassidy. Prayer for Marriage)

After these publications formed the backdrop to the foundation of MASA, the alliance then made explicit their understanding, definition and theology of marriage in their press release issued on 9 May 2005. In this release MASA described the argument that was presented by their counsel in the written 'Heads of Argument' at the Court, which included:

expert evidence on the social and cultural nature of marriage. Lawyers for the Marriage Alliance have submitted that marriage pre-dates both the state and the law, and that it is a

social institution that has been recognised and celebrated by all societies, cultures and the major religions of the world, throughout the ages. They will argue that steps to redefine marriage are unnecessary, as marriage by its very nature is a heterosexual institution. There is evidence to suggest that rather than strengthening marriage, the redefinition of marriage will actually undermine, and ultimately destroy marriage in its traditional and currently recognised form ... [MASA's] position is that the Church has a God-given task to promote family values in society, in the interest of future generations. Healthy families contribute to order and security in all the different communities of the nation, irrespective of culture and religion. Therefore, upholding the ideal and integrity of marriage is vitally important to society as a whole ... The Marriage Alliance stands for the universally accepted norm: that marriage is the union of a man and a woman for life, and has determined to promote marriage as a valuable ideal in South Africa. (MASA. 2005. PR: Churches Unite)

A summary of the argument presented in the written submission was published by MASA in their press release entitled *Definition of Marriage in the Balance.* In this release they summarise for their readers what their lawyers said on their behalf:

Fundamental to marriage is that it consists of a man and a woman [and] marriage is an exclusively heterosexual institution ...

Genderless marriage - They further held that if marriage was redefined to include same-sex couples, the nature of the institution will change. It is not simply a matter of inclusion. Married couples will find themselves in a "genderless" institution that would be distinctly different from the one into which they had entered in the first instance. In the long term this will undermine the integrity and value of marriage which, for centuries, has been the 'civic glue' that binds families and societies together. It would also have extreme consequences for male-female relationships. They cautioned that there is need to seriously consider the consequences of such a change. (MASA. 2005. PR: Definition)

In June 2006 MASA produced a positional statement on marriage that includes an outline of their theology of marriage in a section entitled 'statement of faith.' The section begins with an embrace of the "Biblical standard for marriage and the family: that is, that marriage was instituted by God and is intended to be the life-long union between a man and a woman (Gen 1:27; 2:24)." It then states that God's purpose for marriage is to:

- *be the foundational institution of a stable and healthy society,*

- *establish the proper environment for procreation and nurture of godly offspring (Mal 2:15)*
- *define the parameters within which our sexuality can be expressed in a safe and healthy relationship, and*
- *reflect God's character in the union of man and woman in a covenantal relationship; that is his love and concern for human kind and specifically Christ's love for his Church (Ef [sic] 5:21-33)"*

(MASA. 2006. Positional Statement)

In the description of family that follows, emphasis is given to the need for both a male and female parent for the formation of children's character, and ends with the assertion that their view of family is "universally recognised by most people and religions as divinely ordained of God, and is the key to the moral structure of a healthy society." Undergirding this definition is Michael Cassidy's view that marriage is "what God has put in place from the beginning of creation" and that this understanding of marriage is a "universally accepted norm." (Cassidy. 2004. Letter) The statement concludes by emphasising that MASA does not seek to deny legitimate rights to any people with other beliefs and preferences, but that its concern is "simply to protect the Biblical concept of marriage as: a voluntary union between a man and a woman. [They believe that] it is in the interest of a stable and healthy society to protect this universally accepted definition of marriage. (MASA. 2006. Positional Statement)

Therefore, in summary, the definition of marriage articulated by MASA is that marriage, according to the 'biblical view' and in its 'historical,' 'traditional' and 'universal' form, is: the 'voluntary union of a man and a woman for life;' 'a heterosexual institution by nature;' the 'civic glue' for society; and the foundation of the 'traditional family.' (MASA. 2005. PR: Churches Unite)

In the following section, further argumentation in defence of this definition of marriage will be shown in a summary of the written submission of the MASA's 'Heads of Argument' made to the Constitutional Court of South Africa in *Minister of Home Affairs and Another v Fourie and Another*.

2.2. The understanding of marriage that MASA presented in their 'Heads of Argument' submitted to the Constitutional Court of South Africa during the hearing of *Minister of Home Affairs and Another v Fourie and Another*

MASA's 'Heads of Argument' were formulated to argue against the alteration of the Marriage Act of 1961 which would lead to a redefinition of marriage. The main themes of the argument will be explored in this chapter namely: the traditional model of marriage; marriage as a social institution; marriage as the foundation on which families are built and children are raised; procreation as intrinsic to the nature of marriage; and marriage as a heterosexual institution.

2.2.1. The 'traditional' model of marriage

At the beginning of their argument, counsel for MASA presented two models of marriage in opposition to one another in order to show how one model is contradictory to their understanding of "the actual intrinsic nature of marriage." (Point 33, Heads of Argument) These models are explained in the following way: "the traditional, common law model as the "conjugal" or "traditional model" [and] the "close personal relationship" or "pure relationship" model." (Point 2, Heads of Argument)

Justification for this statement is given in the form of two legal cases that illustrate the differences between these two models of marriage. In the traditional model of marriage articulated by Gonthier as quoted by La Forest regarding Egan v Canada 124 DLR (4th), emphasis is given to the "fundamental importance of marriage as a social institution The "ultimate raison d'être" of marriage "transcends" all philosophical and religious traditions

> *and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual.* (Point 5.1, Heads of Argument)

The "close personal relationship model," cited in point four of the 'Heads of Argument' is described in the words of another legal case Goodridge v Department of Public Health, 440 Mass 309, 798 NE2d 941 (2003) as being "at once a deeply personal commitment to another human being and a highly public celebration of the ideals of mutuality, companionship, intimacy, fidelity and family … Because it fulfils

yearnings for security, safe haven, and a connection that express our common humanity." It is also described as one of "life's momentous acts of self-definition." (Point 5.2, Heads of Argument)

In their "'Heads of Argument'" MASA's counsel argued that the Supreme Court of Appeal's judgement handed down by Judge JA Cameron on 30 November 2004, in which it was decided that the existing marriage laws unfairly discriminated against gay and lesbian couples, was based on a "close personal relationship model" as cited in point 26. The argument goes on to discredit this model as a framework for legislation governing marriage because it would disregard what they believe to be the actual intrinsic nature of marriage, and would support a change in the social meaning of civil marriage and redefine it to be "nothing more than a 'shrine for love and commitment' where adult choice is … sufficient to constitute a marriage." (Point 33, Heads of Argument)

It is in opposition to this close personal relationship model that MASA presents the traditional model as the more favourable model according to history or tradition, sociology and religion. To substantiate their argument they explore in depth the sociological dimension of marriage and the impact that the proposed change would have.

2.2.2. Marriage as a social institution

The understanding that marriage is a social institution is clearly articulated in the 'Heads of Argument'. Monte Stewart is quoted as stating that the implication of this understanding is that marriage as a social institution shapes "shared public meaning" and therefore affects personal meaning in the form of the "individual identity, perceptions, aspirations and conduct." (Point 8.6, Heads of Argument)

According to Stewart:

> *'(T)he marriage institution, like all social institutions, is constituted by a complex web of meanings that supplies to the people who participate in it what they should aim for, dictates what is acceptable or effective for them to do, and teaches how they must relate to other members of the institution and to those on the outside, in other words, that profoundly shapes what those who participate in the institution think of themselves and of one another, what they believe to be important and what they strive to achieve.'* (Point 8.3, Heads of Argument)

Stewart warns that to alter the definition of marriage is to alter:

> *the individual identity, perceptions, aspirations and conduct formed by reference to the [the institution of marriage] ... The virtually universally shared public and core meaning constituting the vital social institution of marriage is that the marriage is the union of a man and a woman.* (Point 8.9, Heads of Argument)

In this argument it is clear that traditional marriage is valued for what it contributes to wider society by shaping personal identity, self-understanding and conduct within that society's context. As a social institution, marriage has contributed particular meaning to the understanding of family, and has informed the practical living out of family life including the structure of relationships, the role of each family member, and the structure of the economy. In the 'Heads of Argument', Cere is quoted as saying that "marriage is an institution ... [that] negotiates a stable partnership of life and property. (Point 4, Heads of Argument) Changing the commonly accepted traditional understanding of marriage would change the way people think about themselves, the way people live as a family and the way people impact on wider society, including the way in which they operate within and affect the economy. This economic aspect as a concept is referred to by Balswick and Balswick in their work entitled *The Family: A Christian perspective of the Contemporary Home.* (2007, 344-352)

According to MASA, traditional marriage safeguards family life and the welfare of women and children, and these healthy families contribute to order and security in society. Therefore, they argue that to alter the definition of marriage is to destabilize the individual, the family, and society at large, and will cause a decline in marriage. (Point 8, Heads of Argument) By appealing to the concept of 'ubuntu' the argument seems to suggest that a change of legislation would marginalise the majority of the country whose religion and/or culture are incompatible with same-sex marriage. This argument leads to an exploration of the relationship between civil life and the life of faith. It argues against the term 'civil marriage' by suggesting that the term 'marriage' implies religious belief. The argument warns against the compartmentalisation of society into the 'religious' and the 'civil' because it "would skew analysis in a direction that favours the beliefs (or worldview) of atheists and agnostics as against religious believers." The argument then appeals to a judgment of the Supreme Court of Canada (Chamberlain v Surrey School District No. 36[2002] 4.S.C.R 710) rejecting:

> *the idea that there can be a 'bright line' between civil and religious when it held that the term 'secular' must be interpreted so as to include religious beliefs rather than exclude them... The 'civil' is not, therefore, to be viewed as a 'religiously free' realm but one that*

includes all citizens whether they are religious or not. (Point 55, Heads of Argument)

After citing social meaning, culture and religion, and then debating inclusion and the balance between majority and minority interests, the argument goes on to deal with the family unit. The argument draws on the statements of Justice La Forest of Canada who asserts that to change to a 'close personal relationship' model of marriage would "represent a fundamental re-interpretation of the core social purposes of marriage." La Forest states that this reinterpretation will sever marriage from its "historic roots in sex difference, permanence, and children" and result in a form of marriage that is "more pliable, open to constant renegotiation, easily contracted and easily dissolved." (Points 9-10, Heads of Argument) In this thinking, the constitution of the family is regarded as a 'core social purpose of marriage.'

The argument asserts that if the legislation were to change, it would cause the "destruction of the institution" of marriage and cause "the creation of a new one." (Point 55, Heads of Argument) According to the Heads of Argument, the destruction of the traditional model of marriage would have consequences that would be felt close to home, that is, consequences for couples and families.

2.2.3. Marriage as the foundation on which families are built and children are raised

MASA's argument links the wellbeing of children to the traditional model of marriage, and suggests that the welfare of children is best served by parents who are a monogamous, married, and heterosexual couple. The argument further asserts that both children and wider society benefit from this form of formally recognised relationship.

Traditional marriage is understood to be the building block of civil society, and "the foundation on which families are built and the primary way in which couples and families organise their lives." Counsel for MASA therefore states that the "State has a legitimate and important purpose in supporting marriage." (Point 34, Heads of Argument)The argument appeals to the responsibility of the State to secure the wellbeing of society by maintaining the traditional definition of marriage, and adds that "the State further has a compelling interest in fostering the private welfare of children." (Point 35, Heads of Argument) The close relationship model of marriage is said to be as quoted previously, "nothing more than a 'shrine for love and commitment' where adult choice is not only necessary but sufficient to

constitute a marriage," and the argument asserts that this model "fundamentally conflicts with the current institution and its role in fostering the private welfare of children." The wellbeing of 'civil society' is given as the sociological justification for this argument. (Point 33, Heads of Argument)

An alternative judgement handed down by Justice Sosman in the Goodridge case is quoted as relevant in this regard, and counsel for MASA introduce his judgement in order to argue against it. Sosman suggests that same-sex couples can also cater well for the children in their welfare. He is quoted as saying:

> *'Based on our own philosophy of child rearing, and on our observations of the children being raised by same-sex couples to whom we are personally close, we may be of the view that what matters to children is not the gender, or sexual orientation, or even the number of the adults who raise them, but rather whether those adults provide the children with the nurturing, stable, safe, consistent and supportive environment in which to mature. Same-sex couples can provide their children with the requisite nurturing, stable, safe, consistent and supportive environment in which to mature, just as opposite-sex couples do. It is therefore understandable that the court might view the traditional definition of marriage as an unnecessary anachronism, rooted in historical prejudices that modern society has in a large measure rejected and a biological limitation that modern science has overcome.* (Point 45, Heads of Argument)

Sosman is quoted further in the same point as referring to evidence suggesting that despite the "inconclusive and conflicting results" of scientific study, children raised in same-sex households display some observable differences to children "raised by opposite-sex couples." He goes on to affirm the "no downside argument" in the same-sex marriage debate by asserting that "the State's interest in marriage will not be adversely affected if same-sex couples are allowed to marry [and that] married same-sex couples will strengthen and enhance the importance of marriage in South African society." (Point 49, Heads of Argument)

In response to Sosman's judgement , MASA's 'Heads of Argument' states that "to date there is no conclusive research in this area because same-sex marriage is a recent phenomenon," (Point 51, Heads of Argument) and goes on to disagree with his suggestion that marriage would not be adversely affected by same-sex couples. The reason given for this disagreement is the link between marriage, children, and wider society:

> *The institution of marriage links heterosexual bonding, procreativity and natural parent-*

child connectedness for the benefit of children and society at large. Defining marriage as the "union of any two persons" necessarily destroys this linkage. It destroys the unique social-sexual ecology in human life that marriage represents. It removes the symbolic importance of procreation to the detriment of society and future generations and it separates parenthood from marriage ...The latter phenomenon is documented and researched in family life in Scandinavian countries that have legalised same-sex marriages. (Points 52 and 53, Heads of Argument)

This evidence is used to affirm the understanding that procreation is intrinsic to marriage, and that welfare of children and of wider society depends on a heterosexual marriage relationship. The family, as a stable building block of society, is the locus within which children are conceived and raised. This argument finds justification in a particular form of theology that limits the procreative purpose of marriage to a strictly biological sense. MASA's concept of procreation is similarly limited as described in the following section.

2.2.4. Procreation as intrinsic to the nature of marriage

In arguing against the close personal relationship model of marriage in favour of the traditional model of marriage, counsel for MASA argue that intrinsic to the nature of marriage is the aim of procreation and not the aim of close personal relationships. (Point 5, Heads of Argument) This argument is further developed by citing Canadian Law and public policy in which Justice La Forest states that:

marriage is 'firmly anchored in the biological and social realities that men and women have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship." (Points 9 and 10, Heads of Argument)

In the 'Heads of Argument', Justice La Forest of Canada goes on to say that by the time of Egan who was quoted in his judgement "a revolt against" the aforementioned biological and social realities was "already well under way:"

A new body of academic and legal opinion was busily draining marriage of its core conjugal characteristics: permanence, procreativity and child-centeredness. The move to divest marriage even of its sex-bridging essence was being prepared. Conjugal marriage would be discharged in favour of something else, something built on 'pure relationships' or on

what scholars sometimes call 'close relationship theory.' (Points 9 and 10, Heads of Argument)

When arguing from a juridical perspective, MASA states that same-sex couples are automatically excluded from marriage not because of a "personal characteristic giving rise to differential treatment founded upon a stereotypical difference," but because of a biological reality. "Same-sex couples are simply <u>incapable</u> [emphasis theirs] of marriage, because they cannot procreate through heterosexual intercourse. Thus it is a distinction created by the nature of the institution itself…" (Point 16, Heads of Argument). According to this argument, marriage is inherently and uniquely heterosexual in nature, and the ability to procreate is a defining characteristic of it.

In quoting from an article by Pierre De Vos, the counsel for MASA conclude that to legalise same-sex marriage would not simply involve the inclusion of homosexual people in the institution of marriage, but that it would meet the true goal which is:

> the 'attack' on marriage and the family. The legal challenges claim simple inclusion but their reason for the inclusion is not benign, it is designed to obliterate the pre-existing institutions as 'heteronormative.' (Point 30, Heads of Argument)

Therefore, at the heart of MASA's argument against same-sex marriage is a biological or naturalistic argument. Procreation is the goal of marriage and those who are 'incapable' of procreating are therefore incapable of being married. In this argument it is clear that procreation is understood to be a natural biological process through which a man and a woman conceive and give birth to a child. Therefore, MASA's theology is not only heteronormative in bias, but also based on a particular understanding of gender in which male and female form binary opposites. This aspect informs the assertion that marriage is a heterosexual institution.

2.2.5. Marriage as a heterosexual institution

De Vos articulates the opinion that same-sex marriage threatens "the pre-existing recognized category of male/female marriage." To argue that marriage is a heterosexual institution is to argue that there are only two expressions of gender: male and female. In analysing the 'Heads of Argument' what became clear is that the relationship between male and female is understood in a particular way, for example, in the

assertion that these two distinct expressions of gender are shaped by the social meaning of the traditional model of marriage:

> *the institution turns a male into a husband and often into a husband / father. In many important ways, a husband acts differently towards a wife than a male acts towards a female and a husband / father acts differently towards his child than a male acts towards his biological offspring.* (Point 30, Heads of Argument)

The importance of the male/female binary is located not simply in the living out of a sexual relationship within a marriage, but is also located in the power of that marriage to appropriate property and add value to the family in the form of children. In the 'Heads of Argument', Cere is quoted from "Coolidge: "Same-sex marriage? Baehr v Miike and the Meaning of Marriage", *South Texas Law Review*, Vol. 38:1 (1997) pp1-119. He puts forward three contending models of marriage: the traditional model (complementarity;) the liberal model (choice;) and the post modern model (commitment.) His conclusion is that the traditional model defines marriage in America," and that it "interacts with the unique social-sexual ecology in human life. It bridges the male-female divide … negotiates a stable partnership of life and property ….seeks to manage the procreative process and to establish parental obligations to offspring … [and] supports the birthright of children to be connected to their mothers and fathers." (Point 30, Heads of Argument)

The possibility that the definition of marriage may be altered in order to allow people of the same gender to be married is understood as a threat to the invariable features of the traditional model of marriage. Changing these features would change the institution of marriage, and therefore the social meaning of marriage, and therefore the individual's understanding of marriage. Thus, people who have already been married under the traditional model would belong to an institution that is no longer what it was, causing a crisis of identity:

> *To the extent that institutions are constituted by social meaning, and to the extent that the law dictates the social meaning of civil marriage, to redefine marriage as the union of any two persons is not to pull gay men and lesbians into marriage as our societies now know it, but to pull married man/woman couples into what Monte Stewart calls "genderless marriage."* (Point 27, Heads of Argument)

As De Vos states in the 'Heads of Argument,' marriage would therefore no longer be "associated with the validation and valorisation of certain kinds of heterosexual relationships, and would no longer

"conform to the idealised heterosexual norm." (Point 30, Heads of Argument) Same-sex marriage legislation is therefore considered to be a threat not only to traditional marriage, but also to the heteronormativity that it represents and supports. As cited earlier, marriage as a social institution is constituted in large measure by shared public meanings, and core meaning affects and is dependent on all the others.

Counsel for MASA therefore argued that to alter the definition of marriage would be to create a "genderless institution" that will undermine the value and integrity of marriage and have "extreme consequences for the relationship between men and women." (MASA. 2005. PR: Definition) According to MASA, traditional marriage safeguards family life and the welfare of women and children, and these healthy families contribute to order and security in society. Therefore, they argue that to alter the definition of marriage is to destabilize the individual, the family, and society at large, and will consequently cause a decline in marriage. (Point 8, Heads of Argument) The inference is that same-sex marriage would allow for a subversion of gender identity" as a result of losing their reference to the 'old institution' of marriage. People would therefore lose the sense of their own identity which has been based on their role within society as a husband or a wife, or as a man or a woman. MASA therefore warns that a genderless marriage would be in opposition to the "actual intrinsic nature of marriage" which is heterosexual and procreative. (Point 33, Heads of Argument)

To conclude, MASA's 'Heads of Argument' argues against the alteration of the legal definition of marriage to include same-sex couples on the basis that it would change the social meaning of marriage and family in such a way that marriage would no longer function as a stable building block of society. Marriage will decline and no longer bridge the male female divide and provide a social framework in which children are produced and nurtured. MASA argues that by deciding not to alter the legal definition of marriage, the traditional model of marriage will be maintained within South African society. This traditional model of marriage is understood to be a monogamous and heterosexual relationship formed for the purpose of procreation and the formation of a family unit.

These key concepts in MASA's theology of marriage, as derived from their 'Heads of Argument' and the press releases and letters related to it, will be analysed in the subsequent chapters using two related branches of theology: feminist theology and queer theology. Thereafter, an alternative theology of marriage and family will be offered, using both queer theology and Trinitarian theology.

Chapter Three: An explanation of feminist theology, queer theory, and queer theology

Before providing an analysis of the definition and understanding of marriage articulated by MASA, an explanation of queer theory and its development, and its use in queer theology will be offered. In this chapter the tools for analysis of feminist theology, queer theory and queer theology will be explained. Thereafter, these tools will be used to propose that the Christian opposition to same-sex marriage as articulated by MASA is based not so much on a particular Christian tradition, theology or Scriptural understanding, but on a system of power contained in a hetero-patriarchal understanding of family and society. This chapter begins with an explanation of feminist theology.

3.1. Feminist Theology

This brief explanation of feminist theology draws on the works of Elizabeth Johnson (1994), Elisabeth Shüssler Fiorenza (1984), Mary Daly (1985) and Rosemary Radford Reuther (1993).

Feminist theology developed along-side the feminist movement of (roughly) the last two hundred years. The slogan of the feminist movement was and is: 'the personal is political.'[1] As a theology it is a form of liberation theology, that is, it is a critical reflection on praxis in the light of the Gospel. As a method, liberation theology originated in Latin America, and has traveled well and been translated into many different contexts. Liberation theology was born out of an experience of poverty and oppression and serves to bring justice and freedom to the poor and oppressed.[2] In its development, liberation theology has come to expose the dominance of the wealthy and powerful through colonisation and capitalism. Feminist theology was born out of a similar experience of poverty and oppression and serves to bring justice and freedom to women. In its development feminist theology has exposed the dominance of the male over the female in the form of patriarchy. Elizabeth Johnson describes patriarchy as "the name commonly given to sexist social structures ... [and] a form of social organization in which power is always in the hand of the dominant man or men." (Johnson 1994, 23) Similarly, Burguière et al describe

---

[1] Key texts are: Daly, M. 1985. *Beyond God the Father: toward a philosophy of women's liberation;* Reuther, R.R. 1993. *Sexism and God-Talk;* Johnson, E.A. 1994. *She Who Is: The Mystery of God in Feminist Theological Discourse*; and Fiorenza, E.S. 1984. *In Memory of Her. A Feminist Theological Reconstruction of Christian Origins.*

[2] Key texts are: Boff, L. 1978. *Jesus Christ Liberator: A Critical Theology for Our Time*; Boff, L. 1987. *Introducing Liberation Theology*; and Gutiérrez, G. 1973. *A Theology of Liberation.*

it as a "political system in which power is exercised by men, generally the oldest members of the community." (Burguière et al 1996, 652) Both feminist and liberation theologies employ the same methodology, that is, a radical critique of Christian life based on the basic priority of the value of the full humanity of a person (of women in the case of feminist theology and of the oppressed in general in the case of liberation theology.) The experience of women has been, and still is, that this value is not yet reflected by social and ecclesial structures. Theology, praxis, spirituality, social practice and governance are critiqued according to this priority, and if the humanity of women flourishes it is judged to be of God; if it is restricted, it is not of God.

Feminist hermeneutics draws on a long tradition in the church that has recognised that a literal interpretation of Scripture is not the only way, and that Scripture can be interpreted more significantly in an allegorical, moral or analogical way. Feminist theologians begin their reading with the acknowledgement that Scriptures were written for men in order to be read by men, and carefully analyse Scripture for its androcentric dominance. Shüssler Fiorenza uses this understanding strictly by employing what she describes as a 'hermeneutic of suspicion.' (Fiorenza 2001, 176) Each method is used to retrieve from Scripture a message that is liberating for women and to discard the contextually imposed interpretations that are incompatible with the essential message of the Gospel which is fullness of life for all who believe.

Feminist anthropology is therefore based upon a re-reading of texts that have dominated the Christian understanding of what it is to be a man or woman: 1 Corinthians 11: 3 (the head of a woman is a man just as the head of a man is Christ; 1 Corinthians 11:5-15 (about head-coverings and the glory of man and God); and 1 Timothy 2:11-14 (women are to be silent.) The author(s) of these texts use Genesis 1 – 3 as their justification, and therefore a feminist anthropology also interrogates these texts. (Rakoczy 2004, 28-60) The New Testament texts inherited the Greek philosophical categories of dualism: the mind and the body as separate entities with the mind being valuable and the body being a disposable hindrance to spiritual freedom. As a result of this inheritance, embodiment was devalued. In Augustine's writings this mind-body dualism incorporates a male-female dualism with the resulting opinion that the female is subordinate to the male in the order of nature. This subordinate nature was evidenced by her carnality in the disorder of sin which entered the world first through Eve. All women were associated with Eve, and by the time of Tertullian women were named 'the devil's gateway.' This attitude prevailed, and was developed using Aristotelian philosophical categories by Thomas Aquinas. His anthropology was not dualistic in that he viewed the person as a composite of body and soul. His

theology proposed that men are ordered to intellectual activity and that although women possess rationality, they are intended for procreation and for the support of the male. In his writings is found the opinion that men are created in the image of God and women are not quite the same, and that women's sexuality involves a weaker and imperfect body (that is a body that possessed a mind/will that is incapable of taking an oath as well.) We have inherited this worldview and have supplemented it with similarly androcentric economic and socio-political paradigms. And because of this worldview, Christian language about God has been male, elevating the male to the divine in what Johnson regards as idolatry. (Johnson and Rakoczy 1997, 57-58)

Feminist theology therefore interrogates inherited theologies and biblical interpretations in an effort to affirm the value of the full humanity of women. Its methodology has been employed in every theological discipline and has revealed the patriarchal and androcentric (and sometimes misogynistic) bias in traditional theology. While it was originally a theology of deconstruction, many feminist theologians are reconstructing theology with the value of the full humanity of a person in mind. It is this same priority that has been used as the foundation for queer theology. (Rakoczy 2004, 28-60)

3.2. Queer Theory

According to the Stephen Hicks entry in the *Routledge International Encyclopedia of Queer Culture* (2006), "queer theory refers to the work on sexuality which emerged from the start of the 1990s and which adopts a poststructural approach to knowledge." The term queer was proposed by Teresa De Lauretis in 1991 when asking questions about the marginalisation of homosexuality and the "identity-based ... sexuality so prevalent in the 1980s." The two other texts that are considered seminal in the development of queer theory are Judith Butler's *Gender Trouble* (1990) and Eve Kosofsky Sedgwick's *Epistemology of the Closet* (1990). As the theory developed, Michel Foucalt's work on "discourse" and "sexuality as a system thought that both constrains and enables our sexual choices" were seen as an influence. Queer theory then began to challenge "identity-based models of sexuality" and focussed on "heteronormatvity" as coined by Michael Warner in *Fear Of A Queer Planet: Queer Politics and Social Theory* (1993.) (Hicks 2006, 561-562)

Riki Wilchins provides a straightforward explanation of queer theory and its development in her work entitled *Queer Theory, Gender Theory: An Instant Primer* (2004). She outlines the historical developments in the human rights movement that have led to the development of queer theory,

beginning with the human rights movement that emerged following the first and second World Wars. Thereafter came the women's rights movement, the black civil rights movement in America and the black liberation movements in South Africa. These movements were made tangible in organisations like the African National Congress as evidenced by the Freedom Charter. The Charter was acclaimed at the Congress of the People in 1955 and spoke out against injustice and inequality. The Charter affirmed the hope that freedom and prosperity would be experienced in South Africa when all people enjoyed equal rights and opportunities in a democracy that did not distinguish on the basis of colour, race, sex or belief. (Wilchins 2004, 5)

It should be said, however, that prior to the development of the black civil rights movements and the black liberation movement, there were two other equally important changes: the abolition of slavery and the Women's' Emancipation Movement. With respect to the latter, Wilchins writes that "gender was at the very core of the feminist struggle that transformed male-female social relations in the late 20th century." (Wilchins 2004, 6) Wilchins then goes on to outline the transgender rights movement and argues that by isolating it as a separate movement, gays or feminists are excused from dealing with gender issues. She then goes on to place gender issues within studies of sexuality, postmodernism, identity, and race by drawing on the work of Michael Foucalt, Jacques Derrida, Judith Butler and Manning Marable She does this to argue against the limitations of discourse and the dialectics that it supports, and argues for a postidentity gender theory that can be used in political activism.

In America, for the sake of political expediency, the feminist movement chose to distance itself from anything radical, and gender was taken off the agenda. Slowly gender returned to the public debate with the emergence of transgender rights and queer theory:

> *if you scratch the surface of sexism and misogyny, you almost always find gender. This is apparent not only in our society's astonishing fear and loathing around issues of femininity and vulnerability, but also in the fact that in a male-centred culture, women will always be the 'queer sex' ... Feminist scholars have cleared the way for postmodern gender theory ... in fact, some of postmodernism's most subversive (and popular) critiques have come from feminist academics writing from within the hybrid of feminist and postmodern thought known as 'queer theory.'* (Wilchins 2004, 11)

The initial opposition to the women's rights movement was based on fear that by addressing inequality between the sexes, sex roles would become obsolete. "Men would become womanish, women, mannish.

The sexes would become virtually indistinguishable, and life as we know it would cease. This sort of logical absurdism was most apparent during feminism's greatest fight: the equal Rights Amendment [in America.]" (Wilchins 2004, 7) While the women's rights movement secured "the same rights as men in terms of access to opportunity, pay, and so on," these were to be exercised using feminine expression. In other words, while women could do things that were considered masculine, such as take the role of business manager, they were expected to do them while and still being feminine, that is, by not wearing a suit and tie. Wilchins has called this a "different but equal" compromise. (Wilchins 2004, 7) She argues that:

> *America has no interest in tearing down traditional gender roles ... The notion of how each one of us must look, act, and dress because of our sex is deeply embedded in our society. It is the third rail of civil rights: Attack anything except what I often refer to as primary gender. In legal terms, it is called 'gender expression and identity.'* (Wilchins 2004, 8)

Consider also reactions to the August 1993 edition of Vanity Fair magazine featuring photo shoot in which the artist K.D. Lang was pictured in a barber's chair being attended to by model Cindy Crawford. "Lang, who came out as a lesbian in a 1992 article of the LGBT-related news magazine The Advocate, has actively championed gay rights causes. She is sometimes known for utilizing an androgynous physical appearance ... The [August 1993 issue of Vanity Fair] contained a detailed article about Lang which observed that she had thought that she would be ostracized by the country-music industry when she came out as a lesbian." (Information accessed via http://en.wikipedia.org/wiki/K.d._lang. last accessed 2 December 2008)

According to Wilchins, who herself is a transperson who was categorised as male at birth, queer theory is placed within postmodern theory because it is "wary of the grand stories that we tell ourselves – meta-narratives that seem to explain enormously complex events spanning decades ... queer theory is at heart about politics – things like power and identity, language, and difference."(Wilchins 2004, 5) Gender seemed to be at the centre of the gay rights movement in America, given that "homosexuality itself is the most profound transgression of the primary rule of gender," but it slipped from the gay agenda for the sake of political expediency just as it did in the women's rights movement. The issue of gender re-emerged "nearly 25 years later, when it could be safely isolated as the problem of yet another minority – transgender people a.k.a. transpeople." (Wilchins 2004, 16-17)

Wilchins offers an illustration of the continued disregard (and sometimes contempt) for the feminine amongst gay men from her own work as a gender activist. This is a very long quote, but a very powerful illustration of the important issue of gender:

When I speak before groups of young gay men, they are at great pains to show how much they accept me, and how comfortable they are at discussing my gender issues ... I often disappoint them by asking about their gender issues. All the men they know are as hunky as Vin Diesel, and all the women are as feminine as Britney Spears. They don't own Barbara Streisand albums, watch Bette Davis movies know who Stephen Sondheim is, or have the slightest interest in clothing, haircuts, or hot new home-decorating design items. So I ask them to participate in a little experiment. "How many men in this room are gay?" Every hand in the room goes up. "How many men in this room are bottom?" Every hand in the room goes down. Very quickly. [In the gay community, to be a 'bottom' is to be the receptive sexual partner, the one, who like a woman, is penetrated.]*Then they all look around at each other and break out laughing. "So you do have issues with gender" ... I was once giving a GenderPAC presentation to an L.A. power couple. They said very little ... then the most interesting thing happened. One man turned to the other and said, "This explains why I always felt so humiliated when mom used to make me hold her purse at the counter in front of everyone while she searched for change." The other replied, "That's nothing. I used to cut gym class whenever we had baseball because the other guys made fun of me for throwing 'like a girl' ... Making gender rights an issue gives people permission to own how each of us is punished for not conforming to gender roles and stereotypes.* (Wilchins 2004, 18-19)

In South Africa this notion of punishment for not conforming to gender roles and stereotypes has been powerfully demonstrated in the story of the South African athlete Caster Semenya. Since August 2009 Semenya has been barred from competing as a result of her ambiguous and unpublished gender test results.

While Wilchins has placed queer theory primarily in the realm of postmodern theory, it is congruent with the movement of third wave feminism which emphasises the concepts of personal empowerment, identity and class. Rakoczy outlines the three waves of feminism that then developed throughout the world: the first wave emerging from Britain and North America in the form of women's suffrage; the second wave continuing in the same context but broadening to include the call for equality in the socio-economic and religious realm; and the third wave emerging from Africa, Asia and Latin America

declaring that "the oppressions of race and economic class are intertwined with sexism." (Rakoczy 2004, 17) Within this third wave is the realisation that for many women their identity as wife or mother is central to their experience of limitation or oppression, because as Wilchins has described, anything associated with the feminine is considered to be lesser or weak. Liberation now lies in the understanding that the essence of each woman is not limited to a category of gender or the performance of a particular role within a marriage or a family.

This understanding is crucial to a feminist and/or queer critique of the theology of marriage espoused by MASA. Within their theology a woman is designed to be a wife and mother. This is the primary role of a woman. It is her identity. The primary role of a man is to be a husband and father: the head of the household; the breadwinner.

The most influential work in this field of identity from a feminist perspective is that of Judith Butler. In *Gender Trouble* (1990) she presents a critique of identity-based politics and argues that this is the method for female emancipation because it would deconstruct the concept of 'women' as a coherent group and thus remove the "unwitting regulation and reification of [binary] gender relations." (Butler 1990, 9) Butler's work exposes and de-rationalizes the social power systems that construct the norms regarding 'natural' gender identity and the 'logic' of heterosexuality. (Butler 1990, 45) She suggests that subversive identities, such as those of the LGBTI community, will demonstrate the constructed of sex-gender-desire continuity and will work to dismantle its normative status and thus allow all expressions of sex and gender to be considered 'normal.'(Butler 1990, 1-34)

Butler adds to the work of other theorists who have explored the assertion that gender is a social construct. She extends their work by writing that there is no specific 'gender identity' behind the performance of a person, that is, behind their expression of gender. She argues that identity is constituted by a person's performance and that this performance is the origin of identity, not the cause. (Butler 1990, 22-34) In other words, I am a woman, not because of who I am, but because of what I do; because of the ways in which I behave. Therefore, the importance of Judith Butler's work lies in its critique of identity as being free-floating and not connected to an 'essence.' "The substantive effect of gender is performatively produced and compelled by the regulatory practices of gender performance…There is no gender identity behind the expressions of gender; that identity is performatively constituted by the very 'expressions' that are said to be its results." Identity, including gender as a construction based on performance, is one of the key ideas in queer theory. Seen in this way, our identities, gendered and

otherwise, do not express some authentic inner "core" self but are the dramatic effects (rather than the cause) of our performances. (Butler 1990:24-25)

Butler's politics of identity and her theory of gender follow the same philosophical logic as the Aristotelian logic employed in Roman Catholic sacramental theology. In this theology the philosophic categories of 'essence' or 'matter' and 'form' are used. When justification is given for the theology of transubstantiation, the essence of the sacramental elements before the prayer of consecration are bread and wine. After the prayer of consecration the essence of the sacramental elements are the Body and Blood of Christ even though the form has remained the same, that is, they are still in the form of bread and wine that we see, smell, touch and taste. To use an analogy, a wooden chair is essentially wood, but in the form of a chair. The form of that wood can be changed into a table, but the essence remains the same, that it, it is still essentially wood. While this comparison works, Butler would argue that there is no essence of identity. She posits that "there is no gender identity behind the expressions of gender…gender is a performance; it's what you do at particular times, rather than a universal who you are." (Butler 1990:20-25) In her later work she explores the idea that gender, like theology, is being 'done' and that "one does not 'do' one's gender alone." (Butler 2004, 1). Ken Stone describes it well when he says that the Bible, like gender, is best understood as something other than a noun." (Stone 2008, 19)

We are essentially human and our identity can take many forms depending on the context and the environment in which we find ourselves. "In other words, rather than being a fixed attribute in a person, gender should be seen as a "fluid variable which shifts and changes." (Butler 1990:20-25) Our identity is not a fixed entity or essence, but a changing form. Our gendered identity is determined by the way we behave, that is, we take on the identity of male or female by performing a certain function in society. To take Butler's work into the field of Christian anthropology, I would argue that we are essentially human, and that our identity is our form and not our essence. Our identity takes form in a multiplicity of ways depending on our lifestyle, our location and our genetic inheritance. The recent field of study known as epigenetics explores this reality to a certain extent. Identical twins share the same genes but different contexts, and recently scientists have discovered that the expression of those genes can differ depending on your lifestyle and environment (including life experiences.) Scientists have "found that 35% of [monozygotic] twin pairs had significant differences in DNA make-up and that environmental factors can change gene expression and susceptibility to disease by affecting epigenetics – differences in how the genome is expressed." (European Research Headlines 2005. Genetics, Research: Epigenetics study

uncovers twin secrets. Published on 27 July 2005 with no author cited. http://ec.europa.eu/research/headlines/news/article_05_07_27_en.html last accessed 23 November 2009.) This phenomenon has been used to develop cancer therapies that are currently being used safely and successfully. (Creppy et al 2002, 433-439)

The queer movement has found multi-disciplinary expression. In his work *Things are Queer* (1996), Jonathan Weinberg explores the impact that queer theory has had on art by commenting on the photographic series of Duane Michal also entitled *Things are Queer.* He writes that "the world is queer, because it is known only through representations that are fragmentary and in themselves queer." He speaks about the way in which "meanings are always relative, a matter of relationships and constructions" and relates this concept to his own experience of heterosexism. Paul Germond describes heterosexism as "a reasoned system of bias regarding sexual orientation … [and] the assumption of the rightness and normality of heterosexual partnerships and the prejudice against homosexual sexual partnerships.' (Germond 1997, 194) In attempting to express the basis of heterosexism he asserts that "it is as if the dominant culture needs the Other to be certain of itself." Within the world of art, Jonathan Weinberg refers to Eve Kosofsky Sedgwick's *Epistemology of the Closet* (1990) in which she coins the phrase "queer peformativity," (Stone 2008, 16) and to her other work entitled *Queer Performativity: Henry James's Art of the Novel"* (1993) Weinberg claims that Sedgwick describes contemporary .society as experiencing chronic and now endemic crisis of homo/heterosexual definition and speaks of revealing signs of "compulsory heterosexuality." Another queer theorist, Annamarie Jagose, writes that 'queer':

> *describes those gestures or analytical models which dramatize incoherencies in the allegedly stable relations between chromosomal sex, gender and sexual desire. Resisting that model of stability--which claims heterosexuality as its origin, when it is more properly its effect--queer focuses on mismatches between sex, gender and desire.* (Jagose 1996, 3)

These comments clearly indicate that for Duane Michal, Eve Kosofsky Sedgwick and Annamarie Jagose, queer theory is employed as a tool of liberation. The fixed construction of gender within a heteronormative society can be an agent of oppression.

Elizabeth Mount explores the reality of heterosexism as a queer theorist within an Indian context. She uses queer theory to analyse the interwoven characteristics of nationality, gender, sexuality and class amongst Indian women who have intense (and sometimes sexual) relationships with other women. In the article she explains why these women would not name themselves as gay, lesbian or homosexual because of their particular cultural context, and also writes that:

Queer Studies interrogates the notion that heterosexuality is a natural category, [and argues] instead that heterosexuality is merely assumed to be natural because, in many societies, heterosexuality is presented as the only acceptable sexual identity one is able to assume .... In addition to challenging notions of heterosexual desires as the only acceptable desires, queer theorists argue against seemingly axiomatic assumptions suggesting that sexualities and sexual identities are stable categories that have existed in similar manners throughout time and across cultures. (Mount 2007, 33)

In the above studies it is clear that queer theory is being used in a multi-disciplinary way to 'queer' heteronormativity and by extension gender constructs, and to uncover the reality of the multiplicity of sexual practices and expressions in the past and in the present. It is a way of understanding the world and uncovering the hidden stories of people who were not included in the grand narrative of their time and place.

This explanation of queer theory forms the background for an understanding of queer theology because queer theory informs queer theology and offers a new way of understanding Christian faith in context. When used to examine the same-sex marriage debate within the churches it provides the rationale for claiming that same-sex marriage presents a direct threat to traditional Christian family values by challenging the value of heteronormativity and patriarchy. This challenge, which is so threatening to mainstream heteropatriarchal society, is expressed through the gender equality analysis and framework that queer theory allows, and suggests that the roles within the family are not determined by an inherent gender identity, but by the performance of particular roles peculiar to a family's self-understanding.

3.3. Queer Theology

Queer theology has been most astutely described and analysed in the works of Marcella Althaus-Reid and the book entitled *Queer Theology* (2007) edited by Gerard Loughlin (2007.) The intention of queer theory is to question what has always been considered normal in order to expose the voices of those who have been silenced, or disempowered by the fact that they are not 'normal.' While this movement began with the voices of transpeople and the debates within the LGBTI community, it is now also being applied to other disempowered people whose voices have not been heard as a result of their position in society

Queer theology has developed out of the work of liberation theology and feminist theology. It holds as its priority the value of the full humanity of gay, lesbian, bisexual, transsexual and intersex people. As is the case in feminist theology, the experience of LGBTI people have been and still is that this value of full humanity is not reflected by social and ecclesial structures. Theology, praxis, spirituality, social practice and governance are critiqued according to this priority, and if the humanity of someone flourishes it is judged to be of God; if it is restricted, it is not of God.

Feminist theology, while taking its cue from the political feminist movement, also employs the tools of liberation theology to argue from the point of women's experience of oppression and marginalisation. In its development, feminist theology has exposed the androcentric and patriarchal context in which the Bible and the Christian churches have been conceptualised, to the detriment of women. Similarly Queer theology seeks to expose the dominance of heterosexism and the normalcy to look for the voices that have been hidden or lost because they do not fit in. Elizabeth Stuart describes what she saw as the development of queer theology from feminist theology in the last two chapters of her work entitled *Gay and Lesbian Theologies: Repetitions with Critical Difference* (2003.) She cites Robert Goss' work *Jesus Acted Up: A Gay and Lesbian Manifesto* (1993) as the book that marks the transition from gay and lesbian theology to queer theology, and sets the groundwork for queer theology to be developed. She outlines the emerging queer theologies of a number of different theologians and then offers what she sees as its three distinctive characteristics. Firstly, it is a rejection of the metaphysics of substance in that "gender and sexual identities are deconstructed and they are deconstructed through baptismal incorporation to [sic] the Body of Christ." Secondly, it asserts that "Christian theology was queer two thousand years before queer theory was invented and this is particularly evident in the constructions of the body of Christ and the Trinity." And thirdly, it uses "the breakdown of meta-narratives to attempt to re-enchant the world" and in so doing exposes the theory that, if sexuality is unstable then all "reality, doctrines and stories which liberal theology might reject as irrational suddenly become believable again." (Stuart 2003, 102)

In a later work, Gavin D'Costa explains that queer theology differs from queer theory in three ways. Firstly, it is concerned with language about God and employs the tools of deconstruction in order to reconstruct God-language within the Christian belief system of salvation. Secondly, the work of queer theology is subject to and accountable to ecclesial communities, and thirdly, its aim is worship. He writes that:

While this worship may lead to the liberation of gay men and lesbian women it is not undertaken for this reason per se, for it is not possible to know what 'liberation' might be apart from the language of the Christian tradition, even if it is within this same tradition that gays and lesbians have been – and still are – shamefully persecuted. (D'Costa 2007, 270)

While D'Costa places emphasis on worship within an ecclesial community as the valuable contribution that the queer movement can bring, Robert Goss places his emphasis on political identity and activism. While he does explore queer theology in other ways, his main emphasis is to develop a form of liberation theology that can affect political and social life. He draws heavily on Butler's politics of identity (Goss 2002, 233-238) and describes the way in which queer theory has shaped his own queer theology:

a productive style of theological practice and discourse that can disorganize [sic] our normative categories. Queer desire crosses all identity and gender boundaries; it is ineffable, an ever-shifting transgressiveness that uncovers ever-new hybrid identities [it] aims not to abandon sexual and gender identity as an epistemological category but to render it more flexible, permanently open to revision, and changeable... [it] can proceed only from critical analysis of the social context that forms our experience. (Goss 2002, 233)

Another contribution that queer theology can make is voiced by Gerard Loughlin. His approach is directed to the spiritual life of the faithful. He writes about theology as ordinarily being a "queer thing ... a very strange thing indeed" because its goal of to reminding believers of the foundation of their faith, that is their knowledge of Christ. He writes that the goal of any theology is to enable believers to relativise:

all earthly projects, insisting that to understand our orientation to the unknown from which all things come and to which they return, that which – as Christian theology ventures – is known and received in the life of Jesus ... Theology doesn't fit into the modern world; and if it did fit in too snugly it would be forgetting the strangeness of its undertaking: to think 'existence' in relation to the story of a first century rabbi. (Loughlin 2007, 7)

Loughlin's queer theology is acutely aware of God as 'Other' when considering its past legacy and present audience. It "answers to the queerness of God, who is none other than strange and at odds with our 'fallen' world. God's 'kingdom' is not ours." (Loughlin 2007, 7) He goes on to emphasise that the term 'queer' denotes more than "a name for 'gay' and 'lesbian' interests," in that it "seeks to outwit identity" and in so doing, serve " those who find themselves and others to be other than the characters

prescribed by an identity. It marks by not defining, but by taking up a distance from what is perceived as normative" and includes the marginalised in a life of faith and worship. (Loughlin 2007, 9)

Loughlin asserts that gay issues and alternative or non-normative understandings of sexuality have been central to Christian tradition, such as, the practice of celibacy and the mystical and orthodox writings of theologians such as Gregory of Nyssa, St John of the Cross and Hans Urs von Balthazar. He argues that by deploying the term 'queer' within theology, queer theology, because of its "positionality, [its] distancing or divergence from what is held as normative, will serve to destabilize and undo that normativity: the surety of heteropatriarchal Christianity." (Loughlin 2007, 10) While this aim of queer theology would be the deconstruction of 'heteropatriarchal Christianity,' Loughlin offers what might be understood as a reconstruction of theology. He continues to quote from the work of David Halperin to explain this:

> *Halperin describes the aim of deploying queer as ultimately to open a 'social space for the construction of different identities [from the heteronormative], for the elaboration of various types of relationships, for the development of new cultural norms.' But this might well be said of the church, which is called in and by Christ to open up ways of living that will enable us to live in the 'Kingdom of God' when it arrives in its fullness ... Christians are called to live - like Christ – as the sign of the Kingdom's arrival ... one learns to live as a promise of the future.* (Loughlin 2007, 10)

Loughlin then concluded his explanation by quoting Thomas Aquinas's warning about speaking of God when we do not know what God is, and only know what God is not. In this logic, if an 'identity without an essence' is what queer is, queer might be used as a name for God. This is the name that Marcella Althaus-Reid gives to God in her book *The Queer God* (2003) in which she seeks to rediscover "God outside the heterosexual ideology which has been prevalent in the history of Christianity and theology." She writes that "theological queering [facilitates] the coming out of the closet of God."(Althaus-Reid 2003, 2) In this book she explores the issues of heterosexual orthodoxy, race, colonialism and global capitalism and uses this queer critique to locate God within the lives of the excluded.

Moral theology or Christian ethics is another discipline that has found revision in the work of feminist and queer theologians. Within this discipline Elizabeth Stuart and Adrian Thatcher have offered what they have named "passionate ethics" as "some of the resources provided by Christian theology and faith for followers of Jesus as they rejoice in their sexuality before God" and it is "permeated throughout by

Christian feminism." (Stuart and Thatcher 1997, 46) They do not offer it as another theory of sexual ethics, but as "the practice of neighbour-love which always affirms the other and never makes him or her a victim of one's own pursuit of pleasure or quest for dominance." (Stuart and Thatcher 1997, 48) Passionate ethics seeks to affirm just relationships, emphasises the Church as a 'community of character' and has a fundamental posture of involvement, not detachment. It approaches moral issues from the standpoint of the "person-in-relation who derives his or her identity in relation with the world, other people and God." (Stuart and Thatcher 1997, 47) This concept of passionate ethics will be referred to in the following chapters.

Queer theology is therefore a deliberately subversive way of doing theology and encompasses every theological discipline. It has been developed in response to the lived experience of the marginalised and often despised in order to enhance worship, to effect socio-political liberation, and to deepen the faith of the universal church.

Having given a broad overview of feminist theology, queer theory and queer theology, I will attempt to use these theories as tools to analyse the theology of marriage espoused by MASA, and to offer a queer alternative to the theology of 'traditional marriage.'

Chapter Four: A queer analysis of MASA's appeal to the Bible

MASA looks to the Bible for justification for their theology of marriage. As cited before, when writing on behalf of MASA, Reverend Ntlha speaks of defending the 'biblical view' of marriage. This comment presupposes a particular reading of the Bible that revises Biblical texts in order to support its own assertions about marriage and homosexuality. While it is beyond the scope of this thesis to offer a thorough study of biblical hermeneutics with regard to marriage and sexuality, there are some main ideas that are central to this thesis.

4.1. The biblical references to marriage

Over the centuries Christian theologians have centred their theology of marriage on particular biblical texts about man and wife, and on texts that describe marriage as a metaphor for the relationship between God and the people of God, and Christ and the Church. Although the churches are aware that marriage as a human institution pre-dates Christianity, most would agree with the 1988 Church of England Report entitled *An Honourable Estate* that "the institution of marriage is given by God in the creation of human life." This opinion is rooted in the biblical references to marriage and a particular understanding of the creation accounts in Genesis 1 and 2.

In *Christian Attitudes to Marriage* (2004) Peter Coleman expands on these two accounts. The Priestly account in Genesis 1:1 – 2:3 and the Yahwistic account in Genesis 2:4 onwards are "significantly different, but complementary." (Coleman 2004, 25) The accounts came from separate times in Israel's history and have always been used to understand marriage and the man-woman relationship. Coleman explains that the relationship between Adam and Eve was devoid of sexual politics and was not a marriage in the usual sense of the word. The leap from the one-flesh link between Adam and Eve to marriage in general is not unique to Israel, as "the androgynous myth was widely used in Near Eastern culture to explain the original splitting and reunion of humankind." Coleman goes on to explore the other Old Testament references to marriage before turning his attention to the New Testament. (Coleman 2004, 24-48) The types of marriage that are described throughout the Old Testament include polygamy and concubinage. The other biblical references to marriage in the Old Testament deal with sexual immorality as an image of Israel's unfaithfulness to God and are a metaphor for her idolatry and wider law-breaking (Jeremiah 3:6-9; Ezekiel 23; Hosea) and this is referred to again in Revelation 18.

While there are "no detailed teachings about marriage in the Gospels", Jesus does refer to marriage when drawn into a controversial debate about divorce (Mark 10:1-12 and Matthew 19:1-9.) In his response, his opposition to divorce:

> *shows him both to approve of marriage as an institution embedded in the history of creation, and to disapprove of the imbalance of power between the partners which allowed husbands to divorce their wives with ease.* (Stuart and Thatcher 1997, 59)

Hence, in the New Testament we find the instruction that marriage is to be "honoured by all." (Heb 13:4)

Marriage is also described within an eschatological framework in Matthew's Gospel and in Paul's first letter to the Corinthians. This inclusion places marriage within the framework of vocation and promotes celibacy for the sake of the kingdom without denying the goodness of marriage (Matthew 19:11-12; 1 Corinthians 7.) The eschatological dimension is taken further with the inclusion of the hope of a "new creation" in which there will be "no giving and taking in marriage" (Matthew 22:30.)

Beyond the specific texts mentioning husbands and wives, there are others that deal with the metaphors of marriage, and they are of a more symbolic nature. They are "grouped around three central motifs. They are: a man and a woman becoming one flesh; a covenant between a man and a woman; and a sharing of the bridal pair in the mystical union between Christ and his Church." (Stuart and Thatcher 1997, 59)

The 'one flesh' motif finds its origins in the Genesis creation accounts and Jesus refers to it when asking a question about divorce in Mark 10:5-9. His response affirms the Jewish understanding of marriage and teaches that the subsequent union of a man and woman "is a state of affairs willed by God and so unbreakable." (Stuart and Thatcher 1997, 60) Coleman asserts that the 'one flesh' motif has been erroneously used to describe sexual union, when in his understanding, it refers to family kinship. (Coleman 2004, 35) Therefore, exactly what 'one flesh' means is still open to interpretation, as it might refer to sexual union, family kinship or lifelong partnership through spiritual and physical union. Although this motif has its roots in Genesis 1:27 and 2:24, it has not been confined to a marriage relationship, for example when Paul asserts that a Christian who uses a prostitute becomes one flesh with her (1 Corinthians 6:16.) Walter Kasper writes that the 'one flesh' motif describes the new "definitive status" of a married couple based on faithfulness to one another as "they become a 'we' person. The marital bond of faithfulness creates something that transcends the single person and binds together the

history of two people definitively and at the deepest level. (Kasper 1980, 22)

The 'covenant' motif in both the New and Old Testaments is seen as an agreement between two people. It is a:

> *binding agreement, a compact or a legal contract between two parties. In biblical religion the two parties are God and God's people ... On God's side of the covenant, steadfast love, faithfulness and mercy are essential properties of the covenant, but on the human side, selfishness and faithlessness are to be expected.*

An example of the covenant motif is the story of Hosea and his unfaithful wife Gomer (Hosea 1:2-3)in which God is compared with Hosea, and God's people are compared with Gomer (Stuart and Thatcher 1997, 61)."The depictions of Gomer, and the patriarchal attitude of her husband Hosea toward her, contain awkward and unwelcome assumptions about the gender relations between them." (Stuart and Thatcher 1997, 61)   The people of Israel understood marriage as so central to their lives that prophets like Hosea, Jeremiah, and Ezekiel all speak of Israel's unfaithfulness to God as the unfaithfulness of a wife. They portray God as the betrayed husband and this particular use of the metaphor shows that marriage was considered to contain unequal power relations between men and women. This gave the prophets the freedom to therefore portray God as the more authoritative partner and hence the husband, while Israel was meant to be the submissive partner, the wife. The prophet Hosea portrays the most violent relationship of God to Israel. Jerusalem is portrayed as the promiscuous wife treated in violent and dehumanizing ways by her "wronged" husband. In her book, *Battered Love* (1995), Renita Weems shows how harmful such a metaphor can be, and makes a convincing argument that because the prophets used violent imagery (for example Hosea beating Gomer for unfaithfulness) to describe a husband and wife relationship, that violence against women has divine approval.

In the New Testament, the 'mystical union' motif is found primarily in the fifth chapter of the letter to the Ephesians where Paul compares the relationship between a husband and wife with the relationship between Christ and the Body of Christ, the Church. This relationship is a mystical union based on the 'one flesh' motif of Genesis, and provides the justification for mutual subjection to one another out of reverence for Christ. (Stuart and Thatcher 1997, 62) This text has been used as the model for marriage by the Church for almost all its existence. (Heb 13:4)

In taking these biblical texts into the same-sex marriage debate, it becomes clear that the way in which the Bible is read will determine the way in which theologies of marriage are developed. In other words, theologies of marriage depend on the way in which the texts referred to above are understood and employed, that is, they depend primarily on the preferred hermeneutical style of an individual or of an ecclesial community. Therefore, it is important to consider biblical hermeneutics before offering a queer and feminist analysis of MASA's use of the Bible for the justification of their theology of marriage.

4.2. Biblical hermeneutics

As this thesis is systematic and not hermeneutical in methodology, this explanation of hermeneutics is simplistic. Hermeneutics is the study of the theories and methods of interpretation. As cited by Germond in section 1.3, the debate around same-sex marriage has fallen within the wider 'battle for the Bible' with post-modern theorists (like Robert Goss) and biblical fundamentalists (like James Dobson) on opposing sides.

For the purposes of this explanation, I will draw on the work of Stuart and Thatcher's in chapter ten of *People of Passion* (1997) entitled "On the Bible." This chapter has been written against the backdrop of an analysis of recent church documents about marriage and sexuality. After presenting the different theologies of marriage contained in church reports over the last forty years, they assert that:

> *with a couple of exceptions there is a lack of hermeneutical sophistication …* [which shows]
> *insufficient awareness of the multiple and complex issues that are raised by the use of the*
> *Bible in debates about sexuality and gender.* (Stuart and Thatcher 1997, 245)

They name the first approach that they outline, "the 'rule book' approach." (Stuart and Thatcher 1997, 246) According to what we have read in MASA's publications, this is the approach used by them. This approach uses a literal reading of the Bible, because it considers the Bible to be the Word of God inspired by the Holy Spirit, and does not accept that there might be any historical and/or cultural influence in the way that the Bible was formed. There are numerous problems with this approach, especially the fact that not all Christians agree on what the Bible says and therefore a hierarchy of authority is formed when different groups claim to be more discerning of the truth of Scripture. In addition to this, despite this literalistic approach, these groups will not observe Old Testament laws, "the practice of polygamy and the execution of virgin brides, adulterers and some victims of rape," as well as Paul's teaching on slavery. Stuart and Thatcher have also noted:

how biblical literalists serve only to bring the Bible into disrepute and prevent it being read as liberating and life-giving ... What all this demonstrates is that those who claim to follow the Bible and the Bible alone in fact do not do so. They have adopted an unconscious hermeneutic (method of interpretation) which enables them to choose for themselves between authoritative and non-authoritative texts. (Stuart and Thatcher 1997, 247-248)

The other main approach that they have identified has been named the "relay race." In this approach the more liberal interpreters of the Bible begin their search of the meaning of the texts with the establishment of the 'original meaning' of the text, and then an attempt to apply this meaning to their particular historical and cultural context. This becomes like a relay race where new developments reveal new original meanings and the cycle begins again. "... [T]his process never quite works, because the definitive original meaning of a text is never established." They refer to Stephen C. Barton's comment that "church debate in issues of sexuality [tend] to circle endlessly around key texts," and his belief that "this trivializes the Bible and human sexuality. The Bible becomes both a battleground and a weapon of different interest groups and issues of human sexuality are reduced to matters of exegesis which only a very few are qualified to carry out." They then quote Barton's justification for this position when he refers to the debate over whether Jesus was a feminist:

What difference does it make to women suffering sexual abuse and political and economic oppression today to know that there happened to be historians who believe that Jesus was a feminist? Unless we have a broader theological and ecclesiological framework of understanding, experience and practice which enables us to see that Jesus' positive regard for the marginalised expresses something truthful about the inclusive nature of human salvation in Christ and about all humankind as made in the image of God, then the supposed attitude of the historical Jesus is hardly more than (so-called) antiquarian interest. (Stuart and Thatcher 1997, 248-249)

What is key within this comment is the assertion that Jesus' regard for the marginalised and oppressed needs to be expressed within a broader ecclesiological and theological context. Stuart and Thatcher emphasise this by arguing that, "in order to interpret the Bible wisely [we are to be] persons in just and mutual relationship with others who are able, through 'empathetic identification' with the oppressed and marginalised, to stand in solidarity with them as Christ did." (Stuart and Thatcher 1997, 249)

They then go on to explain the emergence of feminist and queer hermeneutics as contemporary models through which biblical interpretations can be made. Specific examples of the use of a queer hermeneutic

are found in *The Queer Bible Commentary* (2006.) I have used the chapter entitled "Matthew" by Thomas Bohache to offer his 'note on queering' and in the following section will offer some of his queer commentary on Matthew's Gospel to illustrate a queer reading of what the Bible says about marriage and family. In so doing, the heterosexist and patriarchal views of marriage as contained in the Bible will be exposed, and the translation of these views into MASA's theology will be evident.

4.3. Queer biblical hermeneutics – 'queering' scripture

Thomas Bohache describes 'queering' as a process of reading the Bible "from a queer perspective." He offers a commentary on portions of Matthew's Gospel from this queer perspective, that is, from the perspective of people "who self-identify as gay, lesbian, bisexual, transgendered, straight, questioning or none of these." (Bohache 2003, 501) The aim of queering scripture is to read afresh in order to more deeply understand the message of justice and inclusive love found in the person of Jesus Christ, his life and teaching. He uses the term 'queer':

> *in an inclusive sense to refer to all who are disempowered in a heteronormative world ... Moreover, 'queer' has both an adjectival (descriptive) and verbal (active) sense. When something is 'queer', it is uncommon, out of the ordinary, unusual and non-conforming to the dominant culture ... It must be a questioning and turning over of layers of heteropatriarchal tradition to reveal what lies beneath.* (Bohache 2003, 493)

Queering can therefore uncover from scripture more inclusive and just descriptions of marriage and sexuality than those that are held by those who defend 'traditional' marriage, like MASA.

In his example of queering Scripture using Matthew's Gospel Bohache begins with a description of the '*basileia*' message of Jesus, which is what most Bibles translate to be the 'kingdom of God.' He maintains that this message is the "virtually undisputed … core of Jesus' message" and that he prefers to translate the original Greek words "hē basileia tou theou" with "verbal 'action' words such as 'reign' or 'rule' because this shows that God's is active and immediate among us."(Bohache 2003, 501)

In his queer interpretation of the parable of the Tenants (Matthew 21: 31-41) he makes a connection between our future physical and spiritual well-being and the way in which we treat one another in the present. A "queer reading [sees] Jesus stirring up the status quo, fighting for the victims who cannot fight for themselves, and punishing those who have dared to assert their colonial power over others in a world that should belong to the liberating love of the Divine." (Bohache 2003, 493) Jesus challenges the

hearers of the Gospel to bear fruit worthy of the kingdom. Jesus announced the Reign of God and the establishment of God's kingdom on earth to:

> *let people know that no ruler or government or religion or hierarchy could hold sway over their lives; only God could ... for contemporary queer people, this ... affirms for us that, although we may be second-class citizens in much of the world, although we are unable to marry and may have our children taken from us, although in many places it is a crime to express our love, nevertheless in the Reign of God (the place where God rules) there is freedom and liberation for all people.* (Bohache 2003, 501)

Bohache draws on contemporary feminist hermeneutics to show that with the establishment of the 'Reign of God' comes the establishment of the "kin-dom of God" which is constituted not on the basis of a relationship within an imperial hierarchy, a kyriarchy, or on the basis of power, but on the basis of belonging and relationship. These concept of Jesus being at the centre of an egalitarian renewal movement has been explored in depth in the following works of Elisabeth Schüssler Fiorenza: *But She Said: Feminist Practices of Biblical Interpretation* (1992) and *Jesus: Miriam's Child, Sophia's Prophet* (1994) Similarly, Rosemary Radford Ruether writes of Jesus praxis and preaching of the 'basleia' vision of God's inclusive love. (Ruether 1983, 134-138)

When concentrating on the concepts of family and eunuchs, Bohache writes that, "in recent years, several scholars have noted that in his *basileia* message Jesus opposed the traditional patriarchal family and encourages an alternative family." He then goes on to quote Reuther who underlines the importance of this statement when saying that "the traditional family is the bulwark not only of patriarchy but also of challenging the hegemony of a system of values and structures that produce and reproduce heterosexism and homophobia." (Bohache 2003, 508)

In both the Jewish and the Graeco-Roman communities of Jesus' time, the patriarchal family was the basic unit of society, and the 'father' had power over the lives and possessions all the other members of the family, including slaves and patrons. The sayings and stories of Matthew 19-20 address this family structure by dealing with three categories of relationship: husbands-wives; fathers-children; masters-slaves. Bohache quotes Carter as asserting that these "two chapters subvert this hierarchical and patriarchal structure by instructing disciples in a more egalitarian manner." (Bohache 2003, 508) Jesus teaches mutuality between husband and wife, the value of children, and the honour of the slave. Bohache then goes on to state that in reading Matthew 10: 34-6; 12:46-50; 13:53-8; and 19:27-30) Jesus

states unequivocally that he is not just creating an alternative household but is out to destroy the traditional home." He concludes by pointing out that these texts prove that Jesus affirmed that "the loyalty to justice and truth …supersedes the traditional family. In God's 'kin-dom', non-traditional relationships are given pride of place, for they are often more authentic because they are not in thrall to patterns of domination."(Bohache 2003, 509)

He then goes on to draw on the work of Halvor Moxnes to describe the way in which Jesus physical conduct mirrors "his inner ideological movement" by deliberately withdrawing from his patriarchal household, giving up his male prerogatives, and "turning away from his biological family [and] the hegemony of patriarchy ." Jesus and his disciples live as

> *"displaced persons by virtue of their egalitarian and non-conformist relationships [and their] deliberate flouting of traditional gender roles ... they are itinerant preachers who do not support the family, while the women among them take care of them from their own financial means."* (Bohache in Guest et al 2006, 509)

This example of queering Scripture has presented a radically different perspective on gender and family that can offer an understanding of liberative justice to members of the LGBTI community. To refer back to the feminist marker for discerning the godliness of this interpretation in the light of the priority of the fullness of humanity of all: if the humanity of women, gays, lesbians, bisexuals, transsexuals and intersexed people flourishes, something is judged to be of God; if it is restricted, it is not of God. Queering scripture in order to more deeply understand the message of justice and inclusive love found in the person of Jesus Christ therefore offers a radical critique of MASA's limited interpretation of particular texts. This critique will be further explained when queer(y)ing MASA's appeal to the Bible in the following section.

4.4. Queer(y)ing MASA's appeal to the Bible

The biblical view of marriage that Rev Nthla cites as the foundation for MASA's theology of marriage is based on a limited reading of the Bible as has been exposed by a feminist and queer analysis of the biblical texts referring to marriage.

When reflecting on Coleman's reading of the creation narratives, it is clear that the story of Adam and Eve was not intended to instruct people on sexual politics or to present a model of marriage. He writes

that the stories were intended to show that "humankind is centre stage in the image of God, Adam and Eve are intimately related, human disobedience explains evil, but God's purpose is not defeated." (Coleman 2004, 33) God's ordering of creation was intended for redemption through right relationship, not for the right order of relationship in a sociological and biological sense. This is in direct opposition to the idea that according to the Bible, God instituted marriage when he created Adam and Eve as MASA asserts. Their assertion is reading into the Bible an understanding that is not there; an erroneous justification for their understanding of the origins and composition of marriage.

In analysing the references to marriage in the epistles it is clear that Paul advocated "marriage as second best to singleness," (Bohache 2003, 493) and he promoted adherence to the Household Codes contained in Ephesians 5:21 – 6:9, Colossians 3:18 – 4:1, 1 Peter 2:18 – 3:7 on the basis of the created order in Genesis. These texts are to be understood within "a context where women were legally and socially seen as the property of the responsible males." MASA's use of the Bible depends on "the patriarchal assumptions about male superiority, headship and domination." (Stuart and Thatcher 1997, 59

The "domination-submission relationship between husbands and wives receives further reinforcement in the mystical union analogy as it "which elevates the marital relationship to a new level of understanding and experience." Carolyn Osiek has named this text as:

> *one of the most dangerous texts in the New Testament [because] Here the submission of the wife to the husband and the love of the husband for the wife are assimilated to the relationship of the church to Christ. In the ancient context of patriarchal marriage, this comparison must have been one of the most effective ways of sanctifying the marriage bond and of proposing just as challenging a role for both parties. Because of the ecclesiological comparison, however, the text has too often been seen to render normative the subordinate relationship.* (Osiek 1995, 8)

The 'covenant' motif is similarly dangerous in that comparing a divine covenant with a human covenant suggests "an unequal divine-human power relationship [that] may readily replicate itself in an unequal husband-wife relationship." As Johnson suggests, the male is idolised and female is subordinated, and this imbalance is justified by an appeal to the unequal divine-human power relationship in the covenant motif. (Stuart and Thatcher 1997, 61) Both these motifs and the creation narrative allow MASA to focus on the correct order of relationship; that is male and female in marriage, but include in that order an inherent inequality between the two.

The imbalance of power between husband and wife can be critiqued using the feminist concept of mutuality which has been widely explored within feminist theology, and which forms the basis for Elizabeth Stuart's theology of friendship *Just Good Friends: Towards a Lesbian and Gay Theology of Relationships* (1995.) She asserts that ethical relations are "marked by equivalence between persons, a concomitant valuing of one another, a common regard marked by trust, respect and affection in contrast to competition, domination, or assertion of superiority." (Johnson 1994, 68) Similarly, Catherine Mowry LaCugna she argues that a theology of complementarity which is grounded in the hierarchical and patriarchal structures of family, society, and church infers a corresponding hierarchy within the Trinity. (LaCugna 1991, 98)

Thatcher and Stuart point out that "partners who are committed to each other may well be prompted to regard their relationship also as a sharing of steadfast human love through which something of divine love may be glimpsed and experienced." (Stuart and Thatcher 1997, 61) The covenant made between the individuals of a married couple in this understanding, is what Jack Dominion, names a "covenant of grace" in which people grow and develop in relationship primarily to God and secondarily to one another. (Dominian 1977, 83-4)

While the creation accounts indicate that both men and women need partners, Coleman asserts that "the paradigm of their relationship is the covenant with God himself." He refers to the lengthy writings of Karl Barth in this regard and concludes that the emphasis in Genesis 1:27 on divine likeness points to "the fact that God himself exists in relationship and not isolation. 'God is no *Deus solitarus*, but *Deus trinuus*.'[italics his]" (Coleman 2004, 31) According to Ken Stone, "in recent years these texts have played a central and growing role in attempts to use biblical literature to buttress heteronormative accounts of sex and gender." (Stone 2008, 21) Therefore, the challenge from queer theologians is to recapture from the creation narratives the principle of the relationship with God for all humankind.

However, MASA has placed their emphasis in defending the traditional model of marriage on the living out of a covenant between men and women, with little reflection on marriage as a covenant lived out within the life of God. In basing their theology of marriage and family on the Household Codes and the Pauline description of gender hierarchy in 1 Corinthians 11, MASA prioritise the secondary historically-bound teaching of the epistles above Christ's command to love one's neighbour as one love's one's self. (Thatcher 2007, 45) A queer analysis of MASA's biblical view of marriage shows a strongly and defensively patriarchal understanding of marriage. MASA's theology is formulated according to a

literalist biblical hermeneutic, thus placing marriage firmly within a heteropatriarchal framework. Defending the traditional model of marriage as the only Christian form of marriage indicates an aversion to alternative readings of scripture that would configure marriage in terms of what Adrian Thatcher calls martial values: "deepening love, life-long fidelity, and mutual commitment." (Thatcher 2007, 134-135) As is evidenced in the aforementioned paragraphs, this traditional theology of marriage has depended upon the binary opposition of male and female and of homosexual and heterosexual.

The use of the Bible in the championing of heterosexism has caused untold suffering to all people who do not fit neatly into the categories of male or female, and those who are on the devalued side of the sexual binary. As Germond writes, "the theological imperative of an inclusive vision of God's love demands a re-evaluation of the heterosexist assumptions of the biblical text and the interpretive process." (Germond 1997, 211) Queer and feminist theologians seek to drive this re-evaluation. They use a socio-historical hermeneutic to understand the context within which texts about marriage were written, and to understand the radical power of Jesus' message of love, liberation and affirmation.

The power of Jesus' argument for supremacy of loyalty to justice and truth over traditional family can only be understood against the backdrop a clear understanding of the historical situation within which Jesus was operating, and the subsequent contexts in which theology was done. The evangelical response of MASA to the phenomenon of same-sex marriage is lacking in this broader understanding, as will be evidenced in the following chapter which explores the idea of 'traditional' marriage.

Chapter Five: A queer analysis of MASA's appeal to tradition

According to MASA, marriage has been traditionally understood as a monogamous and heterosexual relationship formed for the purpose of procreation. The commonly held definition of marriage within the main Christian denominations is "that marriage by divine institution is a lifelong and exclusive union of one man and one woman." This can be found in the Canon on Holy Matrimony in the Constitution and Canons of the C.P.S.A, the Catechism of the Roman Catholic Church, and the doctrinal assertions of the variety of denominations that support MASA. MASA has referred to this definition as the traditional and historical form of marriage that has been in place since the beginning of time. In order to critique this statement, a brief history of marriage and sexuality now follows.

5.1. A brief history of marriage

Every society has a certain way of envisioning the relationship between men, women and family. "Marriage is a human institution, older and broader than the Christian understanding of it." (Stuart and Thatcher 1997, 58) The church's understanding of marriage has been largely shaped by its historical roots in the ancient cultures of Western civilization and was further influenced by the doctrines and policies of the medieval church, the Protestant Reformation, and the social impact of the Industrial Revolution. Writers such as Glenn Olsen (2001), Andre Burguière et al (1996), and Michel Foucalt (1998) present the historical processes that have taken place around marriage, family and sexuality in depth and it is beyond the scope of this dissertation to present them thoroughly.

In summary, over the centuries and in different parts of the world the forms of marriage varied according to the values that were attached to it, and were an integral part of the mechanisms of society. "Societies are primarily interested in their own survival" and therefore the ability to identify oneself as belonging to a particular descent group is imperative. The economic, political, social and even religious structures of a society are all instituted to serve the society itself, and not vice versa." (Blum 1989, 71) Therefore, marriage is instituted for the service of society and differs according to each form of society's needs. The two volumes of *A History of the Family* (1996) edited by Burguière et al illustrate this reality in depth.

The two works, *A History of the Family Volume One: Distant World and Ancient Worlds* (1996) and *A History of the Family Volume Two: The Impact of Modernity* (1996) involved a multidisciplinary

historical research concerned with "studying the problems of kinship, using the family unit as a means of unravelling the particular configuration of individual societies." (Burguière et al 1996. Volume One) The work begins with detailing the history of and compositions of the family from prehistory and includes an interesting description of concubinage, polygamy and monogamy in Jewish history, and how the practice of each form of relationship was dependant upon wealth. (Alvarez-Pereyre and Heymann 1996, 182-184) Polygamy is described as "legitimate marriage to more than one spouse simultaneously." If the spouse is male then the form is known as "polyandry" and if female, then "polygyny." (Alvarez-Pereyre and Heymann 1996, 182-184) Concubinage is described as an institution that "constitutes one of the attributes of polygyny, since the concubine, *pilegesh* [italics theirs] has the legal status of an additional wife." The children of a concubine were counted as family but were of lesser rank than the children of the principal wife. Their rights "depended to a great extent on the good will of their father and his legitimate wife (Genesis 25:5-6; 39:1-28). The Talmud permitted the practice of polygamy but in reality it was limited "for demographic, economic, structural and even ideological reasons. (Alvarez-Pereyre and Heymann 1996, 182)

Marriage in Israel in early times was a social agreement between families. Polygamy was common and divorce was common and informal. With the advent of writing came marriage contracts and certificates of dismissal and with time came a shift towards monogamy. Johnson writes that, "in ancient Israel, a common familial pattern was polygamy—one husband with multiple wives, and for the wealthy, many concubines as well." (Johnson 2005, *Queering Christian Marriage: Re-examining the intersection of sexuality and religion* accessed via http://nsrc.sfsu.edu/MagArticle.cfm?Article=450 last accessed 19 November 2008.) As described in the Bible, the ancient Israelites had a patriarchal family structure within which women and the marriage laws and customs of Israel show change in the course of time Divorces were not approved of and monogamy became prevalent. Other changes include the practice of levirate marriage (in which a man was obliged to marry his brother's widow). Sometimes this form of marriage was required (Deuteronomy 25:5) and at other times it was prohibited (Leviticus 20:21).

After Christ, marriage came to be understood within the framework of Christian discipleship. It was not considered to be a priority, given that the two primary figures in the Christian scriptures, Jesus and Paul, are understood to have been unmarried and childless. In addition, Paul indicated in his first letter to the Corinthians that the unmarried life was spiritually preferable. The early Christian community

> *developed as a countercultural movement with respect to a wide range of social practices,*
> *including marriage … Ancient Christian communities constructed radical alternatives to*

these cultural norms around sexuality and marriage, either by eschewing sexual relations altogether (mostly in monastic communities) or by insisting that "family" referred primarily to the Christian community itself rather than the cultural and biological bonds of marriage. The Christian church inserted itself into marriage only many centuries later, and for as many political and economic reasons as spiritual or theological ones … (Johnson 2005, Queering Christian Marriage: Re-examining the intersection of sexuality and religion accessed via http://nsrc.sfsu.edu/MagArticle.cfm?Article=450 last accessed 19 November 2008.)

As Christianity developed, the laws and customs governing marriage underwent little change and marriage and divorce "continued to be civil and private matters." Towards the medieval centuries marriage "came more under the influence of the church," and the cultural customs in northern Europe were gradually refined by the Church's influence, which included the concepts of consent, sacramentality, indissolubility, and the inclusion of impediments to marriage such as consanguinity, and affinity which could invalidate a marriage by declaring an annulment. When focusing on the family in Europe during the Carolingian Movement, Pierre Toubert identifies the emergence of "Christian marriage" by describing the influence of the Church on the ideology of marriage and the matrimonial model in Western Europe. "It was between the mid-eighth and the mid-ninth century that a theory of marriage, and a unifying ideology of the conjugal family, were constructed from hitherto uncoordinated (and sometimes even contradictory) elements already existing in the Bible, the Fathers and the canons of the early Councils. (Toubert 1996, 396-406)

By the time of the feudal era, Pope Gregory began to shape the doctrine of marriage and explore the concepts of consent as had already been affirmed by Gregory the Great: "marriage was an indissoluble union between one man and one woman, sexuality had to be controlled, and both parties must consent." (Fossier 1996, 414-416) It is interesting to note, though, that although women were protected by law or custom, they were "under their husband's yoke or their father-in-law's." However, if their husband proved impotent, the marriage could be dissolved, indicating that although marriage was taught to be eternal, the ability to procreate was through the sexual act (*copula carnalis*) was more important. "The sole aim of sexual union was procreation." (Fossier 1996, 427) In the thirteenth and fifteenth century the Church then occupied herself with the legalities of marriage in the form of canon law. "Family life came gradually to be bound by religious rites, which delimited and sanctified a domain long immune to ecclesiastical interference." (Bresc 1996, 437)

This was the form and understanding of marriage that was taught by Christian missionaries when evangelizing other people of the world. When introducing Christianity to traditionally polygamous cultures, the churches insisted on monogamy for converts. Monogamy was and still is the only accepted form of marriage in both Catholic and Protestant countries. (Burguière et al 1996)

Bresc points out that because historians have been more concerned with the conjugal family (that is family made up of husband and wife and children that follows the usual domestic cycle) there has been little research done on the multiple households living in the country. This type of marriage is named the 'Tuscan model', and in it marriages were arranged by families and "sex before marriage seems to have been almost non-existent." Desire and love were not a part of the model. (Bresc 1996, 445-446) At the same time in the Byzantine world the family was the Church's affair, with individuals' lives being focused either on marriage or on the cloister. Municipalities had been abolished by Leo VI and so the Church governed the family which was the "fundamental socio-political model" of a fiscal unit and often the agent of diplomacy through marital alliances. (Patalagean 1996, 474, 486) These developments and models are particularly European and not necessarily mirrored in other cultures, for example in the Japanese who have different models of kinship and history of marriage that is particular to their own cultural self-understanding. (Beillevaire 1996, 549)

A History of the Family Volume Two: The Impact of Modernity (1996) deals with the themes of marriage and family time of the first modernity until the present, that is, from the sixteenth century and the industrial revolution until the present. An example of the influence of the Church on marriage after colonialisation is given in the chapter concerned with Latin American history:

> "*a Western type of individualism and a privatization of social relations [emerged] parallel to what the Church was advocating … the Christian model [of marriage] added an even more subtle and totalitarian aim: it connected the regulation of alliances to a strict control of the body by means of circulating the notion of relationship between self and pleasure which de Weat calls 'sexuality'."* (Bernard and Gruzinski 1996, 173)

This statement articulates very clearly the fact that the imposition of Christian marriage through colonization bore with it the imposition of the Western concept of sexuality. In addition to this import, came the reality of wage labour and the pressure put on the family model as a result of the absence of the head of the household. In this case the wife becomes the head of the household and still searches for an income outside of the home. This did not "necessarily imply an improvement in the female condition,

but simply a substantial modification to her status and the role she fulfills." (Bernard and Gruzinski 1996, 207)

Martine Segalen presents the family in the time of the industrial revolution and points out that the ideal of the bourgeois family emerged then "as a direct result of capitalism." The family "was defined as the place of order" and the value of this model of family was held within the locus of the domestic groups and kinship networks. (Segalen 1996, 393) The rise in female employment challenged the model of the conjugal couple. As women became economically independent, the couple became profoundly transformed and marriage became based "on a romantic ideal of love … and the symbol of individual liberty." (Segalen 1996, 409) This link between a model of marriage, a model and family and economic prosperity through capitalism is mentioned by Hervé Varenne in *The Contemporary American Family* (1996). His studies have allowed him to observe that there can be no generalisation about statistics and ethnologies when learning about life among the very poor, and that, "as soon as material conditions allow, families take a decidedly middle-class shape." (Varenne 1996, 438)

This study of the family concludes with *The Scandinavian Model* (Gaunt and Nyström 1996) Within this liberal social democracy the socio-economic impact of women earning at an equal level as men, has been the need for a new role for fathers. "The role is surrounded by considerable confusion which is not solely due to the fathers … [as the mothers, being] anxious about their children's well-being cannot bring themselves entirely to trust their husbands." (Gaunt and Nyström 1996, 484-485) It was predicted that this changed reality of new marital roles, "falling birth rate, relaxed divorce laws and premarital sexual relations etc." would lead to the "collapse of the family ... What [the intellectuals] forgot, however, is that the family is not a thing but a network of human relations, which survive even when their forms change. (Gaunt and Nyström 1996, 484-485)

As Walter Kasper writes in *Theology of Christian Marriage* (1980), it is:
> *wrong to think of the modern understanding of marriage as a partnership as the norm, and to overlook the fact that married and family life have been regarded until only very recently in history in the context of the tribe, clan or extended family. It is clear from the many different ways in which marriage has been practiced in the history of human cultures that sexuality is and has always been characterized by a certain vagueness, openness and flexibility and that is has to be given form and definition by society ... This inevitably leads us ask whether the nature of marriage as such is in any sense permanent ... Thomas Aquinas*

was concerned with this question ... [and his] conclusion is that marriage can only exist in historical forms and that it is the nature of marriage to be historical. (Kasper 1980, 6-7)

With reference to the changing understanding of marriage and family in South Africa, Mark Hay writes
The structural changes which have occurred [since the 19th century] include: the Western influence on marriage and family life; urbanisation; education; the state machinery in its economic, social and political aspects that have taken over the traditional role of the family; [and the separation] of living and working spaces. (Hay 1994)

Following feminist and queer theories which encourage a deconstruction of norms and beliefs that are taken for granted, this brief summary of the history of marriage clearly shows that there is no one tradition of marriage or model of family, either within human society or within the church. Marriage has been formulated and practiced in various ways depending on the socio-economic and socio-political context of the time, and families take the model of whatever network of relationship is most effective for their survival and flourishing. The formation of relationships and production of children, however, is dependent upon sexual practice and therefore fundamental to this history of marriage and family flow the history of human sexuality and its expression. This is therefore the next area of focus.

5.2. A brief history of sexuality

Michel Foucalt's works deal specifically and in detail with the history of human sexuality in Western society. His writings are particularly informative for a Christian understanding of the history of sexuality in that a Western focus has significantly shaped the doctrine of marriage.

In *The History of Sexuality: An Introduction, volume 1* (1990) Foucalt concentrates on the impact of Victorian bourgeois society on the understanding of sexuality. He described how, before this era and "up to the end of the eighteenth century, three major explicit codes … governed sexual practices: canonical law, the Christian pastoral, and civil law." (Foucalt 1990, 37) They each determined what kind of sexual practice was licit or illicit, and they each centered on the marital relationship, its requirements and obligations. "Breaking the rules of marriage or seeking strange pleasures brought an equal measure of condemnation." Both were considered to be generally unlawful. He argues that although acts that were considered 'contrary to nature' were probably viewed as an abomination, they were perceived as an extreme form of unlawfulness. By 'acts contrary to nature' he includes sodomy, bestiality and

hermaphroditism. "For a long time hermaphrodites were criminals, or crimes offspring, since their anatomical disposition, their very being, confounded the law that distinguished the sexes and prescribed their union." (Foucalt 1990, 38) According to Foucalt there were two modifications to this attitude that were brought into being during the eighteenth and nineteenth century.

Firstly, the "centrifugal movement with respect to heterosexual monogamy" which provided a standard for sexual expression based on the "legitimate couple with its regular sexuality." Secondly, the scrutiny of: "the sexuality of children, mad men and women and criminals; the sensuality of those who did not like the opposite sex; reveries, obsessions petty manias, or great transports of rage" which were all set apart as "unnatural." (Foucalt 1990, 38-39) The 'unnatural' was therefore set apart as a "specific dimension in the field of sexuality." Through this focus on the multiplicity of sexualities, "power [was] brought to bear on the body and on sex … which had neither the form of law, nor the effects of taboo." (Foucalt 1990, 47) It is on this basis that Foucalt argues that the Victorians were neither sexually repressed nor obsessed, but pursued a study of sexuality from the perspective of science.

Foucalt calls this 'scientia sexualis" and describes the contribution of nineteenth century psychiatrists to this study. (Foucalt 1990, 53-73) The patient doctor relationship "kept as its nucleus the singular ritual of obligatory and exhaustive confession, which in the Christian West was the first technique for producing the truth of sex." (Foucalt 1990, 68) Following the nineteenth century the truth of sex was sought after through the science of medicine and specifically through the discipline of psychiatry. He goes on to explore the theme of sex and power and concludes that

> *"sexuality must not be described as a stubborn drive, by nature alien and of necessity disobedient to a power which exhausts itself trying to subdue it and often fails to control it entirely. It appears rather as an especially dense transfer point for relationship of power … [to impose one strategy on all the manifestations of sex is to, for example,] to reduce all of sex to its reproductive function its heterosexual and adult form, and its matrimonial legitimacy fails to take into account the manifold objectives aimed for, the manifold means employed in the different sexual politics concerned with the two sexes, the different age groups and social classes."* (Foucalt 1990, 103)

One of the results of his study is the assertion that sexuality is a social construct used within a system of power. To name some people as 'unnatural' or 'abnormal' places them in a subordinate position and

therefore disallows a challenge of the status quo. Heterosexual adult sex within legitimate marriage is held and defended as the norm.

When considering same-sex marriage, it is imperative that the history of the term 'homosexual' be understood. According to Foucalt (1990, 42-49) the homosexual person is a socially constructed entity suffering from some sort of pathology which precludes them from 'normal' sexual expression. Before the development of the term 'homosexual' there were incidences of homosexual people living openly in community, for example, according to Bernard and Gruzinski, in Latin America young men who sought same-sex relationships and avoided marriage formed communities within the cities for support and acceptance. (Bernard and Gruzinski 1996, 173) Foucalt describes how the term homosexual emerged as a social construction in the late eighteenth century, and how the homosexual person was initially a focus of medical attention and treated for a disorder – homosexual desire.

Since then "a number of theories have developed ... to explain the 'causes' of homosexuality, from the psychological to the biological and genetic." Homosexual people were classified according to psychiatric standards and thereafter they concentrated on eradicating the causes of homosexuality. Further developments in the understanding of homosexuality led from the Kinsey Report of 1948 which indicated that homosexual activity was more common and widespread than initially believed. Subsequent studies have shown that homosexual people are "in fact no less psychologically or physically healthy than heterosexual people, leading both the American Psychiatric and Psychological Associations and the World Health Organization to remove homosexuality from their list of mental disorders." (Stuart and Thatcher 1997, 168-9) This concentration of sexual preference is "a modern phenomenon and is a consequence of the belief of modern psychology ... that sexuality is a – perhaps the – central dimension of a person's character and the force behind most of their behaviour." (Stuart and Thatcher 1997, 168-9)

As an awareness of personal and political identity developed within the homosexual person, there emerged the movement to challenge the classification of homosexuality as a "pathological construction of their sexual orientation." This movement allowed them to present themselves as "a social and cultural minority to whom equal civil and social rights should not be denied." (Stuart and Thatcher 1997, 169) More recently, homosexual people have embraced different terminology to describe themselves – lesbian and gay.

Feminist and queer theories promote more holistic understanding of sexuality than the "one-dimensional" one offered by MASA and its supporters. The above brief analysis of sexuality clearly shows that sexuality is, and must be seen on a continuum, rather than in the binary terms which MASA develops sexuality. As is seen by the developments around same-sex legislation in South Africa, people who do not fit the heterosexual mould, such as the people of the LGBTI community, have begun to raise their voices within the political and ecclesiastical realm. Their experiences and academic contributions are leading science and theology into more comprehensive understandings of sexuality and gender.

Part of this movement is the challenge of the hetero-exclusivity of marriage, and an understanding of the developments in the theology and celebration of marriage. These developments will now be considered.

5.3. A brief history of the theology and celebration of marriage

As mentioned before, the theology of marriage centred on the concepts of consent, sacramentality, and indissolubility found in the biblical references and imagery concerning marriage. The dominant theological theme of marriage is that a marriage relationship is symbolic of the relationship between Christ and his bride, the Church. The celebration of marriage has included the exchange of consent and the exchange of vows with additional elements added according to local culture and custom.

Within the Household Codes mentioned in section three of chapter four there are no teachings about age, vows, liturgy, and "despite centuries of insistence to the contrary, the Bible does not forbid sexual intercourse before marriage. The Song of Songs presupposes it." (Stuart and Thatcher 1997, 59) As Osborne has written, although there is historical evidence that Church officials began to perform some function within the marriage rite from the year 400 C.E. onwards, it was only in the twelfth century that marriage began to be spoken of as a sacrament. He argues that marriage:

> though a ritual, was not considered a sacrament, since the issue of sexuality posed a problem for theologians [of the time.] How could sexuality be a means of grace? This was the problem which at first presented itself in the issue of marriage and had to be theologically explained. (Osborne 1988, 5-9)

Alongside this need to develop a theology of marriage, came the need for the Church to become involved in matters of divorce and consanguinity. The Church declared marriage to be a sacrament by drawing on Augustine's teaching that God is present in a marriage and the celebration or rite to mark the marriage was included in the liturgy of the church. After the Reformation, the reformers in Europe and

England maintained that marriage was a secular reality. With these changes came the secular concept of 'common law marriage' but the Roman Catholic Church maintained the Christian foundation and taught that a valid marriage takes place before a priest and two witnesses. By the sixteenth century the Church and State in Europe agreed to the publicisation of marriage and marriage registers were introduced. The priest acted as state and church witness to the contract that the couple affected. This practice continues to this day within the Christian mainstream denominations.

A more recent example of how the form and meaning of marriage and the living out of sexuality has changed throughout history is given by Adrian Thatcher in the book entitled *Marriage after Modernity: Christian Marriage in Postmodern Times* (1999.) The book reclaims the biblical models of marriage and explores the tradition of betrothal and 'trial marriages' within the church. In his paper *Before or after the wedding?* (1998) he writes that:

> There are two traditions regarding the beginning of marriage. The conventional Christian view is that a marriage begins with a wedding. An earlier Christian view is that marriage begins with betrothal, followed later by the marriage ceremony. Sexual experience regularly began after betrothal and before the wedding ... Children born to couples conceived during betrothal would be regarded as legitimate, provided they married. According to Macfarlane, it was really only in the middle of the 16th century that the betrothal, which constituted the 'real' marriage, was joined to the nuptials or celebration of [marriage] ... The Protestant denial of the sacramentality of marriage, the social permission accorded to marrying parties to choose their partners for themselves, the incorporation of romantic love into the meanings of marriage, the abolition of betrothal and informal marriage, the widespread acceptance by almost all churches of the use of contraception within marriage, the increasing acceptance by the churches of the ending of marriage (whether by divorce or annulment) -- all indicate that Christian marriage is a remarkably flexible institution. (Thatcher 1998. "Beginning Marriage: Two Traditions" in Hayes, Porter and Tombs (eds.) *Religion and Sexuality* accessed via http://www.thewitness.org/archive/april2000/marriage.html last accessed 19 November 2008)

Despite this flexibility, the overwhelming majority of Christians still believe that marriage is celebrated with the exchange of vows, and is a life-long and exclusive union between one man and one woman for the purpose of procreation. Theologians have written around this belief and have traditionally referred to the three ends or purposes of marriage. Stuart and Thatcher describe these three ends in detail.

5.3.1. Three Christian purposes or 'ends' of marriage

The first reference to the purposes of marriage, also known as the 'goods' or 'ends' of marriage, is found in the writings of Augustine. In 401, he wrote, "that the 'goods of marriage' were the procreation of children, fidelity and the binding obligation (*sacramentum*) that prevented the partners ever dissolving their marriage." Paul's preference for celibacy over marriage continued to be paramount in the teachings of the church, therefore Augustine and later Aquinas taught that:

> *sexual intercourse is allowed to the married only for the sake of procreation, or, following Paul (1 Corinthians 7:5-6), to prevent the fornication of either partner which the withholding of intercourse might precipitate. There is little if any thought of mutual love in these highly regulated authorized couplings; indeed uninhibited love-making was equated with adultery.* (Stuart and Thatcher 1997, 63)

The Protestant churches that formed after the Reformation "retained the three 'goods of marriage,'" that is fecundity, faithfulness and fellowship. Fecundity was understood as procreation or the openness to new life; faithfulness was understood to be the enhancement of one another's faith in God; and fellowship was understood to be companionship. They did, however abolish "the rule of compulsory celibacy for priests, and refused to regard celibacy as superior." Within the Church of England, according to the first Book of Common Prayer the goods of marriage were listed as:

> *First, … ordained for the procreation of children ... Secondly, It was ordained for a remedy against sin, and to avoid fornication ... Thirdly, It was ordained for the mutual society, help, and comfort, that the one ought to have of the other, both in prosperity and adversity.* (Stuart and Thatcher 1997, 63)

As the Protestant churches developed their own theologies of marriage, by the "seventeenth century a majority of Protestant theologians held that the 'mutual society' [or fellowship] of husband and wife was the most significant of the three causes." This profound alteration in the prioritisation of the goods of marriage indicates that "the personal union of the couple and the mutual enriching of their lives becomes [the] primary meaning [of marriage]." The shifts in the churches' understanding of marriage with regard to celibacy, the primary purpose of marriage, and its inclusion as a sacrament, indicate that the churches have had to adjust their doctrines of marriage according to the sociological developments of the time. As Stuart and Thatcher write,

"the essential point is that the churches' understanding of marriage is a dynamic one. It has never been finally formulated, and it is open to further changes." (Stuart and Thatcher 1997, 64)

5.3.2. A feminist contribution

As mentioned in chapter three the feminist concept of mutuality asserts that ethical relations are "marked by equivalence between persons, a concomitant valuing of one another, a common regard marked by trust, respect and affection in contrast to competition, domination, or assertion of superiority." (Johnson 1994, 68) This concept becomes the touchstone for further developments in the theology of marriage that enable the continuation of valuable traditional teachings through feminist adaptation. As other theologians embrace these critiques, they realise that:

> *the discoveries of our age are priceless gifts to expand the theology of marital love, as an expression of open-ness to new life, life in this world caught up and divinised here and now but already reflecting the mystery of the eternal relationship of life between men, women, and the Trinity.* (Dominian 1977, 84)

As Johnson writes, "the long history of religious marriage, in other words, has been far from stable and has undergone significant and often dramatic changes." (Johnson 2005, last accessed 19 November 2008) However, what has been constant throughout history and within myriad societies is that marriage has been established as a social institution which has played a valuable socio-economic role within society. Within Christian societies there has been a consistent belief that God is present in marriage, and that marriage has within it an element of grace. However, according to Johnson, what has also been constant is the submissive role of the woman as wife, and adherence to the idea that the husband is the head of the household. As women have gradually become emancipated through the suffragette movement and feminist movements, the role and position of a wife has changed. This has led to significant changes within the understanding of marriage due to the economic and reproductive independence of women. Therefore, what has not been constant throughout history is the management of marriage, that is, how the spouses manage their relationship and define their roles within the family and the home. There has also been great variety in the way in which each society has defined the rules about contracting and dissolving a marriage, and in the way in which society decides when to declare that there is a marriage.

5.3.2. A brief note about marriage and culture: An African example

As an example of how the traditional Christian understanding of marriage has been challenged by different societies, I draw on Blum's book entitled *Forms of Marriage: Monogamy Reconsidered* (1989.) "From its earliest days, the Church faced the problem of adapting Christ's teaching to different cultures and milieu," writes Blum. He explores marriage within an African context, and the way in which African theologians are now beginning to formulate an African Christian understanding of marriage. He writes that:

> *Because marriage occupies such a central place in the life of each society, each society has developed important traditions, relating to this institution. Over the centuries, the Gospel has been preached in societies, having radically different conceptions of marriage: regarding its nature and obligations, its importance, and its relation to the rest of society. In many instances, the encounter with these societies has helped the Church to deepen its own understanding of the sacrament of Matrimony, and to clarify an aspect marriage that has been perceived only dimly before.* (Blum 1989, 1)

At the same time, the missionaries to Africa were often faced with a pastoral dilemma when the marital traditions of the new converts were incompatible with Christian marriage. This interplay between cultural belief and religious belief and the dilemma that it presents to the Church has been the subject of Blum's book. In his study, the definition of marriage that was used is that of Kathleen Gough:

> *Marriage is a relationship established between a woman and one or more persons, which provides that a child born to the woman, under circumstances not prohibited by the rules of the relationship, is accorded full birth-status rights, common to normal members of his society or social stratum. This definition is ...very broad... it defines marriage, as a relationship, without specifying whether such relationship is sexual, ritual, economic, legal, or something else, or a combination of these.* (Blum 1989, 66)

Neither does this very broad definition specify whether the woman is married to a man or woman, or to more than one other person, and it does not include specifics about how the marriage is affected or when the child should be born in order to be considered legitimate. This is because in African societies, as Mbiti says in Blum, "marriage is a complex affair with economic, social and religious aspects, which often overlap so firmly that they cannot be separated from one another." (Blum 1989. 20)

As the Roman Catholic Church has come to understand the important work of inculturation and contextualization by recognizing the 'seeds of faith' in each culture, the strict imposition of the traditional definition of Christian marriage has begun to loosen. For example, as I was taught during the course entitled Special Moral Theology at a Roman Catholic seminary, when a polygamous family presents itself for baptism, the husband is counselled to keep his first wife as his legitimate wife and to continue to care for his other wives and their children. Within the Anglican Church Resolution 26 of the 1988 Lambeth Conference entitled *Church and Polygamy* moves from the previous practice of asking a polygamous husband to 'put away' all but his first wife if he is to be baptized and states:

> *This Conference ... recommends that a polygamist who responds to the Gospel and wishes to join the Anglican Church may be baptized and confirmed with his believing wives and children on the following conditions:*
>
> *(1) that the polygamist shall promise not to marry again as long as any of his wives at the time of his conversion are alive;*
>
> *(2) that the receiving of such a polygamist has the consent of the local Anglican community;*
>
> *(3) that such a polygamist shall not be compelled to put away any of his wives, on account of the social deprivation they would suffer;*
>
> *(4) and recommends that provinces where the Churches face problems of polygamy are encouraged to share information of their pastoral approach ....* (Resolution 26 from
>
> Lambeth Conference 1989 last accessed 19 November 2008)

Blum's work indicates the complexities involved in defining and understanding marriage within Africa. His aim was to "try to discover, whether, and how the Scriptures reflect values which God, in his Providence, has willed to characterize all forms of marriage, regardless of culture." (Blum 1989, 107) This desire to find within African culture that which could be compatible with Christianity finds affirmation in the words of John Paul II in *Redemptoris missio*, "again, it is the Spirit who sows the 'seeds of the Word' present in various customs and cultures, preparing them for full maturity in Christ." (Pope John Paul II. 1990. Redemptoris Missio, 6)

This is one example of how the Christian teaching about marriage has undergone change in the face of cultural difference. Another interesting shift happened within the Roman Catholic Church following the increasing practice of vasectomy according to Dupuis's work entitled *The Christian Faith* (1996.) Dupuis writes that In the Decree *Circa Impotentiam* of the Sacred Congregation for the Faith 13 May 1977 it was decreed that the response to a question should be 'negative' if asked 'whether ejaculation

of semen elaborated in the testicles is necessarily required for conjugal copulation.' This seems to indicate that a contraceptive intervention on the part of the male invalidates a marriage, while undisclosed sterility or the intention not to have children is considered to be an impediment to marriage. There is however, no reference to women who have undergone surgical sterilisation procedures in the Doctrinal Documents of the Catholic Church, which indicates a clearly patriarchal worldview.

These two examples of adaptation of theology and praxis to particular contexts have been offered as an example of how throughout history there have been changes in the understanding of marriage and sexuality and subsequent changes within the theology of marriage. Knowledge and experience have informed theology and praxis. With this in mind, MASA's appeal to tradition to argue against same-sex marriage will be analysed using the tools of queer theology.

5.4. Queer(y)ing MASA's appeal to tradition

According to MASA, the historical form of marriage must be secured in order to safeguard family life, and they understand the traditional model of marriage to be a "universally accepted norm" that "pre-dates both the state and the law." (MASA. 2005. PR: Churches Unite) Dr Cassidy has also referred to it as "the most basic institution of society which God has put in place from the beginning of creation ... [that has] stood the test of time from the beginning of humankind." (Cassidy 2004. Letter)

The appeal to history as a defence of traditional marriage has inherent danger as Larry Kaufmann has noted:

> But then again, I would counter argue, slavery was understood to be a pre-existing ordinance, with Paul giving the instruction: 'Slaves, be obedient to your masters.' But slavery was abolished in law. The same could be said of legislation on divorce and on adultery which changed over the years ... I would take the argument of Marriage Alliance which claims that the proposed legislation in favour of same sex unions is without precedent in all of human history (and, as it argues, should therefore be rejected), and say that our modern understanding of human sexuality too is without precedent, as attested to by the social sciences such as psychology. The concept of 'homosexuality' and 'sexual orientation' is relatively new in the evolution of human consciousness. Our ancestors (including those of

biblical times) were pre-occupied with issues like 'sodomy' and homosexual acts, but could not begin to grasp the psycho-sexual meaning of love, commitment, intimacy and fidelity within homosexual attraction and/or union. (Kaufmann 2005. Proposed Legislation on Same Sex Unions. An article Submitted to The Natal Witness for publication)

It is interesting that the possibility of legal recognition of same-sex marriages has found opposition from MASA for allowing the use of the term 'marriage' while legislative recognition of African customary marriages has not. (Ntlha. 2005. Letter) Neither form fits MASA's understanding of the traditional definition of marriage as being between one man and one woman. According to The Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998) that came into operation on 15 November 2000, "a customary marriage is a marriage negotiated, celebrated or concluded according to any of the systems of indigenous African customary law which exist in South Africa and that this does not include marriages concluded in accordance with Hindu, Muslim or other religious rites … there is no restriction on the number of customary marriages that a husband may enter into." (South Africa. 1998. Customary Marriages Act)

By not contesting the right to use the term marriage in the case of African customary marriages, counsel for MASA seems to indicate that a polygamous relationship is more acceptable than a same-sex relationship. This logical incongruency can be attributed to a heteropatriarchal worldview that is common to the traditional Christian lobby and the traditional African lobby.

For MASA to state that the traditional model of marriage is the most basic institution put in place by God since creation is to erroneously (and arrogantly) assume that the world has always been as it is now, and is to ignore the contributions of historical and sociological research. This argument uses the creation narrative to support its own assertions, and is based on a particular biblical hermeneutic (as was shown in chapter four.) These examples indicate the reality that marriage entered the world as a secular reality, and has undergone various contextual adaptations. During the establishment of Christianity, meaning and value was given to marriage on the basis of Scripture and the legacy of Jesus. This meaning has been adapted in every generation as the context in which marriage has been lived out has changed. We are currently in a time of unprecedented change known as the postmodern era. Current adaptations in meaning are born out of the postmodern realisation that there is no one truth about anything, but rather, that there are as many truths as there are lived experiences. For example, what marriage means to a sixty-year-old English-speaking heterosexual South African Christian married woman of European

descent will be quite different to what it means to a twenty-year-old Zulu-speaking homosexual Christian man of Zulu descent. Their own history and experience of marriage will be used to interpret its meaning in the light of their own Christian tradition.

From the queer perspective of identity and performance introduced by Judith Butler, one could argue that the function or performance of a family is what determines its identity or form. The way that families function within society and within the household in terms of the living out of relationship and the allocation of roles would therefore determine their form. The challenge of queer theology is therefore within the realm of relationship and not the realm of definition.

The challenge to the churches is to develop a theology of marriage and family that takes seriously our current South African context and affirms the Christian values of marriage that have been distilled through the centuries as each generation has done theology. This process of taking seriously the contemporary context of South Africa against the backdrop of diverse theological traditions can assist in the search for a theology of marriage and family that is life-giving and affirming of every individual.

This chapter has shown that Christian tradition has been flexible in the face of contemporary challenges. Throughout history there have been changes in the understanding of marriage and sexuality and subsequent changes within the theology of marriage based on lived experience. While it might be true that marriage is a most basic institution that has been in place since the beginning of human relations, it must be said that the form and meaning of marriage has not been static.

The review of the history of marriage and sexuality clearly indicates that MASA's understanding of marriage as a social institution is limited and prejudiced against the religious and socio-cultural diversity of the human race. To claim marriage for themselves on behalf of South African Christians indicates a bias that can be described as bigoted, racist and imperialist, and founded on the desire to maintain a heteropatriarchal and capitalistic model of family. For this reason, MASA's appeal to sociology will be analysed in the following chapter.

Chapter Six: A queer analysis of MASA's appeal to sociology

As was seen in chapter three, MASA described the sociological aspect of the institution of marriage in terms of a monogamous and heterosexual composition and in terms of a social function. They argue against same-sex marriage according to the fact that marriage is the locus of procreation and the care of children, the foundation of family and the 'civic glue' of society. Each of these aspects of marriage as a social institution will now be considered from a queer perspective.

6.1. Marriage as monogamous

MASA's assertion that marriage has traditionally been monogamous, as proclaimed on their webpage, places marriage within the locus of the New Testament. The claim that this has been the model of marriage from the beginning of creation is to ignore the stories of King David, King Solomon, the Deuteronomical rules for handling succession in the case of multiple wives, and the other rules that warn against taking too many wives (Deuteronomy 17:17) and the taking of two sisters as wives (Leviticus 18:18.) While Jesus refers to the concept of a man leaving his father's household to cleave to his wife (Genesis 2:24) it does not necessarily assert marital monogamy. In 1 Timothy the mention of being married "only once" as a desired characteristic for bishops and deacons, and not the wider Christian population, seems to imply that monogamy was not the biblical norm in Jesus' time. (1 Timothy 3:2,11)

As Stuart and Thatcher write, "Michael Vasey has pointed out the difficulties of asserting that Genesis 1 and 2 provide a biblical mandate for monogamous marriage as an ideal, since the rest of the Bible does not echo it." (Stuart and Thatcher 1997, 189) The excessive emphasis of marriage as a valuable way of relationship can be critiqued by the disciples' response to Jesus teaching on divorce in Matthew's Gospel. They found his teaching so strict that they felt it might be better not to marry (Matthew 19:10.) Jesus responds with a very interesting reply about three types of eunuchs in Matthew 19:11-12: those who were born as eunuchs; those who have been made eunuchs by others; and those who have made themselves eunuchs. This reference to eunuchs seems to indicate that there were people in Jesus' society who practiced celibacy. Thomas Bohache has explored the meaning of this inclusion in his chapter on Matthew's Gospel in *The Queer Bible Commentary* (2006). He suggests that Jesus might be referring to gay men, and to his own disciples who defy the gender expectations placed on them by leaving home in order to follow him.

The discipline of sociological biblical interpretation reminds us that the Bible can be used to assert a

particular sociological reality. A particularly disturbing trend within some Christian groups is to use monogamy as proof of the primacy of the welfare of women in traditional Christian communities. Similarly, the Church in Gregorian times guaranteed the equality of women: "because, like the Jews, it believed in the virtues of monogamy; because Jesus had affirmed it in the Sermon on the Mount; because Roman law had … admitted to it … [and] even Paul and Jerome ... had not denied it." (Fossier 1996, 414) Implicit in this mindset is the idea that Christianity has saved women from a dreadful institution, and has placed them in the safer institution of monogamy. The concepts of power and control can be clearly seen behind this mindset.

In the literature supporting the traditional model of marriage, the definition usually links the monogamous with the heterosexual. The reasons for this linkage can be found in the adherence to the biblical imagery of marriage and covenant: God and God's people, Christ and the Church. This covenantal model of relationship serves as the model for faithfulness. Faithfulness, or fidelity, as mentioned before in chapter five, is a good or purpose of marriage. According to Stuart and Thatcher this means "that in their awareness of their commitment to one another Christian partners may experience their commitment to each other as a sharing in the 'new covenant' that all Christians affirm." They go on to argue that this experience is not limited to the martial relationship:

> *If the experience of faithfulness is itself a means, or even the principal means, of experiencing the faithfulness of God, then its exclusive concentration in marital faithfulness cannot be sustained. Children remain the reason why the faithfulness of married couples may be more demanding, but they are not the reason why only married couples are able to share in the faithfulness of God.* (Stuart and Thatcher 1997, 75-76)

If we were to queer 'faithfulness' we might assert that it is a characteristic that can be embodied in more than one relationship, such as the commitment of one man to another, or even within serial monogamy. There is a great deal of discussion around the value of monogamy within the queer community, for example, consider Tan Chong Kee's comments:

> *monogamy has been a passionately debated concept within the gay community and whether the practice can be used as a benchmark of commitment and/or morality … It is a patriarchal construct for some, and the corner stone of relationships for others. Some gay men think monogamy and homosexuality are polar opposites. While for some lesbians, these two words are practically synonymous ... The world is mistaken in thinking that monogamy is a moral good. You can decide, by an act of will, to be monogamous to your partner. That*

does not mean the desire for sex with others is no longer there ... Monogamy is neither moral nor immoral. It is something quite different ... If we can start thinking of monogamy as an indicator rather than a moral value, we will save ourselves a lot of trouble ... [and] we can better concentrate on building strong loving relationships and show those clueless heterosexuals what marriage is really about. (Tan Chong Kee. 2008. "What is monogamy anyway?" accessed via http://www.fridae.com/newsfeatures/article.php?articleid=1779&viewarticle=1&searchtype= all last accessed 4 December 2008)

Elizabeth Stuart is similarly critical of monogamy, and dislikes using the term because of "its obviously patriarchal origins – it means one wife." In continuing to affirm monogamy as a characteristic of marriage, MASA therefore clearly indicates their patriarchal framework. Stuart argues for a theology of friendship in which people practice "passionate radical vulnerability." She retains the value of faithfulness within this theology, because for her, "intimacy usually involves a great deal of pain" and commitment is necessary in order to avoid the casual using people. (Stuart 1995, 224) This concept of faithfulness or marital fidelity has been explored by Walter Kasper in *Theology of Christian Marriage* (1980.) He argues that true freedom is realized in faithfulness, and describes the bond of commitment in faithfulness in the following way:

A promise of faithfulness made in freedom is permanently prescribed in the history of two persons. It is an intersubjective ontological intention and determination made in freedom through which a man and a woman reach their definitive status in and through their bond of unity. Whenever a person commits himself or herself totally and definitively in this way to the ground and objective of his existence, then according to Christian faith, God inevitably enters the arena. The definitive bond of faithfulness in marriage has, in other words, an essential religious dimension. (Kasper 1980, 22)

Although Kasper speaks with a traditional voice, his description of faithfulness can be translated into a feminist and queer critique, and can serve to sharpen the Christian understanding of why monogamy was considered to be a value. The value behind the concept of monogamy is faithfulness or fidelity. It is concerned with the quality of relationship rather than with a set formula. Monogamy is therefore valued for the experience of faithfulness within a relationship, and therefore for what it brings to the right *ordering* of relationship rather than the right *order* of relationship. MASA seems more concerned with the right order of a marital relationship, that is, an order of monogamy and heterosexuality.

6.2. Marriage as a heterosexual institution

MASA's assertion on their webpage that marriage is an intrinsically heterosexual institution reflects the central theme in the debates about same-sex marriage. As De Vos states in the Heads of Argument, to change the legislation to allow for same-sex marriage would therefore mean that marriage is no longer "associated with the validation and valorisation of certain kinds of heterosexual relationships" and would no longer contribute "to the marginalisation of those whose sexuality do [sic] not conform to the idealised heterosexual norm." (Point 30, Heads of Argument)

The justification for asserting that marriage is necessarily heterosexual is found in the development of marriage within the Christian tradition and in the biblical interpretations of texts referring to homosexuality as sinful, as described before. The literature analysing these texts is extensive, as is the literature exploring various understandings of human sexuality, and a thorough overview is therefore beyond the ambit of this thesis. However, it is essential to outline some of the major thinking in this area alongside the reference to homosexuality in section two of chapter five.

As written in the conclusion of MASA's *Heads of Argument* at the heart of their argument against same-sex marriage is the claim that marriage is

>*a heterosexual institution and that it is unnecessary and inappropriate that same-sex couples be allowed to marry. Their exclusion from the institution is not discriminatory. In the alternative, if it is regarded as being discriminatory, the discrimination is not unfair and is furthermore a justifiable limitation of the rights of same-sex couples."* (Points 65-67, Heads of Argument)

It is alarming that they might argue that any human right might be justifiably limited.

This attitude reflects the Victorian approach to homosexuality as an abnormality or pathology. Before considering the churches response to "the 'problem' of homosexuality" it is helpful to consider the wider subject of sexuality from the perspective of Graeme Taute, a psychotherapist who works primarily within this subject. He reflects of the effect of change on human consciousness and refers to interest in:

>*how it is that these changes happen in human consciousness ... Our religions have struggled with human sexuality for centuries ... Conceptualised as it has been, by both psychology and many of our religions, it is little wonder that human sexuality has become an arena in which considerable anguish, personal conflict, violence, abuse, and pathology is evidenced. My*

sense is that human sexuality, both hetero- and homo-erotic, has a complexity, a depth, and a meaning that we haven't yet, in either psychology or religion, begun to fully appreciate or comprehend. (Taute 2006. Unpublished Paper delivered at Same-sex Marriage Workshop held in Pietermaritzburg)

It is with this awareness that we should consider how, according to Stuart and Thatcher, the churches have responded to "the 'problem' of homosexuality in three different ways by dealing with it: as an 'intrinsic moral evil' or an 'objective disorder'; as a 'falling short'; with neutrality."

The first response tends to separate the homosexual person from the homosexual act (such as the common phrase: love the sinner, hate the sin.) The homosexual act is seen as sinful because it rejects the divine intention for sex, that is, procreation through the complementarity of the sexes. People who identify themselves as gay or lesbian are expected to be sexually abstinent (usually understood as the absence of genital intercourse.) This is the approach found in MASA's communications, for example, when refusing to sanction "any kind of homophobic response to individuals caught up in same-sex behaviour." (Cassidy 2004. Letter) In the chapter called "The Origins of Homosexuality" in his book entitled *Bringing up Boys* (2002), MASA's supporter James Dobson says that he doubts that God would make someone homosexual by giving them a genetic predisposition towards homosexual practice. He ends the chapter with the instruction that if they are gay they must remain pure, just as heterosexuals are also "called to a world of purity." (Dobson 2002, 113-130) The justification for this position is taken from what Germond refers to as the 'sin-texts' and asserts "that biblical law is completely clear and consistent in condemning homosexuality. Leviticus 18.22 and 20.13 describe male homosexual acts as an 'abomination' to be punished by death. The story of Sodom (Genesis 19) indicates that homosexuality was regarded as a worse sin than heterosexual rape." This approach assumes that the primary purpose of sexual activity is procreation, and therefore Gareth Moore asks "why it is a pleasurable activity at all." He concludes from this question that as God has arranged it this way, God surely intends us to enjoy sexual activity as "a good in its own right." (Stuart and Thatcher 1997, 172-173)

This idea is contrary to Aquinas' inability to "accord any value to the personal dimension of sexual desire and pleasure." (Stuart and Thatcher 1997, 173) Stuart and Thatcher write that "contemporary Christians inherit a tradition which has at best been highly suspicious of desire, yet modern feminist theology has been engaged in the process of the redemption of desire." (Stuart and Thatcher 1997, 201)

After exploring the concept of desire within the Bible and Christian traditions, they conclude that it is "our primary source for reflecting upon the nature of God who is love." (Stuart and Thatcher 1997, 218) Their work on the concepts of desire, sex, gender and power have been explored by queer theologians such as Robert Goss in *Queering Christ (2006)*, Timothy Gorringe in *The Education of Desire* (2001) and Gareth Moore in *The Body in Context, Sex and Catholicism* (2001) as well as the queer theorists Judith Butler (1990, 1-34) and Michel Foucalt (1990, 80-90).

The second approach, named the 'falling short' approach by Stuart and Thatcher, has been based on the application of biblical texts to the contemporary understanding of homosexuality and homosexual practice. In this approach, "homosexual relationships, whilst not necessarily being sinful, are imperfect when compared to heterosexual relationships," (Stuart and Thatcher 1997, 185) which are considered to be the norm. The assertion that heterosexual relationships are the norm is based on a theory complementarity justified by the reading of the creation narrative in the first chapter of Genesis. Stuart and Thatcher describe Alison Webster's description of "complementarity as 'the foundation, the theological structure by which Christianity justifies its suppression of all expressions of same-sex love and asserts heterosexual normativity." Webster warns that this heterosexist attitude "is built on sand and becomes decidedly shaky when analysed." (Stuart and Thatcher 1997, 189) This analysis takes into account the variable ways in which sexuality is expressed in different cultures, and notes that the churches

> *seem to speak as if it were crystal clear that the world is divided into homosexual and heterosexual people, and what constitutes a sexual act is universally agreed, but this is far from the case ... Vasey suggests that the Church might be better employed critically examining the construction of heterosexuality into which most of us are socialized [sic] ... then the churches need to construct a sexual ethic which can be applied to all persons no matter with whom they are in relationship. Such an enterprise would be wholly consistent with what is called 'passionate ethics*.' (Stuart and Thatcher 1997, 190-191)

Given MASA's adherence to the first approach, passionate ethics would not be considered acceptable or biblical, because for them sexuality finds its only legitimate expression within the traditional model of marriage.

The third approach to homosexuality that Stuart and Thatcher outline is that of neutrality: "homosexual acts are neutral and can only be evaluated in terms of their relational significance." Similarly, heterosexual acts are to be evaluated in terms of their relational significance. In other words, our sexual

orientation has no intrinsic moral value; the moral value of our sexual activity lies in the way in which our sexual life either harms or affirms others. At the heart of this approach is the awareness that "homosexuality should ... be approached as a justice issue ... ridding itself of heterosexism." (Stuart and Thatcher 1997, 192) They explain, though, that this approach is not popular among mainstream churches, but is central to the ethos of the Universal Fellowship of Metropolitan Community Churches. This church is:

> one of the fastest growing churches in the world, [and] its stance on homosexuality coupled with its willingness to re-examine Christianity from a non-homophobic, non-patriarchal point of view has made it increasingly attractive to a large number of heterosexuals as well.
> (Stuart and Thatcher 1997, 194)

Queer theologians join feminist theologians in arguing that behind the assertion that marriage is a heterosexual institution is the desire to maintain a patriarchal structure of marriage and family. In other words, behind the assertion is the desire to maintain power in the form of control: a husband's control over his wife; a father's control over his family; and society's control over the family unit as an integral part of a capitalistic economy. This argument is clearly stated by Valerie Lehr in her book entitled *Queer Family Values: Debunking the myth of the nuclear family* (1999). The conjugal or nuclear family, in its production of children and its establishment of personal wealth, is the agent through which the capitalist economy is supported

MASA also describes marriage as a voluntary union between a man and a woman. (MASA. 2005. PR: Churches Unite) While this can be considered ideal, it is often not the case in certain cultures that still practice arranged marriages for the sake of the wider family's wealth and longevity. In societies that practice arranged marriage, as described in both volumes of *A History of the Family (*1996) marriage is a matter of business, that is, an economic arrangement between two families. Marriage is not a personal matter between husband and wife based on romantic love. The wife usually has fewer rights than her husband and is expected to be subservient while performing the main marital functions of procreation and the support of the establishment of wealth.

This brings us to the next assertion of MASA that marriage is intrinsically heterosexual because of its purpose of procreation, and marriage is therefore not primarily designed for the purpose of close personal relationships. As mentioned before, this assertion supports a heteropatriarchal system of marriage that queer theology has begun to expose and critique as being primarily about power.

6.3. Marriage as the locus of procreation and the care of children

In points 65-67 of their Heads of Argument MASA strongly argue that marriage is designed for procreation. In point 52 the notion of personal union is rejected and procreation is named as the primary purpose of marriage, thereby invalidating same-sex unions on the basis of the physiology of the people involved.

It seems that this argument is made in order to ensure that marriage and parenthood are dependent on one another and kept together through insisting on the intrinsic heterosexual nature of marriage. Such an understanding of the ability to procreate is limited to a rudimentary biological understanding that conception is only possible through sexual intercourse between a man and a woman. It does not take into consideration conception through artificial insemination or in-vitro fertilisation, which has both become standard medical procedures employed frequently by infertile heterosexual married couples.

In response to the procreation argument against same-sex marriage in the Constitutional Court Case Judge Sachs reminds the Court of the imperative to honour the multiplicity of forms that family can take:. He notes that MASA and Cardinal Napier assert "that marriage institutionalises and symbolizes … the inherently procreative relationship between a man and a woman, and it should be protected as such" and that same-sex unions could never be regarded as marriages from the Christian perspective. He explained that, from a legal perspective, procreative is "not a defining characteristic of conjugal relationships," and that "to hold otherwise would be deeply demeaning" to infertile couples, aged couples, couples who have adopted, and couples who have decided not to have children. He concludes by stating that it "is clear, then, that the procreation argument cannot defeat the claim of same-sex couples to be accorded the same degree of dignity, concern and respect that is shown to heterosexual couples." (Minister of Home Affairs and Another v Fourie and Another)

While Judge Sachs argues from a legal perspective, the development of the theology of marriage affirms the importance of life-giving relationship over procreative ability. In section one of chapter five I have outlined the way in which the purposes or 'goods' of marriage have been understood over the centuries of Christian thought, and that there has been a shift towards an equal valuing of the purposes of procreation and companionship or 'mutual society.'

This is seen clearly in the revisions within the Roman Catholic Church following the Second Vatican

Council. Stuart and Thatcher quote *Gaudium et Spes: Pastoral Constitution on the Church in the Modern World* as teaching that "procreation 'does not make the other ends of marriage of less account' and that marriage 'is not instituted solely for procreation'." They argue that according to current Catholic doctrine, "there are now two equal purposes of marriage ... the 'procreative' and the 'unitive', and neither is more important than the other. The transition from 'procreation to personal union' means nothing more or less than this. (Stuart and Thatcher 1997, 65) It is also interesting to note that, according to Dominion, this covenant of grace between God and God's people "nowhere relies primarily, either in the Old or New Testament, on procreation." (Dominian 1977, 83-84) Like other queer theologians, Robert Goss also challenges a limited understanding of fecundity in traditional and contemporary Christian teaching about marriage. He argues that the good of marriage is not so much procreation as openness to new life. (Goss 2004, 104)

In arguing that continued importance of the birth and welfare of children as a good of marriage, Stuart and Thatcher quote Aquinas as maintaining that the indissolubility of marriage pertains less to the "commitment of spouses to each other [and that is rather] more centrally related to the needs of the species for the raising of offspring." Aquinas went on to state that sex outside of marriage was wrong "because it was 'disadvantageous to the care of children, and for this reason a fatal sin." Stuart and Thatcher affirm this reality by quoting A.H. Halsey:

> *what should be universally acknowledged is that the children of parents who do not follow the traditional norm (i.e. taking on personal, active and long-term responsibility for the social upbringing of the children that they generate) are thereby disadvantaged in many major aspects of their chances of living a successful life. On the evidence available such children tend to die earlier, to have more illness, to do less well at school, to exist at a lower level of nutrition, comfort and conviviality, to suffer more unemployment, to be more prone to deviance and crime, and finally to repeat the cycle of unstable parenting from which they themselves have suffered.* (Stuart and Thatcher 1997, 74)

Stuart and Thatcher point out that this research makes "powerful ammunition for conservative politicians and Christians who want to advocate a particular view of family life," and may fail to highlight the fact that poverty is often the cause of "the failure to thrive" as "the presence of two parents in a home itself guarantees nothing and may result in unbearable suffering." (Stuart and Thatcher 1997, 75) However, all children are deserving of care and nurture. Stuart and Thatcher's "outworking of passionate ethics ... [in]

an ethic of justice for children" can assist the church with this pastoral problem. (Stuart and Thatcher 1997, 83)

This perspective parallels the alternative judgement handed down by Justice Sosman in the Goodridge case which was quoted as relevant by MASA's counsel in order to argue against it. Sosman asserts that "married same-sex couples will strengthen and enhance the importance of marriage in South African society." (Point 51, Heads of Argument) Sosman suggests that same-sex couples can also cater well for the children in their welfare by saying:

> *Based on our own philosophy of child rearing, and on our observations of the children being raised by same-sex couples to whom we are personally close, we may be of the view that what matters to children is not the gender, or sexual orientation, or even the number of the adults who raise them, but rather whether those adults provide the children with the nurturing, stable, safe, consistent and supportive environment in which to mature. Same-sex couples can provide their children with the requisite nurturing, stable, safe, consistent and supportive environment in which to mature, just as opposite-sex couples do.* (Point 45, Heads of Argument)

In my own experience as an Anglican parish priest caring for people living in the Valley of a Thousand Hills in Kwa-Zulu Natal, fathers were most often absent and young mothers voiced to me their desire not to marry because men 'are bad news' and they 'just caused more trouble' for them. In a group of eleven young women belonging to the St Agnes Guild, nine of whom were mothers, only two wanted to marry the father of their children. This view is supported by Gustafsson and Worku's research into the marriage market in South Africa. In *Marriage Markets and Single Motherhood in South Africa* (2006) they give examples of the

> *contradictions between the legal situation, which demands that men provide for their families, and the reality that men can get away from the dependence requirement if they are not married to the mother of their child. This makes them less interested in controlling their fertility. The possibility for women to enter paid work and access different forms of government support has recently made an important impact on relationships making women more independent from men and also pushing away from marriage.*

When examining the population statistics in South Africa, there seems to be a great need for Goss' call for "transformational social change into God's reign." (Goss 2002, 104) As will be shown in section one of chapter eight, in 2001 about 16.4% of the South African population were living according to a traditional Christian marriage, and that within the population, "48% of African mothers … are never married. This

means that the children of all these never married mothers have no access to their fathers' resources." (Gustafsson and Worku 2006)

Within this reality, MASA's reference to marriage's defence of the importance of birthright and the assertion that marriage is intended for the creation, care and nurture of children seem hopelessly idealistic and unrealistic. (Point 10, Heads of Argument) Most South Africans live outside of this ideal. The queer and feminist critiques of marriage and family can assist the church in establishing a more just model of marriage and family based on relationships founded on a system of passionate ethics and marital values. Martial and family relationships that are life-giving for all will impact significantly on the welfare of children and honour the individual circumstances of each family, including South African families which are often vastly different from the traditional nuclear family of the West.

6.4. Marriage as the foundation of family

MASA's assertion that the traditional model of marriage is the foundation on which families are built is congruent with the sociological ideals presented in their research. (Point 34, Heads of Argument) This research supports MASA's assertion that family life must be safeguarded. MASA argues from a religious standpoint that Christian marriage and family life is integral to Christ's kingdom and the restoration of the nations. (MASA. 2005. PR: Churches Unite; Cassidy. Prayer) However, it is based on the Christian ideal of marriage and family in which all members experience fullness of life. As we have seen in the preceding section of this chapter, this is not the reality in which most South African families are living. To insist on this unrealistic ideal does great damage, as Rowan Williams writes:

> *Much more damage is done here by the insistence on a fantasy version of heterosexual marriage as the solitary ideal, when the facts of the situation are that an enormous number of 'sanctioned' unions are a framework for violence and human destructiveness on a disturbing scale.* (Williams 2002, 316)

The reality in South Africa is that the traditional model of marriage has not served as a solid foundation for family life and it has not safeguarded women and children as MASA argues that it does. For example, Gustafsson and Worku have found that:

> *In our study, all the women have at least one child, in most cases born out of wedlock. It is not uncommon for African couples first to have a child and to marry later as it takes a while to raise the lobola money. Thus what we observe may to some extent be postponement of*

marriage. Yet we include women until age 40 in our analysis. One of the apartheid legacies is to make the nuclear families difficult to be maintained. Instead there are families consisting of one parent, children and grandparents, a family which even now seems to be prevalent. (Gustafsson and Worku. 2006. Marriage Markets and Single Motherhood in South Africa. Tinbergen Institute Discussion Paper TI 2006-102/3. http://www.tinbergen.nl/discussionpapers/06102.pdf last accessed 2 December 2008)

In the same paper they also attribute the breakdown of the traditional African family to the migrant labour system of the apartheid government: "because of the system of migrant workers and thereby lack of control from the community these rules [governing traditional African marriage] were often not observed" and families became fragmented. It is important to note that despite the impact that the migrant labour system made on marriage and families in South Africa, at no point did the churches band together to challenge the system in defense of marriage. It seems that at that time the value of capitalism trumped the value of marriage. In the formation of MASA in 2005 it seems that the value of traditional Christian marriage trumped the value of human rights.

Life-giving families can take many forms – multigenerational and single-parent to mention a few. As Eekelaar and Nhlapo write "we in South Africa have it all. We have every kind of family: extended families, nuclear families, one-parent families, same-sex families." extended families, nuclear families, one-parent families, same-sex families." (Eekelaar and Nhlapo 1998) The Changing Family: Family Forms and Family Law quoted in *Minister of Home Affairs and Another v Fourie and Another* (point 60) Just as South African society accommodates these varied forms of family, so should it easily accommodate "families of choice." Robert Goss argues for "families of choice" (Goss 2002, 107) and that same-sex marriage should not be seen as a threat to family because

queer parents are as capable of being good parents as heterosexual couples. Sexual orientation of parents has nothing to do with the orientation, welfare and the development of children ... The models of equality between same-sex partners may in fact be conducive to the development of healthy models of parenting and gender equality.

He substantiates this assertion with what Charlotte Patterson concluded from the results of thirty different studies on the children of gays and lesbians done in 1992: "There is no evidence to suggest that psychological development among children of gay men or lesbians is compromised in any respect relative to studies among the offspring of heterosexual parents." (Goss 2002, 107)

As has been seen in chapter five, the composition of a family changes according to socio-economic influences. While marriage may influence this composition, it is not the only influence, and family is more accurately determined by the role that a household of people perform for one another. Once again, it can be seen that the right ordering of a relationship is more life-giving for all that the right order according to which a relationship is founded. It is relationships that hold society together, not institutions. Therefore, MASA's assertion that marriage is the 'civic glue' of society will now be critiqued.

6.5. Marriage as the 'civic glue' of society

MASA's publications assert that family and marriage must be strengthened because it is the foundational institution of society. As a social institution it shapes identity, so that everyone knows what their role is and what is expected of them. (Point 5.1., Heads of Argument) This includes the assumption that traditional Christian marriage leads to healthy families which leads to secure communities which in turn is beneficial to society as a whole. (MASA. 2005. PR: Churches Unite; Point 34, Heads of Argument)

MASA also asserts that the Christian model of traditional marriage binds cultures in South Africa together on the basis of a shared understanding of marriage, (Point 54, Heads of Argument) and that their model of marriage functions as an organ of society (Point 34, Heads of Argument) and a type of 'civic glue.' This argument is amplified by an appeal to an oft-quoted concept of 'ubuntu:'

> The traditional male and female heterosexual idea of marriage is shared by the majority of South Africans, immaterial of race, religion and ethnic grouping. This forms part of the larger concept of ubuntu ... If, as a so-called act of "inclusion", same sex-marriage is established as a norm, the vast majority of cultures and religions in South Africa will find themselves excluded from the "new" mainstream by virtue of their opposition to samesex [sic] marriage. If same-sex relationships are recognised as marriages, the "civic glue" of shared male/female marriage recognition will be dissolved by forced judicial inclusion of same-sex relationship recognition into the marriage category. (Point 54, Heads of Argument)

Implied in this argument is the potential threat to religious life should the social institution of traditional marriage be allowed to change. One might argue that this attitude displays a bias in by implying that to support legislation allowing same-sex marriage one would be either an atheist or an agnostic, that is, that

support of same-sex marriage and religious belief are incompatible. In addition, this argument suggests that to allow same-sex marriage would compromise the all that the diverse South African community holds in common. The main justification for this position is their quoting the fact that according to the 2001 census over seventy-five percent of South Africans categorised themselves as Christian. In point 55 of MASA's *Heads of Argument* is the suggestion that to separate the secular from the religious when arguing the role of marriage in society is "exclusionary and unfair." Within this assertion is the unspoken assumption that the church still holds sway in a multi-faith, multi-cultural pluralistic society. In reality, the official voice of the Christian churches is one of many voices of South African society. Larry Kaufmann responds to this suggestion in an article written to a Pietermaritzburg based newspaper:

> *Is it not time to make a greater distinction between civil marriage and religious marriage? ... we should not get bogged down with the word 'marriage'. Language constantly changes, after all. Instead, let us see the lawyers working out the ramifications within the Constitution for both heterosexual and homosexual unions. And let the religious communities see with new eyes the reality of love, fidelity and commitment in the full spectrum of relationships and by different degrees bless what they see*. (Kaufmann 2004. Paper entitled *Proposed Legislation on Same sex unions* submitted to the Natal Witness for publication.)

In response to the respect for religion arguments against same-sex marriage in the Constitutional Court Case Judge Sachs ruled in point 172 of his judgment that:

> *It is one thing for the Court to acknowledge the important role that religion plays in our public life. It is quite another to use religious doctrine as a source for interpreting the Constitution. It would be out of order to employ the religious sentiments of some as a guide to the constitutional rights of others. [94] In the open and democratic society contemplated by the Constitution there must be mutually respectful co-existence between the secular and the sacred*. (Minister of Home Affairs and Another v Fourie and Another, point 172)

This judgement provides important insight into the state of South African society at the time of the formation of the Civil Union Act, and shows that the rights of the minority in society were considered. In the judgment it is clear that the value of an individual is paramount and individual rights are to be defended, no matter how bourgeois they might seem to queer theorists like Frances Piper. (Piper, F. 2005. Isn't marriage queer? A socialist take on same-sex unions. In: *New Socialist Issue* May/June 2005. 51. http://www.newsocialist.org/n last accessed 23 November 2009) This

attitude is in keeping with a society that gave birth to powerful liberation theologians in the struggle against apartheid.

The judgement emphasises the values of inclusion, dignity, equality and freedom. Each of these can be considered 'kin-dom' values as described by Elisabeth Shüssler Fiorenza in her book entitled *In Memory of Her* (1984, 140-154) Kin-dom values are not based on relationships of power as are the 'kingdom values' espoused by organisations like African Enterprise and Focus on the Family that support MASA. In the same point 172 at the end of the judgement Judge Sachs says:

> *There is one further comment I wish to add. It does not seem to me that [this change] would undermine the institution of marriage at all. This Court has noted on several occasions the important role that institution plays in our society. Permitting those who have been excluded from marrying to marry can only foster a society based on respect for human dignity and human difference. Nor will it undermine the special role of marriage as recognised by different religions. Such marriages draw their strength and character from religious beliefs and practices. The fact that gay and lesbian couples are permitted to enter civil marriages should not undermine the strength or meaning of those beliefs.* (Minister of Home Affairs and Another v Fourie and Another, point 172)

In points 51-52 of the same judgement Sachs also emphasises the awareness that "over the past decades an accelerating process of transformation had taken place in family relationships, as well as in societal and legal concepts regarding the family and what it comprises." He reminds the Court that along with these changes is the heterogeneous characteristic of South African society which is therefore "fissured by differences of language, religion, race, cultural habit, historical experience and self-definition' and, consequently, reflects widely varying expectations about marriage, family life and the position of women in society." He quotes Eekelaar and Nhlapo as saying that there is every possible form of family in South Africa and then continues by affirming the dignity of each individual:

> *a democratic, universalistic, caring and aspirationally egalitarian society embraces everyone and accepts people for who they are. To penalise people for being who and what they are is profoundly disrespectful of the human personality and violatory of equality. ... Equality therefore does not imply a levelling or homogenisation of behaviour or extolling one form as supreme, and another as inferior, but an acknowledgement and acceptance of difference ... The Constitution thus acknowledges the variability of human beings (genetic and socio-cultural), affirms the right to be different, and celebrates the diversity of the nation. Accordingly, what is at stake is not simply a question of removing an injustice*

experienced by a particular section of the community. At issue is a need to affirm the very character of our society as one based on tolerance and mutual respect. (*Minister of Home Affairs and Another v Fourie and Another,* point 60)

It is within this tolerant and mutually respectful society that theology should be revised in order to embrace difference and take seriously the experiences of the individual for the benefit of all. This challenge has been presented to other religions across the South African cultural spectrum as evidenced in chapter 4 of Judge, Manion and de Waal's *To Have and to Hold* (2008), and can therefore add to our solidarity and sense of ubuntu, rather than detract from it as MASA suggests.

Some queer theorists would argue that the true civic glue of American and South African society is the patriarchal and capitalistic economic system. Susan Thompson warns that a queer critique of marriage should remember the legitimate feminist critique of marriage: "[marriage] is an institution that is beyond rehabilitation." She refers to the work of Jillian Sandall in which Sandall points out that "the nuclear family has never necessarily been predominant" and that "traditional conception of family is tied heavily to capitalism." She says that "family is the site of social reproduction that supports the market economy ... Whether that family is heterosexual or homosexual, it serves the same function.*"* (Thompson. 2004. Speak now or forever hold your peace? Why we need queer critiques of gay marriage. In: *Canadian Dimension.* http://canadiandimension.com/articles/2001/ last accessed 23 November 2009)

In the same article, Thompson warns that "in the rush towards being accepted as normal, queer communities may lose one of their great strengths: an ability to examine social structures from a position of difference and, therefore, to work towards greater liberation for us all." Valerie Lehr (agrees that to include same-sex marriage into American legislation would be a capitulation to a societal form that is in need of change. She writes:

> *As we try to build an alternative conception of family and freedom, it us useful to understand that the current narrative of family contained values and assumptions that are historically rooted in the development and consolidation of liberal industrial capitalism in the early 1900's ... it is worth questioning whether [those values] are now appropriate as a model of family life ... the value of monogamy, the value of secure gender roles, and the desirability of the privatized family ... [and] the construction of the sexual family was a critical element in bringing together discourses that worked to enforce systems of power in relation to class, gender, sexuality and race.* (Lehr 1999, 45, 49, 63)

For Lehr, these systems of power need to be deconstructed in order to re-form family according to the values of freedom and equality. In her description quoted above, we find the source of what MASA seems to find so threatening about same-sex marriage – an indication of the dismantling of familiar systems of power: heterosexism and patriarchy. This is what Scott Haldeman calls "the idolatory [sic] of the nuclear family" in his article of the same name. (Haldeman, S. 2007, 137-152)

Frances Piper similarly makes the connection between the traditional model of family and capitalism. She argues that same-sex marriage might not be worth fighting for given that:

> *marriage is the cornerstone of patriarchal capitalism, a powerful and pervasive means of regulating sexuality and gender relations. It legitimates only one form of union (up until now, monogamous and heterosexual) as the best suited for raising a family; in the name of marriage, women have been overworked, undervalued, berated, beaten and killed. It's also the primary mechanism through which the responsibility, cost and labour involved in feeding, clothing and nurturing each other is placed in the hands of individuals. Meanwhile, capitalists benefit from having a workforce that is fed, rested and healthy. So, how can such an institution possibly be part of the plan for queer liberation? Well, only in the limited, partial way that all bourgeois rights are.* (Piper, F. 2005. Isn't marriage queer? A socialist take on same-sex unions. In: *New Socialist Issue* May/June 2005. 51. http://www.newsocialist.org/n last accessed 23 November 2009)

Piper, like Thompson and Lehr query the contribution that same-sex marriage would make to society. For them and other lesbian and queer theorists, the civic glue that marriage provides is no longer effective, and the future of societal strength lies in the embrace of diversity. This is a powerful challenge to the theology of relationship and community that calls for a theological response that is far broader than a theology of marriage alone. MASA's arguments are based solely on a theology of marriage thus limiting their ability to address South Africa's contemporary social needs.

Judge Sach's description of the character of contemporary South African society is very similar to Larry Kaufmann's description of the Kingdom of God in his article submitted to The Natal Witness for publication entitled *Proposed legislation on same-sex unions.* While Sach's description is based on the politics of human rights, Kaufmann's description is based on the Christian belief that every person is created in the image of God:

In [God's] Kingdom, I too believe there will be no differentiation between human beings. There will be absolutely no racism, or sexism, or discrimination against people on the grounds of age, physical handicap, religion, or sexual orientation ... [this is] a fundamental conviction in the Judeo-Christian tradition that every human being is created in the image of God. That is our greatest dignity. In fact, apart from that common dignity, there is no one way of being human. There is no superior race, there is no superior gender, there is no superior intellectual or physical condition, and there is no superior sexual orientation. (Kaufmann 2004. Paper entitled *Proposed Legislation on Same sex unions* submitted to the Natal Witness for publication.)

As the statistics have shown, there is a great disjuncture between the values of the faith professed by most South Africans and the social reality in which they live. The challenge to the churches is to develop a theology of marriage and family that will be inclusive and prophetic, and that will bring healing to deeply fractured relationships and deeply vulnerable children. Once this has been done, hopefully the civic glue of society will be healthy relationships.

6.6. A queer conclusion

According to MASA, traditional marriage safeguards family life and the welfare of women and children, and these healthy families contribute to order and security in society. Therefore, they argue that to alter the definition of marriage is to destabilize the individual, the family, and society at large, and will cause a decline in marriage. (Point 8, Heads of Argument) The claim that their definition of marriage concurs with the one "virtually universally shared public and core meaning constituting the vital social institution of marriage" reveals a limited appreciation of the world-wide diversity of religions and cultures, and displays an unfortunate arrogance.

A queer perspective can be an invaluable tool for "examining social structures from a position of difference and, therefore, to work towards greater liberation for us all." (Thompson. 2004. Speak now or forever hold your peace? Why we need queer critiques of gay marriage. In: *Canadian Dimension*. http://canadiandimension.com/articles/2001/ last accessed 23 November 2009) (This examination facilitates the realisation that same-sex couples can also cater well for their children's welfare and provide them "with the requisite nurturing, stable, safe, consistent and supportive environment in which to mature, just as opposite-sex couples do." (Point 45, Heads of Argument)

Queer theorists have shown that the desire to maintain a traditional model of marriage is fundamentally economic in origin. It is interesting to note that the support for MASA comes from a conservative evangelic organisation with lobbying power in America, namely Focus on the Family. The shift in MASA's focus from same-sex marriage legislation to the family and other projects affiliated with the South African Christian Leadership Assembly indicates that they are placed firmly in the context of American evangelical Christianity. This form of Christianity is exclusive and imperialistic. Queer theology by comparison is inclusive and 'grass roots' in focus.

The argument against same-sex marriage is fundamentally made by arguing that by changing to a 'close personal relationship' model of marriage there would be "a fundamental re-interpretation of the core social purposes of marriage." (Points 9 and 10, Heads of Argument) However, the change in the model of marriage and its core social purposes need not be destructive. If understood in the light of the Gospel it can be the model for life-giving and affirming relationships that might form the basis for an inclusive and godly society.

However, For MASA the core social purposes of marriage are bound up in gender. The fear is that in allowing this change, marriage will be severed from its "historic roots in sex difference, permanence, and children" and result in a form of marriage that is "more pliable, open to constant renegotiation, easily contracted and easily dissolved." (Points 9 and 10, Heads of Argument) This perceived threat of being drawn into a "genderless marriage" challenges the individuals within that marriage to understand their relationship in a new way, that is, a way that is not dominated by gender stereotypes and stereotypical gendered roles.

It is for this reason that MASA's theology of marriage will now be queer(y)ed on the basis of its appeal to the male/female gender binary.

Chapter Seven: Queer(y)ing MASA's appeal to the male/female gender binary

In MASA's publications we find a rigid understanding of gender that considers male and female to be binary opposites. According to their perspective these two different types of people, that is, men and women, require marriage to bridge the divide between them. To redefine marriage in such a way that gender is interchangeable is extremely threatening to the traditional model of marriage that MASA espouses because they argue, it would create a "genderless institution" that will undermine the value and integrity of marriage and have "extreme consequences for the relationship between men and women." (MASA. 2005. PR: Definition)

As was seen in section two sub-section 5 of chapter two, counsel for MASA argued that the traditional model of marriage safeguards family life and the welfare of women and children, and these healthy families contribute to order and security in society. For them this model must be retained in order to safeguard women and children and maintain a stable society in which everyone knows who they are and what is expected of them. They argue that to alter the definition of marriage is to destabilize the individual, the family, and society at large. The inference is that same-sex marriage would allow for a subversion of gender identity as a result of losing their reference to the 'old institution' of marriage. People would therefore lose the sense of their own identity which has been based on their role within society as a husband or a wife, or as a man or a woman. MASA therefore warns that a genderless marriage would be in opposition to the actual intrinsic nature of marriage which is heterosexual and procreative. (Point 33, Heads of Argument)

Queering gender not only threatens MASA's theology of marriage, it also threatens MASA's understanding of family and society. (Points 8.7, 27 and 30, *Heads of Argument;* MASA. 2005. PR: Definition)

> *If same-sex relationships are recognised as marriages, the "civic glue" of shared male/female marriage recognition will be dissolved by forced judicial inclusion of same-sex relationship recognition into the marriage category.* (Point 54, Heads of Argument)

As shown in chapter four, the creation narratives are often used as justification for the difference in gender, with male and female being equal but different, and having different roles in marriage, family and society. Stuart and Thatcher quote Neale Secor as writing that

To equate functional sex differences with essential being is to resort to a literalist biblical anthropology which not only is inappropriate and perhaps completely meaningless in modern discussion, but is also embarrassingly inapposite to [the] otherwise nonliteralistic ethical methodology. (Stuart and Thatcher 1997, 189)

Often in response to feminist critiques of this literalist biblical anthropology the notion of complementarity is offered as an explanation. In this view women are said to be equal but different, and the gendered roles are said to he complementary. Women and children are classed together as the needy recipients of male protection and guidance. As Elizabeth Stuart writes:

We have all been formed in a culture which has at its relational heart domination and submission ... When sexuality and gender are defined in these terms by the society that has formed us and is around us we are virtually trapped into this way of relating. Being a man or a woman, a boy or a girl, is to be dominant or submissive. (Stuart 1995, 194-195)

Stuart and Thatcher critique the "so-called complementary characteristics of men and women" and argue that they are largely a social construct. As cited before in section four of chapter four, Catherine Mowry LaCugna argues that a theology of complementarity which is grounded in the hierarchical and patriarchal structures of family, society, and church infers a corresponding hierarchy within the Trinity. (LaCugna 1991, 98) The imbalance of power between husband and wife can be critiqued using the feminist concept of mutuality which forms the basis for Elizabeth Stuart's theology of friendship. (Johnson 1994, 68). Carter Heyward argues that same-sex friendship can provide a better model for mutuality in relationship than heterosexual relationships because:

in our present social order, mutual sexual relationships are available largely in same-sex relationships. I have come to believe that it is unwise to expect true personal equality – mutuality of common benefit – between women and men in a sexist society. (Heyward 1989, 293-301)

Men and women are complementary only in that "the women occupy the space defined and left for them by the men. These definitions therefore reflect a social situation of dominance and submission which Christianity is committed to abolishing." They go on to describe Alison Webster's description of "complementarity as 'the foundation, the theological structure by which Christianity justifies its suppression of all expressions of same-sex love and asserts heterosexual normativity." Webster warns

that this heterosexist attitude "is built on sand and becomes decidedly shaky when analysed." (Stuart and Thatcher 1997, 188-9)

More recent gendered readings of the creation narratives, like that of Dana Nolan Fewell in *Gender, Power and Promise* (1993) and Mignon Jacobs in *Gender, Power and Persuasion* (2007) expose the fact that these texts have been "used to sustain a system of male domination and female subjugation." For Jacobs this system has been justified by a reading of Genesis 2-3 that provides God's "construction of male-female dynamics" (Jacobs 2007, 21). In the traditional readings of Genesis 1-3 and in Paul's use of them in 1 Corinthians, a hierarchy within humanity is implied. Men are closer to God than women and Adam was made first and Eve was the first to succumb to temptation.

It may be argued however, that the initial intention, behind the creation of Eve was Adam's need for the companionship of an equal. As Peter Coleman writes, these familiar stories of Adam and Eve are "a sequence of archetypal narratives" about the "fundamental relationship between God and humankind" and not blue-prints for a theology of marriage or gender (Coleman 2004, 25). A theological reading of the story of the Fall indicates that these different roles were given to Adam and Eve by God as punishment. "The catastrophe of the Fall affects the relationship of Adam and Eve as well as their relationship with God." Interestingly, it is only "after their act of disobedience and God's judgement on it [that] Adam names his wife Eve, the mother of all living." (Coleman 2004, 37) One could argue that gendered roles belong to the realm of punishment and not the realm of redemption.

The references in chapter six to the imbalance of gendered roles within South African families and the destructive influence of absent and abusive fathers form part of this fallen realm. Effecting redemptive change would involve Goss' call for "transformational social change into God's reign" (Goss 2002, 104) and the implementation of Stuart and Thatcher's "passionate ethics." (Stuart and Thatcher 1997, 25-57) Queer and feminist theologians would agree that to assert that traditional marriage safeguards women and children is a typical attitude within a heteropatriarchal mindset, and is based on power.

The power dynamics within a male-female Christian marriage were made evident to me in a comment by a young man after witnessing a debate about same-sex marriage held at the Kloof Methodist church towards the end of 2007. After listening to Professor Steve de Gruchy and a representative from MASA (who belongs to the Anglican parish of St Martin's in the Field in Durban North) debate the same-sex marriage issue, he presented his question. He asked that given the model of marriage offered by Paul in 1 Corinthians 11, with Christ being the head of every man and the man being the head of the woman, if a

marriage is to be between two men, then "who is in charge?" For him, power resides in the gender of the husband. If both persons are husbands, then who has the power? To maintain a marriage based on this idea of gender is to maintain man's power over woman.

Within South Africa, after the advent of democracy and the implementation of policies such as affirmative action and black economic empowerment, the majority of white men lost their sense of privilege and power. I believe that it is this sense of reduced influence that has led many Christian men to be attracted to activities such as the Mighty Men Conference called by the evangelist Angus Buchan. The Conference met in Greytown, Kwa-Zulu Natal, on the weekend of the 25th April 2008. A newspaper report describes the conference in the following way:

> To draw more than 60 000 men to a non-sporting, Christian event is not just an achievement, it could be deemed a miracle ... they came ... Lawyers, doctors, businessmen, farmers, an army general - from Ireland, America, England, Australia, Swaziland, Zambia, Mozambique and South Africa - were there for one purpose: to hear farmer-turned-evangelist Angus Buchan, of Faith Like Potatoes fame, speak, and hopefully turn their lives around. About 80 percent of those present were Afrikaner men - and many of these Mighty Men were soon weeping as they listened to the powerful message that they 'should take back the family unit'. (Ryan 2008, 5)

In this article Buchan is quoted as saying:

> 'God gave me a directive to turn fathers back to sons and sons back to fathers, to take back the family unit' ... he said his directive had been to challenge men to stand up and be counted: 'To be prophet, priest and king. They must be the breadwinners, protect their wives and discipline their children.'

His evangelical approach is shared by MASA. Christian men are meant to be powerful husbands in control of their families, providing for and protecting their wives and children. This is what it means to be a man; to be the head of the household. Sarojini Nadar warns that:

> a theology of headship and submission is simply yet another way of promoting violence (in its varied forms) through the insidious myth that men as the stronger sex need to protect women, or to "defend the weak. This is what Mary Stewart Van Leeuwen has called soft patriarchy, it seems innocent enough – i.e. "men taking responsibility" is hardly an unpalatable idea, but if "taking responsibility" means asserting dominating and coercive measures, including those in the religious domain, to maintain power, then our justice

antennas have to be tuned in , so that we are not deceived by this palatable patriarchy, masquerading as "restoring masculinity." ... several studies ... show that the principles of male headship and the submission of women to men in most religions and cultures are directly linked to gender violence and, more alarmingly, to women's decisions to stay in abusive partnerships. (Nadar 1999, 5)

The changes within society that have led women to earn well and have a productive, meaningful life outside of the home have brought a challenge to the traditional Christian understanding of marriage. Balswick and Balswick refer to this by asserting that the:

tremendous expectations placed on marriage today are further exacerbated by the notion that each spouse must compete for power and a separate identity while in the marriage. In the past, wives simply yielded their individual identity and rights to their husband ... In the traditional marriage, the goal of two becoming one was met by the bride giving up her own identity and taking on the identity of the husband's wife. While few would want to return to this kind of arrangement, the challenge in modern marriage is to build a relationship that is mutual, reciprocal, and balanced by regard for each spouse and mutual sacrifice for the good of the relationship. (Balswick and Balswick 2007, 336)

In this quote, the Balswicks make the link between power, gender and identity. Queer theory asserts that identity is an effect of performance, and not vice versa. As cited before Judith Butler concept of idea of identity as performance is one of the key ideas in queer theory. This way of understanding identity and gender reveals that our identity does not express some authentic inner core self but is the dramatic effect of our interaction with the world. In this queer theory of gender, there is no masculine or feminine identity, and no homosexual or heterosexual identity.

One of the people interviewed in *To Have and to Hold: The Making of Same-Sex Marriage in South Africa* (2008) offers an interesting insight into the dynamic of power within marriage and the related concepts of identity and gender. Christelle is a transwoman who, because of legislation, has re-married Raven, the woman that she was married to when still legally a man. They describe their marriage in the following way:

Christelle: When I grew up I was taught that family was a mother, a father and children. In our family we still have two adults and the children. It's just that we changed the 'mother and father' part. Now we have two parents. We still have the same functions. I'm still head of the household. We've just taken gender out of it.

Raven: Our roles in the family didn't change. Christelle is still the career person, and I'm still the homebody that takes care of the home and the family." (Judge, Manion and de Waal 2008, 342)

For Christelle, the role she takes within her marriage remained the same even though her gender changed. Neither her 'male-ness' nor her role as husband were essential to her performance or to her identity. Butler would argue that she has no essential identity; just a variety of performances informed by the way she chooses to express herself in a variety of settings.(Butler 1990, 22-34). For an evangelical husband, the idea that he has no essential masculine identity would be extremely threatening. It would remove his sense of identity and negate his sense of purpose in life. By making space for same-sex marriages with the churches, the traditional role of husband is removed. The performance of a man in the marital role of husband no longer informs a man's sense of identity. By rejecting same-sex marriages as *non sequitur* a husband maintains his sense of identity, his place of power, and a fixed gender hierarchy.

The implications that same-sex marriage would have on categories of gender were not widely explored in the public debate in South Africa. When speaking of the American debate about same-sex marriages Susan Appleton says that it "remains curiously incomplete. Discussions about sex-based discrimination, women's subordination, and the quest for gender equality … are virtually impossible to locate in the popular discourse about same-sex marriage." She names these issues "gender talk," and notes that this absence of gender talk is so, "even though the scholarly literature has analyzed such issues in depth." Despite this wide analysis, "few judicial opinions have used gender talk to find valid laws denying same-sex couples the opportunity to marry" (Appleton 2005, 4).

In this paper, Appleton asserts that "explicit gender talk offers the most direct and effective way to reveal the implicit reliance on sex discrimination often hidden in opponent's resistance to same-sex marriage." (Appleton 2005, 7) She then goes on to link the "diminishing importance of gendered expectations in familial life" (Appleton 2005, 19) to heterosexist opposition to same-sex marriages "in that laws prohibiting same-sex coupling similarly preserve a gender hierarchy in which women must remain subordinate to men." The contemporary ways in which husbands and wives share domestic responsibilities, such as earning income and raising children, have threatened this heterosexist gender hierarchy that "requires clearly defined categories, male and female" (Appleton 2005, 19). These categories are established and policed by accepted gender roles and norms "which provide the scripts for performing as a man or a woman" (Appleton 2005, 12). The dismantling of these categories through

changing gender roles is extremely threatening to men who rely on their marriage relationship to afford them a sense of power. Within the realm of family law, Appleton quotes Sylvia Law as emphasizing "how that laws banning or marginalizing same-sex intimacy ... reinforce patriarchy and privilege male-dominated, sexually repressed, heterosexual families (Appleton 2005, 10).

As cited before in chapter six, Valerie Lehr, Scott Haldeman, Frances Piper and Susan Thompson have broadened the discourse on gender to expose traditional Christian gender relations as a characteristic of patriarchal capitalism and the idolatry of the nuclear family. Their contributions and those of other queer theorists can assist theology in further exploring the themes of gender and power. Judith Butler's politics of identity and her theory of gender (as described in section one of chapter three) have provided an intellectual framework within which to develop a theology of gender. Taking Butler's work into the field of Christian anthropology, I would argue that we are essentially human, and that our identity is our form and not our essence. In section two of chapter eight Steve de Gruchy's inclusive anthropology will be offered as another resource for a queer Trinitarian anthropology. Using Butler's categories, I would argue that our Christian identity is based on 'adam' the first human being, not Adam and Eve. Adam and Eve are the gendered identities that were formed as a result of the Fall. They are an expression of punishment and condemnation. As the redeemed, we are called to live as 'adam', not Adam.

Further theological reflection is needed on the interlocking themes of gender, identity and performance. While a great deal of research and writing has been done on the question of human sexuality, homosexuality, marriage, and family, there has not been a great deal written about the implied gendered perspectives within these writings. As Stuart and Thatcher write:

> *Despite the fact that almost every Christian denomination in the West has been preoccupied with issues of gender for the past thirty years, in the debates over the ordination of women, homosexuality or contraception and abortion, the concept of gender has rarely been examined in those debates except at a remarkably superficial level. This failure to engage with the nature of gender contrasts with the development of a vast body of critical theory around the issue in human and social sciences.* (Stuart and Thatcher 1997, 144)

Feminist and queer theologians are currently interrogating the social construction of gender. In their chapter entitled "Gender" Stuart and Thatcher explore various theologies of gender and bodiliness, and conclude that "the future for a theology of gender lies in recognising [the priority of] the achievement of justice for all whilst developing an ethical system not based upon nature or other 'gendered' systems."

The result will be that theology itself changes. "Perhaps the churches are so reluctant to think seriously and deeply about gender because in the process everything else – Christian doctrine, ethics and practice – becomes destabilised. Women [I would say feminists] promise/threaten to change Christianity completely and forever." (Stuart and Thatcher 1997, 163) In the same way, queer theology threatens to change Christianity completely and forever.

A queer theology of marriage and family considers just relationships to be the building blocks of family life and of society. Same-sex Christian marriage, as a sacramental experience might also offer "glimpses of the joy, fidelity and communion which mark the life of the Kingdom, and enjoying the benediction of God's loving kindness." (Stuart and Thatcher 1997, 77) In the words of the Church of Scotland Report 4.7, the experience of many married Christian couples is that the "sense of marriage as a sacramental mystery is ... the most precious and deep exploration people make in their life history." (Stuart and Thatcher 1997, 77)

This can be amplified by the experience of "healthy same-sex unions," and in addition, those relationships have the power to effect social change in that:

> *tend to be egalitarian, cooperative, flexible, mutual, sensual, and communicative of the justice-love of the biblical witness. These covenant relations build up the Christian community and provide the foundation for transformational social change into God's reign. Queer unions provide a signpost of cultural change whereby cultural inclusion and diversity replace exclusionary patterns of sexual and gendered power relations. They can be open signposts of what the Hebrew Scriptures envision as covenant or of the community envisioned in Jesus' practice of God's reign.* (Goss 2002, 104)

This queer analysis of the definition and understanding of marriage and gender as articulated by MASA has attempted to show that their opposition to same-sex marriage is based not so much on a particular Christian tradition, theology or Scriptural understanding, but on a system of power contained in a heteropatriarchal understanding of family and society. This system of power includes a particular understanding of gender and a rigid adherence to the male-female gender binary and gendered roles as ordained by God in the stories of creation. In attempting to defend the value of marriage, the debates about same-sex marriage have centred on sexual practice, reproductive potential (or procreation), and the notion of family values to the exclusion and consequent de-valuing of the other 'ends' or 'purposes' or 'goods' of marriage, faithfulness and fellowship. The traditional or conjugal definition of marriage as a

building block of a heteronormative society has also provided a mask for numerous injustices within family life, born of the imbalance of power in favour of men.

A queer deconstruction of traditional Christian marriage exposes the underlying heteropatriarchal values and gender stereotypes contained in the traditional understanding of marriage. It challenges the churches to reformulate marriage according to the supragendered Godly values of mutuality and reciprocity that are free from gender stereotyping and a limited understanding of procreativity; concepts that are contained in the Trinitarian theology of Hans Urs von Balthazar contained in his work entitled *Credo: Meditations on the Apostle's Creed* (1990). Queer and feminist Trinitarian theologies are a valuable resource in this reformulation, and will be offered as a synthesis in the concluding chapter that follows.

Chapter Eight: A queer alternative

8.1. The prevalence of marriage within South Africa at the dawn of the second millennium

Before offering a queer alternative to the traditional model of marriage as articulated by MASA, it is worthwhile to consider a summary of the prevalence of marriage within South Africa at the dawn of the second millennium. The summary is based on the information provided by Statistics South Africa using the 2001 government population census.

These are the results published in Table 4.5a on page 39 of Statistics South Africa's *Census 2001: Post-enumeration survey: Results and methodology:*

People married according to civil or religious ceremony	4 066 823
People married according to civil or traditional ceremony	1 923 512
People in a polygamous marriage	27 799
People living together like a married couple	1 132 604
People who have never married	16 016 860
People who are widowed	1 089 601
People who are separated	209 145
People who are divorced	287 686
People of undetermined marital status	68 093
Total number of people making up the statistics:	24 822 305

According to my own calculations, the percentages are as follows:

People married according to civil or religious ceremony	16.4%
People married according to civil or traditional ceremony	7.6%
People in a polygamous marriage	<0.01%
People living together like a married couple	4.6%
People who have never married	64.5%
People who are widowed	4.4%
People who are separated	0.8%
People who are divorced	1.2%
People of undetermined marital status	0.3%

According to this research, only 16.4% of the adult South African population in 2001 were married according to a religious ceremony, and therefore it can be deduced that less than 16.4% of this population were living according to a traditional Christian marriage. There may be a number of reasons for this aside from religious conviction, since in the same census 30 051 008 people out of 39 806 597, that is 75.5% of the population, stated that they belonged to a Christian church.

This research indicates that the majority of Christians in South Africa are not living in a traditional Christian marriage. According to the 2001 census, more than 83.6% of South Africans were not married according to a civil or religious ceremony despite the fact that 75.5% of all South Africans claimed to be Christian. This places the vast majority of Christian relationships outside of the definition of marriage espoused by MASA. In addition to this, the reality of family life in South Africa is far removed from the concept of the traditional nuclear family that MASA seeks to safeguard. Since the statistics secured in 2001, the AIDs pandemic has resulted in an increase in the number of child-headed households and families in which the sole adult is the grandmother. (For an example refer to *The Socio-Economic Impact of HIV/AIDS on Households in South Africa: Pilot Study in Welkom and Qwaqwa, Free State Province* by Booysen, F. le R., Bachmann, M., Matebesi, Z. & Meyer, J. of the University of the Free State Centre for Health Systems Research & Development accessed via http://www.sarpn.org.za/documents/d0001489/P1822-Welkom-study_AIDS_January2004.pdf last accessed 18 November 2008)

One reason for these statistics can be found in the historical legacy of apartheid. Amada Dissel describes the devastating effect that the migrant labour policy had on the majority of South African families:

> *During the early part of this century, the former government policies of separate development led to the confinement of the predominantly black populace to the poorly developed rural areas which constitute only 27 per cent of the country's land. At the same time, the migrant labour policy, which relied on the labour of men from the rural areas for the mines and other industries, contributed to the accelerated destruction of the traditional African family structures ... Apartheid laws and discrimination against non-white people resulted in holding back the economic development of people of these races. In spite of influx control, the Bantustan system and other repressive means designed to control society, large numbers of people emigrated to the cities driven by rural poverty. The relaxation of the pass laws allowed greater freedom of movement; and people took advantage of this and gravitated towards the cities in search of work for a sustainable way of life. Urbanisation*

has been characterised by the development of informal settlements, single-sex migrant hostels and poor conditions of living. This 'non-white' migrant populace found that the necessity of earning a wage and adjusting to urbanised life affected the traditional family system, which in many cases failed to adapt to changing circumstances. Neither from the traditional family, nor from the Western-style nuclear family, did any satisfactory urban family formations emerge. Extended family networks, and their role in extending support and discipline to members of the family, were effectively destroyed by the apartheid system. (Dissell. 1997. *Youth, Street Gangs and Violence in South Africa*. A paper delivered at the International Symposium on Youth, Street Culture and Urban Violence in Africa held in Abidjan, Ivory Coast, pp. 405-411, 5-7 May 1997, accessed via http://www.streetchildren.org.uk/reports/Dissel%20_1997_%20Youth,%20Street%20Gangs %20and%20Violence%20in%20South%20Afri.pdf last accessed 2 December 2008)

Gustafsson and Worku claim that the ongoing effect of making the nuclear family difficult to be maintained is "one of the apartheid legacies." They also cite other factors that might explain the low number of married people in the 2001 census, such as the fact that lobola has the tendency to cause "African couples first to have a child and to marry later as it takes a while to raise the lobola money." (Gustafsson and Worku 2006, 24) According to Dissell, "lobola (or bride price) [is the transfer of] cattle and/or money by the husband to the wife's father, [as validation of] customary marriages." (Dissell 1997, 5) Gustafsson and Worku argue that although this may be a "postponement of marriage," the statistics seem to show that the prevalent family structure is that of "one parent, children and grandparents." (Gustafsson and Worku 2006, 24)

In addition to this,

> *Under apartheid law, the various customary marriages were not recognized as legal marriages and thus not regulated by the government. Although marriage laws were different for Whites and non-Whites, as noted above, husbands received marital powers over their wives in all types of marriage. Women were regarded as minors and could not own property in their own right, enter into contracts without the help of their male guardian, or act as guardians of their own children. This may be one reason why during the apartheid years, African women preferred having no marriage and tried to provide as single mothers for themselves and their children.* Gustafsson and Worku 2006, 5)

This is the South African context in which marriage and family life is to be understood. It is within these cultural differences that a contemporary understanding of traditional Christian marriage is to be formulated. In the next section I will draw on the work of Elizabeth Stuart and Adrian Thatcher to show some developments in the contemporary understanding of marriage from a feminist perspective.

8.2. Trinitarian marriage

Studies on Christian marriage over the last thirty years have drawn on the doctrine of the Trinity. As cited before, Jack Dominian used Trinitarian theology to describe the marital relationship in 1977. Since then feminist theologians have provided new Trinitarian language to describe the mystery of God in an attempt to free God-language from gender stereotypes, for example, the classical understanding of the persons of the Trinity as being the Father, Son and Holy Spirit is replaced with the feminist alternative of the Trinity as being the Creator, Redeemer and Sustainer/Sanctifier/Life Giver.[3]

Feminist theologians have also contributed to the understanding of the Trinity by emphasising the concepts of "mutual relation," "radical equality" and "community in diversity." (Johnson 1994, 216-223) Central to the doctrine of the Trinity is the understanding that the three 'persons' of the Trinity are equal in every respect. To assert that there is a hierarchy of importance within the Trinity is to fall prey to early Christian heresies such as subordinationism and modalism[4]. As mentioned in section three of chapter five, these concepts of mutuality, reciprocity and interpersonal communion have been highlighted by feminist theologians and have become the touchstone for further developments in the theology of marriage that enable the continuation of valuable traditional teachings through feminist adaptation. As other theologians embrace these critiques, they realise that the feminist contribution allows the church to "expand the theology of marital love, as an expression of open-ness to new life, and life in this world ... already reflecting the mystery of the eternal relationship of life between men, women, and the Trinity." (Dominian 1977, 84)

The Trinity presents us with a community of equals, and offers a powerful image for the theology of marriage as being a partnership of equals. Queer theology offers further insights into the implications of

---

[3] See for example: LaCugna, C.M. 1993. "God in Communion with Us," in *Freeing Theology;* and Reuther, R.R. 1993. *Sexism and God-Talk.)*

[4] Refer to Richardson, Alan (ed.). 1969. A Dictionary of Christian Theology. London: SCM Press. Pages 345-351. Subordinationism suggests a hierarchy within God, where God the Father is ingenerate and the Son and Spirit are generated and therefore lesser to God; Modalism asserts that God is one, and relates to the world in three different modes. These heresies informed the development of the Nicene Creed which asserts Christian belief in the triune God, with each 'person' of the Trinity being of the same co-equal and consubstantial.

Trinitarian theology for an understanding of gender that can be included in a Trinitarian theology of marriage.

Hans Urs von Balthazar's Trinity is an "ecstatic eternal circle of overflowing love, reciprocally given, received, and shared between the three persons." (D'Costa 2007, 272) He queers the traditional understanding of the processions of the Trinity which contains "the gendered analogical language by which each person is secured," by revising the philosophical categories of 'form' and 'matter' of Aquinas and Aristotle which argues that:

> the 'feminine' is related to 'matter' and thus [is] understood as 'potency.' The 'masculine; is related to 'form' and is thus understood as 'act.' Act represents perfection in that it is realized ... it leads to a sense in which the feminine is imperfect. (D'Costa 2007, 272)

Balthazar subverts this notion by arguing that "in the act of love within the Godhead, there is not simply 'pure act,'" because "in the eternal circle of overflowing love, reciprocally given, received, and shared" feminine receptivity resides. "In the light of the incarnation [that is, the giving of Christ] what was previously viewed as an imperfection (feminine/matter/receptivity) is now ... seen as perfection." (D'Costa 2007, 272) In this argument Balthazar seeks to provide masculinity and femininity with equivalent placement within the Trinity. D'Costa continues this concept by stating that "this development allows Balthazar to move away from defining gender in terms of defective biology embedded within natural theology" as handed down by Augustine and Aquinas. He goes on to suggest:

> Instead, gender is not constructed within the biblical narrative .... In [Balthazar's] radical restaging of the Trinity we see that all three divine persons are dual-gendered, each being both supramasculine and suprafeminine. (D'Costa 2007, 272)

These concepts of relationality and receptivity within the Trinity are extended by Graham Ward into an understanding of embodiment and sexuality. Because of the fluid operations of dependence and interdependence in relationship, "there is no sexuality or sexual difference as such ... only differences and affinities occurring across networks of relation." (Ward 2007, 82)

In marriage, these networks of relation have a specific function, that is, the openness to new life, often in the form of procreation. Donald Matzko McCarthy explores fecundity in relation to sex, social reproduction and the social body, and introduces the concept of 'the economy of desire' by asserting that "monogamy and practices of fidelity and lifelong endurance are a way of the body ... We bear each other's presence ... [and through sex] our bodies are made and known ... sexual practices are intrinsically fecund. (McCarthy 2007, 94-95)

Balswick and Balswick also offer a Trinitarian theology of marriage while rejecting an association with postmodern ethics and retaining a rigid modern understanding of gender. For them the main contribution of Trinitarian theology to the "dilemma of modern marriage" is the concept of relationality:

> The relationality between the distinct human being (male and female) reflects the imago Dei – the image of God... The relational nature of marriage is analogous in human form to the divine Trinity. As the Father, the Son, and the Holy Spirit (three distinct persons) mutually indwell in a trinitarian friendship, so do spouses (two distinct selves) mutually indwell in the marriage union. Ever mindful of our human limitation we believe this model offers great promise. It is in their distinctiveness that spouses mutually permeate each other when they form their union. Unity and distinction coexist. Reciprocal and mutual interdependency is what God had in mind for marriage. A differentiated unity brings great satisfaction to both spouses and their relationship. To be human is to be a particular spouse in a relationship, distinct and unique and yet inextricably intertwined and interdependent with the other. Mutual indwelling never negates but rather enhances the particularity of each spouse. (Balswick and Balswick 2007, 79-81)

By taking these understandings of the Trinity into a theology of marriage, the patriarchal understanding of the relationship between a husband and his wife is invalidated. The two partners in a marriage can be understood as equal in value, free from the categories of subordination, submission and gender. The two marriage partners belong to one another, acting as bearers of God for one another in order to bring new life and to witness to the presence of God within their relationship, continually weaving other 'webs of relationship' in society.

This concept of webs of relationship is taken from Elsie Boulding's article "The Challenge of Nonconformity" which explores the contribution of gay and lesbian people to the Quaker community. She writes that "reweaving webs of relationship is our main business in life ... Those who are called to be nonconforming witnesses have a particularly complex task in reweaving relationships because there are more differences to bond across." (Boulding1999, 111-112) She suggests that we reweave the social web according to the notion of our oneness in Christ, and that we approach queer issues as more than just human rights issues, but as an opportunity to deepen and enrich the Christian concepts such as those of equality, community, and simplicity. She concludes that:

Learning new ways of approaching gender identity and new ways for men and women to live and work separately and together in building the peaceable kingdom is urgent for us all. The gays and lesbians among us can help us in our learning and in our doing. It is time for them to be freed from the stereotype of embattled victims fighting for the right to be who they are and instead to be accepted as co-workers in reweaving the social web for us all (Boulding1999, 117).

And so we look to theology, our words about God, to understand marriage. Each of these contributions to the theology of marriage as relational and life-giving is validated by Migliore's theology of the Trinity. He writes that "the doctrine of the Trinity is the second-order reflection on the workings of divine love" (Migliore 1998, 59). He then restates the meaning of the doctrine of the Trinity by affirming that: the eternal life of God is personal life in relationship; that God exists in community; and that God's life can be described in the light of the Gospel with beautiful metaphors of Trinitarian hospitality and the dance of Trinitarian love. This understanding of the doctrine of the Trinity has implications for all types of relationship, "friendship, caring family relationships, and the inclusive community of free and equal persons" and forms the basis for Christian social ethics. "The Christian hope for peace with justice and freedom in community among peoples of diverse culture, races, and gender corresponds to the Trinitarian logic of God" (Migliore 1998, 67-70).

To take this Trinitarian theology into our theology of marriage is to affirm that just as the life of God is essentially life-giving, the lives of the marital partners are also to be life-giving. "We are created for life in community with others, to exist in relationships of mutual fidelity and mutual freedom in fellowship." (Balswick and Balswick 2007, 126) A Trinitarian theology of marriage that takes feminist relational theology seriously[5] and affirms that marriage is a partnership of equals, unencumbered by the socially constructed inequalities inherent in the concepts of gender and patriarchy, but rather mirroring the mutuality and reciprocity of God in relationship, in order to liberate life and bring new community. Thatcher and Stuart also point out that "partners who are committed to each other may well be prompted to regard their relationship also as a sharing of steadfast human love through which something of divine

---

[5] For references to feminist relational theology see:
Christ, C.P. 2003. *She Who Changes: Re-Imagining the Divine in the World*. New York: Palgrave Macmillan.
Suchocki, M. 1994. *The Fall to Violence: Original Sin in Relational Theology*. New York: Continuum.
Bracken J.A. and Suchocki, M.H. 1997. *Trinity in Process: A Relational Theology of God.* New York: Continuum.
Grenz, S.J. 2001. The *Social God and the Relational Self: A Trinitarian Theology of the Imago Dei*. London: Westminster John Knox Press.

love may be glimpsed and experienced." (Stuart and Thatcher 1997, 61)

If we are to limit our understanding of marriage to the theology presented by MASA, we would maintain a heteropatriarchal model that is more in keeping with theologies of power and subordination based on a literal biblical hermeneutic and an over-dependence on the Pauline anthropology described in 1 Corinthians 11. However, a queer Trinitarian theology of marriage retains the values of the Christian tradition and the traditional purposes of marriage can be easily understood within this framework. It is a legitimate theology of marriage whether that marriage is same-sex or opposite-sex, and it allows for more just forms of marriage relationship and family life and the pre-figuring of the kin-dom of God. As David Halperin says, "Christians are called to live - like Christ – as the sign of the Kingdom's arrival ... one learns to live as a promise of the future." (Loughlin 2007, 10)

As the context of the marriage relationship continues to be the family, and given that the third person welcomed into the Trinitarian love of the married couple is the other (a child, friend or other significant person) it follows that a Trinitarian theology of family and children must be developed. Before exploring a Trinitarian theology of family, however, it is necessary to consider what it means to be a human being in relationship, and therefore an inclusive anthropology based on the work of Steve de Gruchy will be offered.

8.3. Trinitarian anthropology - de Gruchy's resources for an inclusive anthropology

A queer theology of marriage is based on a particular understanding of a marriage of two individuals. To fully appreciate the concepts of mutuality and relationality it is important to understand what it means for a person to be in relationship, and therefore it is important to understand what it means to be human. *In Aliens in the Household of God* (1997) Steve de Gruchy offers some resources for an inclusive anthropology.

De Gruchy embarks on his study of anthropology in an effort to respond with theological integrity to the experience of "gays and lesbians in church and society." He builds a foundation for an inclusive anthropology on the two ways that theology has developed to answer the question of what it means to be human. Both ways centre on the themes of "creation, the fall and redemption, or on the dynamic between nature, sin and grace." The first way "gives priority to human nature as disclosed in the stories

or doctrines of the creation and fall," while the second "gives priority to human nature as disclosed in redemption, and this finds the answer in Christ."

He proceeds to assert that by utilising the second way, the church might "transcend its exclusivist anthropology." (de Gruchy. 1997, 236-238) After outlining the difference between the two ways of anthropological reflection by comparing the first Adam of the Old Testament and the last Adam of the New Testament, that is Christ, he provides the sources for an inclusive anthropology in the form of the themes of an "anthropology ('in Christ')." (de Gruchy 1997, 247)

Firstly, an understanding of Jesus Christ as the *Imago Dei* in which people are created and redeemed, leads to the realisation that original sin has to do not with "the substance of humanness" but with the "brokenness of the covenant relationship from our side." (de Gruchy 1997, 247) Secondly, the *Imago Dei* is the *Imago Trinitatis*, and therefore to be human is to be in relationship. Thirdly, Christ as the Christ of faith and not the Jesus of history, is the "archetype of what humanity is in Christ" and is a powerful witness to both men and women. By asking men to love Jesus a challenge is presented to contemporary concepts of masculinity. (de Gruchy 1997, 249) Fourthly, Jesus Christ as the Word of God made flesh is the foundation of our faith and at the heart of the Scriptures through which the Spirit of God works in us as we read them. Lastly, the church as the Body of Christ present in today's world is the "place where the new experience of humanity in Christ can first be learnt, then explored, developed and nurtured ... The challenge of the church is to share what it means to be, not a Christian, but a real human being in the world." (de Gruchy 1997, 251)

In exploring the relational model of *Imago Trinitatis* within the theme of homosexuality, de Gruchy makes the important statement that "what is sinful is not to do with our sexual orientation, but rather the quality of our relationships within the responsible exercise of our sexuality." (de Gruchy 1997, 260) I would further argue that what is godly is to do with the quality of our relationships within the responsible expression of our person. This is not opposed to MASA's clear position on homosexuality in which they separate the homosexual person from the homosexual act. The difference comes in deciding the homosexual act is sinful or not, which is a matter of biblical hermeneutics.

This dualistic view of the person, in which their identity can be separated from their actions, is difficult to maintain. The way in which we relate to others as a spouse, parent, child or friend is a powerful vehicle for Christian witness, and more importantly, should be defined by our anthropology in Christ.

The quality of our relationships is then defined by our faith and not by any social construct. It is not our role within society and family, or our particular performances, including our marital role, that define our humanity. Rather it is our identity in Christ, as our Creator and Redeemer that defines it.

By emphasising the relational dimension of our anthropology, this queer approach and theology of community answers the possible critique of feminist and queer theologies which argues that they prioritise self-esteem and self-actualisation by focussing on the acceptance of individuals as individuals.. It guards against the moving away from any identification with family and/or community by replacing the necessarily individual practice of self-actualisation with the necessarily communitarian practice of self-transcendence.

Nowhere is the practice of self-transcendence more intense than in the context of family, and it is to the family that a Trinitarian theology is now applied.

8.4. Trinitarian families

To approach the restoration and protection of the family from the perspective of MASA would be to attempt to maintain an untenable model of family within the current reality of South African society. The damaging results of oppression, submission and violence that have been, and continue to be the hallmarks of heteropatriarchal marriage are manifold, and it is in order to bring healing that Adrian Thatcher has written *Theology and Families* (2007). In this work, he supplements his extensive writing and teaching about sexuality and marriage by extending his reflections to include the concepts of family and children. It is against this theology that MASA's perceived need to battle for the traditional model of marriage and family can be transformed and released from the concurrent battle for the Bible.

The fourth chapter in Thatcher's book entitled "Relations, Families and the Triune God" can be an invaluable resource in dealing with the challenges that feminist and queer theologians bring to the contemporary Christian understanding of marriage and family. Throughout the book he offers a significant contribution to the current theological debates concerning marriage, family and children. His reflections take seriously the experiences of the marginalised and disempowered and the lived experience of the many people who do not live in a 'traditional Christian family.'

This section will draw on this book in order uncover aspects of the theologies of relationship and family over the centuries of the Christian tradition that are not dependent on traditional categories of gender and/or sexuality. This is crucial if we are to offer a Christian foundation for family that is based on a feminist relational theology that affirms egalitarianism, rather than a heteropatriarchal theology as presented by MASA.

He begins his study with an explanation of 'critical familism' as a theory that "advocates the 'egalitarian family' and 'equal-regard marriage." While this theory can be substantiated by various theological works, he argues that it lacks a grounding in the resources of Christian doctrine that could "more readily [facilitate] a Christ-centred contribution to the flourishing of families and children." (Thatcher 2007, 33) He uses eight principles as a hermeneutic for analysing 'family-friendly readings' in the Bible, and for the formulation of a theology of children and families that are appropriate for cotemporary society.

Thatcher describes a snapshot of the current family forms prevalent in the United Kingdom:

> *divorce rates have doubled in the last 30 years. Cohabitation has trebled in the same period. The proportion of children living with a lone parent or with cohabiting parents has doubled. Single-person households have doubled. The average family size has decreased ... [and] the average age when women have their first child has increased by five years.* (Thatcher 2007, 8)

He explains that these changes are reflected in similar ways in the European Union, Australia and America. When a global assessment is done, the impact of poverty upon the welfare of children is seen as devastating: malnutrition; lack of schooling facilities; sexual abuse; prostitution; sale and trafficking of children; recruitment of children as soldiers. This poor track record is attributed by UNICEF to "long-standing barriers such as poverty, debt burdens, poor use of resources, armed conflict and excessive military spending ... [and] HIV/AIDS, which infects four young people every minute and has orphaned millions of children." (Thatcher 2007, 10)

Thatcher argues that the poor position into which children are born today can be attributed to the impact of religion on the macrosystems at work amongst them. He cites Göran Therborn's analysis of families throughout the world in the twentieth century and quotes Therborn as stating that patriarchy "was the loser of the twentieth century. Probably no other social institution has been forced to retreat so much." (Thatcher 2007, 11) Despite this, Thatcher warns that there continue to be many destructive examples of patriarchy at work in the world, such as arranged marriages, wife-beating, female genital mutilation and

female infanticide. He asserts that "it is clear that the flourishing of children in individual families, and participation in a global movement for children involves action in all four systems," referring to Pamela Couture's 'social ecology for children.' Theology forms part of the fourth macrosystem, these macrosystems being the systems "that organise and communicate broader sociocultural beliefs and values." (Thatcher 2007, 11)

As a contribution to the global movement for children called for by UNICEF, Thatcher offers:

> *this study, inspired by the doctrine of the Triune God [as] a re-thinking of human relations as part embodiments, part iconic reflections that are the reflections of the relations that are God's very self ... children's relationships with their parents are therefore a primary subject for theological reflection. Children are a class (of young person), but there are no children in the abstract, only children-in-relationship." Children belong to families and, unless they are homeless, to a household, which resides in a neighbourhood, which is topographically and socially specific, and influenced by wider economic and cultural differences.* (Thatcher 2007, 11-12)

He then draws on the Trinitarian theologies of Richard of St Victor, Karl Barth and Pope John Paul II to "construct a theological anthropology where children and families are central." (He explores the relation of parents to children using a theory of kin altruism (which he describes as the preferential treatment people tend to give their biologically related family members) and a reading of Scripture that presents the "teaching of Jesus about children and households ... that is not entrapped within the hierarchical relations assumed by the Household Codes." (Thatcher 2007, 66, 78) Within this study is a theological anthropology based on the being of God as Trinity (as mentioned before,) and an emphasis on the gift of children understood within an appreciation of the Christ-Child. He ends with a reminder of the reality of structural sin in stating that "universal, structural sin causes havoc in our relationships, especially within families." He takes from these resources, the belief that a theology of family provides "opportunities for the creation of strong and loving relationships within families, grounded in the divine love made known in Jesus Christ and, embryonically at least, at the heart of all families already." (Thatcher 2007, 111)

Within this work, Thatcher offers eight principles for thinking theologically about families and children. He explains that these eight principles that drive his "attempt to think theologically of families and children in a more obviously Christocentric and theocentric direction ... [and that they] provide an escape-route from "proof-text poker" and from entrapment in historical controversies; and assist in

making a contribution to a Christian ethics which attempts to think directly out of whom and what Christians take their God to be." (Thatcher 2007, 43)

This desire to escape from the limitations of 'proof-text poker' and the 'entrapment in historical controversies' is shared by Paul Germond (in his description of the sin-texts and the battle for the Bible as described in section three of chapter one.) This desire is also shared by Frank J. Matera. In an effort to explain his understanding of biblical authority, Matera argues that the best way to view it is through the analogy of the incarnation. As cited in section three of this chapter, this is echoed in de Gruchy's fourth theme of an anthropology in Christ: Jesus Christ as the Word of God made flesh is the foundation of our faith and at the heart of the Scriptures through which the Spirit of God works in us as we read them. For Matera the idea that Jesus Christ is the incarnate Word of God, and that the Bible is also the Word of God, must both be understood as scandalous in order to understand how God speaks to us. God is revealed through humans (in the writing of the Scripture) and through becoming human in Jesus Christ. (Matera 2007, 98-105) As Michael Joseph Brown puts it, the Bible cannot simply be seen as a reference manual. Readers have to seek the "Word behind the words." (Brown 2007, 14) To assert that the Bible is without error and infallible is to make an idol of it, and fall into a legalistic trap. As cited in section two of chapter three, Ken Stone describes it well when he says that the Bible, like gender, is best understood as something other than a noun." (Stone 2008, 19) Paul warns in 2 Corinthians 3:6, "the letter kills, but the Spirit gives life."

Luke Timothy Johnson writes that the Bible should also be understood as one form of revelation amongst four: Scripture, tradition, reason and experience which are known as the Wesleyan quadrilateral. (Johnson 2007, 62-87; Lancaster 2007, 81-89) Biblical authority should be understood together with an appreciation of the authority of the other three sources of revelation. He describes tradition as encompassing not just the creeds and the church's teaching concerning authority but also "the authentic realizations of Christian life based in Scripture and all the profound interpretations of Christian life by the theologians grounded in interpretations of Scripture." (Johnson 2007, 81) When describing reason he names three factors that need to be considered: firstly, the freedom of the mind to think rigorously and critically on matters; secondly, the information and insight on specific issues of human life in the world offered by the best of contemporary science, history and philosophy; and thirdly, possessing what Paul calls the "mind of Christ" in 1 Corinthians 2:16. Paul demands that interpreters do not think according to the "spirit of the world" but the Spirit that is from God. By "mind of Christ" Johnson means "the deeply instinctive sense for what is fitting for Christian thought and practice amongst the saints, shaped by the Holy Spirit." (Johnson 2007, 66-65)

It is with this understanding of revelation that Thatcher offers his eight principles for thinking theologically about families and children. These principles can be used as an alternative to the evangelical biblical hermeneutics that are favoured by supporters of MASA and Focus on the Family. Both of these organisations seek to promote 'biblical family values' in order to effect the restoration of family. Thatcher offers an alternative that invalidates MASA's use of Scripture.

8.5. Thatcher's eight principles for thinking theologically about families and children

He begins with a principle that speaks directly into the current debate about scriptural authority when considering matters of sexuality. Like de Gruchy, Germond and Brown as cited above, Thatcher states that the first principle in hermeneutics is that "God's revelation in Christ must be given priority over God's revelation in scripture. The gracious revelation of the Triune God is first of all the Word made flesh, not the written words of scripture, which bear witness to the living Word that is God ... The insistence that Christ has precedence over scripture in the life of the Church is not intended to de-value scripture, but to prevent oppressive uses of it which run counter to God's self-gift in Christ." (Thatcher 2007, 44)

His second principle is a valuable tool for understanding the Household Codes, and therefore re-assessing their use in shaping the roles of husband and wife within a marriage. As described in chapter seven, the Household Codes and the Pauline description of gender hierarchy in 1 Corinthians 11 form the basis for the evangelical understanding of marriage espoused by MASA. This second principle is a "matter of theological method ... Christology precedes ethics and shapes them." He explains how this second principle can be used in a reading of the Household codes by employing a "primordial, methodological, procedure" which sorts Scriptures out "by prior reference to Christ and his self-sacrificial love for the church." The "undoubted asymmetry and sexism of the drawn analogies (husband/wife, Christ/church)"of these Scriptures can be read differently if Christ's love is held as the focus and not the hierarchy of relationship. He writes that " the diverse ethical landscape of the New Testament looks different if it is seen as a series of multiple attempts to relate then current ethical dilemmas to the divine love that is instantiated in the death of Jesus" and the writer of 1 John in 1 John 4:7-9 similarly argues that Christology precedes and shapes ethics. (Thatcher 2007, 44-45) As explained

in chapter seven, this principle correlates with LaCugna's theology of complementarity and Stuart's understanding of the concept of mutuality within a theology of friendship. ((LaCugna 1991, 98; Johnson 1994, 68)

The third principle is that "scripture must be read in the light of the church's doctrinal commitments, not independently of them." For example, the creeds affirm belief in the Spirit:

> *who is 'the Spirit of truth' who 'will guide you into all the truth' (Jn. 16:13). They tell us who Christ is, and who God is in the light of Him ... A fresh argument for equal-regard marriages and for two-parent families might be mounted on this basis. The argument might run that Christians endorse particular family forms because those forms are more likely to embody the divine love that sent the Son into the world.* (Thatcher 2007, 44-45)

The fourth principle is that "the love commandments of Jesus take priority over Household Codes, and over all other ethical injunctions that are not derived from them." Jesus' direct teaching takes priority over the teaching contained in the epistles. Therefore, the legitimacy of all ethical injunctions contained in the epistles, such as those in the Household Codes, are to be assessed in the light of Jesus commandment to love (Mark 12:28-34; Matthew 22:34-40; Luke 10:25-37; John 15:11-17).

Similarly, the fifth principle is that "all ethical practice is subject to revision as the church reflects further on the love commandments of Jesus." He uses the example of Schweiker's study of the Didache to shown how a Christian community can form boundaries around themselves, thus putting limits on love. He goes on to say that:

> *"church and family alike can place limits on their love. The continued maintenance of patriarchy (whatever its historical justifications) is a failure of love because it renders women and children as not simply "different," but "other" and inferior. The zeal for the holy life must not alienate those it defines as beyond its boundaries. There are countless people, single parents, divorced people, people of a particular class, people of racial or sexual minorities, and so on, who feel they are placed beyond the boundary within which the practice of accepting love supposedly takes place."* (Thatcher 2007, 46)

In his description of the sixth principle, Thatcher asserts that "it has become necessary to allow ethics to be much more obviously shaped by, in particular, the doctrine of the Triune God ... that is, a loving communion of Persons." This principle is widely used in his development of 'marital values' and a

theology of family. He describes how Pope John Paul II pioneered "the connection between the doctrine of the social Trinity and the Christian understanding of the human family" and how he emphasised that

> *these profound insights must be allowed to illumine human families without being dimmed by the shadows of less substantial or more peripheral material such as natural law, or by the darkness of historical androcentrism or "flat" readings of scripture which conflate revelation with context*. (Thatcher 2007, 46-47)

Thatcher suggests that his seventh principle is the most contentious. It is the principle that "all families are able to receive and embody the love of God whether or not they believe in or know God" and he bases it on 1 John chapter 4: "God is love; he who dwells in love is dwelling in God, and God in him." He explains that "the quality of family life is not guaranteed by the religious faith of parents but by their love." He strongly argues that this principle is radically inclusive and asserts a "universalism of God whose omnipresence takes form in the cradling and nurturing that is human love." (Thatcher 2007, 48) This principle allows for the fact that contrary to the traditional teaching of all the churches, complete sexual intimacy takes place in relationships other than marriage. This is crucial in the analysis of MASA's argument that marriage is a religious institution ordained by God. God's loving presence within a relationship is not determined by the social institution in which that relationship is understood. God's loving presence within a relationship is recognised in the way that people relate to one another with love. In other words, the holiness or sacredness of a relationship is not determined by the form of relationship, but by the substance of the relationship.

The eighth principle is that "living tradition grows and changes. As Denys Turner shows, the 'faith rediscovers itself in the debate with tradition.' This debate with tradition, he explains, 'ought to be less an appeal to, or an authoritative repetition of tradition, but rather a reworking of tradition in the context of contemporary questions and problems.'" (Thatcher 2007, 48) This principle can therefore be used to rework the theologies of marriage and family according to the challenges that current South African context present.

Thatcher concludes his introduction of these eight hermeneutical principles by summarizing how they apply to texts concerning family and children. He asserts that in using these principles, it is possible to avoid the problems of discontinuity and plurality by putting the "person, teaching, and self-sacrifice of Christ above scripture." In doing theology this way, doctrine, Christology, and the ethics that it shapes, will both license and demand "extraordinary love for" the other. "Within this schema, the love of spouse,

children, parents, grandparents is also located ... Faith in the Triune God tells us much more about who we are" as relational beings and "where faith is understood as a way of being 'in Christ,' or 'abiding in God,' or 'abiding in love,' much spiritual value is added to the immediacy and the minutiae of relationships within families. As tradition opens itself to revision there can be growth in faith or practice" (Thatcher 2007, 48-50) Again, Thatcher's principle aligns itself with the feminist concept of "new patterns of relationship." (Farley 1975, 627-646)

He goes on to examine the various arguments about changing family forms and the impact that different living relationships can have on the wellbeing of children. He concludes that "what is required is a form where all members of a family, especially children, are more likely to thrive, and at this juncture, theology has to contend with empirical evidence which is itself contested." (Thatcher 2007, 133)

By this he means the evidence that children thrive when they are raised by both biological parents. While this may be the case, less than fifty percent of biological parents live with their children, and as we have seen, in South Africa then number is even less than that. Nevertheless, he asserts that the values lived out in the vocation of marriage, that is, the marital values of "deepening love, life-long fidelity and mutual commitment" are often missing in some marriages, and are often present in some "non-marriages." He then suggests that the best pastoral approach to this problem is for the churches to:

> *commend and name [marital values wherever they are found], drawing the holders of them toward the self-giving source of all values, revelling in the prevenient grace of God among the millions of men and women who may still be ignorant of any Christian teaching about marriage.* (Thatcher 2007, 135)

He concludes his chapter on parents and spouses by writing that "the reality of marital values, wherever they are found, is to be preferred to the rhetoric of family values" because they "build a solid bridge between an empty inclusivism and a prescriptive traditionalism by celebrating marriage and extending its goods." (Thatcher 2007, 141)

Thatcher's study speaks plainly into the reality of family life of South Africa today. Christian belonging has done little to safeguard marriage and family thus far, and MASA's attempt to intervene in order to bring people in line with a traditional understanding of marriage and family by opposing the Civil Union Act brings to light the different Christian positions. I agree with Thatcher that a more powerful way of

drawing people into the love of Christ, and thereby allowing the transformative power of the Spirit to shape our relationships as lovers and parents is to affirm the presence of loving.

The feminist and queer theological communities have provided the churches with an opportunity to revise its theologies of marriage and family and provided myriad resources for this task, but most significantly, they provide a Trinitarian theology that translates into a theology of relationship, marriage and family that is inclusive of everyone, including those who do not fall into the traditional categories of the nuclear family and of gender.

Conclusion

This thesis has employed the tools of feminist and queer theology in order to analyse the opposition to same-sex marriage as articulated by MASA and the theology of marriage underpinning their position.

In this thesis I have shown that MASA's opposition to same sex marriage can be located in four areas: i) by an appeal to the Bible, ii) by an appeal to tradition; iii) by an appeal to sociology and iv) by an appeal to an understanding of the male-female gender binary. By offering a feminist and queer analysis of these four areas I have shown that MASA's theology and definition of marriage is based on a limited literalistic biblical interpretation of texts concerning marriage, sexuality, and gender, as well as an unspoken adherence to the nuclear family as an agent of a capitalistic economic system. I have revealed that MASA presents a patriarchal and heterosexist worldview of marriage and family which is directly threatened by the challenge of equality and mutuality that same-sex marriage brings. The hypothesis that same-sex marriage presents a direct threat to traditional patriarchal Christian family values has been supported by research in the fields of sociology, feminist theology, queer theory and queer theology, and fulfils the deconstructive function of feminist and queer theories.

Same-sex marriage as a form of 'genderless marriage,' to use MASA's own term, challenges the gender roles and power dynamics within their traditional model of marriage and their contemporary understanding of family values. While a great deal of research and writing has been done on the question of human sexuality, homosexuality, marriage, and family, there has not been a great deal written about the implied gendered perspectives within these writings. This queer analysis attempts to offer a gendered perspective based on an understanding of gender that asserts that the roles within a family are not determined by inherent gender identities, but by the performance of particular roles peculiar to a family's self-understanding. I have suggested that MASA's traditional gendered roles within marriage belong to the realm of punishment and not the realm of redemption.

The thesis then concludes with an alternative theology of marriage and family based on queer and feminist Trinitarian theologies. Within this alternative theology are two possibilities for reconstruction: i) de Gruchy's resources for an inclusive anthropology; and ii) Thatcher's eight principles for thinking theologically about families. In the work of reconstruction it is evident that it is relationships that hold society together, and not institutions. The alternative theology offered therefore asserts that it is not the right order or hierarchy within a relationship that is a Christian priority. The priority is the right ordering

of relationship through mutuality and reciprocity. It allows, therefore, for more just forms of marriage relationship and family life.

While MASA's desire to bring healing to marriage relationships and families is commendable, it is based on a model of marriage and family that is insular and limited. It does not take into account current research in the field of gender. In basing their theology of marriage and family on the Household Codes and the Pauline description of gender hierarchy in 1 Corinthians 11, MASA prioritise the secondary historically-bound teaching of the epistles above Christ's command to love one's neighbour as one love's one's self. Therefore, MASA's attempt to win the battle for the family is based on a legalistic approach in which believers are expected to adhere to a particular formulation of marriage and family relationships. This queer analysis, however, has shown that this approach has been unsuccessful in South Africa to date. The contribution of queer theology is therefore towards an understanding of marriage as part of a theology of relationship which is different to an understanding of marriage from the perspective of social formulations and definitions.

The queer theology offered is an alternative theology of marriage and allows for more just forms of marriage relationship and family life. This queer approach shows that the grace-filled transformation of relationships is the starting point for any theology of marriage. Just as St Paul has urged believers in to live according to the Spirit and not the law in Romans 8 and 2 Corinthians 3, so queer theology urges us to live as the redeemed who are governed by the Spirit of God who dwells within us, and not as the condemned who look to the law for redemption.

REFERENCES

BOOKS:

Althaus-Reid, M. 2003. *The Queer God.* London: Routledge.

Alvarez-Pereyre, F. and Heymann, F. 1996. The Hebrew Family Model. In: Burguière, A. et al. *A History of the Family Volume One: Distant World and Ancient Worlds* Cambridge: Harvard University Press. pp. 155-193.

Balch, D.L. (ed.) 2000. *Homosexuality, Science and the "Plain Sense" of Scripture*. Grand Rapids: Eerdmans.

Balswick, J.O. and Balswick J.K. 2007. *The Family: A Christian perspective of the Contemporary Home.* 3rd ed. Grand Rapids: Baker Academic.

Beillevaire, P. 1996. Japan: A Household Society. In: Burguière, A. et al. *A History of the Family Volume One: Distant World and Ancient Worlds* Cambridge: Harvard University Press. pp. 523-565.

Bernard, C. and Gruzinski, S 1996. Children of the Apocalypse: The Family in Meso-America and the Andes. In: Burguière, A. et al. *A History of the Family Volume Two: The Impact of Modernity* Cambridge: Harvard University Press. pp. 161-215.

Blum, W.G. 1989. *Forms of Marriage: Monogamy Reconsidered*. Cheltenham: AMECEA Gaba Publications.

Bohache, T. 2006. Matthew. In Guest, D. et al (eds.) *The Queer Bible Commentary.* London: SCM Press. pp. 487-516.

Boulding, E. 1999. The Challenge of Nonconformity. In Wink, W. *Homosexuality and Christian Faith: Questions of Conscience for the Churches.* Minneapolis: Fortress Press. pp. 111-117.

Bresc, H. 1996. "Europe: Town and Country (Thirteenth to Fifteenth Century)" In: Burguière, A. et al. *A History of the Family Volume One: Distant World and Ancient Worlds* Cambridge: Harvard University Press. pp. 430-466.

Brown, M.J. 2007. Hearing the Master's Voice. In: Brown, W.P. (ed.) *Engaging Biblical Authority: Perspectives on the Bible as Scripture.* Louisville: Westminster John Knox.

Brown, W.P. (ed.) 2007. *Engaging Biblical Authority: Perspectives on the Bible as Scripture.* Louisville: Westminster John Knox.

Burguière, A. et al. 1996. *A History of the Family Volume One: Distant World and Ancient Worlds* Cambridge: Harvard University Press.

Butler, J. P. 1990. *Gender trouble: Feminism and the Subversion of Idenity.* London: Routledge.

--------------- 2004. *Undoing Gender.* New York: Routledge.

Coleman, P. 2004. *Christian Attitudes to Marriage: From Ancient Times to the Third Millenium*. London: SCM Press.

Countryman, L. W. 1989. *Dirt, Greed and Sex: Sexual Ethics in the New Testament and their implications for today.* London: SCM Press.

Daly, M. 1985. *Beyond God the Father: toward a philosophy of women's liberation.* Boston: Beacon Press.

D'Costa, G. 2007. Queer Trinity. In Loughlin. G. *Queer theology : rethinking the western body.* Oxford: Blackwell. pp.269-280.

de Gruchy, S. 1997. Human being in Christ: Resources for an inclusive anthropology. In Germond P. and de Gruchy, S. (eds.) *Aliens in the Household of God: Homosexuality and Christian Faith in South Africa.* Cape Town: David Phillip. pp. 266-269.

Dobson, J. 2002. *Bringing up Boys: Practical advice and encouragement for those shaping the next generation of men.* Vereeniging: Christian Art Publishers.

Dominian, J. 1977. *Proposals for a New Sexual Ethic.* London: Darton, Longman & Todd.

Dupuis J. (ed.) 1996. *The Christian Faith*. Bangalore: Theological Publications India.

Eekelaar and Nhlapo. 1998. The Changing Family: Family Forms and Family Law. Cape Town: Juta.

Fiorenza, E. S. 1994. *In Memory of Her. A Feminist Theological Reconstruction of Christian Origins.* New York: The Crossroad Publishing Company.

----------------- 2001. *Wisdom ways: Introducing feminist biblical interpretation.* New York: Orbis Books.

Fossier, R. 1996. "The Feudal Era (Thirteenth-Fifteenth Century)" In: Burguière, A. et al. *A History of the Family Volume One: Distant World and Ancient Worlds* Cambridge: Harvard University Press. pp. 407-429.

Foucalt, M. 1978. *The History of Sexuality: An Introduction.* New York: Pantheon Books.

 ---------------- 1980. *The History of Sexuality: Volume 1.* New York: Pantheon Books.

Germond, P. 1997. Heterosexism, homosexuality and the Bible. In Germond P. and de Gruchy, S. (eds.) *Aliens in the Household of God: Homosexuality and Christian Faith in South Africa.* Cape Town: David Phillip. pp. 188-232.

Gerstner, D.A. (ed.) 2006. *Routledge International Encyclopedia of Queer Culture*. New York: Routledge.

Goss, R.E. 2002. *Queering Christ: Beyond Jesus Acted Up.* Cleveland Ohio: The Pilgrim Press.

Guest, D. et al (eds.) 2006. *The Queer Bible Commentary.* London: SCM Press.

Heyward, C. 1989. Sexuality, Love and Justice. In: Plaskow, J and Christ, C.P. (eds.) *Weaving the Visions: New Patterns in Feminist Spirituality*. San Francisco: Harper Row.

Hicks, S. 2006. Theory and Theorists, Queer. In Gerstner, D.A. (ed) *Routledge International Encyclopedia of Queer Culture*. New York: Routledge. pp. 561-562.

Jacobs, M. 2007. *Gender, Power, and Persuasion: The Genesis Narratives and Contemporary Portraits.* Grand Rapids Michigan: Baker Academic.

Jagose, A. 1996. *Queer theory*. Melbourne: Melbourne University Press.

Johnson, J.E. 1994. *She Who Is: The Mystery of God in Feminist Theological Discourse*. New York: Crossroad.

Johnson, J.E. and **Rakoczy, S.** 1997. *Who Do You Say That I Am?* Pietermaritzburg: Cluster Publications.

Johnson, L.T. 2007. The Bible's Authority For and In the Church. In: Brown, W.P. (ed.) *Engaging Biblical Authority: Perspectives on the Bible as Scripture.* Louisville: Westminster John Knox.

Judge, M., Manion, A., and deWaal, S. (eds.) 2008. *To Have and to Hold: The Making of Same-Sex Marriage in South Africa.* Cape Town: Fanele.

Kasper, W. 1980. *Theology of Christian Marriage.* London: Burns & Oates.

LaCugna, C.M. 1991. *God For Us: The Trinity and Christian Life*. San Francisco: Harper Collins.

Lancaster, S. H. 2007. Authority and Narrative. In: Brown, W.P. (ed.) *Engaging Biblical Authority: Perspectives on the Bible as Scripture.* Louisville: Westminster John Knox.

Lehr, V. 1999. *Queer Family Values: Debunking the myth of the nuclear family.* Philadelphia: Temple University Press.

Loughlin. G. 2007. *Queer Theology: Rethinking the Western Body.* Oxford: Blackwell.

Matera, F.J. 2007. Biblical Authority and the Scandal of the Incarnation. In: William P. Brown (ed.) *Engaging Biblical Authority: Perspectives on the Bible as Scripture.* Louisville: Westminster John Knox.

McCarthy, D.M. 2007. Fecundity: Sex and Social Reproduction. In Loughlin, G. *Queer theology: rethinking the western body.* Oxford: Blackwell. pp. 86-95.

Migliore, D.L. 1998. *Faith seeking understanding: an introduction to Christian theology.* London: Eerdmans.

Morland, I. and Willox, A. (eds.) 2005. *Queer theory*. Basingstoke: Palgrave Macmillan.

Olsen. G. 2001. *Christian Marriage: A Historical Study.* New York: Herder & Herder.

Osborne, K.B. 1988. *Sacramental Theology: A General Introduction*. Mahwah: Paulist Press.

Patalagean, E.1996. "Families and Kinship in Byzantium" In: Burguière, A. et al. *A History of the Family Volume One: Distant World and Ancient Worlds* Cambridge: Harvard University Press. pp. 467-490.

Rakoczy, S. 2004. *In Her Name: Women Doing Theology.* Pietermaritzburg: Cluster Publications.

Reuther, R.R. 1983. *Sexism and God-Talk*. Boston: Beacon Press.

Rogers, E.F. Jr. (ed.) 1995. *Sexuality and the Christian Body: Their Way into the Triune God (Challenges in Contemporary Theology Series)* Oxford: Blackwell Publishers Ltd.

------------------------ 2002. *Theology and Sexuality: Classic and Contemporary Readings (Blackwell Readings in Modern Theology Series.)* Oxford: Blackwell Publishers Ltd.

Scott, J.W. 1988. *Gender and the Politics of History*. New York: Columbia University Press

Segalen, M. 1996. The Industrial Revolution: from Proletariat to Bourgeoisie. In: Burguière, A. et al. *A History of the Family Volume Two: The Impact of Modernity* Cambridge: Harvard University Press. pp.377-415.

Shussler Fiorenza, E. 1983. *In Memory of Her*. New York: Crossroad.

Stuart, E. 1995. *Just Good Friends: Towards a Lesbian and Gay Theology of Relationships.* London: Mowbray.

------------- 2003. *Gay and Lesbian Theologies: Repetitions with Critical Difference Farnham: Ashgate.*

Stuart, E. and Thatcher, A. 1997. *People of Passion: What the Churches Teach About Sex.* London: Mowbray.

Thatcher, A. 2007. *Theology and Families*. Oxford: Blackwell Publishing.

Toubert, P. 1996. The Carolingian Movement (Eighth – Tenth Century). In: Burguière, A. et al. *A History of the Family Volume One: Distant World and Ancient Worlds* Cambridge: Harvard University Press. pp.379-406.

Varenne, H. 1996. Love and Liberty: The Contemporary American Family. In: Burguière, A. et al. *A History of the Family Volume Two: The Impact of Modernity* Cambridge: Harvard University Press. pp.461-441.

von Balthasar, H.U. 1990. *Credo: Meditations on the Apostle's Creed.* New York: Crossroad.

Ward, G. 2007. There is no Sexual Difference. In Loughlin. G. *Queer theology: rethinking the western body.* Oxford: Blackwell. pp. 76-85.

Weems, R. 1995. *Battered Love: Marriage, Sex, and Violence in the Hebrew Prophets* Minneapolis: Augsburg Fortress..

Wilchins, R. 2004. *Queer Theory, Gender Theory: An Instant Primer*. Los Angeles, California: Alyson Publications.

Williams, R. 2002. The Body's Grace. In Rogers, E.F. Jr. (ed.) *Theology and Sexuality: Classic and Contemporary Readings (Blackwell Readings in Modern Theology Series.)* Oxford: Blackwell Publishers Ltd. pp.309-321.

Wink, Walter (ed). 1999. *Homosexuality and Christian Faith: Questions of Conscience for the Churches.* Minneapolis: Fortress Press.

PERIODICALS

Appleton, S. 2005. Missing in Action? Searching for Gender Talk in the Same-Sex Marriage Debate. *In: Stanford Law and Policy Review.* Series 97/2005. 16/1.

Creppy et al 2002. Recent advances in the study of epigenetic effects induced by the phycotoxin okadaic acid. In: *Toxicology*, volumes 181-182, 27 December 2002. p. 433-439.

Farley, M. 1975. New Patterns of Relationship: Beginnings of a Moral Revolution. In: *Theological Studies* volume 36 (1975), p. 627-646.

Nadar, S. 2009. Palatable Patriarchy and Violence Against Wo/men in South Africa - Angus Buchan's Mighty Men's Conference as a Case Study of Masculinism in forthcoming *Scriptura*.

Osiek, C. 1995. The New Testament and the Family. In: Cahill, L.S. and Mieth, D. (eds.) The *Family Concilium* 4/1995.

Pope John Paul II. 1990. Redemptoris Missio: Encyclical Letter on the Permanent Validity of the Church's Missionary Mandate in *Catholic International Magazine*. Series: Pastoral Action No 53.

Sedgwick, E.K. 1993. Queer Performativity: Henry James's Art of the Novel. In: *GLQ: Journal of Lesbian and Gay Studies* 1/1. p. 1-16.

Stone, K. 2008. Bibles That Matter: Biblical Theology and Queer Performativity. In: *Biblical Theology Bulletin.* Spring 2008 Series. 38/1.

Ryan, M. 2008. A Mighty Harvest of Men. *Sunday Tribune*. 21 April 2008, p.21.

Bell, D. 2006. Marriage Injustice Flayed. *Daily News*. 20 September 2006 p.2.

ON-LINE RESOURCES AND WEBSITES

Lambeth Conference. 1998. *Resolution 1.10.* http://www.lambethconference.org/ (Accessed 6 November 2009)

Lambeth Conference. 1989. *Resolution 26.* http://www.lambethconference.org/ (Accessed 19 November 2008)

Cassidy, M. 2004. *Letter dated 10 December 2004 addressed to all South African Christian Leaders Association participants.* http://www.sacla.za.net/ (Accessed 20 November 2008)

Cassidy, M. (date unspecified.) *Progress Report on Same-Sex Marriage Issue.* http://www.sacla.za.net/ (Accessed 20 November 2008)

Cassidy, M. (date unspecified.) *Prayer for Marriage.* http://www.sacla.za.net/ (Accessed 20 November 2008)

Christian Lawyers Association. 2004. *Same Sex Marriage.* (Press statement dated 2 November 2004.) http://www.sacla.za.net/ (Accessed 20 November 2008)

Dissell, A. 1997. *Youth, Street Gangs and Violence in South Africa*. A paper delivered at the International Symposium on Youth, Street Culture and Urban Violence in Africa held in Abidjan, Ivory Coast, pp. 405-411, 5-7 May 1997 http://www.streetchildren.org.uk/ (Accessed 2 December 2008)

Dobson, J. 2005. *An open letter to South Africans on same-sex marriage.* http://www.cft.org.za/ (Accessed 7 January 2008)

Focus of the Family. http://www.focusonthefamily.com (Accessed 20 November 2008)

Gauntlett, D. 2008. *Judith Butler.* http://www.theory.org.uk/ (Accessed 19 November 2008)

Gustafsson, S. and Worku, S. Marriage Markets and Single Motherhood in South Africa. Tinbergen Institute Discussion Paper TI 2006-102/3. http://www.tinbergen.nl/ (Accessed 2 December 2008)

Haldeman, S. 2007. The idolatory of the nuclear family. In: *Theology & Sexuality: The Journal of the Institute for the Study of Christianity & Sexuality, volume 13(2).* p. 137-52. http://TSE.sagepub.com. (Accessed 2 July 2008.)

Johnson, J. E. 2005. *Queering Christian Marriage: Re-examining the intersection of sexuality and religion.* http://nsrc.sfsu.edu/ (Accessed 19 November 2008**.)**

Marriage Alliance of South Africa. 2008. Homepage. http://www.sacla.za.net/ (Accessed 20 November 2008)

Marriage Alliance of South Africa. 2005. *Churches Unite to Defend Marriage in Constitutional Court.* (Press release dated 11 May 2005.) http://www.sacla.za.net/ (Accessed 20 November 2008)

Marriage Alliance of South Africa. 2005. *Definition of Marriage in the Balance.* (Press release from an unspecified date.) http://www.sacla.za.net/ (Accessed 20 November 2008)

Marriage Alliance of South Africa. 2008. *Mission Statement.* http://www.sacla.za.net/ (Accessed 20 November 2008)

Mistry, R. 2008. *Madonna and Gender Trouble.* http://www.theory.org.uk/ (Accessed 19 November 2008)

Mount, E. 2007. Indian Queer Women's Identities: An Exploration of the Effects of Interlocking Systems of Nationalisms, Gender, Sexualities and Class. In: *Course materials for SP.691 Studies in Women's Life Narratives: Interrogating Marriage: Case Studies in American Law and Culture", Fall 2007.* http://ocw.mit.edu/ (Last accessed 2 December 2008)

Ntlha, M. 2005. *Letter addressed to all Marriage Alliance of South Africa members* (date unspecified) http://www.cft.org.za/ (Accessed 20 November 2008)

Piper, F. 2005. **Isn't marriage queer? A socialist take on same-sex unions. In:** *New Socialist Issue* May/June 2005. 51. http://www.newsocialist.org/n (Accessed 21 November 2008)

South African Christian Leaders Association. 2004. *Christian Leaders Call for National Referendum on Same-Sex Marriage.* (Press release dated 7 December 2004 embargoed until 11 December 20004) http://www.sacla.za.net/ (Accessed 20 November 2008)

South African Christian Leaders Association. 2008. *What is SACLA?* Homepage. http://www.sacla.za.net/ (Accessed 20 November 2008)

Tan, C.K. 2008. *What is monogamy anyway?* http://www.fridae.com/ (Accessed 4 December 2008)

Thatcher, A. 1998. Beginning Marriage: Two Traditions. In: Hayes, M.A., Porter, W. and Tombs, D. (eds.) R*eligion and Sexuality* http://www.thewitness.org/archive/april2000/marriage.html (Accessed 25 November 2009)

Thompson, S. 2004. Speak now or forever hold your peace? Why we need queer critiques of gay marriage. In: *Canadian Dimension*. http://canadiandimension.com/articles/2001/ (Accessed 23 November 2009.)

Weinberg, J. 1996. Things are Queer. In: *We're Here: Gay and Lesbian Presence in Art and Art History. Art Journal, 55 no. 4. P. 11-14.* http://www.columbia.edu/~sf2220/TT2007/web-content/Pages/anna2.html (Accessed 23 November 2009)

GOVERNMENT PUBLICATIONS:

South Africa. Statistics South Africa. 2008. Census 2001: Post Post-enumeration survey: Results and Methodology. http://www.statssa.gov.za/census01/HTML/pes.pdf (accessed 2 December 2008.)

South Africa. Statistics South Africa. 2008. Census 2001: Primary tables South Africa: Census '96 and 2001 compared. http://www.statssa.gov.za/census01/HTML/RSAPrimary.pdf (accessed 2 December 2008.)

ACTS OF PARLIAMENT:

England. An Act for the Abolition of the Slave Trade. (Act No. XXXVI of 1807)

South Africa. Customary Marriages Act (Act No. 120 of 1998)

LAW CASES:

Minister of Home Affairs and Another v Fourie and Another. 2005 (CCT 60/04) . SA 524 (CC).

UNPUBLISHED SOURCES:

Hay, M. 1994. *The Modern Way of Marriage as a Moment for Grace.* Class notes for the Sacrament of Marriage module, 2nd Semester 1994. St Joseph's Theological Institute.

Kaufmann, L. 2004. *Proposed legislation on same-sex unions.* An article submitted to The Natal Witness for publication. Pietermaritzburg. (Copy obtained from author and reproduced with author's permission.)

Kaufmann, L. 2004. *Homphobia: A Modern Idolatry.* An article submitted the journal Trefoil for publication. Pietermaritzburg. (Copy obtained from author)

Marriage Alliance of South Africa. 2004. *Heads of Argument* submitted to the Constitutional Court of South Africa for consideration of Case No. CCT 60/2004. Pietermaritzburg. (Copy obtained from Michael Cassidy; electronic copy obtained from Naomi Boshoff)

Marriage Alliance of South Africa. 2006. Positional Statement – Submission on Marriage – June 2006. Pietermaritzburg. (Copy obtained from Michael Cassidy)

Ntlha, M. 2006. Marriage Alliance of South Africa Statement 11 September 2006. Letter sent to all Marriage Alliance of South Africa members. Pietermaritzburg. (Copy obtained from Michael Cassidy)

Taute, G. 2006. Paper delivered at *Same-sex marriage workshop* held in Pietermaritzburg 4 August 2006. (Copy obtained from author)