

DOCTRINE COMMITTEE

A paper laying out the theology of marriage as currently articulated through the Canons and Liturgy of the Scottish Episcopal Church, and exploring whether there is a case for change based on scripture, tradition and reason.

Prologue

With changes in civil law legislating for same-sex marriage, and same-sex couples seeking God's blessing upon their partnerships, the Church is reflecting on the theological, pastoral and liturgical implications of these developments. The SEC at this juncture is deciding whether to bring same-sex marriage into its life theologically and liturgically (pastorally already having same-sex married or engaged partners in its fold, and clergy being permitted to bless same-sex unions). If it were to do so, the SEC would need to agree some manner of change to Canon 31, the precise nature of which would be advised by the Committee on Canons. The Doctrine Committee has been asked to produce a paper for Faith and Order Board, laying out the theology of marriage as currently articulated through the Canons and Liturgy of the Scottish Episcopal Church, and exploring whether there is a case for change based on scripture, tradition and reason. The Committee has also been asked to include consideration of the theological implications of making provision for blessings (in contrast to marriage services) of same-sex partnerships, and to provide a paper that fairly reflects opposing views on these matters within the Church at this time.

The members of Doctrine Committee hold differing views on these questions. We have endeavoured to set out pertinent arguments to the best integrity of each position so as to aid the discernment process. We have not wanted to safeguard any position for the sake of, say, a 'high view' of Scripture, or a defence of human rights, or any other ideal that might impede our ability to hear what the Spirit is saying to the churches.

Executive Summary

The structure of the proceeding paper is set out below. Note a case made for two changes to Canon 31 regardless of issues around same-sex marriage (paras 14-16). Interpretation of Scripture runs throughout the paper, with more extended consideration of Scripture and the theology of marriage at paras 57ff.

Paras 1-13 Our theology of marriage in the Canons and Liturgy, showing developing changes of emphasis.

Paras 14-18 Raising a case for change, and two areas where change is recommended, aside from matters of same-sex marriage.

Paras 19-22 The Anglican appeal to Scripture, tradition and reason, and its outworking in debates about gender and sexuality.

Paras 23-29 Introducing three options:

Option A. no change to the canons, and hence maintaining a definition of marriage as a union of 'one man and one woman';

Option B. a change to the canons such as will enable the SEC to incorporate same-sex marriage;

Option C. moderate change or parallel provision, allowing for blessings of same-sex covenant partnerships.

Paras 30-116 Discussion of the four causes of marriage as reflected in historic and current marriage liturgies, with arguments for Options A and B set out accordingly. As the four causes of marriage are discussed, the arguments under Option A (no change) and Option B (change to incorporate same-sex marriage) work as counter-arguments to one another.

Paras 30-55 **Cause I. Marriage as for procreation**

Option A (no change)

- i. Procreation is the primary cause of marriage such that sexual differentiation is essential in marriage
- ii. Sexual differentiation is essential to becoming 'one-flesh'
- iii. Marriage would be diminished if same-sex partnerships could be defined as marriage
- iv. The healthy nurture and education of children requires sexual differentiation between parents

Option B (change to incorporate same-sex marriage)

- i. The social function of marriage is prior to the procreative function
- ii. A genital understanding of the 'one-flesh' union is reductive
- iii. Same-sex marriage enhances the heterosexual norm, and can be defended by arguments from nature
- iv. The healthy nurture and education of children does not depend on sexual differentiation between parents or carers

Paras 56-92 **Cause II. Marriage as a remedy against sin**

Paras 57-74 Sub-section, *Considerations from Scripture*

Option A (no change)

- i. Marriage sometimes promoted as a remedy for homosexuality
- ii. To solemnize same-sex marriage would be contrary to Scripture

Option B (change to incorporate same-sex marriage)

- i. Support for marriage as a remedy against sin

- ii. Marriage is diverse in Scripture and society; Biblical emphasis upon covenant faithfulness is a constant and can apply to same-sex marriage

Paras 93-99 **Cause III. Marriage as for mutual comfort and support**

Option A (no change)

- i. sexual differentiation is integral to mutuality within marriage
- ii. Male-female complementarity and difference is essential to marriage.

Option B (change to incorporate same-sex marriage)

- i. Whether male-female differentiation defines marriage is the very matter under dispute, and not all people can be categorized as 'male' or 'female'
- ii. Complementarity speaks not of essential male or female characteristics but of a dynamic within couples that exists regardless of sexual identity

Paras 100-16 **Cause IV Marriage as reflecting the very nature of God's character and love**

Option A (no change)

- i. As Christ gave his body to the Church, so do husband and wife give themselves to one another: sexual difference is significant
- ii. We would change our relationship to the Prayer Book if we changed our definition of marriage

Option B (change to incorporate same-sex marriage)

- i. Same-sex marriage can signify the mystical union between Christ and the Church
- ii. We can uphold the authority of the Prayer Book whilst developing our theology of marriage.

Paras 117-29 Discussion of Option C, provision for same-sex blessings

Para 130 Closing Remarks.

The theology of marriage as currently articulated through the Canons and Liturgy of the Scottish Episcopal Church

The Canons

1. The SEC's official teaching on marriage is enshrined in Canon 31:1.

'The Doctrine of the Church is that Marriage is a physical, spiritual and mystical union of one man and one woman created by their mutual consent of heart, mind and will thereto, and is a holy and lifelong estate instituted of God.'

2. This Canon, 'On the Solemnization of Holy Matrimony', was added to the Code of Canons in 1980, and reflects the mind of the Church as expressed by General Synod at the time. This Canon is unusual in the SEC canons in expressing a theological position which raises questions as to whether the Canons, rather than the Liturgy, are the documents in which doctrine is expounded in Anglicanism. It was added when Canon 31 was altered to allow for the remarriage of divorced persons in church, so that the principle of marriage as a lifelong union could be affirmed alongside the acknowledgement that a civil court might judge a marriage to have broken down irretrievably. The addition affirms that the SEC remains committed to the principle of marriage as lifelong. The phrase within the Canon that has since come under scrutiny, because of questions about same-sex marriage, is that marriage is a 'union of one man and one woman'.

Liturgy

3. There are two authorised marriage liturgies of the SEC: the 1929 Scottish Prayer Book Solemnization of Matrimony, and the 2007 Marriage Liturgy, which superseded a marriage liturgy produced in 1970.

4. Neither liturgy defines marriage as a mystical union of one man and one woman, as Canon 31.1 does, though both imply an understanding that marriage is between one man and one woman, and make reference at various points to 'husband' and 'wife'. Marriage itself is not described as a 'mystical union' in either liturgy; rather marriage is seen as signifying, albeit imperfectly, the mystical union between Christ and the Church. The Scottish Prayer Book speaks of joining together 'this man and this woman in Holy Matrimony', an estate which is 'instituted of God in the time of man's innocency, signifying unto us the mystical union that is betwixt Christ and his Church'. This succinct phrase directs us both to the good of creation, and to the present and future hope that we love as God loves us.

5. In addition, the Prayer Book mentions two 'causes for which Matrimony was ordained':

'for the increase of mankind according to the will of God, and that children might be brought up in the fear and nurture of the Lord, and to the praise of his holy Name;

'for the mutual society, help, and comfort that the one ought to have of the other, both in prosperity and adversity',

in short, for procreation and mutual support.

Scottish liturgies omit the 'remedy for sin'

6. Scottish Prayer Book thereby retains two out of the three causes for marriage named in the [Church of England*] 1662 Book of Common Prayer (BCP). The BCP's three causes for marriage are, first, procreation, second, as 'a remedy against sin', and third, for mutual, society, help and comfort. The Scottish Prayer Book removes all mention of sin or 'natural instincts'.

Modern Scottish liturgies de-emphasise pro-creation

7. From 1970 onwards, the SEC marriage liturgies reflect another shift in the Church's thinking: a move away from regarding procreation as the primary reason or cause for marriage, and an emphasis on other positive aspects of married life for the couple and for human flourishing. This development in no way diminishes the sanctity of procreation and parenthood, but recognizes that they are not integral to all marriages.

8. Other causes of marriage that the SEC liturgies bring to the fore include the social goods that can flow from the marriage union, and the deepening of love and of future hope because marriage is an expression of the character of divine love. The Liturgy of the Word section of the 2007 Marriage Liturgy offers seven different options or themes, only one of which, 4.G, brings 'Family' and children into focus, and even there the accompanying prayers do not presume a procreative marriage, but can imply children from previous unions, adopted and fostered children, and others: 'may they nurture, support and inspire the children with whom you may entrust them', 'Through the children whom you set in our midst may we discover the secret of your kingdom' (prayers, 4.G).

9. The de-emphasis on procreation, and the growing emphasis upon the love of God, are best seen in the three choices of Introduction provided in the SEC 2007 Marriage Liturgy. Introduction 2.C comes from the Alternative Service Book (ASB) of the Church of England, which was introduced in 1980, and which reversed the order of the purposes of marriage as they were given in the BCP and other Church of England marriage rites. The ASB, and thereby Introduction 2. C of the 2007 Marriage Liturgy, gives the order:

'that husband and wife may comfort and help each other'

'that with delight and tenderness they may know each other in love, and through the joy of their bodily union may strengthen the union of their hearts and lives'

'that they may have children and be blessed in caring for them'

Introduction 2.B makes no mention of procreation – only 'nurture' of children – and the final stated purpose is that through this marriage 'human dignity will flourish and deepen'. That is, marriage is not an end in itself but has a broad, indeed universal, social significance.

Modern Scottish liturgies place increasing emphasis upon marriage as reflecting the love and character of God

10. Introduction 2.B describes marriage as expressive of God's love in a way that is even more fundamental than signifying the mystical union between Christ and his Church; marriage is taken to 'reflect the very being of God'.

Marriage is a gift of God and a sign of God's grace. In the life-long union of marriage, we can know the love of God, who made us in the divine image, man and woman.

Marriage finds its origin in God's own being. God is Love, and so wife and husband, giving themselves to one another in love throughout their lives, reflect the very being of God.

Marriage cannot exist on its own. God's call of husband and wife to live faithfully together, to love one another with respect, tenderness and delight, is part of the call to love all people. This love empowers them to care for others [and to nurture children]. By this love human dignity will flourish and deepen.

11. Introduction 2.A is even more explicit about the way in which the covenant of marriage reveals the loving faithfulness of God, by suggesting that marriage reflects the loving relationships within the Godhead; the love between the three persons of the Trinity:

The great stories of God's people and the coming of Jesus proclaim the faithfulness of God's covenant and promise. God as Trinity (Father, Son and Holy Spirit) reveals to us the very nature of love in relationship. Relationships give human life its purpose and direction.

12. The Eucharistic Prayer given as an option at 10.D, Marriage Liturgy 2007, also invites analogies between our love for one another, as expressed in marriage, and God's pattern of Trinitarian love:

Creator, Redeemer, Sustainer, one God whose power is compassion, you invite us to share your own life, for love is your nature and your name.

13. The changes in the Marriage liturgy reflect a growing theological emphasis upon the ways which human love derives from, reflects and participates in divine love. This emphasis enables us to say that marital union enhances our communion with one another and with God, and that this is good for human flourishing and brings us closer to our future, eschatological hope.¹

¹ See from the 2007 Liturgy: 'By this love, human dignity will flourish and deepen', Introduction 2.B; 'to enjoy your blessing and to serve your world', 4.G); 'may we come to share the joy which you have prepared for all who love you', 2.A; 'Open our eyes to glimpse your beauty in all whom you give us to love, and guide our love to find its perfection in reflecting your compassion, your forgiveness', 4.B; 'that...we may raise our eyes and see beyond the Cross of suffering the joy of Resurrection feast', 4.F; 'may we discover the secret of your kingdom', 4.G.

Is there is a case for change based on scripture, tradition and reason?

14. Before embarking on our main discussion, there are two matters to address regarding Canon 31 aside from our consideration of the clause of 'one man and one woman'.

15. First, Canon 31 introduces its definition of marriage by asserting that what is to follow is 'The Doctrine of the Church'. We suggest that this phrase attributes an authority to this Canon that is not borne out by the historical practice of the SEC. Unlike the Church of Scotland (with its Westminster Confession), or the Roman Catholic Church (with its Catechism), Episcopalians have historically been reluctant to formulate binding bodies of doctrine and ordinance beyond the Canons and liturgies, all of which are open to revision by General Synod. Indeed, the Canons of the SEC make this point plain: in the forms of assent made by new bishops, clergy, and layreaders, they are to declare explicitly that they understand the 'doctrine of the Church' to be set forth within the liturgies. The liturgies contain the theological foundations of Christianity, such as the ancient creeds, and Scripture (by means of the Church's Lectionary). But if we were to ask, 'Where in the liturgies is the Doctrine of the SEC actually written down?', we will receive little by way of a clear answer until we realise that the SEC's doctrinal basis is to be found in its entire living practice of worship: in its ecclesial life, in its order, but most particularly in its diverse and evolving body of authorized liturgies. Our understanding of marriage, as reflected in our liturgies, is evolving in response to pastoral need, and 'the Doctrine of the Church' is no more and no less than what we embody in these liturgies. The phrase 'The Doctrine of the Church' as it currently sits within Canon 31, might be taken to suggest something that is fixed, even ossified, and independent of our changing liturgies. We regard the phrase as misleading and suggest that it be removed from Canon 31, regardless of where this current debate goes.

16. Second, we suggest that the statement in Canon 31 that marriage is a 'mystical union' is both misleading and theologically mistaken. The phrase 'mystical union' is related to the BCP teaching that marriage 'signifies the mystical union between Christ and his Church'. The word 'signifies' in the BCP is important. Marriage has never, in mainstream Christian tradition, been seen as a mystical union in and of itself, but as a sign of the mystery of the Church's union with Christ. The Church's union with Christ is both real and not yet fully realised. Christ's union with the Church points us to our future hope, whereas marriage is rooted in creation. As our liturgies show, marriage is understood as a 'gift of God in creation' (Option 2C, Marriage Liturgy 2007), 'instituted in the time of man's innocency' (Prayer Book). In other words, marriage itself is of the order of this creation. It is not of the order of the new creation, or of our eschatological future, but rather a pointer to it. Marriage is something that will pass away in the age to come, as Christ himself taught (Matt.22:30; see also para. 92, below). The mystical union between Christ and his Church, on the other hand, is that in which all things are made new, embodying the self-giving love of which marriage is a sign. The mystical union of Christ and his Church does not thereby render marriage itself a mystical union. We recommend that Canon 31 be changed so as not to make marriage out to be a 'mystical union'. That marriage is a creation ordinance is critical to our deliberations in considering whether or not we can recognise same-sex marriage.

17. The matter at hand is whether there is a case for changing the theology of marriage as articulated through the SEC Canons and Liturgy, in respect of bringing into the life

of the SEC a recognition of same-sex marriage. Such a change would not undo the current theology, that marriage is between one man and one woman, so much as it would extend it such that marriage may also be between two adults of the same sex. Arguments for and against change will be considered below, according to the Anglican principle of bringing scripture, tradition and reason to bear on the matters at hand, and seeking to do justice to the integrity of contrasting positions. If we are feeling despondent about the contrasting positions among us, it is helpful to consider that disagreement, even when it leads to conflict, has throughout the history of the Church been 'a God-given means of discovering what it is we actually believe'.² Bringing rigour and focus to bear on our contrasting positions helps us to clarify what we do and do not wish to affirm, and is for the purpose of moving us as people of God towards greater holiness. If we find ourselves lost in fine details or swept up by strong feelings it is worth reminding ourselves that our propensity for relationship and our sexuality are about our 'corporate holiness...the church as the community of those called to share in the Trinitarian life of God by the free gift of grace; ..seeking to articulate disciplined patterns of worship and holy life within that community.'³ A rich theological appreciation both of relationship and of sexuality takes us far beyond considerations of marriage, but is also articulated through the words of our marriage liturgies, where our love for one another is always begun, continued and ended in God's love.

18. The ways in which our current debates are framed are often too narrow. We leave people of intersex, transex and transgender conditions out of the picture: what does our theology of marriage say to people who are neither 'female' or 'male'? We overlook the fact that Anglican churches recognize polygynous marriages in various provinces, mainly in Africa, thus making a pastoral provision to converts from marriages in which men have several wives (see para 89). We forget that in some strands of Christian tradition we regard those taking religious vows as married to Christ and to one another in community; a form of marriage prized so highly that in most orders only a bishop is able to preside over the ceremony.⁴

The Anglican appeal to Scripture, tradition and reason, and its outworking in debates about gender and sexuality

19. We are asked to revisit our theology of marriage as it is currently articulated in our Canons and Liturgy, to see if in the light of Scripture, tradition and reason there is

² Rowan Williams, 'Article review, Eugene Rogers's *Sexuality and the Christian Body: Their Way into the Triune God*' *Scottish Journal of Theology* 2003, 56(1), pages 82-88, Abstract.

³ Ibid p.83

⁴ The language of 'marriage rite', 'betrothal', 'espousal', 'bride' and 'bridegroom' exists in Religious Profession in both Eastern and Western Monasticism, though not strongly encouraged post-Vatican II. Such language invites further reflection on the mystical union between Christ and the Church, which we use in our liturgies as a type for marriage. In religious profession, the focus is on the mystical marriage of the soul with Christ, and the Church with Christ. N. F. Robinson writes: 'The end in view in the act of Monastic Profession is the mystical marriage of the soul with the heavenly bridegroom. The Office of the Little Habit is the mystical betrothal of the soul with Christ, the earnest and pledge of the marriage rite that is to follow, at the giving of the Great and Angelical Habit'. During the Order of the Great Habit, in Modern Hellenic and Slavonic services as described by Robinson, the following words are sung at the clothing; 'He hath put upon me a crown as upon a bridegroom, and as a bride hath he adorned me with an ornament'. N.F. Robinson, *Monasticism in the Orthodox Churches: Being an introduction to the study of modern Hellenic and Slavonic Monasticism and the Orthodox Profession Rites, together with a Greek dissertation on the Monastic Habit, done into English, with Notes* (London: Cope and Fenwick ad the Faith House, 1916), pp. 56-7, 115.

scope for recognizing same-sex marriage. The three-fold appeal to Scripture, tradition and reason has characterized the Anglican way of doing theology since the Sixteenth Century, in contrast to the *sola Scriptura* (Scripture alone) emphasis of other Reformation churches. At this time, the newly emerging English Church was finding its way of enfolding both those who were committed to the new Reformed religion, and those retaining the sensibilities of the old Catholicism. The scholarly priest Richard Hooker, in *the Laws of Ecclesiastical Piety* (I-IV 1593; V 1597; VI-VIII posthumously), balances a reformed theology of the primacy of scripture with a catholic understanding of the body of the church and the efficacy of the sacraments, and holds this balance within a Christian humanism that highly values human reason. Hooker holds that Scripture is primary but is read under the guiding light of reason and the understanding of the Church; no one of these voices eclipses the authority of the other two, and each is brought to its best expression when working with the best insights of the other two:

Be it in matter of the one kind or of the other, what Scripture doth plainly deliver, to that the first place both of credit and obedience is due; the next whereunto is whatsoever any man can necessarily conclude by force of reason; after this the Church succeedeth that which the Church by her ecclesiastical authority shall probably think and define to be true or good, must in congruity of reason overrule all other inferior judgments whatsoever. (Book V, 8:2)

20. Michael Ramsey (Archbishop of Canterbury 1961-74) warned against holding any one of these authorities out of balance with the other two:

Scripturalism is not the same thing as the appeal to Holy Scripture. Traditionalism is not the same thing as the intelligent appeal to tradition. And rationalism can be a very evil thing when it involves a worship of reason, and forgets that reason is concerned with great mysteries requiring awe, wonder, and even cleverness. Reason itself is a gift of God; its use can be corrupted if our dependence on God is forgotten. So we in our study of Anglican tradition must pursue the ways that the appeal to Scripture, Tradition, and Reason can still mutually enrich each other.⁵

21. We hope that our 'reason', as we try faithfully to work out our theology, embodies the continuing guidance of the Holy Spirit; a hope that is conveyed in the Committee Report to the 1948 Lambeth Conference:

Authority, as inherited by the Anglican Communion from the undivided Church of the early centuries of the Christian era, is single in that it is derived from a single Divine source, and reflects within itself the richness and historicity of the divine Revelation, the authority of the eternal Father, the incarnate Son, and the life-giving Spirit. It is distributed among Scripture, Tradition, Creeds, the Ministry of the Word and Sacraments, the witness of saints, and the *consensus fidelium*, which is the continuing experience of the Holy Spirit through His faithful people in the Church.⁶

22. The Virginia Report, produced in 1997 by the Inter-Anglican Theological and Doctrinal Commission, to reflect on Anglican unity in light of proposals to ordain women to the Episcopate, describes reason as 'the divine gift in virtue of which human

⁵ *The Anglican Spirit*, Dale Coleman, ed., Cowley Publications, Cambridge, 1991, pp. 26-33.

⁶ Report IV, The Lambeth Conference 1948. London: SPCK, 1948, pp. 84-85.

persons respond and act with awareness in relation to their world and to God, and are opened up to that which is true for every time and every place' (3.9). The Report adds that: 'Reason cannot be divorced either from Scripture or tradition, since neither is conceivable apart from the working of reason' (3.9). Pertinently for us, the Report goes on to say:

The characteristic Anglican way of living with a constant dynamic interplay of Scripture, tradition and reason means that the mind of God has constantly to be discerned afresh, not only in every age, but in each and every context. Moreover, the experience of the Church as it is lived in different places has something to contribute to the discernment of the mind of Christ for the Church. No one culture, no one period of history has a monopoly of insight into the truth of the Gospel. It is essential for the fullest apprehension of truth that context is in dialogue with context. Sometimes the lived experience of a particular community enables Christian truth to be perceived afresh for the whole community. At other times a desire for change or restatement of the faith in one place provokes a crisis within the whole Church (3.11)

23. It would be artificial and somewhat destructive to attempt to set out arguments as though some were solely drawn from Scripture, or solely from tradition or reason, when in our practice the three authorities inform us by informing each other, and they shape and are shaped by our experience. We cannot read Scripture without recourse to reason and tradition – beginning, for most people, with their dependence on Bible translators. Even when it comes to Biblical commands, which are just one way in which morality is taught through Scripture, and which might seem to be straightforward to understand, 'it is not *the commands the Bible contains* that we obey; it is *the purposes of God that those commands reveal*, taken in their context.'⁷ The process of discerning those purposes is often contentious, and in our endeavours we draw on our powers of reason and the understanding of God's people down the ages. Oliver O'Donovan writes that: 'The purposes of God are the ultimate reason why anything at all is good or evil to do. The Bible is authoritative for ethics because it speaks of those purposes and demonstrates them through God's acts in history' (O'Donovan, p. 75). Hence, Scripture is primary, but reason and tradition are always at play in our reading it, and in our attempts to develop a Scriptural understanding.⁸ :

24. At the same time, we can say of many lines of argument, that they have their provenance in tradition or reason. For an example of where tradition takes the lead, we can again quote Oliver O'Donovan: 'the claim that these categories [marriage or singleness] are mutually exclusive and comprehensive, covering the whole field of possibilities between them, is advanced on the authority of tradition, not of Scripture' (p. 109). If we are to broaden the range of possibilities beyond marriage or singleness, it will be reasoned reflection across a wide range of historical interpretations and cultural and personal experiences that will do the initial work, and in a way that listens to Scripture and tradition. O'Donovan criticizes those whom he calls 'Liberals' for stalling this process and resting too swiftly with a particular reading of tradition, when

⁷ Oliver O'Donovan, *Church in Crisis: the gay controversy and the Anglican Communion*, Eugene: Or: Cascade Books, 2008, p. 75, original emphasis.

⁸ Nicholas Taylor, "Some Observations on Theological Method, Biblical Interpretation, and Ecclesiastical Politics in current disputes in the Anglican Communion", *Theology* 111 (2008) 51-58
https://www.academia.edu/4049188/Some_Observations_on_Theological_method_bibilical_interpret.

there is still more work to do in understanding homosexual experience and how the Good News might bear upon it:

Stable conjugality is the point at which liberalism has made its own peace with the tradition. Or, to put it more unkindly, it is its characteristic form of prudishness. There is, of course, a lot to be said in favor of stable relationships; but before settling on this as the decisive point...is there something important in the roaming character of some gay relations? There is room here for a seriously interesting discussion among gay people which will be instructive to us all (p. 111).

Here O'Donovan is asking that the Church takes its time to 'reason' thoroughly, although he has not extended this to a consideration of the roaming character of some heterosexual relationships.

25. O'Donovan's work helps us to appreciate the diverse roles of Scripture, tradition and reason, and the extent to which reason must exercise its authority in the Church's deliberations over same-sex marriage. However, a call for more time to reason can sometimes be a way of stalling a process, as can arguments that the Church needs a longer period of 'Reception' for new ideas or practice. There is already a history of such reasoned conversation as O'Donovan asks for amongst gay and lesbian people. Michael Vasey famously argued in the 1990s from an evangelical viewpoint that there is no biblical blueprint for same-sex relations and, by implication, they need not assume the same pattern as heterosexual monogamy.⁹ Some lesbians, in particular, reject monogamous and covenantal relationships as inherently patriarchal and abusive.¹⁰ But increasingly arguments are forwarded by homosexual Christians for permanent, stable relationships on the grounds of the spiritual, emotional and physical health of those concerned, the stability of those around them, and the covenant quality of commitments to permanence, which mirror the love and faithfulness of God. What O'Donovan refers to as the 'roaming character' of some gay relationships, they count among the damaging effects that societal rejection has had upon people of same-sex attraction, including the difficulties involved in being able openly to develop a same-sex relationship.¹¹

26. In what follows, we will set out Scriptural, tradition-rich, and reasoned arguments, making a case, respectively, for:

Option A. no change to the canons, and hence maintaining a definition of marriage as a union of 'one man and one woman';

Option B. a change to the canons such as will enable the SEC to incorporate same-sex marriage.

⁹ Michael Vasey, *Evangelical Christians and Gay Rights*, Grove Books 1991, and *Strangers and Friends: A New Exploration of Homosexuality and the Bible* London: Hodder and Stoughton, 1995.

¹⁰ See especially Elizabeth Stuart's two books *Daring to Speak Love's Name*, London: Hamish Hamilton, 1992, and *Just Good Friends*, London, Picador, 1995.

¹¹ Jeffrey John, *Permanent, Faithful, Stable': Christian Same-Sex Marriage*, London: Darton, Longman and Todd, rev'd and updated edn 2012, pp. 35-49; Jim Cotter, ed., *Exploring Lifestyles: An Introduction to Services of Blessing of Gay Couples*, London: Gay Christian Movement, 1980; Jack Dominion, *Sexual Integrity*, London: Mowbray, 1987.

27. We will consider Options A. and B. under headings that reflect the three causes of marriage as featured in our liturgies, plus our developing insight into marriage as a reflection of the love of God, which could be regarded as a fourth cause. The headings are as follows:

I. Marriage as for procreation

II. Marriage as a remedy against sin

III. Marriage as for mutual comfort and support

IV. Marriage as reflecting the very nature of God's character and love.

28. Options A. and B. speak directly to a theology of marriage, and therefore will be discussed under these four headings. We will thereafter consider a third option:

Option C. moderate change or parallel provision, allowing for blessings of same-sex covenant partnerships.

29. We have organised the material in this way not to lend support to any one option over another, but because it seems the clearest way to set out arguments and counter-arguments for and against change. Options A. and B. provide counter-arguments to one another, and option C. draws some logic from both A. and B, without satisfying either.

I. Marriage as for Procreation

30. Although the SEC has de-emphasised the potential for procreation as a cause for marriage within its marriage liturgies, we would not wish to suggest that it is an insignificant cause today, nor to play down its importance in the history of the institution of marriage.

31. The command to 'be fruitful and multiply', Genesis 1.28, sets out the potential for procreation. At that point in Scripture, the command to procreate is not specifically associated with marriage, but is the natural outcome of the fact that humans are created beings themselves: male and female, and 'in the image of God' (1.27).

32. The strong association between marriage and procreation is made on the basis of both Scripture and natural law. The biblical literature all originates in contexts in which heterosexual, procreative marriage, was not merely normative but expected. All cultures incarnate the imperative to regenerate the species, and even celibate sub-cultures depend upon the procreative cycle being maintained by the societies from which they recruit new members. Ancient societies required that regeneration be sustained not merely to continue the human life-cycle, but to defend human communities in the face of periodic famine, drought, and disease, and the constant threat of predatory animals and human enemies. Family life was structured to defend and to maximise the procreative potential of women, and sexual relations were regulated accordingly.

33. When the scholastics in the Middle Ages debated the nature of marriage, and developed detailed natural law arguments, they did so in the context of extensive

reforms of marriage in the eleventh and twelfth centuries, when there was significant movement towards young people choosing their own marriage partners. Jean Porter, an expert in Medieval theology and natural law writes that: 'Like the scholastics, we are living through a period of rapid social change and corresponding institutional breakdown and reformation, including extensive and far-reaching changes in the practice of marriage'. The scholastics, she says, saw marriage as 'not a necessary, organic expression of human nature but a complex and in many ways contested set of institutional practices', but they did regard the potential for procreation, including the education and nurture of the young, as its primary function.¹²

Option A (no change)

I.A.i Procreation is the primary cause of marriage such that sexual differentiation is essential in marriage

34. Procreation is a witness to the good of creation, and a sharing in God's joy in creation. It is a creaturely celebration of creation, for to procreate is something that angels cannot do.¹³ The potential for procreation is sometimes argued to be a defining feature in the uniqueness of the marital union between a man and a woman, as the House of Bishops and the Archbishops Council of the Church of England argue:

the uniqueness of marriage – and a further aspect of its virtuous nature – is that it embodies the underlying, objective, distinctiveness of men and women. This distinctiveness and complementarity are seen most explicitly in the biological union of man and woman which potentially brings to the relationship the fruitfulness of procreation. And, even where, for reasons of age, biology or simply choice, a marriage does not have issue, the distinctiveness of male and female is part of what gives marriage its unique social meaning.¹⁴

I.A.ii Sexual differentiation is essential to becoming 'one-flesh'

35. The Church has always recognized that not all marriages will be procreative, so there is no direct move from recognizing non-procreative marriages, to arguing that same-sex partnerships can be defined as 'marriage'. 'The Church in Wales and Same-Sex Partnerships' Report (March 2014) makes the point in this way (para. 69):

We cannot, certainly, always know that a particular union of a man and a woman will produce children, any more than we can guarantee that a particular marriage will succeed as a relationship. But that does not mean that the (non-procreative) sexual partnership of men with men or of women with women is essentially similar to the (non-procreative) marriage of an opposite-sex couple beyond the age for conception. An infertile union of a man and a woman is wholly different from the sexual partnership of a man with a man or a woman with a woman. Even if a man and a woman are, for instance, past the age for conceiving children, their union differs only in degree, not in kind, from the union of any male-female couple. When a man and a woman unite sexually, their

¹² Jean Porter, 'The Natural Law and Innovative Forms of Marriage: A Reconsideration', *Journal of the Society of Christian Ethics* 30, 2 (2010): 79-97, quotations, pp. 89 and 84.

¹³ Robert Song, *Covenant and Calling: Towards a Theology of Same-Sex Relationships*, London: SCM, 2014, p. 13.

¹⁴ <http://www.churchofengland.org/media/1478643/gs%20misc%201027%20government%20consultation%20on%20same%20sex%20marriage.pdf>

bodies form a whole which Genesis describes as 'one flesh', co-ordinated towards the common biological end of the generation of new life. This distinguishes the infertile opposite-sex couple from any two people of the same sex.

36. Here the 'one flesh' union is understood in primarily biological terms, in that penises fit into vaginas, as we see in the Church in Wales Report's use of the following quotation: "Bodily coordination is possible even when its end is not realized; so for a couple [of opposite sex], bodily union occurs in coitus even when conception does not. It is the coordination toward a single end that makes the union; achieving the end would deepen the union, but is not necessary for it."¹⁵

37. Other interpretations of what it means to be one flesh will be considered below, (II.B.i, and II.B.ii). For now, the point being made is that no human relationship other than that between male and female, has the potential to generate new life, or stands under the blessing proclaimed by God in Gen. 1.28 (Church in Wales Report, para. 72).

I.A.iii Marriage would be diminished if same-sex partnerships could be defined as marriage

38. Concerns are sometimes voiced that same-sex marriage would undermine the institution of marriage, or would cause something to be 'lost' from traditional marriage. These concerns surface as a recurring theme, although people who raise them are not always able to articulate what they feel would be lost. The strongest argument in support of these concerns would seem to be that same-sex marriage might undermine the orientation of the institution of marriage towards procreation: the procreative purpose of marriage is 'the one purpose that must be successfully pursued if a society is to have any future at all', writes the Roman Catholic philosopher Jean Porter.¹⁶ In the teachings of the Catholic Church, 'the fundamental nature of the marriage act, while uniting husband and wife in the closest intimacy, also renders them capable of generating new life—and this as a result of laws written into the actual nature of man and of woman.' (*Humanae Vitae*, 11). Where marital union, the potential to create new life, and the fundamental nature of man and woman are held so tightly together, a reconfiguring of marriage that takes away procreative potential would seem to undermine also the unitive nature of marriage because this is predicated on our very nature as men and women.

39. Anglican theologian John Milbank expresses something of the loss that would be incurred from unpicking essential connection between sexual differentiation in marriage and procreation: 'Heterosexual exchange and reproduction has always been the very "grammar" of social relating as such', he writes, and he argues that to abandon this grammar would be to 'imply a society no longer primarily constituted by extended kinship, but rather by state control and merely monetary exchange and reproduction', because where reproduction is distanced from the union of sexual

¹⁵ Sherif Girgis, Ryan T Anderson, & Robert P. George 2012 *What is Marriage? Man and Woman: a Defence* New York/London: Encounter Books: p26

¹⁶ Jean Porter, 'The Natural Law and Innovative Forms of Marriage: A Reconsideration', *Journal of the Society of Christian Ethics* 30, 2 (2010): 79-97, quotation p. 90.

difference, even ‘the natural children of heterosexual couples would then be legally their children if the state decided that they might be legally “adopted” by them’.¹⁷

40. By the same logic, Milbank rejects surrogate motherhood and sperm donation, preferring over these birth from a ‘one-night stand’. He resists redefining birth as ‘essentially artificial and disconnected from the sexual act – which by no mean implies that each and every sexual act must be open to the possibility of procreation, only that the link in general should not be severed’ (ibid).

41. The notion of ‘the link in general’ is crucial: it means that non-procreative opposite sex-marriage is recognised, because there is a general link between male and female in all opposite-sex marriages, even though the link may not work procreatively in a specific union. Marriages between people of the opposite sex are not rendered less ‘real’ if they are non-procreative, for the unitive purpose is maintained even where the procreative potential is not realized, and the union is between two people - a man and a woman - who belong to a category of relationships that does in general procreate children. By contrast, ‘a gay relationship’, Milbank argues, ‘cannot qualify as a marriage in terms of its orientation to having children, because the link between an interpersonal and a natural act is entirely crucial to the definition and character of marriage’ (ibid).

I.A.iv The healthy nurture and education of children requires sexual differentiation between parents

42. The nurture and education of children, whether or not they are one's own biological children, is a valid extended understanding of the procreative cause of marriage. Non-procreative marriage between a man and a woman is traditionally recognized as able to participate in this procreative function of marriage. Some argue that on the same grounds, same-sex marriage can be recognised as participating in the procreative function of marriage, because the potential to nurture children is equally present (see I.B.iv). Here we consider the opposite view: that the nurturing of children is best exercised by parents of the opposite sex.

43. Two lines of argument need distinguishing here: a) arguments from sexual provenance; b) arguments from complementary influence in up-bringing.

- a) Arguments from sexual provenance apply where children are born in circumstances where they do not know who one or both of their biological parents are. Milbank applies concerns about sexual provenance to his overall argument against same-sex marriage: ‘Increasingly, children resulting from anonymous artificial insemination are rightly demanding to know who their natural parents are, for they know that, in part, we indeed *are* our biology. But this request is in principle intolerable for donors who gave their sperm or wombs on the understanding that this was an anonymous donation for public benefit. The recipe for psychological confusion, family division and social conflict involved here is all too evident and cannot be averted’ (ibid).
- b) A balanced up-bringing, it is sometimes believed, is most-likely achieved through parents of the opposite sex. Such arguments call upon notions that women generally have certain gifts, such as being good at understanding

¹⁷ (‘The impossibility of gay marriage and the threat of biopolitical control’, <http://www.abc.net.au/religion/articles/2013/04/23/3743531.htm>)

emotions and at multi-tasking, and men generally have different gifts, such as promoting independence, and that children flourish best with a complementary mix of such influences. More substantially it might be argued that sexual difference is so fundamental that it must be observed in such basic social institutions as marriage, for 'in the Lord woman is not independent of man, nor is man independent of woman' (I Cor. 11.11).

Option B (change to incorporate same-sex marriage)

44. That fact that the SEC has down-played the procreative potential of marriage in its current liturgies could be seen as paving the way for same-sex marriage in the life of the Church, and much of this paper contains reasons for de-emphasising procreation. It was not imagined either in biblical times or in subsequent Church teaching that sexual acts were morally legitimate only when spouses intended procreation. Paul understood this when he remarked that it is better to marry than to burn (I Cor.7-9); a remark that helped the Church towards seeing marriage not only as for procreation but also as a *remedium*, that is, a provision or remedy, for sexual satisfaction (as developed in discussion of cause II below). The Church also came to recognize other causes for marriage: for love and mutual support, as a sacramental bond between spouses, and as reflecting the love of God (see causes III and IV below). For now, however, we consider arguments that do emphasise the importance of procreation within marriage, and which nonetheless make a case for recognizing same-sex marriage.

I.B.i The social function of marriage is prior to the procreative function

45. While we often assume through a mixture of Scripture-reading and natural law, that a biblical argument from creation will point to procreation as the purpose of sex, in Genesis itself the primary reason why God provides a companion for Adam is not procreation but because 'God said, "It is not good for man to be alone"' (Gen 2.18). The initial imperative for the creation of the first woman was that 'there was not found a helper as his [the first man's] partner' (Gen 2.20-25). This is a *social* imperative. The Genesis narrative at this point makes no mention of procreation, but instead implies the existence of the sexual union between the man and the woman, by means of the metaphor of 'one flesh'. The one-flesh metaphor features prominently in the teaching of Jesus concerning marriage (e.g. Mark 10:8), and has influenced many marriage liturgies: 'Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh' (2.24). Notably, while Jesus and Paul both refer to the creation story, and use the 'one flesh' motif (Mk 10.8; I Cor 6.16), they never mention procreation in the context of teaching about marriage. Instead, they emphasise sexual fidelity and indissoluble union. Even here, as Jeffrey John points out, 'the insistence on fidelity is never explained, as we might expect, with reference to practical reasons of child-bearing or domestic stability, but always with reference to the personal and spiritual implications of sexual union (John, p. 20).

I.B.ii. A genital understanding of the 'one-flesh' union is reductive

46. The Church in Wales Report looks beyond the potential for procreation and purely physical action to the other purposes and meanings of sexual activity:

Indeed, the many ways in which people can, through their sexual activity, harm each other and themselves, or build each other up in love, are mostly predicated not on the relative form of their genitals but through the ways in which inner realities of motivation, understanding, love and purpose, and their absence, are given physical expression. It is the way people treat each other that counts, not the shape of the fleshly tools they use to express this. As we understand circumcision to be of the heart and not the penis, so the way in which we must treat each other sexually is dictated by the heart and the Spirit and not the genitals (para. 125).

47. the 'one-flesh' union brings more than physical pleasure and more than fertility, as Helen Oppenheimer emphasized in her writing on marriage over 40 years ago. She quotes 1 Samuel 1:8, Elkanah's care and concern for Hannah and his saying, 'Am I not more to you than ten sons?' She brings a highly transformational expectation to our understanding of sexual and familial relations:

Hard sayings [in the Gospels and Epistles] are not to be ignored, but it is defeatist to take them as harshly ascetic. Rather, they are reminders that neither sex nor family is absolute. The more the spirit of our age emphasizes the goodness of sexuality, the more the church needs to remember that it exists also for misfits, the awkward, the untypical, the solitary, the distinctively dedicated. The more we commend the family, the more we must acknowledge that no human institution can be translated straight into heaven. Resurrection needs death and rebirth. What we are led to expect is recognizable transformation of all we care about.¹⁸

48. Moreover, while procreation is a good of marriage that speaks to creation, non-procreative relationships populate God's new creation and our eschatological future: 'The first *adam* (the Hebrew word for 'human') may be created male and female, and thereby ordained and rendered able to procreate. But the last Adam, the one who unlike the first Adam does succeed in having all things placed under his feet, does so not by procreation. Jesus Christ, in whom creation is being renewed (cf. Col. 3.10-11), points the way to a different order in which marriage is to be fulfilled' (Song, pp. 17-18). Indeed, there is almost nothing in the New Testament that encourages us to have children. The order of marriage and procreation is passing away, as discussion of Scriptural texts at II.B.ii also shows. While the New Testament logic is in the direction of celibate relations, theologian Robert Song takes this as reason to argue that the time is ripe for us to discover what non-procreative covenant partnerships can show us of the kingdom of God.¹⁹

I.B.iii Same-sex marriage enhances the heterosexual norm, and can be defended by arguments from nature

49. Even where the potential for procreation is seen as the primary cause for marriage, same-sex partnerships can be seen as exceptions that enhance the norm. Andrew Sullivan has been influential in arguing this point: 'the homosexual person might be

¹⁸ Helen Oppenheimer, 'Theology of Marriage', in Alan Richardson and John Bowden, Eds, *A New Dictionary of Christian Theology*. (London: SCM, 1983), p. 346.

¹⁹ *Covenant and Calling*.

seen as a natural foil to the heterosexual norm, a variation that does not eclipse the theme, but resonates with it'.²⁰

50. Jean Porter develops Sullivan's suggestion that homosexual relations enhance the heterosexual norm. She does so in a way that both acknowledges and relativises the primacy of procreation, so that for many couples other reasons for marriage legitimately come to the fore. Porter points out that the scholastics, beginning with the monastic theologian Hugh of St. Victor, regarded the bodily union between spouses as a 'sacrament of the relation between Christ and the church', and the mutual consent to marry as 'a sacrament of the love between God and the soul' (Porter, p. 88). Therefore, 'the sex act potentially serves at least two purposes, namely to provide an occasion for obedience and virtue and to provide for the continuance of the species' (p. 88). Porter holds on theological and biological grounds that procreation is the primary function of marriage, and that to deny this is to 'completely discount that fact that we are mammals and complex social primates' (p. 89). But she also argues that the other purposes of marriage regarding the love that reflects the love of God, are secondary only from this biological, or natural law, point of view, which 'need not imply that they are secondary in the sense of being lesser in value or somehow less admirable or worthy' (p. 91). Indeed in some cases, the purposes of loving union may be 'more centrally important, desirable, and admirable than the primary purpose of procreation' (p. 91). What is more, these diverse range of purposes regarding loving union will in turn transform and enrich what it means to bring forth children and sustain a family system. In this way, same-sex marriage, and other non-procreative unions, can be exceptions that enhance rather than undermine the institution of marriage.

51. Our theology of marriage is rooted in a theology of creation. If, as increasingly seems to be the case, homosexual orientation among animals is natural, or to put it theologically, if homosexual orientation within creatures is part of God's creation, then we should find ways of being true to that. Being homosexual is natural for people who are homosexual, and therefore, Andrew Sullivan argues: 'Extinguishing - or prohibiting - homosexuality is, from this point of view, not a virtuous necessity, but the real crime against nature, a refusal to accept the variety of God's creation, a denial of the way in which the other need not threaten, but may give depth and contrast to the self' (Sullivan, p. 47).

52. Scientific research into sexual orientation is on-going. Whereas, at one time homosexuality was regarded as an illness or disorder that could be cured, it is now realized that sexual orientation is a natural 'given' and enduring disposition, not a choice. For further information in this area we refer readers to the Doctrine Committee's publication of Grosvenor Essay 8 'Marriage and Human Intimacy: Perspectives on same-sex relationships and the life of the church', 2012, pp. 28-31). In summary, the Grosvenor Essay reports findings that only 3-4% of men and 1-2% of women report being exclusively homosexual, and there are intriguing physiological differences between heterosexual and homosexual people (GE8 p. 28). Many early environmental explanations for sexual orientation have now been shown to be false, as has the suggestion that homosexuality is an arrested form of development (GE8 p. 29). Instead, three biological explanations have come to the fore: genetic, with sexual

²⁰ Andrew Sullivan, *Virtually Normal: An Argument about Homosexuality*, 2nd edn with new Afterword, London: Picador, 1996, pp. 19-55, quotations from p. 47.

orientation tending to run in families; differing brain structure; and hormone levels in the womb seemingly affecting sexual orientation (GE8, pp. 29-31).

53. While opponents of same-sex marriage have contested scientific findings in favour of regarding homosexual relations as 'natural', they have been able to argue only that no single theory (genes, environment or hormones) carries the full weight of explanation, and hence that we cannot assume 'that all homosexuals are inherently so from birth'.²¹ Whatever the mechanics of causation, and these may elude us in relation to much of who we are, homosexual orientation is regarded by healthcare professionals as a given or a natural aptitude. We do not need to have scientific certainty as to its cause in order to recognize that it is not a choice.

I.B.iv The healthy nurture and education of children does not depend on sexual differentiation between parents or carers

54. The nurture and education of children, whether or not they are one's own biological children, has always been recognized as a valid extended understanding of the procreative function of marriage, and is seen explicitly in step-parenting and foster-parenting situations. Same-sex marriage carries the potential to nurture children as equally as heterosexual marriage. It is now possible and accepted in law that same-sex couples can raise children, even those that are biologically theirs in the sense of having the egg or sperm from one of the partners. Questions arise then in respect of a) sexual provenance, and b) a balanced up-bringing.

- a) Milbank warns that we are sleep-walking into unknown and unstable territory, psychologically and socially, by enabling people to be born such that they cannot discover the identity of their biological parents. We are not able to take a long view on this in terms of evidence gathered over time, in order to assess his fears one way or the other. However, his arguments are against anonymous artificial insemination, and therefore apply beyond the realm of same-sex marriage, and indeed apply to an increasing number of heterosexual marriages where, due to changing age-profile and perhaps environmental factors, significant numbers of married couples are unable to conceive 'naturally'. They apply to any situation, including heterosexual marriage and single-parenting, where sperm donors or surrogate mothers have facilitated procreation. They do not apply to all same-sex unions, nor to same-sex marriage per se. Milbank's assumption that a child born of a one-night stand would be more likely to feel that s/he issued from an interpersonal act of loving encounter, than would a child who had been lovingly planned within a stable and committed relationship is highly questionable.
- b) It would appear that children of homosexual parents experience broadly similar outcomes than those of heterosexual parents, and that the quality of parenting is of greater significance than the sexual orientation of the parents.²² Complementarity is discovered and developed between couples

²¹ John Goldingay, Grant R. LeMarquand, George R. Sumner, Daniel A. Westberg, 'Same-Sex Marriage and Anglican Theology: A View from the Traditionalists', *Anglican Theological Review* 93.1: 1-50, quotation p. 35.

²² See e.g. Tasker F, 'Same-Sex Parenting and Child Development: Reviewing the Contribution of Parental Gender', *Journal of Marriage and Family* 72 (February 2010): 35 – 40, <http://www.famigliarcobaleno.org/public/documenti/file/Same-Sex-Parenting-and-ChildDevelopment.pdf>; Fond G et al, 'Homosexual parenthood and child development: Present data', *Encephale*, 2012 Feb;38(1):10-5, <http://www.ncbi.nlm.nih.gov/pubmed/22381718>

as their relationship flourishes, whether these couples are of the same sex or opposite sex.

55. The Church in Wales Report argues, in light of stable family homes in which homosexual couples are successfully caring for children, that: 'Marriage would provide these couples with the security of public recognition and support; those who desire to enter into a committed, loving relationship would not be faced with a choice of committing either to celibacy or to a secular form of cohabitation' (para. 127). The writers of the Report reflect upon a particular scenario:

A Church in Wales cleric was approached for blessing by a lesbian couple. They were providing care for two children, one with physical and mental disabilities, the other of mixed race. Together this family bore many of the markers of biological division used to discriminate between people and divide the essential unity of humanity made in the image of God. But they are, each equally to the other, a source of joy and spring of love that transcends any physical or social barrier. That they should ask for the blessing of a Christian minister, after all that has been directed at them and their identities, is itself deeply humbling and speaks eloquently of the values of the Gospel evident through their union. That the cleric was ashamed to be able to offer only his own blessing and not the official sanction of the Church might indicate that the Gospel was being proclaimed in only one direction that day (para. 128).

II. Marriage as a remedy against sin

56. Marriage as a remedy against sin is omitted as a cause for marriage within SEC liturgies. 'Remedy against sin' is a negative way of expressing what could more positively be construed as a remedy or provision for sexual desire, such that sexual desire can be satisfied in a way that is lovingly ordered. The BCP's wording is that marriage 'was ordained for a remedy against sin, and to avoid fornication; that such persons as have not the gift of continency might marry, and keep themselves undefiled members of Christ's body.' This cause for marriage is resuming significance in debates over same-sex marriage.

Excursus: Considerations from Scripture

57. Discussion of sin is likely to raise in some people's minds the questions of whether homosexual acts are sinful, and whether it would be a sin on the part of the Church to solemnize same-sex marriage. These questions require some discussion of Scripture before separating considerations out into Options A and B.

58. Admittedly, very few texts in the Bible, five or so, seem to say anything about homosexual activity. Whether these texts speak to what we today recognize as consensual homosexual relations is under dispute. Most of the texts in question are considered below, as we endeavour to track themes for a theology of marriage from Scripture. For readers who would appreciate more detailed discussion, we give

suggestions for further reading in the footnote here.²³ More such references could readily be given, but as the Church of England Pilling Report (para 226) points out, while there has been much talk and writing about homosexuality and Scripture, none has significantly advanced the debate one way or another.

59. Debate is aided, however, by considering what Scripture teaches towards a theology of marriage. We will not find in Scripture clear moral teaching on marriage and sexual expression for our modern times, not least because the cultures out of which the biblical texts arose were so different from our own, and often polygynous, and with ritualistic laws and contractual arrangements that we barely recognize, but also because some teaching, particularly that on divorce, is contested within Scripture itself. What we do find, more profoundly, is a range of biblical themes concerning marriage, which must inform any endeavour to develop a theology of marriage. If you would like a summary of these themes at this stage, see para. 74.

60. We have already given mention of Genesis, with its emphasis upon the companionship of man and woman, and the use that Jesus and Paul make of the creation story in their emphasis upon the indissolubility of marriage (I.B.i).

61. Another element within Scripture is the strict purity laws of the Torah. Some of these laws pertain to marriage or to sexual relations. If a man rapes a woman who is neither engaged nor married, the man must pay her father fifty shekels and marry her, because 'he has violated her', i.e. made her unclean for any other man to marry (Deut. 22.29). Rape of a married or engaged woman is punishable by death (Deut. 22.25). Other offenses punishable by death include: a man having sex with his mother-in-law or daughter-in-law, bestiality (Lev. 20), sex between two men (Lev. 20.13; cf. Lev.18.22). The prohibition against sex between two men at Lev 20.13 follows a list of forbidden incestuous heterosexual acts, and it is at least probable that it refers specifically to the homosexual equivalents of the preceding, and is not a blanket prohibition. The singular form of the verb suggests a dominant or coercive act rather than a consensual relationship. The offense that stands out most starkly is adultery. Not only is adultery punishable by death (Lev. 20.10), but it becomes the paradigmatic sexual sin for illustrating Israel's faltering relationship with God (Hosea; Ezekiel 16). This becomes significant when considering the Biblical emphasis upon God's covenant with unfaithful Israel, a covenant which is described by means of the metaphor of marriage.

62. When we turn to the teachings of Jesus in the NT we find very little concerning marriage and sexual relationships, and what there is mostly concerns divorce, and it is in this context that Jesus uses the notion of 'one flesh' (Mark 10:2-12; Matthew 19:3-9). Such is the indissolubility of this union in God's eyes that, if a man divorces his wife

²³ The Pilling Report itself (https://www.churchofengland.org/media/1891063/pilling_report_gs_1929_web.pdf, para 220ff) provides many helpful references, and the Report includes two contrasting papers, both from an evangelical approach. See also 'A View from the Traditionalists' and 'The Traditionalist Response', *Anglican Theological Review* 93.1 (Winter 2011), esp., pp. 24-29, 94-97). Accessible discussion in favour of same-sex marriage is available at: 'Things gays are liable to read in the Bible', in *More Perfect Union? Understanding Same-Sex Marriage*, by Alan Wilson, Bishop of Buckingham, London: Darton, Longman and Todd, 2014, pp. 67-81); 'Is it Scriptural?' in *Permanent, Faithful, Stable: Christian Same Sex Marriage*, by Jeffery John, London: Darton, Longman and Todd, 2012 edn, pp. 6-22). The website of the Evangelical Fellowship for Lesbian and Gay Christians also contains resources, <http://www.lgcm.org.uk/groups/evangelical-fellowship/>.

and marries again, he commits adultery against his first wife. Matthew famously softens this point, allowing that divorce is permitted in the case of 'immorality' (5:32; 19:9), presumably meaning that divorce is allowed by an injured husband when the wife is unfaithful. (It is unlikely that an injured wife had equivalent rights against an unfaithful husband in Hebrew culture). On the face of it though, Jesus' teaching appears to make marriage transcend any kind of civil union into something which is unbreakable, and the significance of being 'one flesh' is not one of genital fit, but of indissoluble bond.

63. On the other hand, Jesus does not consider the marriage bond to be eternal, i.e. lasting beyond death even into the heavenly existence (Luke 20:34-36); it is a binding *terrestrial* institution. And even on earth, Jesus appears to suggest that marriage (and family) ties are not so strong that they might not be over-ruled by the demands of the kingdom of God. Jesus expects followers to choose him over against their families (Luke 14:26; 18:29-30), showing the degree of commitment which the kingdom requires. We might compare these (metaphorical?) sayings on separation from family with Jesus' curious statement, found in Matthew's version of the divorce passage, about those who make themselves 'eunuchs for the kingdom' (Matt.19:12). Again, we might think that this is hardly meant to be taken literally, but Origen, the great biblical scholar of the early church, famed for his eagerness to interpret the Bible symbolically, allegedly took it in all seriousness and made himself a eunuch. Metaphorical or not though, we have in these various passages another angle on marriage from the lips of Jesus himself, which suggest that marriage is not the only social context in which humans might best serve God.

64. Apart from this, the NT tells us almost nothing else about Jesus' attitude towards marriage and sexual relationships. When we turn to the letters of Paul though, we find more. Paul appears to know of Jesus' teaching on divorce, because he hints at it in his protracted discussion on marital relations in 1 Corinthians 7. But Paul's defining theological objective in this chapter is not harmonious relations so much as eschatology – the last things. 1 Cor. 7 contains one of the strongest statements in all of Paul's letters that Christ will return imminently: 'the appointed time has grown short; from now on, let even those who have wives be as though they had none...for the present form of this world is passing away' (vv.29, 31). This means that there is urgent work to be done, and married life is a distraction which is best avoided if possible: 'The unmarried man is anxious about the affairs of the Lord, how to please the Lord; but the married man is anxious about the affairs of the world, how to please his wife, and his interests are divided' (vv.32-34). So Paul allows that marriages may still take place between believers, especially if strong passions are involved (v.36), but it would be better to devote oneself entirely to the Christian life as a single person, especially considering the urgency of the times. In this, Paul's teaching is not unrelated to Jesus' comments above, about 'hating' father, mother, wife and children for the sake of the kingdom.

65. It is possible to interpret this theme as support for asceticism and for celibacy as Christian ideals, but it is arguable whether this is true to Paul's point. His concern is more that since the whole world – and marriage with it – is about to pass away imminently, it is better to remain in whatever situation one finds oneself, married or single, and to be faithful to Christ in that (vv.17, 20). The single state is no more holy

than marriage, but it is an easier situation in which to maintain an unswerving devotion to Christ, under the circumstances.

66. In 1 Corinthians 6, Paul appears to condemn ‘fornicators, idolators, adulterers, male prostitutes, sodomites...’ (1 Cor.6:9) according to the NRSV’s translation, though noting that there is considerable scholarly uncertainty over the correct meanings of the Greek terms which the NRSV translates as ‘male prostitutes’ and ‘sodomites’. Paul’s point in all this is to maintain purity, since ‘your body is a temple of the Holy Spirit within you’ (v.19). In other words, our bodies are not ours to do with as we will; rather, they belong to God, Paul suggests, and our sexual behavior should be mindful of this: ‘For you were bought with a price; therefore glorify God in your body’ (1Cor. 6:20). And as with Paul’s previous advice, this also has an eschatological dimension. Christ’s sacrifice (the ‘price’ which was paid) has transferred Christians from the old realm of enslavement to various vices (including sexual vices) into the freedom of a new realm with Christ. To return to those old vices is for Christians to place themselves back in the old realm, and to jeopardise their eschatological future come the Day of Judgement. In short, according to Paul, sex has a cosmic, eternal dimension.

67. The vices which Paul lists (1 Cor.6:9-10) are not specifically original to him, nor even specifically Christian. Instead, they point to a standard Jewish view of morality: Paul has taken Jewish ethical ideas of his day and applied them to the particular eschatological situation of urgency which the early church believed itself to be facing. His overriding concern is to maintain purity in the face of a cosmic irruption which would overturn all of the world’s standards and norms and impose new divine standards. And his standard of purity is gleaned mostly from his Jewish background.

68. Homosexual practice, and other sexual practices that deviate from the perpetuation of the family, were like idolatry, regarded by Jews of Paul’s time as characteristically Gentile sins. And so we get something of the same occurring in the famous passage in Romans 1 which condemns homosexual acts (and, uniquely, lesbian acts too, the only place in the Bible where they are mentioned) – Romans 1:26-27. In all of the intense discussion in modern Christian circles about this passage, and its potential application to the *modern* ethics of sexuality, its context in the letter of Romans – and its function in the letter’s overall argument – is not often taken into account. Having set out his thesis statement, that both Jews and Gentiles alike have access to God’s righteousness because of the power of the Christian gospel (1:16-17), Paul goes on to undermine any Jewish sense of superiority over Gentiles. It is clear that Romans was written at least partly to smooth over disputes between Jewish and Gentile Christians in the Roman church. And so Paul challenges his Jewish readers with a subtle ploy, drawing on their ready familiarity with Jewish morality. He does this by first developing a list of what might be regarded as typically Gentile sins (1:18-32), and the condemnations of same-sex activity fall second in the list after idolatry (vv.23-25), the most heinous of all Gentile crimes. The list then proceeds through sexual acts to other kinds of ‘wickedness’, including envy, murder, foolishness, faithlessness, and rebellion towards parents. It is apparent that Paul’s aim in reproducing this rather standard line in Jewish ethics is to lull his Jewish readers into a false sense of security (‘He’s talking about those disgusting Gentiles here’) in order to hammer home his thesis that *all* have sinned, Jew and Gentile alike. And it is apparent that his reasoning for adopting this tactic is to introduce the eschatological challenge again, the looming Day of Judgement: ‘Do you imagine, whoever you are,

that when you judge those who do such things and yet do them yourself, you will escape the judgment of God?' (Rom. 2:3).

69. The point of this discussion is not to 'explain away' or nullify Paul's condemnation of same-sex acts in 1 Corinthians 6 and Romans 1, but to point out the following considerations: 1. the condemnations arise from Paul's descriptions of conventional Jewish morality of his day; they have no specifically Christian content except that, 2. they serve Paul's wider purpose, to prepare the Christian community to face the forthcoming eschatological judgement, which is regarded as imminent in 1 Corinthians (and probably Romans too).

70. Hence, if we are to draw moral lessons about sexual relations from Paul's letters, we need to consider how these two considerations apply to the situation of modern Christianity before we apply Paul's condemnations in any kind of blanket sense. Paul's thinking was clearly informed by his Jewish moral background, as was that of Jesus in his own way. To what extent should it continue to inform ours, who do not possess the same kind of worldview based on rigid boundaries of clean and unclean? It is also worth considering that in Paul's day same-sex couples could not marry (nor undertake civil partnerships) in civil law, so such relationships would automatically be regarded as involving 'fornication' according to Jewish standards, and would therefore be illicit straightaway, without even taking into account OT laws which inform Paul's thinking. (Outside of Judaism, extra-marital sex was not necessarily illicit, unless property rights were thereby violated.)

71. A further important theme in biblical teaching on marriage is that of covenant. From the time of Hosea onwards (e.g. Hosea 2:19-23, Isaiah 54:5-6) the nature of God and of God's attitude towards Israel has been expressed in terms of marriage. God's love is foregrounded, refusing even to divorce Israel for Israel's adultery. The mutual knowledge of God and Israel is mirrored in the marriage relationship. In the NT the metaphor is transferred to Christ and his Church – in Mark 2:18-20, Jesus describes himself as the 'bridegroom' (cf. John 3:29). The kingdom is pictured as a marriage feast (e.g. Matt.22:2-22), and in Revelation, the Church is the Bride (Rev.19:7-9; 21:2, 9). Marriage is used as a metaphor to describe the relationship of God to Israel, and Christ to the Church, in ways that do not depend on sexual identity and differentiation.

72. In 2 Corinthians 11:2, Paul speaks of the church in Corinth as presented in marriage to one husband, 'as a chaste virgin to Christ'. Perhaps the most important passage is Ephesians 5:23-33, where actual marriage is defined with respect to the marriage between Christ and his church – just as the church (the wife) is subject to Christ (the husband) so wives must be subject to their husbands. Husbands must love their wives – as Christ loved the church. Here is an area where many in the SEC (and other churches) have moved away from the scriptural injunction of wives to submit to their husbands. The churches have done so while retaining the central point of the metaphor; that marriage is a self-giving relationship between the spouses, mirroring something of Christ's self-giving love for the Church.

73. In all this, marriage becomes a symbol which stands for God's covenant love and Christ's bond with the Church. Scripture makes the point that relations of human intimacy communicate something of God's relationship with humankind. And the converse is true: if God's love for humankind is revealed as a constant and unbending

commitment, then human relationships should reveal something of the same. To witness two faithful Christians living lives of faithful intimacy with each other should be to witness a vivid illustration of God's love for humankind.

74. The above discussion highlights a number of themes, including:

- marriage as companionship, with questions as to whether it is dissoluble or not;
- marriage as one area around which strict purity laws were taught at a period in Israel's history;
- sexual relations as an area where we are to be mindful of our bodies as temples of the Holy Spirit, and distinct from some 'Gentile' behaviours, i.e. behaviours of the surrounding culture (it is interesting to ask what might be equivalents today: pornography, prostitution, promiscuity and sex-trafficking might be contenders);
- marriage as a vocation, though not one to which all are called, and not one that is carried into our eschatological future;
- marriage as mirroring God's covenant faithfulness and Christ's self-giving love, such that as an ideal it is not dissoluble.

Option A (no change)

II.A.i Marriage sometimes promoted as a remedy for homosexuality

75. Some people regard homosexual acts as themselves sinful. Socially, marriage has sometimes been imposed or embarked upon as a remedy for the 'sin' of homosexuality.

II.A.ii To solemnize same-sex marriage would be contrary to Scripture

76. While we cannot be certain that there is any condemnation in the Bible of consenting, non-exploitative, homosexual relationships, neither is there any suggestion in Scripture that marriage is other than heterosexual.

77. Concern exists that to solemnize same-sex marriage would be to ordain something that is contrary to Scripture. The Church in Wales Report voices this concern thus:

Is this debate leading us to change our teaching and discipline in order to ensure personal fulfilment for our neighbours and avoid social disapproval for ourselves? Scripture and the consistent teaching of the Church over twenty centuries compel many to view the debate in terms of a choice between obedience to God or conformity to the world, a touchstone of authentic Christian life; and "We must obey God rather than men" (Acts 5.29). Would such radical obedience damage our witness to our society? A Church with an unpopular message certainly faces a challenge: but a Church which evades the challenge of obedience will have no life-changing message at all. Article 20 of the 39 Articles puts the issue succinctly: "it is not lawful for the Church to ordain any thing that is contrary to God's Word written." Yet that is precisely what we would be doing, if the Church were to presume to pronounce a blessing on same-sex marriages, or even on more broadly-defined partnerships of a similar nature (para. 76).

78. While the SEC removed its subscription from the 39 Articles in [date*], we would wish to concur with Article 20 in not ordaining anything contrary to God's Word.

79. The Church of England's Pilling Report (2013) contains a dissenting statement from the Bishop of Birkenhead which reasserts a definition of marriage as 'an institution lovingly created by God in which one man and one woman enter into an exclusive relationship for life, believing this to be the only form of partnership approved by God for sexual relations and thus the only form of sexual partnership that properly expresses love for God' (The Pilling Report §488 (c))

Option B (change to incorporate same-sex marriage)

II.B.i Support for marriage as a remedy against sin

80. In current debates, marriage as a remedy for sin is coming back into the picture, with some supporters of same-sex marriage describing marriage in precisely these terms.

81. The Dean of St Albans, Jeffrey John argues that 'the self-discipline and self-sacrifice which are required to make Christian marriage a way of holiness are equally required of a homosexual partnership which deserves the name Christian.'²⁴

82. In 'A View from the Liberals', authors on same-sex marriage for the *Anglican Theological Review* argue that 'the marriage rite initiates couples into an arduous discipline, a training in sanctification'. Their argument is not typically 'liberal, in the sense of advancing individual liberty or human rights, but is based on 'the embodied discipline of marriage by which God may transform longing into charity and dispositions to love into works of virtue'.²⁵ This argument is further developed in ways that take up the (1979 American) *Book of Common Prayer's* context for marriage as the union between Christ and his Church by which God reconciles the world to himself (pp. 51-2). Here is an argument for same-sex marriage that views marriage as a 'discipline', even a 'martyrdom' in a sense of a witness that is both suffering and joyful, to the life of Christ and to Christ's love for his body the Church.²⁶ The argument made is that 'God uses marital faithfulness to heal and perfect sinners' (p. 102).

83. The notion of avoiding homosexual activity by marrying homosexuals to members of the opposite sex is strongly resisted: 'The trouble with marrying people to members of the opposite sex, when the opposite sex is not apposite for them, is that it undermines marriage. It leads to lying of the body, adultery, and divorce, instead of the truthfulness of the body, faithfulness and constancy' ('A View from the Liberals', p. 105). Marriage is a remedy for sin, that is, a provision for well-ordered sexual desire, in that it 'must not bypass but, like the incarnation, take up the body in its movement of love' (p. 105).

84. This reasoning is in alignment with Andrew Sullivan's emphasis upon the naturalness of homosexuality for homosexual people. Jeffrey John provides discussion and statistics that bear this out: police reports, dating from times when such information was gathered, show that around half of those arrested for homosexual activity in public places were married men; promiscuous activity amongst gay men

²⁴ Jeffrey John, *Permanent, Faithful, Stable': Christian Same-Sex Marriage*, London: Darton, Longman and Todd, rev'd and updated edn 2012, p. 1.

²⁵ Dierdre J. Good, Willis J. Jenkins, Cynthia B. Kittredge, Eugene F. Rogers, Jr. 'A Theology of Marriage including Same-Sex Couples: A view from the Liberals', *Anglican theological Review* 93.1: 51-88, quotation, p. 52.

²⁶ See also 'A Response from Sarah Coakley', *Anglican Theological Review* 93.1, p. 112.

falls dramatically when gay men enter stable relationships. John thereby sees 'gay monogamy, no less than heterosexual marriage, effectively fulfil[ling] its Prayer Book function as a "remedy against sin"' (John, pp. 46-7).

II.B.ii Marriage is diverse in Scripture and society; Biblical emphasis upon covenant faithfulness is a constant and can apply to same-sex marriage

85. Whether same-sex marriage would be contrary to Scripture is in large part the task that General Synod needs to discern; a decision that SEC should solemnize same-sex marriages would properly be made on the understanding that such a decision is consistent with, and not contrary to, Scripture.

86. The Bishop of Birkenhead's dissenting statement in the Pilling Report, in which he defines marriage as an institution 'created by God in which one man and one woman enter into an exclusive relationship for life, believing this to be the only form of partnership approved by God for sexual relations and thus the only form of sexual partnership that properly expresses love for God' (The Pilling Report §488 (c)) is acknowledged. However, both in Scripture and in practice, marriage is sometimes polygynous, even in Christian and Anglican contexts (see para. 89), and therefore not exclusive to one man and one woman, and sometimes dissoluble, and therefore not always regarded as being 'for life'. We may think that a view of marriage as a lifelong union between one man and one woman is the 'traditional view', but marriage underwent many changes within biblical times and has undergone many other changes since.

87. Even within our own culture in recent history, marriage has changed from arranged to romantic choice, from male headship to mutual partnership, and from stigmatizing inter-racial marriage and remarriage of divorcees to accepting them. In the nineteenth century becoming a wife meant that a woman lost her identity under the doctrine of coverture and could not control property, enter contracts, or have the right to her own earnings. Marriage was a formal agreement, whose main aim was to provide children and heirs. Now the main aim is seen as companionship, love, support, stability, faithfulness, commitment, which applies equally to heterosexual and homosexual couples.

88. The question before us is whether we should now broaden the definition of marriage in line with society as a whole. The Church, in the world but not of it, needs continually to be aware of changes in society and to discern what of God is in them. Many gay or lesbian people feel rejected by the church and are harmed by that, and the Church is missing crucial opportunities to foster faithful, loving relationships.

89. The way in which the Anglican Communion has made provision for polygamy is interesting for our purposes. Here is a summary, from the Indaba process at the 2008 Lambeth Conference (significant too is the note about bishops of colour in the third paragraph):

There are examples of exceptions to the Church's moral teaching made for pastoral reasons. The African adaptation of the teaching on marriage so as to be able to incorporate polygamists and their wives is a good example. This exception also allows African Anglicans to teach the classic doctrine that

marriage is for one man, one woman. One could object that allowing polygamists into the church—at whatever level—is *de facto* an approval of adultery. That in fact was the initial objection, and on the face of it, polygamy (or polyandry, or its contemporary expression in the West, polyamory), is adulterous in nature. However, the overriding concerns of justice for the wives and children, and mercy for the polygamist, allow the exception to be made. From the biblical perspective, some evidence is found to allow polygamy, as the Mormons will tell you, even though the prophets and the church of the New Testament did not accept it. This ambiguity also gives the exception some sort of biblical backing.

On this basis an exception can be made, and it is clear that Anglicans everywhere now accept it. That the Lambeth Conference came into being to advise on the case of Bishop Colenso, deposed for, among other things, advocating this exception, is proof that this process of approval is by no means automatic or rapid.

However, while a province may make such exceptions, there are limits. Polygamists are not allowed to add more wives, for instance. In particular, when one makes a pastoral exception for a certain group of people, ordaining them to the ministry, and especially the episcopate, is unacceptable. It must be pointed out, however, that the first consecrations of bishops of color were justified as pastoral exceptions made for the sake of mission—while sinfully continuing to deny the equality of those first bishops with others, since they were themselves part of an “inferior race.”²⁷

90. In considering whether same-sex marriage would be contrary to Scripture, it is pertinent to ask: Are there non-negotiable characteristics that the Bible teaches about marriage? If so, do these constitute a lifelong ‘one man and one woman’ relationship? Arguably not, given non-contested polygynous relationships in Scripture and provision for some such polygynous marriages in the Christian world today, and the differences within Scripture itself as to the indissolubility of actual marriages.

91. Or is it that marriage is likened to a covenant, between God and Israel, and to the self-giving bond between Christ and the Church; characteristics that go uncontested within the pages of Scripture itself. If the latter, the pertinent questions that arise for us are 1. ‘Can such covenantal relationships be maintained faithfully between two persons, irrespective of gender?’ 2. ‘If both parties are of the same gender, what if anything distinguishes their covenanted union from ‘marriage’?’

92. Noting that the direction of Jesus’ and Paul’s thinking is towards the new creation in which marriage will have passed away, what does this mean for arguments today to extend the definition of marriage to include same-sex covenant partnerships? Theologically, though not culturally, we are living in the same ‘times’ as the NT ‘times’; the ‘times’ when the Kingdom is among us but is not fully realized. Therefore, we live out the goodness of creation, whilst also anticipating and seeing signs of the new

²⁷‘On polygamy, homosexuality, and generosity’, The Rt Revd Pierre W. Whalon, D.D., Bishop in Charge, Convocation of American Churches in Europe.
<http://anglicanonline.org/resources/essays/whalon/PGandH.html>

creation. So we live with the tension of recognizing that marriage is a good but that it is not a good that will continue into our eschatological future. That we are each to live out our calling (I Cor 7.17), is as true for us today as it was for the Christians in Corinth. Some of us are called to be married, some not, and the distinction does not fall according to our sexuality.²⁸

III. Mutual comfort and support

93. The SEC places greatest emphasis on mutual comfort and support as a cause of marriage. Same-sex partners can engage and grow in this purpose as much as opposite-sex partners. The question is whether this in itself makes same-sex covenant partnerships significantly the same as heterosexual marriage.

Option A (no change)

III.A.i Sexual differentiation is integral to mutuality within marriage

94. Just because two women or two men can give mutual comfort and support, and show the love of God to one another, does not mean that their relationships should be counted as marriage. By that reasoning, a case could be made for any relationship that schools people in the virtues of mutual comfort and support, and living out the love of God, to be counted as marriage. As The Church in Wales Report puts it: 'What makes marriage different from other types of relationship (such as friendship, kinship, partnership and so on) is not its subjective qualities, or its ability to be a school of virtue. Many types of relationship can help us develop in virtue. What makes marriage different and unique is that it brings together a woman and a man in a potentially procreative, publicly-acknowledged union which is lifelong and exclusive' (para. 59).

III.A.ii Male-female complementarity and difference is essential to marriage

95. The complementarity of men and women, because of their sexual difference, gives a unique significance to the kind of mutual comfort and support made possible in marriage between a man and a woman. No relationship between those of the same sex can equal the complementarity and difference between the sexes, nor can it create another human being.

Option B (change to incorporate same-sex marriage)

III.B.i Whether male-female differentiation defines marriage is the matter under dispute, and not all people can be categorized as 'male' or 'female'

96. Opposition as expressed in the quotation from the Church in Wales Report (para. 59) is becoming circular. Clearly, if marriage is defined as an exclusive lifelong relationship between one and one woman, same-sex partnerships will not count as marriage. But the matter under consideration is whether we are bound to that definition, or whether there is benefit in expanding it. Already we recognize that partnerships that are not exclusive or not lifelong are nonetheless 'marriages'. In contrast to the quotation in III.A.i, the Church in Wales Report also proposes this consideration (paras 104-5):

Although in tension with some interpretations of scripture and cultural traditions, marriage has evolved in ways that are consistent with the Gospel and with the

²⁸ Cf Song, *Covenant and Calling*, p. 21.

overall prophetic, Spirit-led direction of the development both of scripture and of its interpretation. The trend has been towards a vision of the equality, mutuality and character of the relationship, rather than of partners defined by their biological function.

To open marriage to same-sex couples would continue this trajectory of conforming the flesh to the Spirit and will strengthen, not weaken the ability of marriage to proclaim the heavenly realities of the Kingdom. Indeed, it may help to strengthen our understanding, moving away from a concept of marriage as a matter of fixed biological categories and roles, and towards one of marriage as a union of loving equals in the Spirit.

97. Furthermore, not all people can be neatly categorized as ‘man’ or ‘woman’ in biological terms (in terms, say, of chromosomes or reproductive organs). Some people regard themselves as intersex, or both male and female, or neither. Others, such as transsexual or transgendered people, may experience tension between their biological sex and their experienced sex or socially constructed gender. Is marriage also not possible for them? ‘Marriage that recognises without distinction a variety of gender and sexual orientations, as well as the experience and biology of intersex people, would avoid the need for binary categories such as "gay partnerships" and "straight marriages" which again force an essentialist definition upon creation’ (Church in Wales Report, 110).

98. The need for healing and for positive role-models is also high, given the negative messages that homosexual people have received from the Church and society. Jeffrey John makes this point, in lamenting the Church’s lack of support for clergy in gay relationships: ‘if there is a single group of people who desperately need an ideal and role-models..., it is gay people. ...it is the experience of many clergy in gay relationships who have allowed this to be known, that they rapidly draw a large clientele of other gay people who cannot find the kind of positive Christian counselling they need anywhere else. In this situation... the role-model of the priest really is indispensable and becomes a rock on which others can build’ (John, p. 51).

III.B.ii Complementarity speaks not of essential male or female characteristics but of a dynamic within couples that exists regardless of sexual identity

99. Complementarity arguments draw on essentialist notions that men are characteristically one way, and women another, with different but complementary strengths and weaknesses. Such arguments have sometimes been used to make a case for bringing women alongside men into classrooms, boardrooms and the house of clergy. But they have not been the strongest arguments for opening roles up to both sexes; the strongest arguments being the gifts and vocations of the persons concerned, not any supposed general characteristics of their sex. Arguments from complementarity and difference operate with over-generalised characterisations that can easily lead to type-casting, and for this reason complementarity arguments are often experienced as oppressive. Even if it could be established that women are generally better at reading emotions and men are generally better at reading maps, it would be hard to see how this might carry theological significance. Couples find themselves to complement one another, and to grow in complementing one another, as their relationship develops, regardless of their sex or sexuality.

IV. Marriage as reflecting the love of Christ for the Church and the very nature of God's character and love.

100. The Biblical basis for regarding marriage as reflecting Christ's love for the Church has been discussed under heading II, and it is a feature of the Prayer Book understanding of marriage. SEC liturgical material emphasizes ways in which the giving of spouses to one another reflect God's love, as for example in Option 2B of the Marriage Liturgy 2007: 'In the life-long union of marriage, we can know the love of God'; 'Marriage finds its origin in God's own being. God is Love, and so wife and husband, giving themselves to one another in love throughout their lives, reflect the very being of God'.

101. The question at this juncture is whether marriage as a reflection of God's love and of Christ's self-giving, must be between one man and one woman.

Option A (no change)

IV.A.i. As Christ gave his body to the Church, so do husband and wife give themselves to one another: sexual difference is significant

102. Marriage between man and woman is grounded in our created nature, and is a sign of God's faithful union with the created order. The liturgy describes marriage as a 'gift of God in creation' (Option 2C, Marriage Liturgy 2007); it is not clear that this could be said of same-sex marriage. The union between one man and one woman in marriage is a sign of the mystical union between Christ and his Church, which speaks of theological significance in our sexual differentiation, regarding the giving of husband and wife to each other in love, and the forms of union, including bodily union, which pattern Christ's giving of his body for the Church. Sexual intercourse is 'mutual generosity', as Timothy Radcliffe expresses it, in reflections captured in the Pilling Report. It is 'the complete gift of the body to the other person. 'When you have sexual intercourse with someone, then you say with your body, "I give myself to you and I receive you as a gift.'"²⁹

103. So Option 2.C in the Marriage Liturgy 2007 includes the following words: 'It is God's purpose that, as husband and wife give themselves to each other in love throughout their lives, they shall be united in that love as Christ is united with his Church'; and marriage 'is given that with delight and tenderness they may know each other in love, and, through the joy of their bodily union, may strengthen the union of their hearts and lives'.

104. Relations within marriage have also often been understood to share the pattern of the Church's relation to Christ, with Christ as its head, and Christ giving himself for the life of the Church. This is the basis upon which older liturgies contained the words 'honour and obey' in the vows that the woman would speak to the man. We have moved away from this wording in modern liturgies, and many of us do not regard it as healthy for marriages to adhere to a pattern of wives submitting to their husbands. However, we acknowledge that the patterning of married life down the centuries has been based on the understanding of Christ's self-giving love for the Church, and the

²⁹ For theological reflection on the Eucharistic pattern of the giving of our bodies, see Timothy Radcliffe's observations in the Pilling Report, paras 257-69.
https://www.churchofengland.org/media/1891063/pilling_report_gs_1929_web.pdf

Church's love and obedience in return, and that the male-female nature of marriage has been part of that patterning.

IV.A.ii We would change our relationship to the Prayer Book if we changed our definition of marriage

105. In the Prayer Book liturgy for the Solemnization of Holy Matrimony, the congregation is told that it is gathered together 'to join together this man and this woman in Holy Matrimony; which is an honourable estate, instituted of God in the time of man's innocency, signifying unto us the mystical union that is betwixt Christ and his Church.' We are not at liberty to unpick this understanding, and to put other forms of relationship on a par with marriage between a man and woman, as reflecting that mystical union between Christ and the Church.

106. Canon 12. 1 requires that all clergy of the SEC, before assuming any office, subscribe, according to the form provided in Appendix 11, their "assent to the Scottish Book of Common Prayer and of the ordering of Bishops, Priests, and Deacons, and to the other authorised liturgical formularies of this Church. I believe the doctrine of the Church as therein set forth to be agreeable to the Word of God."

Option B (change to incorporate same-sex marriage)

IV.B.i Same-sex marriage can also signify the mystical union between Christ and the Church

107. Marriage, and also its relation to procreation, is a sign of God's faithfulness to the created order, and of the good of creation. The mystical union between Christ and the Church is a sign of the new creation, in relation to which the time of marriage and procreation is passing away, and we look for the transformation of all things.

108. Same-sex partnerships, for reasons implied in III.B. above, can school its members in mutual love, comfort and support as well as can opposite-sex partnerships. Same-sex intercourse is also equally a giving of oneself to the other, in vulnerability and unconditionally, in that Eucharistic patterning that Timothy Radcliffe discusses in the Pilling Report. Fr. Radcliffe goes on to consider:

How does all this bear on the question of gay sexuality? We cannot begin with the question of whether it is permitted or forbidden! We must ask what it means, and how far it is Eucharistic. Certainly it can be generous, vulnerable, tender, mutual and non-violent. So in many ways I think it can be expressive of Christ's self-gift...We can also see how homosexuality can be expressive of mutual fidelity, a covenantal relationship in which two people bind themselves to each other for ever. But the proposed legislation for 'gay marriage' implies that it is not understood to be inherently unitive, a becoming one flesh. This is why no equivalence is proposed either for nonconsummation, the becoming one flesh, nor for adultery, which is the denial of that bond (Pilling Report, paras 266. 268).

109. A model of marriage that promotes the submission of wives to husbands on the grounds of the relation of Church to Christ, has been marked by dominance to such

an extent that some Christians have wished to reject marriage as an institution altogether, regarding it as incorrigibly patriarchal and oppressive.³⁰

110. We have also considered that the Godward direction towards the new creation is a direction towards non-procreative partnerships. A question remains therefore about sexually active non-procreative partnerships. Can these reflect the love of God in ways that suggest that same-sex marriage could mirror Christ's love for his Church, or God's covenant with Israel, or the love between the three persons of the Trinity?

111. Robert Song gives some reflection towards this possibility:

To be desired by another whom you yourself desire, to know that you are a joy for another who is in turn a joy for you, these are at the heart of erotic and so of sexual encounter: the intimacy of communion that one experiences with another is a foretaste of the intimacy of communion one will experience with God. Sexual relationship may thus become a glimpse into the inner life of God and focus for us the very reason for our creation, that we might participate in this' (Song, p. 60).

112. It was Rowan Williams's arguments along these lines, in the 1980s, that led people to think he would be actively supportive of clergy in same-sex relationships when he became Archbishop of Canterbury:

The whole story of creation, incarnation and our redemption into the fellowship of Christ's body tells us that God desires us, as if we were God, as if we were that unconditional response to God's giving that God's self makes in the life of the Trinity. We are created so that we may be caught up in this; so that we may grow into the wholehearted love of God by learning that God loves us as God loves God.³¹

IV.B.ii We can uphold the authority of the Prayer Book whilst developing our theology of marriage

113. The Scottish Book of Common Prayer was first published in 1929. Apart from the ill-fated Prayer Book of 1637, there had been no previous Book of Common Prayer in Scotland, except when that of the CofE was in use. The 1929 SBCP has never been accorded the status that is ascribed to the 1662 BCP in England and in some other Provinces of the Anglican Communion, as the standard against which all theological and liturgical developments are measured. This is made clear in the Declaration of Assent, Appendix 12 to the Canons, in that assent to the SBCP is not to the exclusion of "the other authorised liturgical formularies of this Church". The SBCP is not accorded any privileged status or authority above other authorised liturgies, including any which may be promulgated in the future. Rather, the Declaration of Assent embraces development in the theology and liturgy of the SEC.

³⁰ E.g. Elizabeth Stuart's two books *Daring to Speak Love's Name*, London: Hamish Hamilton, 1992, and *Just Good Friends*, London, Picador, 1995

³¹ Rowan Williams, 'The Body's Grace', in Eugene F. Rogers Jr (ed.), *Theology and Sexuality: Classic and Contemporary Readings*, Oxford: Blackwell, 2002, pp. 309-21, quotation pp. 311-12.

114. Recent decades have seen significant developments in the liturgies of most, if not all, Anglican Provinces, as of other Christian denominations, and the SEC has been no exception. These liturgical reforms have reflected not only the liturgical archaeology which followed the discovery of several ancient liturgical texts, but also quite significant developments in Christian theology. This has been most conspicuously the case with the rites of Christian initiation. Until the latter part of the twentieth century, Baptism and Confirmation had for centuries been understood to be equally essential to the initiation process; reception of the Holy Spirit was associated primarily with the latter rite, which also conferred admission to Communion. This is the doctrine and discipline implicit in all Anglican liturgies, and those of other western Christian denominations before the last quarter of the twentieth century. The World Council of Churches Faith and Order Paper, *Baptism, Eucharist & Ministry*, published in 1982, reflects a radical and near universal transformation in Christian teaching on initiation into the Church, with Baptism recognised as the single and complete initiatory rite, through which the Holy Spirit is received and admission to Communion conferred (in principle if not in practice), while Confirmation is relegated to a subordinate role if retained at all. This is reflected in nearly all contemporary liturgies of Christian initiation, including the rite of Holy Baptism published by the SEC in 2006, and also implied in the title of Affirmation of Holy Baptism for Confirmation and Renewal, published the same year

115. Should Canon 31 be amended to extend to couples of the same sex the option of marriage in church, as provided by the Marriage Law of Scotland, and the authorised Christian Marriage liturgy of the SEC be amended accordingly, this would reflect a rather less fundamental development in the doctrine and liturgy of the SEC than those reflected in changes to the initiation rites. While these have been part of a global Anglican and ecumenical movement in a way which cannot be said of extending marriage to couples of the same sex, there are other examples. The earlier amendment of the marriage discipline of the SEC to permit the remarriage of divorcees has already been mentioned. It could also be noted that the Ordinal appended to the SBCP and equivalent Anglican rites before the latter part of the twentieth century presupposed that those ordained deacon, priest (presbyter), and bishop would be male. Consent to the ordination of women is by no means unanimous in the Anglican Communion or ecumenically, but the SEC has nonetheless found that neither the traditional Anglican formularies and liturgies, nor the absence of consensus in the Anglican Communion and ecumenically, has been an impediment to this significant development.

The same Canon which requires subscription to the SBCP and other authorised liturgies also enshrines the freedom of conscience of the clergy (12. 2). The parameters of this freedom regarding the solemnisation of matrimony are illustrated in the form of application for a Certificate of Authorization under Canon 31. 4. Clergy are not permitted to refuse to submit the application to the bishop on grounds of conscience, but they or the bishop may arrange for another cleric to officiate at the wedding. Similar provision could be made to protect the consciences of clergy unable to officiate at the marriages of couples of the same sex, viz. they, or if necessary their bishop could arrange for another cleric to do so, but they would not be permitted to impede the ceremony from taking place.

116. It is anyway not clear from the Prayer Book that marriage between a man and woman is the only form of relationship that can reflect the mystical union between

Christ and his Church. The compilers of the Prayer Book of course did not consider whether same-sex marriage might also reflect the union between Christ and the Church, and what it tells us of the love of God.

Option C, Provision for Same-Sex Blessings

117. Option C considers the case for some change that enables theological and liturgical recognition and blessing of same-sex partnerships, without counting these partnerships as 'marriage'. Such change may take the form of "parallel provision", i.e. a rite equivalent to marriage for same-sex partnerships, but called something else. Or there may be other practical options.

118. To offer blessings of same-sex partnerships would be to provide pastoral support, to celebrate the goodness of the partnerships, to see them as revelatory of divine love, to bind same-sex partners together in covenant partnership, and to see their relationship as expressive the covenant relationship of God with us.

119 The 2012 'I Will Bless You' Report from General Convention of The Episcopal Church (in America), explains:

When the Church gathers to bless the exchanging of sacred vows in a covenantal relationship, the blessing reflects a threefold action. First, the Church gives thanks for the presence of the Spirit discerned in the lives of the couple. Second, the Church prays for the divine grace and favor the couple will need to live into their commitment to each other with love, fidelity, and holiness of life. And third, the Church commissions the couple to participate in God's own mission in the world. This missional character of covenantal blessing, reflected in both Scripture and the historical traditions of the Church, deserves renewed attention today. While the Church gives thanks for God's presence and blessing, the public affirmation of the blessing of a covenantal relationship also sets that relationship apart for a sacred purpose: to bear witness to the creating, redeeming, and sustaining love of God. "

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120. To offer blessings of same-sex partnerships would enable the SEC to leave our current theological understanding of marriage intact.

121. John Milbank argues in favour of church blessings for same-sex civil partnerships 'as the strongest possible theological statement of the view that it is possible to recognise the legitimacy of faithful homosexual union without conceding that this is tantamount to marriage'.³³ He regards the sexual union of man and woman as integral to Christian marriage, such that 'consummation' and 'adultery' are categories that apply to marriage, but not to same-sex partnerships, as is implied in legislation for civil partnerships (where non-consummation is not a legal ground for dissolution).

³² https://www.ctepiscopal.org/images/customer-files/I_Will_Bless_You_Corrected.pdf Standing Commission on Liturgy and Music 77th General Convention of The Episcopal Church, July 2012

³³ John Milbank ABC religion and ethics 13 March 2012 <http://www.abc.net.au/religion/>

122. Robert Song develops a theology that bases covenant partnerships not in creation but in the eschatological orientation made possible with the coming of Christ. If civil partnerships could be afforded a liturgical blessing in church, the Church could bless what it sees as good whilst also upholding a theological distinction between marriage and same-sex covenant partnership. This would be good for marriage, as a gift of God in creation, and good for non-marital covenant partnerships as offering and signifying something that is theologically distinct from marriage (Song, pp. 83-8).

123. However, to offer blessings and refuse marriage will seem to many people to fall short of what is hoped for, and to be a second-best offering. As Song recognises, before the law was changed to recognise same-sex marriage, civil partnerships were seen as 'yet another way of ensuring that gay people are excluded from the full social recognition that is conferred by marriage (Song, pp. 85-6). If the Church offers blessings of civil partnerships, whilst denying marriage to same-sex couples, the church will seem to be giving a similar message of inequality and exclusion, and to be offering too little, too late.

124. One route, theologically and pastorally, that would speak directly to the charge of offering second-rate provision to same-sex couples, would be to transform our theology of marriage such that procreative marriage is one form of a covenant partnership. Robert Song asks: 'Might it be that after the birth of Christ covenant partnership is the deeper and more embracing category, with procreative marriage now being the special case?' (p. 89). This route would be highly consonant also with the increasing number of heterosexual marriages that are non-procreative. Song writes: 'All covenant partnerships would be characterized by faithfulness, permanence and fruitfulness, but in some cases that fruitfulness would take the specific form of children from within the couple's sexual relationship, in other cases it would take the form of any number of works of charity, including not least adopting and fostering (Song, pp. 89-90).

125. This approach would give a unified theological account of marriage and covenant partnership, showing how a creation ordinance is taken up and fulfilled eschatologically, without losing its grounding in creation. It would also 'revivify the Christian understanding that marriages are *always* for something beyond themselves, not just for the personal fulfilment of the couple' (original emphasis, p. 90). Song argues that this need not involve abandoning the language of 'marriage' for 'covenant partnership', for the proposal is one that reworks the theology of marriage from within, showing that marriage has become something new in Christ (pp. 90-91). It would be a significant move, which would involve reworking the liturgy to show the theological development from seeing marriage as 'gift in creation', to seeing it also as fulfilled and made new in Christ. If churches were to go down this route, Song says, they may also decide to retain a separate liturgy for 'traditional' marriage, that is, marriage as understood according to creation norms (p. 91). In the SEC the SBCP rite would remain available even if the 2007 rite were superseded.

126. Any type of provision under Option C will remain contentious for those who regard same-sex relations as falling outwith God's will.

127. Pragmatically, however, it may be that the Church can unite around pastoral provision for blessings of same-sex partnerships, whereas same-sex marriage would

threaten a creation ordinance and divide the church. This is a consideration both within the SEC and more broadly for the Anglican Communion. It is also a consideration ecumenically, for we do not wish to divide the body of Christ more than it is already divided.

128. The introduction of the blessing of same-sex unions has been a regular feature of the Anglican Church of Canada since 2010, and is now considered part of the pastoral norm for that Church in many, but not all, dioceses. Similar arguments apply in the United States (the Episcopal Church) and unofficially there have been a small number of such blessings in the Church of England. This would appear to be the *de facto* position of the SEC also, as reflected most recently in the Bishops' Guidelines of December 2014, i.e. unofficial rites are permitted, but no official liturgy exists or has been mandated. The Pilling report commends provision of same-sex blessings, though not unanimously.

129. Option C would enable pastoral provision to be made to bless same-sex relationships while the theological question of whether Christian marriage is between only a man and a woman remains under consideration.

Closing remarks

130. The task of discernment before us is one of hearing, trusting and obeying. We are to proclaim and live out the Gospel in our particular time and place, and in this we are to test the spirits and see which are of God. As a number of theologians have argued, the biggest challenges to marriage and family life in our culture are the commodification of bodies, children and production, and the quest for personal fulfilment, forgetting that marriage should always point beyond itself, and that all desire should be judged in light of desire for God.³⁴ Such commodification and such forgetting are spirits to resist. The question immediately before us is whether calls for same-sex marriage should also be resisted, perhaps as symptomatic of the commodification of children and the quest for personal fulfilment, or whether they invite a rethinking of a theology of marriage as part of the on-going transformation of all things in Christ?

³⁴ See Milbank, Porter, Song, as cited above, Jessica Martin's 'Prologue' to the Pilling Report, and also Sarah Coakley, *God, Sexuality, and the Self: An Essay 'On the Trinity'*, Cambridge: CUP, 2013.