

DOCTRINAL STATEMENTS AND THEOLOGICAL OPINIONS (DSTO)

VOLUME 1

H. ETHICAL AND SOCIAL ISSUES

Marriage and de facto relationships

Adopted by the Commission on Theology and Inter-Church Relations, February 1986.

Edited June 2001.

The Lutheran Church of Australia defines marriage as follows:

- a. The institution called marriage comes from God, the Creator of humankind. Marriage is part of the created social order. So society, through custom or legislation, decides when a man and a woman are lawfully married
(Gen 1:27,28; 2:18–24; Matt 19:3–9; Augsburg Confession 16 and 28; Apology 23.9).
- b. Marriage is the union of a man and a woman. This union excludes all other people. It is publicly and voluntarily entered into for the whole of life (Matt 19:6; 1 Cor 7:39)
[Compare the statement: *Marriage, Divorce, and Re-Marriage*, H13 – H16].

1. WHAT DOES CIVIL LAW SAY?

A question which arises from the above definition is: What constitutes *lawful* marriage in Australia today? The answer given in the *Marriage Act* (1961) is:

'Marriage, according to law in Australia, is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life' (Section 46[1]).

A legal marriage requires, in brief, that:

- the necessary requirements and procedures prior to and after the solemnisation of a marriage have been rightly observed (for example, evidence of age and freedom to marry; consent of parents in the case of minors; lodging of forms with the Registrar)
[Section 42]
- the marriage is 'solemnised by or in the presence of an authorised celebrant who is authorised to solemnise marriages at the place where the marriage takes place'
[Section 41]

- the marriage is witnessed by at least two persons who are, or appear to be, over the age of 18 years [Section 44].

These statements show that a legal marriage is clearly distinguished from a de facto marriage and other forms of cohabitation, even though our society practises and tolerates these relationships, and even though increasingly they are being protected by law.

2. WHAT DOES GOD SAY?

The basic question for Christians is not: what does society tolerate and practise?, but: what is God's will with regard to living together as husband and wife without being legally married? This question is essential both for those Christians who wish to be married according to the law of the land, and also for those who wish to cohabit without going through the legal form of marriage.

The answers, in brief, to this basic question are:

- Christians will have due respect for the laws of the land with regard to marriage.
- Marriage is not simply a human custom. God instituted marriage. It arises not merely from human needs. It exists by divine decision and decree.
- Christians take seriously what God says about marriage. Marriage is God's gift. It is a lifelong union. It is total commitment, total giving. In terms of relationship, it is like Christ and his church (Eph 5:22–32) or God and God's people in the Old Testament (Isa 54:5,6).
- For Christians, to be married is to live in a most intimate relationship. In marriage, husband and wife daily forgive one another as Christ their Lord daily forgives them. They serve one another in all the dimensions of love. They bear witness to the world about God's will and purpose for marriage.

With these answers in mind, Christians who want to live together as husband and wife will seek the blessing of the Lord upon their union through word and prayer and in the fellowship of the congregation.

3. SOME PASTORAL AND CIVIL IMPLICATIONS

- a. In dealing pastorally with cohabiting unmarried couples, pastors should carefully explore with the couple the precise nature of their relationship as they, the church, and society perceive it. The goal will be to lead the couple to know and to do the will of God as outlined in section 2 above.
- b. As citizens, Christians should urge the government to strive to uphold the institution of marriage as a life-long union, and to pass legislation which ensures that couples do not suffer financial penalties by getting legally married.